



Augusta County Board of Zoning Appeals  
BZA Regular Meeting  
Thursday, October 7, 2021 – 1:30 PM  
Augusta County Government Center  
Main Board Room  
18 Government Center Lane  
Verona, VA 24482

Staff Briefing

Staff Briefing Memo  
[memo.doc](#)

1. **CALL TO ORDER**

2. **DETERMINATION OF QUORUM**

3. **MINUTES**

A. Approval of the September 2, 2021 Minutes  
[09022021 BZA Minutes.doc](#)

4. **PUBLIC HEARINGS**

A.

A request by Gerald W. or Becky S. Knicely, for a Special Use Permit to have a short term vacation rental within the existing dwelling on property they own, located at 977 Bunker Hill Road, Mount Solon in the North River District.

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[knicely aerial.jpg](#)  
[knicely site plan.jpg](#)  
[knicely tm.jpg](#)  
[Knicely.JPG](#)  
[Knicely Staff Report.pdf](#)

B.

A request by J. Phillip Dixon or Ashby Parker O'Malley, for a Special Use Permit to have a detached accessory dwelling unit attached to an existing structure to be used as a short term vacation rental on property they own, located at 163 Pleasant View Road, Staunton in the North River District.

[Dixon Staff Report.pdf](#)  
[dixon aerial.jpg](#)  
[dixon site plan.jpg](#)  
[dixon tm.jpg](#)  
[Dixon.JPG](#)

C.

A request by Cameron L. or Julie B. Powell, for a Special Use Permit to have a short term vacation rental on property they own, located at 463 Hankey Mountain Highway, Churchville in the North River District.

[powell aerial.jpg](#)  
[powell site plan.jpg](#)  
[powell tm.jpg](#)  
[Powell.JPG](#)  
[Powell Staff Report.pdf](#)

- D. A request by Scott F. McDevitt and Elizabeth C. Tipton, for a Special Use Permit to have a short term vacation rental on property they own, located at 51 Anen Town Lane, Waynesboro in the Wayne District.

[McDevitt Staff Report.pdf](#)  
[mcdevitt aerial.jpg](#)  
[mcdevitt site plan.jpg](#)  
[mcdevitt tm.jpg](#)  
[McDevitt.JPG](#)

- E. A request by Noelia Rodriguez, for a Special Use Permit to place a 14' x 30' manufactured home which is less than the nine hundred (900) square foot requirement on property she owns, located on the northeast side of Lake Drive, 0.02 of a mile west of Oak Lane, Crimora in the Middle River District.

[rodriguez aerial.jpg](#)  
[rodriguez site plan.jpg](#)  
[rodriguez tm.jpg](#)  
[Rodriguez.JPG](#)  
[Rodriguez Staff Report.pdf](#)

- F. A request by Austin McNett, agent for McNett Cattle, LLC, for a Special Use Permit to have retail and wholesale sales of meat, mineral and feed on property they own, located at 703 Humbert Road, Crimora in the Middle River District.

[McNett Staff Report.pdf](#)  
[mcnett cattle aerial.jpg](#)  
[mcnett cattle site plan.jpg](#)  
[mcnett cattle tm.jpg](#)  
[McNett.JPG](#)  
[McNett2.JPG](#)

- G. A request by Joseph Patterson, for a Special Use Permit to have outdoor storage of a 40' trailer for a hauling business on property owned by Michael H. Taylor, located at 324 Cedar Green Road, Staunton in the Pastures District.

[taylor aerial.jpg](#)  
[taylor site plan.jpg](#)  
[taylor tm.jpg](#)  
[Taylor.JPG](#)  
[Taylor Staff Report.pdf](#)

- H. A request by Margaret Mae Davison, agent for Shared Solar HoldCo., LLC, for a Special Use Permit to install a 1 MW fixed tilt solar array on 10 acres to be tied into Dominion Energy per Virginia's Shared Solar Program – VA Code 56-576 et seq. on

property owned by Margaret Mae Davison, Etal, located on a 10 acre tract of 90.78 acres on Route 626 northwest of Staunton located at 125 Berry Farm Road, Staunton in the Beverley Manor District.

[Davison Staff Report.pdf](#)  
[davison aerial.jpg](#)  
[davison site plan 1.jpg](#)  
[davison site plan 2.jpg](#)  
[davison tm.jpg](#)  
[davison.jpg](#)

5. OLD BUSINESS

A.

A consideration to **cancel** the Special Use Permit held by Randy Showalter for a motor vehicle repair operation and impound area on property owned by Kimberly A. Miller, located at 105 Shulls Lane, Mount Solon in the North River District.

[Miller Staff Report.pdf](#)

6. MATTERS TO BE PRESENTED BY THE PUBLIC

7. MATTERS TO BE PRESENTED BY THE ZONING ADMINISTRATOR

A. A request by Timothy D. or Tracy L. Cupp, for a Special Use Permit to construct a 40' x 40' building to store business vehicles and materials for the existing electrical contractor business on property they own, located at 279 Patterson Mill Road, Grottoes in the Middle River District. - **One Year Extension of Time Request**

[Cupp Staff Report.pdf](#)

B. A request by Duane Witmer, for a Special Use Permit to have a concrete pumping business on property owned by Mary A. Witmer, located at 188 Coffman Road, Weyers Cave in the North River District. - **One Year Extension of Time Request**

[Witmer Staff Report.pdf](#)

8. STAFF REPORTS

A. Staff Report

[inspection memo.doc](#)  
[octmtginsp.doc](#)

9. ADJOURNMENT

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**COUNTY OF AUGUSTA**  
COMMONWEALTH OF VIRGINIA  
DEPARTMENT OF COMMUNITY DEVELOPMENT  
P.O. BOX 590  
COUNTY GOVERNMENT CENTER  
VERONA, VA 24482-0590



**MEMORANDUM**

TO: Augusta County Board of Zoning Appeals

FROM: Sandra K. Bunch, Zoning Administrator

DATE: September 30, 2021

SUBJECT: Regular Meeting and Viewing

The Regular Meeting of the Augusta County Board of Zoning Appeals will be held on **Thursday, October 7, 2021, at 1:30 P.M.**, in the Board Meeting Room, Augusta County Government Center, 18 Government Center Lane, Verona, Virginia.

Please meet in the Board of Supervisors Conference Room at the Augusta County Government Center in Verona at **8:30 A.M., Thursday**, for the Staff Briefing prior to going out to view the items on the agenda. Lunch will follow in the **Board of Supervisors Conference Room at noon**.

Enclosed are the **September** minutes, the agenda for the meeting, staff reports and site plans on each of the requests.

If you cannot attend this meeting, please notify this office as soon as possible.

SKB/bcw

Enclosures

September 2, 2021

PRESENT: Justine D. Tilghman, Chair  
 George A. Coyner, II, Vice Chair  
 Thomas W. Bailey  
 Mark L. Glover  
 Sandra K. Bunch, Zoning Administrator and Secretary  
 James R. Benkahla, County Attorney  
 John R. Wilkinson, Director of Community Development  
 Kathleen Keffer, Assistant County Attorney  
 Beatrice B. Cardellicchio-Weber, Executive Secretary

ABSENT: Thomas V. Thacker

VIRGINIA: At the Called Meeting of the Augusta County Board of Zoning Appeals held on Thursday, September 2, 2021 at 9:00 A.M., in the County Government Center, Verona, Virginia.

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The staff briefing was held at **9:00 a.m.** in the Board of Supervisors Conference Room where the Zoning Administrator reviewed the staff report for each request on the Board's agenda. Copies of the staff reports can be found in the Community Development Department.

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### **VIEWINGS**

The members of the Board of Zoning Appeals assembled at the Government Center and went as a group to view the following:

- **JEFF HOKE, AGENT FOR TRE DOGS RENTAL, LLC - SPECIAL USE PERMIT**
- **ELIZABETH JIMENEZ HUERTA - SPECIAL USE PERMIT**
- **AMOS H. SHOWALTER - SPECIAL USE PERMIT**
- **CHRIS KEMPTON, AGENT FOR SUN SHENANDOAH ACRES RV, LLC, C/O SUN COMMERCIAL TAX DEPARTMENT - SPECIAL USE PERMIT**
- **DEBBIE C. HENDERSON, AGENT FOR D.M. CONNER, INC. - SPECIAL USE PERMIT**
- **HEIDI ROBLES, AGENT FOR J MARTINEZ CONSTRUCTION, LLC - SPECIAL USE PERMIT**

At each location, the Board observed the site and the premises to be utilized. The Board also viewed the development and the character of the surrounding area.

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 Chair

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 Secretary

September 2, 2021

PRESENT: Justine D. Tilghman, Chair  
George A. Coyner, II, Vice Chair  
Thomas W. Bailey  
Mark L. Glover  
Sandra K. Bunch, Zoning Administrator and Secretary  
James R. Benkahla, County Attorney  
Beatrice B. Cardellicchio-Weber, Executive Secretary

ABSENT: Thomas V. Thacker

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VIRGINIA: At the Regular Meeting of the Augusta County Board of Zoning Appeals held on Thursday, September 2, 2021, at 1:30 P.M., in the County Government Center, Verona, Virginia....

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## **MINUTES**

Mr. Coyner moved that the minutes from the August 5, 2021, meeting be approved.

Mr. Bailey seconded the motion, which carried unanimously.

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## **CELIA WADE - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Celia Wade, for a Special Use Permit to have an after school day care center within the existing activity building on property owned by Lighthouse an Independent Church Trustees, located at 5031 Morris Mill Road, Staunton in the Pastures District.

Ms. Celia Wade stated she would like to have an after school program at the site.

Chair Tilghman stated the applicant runs a daycare.

Ms. Wade stated yes, in the church building.

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Chair Tilghman asked what is the capacity of your facility? She said the Health Department comments state up to 45 children and staff.

Ms. Wade stated they have an application with the water department that is processing. She said childcare will be in the church building, but the after school program will be in the activity building. The activity building is 8,000 square feet and with a lot of the children having a lot of energy from being in school all day, we would like to be able to use that space.

Chair Tilghman asked if they will have two (2) part-time employees?

Ms. Wade stated yes.

Chair Tilghman asked if there was anyone wishing to speak in favor, or in opposition to the request?

There being none, Chair Tilghman declared the public hearing closed.

Mr. Glover stated this is a much needed service in the area. He moved to approve the request with the following conditions:

**Pre-Conditions:**

None

**Operating Conditions:**

1. Be permitted to operate an after school day care center within the existing activities building and be limited to a maximum of forty-five (45) persons total occupying the church and activities building including staff and children unless Health Department approval is obtained.
2. Be permitted to have two (2) part-time employees onsite.
3. Site be kept neat and orderly.
4. All other Operating Conditions of SUP#21-25 remain in effect.

Mr. Coyner seconded the motion, which carried unanimously.

September 2, 2021

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**JOHN CHARLES STOLLERY, AGENT FOR WALNUT HILLS PROPERTY OWNER, LLC - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by John Charles Stollery, agent for Walnut Hills Property Owner, LLC, for a Special Use Permit to continue the campground as a short term campground and short term recreational vehicle park and an extended stay campground and extended stay recreational vehicle park on property owned by Walnut Hills Property Owner, LLC, located at 484 Walnut Hills Road, Staunton in the Riverheads District.

Mr. John Stollery stated there is no change in the operation only a change in ownership so that is why we needed the Special Use Permit.

Chair Tilghman asked if there was anyone wishing to speak in favor, or in opposition to the request?

There being none, Chair Tilghman declared the public hearing closed.

Mr. Coyner stated the campground has operated for years without any problems. He moved to approve the request with the following conditions:

**Pre-Conditions:**

None

**Operating Conditions:**

1. The facility will comply with all conditions required in Section 25-74N and Section 25-74Q.
2. Applicant will keep a log tracking occupancy data for all sites.
3. Any expansion or new campsites or structures must be approved and meet current perimeter setbacks and second access requirement for emergency vehicles.
4. No outdoor music after 11:30 p.m.



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5. Obtain yearly outdoor music festival permit.
6. No junk or inoperable vehicles to be kept outside.
7. Site be kept neat and orderly.

Mr. Bailey seconded the motion, which carried unanimously.

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#### **KERMIT A. OR GRACE W. STYER - SPECIAL USE PERMIT**

A request by Kermit A. or Grace W. Styer, for a Special Use Permit to lease space for a woodworking and cabinet shop within an existing building on property they own, located at 1063 Knightly Lane, Mount Sidney in the Middle River District.

The applicants withdrew this request.

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#### **HEIDI ROBLES, AGENT FOR J MARTINEZ CONSTRUCTION, LLC - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Heidi Robles, agent for J Martinez Construction, LLC, for a Special Use Permit to have a contractor office with outdoor storage of equipment and materials and to lease office space on property owned by Shenandoah Shiloh Christian Center, Trustees of, located at 870 Parkersburg Turnpike, Swoope in the Pastures District.

The applicant was not present so the Board moved this agenda item to the end of the meeting.

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#### **JEFF HOKE, AGENT FOR TRE DOGS RENTAL, LLC - SPECIAL USE PERMIT**

September 2, 2021

This being the date and time advertised to consider a request by Jeff Hoke, agent for Tre Dogs Rental, LLC, for a Special Use Permit to have a contractor office within an existing structure on property owned by Michael Wayne Chapman, located at 421 East Side Highway, Waynesboro in the Wayne District.

Mr. Jeff Hoke stated the plan is to convert the house into an office. He said he will have two (2) office employees.

Chair Tilghman asked if you plan on storing anything there?

Mr. Hoke stated no.

Chair Tilghman stated the Board visited the site today. We saw that the greenhouses are no longer there.

Mr. Coyner asked if there will be customers coming to the site?

Mr. Hoke stated no. We meet people at their house.

Chair Tilghman asked if the septic permit was obtained?

Mr. Hoke stated he obtained it two (2) days ago.

Chair Tilghman asked if there was anyone wishing to speak in favor, or in opposition to the request?

There being none, Chair Tilghman declared the public hearing closed.

Mr. Coyner stated the Board visited the site this morning. This is a good use for the property because it will have a low amount of traffic. He moved to approve the request with the following conditions:

**Pre-Conditions:**

None

**Operating Conditions:**

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1. Be permitted to use the existing dwelling as an office for a contractor business.
2. No more than six (6) employees to come to the site.
3. Hours of operation be 7:00 a.m. to 5:00 p.m. Monday – Saturday.
4. No equipment, machinery, or materials for the business be kept onsite.
5. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
6. Site be kept neat and orderly.

Mr. Glover seconded the motion, which carried unanimously.

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#### **ELIZABETH JIMENEZ HUERTA - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Elizabeth Jimenez Huerta, for a Special Use Permit to have an office for a cleaning business within the existing dwelling on property owned by H. Joseph or Lynn Hanger Hill, located at 296 Leaport Road, Mount Sidney in the North River District.

Ms. Elizabeth Jimenez Huerta stated her friend is allowing her to rent the office for the cleaning business.

Chair Tilghman asked if she plans on being at the site much?

Ms. Huerta stated no.

Chair Tilghman asked if she will have employees?

Ms. Huerta stated yes but they do not come to this site.

Mr. Bailey asked if they will have storage of supplies at this site?

Ms. Huerta stated no. All supplies are kept in the vehicle.

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Chair Tilghman asked if there is anyone wishing to speak in favor, or in opposition to the request?

There being none, Chair Tilghman declared the public hearing closed.

Mr. Bailey stated this should be compatible with neighboring properties. He moved to approve the request with the following conditions:

**Pre-Conditions:**

None

**Operating Conditions:**

1. Be permitted to have an office for a cleaning business within the dwelling.
2. Be limited to one (1) company vehicle at the site.
3. No employees coming to the site.
4. Site be kept neat and orderly.

Mr. Coyner seconded the motion, which carried unanimously.

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**AMOS H. SHOWALTER - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Amos H. Showalter, for a Special Use Permit to have a short term vacation rental on property owned by Samuel J. or Amos H. Showalter, located at 338 Kindig Road, Waynesboro in the South River District.

Mr. Amos Showalter stated we plan to fix the house and use it for a short term vacation rental. His brother occupied the property before he passed away.

Chair Tilghman asked if the applicant lives close by?

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Mr. Showalter stated yes.

Mr. Coyner asked how do you plan to market this?

Mr. Showalter stated we are going to use some organization but have not really decided which one yet. We have friends that have done this in the past and they are guiding us. We do plan to use some kind of advertising agency.

Chair Tilghman asked if there was anyone wishing to speak in favor, or in opposition to the request?

There being none, Chair Tilghman declared the public hearing closed.

Mr. Glover stated the Board viewed the site today. This is a nice rural setting and a good site for a vacation rental. He moved to approve the request with the following conditions:

**Pre-Condition:**

1. Obtain Health Department approval and provide a copy to Community Development.

**Operating Conditions:**

1. Be permitted to lease the entire dwelling for short term rentals.
2. Be limited to a maximum of eight (8) persons occupying the dwelling unless Health Department approval is for less.
3. Applicant to be available during rentals or provide contact information to adjacent neighbors.
4. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
5. Site be kept neat and orderly.

Mr. Coyner seconded the motion, which carried unanimously.

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**CHRIS KEMPTON, AGENT FOR SUN SHENANDOAH ACRES RV, LLC, C/O SUN  
COMMERCIAL TAX DEPARTMENT - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Chris Kempton, agent for Sun Shenandoah Acres RV, LLC, c/o Sun Commercial Tax Department for a Special Use Permit to renovate and expand the existing pavilion, add a 40' x 65' swimming pool, to place a 20' x 20' prefab building for food sales and to refurbish and expand the existing putt-putt golf course on property they own, located at 256 and 348 Lake Road, Stuarts Draft in the South River District.

Mr. Chris Kempton stated they already have the concrete slab for the pavilion and we would like to put a roof on that. The DJ box is pointed towards the residential so we want to point it toward the campground and away from the residential. The swimming pool will be going at the backside of the pavilion. The size is 40' x 65' and it will be camper exclusive. In between that and the pavilion there will be a 20' x 20' prefab building that is actually set up to sell hamburgers and hot dogs for campers only. They also want to expand the putt-putt golf course in the same location for campers and outside folks. It will be bigger than it is now.

Mr. Coyner asked if the applicant had a good year this summer?

Mr. Kempton stated yes.

Mr. Coyner asked if he would like the golf ready by next season?

Mr. Kempton stated yes. He hopes to have everything ready for next season.

Chair Tilghman asked if there was anyone wishing to speak in favor, or in opposition to the request?

There being none, Chair Tilghman declared the public hearing closed.

Mr. Coyner stated Shenandoah Acres has been an icon for years. It is good to hear that the operation is doing well. All of these items requested will enhance the operation. He moved to approve the request with the following conditions:

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**Pre-Conditions:**

1. Submit updated Erosion and Sediment Control Plan and Stormwater Management Plan to Community Development.
2. Obtain a restaurant permit from the Health Department for the food sales in the pre-fab building and provide a copy to Community Development.

**Operating Conditions:**

1. Be permitted to extend the existing pavilion roof over the existing concrete pad (27' x 30'), to place a 20' x 20' pre-fab structure for food sales, install a 40' x 65' swimming pool, and refurbish and expand the existing putt-putt golf course to 73' x 206'.8" as shown on the site plans approved by the BZA.
2. Applicant obtain all building permits and provide copies to Community Development.
3. All operating conditions of SUP#20-55 and SUP#21-31 remain in effect.

Mr. Glover seconded the motion, which carried unanimously.

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**DEBBIE C. HENDERSON, AGENT FOR D.M. CONNER, INC. - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Debbie C. Henderson, agent for D.M. Conner, Inc., for a Special Use Permit to have a mining operation on a portion of the adjacent parcel and to remove the 200' setback requirement adjacent to the existing mining operation on property owned by Sharon G. Conner, located on the northeast side of Oak Lane north of the intersection of Oak Lane and Sycamore Path, Stuarts Draft in the South River District.

Mr. Steve Driver with Terra Engineering stated the use provides an important economic function in the County by providing important material needed for economic growth. The

request here keeps the use the same, there is no change there. It only moves the area slightly to the east. Sharon Connor's dwelling is the need for the buffer adjustment. It moves no further south toward Gerties Lane or Pine Trail. Sharon's residence is about 870 feet to the east of the current mine. The property itself is about 1,320 feet wide from east to west. Due to the unique nature of this limited impact and economic need for the same product in the area, we respectfully request the Board support and approve the Special Use Permit.

Mr. Coyner asked if they will produce sand or gravel?

Mr. Driver stated Class B sand including rock so they can provide crushed gravel as a sale item.

Mr. Coyner asked if the footage is from the existing mine or the proposed?

Mr. Driver stated the existing and it will be 650 feet from the edge of the proposed mine.

Mr. Coyner asked if all materials move over to the current shale house?

Mr. Driver stated yes. They plan to use the existing entrance. There will be no impact on Gerties Lane.

Mr. Coyner asked how long would this piece of property last?

Mr. Benny Conner, 35 Dewey Lane, Waynesboro, stated it depends on the economy, possibly 8-10 years.

Mr. Coyner asked how deep?

Mr. Conner stated 40-50 feet. We dig it out with an excavator.

Mr. Driver stated this is consistent to what has been done in the past.

Mr. Bailey asked if they are only excavating? No storage or processing?

Mr. Driver stated no storage or processing.

Mr. Coyner asked if the sand is washed?

Mr. Conner stated screened and washed.



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Chair Tilghman stated we received several letters from contractors that use your product. Many companies said they got a particular dark rock that you mine that is not available just anywhere.

Mr. Conner stated landscape companies use it around the house and people use it in their driveways. They go to a 90 mile radius. The big dump trucks haul it. Class B is used in asphalt and Class A is used in concrete. It will need to pass VDOT specifications before it can be used.

Mr. Coyner asked when you are finished mining a section when does the reclaiming process start?

Mr. Conner stated when you are doing this type of activity, it is under the jurisdiction of DMME. Everything that is done is permitted and your operation needs to comply with that permit. State and federal inspectors come in two or three times a year.

Mr. Coyner stated what stage is the site near Oak Lane?

Mr. Conner stated we need to dig some more out. Once we get it all out, when you run the concrete or the masonry plant, you have to have a sediment pond. When the pond fills up, we haul it over once we get all the material to try to bring it back to the original height, then we have to reseed it.

Mr. Driver stated they have to follow a sequence, you cannot just reclaim it. It is not just one step. This is all covered by DMME.

Chair Tilghman said some of the areas look like they are in deep holes. Do they allow you to leave holes?

Mr. Conner stated they will eventually be filled in and they will get it as close to where it was before and then cover it with topsoil. We are going to save all the topsoil so when we finish a certain area, we can reseed it and plant pine trees.

Chair Tilghman asked have you started any mining on this land already?

Mr. Conner stated just cutting some trees down.

Chair Tilghman asked if the sand or gravel is more important?

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Mr. Conner stated both are important but they sell more sand than concrete.

Mr. Coyner stated by your shop there is a huge pile of sand. Is it sand right out of the mine?

Mr. Conner stated that is ready to sell.

Chair Tilghman asked if there was anyone wishing to speak in favor, or in opposition to the request?

Mr. Nick Collins, 850 Hotchkiss Road, Churchville, stated over the last 38 years I have used sand and stone products that came from DM Conner. Weatherman Collins Contracting along with my partner Chuck Weathermen have an asphalt plant that uses the Grade B sand. In years past, there have been some requests that have been denied. But I want to tell you there are many local contractors and home builders that this sand is very important to us locally. If we are not able to produce these products, we would have to travel farther away. Many years ago I had to bring a lot of sand in by rail and it comes from a long ways away and it causes the product to be very expensive. I do not understand all the merits of what is being asked for today, I just ask that you look as favorably as you can on this local business because it also supports many other local businesses in this area.

Mr. John Golladay, 32 Sycamore Path, Stuarts Draft, stated we have had battles over property lines. If the owner of this property agreed to it, I think that is fine. I do not want to make it easy for next time when they try to come after my property, because they will. They do it every two years. Sharon's house will still be further from the digging. We agreed with the 500 foot setback last time. They have not reclaimed anything but the hole has gotten bigger and has been there forever.

Mr. Edgar Taylor, 120 Gerties Lane, Stuarts Draft, stated I agree with Mr. Golladay. Picture yourself sitting on the back porch and watching heavy equipment, seeing people digging, and listening to the noise. That is my concern. If they do not get any closer to the residences then they are right now, I do not have too much of a problem. One of these days I will want to sell this place. When I moved here in 1976, it was really quiet. What will this do to the value of my land?

Ms. Shayla Branch, 79 Gerties Lane, Stuarts Draft, stated here we are again, every year or every two years they come back with some new issue. Businesses have to survive but not at the cost of people who live in the County. I caution the Board, five

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acres is not very big. This is a temporary solution to a long term problem. In 24 years, nothing has changed to the pit behind the house.

Chair Tilghman asked if there was anyone else wishing to speak in favor, or in opposition to the request?

There being none, Chair Tilghman asked the applicant to speak in rebuttal.

Mr. Driver stated Mr. Golladay is a good distance away from this. He said they used to dump garbage for the campground there, so obviously what is there today is a lot nicer than the garbage dump that was there in 1970. There is another pit beside Acres Sand and Stone but that is the one that would be more adjacent to Mr. Golladay.

Chair Tilghman declared the public hearing closed. The reclamation of the land is determined by the State and Federal government. I do not think they have reclaimed anything and cannot believe that all of those holes are needed. I know that the government does watch these operations.

Mr. Glover stated these are good concerns. For this particular application, I see it being closer to the Conner property than to other residents. I appreciate that and can understand the concerns that the opposition has brought today. This is something that I do believe that needs to be considered and looked at.

Chair Tilghman stated it is important that we keep the setbacks.

Mr. Coyner stated this is a unique spot. These products are needed for businesses especially local businesses.

Chair Tilghman stated the Board has no control over Operation Condition #7 which states: The site must be reclaimed as soon as possible, but no later than six (6) months after operations have ceased.

Mr. Benkahla suggested rewording the condition to: The applicant shall comply with all the rules and regulations set forth by the Department of Mines, Minerals and Energy.

Mr. Coyner moved to approve the request with the following conditions:

**Pre-Conditions:**

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1. Submit a copy of the DMME Mining Plan including the proposed depth of excavation and Reclamation Plan and the two hundred (200') foot buffer zone along all property lines or other setbacks determined by the Board, except the properties currently being mined.
2. Submit a boundary line adjustment survey combining the additional twenty (20) acres to this parcel to the Community Development Department within **thirty (30) days**.

**Operating Conditions:**

1. **No operations** in the new five (5) acre area can start until the boundary line adjustment in Pre-Condition #2 has been approved and recorded.
2. Only excavating at the site. All crushing, processing, and storage of materials to be done at the existing plant.
3. Access will be through the existing quarry with truck traffic confined entirely to Route 660 when entering and leaving site utilizing the existing fifty (50') foot right-of-way on the north side of Shenandoah Acres property.
4. No truck traffic on Sycamore Path or Oak Lane.
5. No mining operation within five hundred (500') feet of Coles Campers Subdivision. Existing wooded five hundred (500') foot buffer be left in its natural undisturbed state.
6. No buffer will be required between the property lines adjacent to the existing quarry operations on TM#84C(1)34, TM#91-19 and TM#91-21. The two hundred (200') foot minimum buffer will be required on all other property lines.
7. The applicant shall comply with all rules and regulations set forth by the Department of Mines, Minerals and Energy.
8. Whenever the applicant amends the permit with the Department of Mines, Minerals and Energy, they must notify the Community Development Department.
9. Hours of operation be Monday-Friday, 7:00 A.M. to 6:00 P.M. and Saturday 7:00 A.M. to 12:00 Noon, and no Sunday operation.

September 2, 2021

10. All local, state and federal regulations must be complied with.

11. Debris, including residue rock and stone and other waste material stored on the property must have originated from the property and not be brought in from other sites.

Mr. Glover seconded the motion, which carried unanimously.

\* \* \* \* \*

**HEIDI ROBLES, AGENT FOR J MARTINEZ CONSTRUCTION, LLC - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Heidi Robles, agent for J Martinez Construction, LLC, for a Special Use Permit to have a contractor office with outdoor storage of equipment and materials and to lease office space on property owned by Shenandoah Shiloh Christian Center, Trustees of, located at 870 Parkersburg Turnpike, Swoope in the Pastures District.

Ms. Heidi Robles stated she is looking to purchase this property to have a contractor's office. There are two businesses there already.

Chair Tilghman stated the Board visited the site today and we saw two camper trailers. Who do they belong to?

Ms. Robles stated either the church or whoever had this before. They do not belong to us.

Ms. Bunch said they did send the current property owner a letter.

Mr. Coyner stated the campers would have to go. He asked if she will have their business in addition to the people that are currently at the site?

Ms. Robles stated yes.

Chair Tilghman stated the 40 x 40 outdoor storage area will be behind the business and it should be shielded with a 10' tall fence.

September 2, 2021

Ms. Robles stated yes, a wooden fence.

Chair Tilghman stated you were looking at maybe one side using the existing trees but this is a busy heavily used road and I think we need the entire area fenced. It should not be open on the road side. In the recommended staff conditions, it states there will be seven (7) licensed trailers and six (6) company trucks/vans. What are the hours of operation?

Ms. Robles stated 8-5 Monday through Saturday. She said they may do office work on Sundays.

Mr. Coyner asked what is the total number of all vehicles on the property (yours and the other businesses at the site)?

Ms. Robles stated they lease space but do not have vehicles onsite overnight.

Chair Tilghman stated the Board would need the total number of vehicles that stay on the property overnight. You would need to work that out with your tenants.

Mr. Bailey asked if the fifteen (15) employees park there?

Ms. Robles stated no, they do not come to the site. They do not park there either. They come only to pick up their checks bi-weekly.

Chair Tilghman asked if there was anyone wishing to speak in favor, or in opposition to the request?

Ms. Jody Woodward, 45 Swoope Road, Swoope, stated she is here to speak on behalf of her parents who live at 20 Miss Phillips Road, Swoope. I would not classify myself as opposition, just concerned. Years ago, this was a church. The church left and it became vacant and since that time we have had some challenges with high grass, with the renters having mattresses and debris in the shed. The thrift store came in and then things improved a little bit but it has become very unsightly and actually probably a better description would be it is starting to look like a dump. There is a dresser that has been sitting there. There is also a brush pile and a huge pile of hot water heaters, air conditioning units, some kind of huge tall compressed air cylinder, and an old sign. It looks awful. I have had difficulty trying to contact people that own the land and they said it was in the process of being sold. So when I found out that a construction business may be coming, I was happy because I envisioned they are going to renovate the building. It would be better than a gas station or dance hall. So I was feeling better

September 2, 2021

about it until I rode by their current location and saw the same thing. I do not know if it is their stuff, but they have a huge RV at the site. They have a huge trailer full of garbage that has been sitting there. I would love for a construction firm to go there if they improve the site because that building is really in need of some improvement. I would just end by saying that whoever occupies the property, my parents and I would greatly like to see the building renovated or repaired and it not become a lot full of RVs and trucks, trash and debris, and that the lawn stays mowed and it looks aesthetically pleasing.

Ms. Vicki Corbin, 854 Parkersburg Turnpike, Staunton, stated she purchased this house in 2018 and it is a nice quiet little neighborhood. Our concern is what type of lighting will be at the site. Our bedroom is right beside this building. We get up at three o'clock in the morning and go to work. We have had trouble with tractors and trailers parking there at night before and the trucks running, so we had to call the trucking company and say look you had a truck and trailer parked here overnight, running all night and the noise has kept us awake. Our concern is there not be any kind of trailers parked on the property and do not want the site to look tacky and trashy. We want it to stay kept up. We do not want to make the value of our home go down because of what all is going to be over there. We call this the community dumpster because everybody comes and brings their trash over to the dumpster. Everybody just pulls off the road and throws trash. We are concerned about how it is going to look. If it is going to be cluttered and trashed up and when she says, trailers and things we are concerned about that. We do not want to have the value of our home decrease.

Chair Tilghman asked if there was anyone else wishing to speak regarding the request?

There being none, Chair Tilghman asked the applicant to speak in rebuttal. She said these neighbors have legitimate concerns. We have a County Lighting Ordinance that controls lighting. What can you say to these neighbors about how you will take care of the property?

Ms. Robles said I am always getting on the guys to clean up. She stated that she does not want problems with the neighbors. She said they are renting their current location that has an upholstery place downstairs and they have the RV and all that mess. They will comply with County regulations if they purchase this place. She does not like the way it looks now. They plan on making it look nice.

Chair Tilghman stated it is on a fairly heavily traveled road. This area is in an area that has neighbors and it is highly visible.

September 2, 2021

Mr. Coyner asked about the dumpster?

Ms. Robles stated that she does not know who owns the dumpster. Our dumpster will be hidden so that no one can use it. I do not even know if it is going to come with the purchase of the building.

Mr. Bailey said if you purchase the property and it is transferred it is the owner's responsibility to keep it neat and orderly. There should be no junk or inoperable vehicles at the site. That is one reason why we put stipulations on each of the permits that we grant. He asked if the applicant understands that when she purchases the property it is their responsibility?

Ms. Robles stated yes.

Mr. Coyner stated a fence along the rear is better because the neighbors will see the operation if there is not one.

Chair Tilghman stated where did the trailers come from because they should not be there.

Mr. Glover stated the biggest issue I have heard was just the things being brought in and junk being brought in with the trash. This is a busy road. I do believe that it would be beneficial to have a fence along that border to shield the visibility of different things that would be parked there. I would recommend that the fence be installed along that line.

Ms. Bunch stated any lights over 3,000 lumens has to meet our Outdoor Lighting Ordinance. There were no new lights being proposed.

Chair Tilghman asked if they the plan on asking for more lighting?

Ms. Robles stated no.

Ms. Bunch stated we have to ensure that any lights they put up are directed down and do not spill over onto the neighboring properties or roads, more than half a foot candle. They would have to submit a Lighting Plan at the time the electrician gets the permits to install the lights.

Chair Tilghman declared the public hearing closed.



September 2, 2021

Mr. Coyner stated the property has been used for many different businesses over the years. They would be responsible for the property. He stated the fence should be included all around the perimeter on all four sides.

Mr. Coyner moved to approve the request with the following conditions:

**Pre-Conditions:**

1. Obtain Health Department approval and provide a copy to Community Development.
2. Submit a complete Erosion and Sediment Control and Stormwater Management Plan.
3. Applicant construct a ten (10') foot high opaque privacy fence around the 40' x 40' outdoor storage area within **thirty (30) days**.

**Operating Conditions:**

1. All equipment, machinery, and materials for the business be kept inside the 40' x 40' screened area shown on the BZA sketch.
2. The ten (10') foot high opaque privacy fence must be maintained at all times.
3. Be limited to seven (7) licensed trailers and six (6) company trucks or vans at the site.
4. No refuse from the business to be brought to this site.
5. Hours of operation be 8:00 a.m. to 5:00 p.m. Monday – Saturday with occasional Sundays for office work only.
6. Be limited to twenty (20) employees once Health Department approval is obtained.
7. Site be kept neat and orderly.
8. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.

September 2, 2021

Mr. Glover seconded the motion, which carried unanimously.

\* \* \* \* \*

### **CONSIDERATION TO CANCEL THE SPECIAL USE PERMIT - RANDY SHOWALTER**

This being the date and time advertised to consider a request to cancel the Special Use Permit held by Randy Showalter for a motor vehicle repair operation and impound area on property owned by Kimberly A. Miller, located at 105 Shulls Lane, Mount Solon in the North River District.

Chair Tilghman stated the applicant is not able to be here today due to Covid.

Mr. Coyner moved to carry over the public hearing to the October 7, 2021 meeting.

Mr. Bailey seconded the motion, which carried unanimously.

\* \* \* \* \*

### **MATTERS TO BE PRESENTED BY THE ZONING ADMINISTRATOR**

#### **JESSICA L. WEINSTOCK – SPECIAL USE PERMIT**

A request by Jessica L. Weinstock, for a Special Use Permit to have a short term vacation rental on property she owns, located at 17 Mount View Drive, Afton in the South River District. - Request to Cancel

Ms. Bunch stated the applicant is requesting to cancel the Special Use Permit.

Mr. Coyner moved to cancel the permit.

Mr. Bailey seconded the motion, which carried unanimously.

\* \* \* \* \*

### **STAFF REPORTS**

20-43	Rebecca F. or Michael C. Breeding
20-44	Timothy D. or Tracey L. Cupp

September 2, 2021

20-45 Paul S. or June C. Terry  
 20-46 Lester P. or Mary A. Witmer  
 20-47 Kenneth R. or Sharon B. Troyer  
 20-48 Blue Ridge Flower Crops, LLC

Ms. Bunch stated SUP#20-43 applied for their building permit and are in compliance. Staff sent the applicant a letter for SUP#20-44 because they did not apply for their building permit. They plan on sending in an Extension of Time request. SUP#20-45 is in compliance. The applicant has not received Health Department approval for SUP#20-46. We sent the applicant a letter and they plan on asking for an Extension of Time. We sent the applicant a letter for SUP#20-47 due to having two inoperable vehicles at the site. SUP#20-48 is in compliance but the applicant plans on changing the location of the pad. They will need to apply before this Board to change the location.

\* \* \* \* \*

Mr. Benkahla discussed the court cases with the Board.

\* \* \* \* \*

There being no further business to come before the Board, the meeting was adjourned.

\* \* \* \* \*

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Chair

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Secretary

Knicely

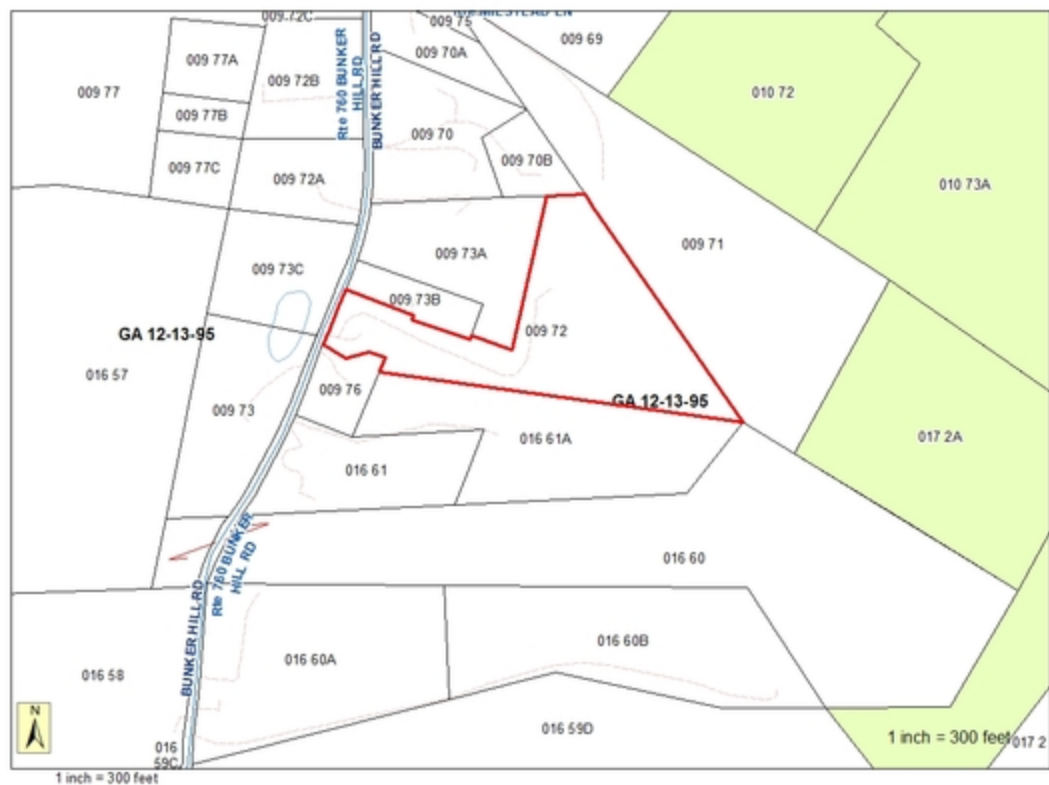


Knically



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# Knically





**PROPERTY OWNER:**

Gerald W. or Becky S. Knicely

Agenda Item # 4A

Date 10/7/21

**APPLICANT:**

Same

**LOCATION OF PROPERTY:**

977 Bunker Hill Road, Mount Solon in the North River District

**SIZE OF PROPERTY:**

8.235 acres

**VICINITY ZONING:**

General Agriculture surrounds the entire parcel

**PREVIOUS ZONING OR S.U.P.:**

12/95 Zoned General Agriculture

**LAND USE MAPS:**

Agriculture Conservation Area

**UTILITIES:**

Private well and private septic

**APPLICANT'S JUSTIFICATION:**

To have a short term vacation rental within the existing dwelling

**PLANNING COMMISSION'S COMMENTS:**

No comments.

**BUILDING INSPECTOR'S COMMENTS:**

After review, our office has no conditions.

**HEALTH DEPARTMENT'S COMMENTS:**

The Health Department has no issues as long as only 1 bedroom is rented and the total occupancy of the dwelling does not exceed 6 people. The dwelling is currently served by a 3 bedroom septic permit.

**HIGHWAY DEPARTMENT'S COMMENTS:**

The existing entrance is adequate to serve the proposed use.

**SERVICE AUTHORITY'S COMMENTS:**

There is no public water or sewer available in the area of the subject parcel.



**ENGINEERING'S COMMENTS:**

No additional disturbance or impervious areas shown. No permit required as long as both are less than 10,000 sf. If additional impervious areas are added in the future, impervious area associated with special use permit activity will be calculated back to 1990 based on documentation available and 1991 aerial photography.

**SECTION 25-74R – SHORT-TERM RENTALS, BED AND BREAKFASTS, AND VACATION RENTALS**

**There is no more than one principal dwelling, or part thereof, operating as a bed and breakfast or short-term rental per parcel.**

There is only one (1) principal dwelling on the parcel proposed to operate as a short term rental.

**There is no more than one detached accessory dwelling unit operating as a bed and breakfast or short-term rental per parcel.**

There are no detached accessory dwelling units on this parcel.

**The lot is at least five (5) acres in area, unless the Board of Zoning Appeals determines that operation of the use on a smaller acreage will be compatible with neighboring properties.**

The property contains 8.235 acres. The dwelling is not visible from the road and natural vegetation screens it from adjoining properties.

**The owner of record or a facility operator personally resides in the principal dwelling or accessory dwelling unit or on a parcel immediately adjacent to or directly across the street from the parcel.**

The applicants will reside on-site.

**The owner of record shall provide to the Zoning Administrator proof of the current lease agreement between the owner and facility operator as a pre-condition of the permit. The owner shall submit subsequent lease agreements, within 10 days of signature, when the lessee changes.**

No facility operator is required.

**The Building Inspection Department has indicated that either a Building permit is not required, or can be issued for the use once the Special Use Permit has been approved.**

The Building Inspection Department requires the applicant obtain approval from an electrician per the Building Official.

**If the principal and/or detached accessory dwelling unit is not connected to public sewer, the Virginia Department of Health has confirmed that the sewage disposal system is adequate for the proposed use.**

The parcel has an existing approved septic system.

**All parking shall be accommodated on-site.**

All parking is proposed on-site.

**STAFF RECOMMENDATIONS**

The applicants are requesting to rent one (1) room with bath and kitchenette in the basement of their home for short term vacations. The applicants will reside onsite. The room has a separate entrance. No meals will be provided but guests can use the kitchenette. Staff feels the operation of this low impact business would not have a negative impact on surrounding properties and recommends approval with the following conditions:

**Pre-Conditions:**

None

**Operating Conditions:**

1. Be permitted to rent one (1) bedroom within the principal dwelling for short term rental.
2. Be limited to a maximum of six (6) persons that occupy the dwelling.
3. Applicant reside on premise and be available during rental or provide contact information to adjacent neighbors.
4. Site be kept neat and orderly.

Agenda Item # 4B

Date 10/7/21

**PROPERTY OWNER:**

J. Phillip Dixon or Ashby Parker O'Malley

**APPLICANT:**

Same

**LOCATION OF PROPERTY:**

163 Pleasant View Road, Staunton in the North River District

**SIZE OF PROPERTY:**

2.209 acres

**VICINITY ZONING:**

General Agriculture surrounds the entire parcel

**PREVIOUS ZONING OR S.U.P.:**

12/95 Zoned General Agriculture

**LAND USE MAPS:**

Rural Conservation Area

**UTILITIES:**

Private well and septic

**APPLICANT'S JUSTIFICATION:**

To have a detached accessory dwelling unit attached to an existing structure to be used as a short term vacation rental

**PLANNING COMMISSION'S COMMENTS:**

No comments.

**BUILDING INSPECTOR'S COMMENTS:**

Obtain all necessary permits and inspections in accordance with the Uniform Statewide Building Code.

**HEALTH DEPARTMENT'S COMMENTS:**

The Health Department has no issues as long as the occupancy of both structures does not exceed 6 people total. Two dwellings will be sharing a single drainfield and at the time of these comments the Health Department is awaiting final paperwork in order to issue an operation permit.

**HIGHWAY DEPARTMENT'S COMMENTS:**

The existing entrance is adequate for the requested use.

**SERVICE AUTHORITY'S COMMENTS:**

There is no public water or sewer available in the area of the subject parcel.

**ENGINEERING'S COMMENTS:**

Activity appears to be less than 10,000 sf. No permit required as long as cumulative land disturbance and impervious areas associated with the activity are less than 10,000 sf. If additional impervious areas are added in the future, impervious area associated with special use permit activity will be calculated back to 1990 based on documentation available and 1991 aerial photography.

**SECTION 25-74R – SHORT-TERM RENTALS, BED AND BREAKFASTS, AND VACATION RENTALS**

**There is no more than one principal dwelling, or part thereof, operating as a bed and breakfast or short-term rental per parcel.**

The applicant is not using the principal dwelling for the short term rental.

**There is no more than one detached accessory dwelling unit operating as a bed and breakfast or short-term rental per parcel.**

There will be only one (1) detached accessory dwelling unit used for the short term rental.

**The lot is at least five (5) acres in area, unless the Board of Zoning Appeals determines that operation of the use on a smaller acreage will be compatible with neighboring properties.**

The property contains 2.209 acres. The detached dwelling unit is not visible from the road and is screened by natural vegetation.

**The owner of record or a facility operator personally resides in the principal dwelling or accessory dwelling unit or on a parcel immediately adjacent to or directly across the street from the parcel.**

The owner will reside in the principal dwelling.

**The owner of record shall provide to the Zoning Administrator proof of the current lease agreement between the owner and facility operator as a pre-condition of the permit. The owner shall submit subsequent lease agreements, within 10 days of signature, when the lessee changes.**

No lease agreement is required.

**The Building Inspection Department has indicated that either a Building permit is not required, or can be issued for the use once the Special Use Permit has been approved.**

The accessory dwelling unit will require building permits and inspections.

**If the principal and/or detached accessory dwelling unit is not connected to public sewer, the Virginia Department of Health has confirmed that the sewage disposal system is adequate for the proposed use.**

The well and septic are already in place.

**All parking shall be accommodated on-site.**

All parking will be onsite.

### **STAFF RECOMMENDATIONS**

The applicants are requesting to rent a portion of an accessory building for short term rental. They are proposing to convert office space within the building and a portion of the greenhouse into a one bedroom suite with full bathroom and kitchen containing a refrigerator and microwave. The accessory structure is 748 square feet and the detached accessory dwelling unit will be 476 square feet. Staff feels the operation of a short term vacation rental is a low impact business that provides a service to the area and would not be out of character with the rural community or create any negative impact to the neighbors and recommends approval with the following conditions:

### **Pre-Conditions:**

1. Obtain Health Department approval and provide a copy to Community Development.
2. Obtain the required building permits and provide a copy to Community Development.

### **Operating Conditions:**

1. Be permitted to convert 476 square feet of an existing accessory building into a one (1) bedroom detached accessory dwelling unit for a short term rental.
2. Be limited to a maximum of six (6) persons occupy both structures.
3. Applicant to be available during rentals or provide contact information to adjacent neighbors.
4. Site be kept neat and orderly.

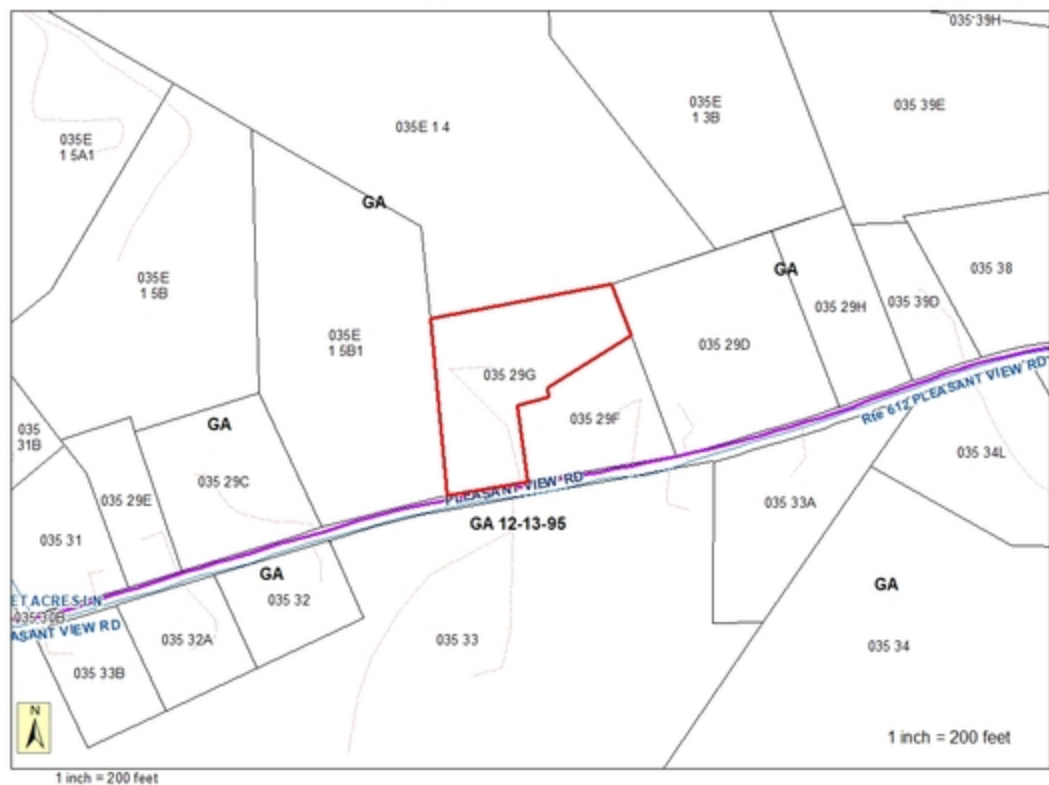
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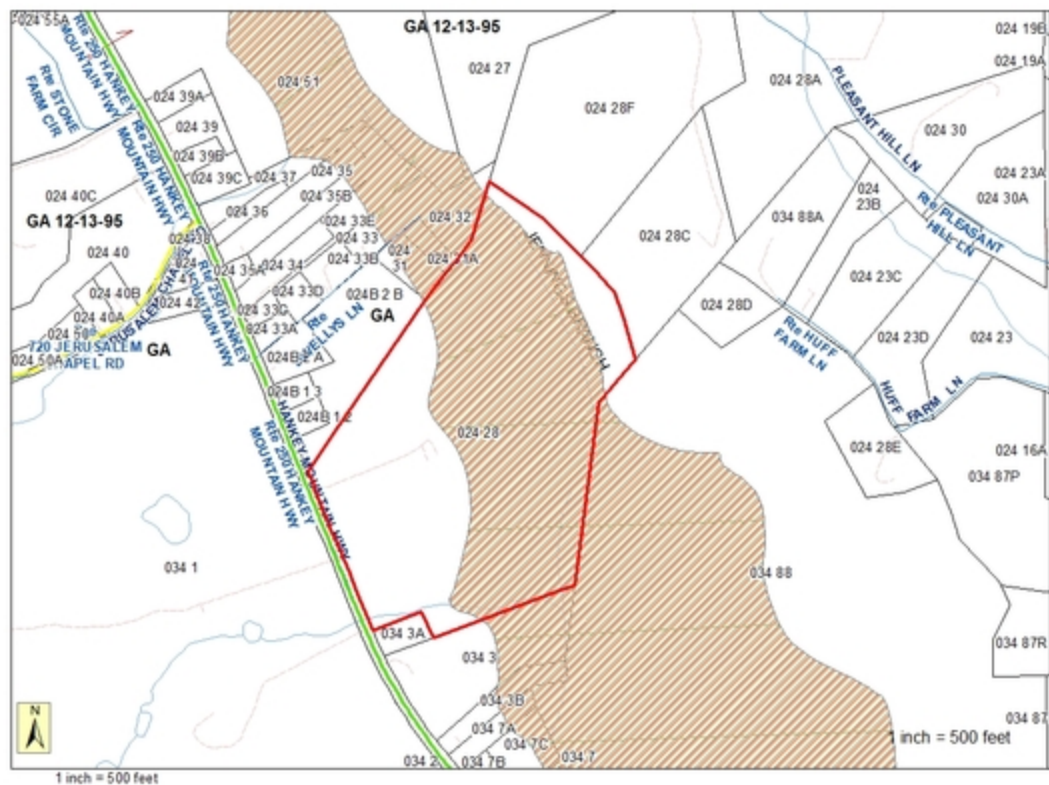


# Powell





## Powell





**PROPERTY OWNER:**

Cameron L. or Julie B. Powell

Agenda Item # 4C  
Date 10/7/21

**APPLICANT:**

Same

**LOCATION OF PROPERTY:**

463 Hankey Mountain Highway, Churchville in the North River District

**SIZE OF PROPERTY:**

48.621 acres

**VICINITY ZONING:**

General Agriculture surrounds the entire parcel

**PREVIOUS ZONING OR S.U.P.:**

12/95 Zoned General Agriculture

**LAND USE MAPS:**

Agriculture Conservation Area

**UTILITIES:**

Private well and septic

**APPLICANT'S JUSTIFICATION:**

To have a short term vacation rental

**PLANNING COMMISSION'S COMMENTS:**

No comments.

**BUILDING INSPECTOR'S COMMENTS:**

After review, our office has no conditions.

**HEALTH DEPARTMENT'S COMMENTS:**

Have tried to reach out to the applicants but phone calls have not been returned. The Health Department has septic records for a 4 BR house and a 1 BR carriage house. The Health Department does not have any issues as long as the rental is one of these 2 houses and total occupancy does not exceed 10 between both structures. If rooms are rented to separate parties a lodging permit would need to be applied for and issued by the Health Department.

**HIGHWAY DEPARTMENT'S COMMENTS:**

The existing entrance is adequate for the requested use.

**SERVICE AUTHORITY'S COMMENTS:**

There is no public water or sewer available in the area of the subject parcel.

**ENGINEERING'S COMMENTS:**

No additional disturbance or impervious areas shown. No permit required as long as both are less than 10,000 sf. If additional impervious areas are added in the future, impervious area associated with special use permit activity will be calculated back to 1990 based on documentation available and 1991 aerial photography.

**SECTION 25-74R – SHORT-TERM RENTALS, BED AND BREAKFASTS, AND VACATION RENTALS**

**There is no more than one principal dwelling, or part thereof, operating as a bed and breakfast or short-term rental per parcel.**

Only one (1) dwelling shall be used for the short term rental. The applicants are requesting to rent out the entire four (4) bedroom home.

**There is no more than one detached accessory dwelling unit operating as a bed and breakfast or short-term rental per parcel.**

Only the principal dwelling will be operating as a short term rental.

**The lot is at least five (5) acres in area, unless the Board of Zoning Appeals determines that operation of the use on a smaller acreage will be compatible with neighboring properties.**

The property contains 48.621 acres and the dwelling is set far back off the road. No adjoining properties have houses in close proximity.

**The owner of record or a facility operator personally resides in the principal dwelling or accessory dwelling unit or on a parcel immediately adjacent to or directly across the street from the parcel.**

Applicant lives in close proximity to the property.

**The owner of record shall provide to the Zoning Administrator proof of the current lease agreement between the owner and facility operator as a pre-condition of the permit. The owner shall submit subsequent lease agreements, within 10 days of signature, when the lessee changes.**

The applicants son lives onsite and will be the facility operator. They submitted a lease agreement.

**The Building Inspection Department has indicated that either a Building permit is not required, or can be issued for the use once the Special Use Permit has been approved.**

No expansions or additions are proposed.

**If the principal and/or detached accessory dwelling unit is not connected to public sewer, the Virginia Department of Health has confirmed that the sewage disposal system is adequate for the proposed use.**

There is an existing Health Department approved septic system onsite.

**All parking shall be accommodated on-site.**

All parking is on-site.

### **STAFF RECOMMENDATIONS**

The applicants are requesting to rent the entire four (4) bedroom house for short term rentals. No meals will be provided by the applicant but guests will have full access to the kitchen facilities. This is a large General Agriculture property and the house is situated approximately 525 feet off the road. If the Board feels the request would be compatible with the neighboring properties and desires to approve the request, staff would recommend the following conditions:

### **Pre-Conditions:**

None

### **Operating Conditions:**

1. Be permitted to rent the four (4) bedroom house for short term vacation rental.
2. Be limited to a maximum of ten (10) persons total occupying both structures.
3. Applicant submit subsequent lease agreements within ten (10) days of signature when the lease changes.
4. Facility operator remain onsite during rentals or provide contact information to adjoining neighbors.
5. Site be kept neat and orderly.



**PROPERTY OWNER:**

Scott F. McDevitt and Elizabeth C. Tipton

Agenda Item # 4D

Date 10/7/21

**APPLICANT:**

Same

**LOCATION OF PROPERTY:**

51 Anen Town Lane, Waynesboro in the Wayne District

**SIZE OF PROPERTY:**

1.68 acres

**VICINITY ZONING:**

General Agriculture surrounds the entire parcel

**PREVIOUS ZONING OR S.U.P.:**

12/95 Zoned General Agriculture

**LAND USE MAPS:**

Rural Conservation Area

**UTILITIES:**

Private well and private septic

**APPLICANT'S JUSTIFICATION:**

To have a short term vacation rental

**PLANNING COMMISSION'S COMMENTS:**

No comments.

**BUILDING INSPECTOR'S COMMENTS:**

After review, our office has no conditions.

**HEALTH DEPARTMENT'S COMMENTS:**

The Health Department has not been able to locate septic records for the property. Unable to determine the maximum number of occupants that would be allowed.

**HIGHWAY DEPARTMENT'S COMMENTS:**

Anen Town Lane is a privately maintained road that connects to Route 340 via a concrete entrance apron. VDOT has no objections pertaining to the request.

**SERVICE AUTHORITY'S COMMENTS:**

There is no public water or sewer available in the area of the subject parcel.

**ENGINEERING'S COMMENTS:**

No additional disturbance or impervious areas shown. No permit required as long as both are less than 10,000 sf. If additional impervious areas are added in the future, impervious area associated with special use permit activity will be calculated back to 1990 based on documentation available and 1991 aerial photography.

**SECTION 25-74R – SHORT-TERM RENTALS, BED AND BREAKFASTS, AND VACATION RENTALS**

**There is no more than one principal dwelling, or part thereof, operating as a bed and breakfast or short-term rental per parcel.**

There is only one (1) principal dwelling on the property.

**There is no more than one detached accessory dwelling unit operating as a bed and breakfast or short-term rental per parcel.**

There are no detached accessory dwelling units on this property.

**The lot is at least five (5) acres in area, unless the Board of Zoning Appeals determines that operation of the use on a smaller acreage will be compatible with neighboring properties.**

The property contains 1.68 acres and is located on a private late. The applicant owns the adjoining farm that surrounds this property. This should not be a negative impact to the surrounding area.

**The owner of record or a facility operator personally resides in the principal dwelling or accessory dwelling unit or on a parcel immediately adjacent to or directly across the street from the parcel.**

The applicants reside on the parcel immediately adjacent to this property.

**The owner of record shall provide to the Zoning Administrator proof of the current lease agreement between the owner and facility operator as a pre-condition of the permit. The owner shall submit subsequent lease agreements, within 10 days of signature, when the lessee changes.**

No facility operator is required.

**The Building Inspection Department has indicated that either a Building permit is not required, or can be issued for the use once the Special Use Permit has been approved.**

Applicants are not requesting any expansions or additions.

**If the principal and/or detached accessory dwelling unit is not connected to public sewer, the Virginia Department of Health has confirmed that the sewage disposal system is adequate for the proposed use.**

There is an existing sewage disposal system on site. However, Health Department has no records.

**All parking shall be accommodated on-site.**

All parking is proposed on-site.

**STAFF RECOMMENDATIONS**

Applicants are requesting to rent their entire three (3) bedroom house for short term vacation rental. No meals will be provided, however, guests will have access to the full kitchen during their stay. The applicants reside on the property immediately adjacent to this property and will be available when the home is rented. Staff feels that using the dwelling as a short term vacation rental would not be out of character with the area and recommends approval with the following conditions:

**Pre-Condition:**

1. Obtain Health Department approval and provide a copy to Community Development.

**Operating Conditions:**

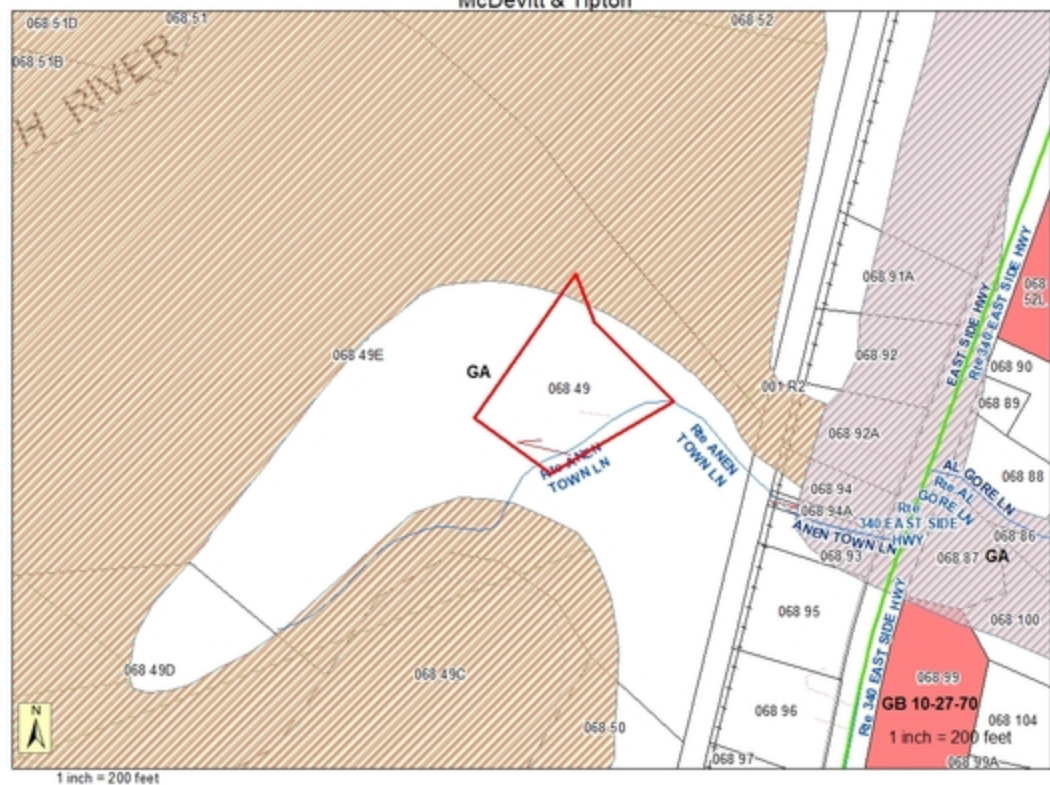
1. Be permitted to use the entire three (3) bedroom dwelling for short term vacation rentals.
2. Be limited to six (6) persons maximum occupying the dwelling.
3. Applicant reside on the adjacent parcel and be available during times the dwelling is rented or provide contact information to adjacent neighbors.
4. Site be kept neat and orderly.

## McDevitt &amp; Tipton





McDevitt & Tipton





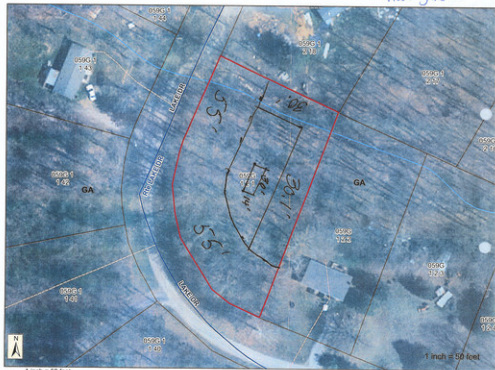


Rodriguez





Rodriguez



## Rodriguez





**PROPERTY OWNER:**

Noelia Rodriguez

Agenda Item # 4E

Date 10/7/21

**APPLICANT:**

Same

**LOCATION OF PROPERTY:**

On the northeast side of Lake Drive, 0.02 of a mile west of Oak Lane, Crimora in the Middle River District

**SIZE OF PROPERTY:**

0.75 acres

**VICINITY ZONING:**

General Agriculture surrounds the entire parcel

**PREVIOUS ZONING OR S.U.P.:**

12/95 Zoned General Agriculture

**LAND USE MAPS:**

Community Development Area – Low Density Residential

**UTILITIES:**

Public water and private septic

**APPLICANT'S JUSTIFICATION:**

To place a 14' x 30' manufactured home which is less than the nine hundred (900) square foot requirement

**PLANNING COMMISSION'S COMMENTS:**

No comments.

**BUILDING INSPECTOR'S COMMENTS:**

Obtain all necessary permits and inspections in accordance with the Uniform Statewide Building Code.

**HEALTH DEPARTMENT'S COMMENTS:**

The Health Department has no objection to a dwelling less than 900 sq.ft. At the time of this request the Health Department has not issued a septic permit.

**HIGHWAY DEPARTMENT'S COMMENTS:**

Access would be via a private road network that intersects with Route 340. VDOT has no objection to the request.

**SERVICE AUTHORITY'S COMMENTS:**

The request for a square footage less than what is required has no impact on the Service Authority.

For reference: There is an existing 6" waterline along Lake Drive across from the subject parcel. There is no public sewer available in the area of the subject parcel.

**ENGINEERING'S COMMENTS:**

This activity would require issuance of a Single Family Agreement-in-lieu of a plan for erosion and sediment control in accordance with the Environmental Ordinance.

**STAFF RECOMMENDATIONS**

The applicant is requesting to place a 14' x 30' (420 square foot) manufactured home on the vacant lot. The current Zoning Ordinance prohibits dwellings less than nine hundred (900) square feet unless a Special Use Permit is obtained. The applicant lives alone and feels a smaller home would be more appropriate for her.

The building site is located on a private lane in a wooded neighborhood and there are other smaller dwellings within close proximity. If the Board feels the request would not be out of character with the rural area and desires to approve the request, staff would recommend the following conditions:

**Pre-Conditions:**

None

**Operating Conditions:**

1. Applicant obtain all necessary permits and provide a copy to Community Development.
2. The dwelling be a minimum of 420 square feet.

**PROPERTY OWNER:**

McNett Cattle, LLC

Agenda Item # 4F  
Date 10/7/21

**APPLICANT:**

Austin McNett, agent for McNett Cattle, LLC

**LOCATION OF PROPERTY:**

703 Humbert Road, Crimora

**SIZE OF PROPERTY:**

63.765 acres

**VICINITY ZONING:**

General Agriculture surrounds the entire parcel

**PREVIOUS ZONING OR S.U.P.:**

12/95 Zoned General Agriculture

**LAND USE MAPS:**

Agriculture Conservation Area

**UTILITIES:**

Private well and private septic

**APPLICANT'S JUSTIFICATION:**

To have retail and wholesale sales of meat, mineral and feed

**PLANNING COMMISSION'S COMMENTS:**

No comments.

**BUILDING INSPECTOR'S COMMENTS:**

After review, our office has no conditions.

**HEALTH DEPARTMENT'S COMMENTS:**

Applicant stated there would be no employees and the building does not have a bathroom. Since the applicant resides at the property the Health Department has no issues as long as there are no employees and the county does not require bathrooms for customers. The applicant is advised to contact the Virginia Department of Agriculture regarding the sale of meat.

**HIGHWAY DEPARTMENT'S COMMENTS:**

The existing entrance on Humbert Road does not meet sight distance requirements for a low volume commercial entrance based on the statutory legal speed limit of 55 mph for an unposted roadway. However, the entrance can be designed based on the 85th percentile operating speed, which may be more favorable. This speed sample can be collected by a Professional Engineer of the applicant's choice; otherwise, VDOT does

offer the service of collecting speed samples on a first come first serve basis. VDOT recommends that the request be delayed until the design speed is verified.

**SERVICE AUTHORITY'S COMMENTS:**

There is no public water or sewer available in the area of the subject parcel.

**ENGINEERING'S COMMENTS:**

Activity appears to be less than 10,000 sf. No permit required as long as cumulative land disturbance and impervious areas associated with the activity are less than 10,000 sf. If additional impervious areas are added in the future, impervious area associated with special use permit activity will be calculated back to 1990 based on documentation available and 1991 aerial photography.

**SECTION 25-74B – AGRICULTURE SUPPORT BUSINESSES**

**The business is reasonably related to agriculture or forestry use. Examples of such businesses are those which involve (a) the processing of agriculture or forestry products, (b) the supply and maintenance of equipment, tools, and facilities used in agriculture and forestry production, (c) the care and feeding of animals generally, or (d) the marketing of agriculture and forestry products.**

The applicant will be selling meats, feed and minerals within an existing building on the property.

**Traffic generated by the proposed project will be compatible with the roads serving the site and other traffic utilizing said roads.**

VDOT comments state the entrance does not meet sight distance requirements and will need some modifications.

**On-site traffic flow will adequately and safely accommodate all traffic to and from the public highways.**

The sixty-three (63) acre parcel should adequately and safely accommodate all traffic to and from the public highways.

**The business and anticipated enlargements thereof will be appropriate for agriculture areas.**

A small retail sales operation of farm related products should be appropriate for the agriculture area.

**Setbacks for proposed structures and facilities will be sufficient to protect neighboring properties.**

The existing buildings meet setback requirements.

**The permitting of the proposed business, when taking into account the presence of similar businesses in the neighborhood, will not result in such concentration or clustering of businesses as to create a business center or otherwise change the area's character and social structure.**

The permitting of a small retail operation selling farm products should not result in the clustering of similar businesses or create a business center.

### **STAFF RECOMMENDATIONS**

The applicant is requesting to use an existing building on the property to sell packaged meat, feed and minerals. The cattle are raised onsite and processed offsite and brought back to the farm packaged and ready for sale. The mineral and feed will be delivered to the site pre-packaged and will be stored and delivered to customers when purchased.

The applicant farms the property and resides onsite. There will be no employees and the hours of operation will be 6:00 p.m. to 8:00 p.m. Tuesday and Thursday, and 9:00 a.m. to 5:00 p.m. on Saturday. The applicant will also have by appointment hours if needed.

Staff feels a small butcher shop and feed and mineral sales would be compatible with the area and would be a benefit to the neighbors. Therefore, staff recommends approval with the following conditions:

### **Pre-Conditions:**

1. Obtain letter of approval from VDOT and provide a copy to Community Development.
2. Obtain a letter of approval from the Virginia Department of Agriculture for the sale of meat.

### **Operating Conditions:**

1. No employees other than family members.
2. Hours of operation be Tuesday, Thursday 6:00 p.m. to 8:00 p.m. and Saturday 9:00 a.m. to 5:00 p.m. and by appointment Monday, Wednesday, and Friday.
3. No Sunday operation.
4. Site be kept neat and orderly.



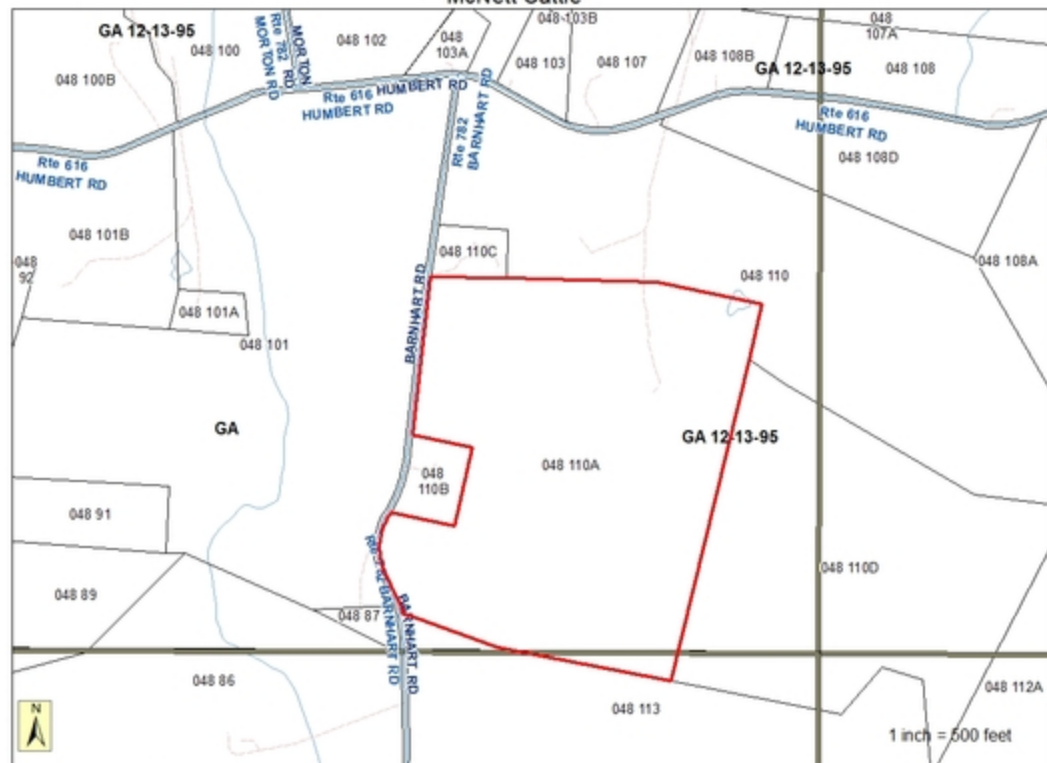
McNett Cattle



1 inch = 500 feet



# McNett Cattle

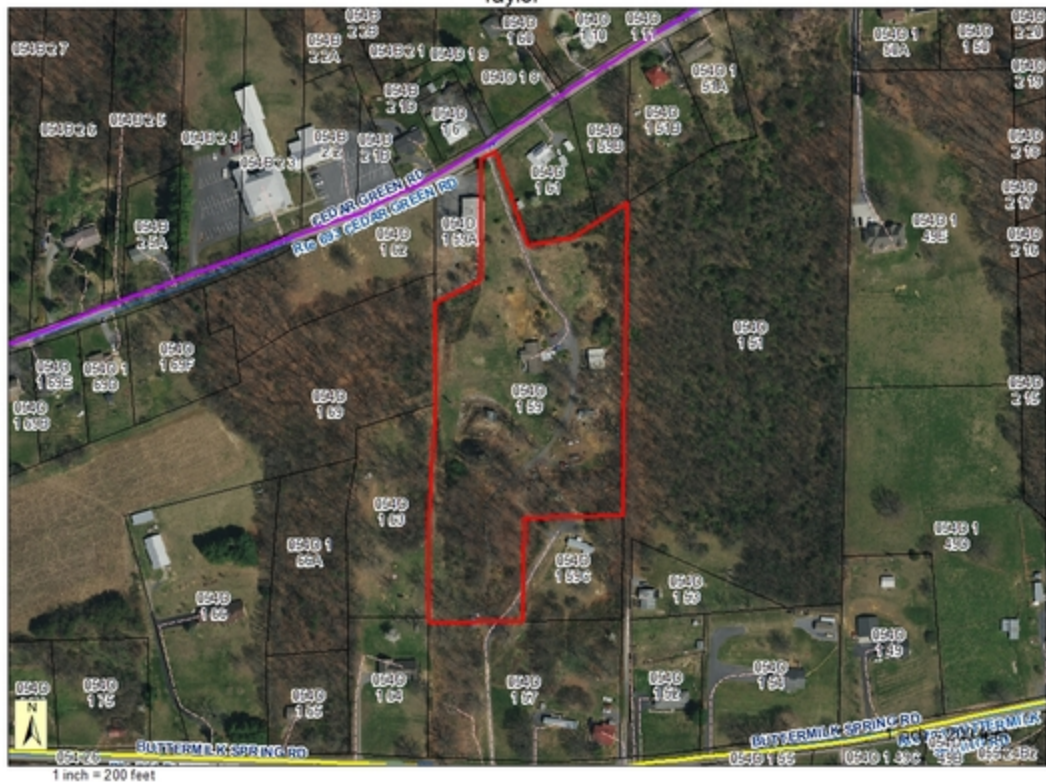


1 inch = 500 feet





# Taylor



40' goose-neck trailer spread made - no other storage

Taylor



Taylor







**PROPERTY OWNER:**

Michael H. Taylor

Agenda Item # 4G

Date 10/7/21

**APPLICANT:**

Joseph Patterson

**LOCATION OF PROPERTY:**

324 Cedar Green Road, Staunton in the Pastures District

**SIZE OF PROPERTY:**

7.45 acres

**VICINITY ZONING:**

General Agriculture and Single Family Residential to the north and General Agriculture to the south, east and west

**PREVIOUS ZONING OR S.U.P.:**

12/95 Zoned General Agriculture

**LAND USE MAPS:**

Community Development Area – Low Density Residential

**UTILITIES:**

Public water and private septic

**APPLICANT'S JUSTIFICATION:**

To have outdoor storage of a 40' trailer for a hauling business

**PLANNING COMMISSION'S COMMENTS:**

No comments.

**BUILDING INSPECTOR'S COMMENTS:**

After review, our office has no conditions.

**HEALTH DEPARTMENT'S COMMENTS:**

The Health Department has no issue with the request.

**HIGHWAY DEPARTMENT'S COMMENTS:**

The existing entrance is not large enough to serve a 40' trailer without impacting other lanes of traffic on Cedar Green Road. VDOT recommends that the applicant consult with a Professional Engineer to run an auto-turn analysis to determine the minimum size entrance required. It is unclear whether there is enough property frontage to make the necessary improvements to the entrance.

**SERVICE AUTHORITY'S COMMENTS:**

The proposed outdoor storage has no impact on the Service Authority.

For reference: 324 Cedar Green Road is a current Service Authority water only customer. There is an existing 8" waterline along Cedar Green Road across from the subject parcel. There is no public sewer available in the area of the subject parcel.

**ENGINEERING'S COMMENTS:**

Activity appears to be less than 10,000 sf. No permit required as long as cumulative land disturbance and impervious areas associated with the activity are less than 10,000 sf. If additional impervious areas are added in the future, impervious area associated with special use permit activity will be calculated back to 1990 based on documentation available and 1991 aerial photography.

**SECTION 25-741 - LIMITED BUSINESSES AND INDUSTRIES IN AGRICULTURE ZONES**

**Where outside storage is not prohibited, all outside storage areas will be adequately shielded or screened from view.**

The property is wooded and the applicant feels no further screening will be needed.

**The operator will be a resident on the premises unless the board of zoning appeals determines that such residency is not appropriate in the specific case, taking into account the nature of the business and the character of the neighboring properties.**

The applicant does not reside on the premises. The property belongs to his father.

**The business and anticipated enlargements thereof will be appropriate for agriculture areas.**

Businesses are more appropriate in business zoned areas, however, the outdoor storage of one (1) gooseneck flatbed trailer should be appropriate for the agriculture area.

**The business shall have direct access on to a state maintained road and approval by the Virginia Department of Transportation or the expected traffic on a private road or easement can be accommodated by the access proposed.**

The property has direct access to Cedar Green and to Buttermilk Spring Road via easement. VDOT comments state the existing entrance onto Cedar Green is not adequate.

**On-site traffic flow will adequately and safely accommodate all traffic to and from the public highways.**

The 7.45 acre site should safely and adequately accommodate all traffic to and from the public highways.

**Only pre-existing structures will be utilized unless the board of zoning appeals finds that proposed new construction will be not only compatible with neighboring properties, but will also be a substantial benefit to neighboring properties.**

No structures will be utilized.

**Reasonable limitations are imposed on the enlargement or expansion of the business. Business structures larger than four thousand (4,000) square feet or accumulated expansions by more than fifty percent (50%) shall not be permitted unless the board finds that a larger structure or expansion is not only compatible with neighboring properties, but will also be a substantial benefit to neighboring properties.**

No expansions or enlargements are requested.

**Evidence that the business will be connected to public sewer or that an onsite sewage disposal system can be approved for the business use.**

There is an existing sewage disposal system onsite. The request is for outdoor storage only.

**There are adequate provisions set forth for the protection of fire, environmental and other hazards.**

The applicant has a fire extinguisher in the truck.

**All items displayed for sale or stored on site shall be set back at least twenty-five feet (25') from the edge of the pavement of any adjoining roads, and in no case shall a display or storage area be within the right-of-way of any road.**

The trailer is setback well over twenty-five (25') feet from the edge of pavement.

### **STAFF RECOMMENDATIONS**

The applicant is requesting to store his forty (40') foot gooseneck flatbed trailer used in his hauling business on the property. The applicant does not have adequate room on his property to store the trailer, therefore, he is requesting to utilize his father's property to store the trailer. The applicant hauls general freight and nothing will be brought back to the site. The trailer will be stored in a wooded area on the property. VDOT comments state the existing entrance is not large enough to serve a forty (40') foot trailer without impacting other lanes of traffic, and it is unclear without further analysis whether there is enough property to make necessary improvements. Due to these concerns, staff would recommend the Board table the request to give the applicant time to meet with VDOT to discuss options. However, if the Board desires to approve the request, staff would recommend the following conditions:

#### **Pre-Condition:**

1. Obtain VDOT approval and provide a copy to Community Development.

**Operating Conditions:**

1. Be permitted to store one (1) forty (40') foot gooseneck trailer in the designated area shown on the BZA sketch plan.
2. All natural vegetation remain to screen the outdoor storage area.
3. No employees.
4. No freight from the business to be brought to this site.
5. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
6. Site be kept neat and orderly.

Agenda Item # 44

Date 10/7/21

**PROPERTY OWNER:**

Margaret Mae Davison, Etal

**APPLICANT:**

Margaret Mae Davison, agent for Shared Solar HoldCo., LLC

**LOCATION OF PROPERTY:**

On a 10 acre tract of 90.78 acres on Route 626 northwest of Staunton located at 125 Berry Farm Road, Staunton in the Beverley Manor District

**SIZE OF PROPERTY:**

90.78 acres

**VICINITY ZONING:**

General Agriculture surrounds the entire parcel

**PREVIOUS ZONING OR S.U.P.:**

12/95 – Zoned General Agriculture

**LAND USE MAPS:**

Community Development Area – Low Density Residential

**UTILITIES:**

Public water available

**APPLICANT'S JUSTIFICATION:**

To install a 1 MW fixed tilt solar array on 10 acres to be tied into Dominion Energy per Virginia's Shared Solar Program – VA Code 56- 576 et seq.

**PLANNING COMMISSION'S COMMENTS:**

The Planning Commission unanimously recommended that the proposed Shared Solar HoldCo, LLC solar energy facility is in substantial accord with the Augusta County Comprehensive Plan or parts thereof.

**BUILDING INSPECTOR'S COMMENTS:**

After review, our office has no conditions.

**HEALTH DEPARTMENT'S COMMENTS:**

The Health Department has no issues with the request.

**HIGHWAY DEPARTMENT'S COMMENTS:**

The entrance serving the property has been previously permitted to be enlarged for a special use permit. This existing entrance is adequate to serve the proposed solar facility. Solar farms are expected to generate very little traffic at build-out.

**SERVICE AUTHORITY'S COMMENTS:**

1. Water and sewer capacities are not reserved until system adequacy is determined (supply, treatment, transmission) and payment of the connection fees has been received in accordance with Service Authority Policy. Augusta County Service Authority Policies and Procedures can be found at <http://www.acsawater.com/oppm>.
2. Any engineering evaluations and upgrades or extensions would be the responsibility of the owner/developer and are subject to Service Authority review and approval.
3. Investigation of available fire flow is recommended to ensure that the system is capable of providing the needed fire flow to comply with Chapter 24 of the Augusta County Code requirements for the proposed use of the property. Any upgrades or extensions would be the responsibility of the owner/developer and are subject to Service Authority review and approval.
4. There is an existing 8" waterline running along Berry Farm Road fronting the subject parcel.
5. There is no public sewer available in the area of the subject parcel.

**NOTE:** These comments do not include any analysis concerning Augusta County's Comprehensive Plan or the potential economic impact to the Augusta County Service Authority. Those comments were addressed to the Augusta County Board of Zoning Appeals and the Augusta County Planning Commission under separate cover.

**ENGINEERING'S COMMENTS:****Environment Ordinance Considerations**

The county will consider all areas under panel to be impervious, though we will consider site specific calculations demonstrating some level of infiltration and/or treatment of runoff in the area underneath of the panels and surrounding areas.

This property drains to Lewis Creek which is listed on the Virginia DEQ 2008 Impaired Waters List. This impaired segment extends from south of the Staunton City boundary near the power line crossing downstream to its confluence with Middle River. The impaired uses are recreation, aquatic life and fish consumption, the specific impairments are E. coli, General Benthics standard, and PCBs in fish tissue. The sources are municipal (Urbanized High Density Area), non-point sources, and wildlife other than waterfowl for the E. coli impairment, non-point sources for the benthic impairment, and inappropriate waste disposal and municipal (Urbanized High Density Area) for the fish consumption impairment. TMDLs are approved for the bacterial and benthic impairments and must be considered by the applicant.

(Federal TMDL ID # 7677 for bacteria and TMDL ID # 7676 for benthics)

Additionally, the Augusta County Comprehensive Plan lists the Lewis Creek watershed as a Priority Watershed for Groundwater Protection due to the presence of karst features and the location of Source Water Assessment Program zones. While infiltration BMPs may not be advised due to the prevalence of karst, it is recommended that water quality treatment be provided onsite vs. purchasing offsite credits.

#### Overlay Ordinance Considerations

This property lies within Area 2 of the Source Water Protection Overlay (SWPO) District. All provisions of the Source Water Protection Ordinance (SWPO) must be satisfied. Additionally, for Source Water & Recharge Areas, the Comprehensive Plan recommends restriction of land uses that pose a contaminant threat. Additionally, stormwater practices that infiltrate or can contaminate groundwater should be avoided. Water quality treatment and revegetation are recommended.

This property lies outside of the Airport Overlay District (APO), Floodplain Overlay (FPO) Ordinance and Urban Service Overlay Districts (USO).

#### Subdivision Ordinance Considerations

§21-9.1 Subsection B of the County Subdivision Ordinance addresses street layout and access to adjacent property. Development is required to connect to existing or planned streets and must also provide for access to adjacent property that is located with areas designated in the Comprehensive Plan as Urban Service or Community Development Areas.

#### Natural Resources Recommendations from the Comprehensive Plan

The Augusta County Comprehensive Plan recommends performance standards to protect natural resources. For Community Development Areas, a riparian buffer of 35 feet on either side of a stream is encouraged, and stormwater should not be piped through in a manner to short-cut the buffer. Additionally, floodplain areas should have no habitable structures, but should instead be utilized for greenways & recreation areas.

In Community Development Areas, the Comprehensive Plan recommends avoidance of slopes >25%, especially associated with stream valleys.

For Source Water & Recharge Areas, the Comprehensive Plan recommends preservation of open space to the extent feasible and restriction of land uses that pose a contaminant threat. Additionally, stormwater practices that infiltrate or can contaminate groundwater should be avoided, water quality treatment and revegetation are recommended, and enhanced onsite sewage disposal systems should be utilized.



## **COMPREHENSIVE PLAN CONSIDERATIONS:**

### **Objective C: Encourage distributed solar and carefully sited utility scale solar as a means of achieving renewable energy goals.**

***Policy 1: Economy. Recognize the employment opportunities, especially for distributed solar, and economic diversification opportunities that utility scale solar provide.***

STAFF ANALYSIS: It is unknown whether or not construction and maintenance jobs will be filled with a local workforce. Local economic impacts are more likely to be felt through the purchase of other goods and services, such as construction materials; however, due to the small size of the project, any direct impacts to the local economy will likely be minimal at best. The landowner will be able to diversify their income with the additional revenue that comes from leasing 10 acres of land for a solar energy facility. The entire project will also be part of Dominion Energy's Shared Solar Program if constructed. Through this program, Augusta County residential customers might be able to benefit from increased opportunities to purchase renewable energy as their electricity source at lower rates.

It is important to note that per Virginia State Code, solar energy facilities under 5MW are eligible for an exemption from state and local taxation. However, if the proposed facility is in the portion of the property that is in the land use assessment program, rollback taxes will be required to be paid to the County on the approximately 10 acres that will be removed from assessment. If the Special Use Permit is approved, the Commissioner of the Revenue will determine whether the remaining 80 acres of the property will be subject to removal from land use assessment and subsequent rollback taxation as well, based on compliance with the requirements of the land use program.

***Policy 2: Rural viewsheds. Desire to maintain rural viewsheds and agriculture as a predominant component of our economy, but sees synergy among agricultural and rural land development and utility scale solar development so long as the clustering, size, or fragmentation of such facilities does not have undue adverse impact on the surrounding neighborhoods.***

STAFF ANALYSIS: Staff does not consider this property to be a rural viewshed, due to the proximity of the property to the City of Staunton and due to the fact that nearly the entire property and the majority of adjacent properties are heavily wooded. Clustering considerations do not apply, as there are no other existing or proposed solar energy facilities in the Beverley Manor magisterial district or otherwise within close proximity to the subject property. In addition, although properties on the north side of Berry Farm Road are characterized by residential development, the proposed project is set back over 800 feet from the public right of way and therefore will neither fragment existing

development patterns nor prevent any future residential development that may occur along Berry Farm Road during the life of the project. Please refer to Policies 6 and 7 for additional staff comments regarding the relationship between the proposed project and the character of the surrounding area.

**Policy 3: Agricultural landscape and economy. Siting of projects should evaluate the agricultural landscape of the project area and surrounding area to assess the effects of a project on the agricultural economy.**

STAFF ANALYSIS: The proposed project site is located on property that has historically housed passive agricultural operations. Based on a review of historical aerial imagery, it appears that agricultural production on the property has been minimal and primarily characterized by woodland growth. In addition, the project is located within a Community Development Area – designated by the County as the area where 10 percent of the County's future residential development should occur – which indicates that the County has already made a shift away from envisioning this property to remain in passive agricultural use. Therefore, based on the location of the property, as well as minimal agricultural production presently occurring on the property, staff projects that the effects of this solar energy facility on the greater agricultural economy of Augusta County would be nominal to nonexistent.

**Policy 4: Prime farmland and Agricultural and Forestal Districts. Siting of projects in Agricultural and Rural Planning Policy Areas should consider the presence of prime farmland producing soils and/or adjacent Agricultural and Forestal Districts.**

STAFF ANALYSIS: Approximately 21 acres of the property is not located in land use; therefore, information about soil classes is not readily available. All of the remaining 69.78 acres of the property are located in land use and is classified as forest in good condition.

The majority of the property is identified as farmland of statewide importance, with a small portion of the property being identified as prime farmland. The area proposed to be covered with solar photovoltaic panels is entirely in area identified as either prime farmland or farmland of statewide importance. However, it is important to keep in mind that the proposed facility comprises ten acres of land that is not currently involved in agricultural production.

There are no Agricultural and Forestal Districts on the property or nearby.

**Policy 5: Visual impact. Siting of projects should take into consideration surrounding neighborhood developments and how visual impacts to those neighborhoods can be mitigated through appropriate buffers. Siting and design of projects should strive to utilize existing vegetation and buffers that exist naturally when adjacent to public rights of way or other adjacent property. In order to design and integrate buffers that succeed in mitigating the visual impact of a project on nearby development, projects should cover no more than 200 acres with photovoltaic panels.**

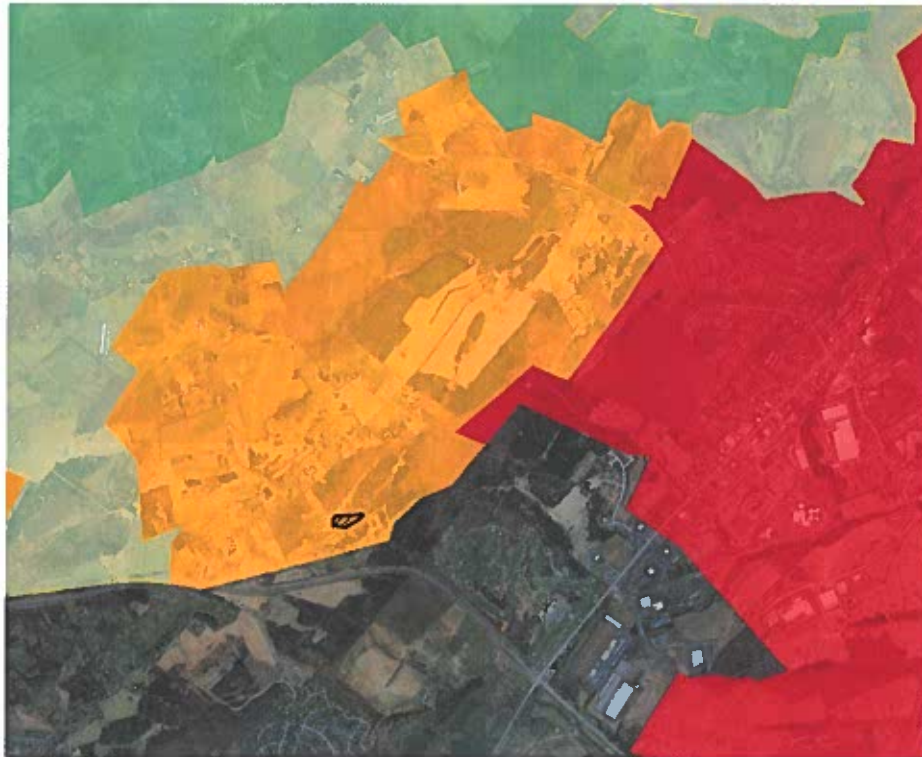
STAFF ANALYSIS: The proposed project is set back over 800 feet from the public right of way along Berry Farm Road at the bottom of a slope and is almost entirely surrounded by forested area. Staff has also visited the property and feels that visual impacts to the traveling public and residential dwellings along Berry Farm Road will be nonexistent. There is one residential dwelling located on the adjacent property to the west that will be located approximately 250 feet from the photovoltaic panel area; however, tree coverage in this particular area is less dense, leading to moderate visual impacts on this dwelling. The applicant has requested alternative compliance to the buffer provisions, arguing that the tree coverage on the property is sufficient in mitigating the visual impacts that arise from the presence of photovoltaic panels. This request will be reviewed in greater detail by the Board of Zoning Appeals during their public hearing for the Special Use Permit. However, based on staff's visit to the site, staff feels that a request for alternative compliance is appropriate for this project due to the large setbacks and dense tree coverage on the property.

This project only proposes to cover approximately 10 acres with photovoltaic panels. Staff acknowledges that compliance with acreage guidelines in this policy is therefore achieved.

**Policy 6: Balanced land uses. Desire to balance the utility scale solar land use with other important and valuable land uses for our citizens. The size/extent of projects should be considered in proximity to other developed land uses so as not to have undue adverse impacts on the existence of nearby developed residential, commercial or mixed use communities. The County strongly discourages projects that have a photovoltaic panel coverage of more than 200 acres, and projects should not site on non-contiguous parcels or in close proximity to existing solar facilities. Consideration of existing Augusta County Service Authority infrastructure should be made.**

STAFF ANALYSIS: The proposed project site is 10 acres; this is representative of 0.03 percent of all Community Development Area in Augusta County. This specific Community Development Area characterizes the geographical area north of Verona and the City of Staunton. This specific Community Development Area is approximately 2,050 acres, meaning that the proposed project would comprise 0.5 percent of this area.

The proposed project is located less than a mile from the Staunton city limits and in close proximity to the central and highly developed area of Verona. Staff has reached out to Staunton city staff for comment on this project; their staff had no major concerns with the proposed solar energy facility.



At only ten acres in size, the proposed project is far smaller than the 200 acre photovoltaic panel coverage limit recommended by the Comprehensive Plan. This project is also sited on a singular parcel, with no other proposed or approved solar energy facilities nearby. Staff therefore feels that compliance with this portion of Policy 6 is achieved.

Because this site has been designated by the Comprehensive Plan for future residential growth, the installation of a solar energy facility would potentially prevent the Augusta County Service Authority from generating revenue associated with public water customers for at least 25 years. The ACSA will be providing a separate report to the Planning Commission and Board of Zoning Appeals with more details about the potential economic impacts to their agency.

***Policy 7: Compact, interconnected development. Projects are strongly discouraged from siting partially or fully within Urban Service or Community Development areas in order to recognize the County's vision for compact, interconnected, and pedestrian-oriented residential and commercial development in these areas.***

STAFF ANALYSIS: The proposed project is sited in a Community Development Area. The County strongly discourages all solar energy facilities from siting in these areas.

***Policy 8: Open space. Support projects that seek to actively create opportunities and partnerships that provide for natural open spaces and outdoor recreational activities such as pedestrian corridors, wildlife watching areas, and fishing areas, especially in publically accessible land and rights-of-ways.***

**STAFF ANALYSIS:** The Berry Farm is a privately owned property located approximately one mile northeast of the subject property. This property is used for both public and private recreational use, including walking, picnicking, gardening, and wildlife watching. A solar energy facility on the subject property would not lead to adverse impacts on the Berry Farm property due to its inherently passive nature, location over a mile away from the Berry Farm property, and heavy screening provided by naturally forested area.

With the exception of the Berry Farm property, there are no other public recreation areas within close proximity to the park. There is no pedestrian or bicycle infrastructure along Berry Farm Road. Open space and the preservation of the existing natural landscape is created by setbacks that exceed ordinance requirements and compact orientation of photovoltaic panels.

**Policy 9: Interconnectivity.** For projects that are adjacent to public spaces or other planned developments, encourage projects that provide for trails and linkages to adjacent land planned for or already developed.

**STAFF ANALYSIS:** This project is located in a Community Development Area. The adjacent properties are a mix of heavily forested, rolling hills and low-density residential development. There is neither pedestrian infrastructure currently existing on Berry Farm Road nor plans at this time to invest in such infrastructure in the area. Based on the character and development pattern of the surrounding area, staff feels that considerations for interconnectivity do not apply to this project. Should pedestrian infrastructure ever be installed along Berry Farm Road, or should the remainder of the property or surrounding properties develop in a way that is consistent with the Comprehensive Plan Future Land Use map, interconnectivity for the proposed project could be revisited at this time. This would be best addressed as an operating condition of an approved Special Use Permit.

**Policy 10: Resource considerations.** Projects should be designed, sited, and constructed in a way that protects and preserves the County's natural, scenic, and cultural resources including:

**a. Streams, rivers, wetlands** – There is one stream running through the eastern portion of the property; it is located outside of the project area and staff does not feel it will be adversely impacted by the installation or presence of photovoltaic panels. There are no other water bodies on the property.

**b. Fertile soils** – This property has soils that have been identified as fertile. Please refer to Policy 4 for more information.

**c. Habitats** – Staff is unaware of any endangered or threatened species or any critical habitats on or near this property that would be adversely impacted by the presence of photovoltaic panels.

**d. Native vegetation** – Staff is unsure as to what type of ground cover, if any, would be planted beneath photovoltaic panels. Existing forested areas are proposed to be utilized as the project buffer to preserve the existing character of the natural landscape.

**e. Forests** – Nearly 70 acres of the property is classified as forested area. The area proposed to be covered with photovoltaic panels will lead to the loss of

approximately 10 acres of this area. However, the most densely forested area on the property will not be adversely impacted. The natural forested area should also serve to provide effective screening of the project from adjacent properties.

**f. Historical and archaeological resources** – Open data from the Virginia Cultural Resource Information System does not depict the presence of historical architecture or resources on the property. Staff is otherwise unaware of any historical and archeological resources on or near this property that would be adversely impacted by the presence of photovoltaic panels.

**Policy 11: Natural resource benefits.** The County sees value in projects that create additional natural resource benefits through the use of native vegetation, the creation of wildlife corridors, and the use of pollinator species in buffer areas and underneath panels.

STAFF ANALYSIS: Staff is unclear as to whether native plantings or pollinator species will be planted within the project area. The existing natural landscape is being integrated into the proposed buffer, and the far majority of forested area on the property will not be impacted either by the construction phase or the ongoing commercial operations phase of the project. Wildlife will be able to continue to move through the property due to the compact nature of the project and its location at the southwestern corner of the property.

**Policy 12: Clustering and colocation.** Support projects that site on contiguous parcels. Strong consideration should also be given to siting projects a reasonable distance away from existing solar facilities so as not to significantly alter existing community character or create undue adverse impact on nearby neighborhood development. Solar facilities that are sited on the same parcel or contiguous parcels, but are constructed in distinct phases, should be considered to be separate facilities for purposes of fully and accurately evaluating the potential impact on the surrounding community.

STAFF ANALYSIS: The proposed project is proposing to site on a singular parcel, and as far as staff is aware, there are no current plans to expand the project on either this same parcel or adjacent parcels. At the time of this staff report, there are no solar projects currently developed or approved for development in Augusta County. Considerations for clustering and colocation are therefore not applicable in evaluating this project. Staff therefore acknowledges compliance with this policy is met.

#### **PLANNING STAFF RECOMMENDATION:**

While the entirety of this property is located within a Community Development Area and planned for Low-Density Residential development, staff feels that development of the property in a manner compliant with the Comprehensive Plan is unlikely, primarily due to the topography of the property. The majority of impacts on adjacent properties should be minimal to nonexistent, due to the location of the project at the base of a slope on the southern portion of the property, heavily wooded areas on this property and adjacent properties, and a setback over 800 feet from the public right of way on Berry Farm Road. Staff therefore does not feel that the presence of a solar energy facility on the property would dramatically alter the character of the neighborhood or otherwise pose undue

adverse impacts on nearby development. The project is small in extent and seeks to be part of Dominion Energy's Shared Solar program, an initiative that proposes to have benefits that are more widespread and direct than simply sending energy generated by the facility back into the grid for general, unspecified use. While the property is characterized by fertile soils, agricultural production is very minimal, meaning a solar energy facility would not have a strong impact on the overall agricultural economy of the County.

Based on the evaluation of the relationship between the Augusta County Comprehensive Plan and the proposed Shared Solar HoldCo, LLC project, staff recommends that this project is in substantial accord with the Comprehensive Plan or parts thereof.

**PLANNING COMMISSION RECOMMENDATION:**

The Planning Commission recommended that the proposed Shared Solar HoldCo, LLC solar energy facility was in substantial accord with the Augusta County Comprehensive Plan or parts thereof, citing details from the staff report.

**SECTION 25-70.4 C - SMALL SOLAR ENERGY SYSTEMS**

**Setbacks.** All equipment and accessory structures associated with the small solar energy system shall be setback twenty five (25') feet from side and rear property lines and fifty (50') feet from the right of way of any public or private street, unless the Board of Zoning Appeals determines that a greater setback would more adequately protect adjoining land uses.

The applicant's site plan shows the proposed panels meet the required twenty-five (25') foot side and rear setback requirement and exceeds the required fifty (50') requirement from any public or private roads.

**Setback areas shall be kept free of all structures and parking lots.**

No structures or parking lots are within the setback areas.

**Setbacks shall not be required along property lines adjacent to other parcels which are part of the solar energy system; however, should properties be removed from the system, setbacks must be installed along all property lines of those properties remaining within the project and which are adjacent to a parcel which has been removed.**

No other parcels are requested.

**Ground-mounted systems shall not exceed fifteen (15) feet in height when oriented at maximum tilt.**

These are fixed tilt panels that do not exceed fifteen (15') feet in height.

**Site control.** The applicant shall submit documentation of the legal right to install and use the proposed system at the time of application.

The applicant submitted a lease agreement for the proposed site.

**Solar energy systems shall meet or exceed all applicable federal and state standards and regulations.**

The applicant meets all applicable federal and state standards and regulations.

**Signs. No signs or advertising of any type may be placed on the small solar energy system unless required by any state or federal agency.**

Warning signs and no trespassing signs will be placed on the fence. No other signs or advertising will be onsite.

**The applicant shall submit documentation that the design of any buildings and structures associated with or part of the solar energy system complies with applicable sections of the Virginia Uniform Statewide Building Code (USBC) (13VAC5-63). This requirement includes all electrical components of the solar energy system.**

The applicant will submit a site plan and obtain all necessary permits for the panels. No buildings are proposed.

**Any glare generated by the system must be mitigated or directed away from an adjoining property or from any road when it creates a nuisance or safety hazard.**

The applicant noted on the site plan that any glare generated will be directed away from any road or adjoining properties and will not be visible.

**The parcel shall have frontage on a state maintained road or the expected traffic on a legal right of way can be accommodated by the intersection with the state maintained road per approval by the Virginia Department of Transportation.**

The proposed site will be accessed by the landowners existing driveway.

**A buffer yard shall be provided and maintained adjacent to any property line, except those interior to the solar energy system, and landscaped per the Zoning Ordinance requirements. Structures and uses meeting the ordinance requirements are permitted in buffer areas.**

The applicant will be installing a security fence around the panels and existing vegetation and trees will be used for buffering.

**The buffer requirements may be modified by the Board of Zoning Appeals meeting the alternative compliance requirement in the Zoning Ordinance.**

The applicant would like to preserve the existing vegetation and trees as an alternative compliance requirement.

### **STAFF RECOMMENDATIONS**

The applicant are proposing a 1MW fixed tilt solar array on ten (10) acres of the ninety (90) acre parcel. The proposed location meets the required twenty-five (25') foot side and rear setbacks and is setback over eight hundred (800') feet from the public right of way along Berry Farm Road which far exceeds the required fifty (50') foot setback from public or private streets. There is one residential dwelling located on the adjacent property that is approximately two hundred fifty (250') feet from the panel area. The applicant has



requested alternative compliance to the buffer provisions arguing that the tree coverage on the property is sufficient in mitigating the visual impacts that arise from the panels. Based on Staff's review of the site, Staff feels the request for alternative compliance is appropriate for this project due to the large setbacks and dense tree coverage.

The Comprehensive Plan incorporates policies specific to utility scale solar facilities. Virginia State Code Section 15.2-2232 also states that the location, character, and extent of the proposed facility be considered during review. **The Planning Commission found the proposed solar facility to be in substantial accord with the Augusta County Comprehensive Plan or parts thereof and recommended approval of the Special Use Permit.**

If the Board feels the request would be compatible and not have a negative impact on the adjoining properties and approves the request, staff would recommend the following conditions:

**Pre-Conditions:**

1. Submit site plan meeting the requirements of Section 25-673 "Site Plan Contents," Section 25-70.4.C "Standards applicable to small solar energy systems," and Section 25-70.5 "Applications and Procedures for Small Energy Systems" of the Augusta County Zoning Ordinance to be approved by all appropriate departments and/or agencies.
2. The Facility shall not commence commercial operations until final site plan approval is first obtained from the Zoning Administrator or his/her designee, and all pre-conditions of approval have been met.
3. In consultation with site plan review, wetlands shall be inventoried and delineated, and no construction of panels or access roads shall be permitted within 35 ft. of the delineated wetland. All operations and infrastructure of the Facility shall additionally maintain a 35 ft. riparian buffer from all streams.
4. The Facility shall not obtain final site plan approval until evidence has been given to the County that an electric utility company has signed an interconnection agreement with the permittee.
5. Landscaping Plan. The Applicant shall submit a proposed landscaping plan for each perimeter of the Facility (outside all fenced areas) to the Zoning Administrator and/or his/her designee for review and approval as part of the full site plan, which shall be in general conformance with the landscaping plan submitted with the Concept Site Plan. The following conditions shall govern the installation of landscaping in accordance with the landscaping plan:
  - a. All landscaping shown on the landscaping plan shall be installed at the heights specified on the Concept Site Plan and shall be in good condition prior to the commencement of commercial operations.
  - b. In the event that the Applicant requires a minor deviation from the approved landscaping plan or full site plan, such deviation shall be provided on a revised

plan sheet for review and approval by the Zoning Administrator and/or his/her designee. Minor deviations shall not include changes to the proposed install heights.

- c. In areas where there is an existing timber buffer remaining on the Facility parcel that provides at least the equivalent buffer benefits as the buffer proposed on the Concept Site Plan, then the existing timber buffer shall be retained as the perimeter landscaping. Hand-clearing of trees within the existing timber buffer for purposes of safety or removal of dead trees is permitted, so as long as the Applicant plants appropriate replacements in accordance with ordinance standards. All existing timber buffers, which may require supplementation with planted trees or shrubs if the existing buffer consists of a relatively thin block of trees or lacks significant understory, are subject to review and approval by the Zoning Administrator and/or his/her designee. The use of existing timber and natural screening is preferable.
  - d. In areas where sufficient existing timber does not remain, the landscaping requirements shall conform to the Concept Site Plan. The trees shall be planted during the appropriate time of year, subsequent to the completion of construction.
  - e. A surety agreement for landscape maintenance in a form acceptable to the County Attorney shall be submitted and approved prior to the issuance of any building permits. The amount of the surety shall be determined by an independent landscape architect selected and reasonably compensated by the Applicant but approved by the Zoning Administrator and/or his/her designee. The amount of the surety shall be equal to a reasonable estimate of the amount needed to establish, and following establishment, to maintain the landscaping required by the approved landscaping plan for two (2) years after initial installation. Once the landscaping has been successfully established, the surety amount will be reduced to that amount required for two (2) years of maintenance thereafter. The surety will be released only after decommissioning is complete.
  - f. All landscaping will be reviewed by the Zoning Administrator and/or his/her designee following installation, at one-year following installation, and as necessary thereafter to ensure the landscaping is being maintained.
  - g. The Applicant shall work with the County to identify the species that will provide the best aesthetic and environmental benefit, while also considering market availability.
  - h. The use of herbicides for perimeter landscaping shall be minimized to the greatest extent reasonably practicable.
6. Decommissioning Plan. Concurrent with the submittal of the final site plan, the owner of the Facility shall produce to the County a Decommissioning Plan as outlined in the Augusta County Code Section 25-70.10, as amended. Any structure or equipment associated with the Facility that is not operating for a continuous period of 12 consecutive months shall be subject to decommissioning, per Augusta County Code Section 25-70.10, as amended. Within 6 months of the date of abandonment or

discontinuation, the owner or operator shall complete the physical removal of the solar energy project and site restoration. This period may be extended at the request of the owner or operator, upon approval of the Board of Zoning Appeals. Periods during which the Site is not operational for maintenance, repair, or due to catastrophic events beyond the control of the Applicant, during which the Applicant works diligently to return the Site to full operating status, shall not trigger the Decommissioning requirements herein. The Applicant must provide written notice and evidence of the above to the Zoning Administrator during the period in which the Solar Facility is not fully operational. Such notice shall identify the last day on which the Site was fully operational. Regardless of the efforts of the Applicant to return the Solar Facility to full operational capacity, if the Solar Facility does not operate as a solar energy facility collecting and storing energy and transferring and distributing it to the Grid after the catastrophic event, for a period of two (2) years the Special Use Permit shall be rendered void and the Applicant shall commence Decommissioning no later than the 730th day after the last day the Site was fully operational.

7. Decommissioning Estimate. Concurrent with the submittal of the final site plan, the owner of the Facility shall produce to the County an estimate of the decommissioning costs as outlined in the Augusta County Code Section 25-70.10, as amended, and/or detailed below (the more stringent shall apply), by line item and the surety guaranteeing the payment of those costs and the decommissioning work. The estimate shall be signed and sealed by a third-party engineer licensed in Virginia. The decommissioning cost estimate shall include, at least, the following delineated by line item:
  - a. Total cost related to complying with all the decommissioning work required by this Special Use Permit.
  - b. Costs related to creating, maintaining, and re-stabilizing any construction entrances identified on the Property, with a separate line item for each such construction entrance, unless written waiver to the Board of Zoning Appeals is requested by the landowner.
  - c. Costs for mobilization.
  - d. Costs for removal and disposal of all materials, line itemed by category of facility. For example, "cost to remove conduit," "cost to remove panels," "cost to remove panel support structure," cost to remove inverters," etc.
  - e. Costs to de-compact soils and reestablish topsoil.
  - f. Costs to stabilize land disturbed by the decommissioning work.
  - g. Costs of trucking, hauling and equipment use.
  - h. Costs for removal of any landscaping in buffer zones, setback areas, or under panels
  - i. Costs of landfill fees associated with the disposal of commercial and industrial waste

- j. Costs of all labor and estimated man hours to perform the decommissioning work.
  - k. Costs must assume an increase in labor and equipment costs of two percent (2%) a year every year until the completion of decommissioning and must assume commencement of decommissioning after year thirty-five (35) of operation.
  - l. Costs must include a 25% contingency of the total estimate.
  - m. The certification of a third-party engineer licensed in Virginia affirming that the owner/operators' cost estimate is sufficient to satisfy the decommissioning required herein. The estimated amount for the salvaged materials shall not be part of the consideration in the decommissioning cost estimate.
  - n. Should the funds guaranteed for the Decommissioning Activities for any reason not be sufficient for the County to complete the Decommissioning Activities as allowed for herein and as set forth in the Decommissioning Plan, the Applicant shall be and shall remain liable to the County for the difference between the guaranteed funds and the amounts required to Decommission the Solar Facility and shall pay the difference to the County upon demand. The County shall not be liable to any party in any way for the funds drawn pursuant to the conditions set out herein and expended in relation to Decommissioning.
8. Decommissioning Bonding. Prior to the issuance of final site plan approval for the Facility, the applicant shall submit a bond, irrevocable letter of Credit, or other appropriate surety acceptable to the County in accordance with Augusta County Code Section 25- 70.11, as amended.
9. Panel Specification and Composition. At the time of site plan review the Applicant shall provide to the Zoning Administrator, a written panel specification disclosure document that includes the composition, toxicological information, and the physical and chemical properties of all of the solar panels, including coatings, being utilized for the Facility. The Applicant shall utilize crystalline solar panels for the Project. The Applicant shall not utilize any panels that of the type known as thin-film panels, including but not limited to not utilizing panels manufactured with or coated using lead, the GenX chemical, amorphous silicon (a-Si), cadmium telluride (CdTe), copper indium gallium selenide (CIS/CIGS), organic photovoltaic cells (OPC) panels, and/or any other material prohibited by state or federal law for use in solar photovoltaic panels. Moreover, to the extent any panel utilized has a Safety Data Sheet associated therewith under 29 CFR 1910.1200(g) and its Appendix D, the Safety Data Sheet shall be disclosed, as well.
10. The Facility, including, but not limited to, all areas covered by photovoltaic panel, any and all landscape or fencing buffer areas, any and all setback areas, any and all support equipment, and any and all access roads, shall be removed from Land Use Assessment and therefore subject to a rollback tax paid to the County for the difference between land use tax and the fair market value for each of the five most recent complete tax years. The remainder of the property not included in the Facility shall continue to meet current requirements for the County's Land Use Assessment program in order to remain included in the program, as

determined by the Commissioner of the Revenue upon approval of the Special Use Permit.

11. The applicant shall disclose to the Augusta County Service Authority if corrosion control systems are part of the Facility.

12. ACSA Infrastructure.

- a. Ground surface elevations shall not be changed, and no water shall be impounded over any existing water/sewer infrastructure without written consent of the Augusta County Service Authority.
- b. No panels and/or appurtenances, including fences and landscaping shall be installed within 20 feet each way of the centerline of any existing water or sewer main to ensure adequate space for future operations and maintenance.
- c. Where public water/sewer utilities are located on the same property as the Facility, the Service Authority shall have the right to utilize access roads constructed for the project or be provided with reasonable access to the utilities by truck.

13. The Applicant must obtain site plan approval within 12 months of the issuance of the Special Use Permit and shall substantially complete construction within 24 months of the issuance of final site plan approval. Notwithstanding the foregoing, the Board of Zoning Appeals may approve an extension of any deadline herein for good cause.

Operating Conditions of Approval:

1. This Special Use Permit ("Permit") is granted solely for the subject property for operation of a small solar energy system (the "Facility"). This Permit shall be binding on Shared Solar HoldCo, LLC and any successor-in-interest, including but not limited to any current or future owner, lessee, sub-lessee, and permitted assignee ("Applicant").
2. The Permit shall not be assignable by Shared Solar HoldCo, LLC to a third party absent the written consent of the Board of Zoning Appeals of Augusta County.
3. Any document memorializing or relating to the establishment of any successor-in-interest, e.g., lessee, sub-lessee, future owner, permitted assignee, etc., between Shared Solar HoldCo, LLC and any such individual or business entity, shall include a recital as to the existence of the Permit, and the duties and obligations of the third party and now successor-in-interest thereunder the Permit, to ensure that successors-in-interest are on written notice of the Permit and its terms and conditions. A copy of these conditions shall be recorded in the clerk's office of the Circuit Court for the County of Augusta, Virginia.
4. The Facility, including but not limited to, fence line boundary, access roads (unless otherwise required by VDOT), and setbacks (unless otherwise determined by the Board of Zoning Appeals), shall be constructed and operated in substantial conformance with the approved Concept Site Plan prepared by Secure Futures, dated June 18, 2021.
5. All bonding or posting of sureties for the project shall at all times be by and in the name of the owner of the Facility and its successors and assigns.

6. All non-operational, non-electrical site features along the perimeter of the Facility, such as landscaping and fencing, shall be properly maintained throughout the life of the Permit. Fencing shall be maintained in good repair and landscaping shall be maintained so as to provide the desired buffer benefits. Maintenance of such features shall be guaranteed by the surety agreement and surety as provided below. If the Zoning Administrator and/or his/her designee determines that site features identified are not being properly maintained, as described herein, then the Applicant shall be given a notice to remedy as is the standard zoning violation policy of Augusta County.
7. Setbacks, either as shown on the Concept Site Plan, or set by the Board of Zoning Appeals during their review, shall be measured from the property line and/or VDOT Right of Way to the fence line of the Facility.
8. The Applicant shall not add additional photovoltaic panel areas, change the entrance locations of access roads (unless otherwise required by VDOT in a written statement), or revise the height, placement, or design of landscaping buffer elements without prior approval by the Augusta County Board of Zoning Appeals.
9. The Zoning Administrator or any other parties designated by the Zoning Administrator shall be allowed to enter the property at any reasonable time to check for compliance with the provisions of this Permit, with at least 24 hours of advance notice and subject to the security, health and safety standards and regulations that apply to the Facility.
10. The Applicant shall preserve and maintain existing forest/vegetation where it serves to meet buffer standards or standards for alternative compliance as required by ordinance from adjacent property and public right of ways, and is not in conflict with the solar panels, as indicated on the Concept Site Plan. See 5.C and 5.D in the pre-conditions of this Special Use Permit.
11. All construction and decommissioning activities shall be limited to the hours of 8:00 a.m. to 8:00 p.m., Monday through Saturday, and will be prohibited on Sundays. These conditions shall apply to noise generated during the construction of the Facility and to any construction needed during replacement, repair, or maintenance activities during the ongoing operation of the Facility. Replacement, repair, and maintenance activities conducted at nighttime and not involving construction shall comply with all applicable noise standards.
12. The Facility shall not be lit during ongoing operations, unless as required by the Uniform Statewide Building Code. Lighting used during construction shall be downward facing and shall be located at least 500 feet from any adjacent residential property.
13. In the event that there is damage to adjoining properties as a result of ingress/egress of construction vehicles, the Applicant shall repair all damage in full prior to the commencement of commercial operations.
14. All solar panels shall use anti-reflective coatings.
15. All topsoil shall not be removed from the site.
16. The Applicant shall implement the following additional measures during construction:

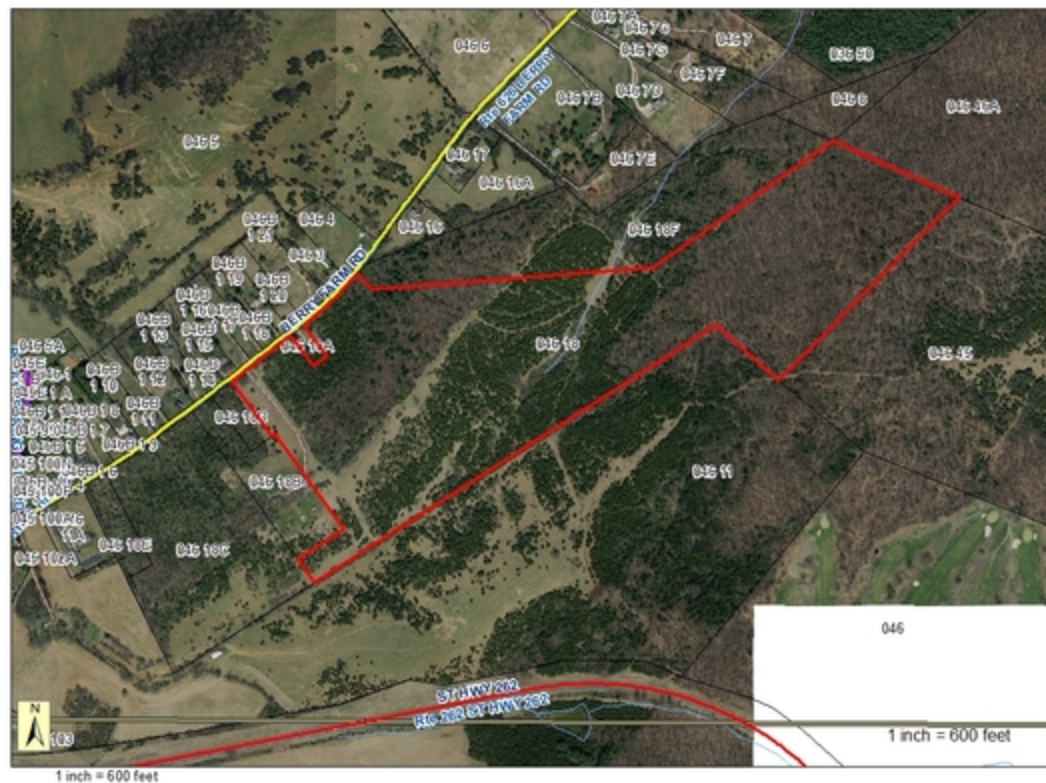
- a. Maintain all construction-related vehicles in good working order.
  - b. Designate a specific individual and provide that individual's name and contact information to the Zoning Administrator and/or his /her designee, to which questions, complaints, or concerns during construction may be directed.
  - c. Prior to the initiation of construction, mail a notice of construction activity to all property owners whose properties are adjacent to areas on which the Facility will be constructed. The notice shall summarize upcoming construction activities, describe the areas in which construction will occur, including the main routes of delivery, and provide the name and contact information of the Facility representative to whom any complaints, concerns, or comments may be addressed.
  - d. Provide adequate portable sanitation facilities that are located in a manner that facilitates ease of disposal but that are not within one hundred and fifty (150) feet of any property boundary of a parcel on which a home is located and whose owner is not participating in the Facility.
  - e. Prohibit any personnel associated with the construction of the Facility from overnight lodging at the site.
17. The construction protocol will be designed to ensure that ground cover is expeditiously established, and appropriate site stabilization achieved throughout construction, and the approved construction phasing plan shall be implemented during construction.
18. Any electrical wiring used in the system shall be underground except where wiring is brought together for inter-connection to system components and/or at the project substation and switchyard for interconnection the local utility power grid. Electrical distribution lines between the inverters and the point of interconnection shall be underground except where crossing creeks, floodplains, wetlands, and at the point of interconnection. Nothing in this condition shall prevent the ability to utilize underground boring technology.
19. The Applicant shall fund, for the period of construction and until the site has been revegetated, a certified third-party erosion and sediment control and stormwater inspector, to be selected and directed by the County Administrator and/or his designee. Such erosion and sediment control and stormwater inspection shall provide e-reporting to a central File Transfer Protocol (FTP) site to which the County's Program Administrator shall be granted access. Reports will be submitted no later than next day following any inspection and shall include the inspection report for each disturbed area of development. Site inspection and reports shall be conducted and reported at a minimum as required by the Virginia Stormwater Management Program ("VSMP") permit. Any corrective actions done in the field shall be e-mailed to the County's Program Administrator within 24 hours of completion.

20. This Permit shall be valid from the time of issuance and thereafter for a period of 30 years from the start of commercial operations of the Facility, which shall be the date on which the Facility first delivers non-test energy to the high-voltage transmission system, or until this Permit is lawfully terminated or terminated as a matter of ordinance or other law prior to the natural expiration date, whichever is sooner. At the end of the 30 year period, unless such period is otherwise extended by the Board, or unless decommissioning is required sooner pursuant to the conditions herein, the Facility shall be deemed to have reached the end of its lifespan and decommissioning shall begin pursuant to the conditions herein.
21. Solar Panels will be constructed, maintained, and operated in accordance with national industry standards and regulations including the National Electrical Code, International Fire Code of the International Code Council and the National Fire Protection Association Fire Code, as provided in Va. Code 15.2-2286. In the event of a conflict between the national industry standards and these Conditions, the national industry standards shall control.
22. Corporate Structure, Associations, and Information. Applicant and all successors-in-interest, including current and future owners, lessees, sub-lessees, and permitted assignees shall provide the Zoning Administrator, with a copy to the County Attorney, written notice of changes of ownership of the solar facility within thirty (30) days thereof.
23. Any substantial upgrades or changes made to the design or operation of the Facility that are planned shall be disclosed to the Zoning Administrator and/or his/ her designee at least ninety (90) days before the intended implementation of the upgrades or changes – except as provided herein. Any substantial upgrades and/or changes resulting solely from a bona fide emergency and force majeure event shall be disclosed no later than (sixty) 60 days thereafter.
24. Upon completion of the installation of the Facility, Shared Solar HoldCo, LLC shall establish contacts with Augusta County Fire Rescue and Augusta County Sheriff's Office and provide both with an emergency management plan.
25. Any infraction of the above-mentioned conditions, or any Zoning Ordinance regulations, may lead to a stop work order and revocation of the Special Use Permit by the Board of Zoning Appeals.

BE IT FINALLY RESOLVED that the Augusta County Board of Zoning Appeals' decision to approve this Permit is predicated on the Augusta County Board of Zoning Appeals' understanding that the above conditions the Augusta County Board of Zoning Appeals hereby imposes upon this Permit are valid, lawful, and shall apply to the approved use for the life of the use, provided, however, that if any provision of these conditions is determined by a court of competent jurisdiction to be invalid or unenforceable, the remainder of these conditions and this Permit shall nonetheless remain in full force and effect.

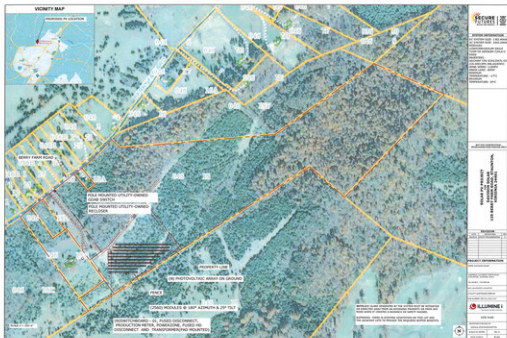


# Davison

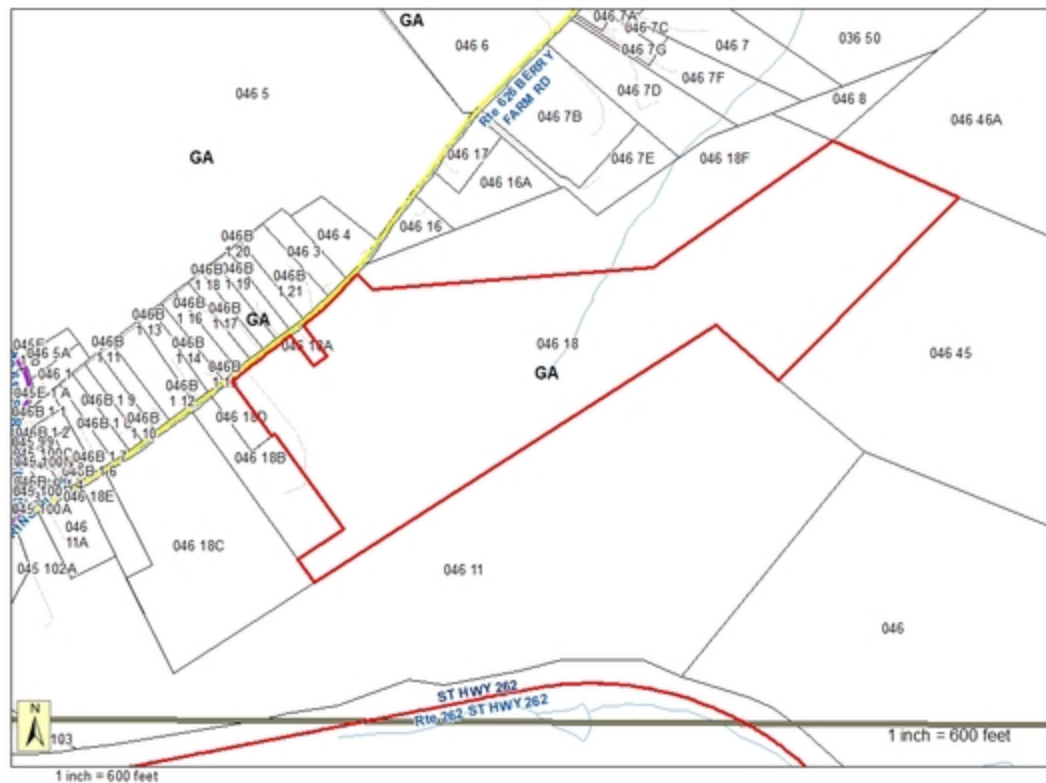


**Shared Solar HoldCo, LLC - Proposed Project Location**





# Davison





**PROPERTY OWNER:**

Kimberly A. Miller

Agenda Item # 5A  
Date 10/7/21

**APPLICANT:**

Randy Showalter

**LOCATION OF PROPERTY:**

105 Shulls Lane, Mount Solon in the North River District

**SIZE OF PROPERTY:**

8.312 acres

**VICINITY ZONING:**

General Agriculture surrounds the entire parcel

**PREVIOUS ZONING OR S.U.P.:**

12/95 Zoned General Agriculture

11/19 SUP approved for a motor vehicle repair operation and impound area

**LAND USE MAPS:**

Rural Conservation Area

**UTILITIES:**

Private well and septic

**APPLICANT'S JUSTIFICATION:**

A consideration to CANCEL the Special Use Permit for a motor vehicle repair operation and impound area

The Board has granted the applicant two (2) Extensions of Time to complete the pre-conditions of his Special Use Permit to have a motor vehicle repair operation and impound area. The last Extension of Time expired July 6, 2021, and the applicant has still not completed the pre-conditions and continues to operate illegally, therefore, staff recommends the Special Use Permit be **cancelled**.

**EXTENSION OF TIME REQUEST**

Agenda Item # 7A  
Date 10/7/21

**PROPERTY OWNER:**

Timothy D. or Tracy L. Cupp

**APPLICANT:**

Same

**LOCATION OF PROPERTY:**

279 Patterson Mill Road, Grottoes in the Middle River District

**SIZE OF PROPERTY:**

1.50 acres

**VICINITY ZONING:**

General Agriculture surrounds the entire parcel

**PREVIOUS ZONING OR S.U.P.:**

05/95 SUP approved to operate an electrical contractor business, construct a 24' x 24' building, and to have two (2) employees

12/95 Zoned General Agriculture

03/00 SUP approved to have six (6) employees and four (4) business vehicles

**LAND USE MAPS:**

Rural Conservation Area

**UTILITIES:**

Private well and septic

**APPLICANT'S JUSTIFICATION:**

To construct a 40' x 40' building to store business vehicles and materials for the existing electrical contractor business

**The applicant is requesting a one (1) year Extension of Time.**

Agenda Item # 7B  
Date 10/7/21

**EXTENSION OF TIME REQUEST**

**PROPERTY OWNER:**

Mary A. Witmer

**APPLICANT:**

Duane Witmer

**LOCATION OF PROPERTY:**

188 Coffman Road, Weyers Cave in the North River District

**SIZE OF PROPERTY:**

50.480 acres

**VICINITY ZONING:**

General Agriculture surrounds the entire parcel

**PREVIOUS ZONING OR S.U.P.:**

12/95 Zoned General Agriculture

01/16 SUP to have a concrete pumping business and to construct a new shop

**LAND USE MAPS:**

Agriculture Conservation Area

**UTILITIES:**

Private well and septic

**APPLICANT'S JUSTIFICATION:**

To have a concrete pumping business

**The applicant is requesting a one (1) year Extension of Time.**





**COUNTY OF AUGUSTA**  
COMMONWEALTH OF VIRGINIA  
DEPARTMENT OF COMMUNITY DEVELOPMENT  
P.O. BOX 590  
COUNTY GOVERNMENT CENTER  
VERONA, VA 24482-0590



**MEMORANDUM**

DATE: September 21, 2021  
TO: Sandra K. Bunch, Zoning Administrator  
FROM: Trey Duke, Zoning Technician  
SUBJECT: Special Use Permit Inspections

The following Special Use Permits issued in the month of **December 2020** have been inspected:

20-49	Randall Lee or Allison M. Fink
20-50	Dixie Gas and Oil Corp.
20-51	Kenneth Ray Bradley, Jr., Inc.
20-52	Kenneth Ray Bradley, Jr.
20-53	Monica L. Rutledge
20-54	Zane M. or Katherine P. Houff
20-55	SA Holdco, LLC

I have enclosed a copy of those reports with the action I have taken.

TD:bcw

## SPECIAL USE PERMIT INSPECTION REPORT

**NAME:** Randall Lee or Allison M. Fink

**Location:** 19 and 23 Corey Hill Lane, Staunton

\_\_\_\_\_  
\_\_\_\_\_

**Use:** To continue to have short term vacation rentals within the existing dwellings.

\_\_\_\_\_  
**Special Use Permit No.:** 20-49

**Date Approved:** 12/03/20

**Date Inspected:** 09/15/21

**Name of Person Inspecting:** Trey Duke

**1. Site plan requirements met (including VDOT entrance):**

Yes X No         

If no, explain: \_\_\_\_\_

\_\_\_\_\_  
**2. Stipulations met: Yes X No**

If no, explain: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**Action Taken:** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

## **SPECIAL USE PERMIT INSPECTION REPORT**

**NAME:** Dixie Gas and Oil Corp.

**Location:** 229 Lee Highway, Verona

\_\_\_\_\_  
\_\_\_\_\_

**Use:** To continue to have outdoor storage of three 30,000 gallon bulk fuel tanks  
previously approved.

\_\_\_\_\_  
**Special Use Permit No.:** 20-50

**Date Approved:** 12/03/20

**Date Inspected:** 09/15/21

**Name of Person Inspecting:** Trey Duke

**1. Site plan requirements met (including VDOT entrance):**

**Yes**   X   **No**         

**If no, explain:** \_\_\_\_\_

\_\_\_\_\_

**2. Stipulations met: Yes**   X   **No**         

**If no, explain:** \_\_\_\_\_

\_\_\_\_\_

**Action Taken:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## SPECIAL USE PERMIT INSPECTION REPORT

**NAME:** Kenneth Ray Bradley, Jr., Inc.

**Location:** 391 East Side Highway, Waynesboro

\_\_\_\_\_  
\_\_\_\_\_

**Use:** To have general outdoor storage of equipment and vehicles and to have  
trucking and towing business.

\_\_\_\_\_

**Special Use Permit No.:** 20-51

**Date Approved:** 12/03/20

**Date Inspected:** 09/15/21

**Name of Person Inspecting:** Trey Duke

**1. Site plan requirements met (including VDOT entrance):**

**Yes** \_\_\_\_\_ **No** X \_\_\_\_\_

**If no, explain:** \_\_\_\_\_

\_\_\_\_\_

**2. Stipulations met: Yes** \_\_\_\_\_ **No** X \_\_\_\_\_

**If no, explain:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Action Taken:** Send first notice regarding pre-condition.

\_\_\_\_\_

## SPECIAL USE PERMIT INSPECTION REPORT

**NAME:** Kenneth Ray Bradley, Jr.

**Location:** 839 East Side Highway, Waynesboro

\_\_\_\_\_  
\_\_\_\_\_

**Use:** To have a tree service business with storage of business vehicles and  
equipment.

\_\_\_\_\_  
**Special Use Permit No.:** 20-52

**Date Approved:** 12/03/20

**Date Inspected:** 09/15/21

**Name of Person Inspecting:** Trey Duke

**1. Site plan requirements met (including VDOT entrance):**

Yes X No           

If no, explain: \_\_\_\_\_

\_\_\_\_\_  
**2. Stipulations met: Yes X No**

If no, explain: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**Action Taken:** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

## SPECIAL USE PERMIT INSPECTION REPORT

**NAME:** Monica L. Rutledge

**Location:** 1808 Parkersburg Turnpike, Swoope

\_\_\_\_\_  
\_\_\_\_\_

**Use:** To amend operating conditions #3 and #4 of SUP#17-24 and #18-24 to increase number of attendees and weekends per month.

**Special Use Permit No.:** 20-53

**Date Approved:** 12/03/20

**Date Inspected:** 09/15/21

**Name of Person Inspecting:** Trey Duke

**1. Site plan requirements met (including VDOT entrance):**

Yes X No \_\_\_\_\_

If no, explain: \_\_\_\_\_

\_\_\_\_\_

**2. Stipulations met: Yes X No \_\_\_\_\_**

If no, explain: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Action Taken:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## SPECIAL USE PERMIT INSPECTION REPORT

**NAME:** Zane M. or Katherine P. Houff

**Location:** 2914 Lee Highway, Mount Sidney

\_\_\_\_\_  
\_\_\_\_\_

**Use:** To have weddings and special events.

\_\_\_\_\_  
**Special Use Permit No.:** 20-54

**Date Approved:** 12/03/20

**Date Inspected:** 09/15/21

**Name of Person Inspecting:** Trey Duke

**1. Site plan requirements met (including VDOT entrance):**

**Yes** X **No** \_\_\_\_\_

**If no, explain:** \_\_\_\_\_

\_\_\_\_\_  
**2. Stipulations met: Yes** X **No** \_\_\_\_\_

**If no, explain:** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**Action Taken:** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

# SPECIAL USE PERMIT INSPECTION REPORT

**NAME:** SA Holdco, LLC

**Location:** 256 and 348 Lake Road, Stuarts Draft

**Use:** \_\_\_\_\_ To continue the existing short term and extended stay campground and to  
continue to rent out for recreational use the two bedroom cottages, two (2) three bedroom  
cottages, fourteen (14) room lodges, and to continue to have a seasonal restaurant within  
the beach house.

**Special Use Permit No.:** 20-55

**Date Approved:** 12/03/20

**Date Inspected:** 09/15/21

**Name of Person Inspecting:** Trey Duke

**1. Site plan requirements met (including VDOT entrance):**

Yes     X     No           

**If no, explain:** \_\_\_\_\_

2. Stipulations met: Yes X No       

**If no, explain:** \_\_\_\_\_

**Action Taken:**