



Augusta County Board of Zoning Appeals
BZA Regular Meeting
Thursday, September 7, 2023 – 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 August 3, 2023 Minutes
08032023 BZA Minutes.doc
4. **PUBLIC HEARINGS**
 - A. A request by Brandon Turner, for a Special Use Permit to continue to have a landscape business on property owned by James W. Sizemore Family, LP, located at 2499 Lee Jackson Highway, Staunton in the Riverheads District.
sizemore aerial.jpg
sizemore site plan.jpg
sizemore tm.jpg
Sizemore.JPG
Sizemore2.JPG
Sizemore Staff Report.pdf
 - B. A request by Robert Rusmisl, for a Special Use Permit to have a lawn mowing business and storage of equipment on property owned by Vernon Lee Walker and Barbara R. Rowe, located at 77 Bradley Lane, Waynesboro in the Middle River District.
walker aerial.jpg
walker site plan.jpg
walker tm.jpg
Walker'.JPG
Walker Staff Report.pdf
 - C. A request by Brian D. Jamison and Kelsey R. Simmons, for a Special Use Permit to have a property management business with outdoor storage of commercial vehicles and equipment on property they own, located at 60 Shutterlee Mill Lane, Staunton in the Pastures District.
jamison aerial.jpg
jamison site plan 2.jpg
jamison site plan.jpg
jamison tm.jpg
Jamison.JPG
Jamison Staff Report.pdf

- D. A request by Ward H., Jr. and Jane B. Alford, for a Special Use Permit to amend Operating Condition #1 of SUP#12-29 to increase the number of licensed vehicles associated with the repair business on property they own, located at 3867 Stuarts Draft Highway, Stuarts Draft in the South River District.
alford aerial.jpg
alford site plan.jpg
alford tm.jpg
Alford.JPG
Alford Staff Report.pdf
- E. A request by Lindsey Nelson, agent for Shenvalee Solar, LLC, for a Special Use Permit for a 3 Mega Watt (alternating current) small scale solar energy facility within approximately 25 acres of fence enclosed site on property owned by Sherry Hockman Sumerlin, located south of Edgewood Lane, between Edgewood Lane and the railroad tracks in the Riverheads District.
sumerlin aerial.jpg
sumerlin site plan.jpg
sumerlin tm.jpg
Sumerlin.JPG
Sumerlin Staff Report.pdf

5. **OLD BUSINESS**

6. **MATTERS TO BE PRESENTED BY THE PUBLIC**

7. **MATTERS TO BE PRESENTED BY THE ZONING ADMINISTRATOR**

- A. 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. – **6 Month Extension of Time Request**
Davison Staff Report.pdf
- B. A request by John Rixey and Margaret Rennolds, for a Special Use Permit to place a dwelling less than 900 square feet on property they own, located in the southeast quadrant of the intersection of Frog Pond Road (Route 612) and Wolfs Ledge Lane, Staunton in the Pastures District. - **1 Year Extension of Time Request**
Rixey Staff Report.pdf
- C. A request by Laura Pittkin, agent for Kilbride International and Leasing, for a Special Use Permit to have a short term campground and to have weddings and other special events and motorcycle training and motorcycle trail riding on property they own, located at 273 Penmerryl Drive, Greenville in the Riverheads District – **6 Month Extension of Time Request**
Kilbride Staff Report.pdf

8. **STAFF REPORTS**

- A. Inspection Reports
inspection memo.doc
sepmtginsp.doc

9. **ADJOURNMENT**



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: August 31, 2023

SUBJECT: Regular Meeting and Viewing

The Regular Meeting of the Augusta County Board of Zoning Appeals will be held on **Thursday, September 7, 2023, 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 **9:30 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 **August** 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

August 3, 2023

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

ABSENT: Justine D. Tilghman

VIRGINIA: At the Called Meeting of the Augusta County Board of Zoning Appeals held on Thursday, August 3, 2023 at 8:30 A.M., in the County Government Center, Verona, Virginia.

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The staff briefing was held at **8:30 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:

- DOUGLAS WAYNE BROOKS, JR. - SPECIAL USE PERMIT
- AMMAD S. SHEIKH, AGENT FOR BARNSTABLE FARM HOUSE, LLC - SPECIAL USE PERMIT
- FRANCIS CHESTER, AGENT FOR CESTARI SHEEP AND WOOL CO. - SPECIAL USE PERMIT
- MARK KNICELY - SPECIAL USE PERMIT
- RYAN FLETCHER, AGENT FOR NETWORK TOWERS, 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

 Secretary

August 3, 2023

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

ABSENT: Justine D. Tilghman

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VIRGINIA: At the Regular Meeting of the Augusta County Board of Zoning Appeals held on Thursday, August 3, 2023, at 1:30 P.M., in the County Government Center, Verona, Virginia....

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MINUTES

Mr. Thacker moved that the minutes from the July 6, 2023, meeting be approved.

Mr. Bailey seconded the motion, which carried unanimously.

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DOUGLAS WAYNE BROOKS, JR. - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Douglas Wayne Brooks, Jr., for a Special Use Permit to have a landscaping business and storage of commercial vehicles and equipment on property he owns, located at 99 Rankin Lane, Stuarts Draft in the South River District.

Mr. Douglas Brooks stated I would like to park my excavator and skid loader in the garage. Nothing will be seen. I will not have any sales or employees coming to the site. This is a place where I can park my equipment.

Chair Coyner stated the Board visited the site this morning. Is the board fence the property line?

Mr. Brooks stated the fence is into the property about four (4') feet.

Chair Coyner asked do you do all of the work yourself?

Mr. Brooks stated yes.

Mr. Bailey asked if material would be brought back to the site?

Mr. Brooks stated no.

Mr. Thacker asked if trees will be planted at the site as screening?

Mr. Brooks stated I am not planning on planting trees but if I need to I can.

Mr. Glover stated the building is enclosed. All items will be kept inside.

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

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

Mr. Bailey stated this business should not have an impact on the neighbors and it will benefit the area. He moved to approve the request with the following conditions:

Pre-Conditions:

None

Operating Conditions:

1. Be limited to three (3) licensed company vehicles at the site.
2. All licensed commercial vehicles including trailers equipment be kept in the designated areas shown on the site plan adjacent to the building.
3. Be limited to three (3) pieces of equipment.
4. All equipment, machinery, and materials for the business be kept inside the 14' x 60' enclosed lean-to.

August 3, 2023

5. No refuse from the business to be brought to this site.
6. No employees other than family members residing in the home.
7. No Sunday work.
8. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
9. Site be kept neat and orderly.

Mr. Thacker seconded the motion, which carried unanimously.

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AMMAD S. SHEIKH, AGENT FOR BARNSTABLE FARM HOUSE, LLC - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Ammad S. Sheikh, agent for Barnstable Farm House, LLC, for a Special Use Permit to have a short term vacation rental on property owned by Barnstable Farm House, LLC, located at 604 Christians Creek Road, Staunton in the Beverley Manor District.

Chair Coyner asked how would you advertise?

Mr. Ammad Sheikh stated I would promote the rentals on Airbnb and Vrbo websites.

Chair Coyner asked if the caregiver lives in the small log cabin?

Mr. Sheikh stated yes. The property manager is onsite.

Chair Coyner asked if water gets over to the cabin?

Mr. Sheikh stated no. The cabin is high up and we have never had a problem.

Chair Coyner asked if the rentals will be normally over the weekends?

Mr. Sheikh stated mostly weekends.

August 3, 2023

Chair Coyner asked if the tenants will come from all over the area?

Mr. Sheikh stated yes and sometimes we do not even know where they come from.

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

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

Mr. Glover stated the Board visited the site this morning. This would not appear to be out of character with the area. He moved to approve the request with the following conditions:

Pre-Conditions:

None

Operating Conditions:

1. Be permitted to lease two (2) bedrooms in the dwelling for short term rental.
2. Maximum occupancy of the dwelling not to exceed six (6) persons per the Health Department comments.
3. The facility operator must reside on the adjoining parcel and be available when the property is rented.
4. Site be kept neat and orderly.

Mr. Bailey seconded the motion, which carried unanimously.

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DORCAS GALE - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Dorcas Gale, for a Special Use Permit to have an ice cream shop and retail sales of seasonal and novelty gifts within an existing building and to have weekly farmers market, food trucks, and outdoor storage of picnic tables on property owned by VBR Properties, LLC, located at 10 Purple Cow Road, Waynesboro in the Middle River District.

August 3, 2023

Ms. Dorcas Gale stated I would like to open the ice cream shop at Purple Cow.

Chair Coyner asked do you plan on operating yourself?

Ms. Gale stated yes but I will have two (2) people assisting with everything inside. I would like to operate the farmers market on Saturdays from 9:00 a.m. to 2:00 p.m.

Chair Coyner asked if the issues with the entrance have been worked out?

Ms. Gale stated I am currently working with VDOT. I called them and are waiting for a call back.

Chair Coyner asked would you like to get started soon?

Ms. Gale stated yes in the next couple of months.

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

Mr. Edwin Miller, 68 Millers Dam Lane, Waynesboro, stated it is a good idea to reopen the ice cream shop. There was a farmers market on the property previously. The cars were parked on Purple Cow Road and the area was congested. I hope that the applicant provides ample parking at the site.

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

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

Ms. Gale said I will speak to Mr. Miller regarding his comments about the parking and get more information.

Chair Coyner stated the SUP in 2015 was well received.

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

August 3, 2023

Pre-Conditions:

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

Operating Conditions:

1. Be permitted to have four (4) picnic tables in front of the building and a maximum of seven (7) tables located in the designated area shown on the BZA sketch plan and these tables shall not be left outside overnight.
2. Be permitted to have a food truck.
3. Be limited to two (2) employees.
4. Hours of operation be Monday – Saturday 9:00 a.m. to 9:00 p.m.
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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FRANCIS CHESTER, AGENT FOR CESTARI SHEEP AND WOOL CO. - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Francis Chester, agent for Cestari Sheep and Wool Co., for a Special Use Permit to have a special event facility and outdoor storage of a food truck on property owned by Cestari Sheep and Wool Co., located at 2570 Little Calf Pasture Highway, Swoope in the Pastures District.

Mr. Francis Chester stated the building is ideal for a community to gather for special events. The community needs something like this for special events. I would like to offer small events such as meetings or festivals. I would like to have the number that was requested for the events. I do not expect to have many people at the events even though

August 3, 2023

we have the capability. The entrance has been taken care of. The items that Mr. Wiseman asked, I hope to complete in the next couple of weeks in order to get my Certificate of Occupancy.

Chair Coyner stated the Board visited the site today. This is a nice facility. There is adequate parking.

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

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

Mr. Bailey stated the Board may want to reduce the number of events at the site.

Chair Coyner stated it has been our experience that it is best to limit the number of events. Staff is recommending fifty (50) events per year.

Mr. Chester stated if we were to rent the entire building, the site could be divided up and the upstairs would mostly be in demand. If I can only have fifty (50) events, I would lose out on the larger events.

Chair Coyner stated with large weddings fifty (50) could be demanding on the neighborhoods. Is fifty (50) not acceptable, would seventy-five (75) be fine?

Mr. Chester stated that would permit me to rent upstairs without having a major effect on the business. I plan on talking to the school to rent the site for senior proms since we are close to the high school.

Mr. Thacker stated fifty (50) small events and twenty-five (25) large events could be sufficient. We should differentiate the number of attendees also for each event.

Mr. Glover stated this is located in an Agriculture Conservation Area. This property does have other agriculture type uses.

Chair Coyner stated the Board needs to address the number of small/large events. This is an agriculture area. The applicant is selling wool at the farm.

Mr. Benkahla stated the Board should list a number in the conditions.

Mr. Thacker stated there should be fifty (50) events with fifty (50) attendees and twenty (20) events with a maximum of two hundred (200) attendees.

Chair Coyner asked if two hundred (200) people can be accommodated on the second floor?

Mr. Chester stated it would be two hundred (200) people for the entire place. I can accommodate one hundred fifty (150) downstairs and fifty (50) upstairs.

Chair Coyner asked if the downstairs would be cleared out?

Mr. Chester stated yes. When there is an event, I will clear the area out and move everything into totes into my office.

Chair Coyner stated this will be a benefit to the neighborhood.

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

Pre-Conditions:

1. Obtain DEQ approval that the existing sewage disposal system is adequate for the proposed use and provide a copy to Community Development.
2. Obtain VDOT approval and submit a copy to Community Development.
3. Obtain a Certificate of Occupancy for the existing building and submit a copy to Community Development.

Operating Conditions:

1. Be limited to fifty (50) events per year with a maximum of fifty (50) attendees per event and twenty (20) events per year with a maximum of two hundred (200) attendees per event.
2. No outdoor amplified music.
3. Applicant be on-site during events.
4. Events cease by 10:00 p.m. and everyone off the property by 11:00 p.m.

August 3, 2023

5. Site be kept neat and orderly.

Mr. Glover seconded the motion, which carried unanimously.

Ms. Bunch stated staff will need something from DEQ in writing that the septic can accommodate two hundred (200) people.

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MARK KNICELY - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Mark Knicely, for a Special Use Permit to have outdoor storage and rental of equipment on property owned by Milton J. or Mary Ann Knicely, located at 75 Freemason Run Road, Mount Solon in the North River District.

Mr. Mark Knicely stated I would like permission to park the mini excavator and skid loader at the site.

Chair Coyner asked if the client comes to the site to pick up or would the equipment be delivered to them?

Mr. Knicely stated most of the time I will deliver.

Chair Coyner asked how much equipment do you have?

Mr. Knicely stated I have two (2) now but I may get another in the future.

Chair Coyner stated if more equipment will be needed in the future, today is the day to ask so that you do not have to come back.

Mr. Knicely stated four (4) pieces of equipment would be fine.

Chair Coyner asked is it only you operating the business?

Mr. Knicely stated yes.

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

August 3, 2023

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

Chair Coyner stated the Board visited the site this morning. This is in the middle of a farm operation. We should approve staff's recommended conditions of four (4) pieces of equipment at the site so the applicant would not have to come back to expand.

Mr. Glover stated this is in an agriculture area. There will be equipment behind other farm equipment. This request would not be out of character with the area. He moved to approve the request with the following conditions:

Pre-Conditions:

None

Operating Conditions:

1. All outdoor storage of heavy equipment or lease be kept in the designated areas shown on the BZA sketch plan.
2. Be limited to four (4) pieces of equipment at this site and one (1) licensed gooseneck trailer used for the business
3. No employees besides family members residing on the property.
4. Hours of operation be 6:00 a.m. to 6:00 p.m., Monday – Saturday.
5. No Sunday work.

Mr. Bailey seconded the motion, which carried unanimously.

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RYAN FLETCHER, AGENT FOR NETWORK TOWERS, LLC - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Ryan Fletcher, agent for Network Towers, LLC, for a Special Use Permit to construct a 199' telecommunications tower on property owned by James Russell Brown (Life), located at 419 Trinity Point Road, Swoope in the Pastures District.

August 3, 2023

Ms. Lori Schweller stated I am here to represent Ryan Fletcher and Drew Patterson from Network Towers. I will present a Power Point Presentation to the Board (copy is in the file).

Chair Coyner stated the Board visited the site this morning. Are you planning on building the tower this year?

Ms. Schweller stated Network Towers plans on building the tower in 2024. We have a little bit more due diligence to get through if this is approved (NEPA and site plan).

Chair Coyner asked if the goings and comings are monitored and how often?

Ms. Schweller stated once the tower is constructed someone will come to the site 1-2 times a month to check the facility. This use will have very little traffic.

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

Mr. James Brown, 387 Trinity Point Road, Swoope, stated this will be on my property if approved. I reside on the family farm and have lived there for sixty (60+) years. Thank you for this opportunity. I would like to thank the neighbors who came out to support and ones that have complained about it. The Swoope area has several areas that do not have cell service. The service is very spotty at home. It may even take two hours for a text message to go through. This would help with my day to day operations on the farm. One time we lost a cell phone in the cattle field and the phone did not even ring when we were looking for it. We looked for two (2) hours and the next day looked some more. We finally found it and when we picked it up in the air we started to get the messages. I get missed calls because the service is spotty. If we point the phone four (4') foot in the air it did work. I am concerned with 911 calls. A tower in the area would be nice. This would have to be an improvement in coverage from what we have now. No area in Augusta County should be without cell service. Please pass this.

Ms. Sally Koch, 444 Trinity Point Road, Swoope, stated I live next door to the Browns and I am in favor of having the tower built. We have no internet service and there is only one area in the kitchen that has service. This is a safety issue and my husband is disabled and he has numerous medical appointments and many are video appointments. I have to take my husband to my work place so that we can do the video calls. Sometimes I do not get those calls or texts until two hours later. I have to use the internet and my cell service near my work which is so frustrating. There are safety issues of not having the coverage. We have horses and when we have had a horse down I cannot talk to the

August 3, 2023

veterinarian in the field because it is a dead zone with coverage. I have to go to the house and use the landline even though I should be in the field with the animals while talking to the veterinarian. Please let this happen. We have a place on Hatteras Island and we get the best coverage even with all of the hurricanes.

Mr. Edward Lovegrove, 2573 Parkersburg Turnpike, Swoope, stated I own two properties in the area. I also own 40 Hewitt Road. I am in favor of this. I would like to know that my phone works. We definitely need something in this area.

Ms. Monica Rutledge, 1808 Parkersburg Turnpike, Swoope, stated I own Valley Mills Farm which is a wedding and event venue. I moved to the farm in 2016. I had cell phone service before I moved. I had to get landlines at this site but in 2018 fiber was put in. The landlines do not even work well in the area sometimes when it rains. My phone goes to SOS at the entrance to my property. At the bottom of the house there is no cell service. The inconsistency and safety of this is huge. I have to go inside the house to call 911 if there were to be an issue. As a business prospective, I am all in favor of it and it is necessary and my clients will be able to use a cell phone. We are all in favor of it. There is no cell coverage in the area and it always goes to SOS and the call fails. This can improve the quality of life.

Mr. Alan Dodge, 81 Charlbrooke Lane, Swoope, stated I am opposed to the Special Use Permit for a 200' tower. Students have access to education opportunities and people work and shop from their home. Those activities are already going on. I live within $\frac{3}{4}$ of a mile and have never had an issue with the cell phone and internet. The vast majority are covered with adequate service. We saw a statistic from the presentation that 87% of 911 calls are made from cell phones which is proof that the coverage is adequate in the area. A lot of people do not even have home phones. I do not have a home phone and my closest neighbors do not have home phones. There is no evidence that RF waves do not cause health issues. If this was a well-established fact, then there would not be a need for the warning signs that are required to be installed as the project indicates. This is not necessary. This will depreciate property values by 10%. The location of the property is in the Pastures District where there is rolling pasture and beautiful views which the district is named after. If approved there will be a 200' tower stuck in the pasture field. Mr. Fitzgerald is in a welcome video that shows the Augusta County area with stunning natural views with rolling pastures and mountains. There is no cell tower in that panoramic view. The property values and aesthetics would be negatively impacted. There is no obvious and urgent public need for this tower at this location. Many residents that I have spoken with do not want it. I would urge the Board to disapprove this.

August 3, 2023

Mr. Joseph Draego, 163 Charlbrooke Lane, Swoope, stated I do not fault the Browns for trying to make money for renting their land for a tower. Verizon is also making money. I heard all wonderful things but they are all being done for a profit. I have a hot spot available and we have internet service. A hot spot is available to anyone that wants it. I have lived all over the world and the Shenandoah Valley is one of the most beautiful places on this planet but why would we trade this and spoil it by putting a tower up. By doing this you are making a deal with the devil. If there is lousy landline service, shame on the phone company because they should fix the landlines. I am forced to use a cell phone because in the subdivision they were not required to put in landlines. I hope you do not approve this so that we can maintain the natural beauty of the County. Please turn down the cell tower.

Mr. Mark Harman, 86 Trinity Point Road, Swoope, stated the coverage there is fantastic. I did not know that the service was lousy out there. I would ask the Board to take the time to research and evaluate it and table this. Aesthetically I do not want to see it where I live. I have never had calls drop. I do not want to see this. This is unnecessary.

Mr. William Woodland, 91 Trinity Point Road, Swoope, stated I submitted written comments in opposition. I would like to thank the Board for their time and compliment the staff on their report. The neighbor that surrounds me does have Verizon and they do have coverage. Mr. Brown and his family are excellent neighbors. The objection is to Verizon because they are not disclosing what is available. Verizon states they have adequate coverage available in the area on their website. Who is to certify that there is no facility? Verizon or the County's telecommunications consultant?

Ms. Bunch stated the County does send the request to our consultant and they said the coverage is lacking in this area.

Mr. Woodland stated we oppose this. Based on the need and on the Verizon published website saying that coverage is available, we are opposing this because of losing the pasture view of our property that we purchased in 2005. I heard of the potential for 5G coverage but there is no 5G coverage anywhere in Augusta County.

Mr. Charles Heaps, 4442 Morris Mill Road, Swoope, stated my wife and I purchased the property ½ mile north of where the proposed location of the cell tower. We have a panoramic view in this area and we look across beautiful pastures and the Alleghany and Blue Ridge Mountains. The placement of this tower will be in the center of that panoramic view. The tower will be taller than any of the trees. The trees are not tall enough to obscure it. Any other structures in the whole area are houses and barns. I am opposed to this based on the aesthetics and the negative impact on property values. A

potential buyer will look for something with a nice mountain view, not one with a tower in it. I am a Verizon customer and I do not have a landline. I have good coverage and the internet through Lingo is fine.

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

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

Ms. Schweller stated the applicant is Network Towers and the proposed tower is for Verizon Wireless and other carriers. I cannot count the number of times at public hearings that people talk about moving to a County and enjoying the beautiful views for which they do not have conservation easements complain because the locals want to get service. Western Virginia and the Shenandoah Valley along Route 29 and Interstate 81 has the worst coverage in the Verizon network. It is time to bring this area up to the state of the art coverage. It is not fair for people working in the fields on the farm, trying to call the vet, or making health care calls and scheduling appointments. You have to be able to communicate and you have to be able to have adequate coverage. The majority of the people who opposed this site live in a little cluster. This request was seen by the County's consultant. Some of the citizens cannot get a hot spot on their phone. If you do not accept our word, please accept your own consultant's word. A warning sign is required by the FCC and OSHA. There is an obvious and urgent need in this area for voice, data, and internet. Everyone appreciates the views but you still need to have cell service. The farmers need cell service for their agriculture operations.

Chair Coyner declared the public hearing closed. The Board visited the site today. The tower would be located in the middle of the field.

Mr. Glover stated there is a challenge when we get these type of requests. We have to look at the overall need and overall picture. Sometimes it is clearer than others and we cannot compare this to other permits in the past. We understand people's concerns. We have cell phone service because there is a tower nearby. It would be difficult to find another area that is more suitable to place a tower on. He moved to approve the request with the following conditions:

Pre-Conditions:

1. Submit site plan meeting the requirements of Section 25-673 "Site Plan Contents" of the Augusta County Zoning Ordinance to be approved by all appropriate departments and/or agencies including a complete Erosion and Sediment Control Plan and Stormwater Management Plan.

August 3, 2023

2. The applicant will submit all necessary information and a bond, irrevocable letter of credit or appropriate surety to comply with **Section 25-68.7 "Bonding"** of the Augusta County Zoning Ordinance within two (2) years.
3. The applicant will provide a copy of the Phase 1 NEPA/SHPO study and FAA Hazard Determination issued by the Federal Aviation Administration.

Operating Conditions:

1. Be permitted to construct a 195' monopole style telecommunications tower with a four (4') lighting rod.
2. Tower design will allow a minimum of three (3) additional co-locators.
3. The tower will **not be lighted**.
4. The fenced compound area be screened by a **double row of six (6') foot high staggered evergreen trees planted ten (10') foot on center, per section 25-68.6 of the Augusta County Zoning Ordinance**, and the trees be maintained at all times.
5. The applicant will notify the Augusta County Community Development Department within thirty (30) days of the date the tower is no longer used for telecommunications purposes. The tower shall be disassembled and completely removed including the concrete pad to a depth of at least three feet (3') below grade and all equipment, from the site within 180 days of such notification.
6. The applicant will not unreasonably deny the telecommunications providers the opportunity to co-locate on this tower.
7. The County will have the option of co-locating Public Safety communications equipment and antenna on this site for future growth and upgrade of the radio system, including law enforcement communications.
8. Construction of the approved project shall commence within two (2) years of final approval and be diligently pursued to completion.

Mr. Bailey seconded the motion, which carried unanimously.

August 3, 2023

Mr. Bailey stated the consultant has provided information on the request.

Chair Coyner stated we all use cell phones.

Mr. Thacker stated the Board has received emails that there is a need in the area for this in order to improve cell service.

Chair Coyner stated we experienced coverage issues when the Board visited the site today.

Mr. Glover stated I received a call while in the area and it was spotty.

Mr. Thacker stated coverage was fine one minute and not the next.

* * * * *

MATTERS TO BE PRESENTED BY THE ZONING ADMINISTRATOR

OLEG AND OLGA MAKITRIN - EXTENSION OF TIME REQUEST

A request by Oleg and Olga Makitrin, for a Special Use Permit to have a motor vehicle repair and body shop on property they own, located at 389 Coffman Road, Weyers Cave in the North River District.

Chair Coyner stated the applicant should not operate until the fence is complete.

Mr. Oleg Makitrin stated I thought when I was approved that I could operate. I quit my job to operate at the property. It is taking me a little longer to install the fence. My neighbor has offered to build the fence. I also work on my car and my family's vehicles. I close at 5:00 p.m. Some evenings I open my doors and the kids run around and play outside. Buffing the vehicles does not cause noise.

Chair Coyner asked how long will it take to install the fence?

Mr. Makitrin stated 60 or 30 days.

Chair Coyner stated time is of the essence. The fence should be installed right away to meet the deadline.

Mr. Glover stated until the fence is erected, the applicant should not continue to work.

August 3, 2023

Mr. Makitrin asked am I able to work on my vehicles?

Ms. Bunch stated when staff inspected the site, there were several vehicles onsite. The business is not supposed to operate at all. It is hard to differentiate what is business and what is personal.

Mr. Glover stated there cannot be any business related work until the fence is installed.

Ms. Bunch stated there is no permit to operate at the site until you meet all of the pre-conditions. That has to be completed first. Until then you do not have the go ahead to work at the site.

Mr. Makitrin stated I will do my best to get this done faster.

Ms. Bunch stated the quicker you get the fence up, the quicker you can operate the business. If you continue to work and be in violation, the Board can cancel your permit.

Mr. Thacker moved to approve a sixty (60) day Extension of Time.

Mr. Bailey seconded the motion, which carried unanimously.

* * * * *

PAT HASTINGS, AGENT FOR WAYNESBORO BRIDGE SOLAR, LLC - EXTENSION OF TIME REQUEST

A request by Pat Hastings, agent for Waynesboro Bridge Solar, LLC, for a Special Use Permit to use a forty (40) acre portion of the parcel as a small solar energy system on property owned by HW Farms, LLC located at 532 Old White Bridge Road, Waynesboro in the Wayne District.

Ms. Bunch stated the site plan has been approved but they need a little more time.

Mr. Bailey moved to approve a three (3) month Extension of Time.

Mr. Glover seconded the motion, which carried unanimously.

* * * * *

August 3, 2023

AUGUSTA CSG, LLC (DIMENSION RENEWABLE ENERGY) – EXTENSION OF TIME REQUEST

A request by Augusta CSG, LLC (Dimension Renewable Energy), for a Special Use Permit for a 3.88 MW small scale solar energy facility on approximately 12 acres of an approximately 50 acre parcel on property owned by Thomas Henry Curd, located southeast of Long Meadow Road (Route 608) and approximately 0.1 miles north of the intersection of Fishersville Road (Route 641) and Long Meadow Road, Fishersville in the Wayne District.

Mr. Glover moved to approve a three (3) month Extension of Time.

Mr. Bailey seconded the motion, which carried unanimously.

* * * * *

STAFF REPORTS

22-57	Jason William Hedrick
22-58	Kilbride International and Leasing
22-59	Ezequiel Romero
22-60	Noirin V. Quillen or Joshua K. Ellinger
22-61	Bruce L. or Candice E. Back
22-62	Michael R. or Cindy P. Hays
22-63	John Rixey and Margaret Rennolds

22-65	Christian R. Chew
22-66	Superior Plus Energy Service, Inc.
22-67	Philip H. or F. Josephine Henning
22-68	Mossy Creek Catering, LLC
22-69	Craig or Nichole Nargi

Ms. Bunch stated staff sent a letter for SUP#22-57 to complete the pre-conditions. The pre-conditions have now been completed and the permit was issued. SUP#22-58 have not completed the pre-conditions of their permit, therefore, staff sent them a letter. The applicant for SUP#22-59 has not completed the pre-conditions of their permit, therefore, staff sent them a letter. SUP#22-60, SUP#22-61, SUP#22-62 are all in

August 3, 2023

compliance. The applicants for SUP#22-63 have not completed the pre-conditions of their permit, therefore, staff sent them a letter and they will come before the Board next month for an Extension of Time. They did obtain their building permit but not their Certificate of Occupancy yet. Staff sent a letter regarding a violation of the operating conditions for SUP#22-65. SUP#22-66 is in compliance. SUP#22-67 was withdrawn. SUP#22-68 and SUP#22-69 were denied.

* * * * *

Ms. Keffer discussed the court cases with the Board.

* * * * *

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

* * * * *

Chair

Secretary

Sizemore



Aerial Imagery © 2001 Commonwealth of VA

1 inch = 100 feet

Sizemore



Aerial Imagery © 2001 Commonwealth of VA

1 inch = 100 feet





Agenda Item # 4A
Date 9/7/2023

PROPERTY OWNER:

James W. Sizemore Family, LP

APPLICANT:

Brandon Turner

APPLICANT'S REQUEST:

To continue to have a landscape business

LOCATION OF PROPERTY:

2499 Lee Jackson Highway, Staunton in the Riverheads District

SIZE OF PROPERTY:

1.52 acres

VICINITY ZONING:

General Agriculture to the north, south and west; General Agriculture and General Business to the east

PREVIOUS ZONING OR S.U.P.:

02/75 Garage and wrecker service

08/81 Used car lot, garage, and sell gas

10/84 Wholesaling and cleaning vehicles

04/85 Used car lot

03/88 General contractor – installing underground cable

10/92 SUP approved for welding and fabrication shop (issued non-transferable to Bobby Campbell)

06/05 SUP cancelled per property owner's request

09/07 SUP approved to have motor vehicle repair and a hazmat cleanup business

11/09 SUP approved to have a landscape and garden center

LAND USE MAPS:

Community Development Area – Low Density Residential

UTILITIES:

Private well and septic

PLANNING COMMISSION'S COMMENTS:

No comments.

BUILDING INSPECTOR'S COMMENTS:

After review, our office has no conditions.

HEALTH DEPARTMENT'S COMMENTS:

Please see Health Department comments from the previous approval, "Ok for 1-2 employees maximum with no public restrooms. Applicant states building is to have equipment and contractor sales by appointment only."

HIGHWAY DEPARTMENT'S COMMENTS:

VDOT has no objection to the request

AUGUSTA WATER'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 Augusta Water Policy. Augusta Water's 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 Augusta Water 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 Augusta Water review and approval.
4. There is an existing 12" waterline along Lee Jackson Highway across from the subject parcel. The property is not currently served by Augusta Water.
5. There is no public sewer available in the area of the subject parcel.

ENGINEERING'S COMMENTS:

Any new impervious area over 10,000 square feet added will require an E&S Plan.

SECTION 25-74I - 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.

Landscape block will be stored outside in the designated area on the BZA sketch screened by existing vegetation.

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.

No one resides on the property. The applicant lives within close proximity.

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

Businesses are more appropriate in Business zoned districts, however, this site has been used for several different types of businesses since 1975 and the landscape business has been there since 2009.

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 business has direct access to Route 11 (Lee Jackson Highway) which is State maintained.

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

The 1.62 acre site has safely and adequately accommodated all traffic to and from the public highways since 1975.

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.

The existing six (6) bay structure will be used to store the applicant's equipment. Licensed vehicles and trailers will be parked beside the building as shown.

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 onsite.

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

There are fire extinguishers inside the building and the commercial vehicles.

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 storage area is well over twenty-five (25') feet from the edge of pavement.

STAFF RECOMMENDATIONS

The applicant is purchasing the landscape business that was approved by the Board in 2009 and would like to continue to store his business vehicles and equipment at this location. The applicant will be using the existing six (6) bay building to store equipment and will be parking five (5) licensed company trucks and nine (9) licensed trailers in the designated parking areas as shown on the BZA sketch. The applicant would like to store landscape block in the existing screened storage area. The applicant currently has two (2) employees but would like to be allowed ten (10). However, Health Department comments state a maximum of two (2). The employees will meet at the site to pick up vehicles and equipment. There will be no employees working onsite and no customers coming to the site. The applicant states normal business hours are Monday – Friday 8:00 a.m. to 6:00 p.m. but occasionally they will work on Saturday due to rainy weather. Due to the fact the property has been used for business use for over forty (40) years and the landscape business has been operating from this site since 2009 with no complaints, staff recommends approval with the following conditions:

Pre-Conditions:

None

Operating Conditions:

1. All equipment, machinery, and materials for the business be kept inside the existing 35' x 70' building.
2. Be limited to five (5) company vehicles and nine (9) trailers at the site parked in the designated parking areas as shown on the BZA sketch.
3. All outdoor storage of landscape block be kept in the designated area shown on the site plan.
4. No more than two (2) employees to come to the site unless Health Department approval is obtained for ten (10) and a copy provided to Community Development.

5. Hours of operation be 8:00 a.m. to 6:00 p.m. Monday – Saturday.
 6. Site be kept neat and orderly.
 7. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
-

Walker / Rowe



1 inch = 100 feet



Aerial Imagery © 2001 Commonwealth of VA

Walker/Rowe

1 inch = 50 feet

Walker / Rowe



1 inch = 100 feet



PROPERTY OWNER:

Vernon Lee Walker and Barbara R. Rowe

Agenda Item # 4B
Date 9/7/2023

APPLICANT:

Robert Rusmisl

APPLICANT'S REQUEST:

To have a lawn mowing business and storage of equipment

LOCATION OF PROPERTY:

77 Bradley Lane, Waynesboro in the Middle River District

SIZE OF PROPERTY:

0.612 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

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 the business has no onsite employees that do not reside at the residence.

HIGHWAY DEPARTMENT'S COMMENTS:

The parcel is served by a private lane (Bradley Lane). VDOT has no objection to the request.

AUGUSTA WATER'S COMMENTS:**ENGINEERING'S COMMENTS:**

Activity appears to be less than 10,000 sf utilizing the existing carport. No permit required as long as cumulative land disturbance and impervious areas associated with the activity

are less than 10,000 sf. If additional buildings are to be used, or 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 and an Erosion & Sediment Control and/or Stormwater Management Plan may be required.

SECTION 25-74I - 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 applicant has one (1) trailer, one (1) zero turn mower and two (2) push mowers. The mowers will be kept on the trailer inside the carport.

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 resides on the property.

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

Businesses are more appropriate in Business zoned districts, however, a small lawn mowing business 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 business has access to Route 340 which is State maintained.

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

The 0.612 acres should safely and adequately accommodate the limited traffic associated with the mowing business.

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.

The applicant will utilize the existing carport to park the trailer and mowers.

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.

There are no enlargements or expansions 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 serving the dwelling. The Health Department comments state they have no issues with the request.

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

There are fire extinguishers onsite.

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 and mowers are stored under the carport screened between two (2) other buildings well over twenty-five (25') feet from the edge of Bradley Lane.

STAFF RECOMMENDATIONS

The applicant is requesting to operate his lawn mowing business from this location. The applicant currently has one (1) twelve (12') foot trailer, one (1) zero turn mower and two (2) push mowers. All mowers are kept on the trailer or inside a building on the property. The applicant parks his trailer under the existing carport. There are no employees and the applicant only works two (2) days a week. The property contains 0.612 acres, therefore, the Zoning Ordinance requires a Special Use Permit to have the mowing business with outdoor storage of a trailer and mowers. Staff feels a small lawn mowing business would not be out of character and would provide a service to the neighboring properties and recommends approval with the following conditions:

Pre-Conditions:

None

Operating Conditions:

1. All mowers and weed eaters be kept on the twelve (12') foot utility trailer under the existing carport or in the existing storage building.
2. No employees other than family members.
3. Site be kept neat and orderly.

4. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.

Jamison



1 inch = 200 feet



Jamison



1 inch = 200 feet



Agenda Item # 4C
Date 9/7/2023

PROPERTY OWNER:

Brian D. Jamison and Kelsey R. Simmons

APPLICANT:

Same

APPLICANT'S REQUEST:

To have a property management business with outdoor storage of commercial vehicles and equipment

LOCATION OF PROPERTY:

60 Shutterlee Mill Lane, Staunton in the Pastures District

SIZE OF PROPERTY:

5.119 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:

Private well and private septic

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 the business has no onsite employees that do not reside at the residence.

HIGHWAY DEPARTMENT'S COMMENTS:

The parcel is served by an existing adequate entrance. VDOT has no objection to the request.

AUGUSTA WATER'S COMMENTS:

ENGINEERING'S COMMENTS:

Activity appears to be less than 10,000 sf utilizing the existing 24x40 pole barn with 10x40 overhang and 40x50 storage area and associated drives (~5,000-6,000 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 buildings are to be used, or 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 and an Erosion & Sediment Control and/or Stormwater Management Plan may be required.

SECTION 25-74I - 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 applicant is requesting to store two (2) tractors and three (3) licensed trailers in the wooded area adjacent to the existing 24' x 40' building. The applicant feels that natural vegetation will provide adequate screening.

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 resides on the property.

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

Businesses are more appropriate in Business zoned districts, however, a small property management business with limited outdoor storage should be appropriate for the agriculture areas.

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 business has direct access to Shutterlee Mill Lane, which is State maintained.

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

The 5.119 acre parcel should safely and adequately accommodate all traffic associated with the business.

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.

The applicant would like to utilize a 12' x 20' portion of the existing 24' x 40' building for equipment maintenance.

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.

There are no enlargements or expansions 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 serving the dwelling. The Health Department comments state they have no issues as long as there are no employees that do not reside in the residence.

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

There will be fire extinguishers onsite.

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 tractors and trailers are stored approximately 800' from the edge of Shutterlee Mill Road.

STAFF RECOMMENDATIONS

The applicant is requesting to operate a property management business including land clearing from this site and to store two (2) tractors and three (3) utility trailers in a 40' x 50' wooded area adjacent to the existing storage building. The applicant would like to use a 12' x 20' portion of the building for maintenance and business storage. The applicant has a full-time job and will be operating on a part-time basis in the evenings and weekends. There will be no customers or employees coming to the site and no debris from the business will be brought back to the property. Staff feels a small land maintenance business with no employees or customers coming to the site would be a low impact business and would recommend approval with the following conditions:

Pre-Conditions:

None

Operating Conditions:

1. Be limited to two (2) tractors, three (3) trailers, and one (1) company vehicle.
 2. Be permitted to use a 12' x 20' portion of the existing storage building for business use.
 3. All tractors and trailers be kept in the 50' x 40' storage area shown on the BZA sketch plan.
 4. All natural vegetation remain around the 50' x 40' storage area.
 5. No debris, materials, or brush associated with the business be brought to the site.
 6. No employees other than family members residing onsite.
 7. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
 8. Site be kept neat and orderly.
-

Alford



1 inch = 100 feet

Alford



1 inch = 100 feet



Agenda Item # 4D
Date 9/7/2023

PROPERTY OWNER:

Ward H., Jr. and Jane B. Alford

APPLICANT:

Same

APPLICANT'S REQUEST:

To amend Operating Condition #1 of SUP#12-29 to increase the number of licensed vehicles associated with the repair business

LOCATION OF PROPERTY:

3867 Stuarts Draft Highway, Stuarts Draft in the South River District

SIZE OF PROPERTY:

1.551 acres

VICINITY ZONING:

General Agriculture surrounds the entire parcel

PREVIOUS ZONING OR S.U.P.:

10/47 Zoned Agriculture

1961 SUP approved for automobile garage

08/93 SUP disapproved for bulk fuel storage facility, office, and fuel sales

03/94 SUP approved for construction office and storage of equipment, company vehicles, and company garage

07/12 SUP approved to have motor vehicle repair and sales, body shop, and equipment repair within the existing building, and to modify the outdoor storage on the existing permit

LAND USE MAPS:

Urban Service Area – Neighborhood Mixed Use

UTILITIES:

Public water and private septic

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 with increasing the number of vehicles to be parked on the property as long as the additional vehicles will not be parked on the existing septic system.

HIGHWAY DEPARTMENT'S COMMENTS:

The parcel is served by an existing adequate entrance. VDOT has no objection to the request.

AUGUSTA WATER'S COMMENTS:**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. A complete Erosion & Sediment Control Plan and Stormwater Management Plan may then be required.

SECTION 25-74J - VEHICLE REPAIR SHOP

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 property. This property has been used for business use since 1961.

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

This is an existing business operating under Special Use Permit. This is to amend the current Operating Condition.

Traffic generated by the proposed project will be compatible with the roads serving the site and other traffic utilizing said roads. The business shall have direct access on to a state maintained road.

The business has direct access to Route 340.

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

The site has adequately and safely handled traffic to and from the public highways for many years.

Only pre-existing structures will be utilized unless the board of zoning appeals finds that proposed new construction a)will be not only compatible with neighboring properties, but will also be a substantial benefit to neighboring properties; and b)will not be of such size, character or required financial investment that it would best be located in an available business or industrial zoned area.

The applicant will continue to use the existing building. No new structures are requested.

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 of zoning appeals finds that a larger structure or expansion is not only compatible with neighboring properties, but will also be a substantial benefit to neighboring properties.

The applicant is requesting to increase the number of licensed vehicles associated with the repair garage to twenty-five (25). The tenant was granted a Special Use Permit to have twenty-five (25) u-hauls in April. No building expansions are requested.

Employees will be limited to residents on premises unless the board finds that a limited number of additional employees will be compatible with neighboring properties and will not be inconsistent with available infrastructure, including, but not necessarily limited to, sanitation facilities, water supply, and roads serving the site.

This is an existing business. No one resides on the property.

Outside display or outside storage of new or used automobile parts is prohibited.
No automobile parts are stored outside.

When allowed, no more than five (5) vehicles shall be located outside of the vehicle impoundment yard at any time. Such vehicles remaining for more than thirty (30) days must be located in the vehicle impoundment yard.

The applicant was granted a Special Use Permit in 2012 limiting him to six (6) licensed vehicles kept outside in conjunction with the repair garage. No impoundment yard was requested at that time.

Where outside storage is permitted, all outside storage areas and all inoperable motor vehicles shall be located within a vehicle impoundment yard. The vehicle impoundment yard shall meet the following requirements: a. No inoperable motor vehicle shall be located on any part of the site so as to be visible from any public road or adjoining property. b. Storage of inoperable motor vehicles shall be limited to areas shown on an approved site plan. c. No body or mechanical work, painting, maintenance work, salvaging or crushing shall be permitted within the impoundment yard. Such work, when permitted as part of the motor vehicle or boat repair shall be confined to such areas designated for such purposes on the approved site plan. d. Fencing or screening shall be entirely opaque and of good quality and shall be maintained in a good state of repair. Gates shall remain closed except when vehicles or boats are being moved to and from the yard.

The applicant continues to have inoperable vehicles in public view in violation of the Zoning Ordinance and the Operating Conditions of his current Special Use Permit.

STAFF RECOMMENDATIONS

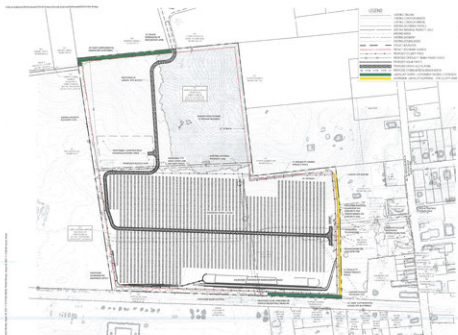
The applicants are requesting to amend the Operating Condition of their existing Special Use Permit in order to have more licensed vehicles associated with the repair operation. The Board granted a Special Use Permit to have motor vehicle repair and sales, body shop and equipment repair within the existing building on July 5, 2012. The applicant no longer operates the body shop or motor vehicle sales from this location. The current Special Use Permit was granted with an Operating Condition limiting the number of licensed vehicles kept outside in conjunction with the repair garage to six (6), sales lot to (10) and the body shop to (4). The operating conditions also prohibited the outside storage of inoperable vehicles. The applicant is requesting to increase the number of licensed vehicles kept outside waiting repair to twenty-five (25) since they no longer have motor vehicle sales or the body shop. The Board also granted the tenant, Tim Snyder, a Special Use Permit to have outdoor storage of twenty-five (25) u-hauls on the property in April of this year. Staff has received complaints regarding the number of vehicles and inoperable and wrecked vehicles being kept on the lot. The Community Development Department inspected the property on June 5, 2023, and photographed five (5) inoperable/wrecked vehicles in public view on the property and approximately twenty (20) licensed vehicles waiting repair. The applicant was notified and the ordinance was explained at two (2) different meetings, however, when staff viewed the property on August 10, 2023, there were nine (9) inoperable vehicles on the lot. Due to the property being in violation of the current Operating Conditions on a continued basis, staff cannot support the request to increase the number of licensed vehicles associated with the repair garage and recommends the request be **denied**. However, if the Board desires to approve the request, staff would recommend the Board decrease the number of licensed vehicles requested to no more than twenty (20) to be consistent with the total number of vehicles approved for the three (3) separate uses granted in 2012 and would recommend the following operating conditions:

Pre-Conditions:

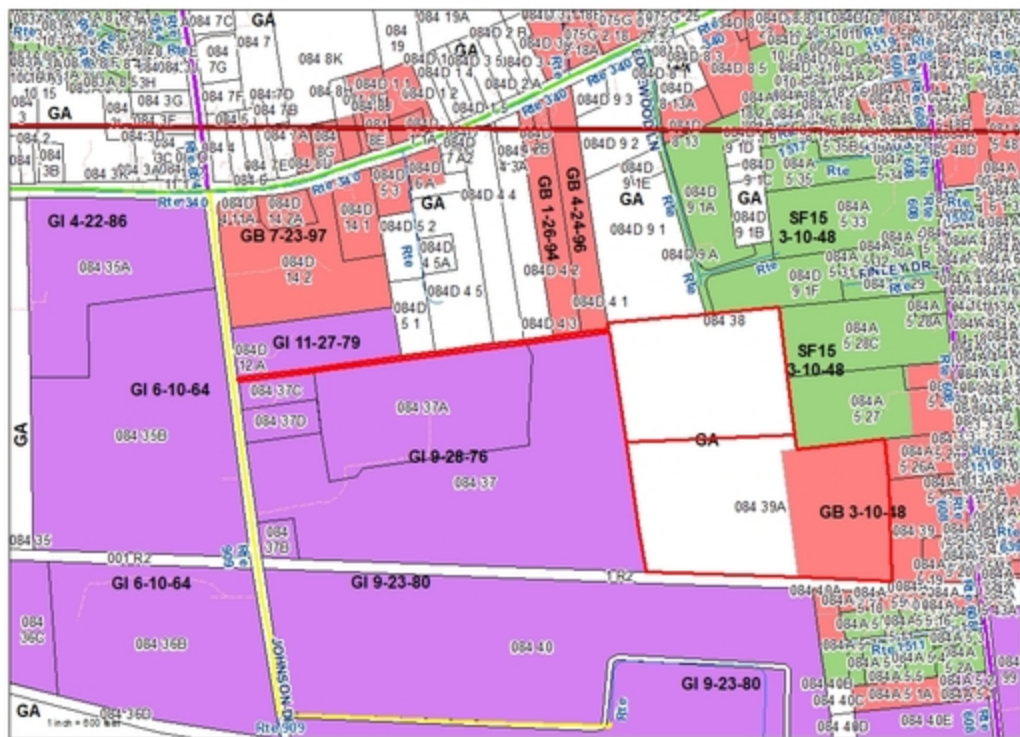
None

Operating Conditions:

1. Be limited to twenty (20) licensed vehicles in conjunction with the repair garage.
2. **No junk, inoperable, unlicensed, wrecked vehicles or parts of vehicles kept outside.**
3. Site be kept neat and orderly.



Sumerlin



1 inch = 600 feet



PROPERTY OWNER:
Sherry Hockman Sumerlin

Agenda Item # 4E
Date 9/7/2023

APPLICANT:
Lindsey Nelson, agent for Shenvalee Solar, LLC

APPLICANT'S REQUEST:
A 3 Mega Watt (alternating current) small scale solar energy facility within approximately 25 acres of fence enclosed site

LOCATION OF PROPERTY:
South of Edgewood Lane, between Edgewood Lane and the railroad tracks in the Riverheads District

SIZE OF PROPERTY:
18.54 acres and 28.37 acres

VICINITY ZONING:
General Agriculture, General Business, General Industrial and Single Family Residential
To the north, General Agriculture, General Business and General Industrial to the south
Single Family Residential to the east, and General Industrial to the west

PREVIOUS ZONING OR S.U.P.:
12/95 – Zoned General Agriculture

LAND USE MAPS:
Urban Service Area – Medium Density Residential

UTILITIES:
Public water and public sewer are available

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.

HIGHWAY DEPARTMENT'S COMMENTS:
VDOT has no objection to the request.

AUGUSTA WATER'S COMMENTS:

ENGINEERING'S COMMENTS:

Environment Ordinance Considerations

This property drains to South River which is listed on the Virginia DEQ 2022 Impaired Waters List. This impaired segment extends from its confluence with Stony Run downstream to its confluence with the Back Creek. The impaired use is recreation, the specific impairment is E. coli., The sources of the impairment are: On-site Treatment Systems (Septic Systems and Similar Decentralized Systems), Wildlife Other than Waterfowl, Non-Point Source, Livestock (Grazing or Feeding Operations), and Agriculture. Numerous TMDLs have been approved for this segment for each of the impairments and must be considered by the applicant.

Additionally, the Augusta County Comprehensive Plan lists the South River – Canada Run 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.

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. The SUP application package shows a large stormwater basin by the RR track and there is no mention of infiltration practices. The applicant is encouraged to thoroughly investigate stormwater options specific to their anticipated runoff chemical characteristics as we discourage infiltration in SWPO areas as noted below.

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).

This property lies within Zone X on the FEMA FIRM and therefore is outside the Special Flood Hazard Area and not subject to the Floodplain Overlay (FPO) Ordinance.

This property lies within of the Urban Service Overlay District (USO) and is therefore subject to the limitations on access to public streets contained in that ordinance.

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. This property lies off the end of a platted Right of Way (Edgewood Ln) that could potentially serve other properties and/or eventually connect back to Draft Avenue and/or Johnson Drive. The project as conceived does appear to limit the extent of the future roadway networks, but is not wholly incompatible with the ordinance requirement for access to adjacent property. The 20 ft. wide sliver of property that extends west to Johnson Drive is not of sufficient width to be a viable interconnection for the purposes of this ordinance.

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: The applicant has stated that they will use local labor and services "wherever practical and feasible." The applicant has also provided the "Economic & Fiscal Contribution Report" generated by Magnum Economics. According to the report, the proposed project would support approximately 9 direct, indirect, and induced jobs during construction. After construction, estimated annual operational costs of the facility would equal \$40,000, with a total estimated economic output of \$37,000 to Augusta County.

Finally, there is a potential for local Dominion Energy customers to have lower electric bills through voluntary participation in Dominion's Shared Solar program, which this project would be included in if developed.

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: The character of this area is mixed use with agriculture, medium density residential, business, commercial, and industrial uses, all in relatively close proximity. The majority of the project will not be seen by the public due to the increased setbacks, opaque fencing, relatively flat land, existing forested area to be preserved, and the Norfolk Southern Railroad. However, some properties on the east side of Draft Ave, on the north side of Wayne Ave, and south of the adjacent railroad may have some visibility. Please see Policy 5 for additional analysis and staff recommendations regarding this potential visual impact.

A land lease that only applies to a portion of the property permits the landowner to continue passive agricultural operations on the remainder of the property. The applicants have additionally submitted a proposal to maintain the land inside the fenced area as grazing land for sheep through a pilot program. **Staff feels that continuing some agricultural operation on the property meets Policy 2 by balancing land use between agricultural and solar energy production on the contiguous parcels.** Please see Policy 3 for additional information regarding the potential impacts of this project on the agricultural economy.

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.

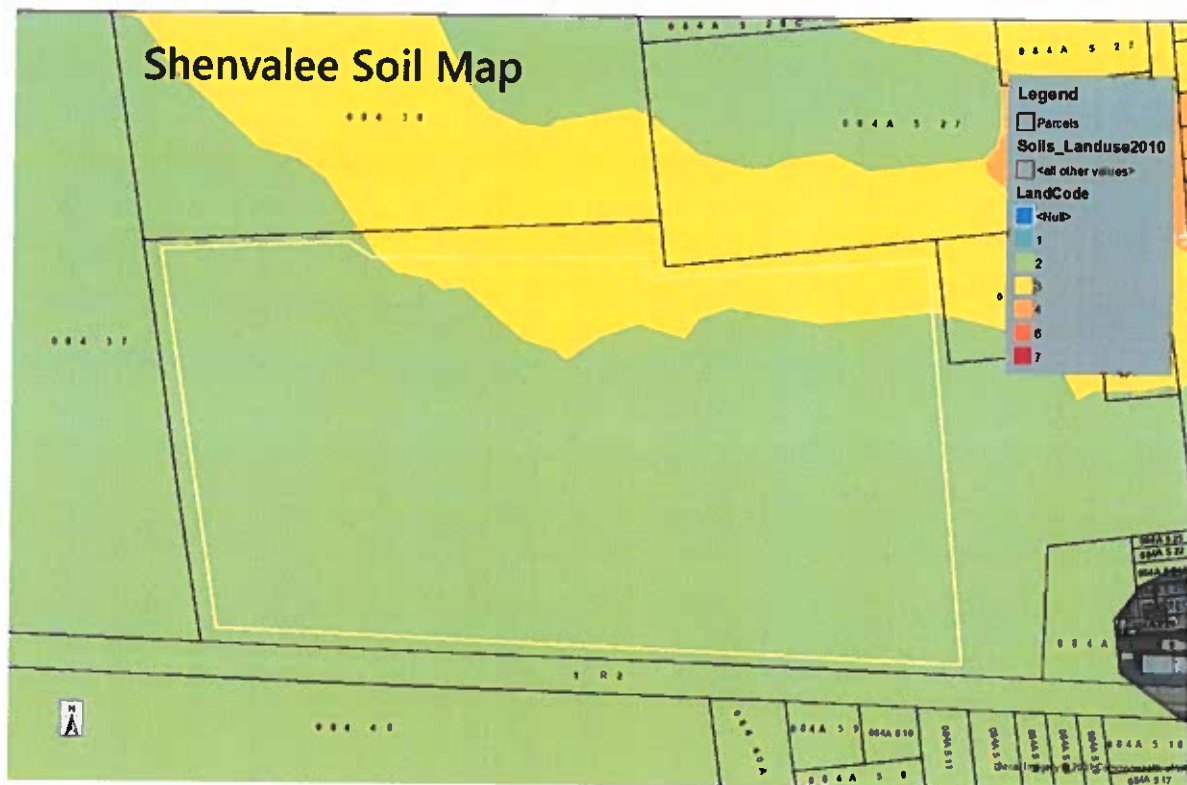
STAFF ANALYSIS: During staff's site visit, it appears the property is primarily used for pasture and cattle grazing. While the proposed project would remove these twenty-six (26) acres from the current cattle grazing operation, it is unlikely that the presence of this project, if properly screened and buffered, would have a significant adverse impact on the agricultural economy of the area. In addition, the applicants have submitted a proposal to maintain the land inside the fenced area as grazing land for sheep through a pilot program. Finally, approximately nine (9) acres of the subject parcels are forested. Other than a gravel access road to be constructed, this forested area will be preserved. For the reasons above, **staff feel that compliance with Policy 3 has been met.**

While the above considerations indicate that a minimal direct impact is expected to the agricultural economy of the area, staff still have concerns about the impacts of this proposed project on soils that are ideal for agricultural production. Please see Policy 4 for additional information and staff recommendations about impacts on soils.

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

Soils Map for Proposed Project Area:



Land Use Taxation Data for TMP 084-39	
Class II (C-II) Soils	27.500 acres
Class III (C-III) Soils	4.000 acres

Land Use Taxation Data for TMP 084-38	
Class II (C-II) Soils	2.490 acres
Class III (C-III) Soils	6.000 acres
Forest – Good (FOR-G)	9.000 acres

SOILS: Class 1, 2, and 3 soils are considered the best for farming purposes. Land use taxation data, presented above, states that the majority of this parcel is classified as Class 2 soils. Class 2 soils are defined by the USDA NRCS as having “moderate limitations” for farming; however, are still considered to be ideal for agricultural production as is evidenced by a majority of the fenced project area being designated as either prime farmland or farmland of statewide

importance. Given the importance of these soils, **staff would recommend that the Planning Commission and Board of Zoning Appeals include as a condition of the Special Use Permit an operating condition prohibiting topsoil from being removed from the site (see recommended Operating Condition #14).**

With that being said, USDA data shows that a far majority of the soils in Augusta County are designated as either prime farmland or farmland of statewide importance. Therefore, the relatively small extent of the project – about twenty-six (26) acres of Augusta County's agricultural land – should also be taken into consideration when evaluating whether or not the project is substantially in accord with this particular policy. It is also important to note that the remainder of the property will remain in forest and/or agricultural operation, and that the applicant may pursue having livestock graze within the parcel area.

Agricultural and Forestal Districts: The parcels are not located in an Agricultural and Forestal District.

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: Based on site visits, staff observed that the topography of the project site is relatively flat, which would make the proposed project less visible than if it were located higher on the hillside or a rolling landscape. The existing natural forested area and topography to the north of the project, along with the proposed 20-foot-wide vegetative landscaping buffer, should be sufficient in screening most of the project from Stuarts Draft Park and other properties to the north.

To the east, the project site is naturally buffered from vehicles traveling along Draft Ave by the existing residential, business, and agricultural buildings, along with the flat topography of the project site. The applicant has additionally proposed to mitigate visual impacts with a 6-foot privacy fence that will be placed immediately adjacent to the project perimeter on the sides of the project area that front Draft Avenue, which satisfies the Alternative 1 requirement of the Zoning Ordinance. However, staff have outstanding concerns regarding this project's visual impact on the residential properties along Draft Ave, and particularly the two-story historic house located at 265 Draft Ave. **While not**

required by ordinance, staff would recommend additional landscape plantings in front of the fence facing Draft Ave, which would provide significant visual benefits for properties to the east of the proposed project site, particularly the two-story historic house on the parcels in question. In response to this recommendation, the applicant notes that the current owner of this house has not requested supplemental plantings. However, staff note that the house is currently owned by the landowners for the project, and that the house is currently listed for sale. These recommended plantings would provide significant visual benefits for the future residents of this and adjacent residences, and would increase this project's compatibility with the character of the surrounding community. The Planning Commission and Board of Zoning Appeals will need to decide if this supplemental planting will be required to sufficiently mitigate the project's visual impacts.

While buffering is not required by Zoning Ordinance along railroad right-of-ways, staff note that there are existing residential homes directly across the railroad from eastern portions of the affected parcels. **Staff have recommended supplementation of the existing landscaping along this portion of the railroad right-of-way, to mitigate potential visual impacts on those residential homes. The applicant has agreed to provide a 20' wide supplemental landscape buffering in this area, and has adjusted their site plan accordingly.** Across the railroad from parcels zoned General Industrial, the existing buffering is sufficient, and staff do not feel that additional buffering is needed along this portion of the railroad right-of-way.

Given the specific topography of the area, **conditional on compliance with the staff recommendation presented above, staff would feel that compliance with Policy 5 is met.**

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: While the proposed project is in close proximity to residential and commercial development to the east and north of the site, **staff do feel that the unique topography of this site makes it suitable for small-scale solar development, despite its location near downtown Stuarts Draft.** The site parallels the existing railroad to the south and is surrounded by industrial uses to the west and south. For these reasons, residential or commercial development of these parcels is not anticipated in the near future.

The proposed project is located behind businesses and some residential homes along Stuarts Draft Ave, which is considered downtown Stuarts Draft. However, staff feel that the site will have minimal visibility from the road due to the topography of the area, the proposed buffering, and the buffering provided by the existing buildings. If the applicant agrees to comply with the staff recommendation presented in Policy 5, visual impacts would be even further mitigated. In addition, VDOT comments note that the proposed solar project would have minimal traffic generation and Zoning Administrator comments indicate that no adverse impact is expected to nearby General Business-zoned properties. For the reasons above, conditional on compliance with the staff recommendation and Pre- and Operating Conditions recommended herein, **staff feel that this project would not have undue adverse impacts on nearby communities as defined by Policy 6.**

The Planning Commission and Board of Zoning Appeals will have to determine if a small-scale solar facility is a suitable land use that balances the existing and planned development and infrastructure in this area of Stuarts Draft.

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: This project is located in an Urban Service Area, planned for Community Mixed Use. The County's Urban Service Areas in total consist of approximately 39,391 acres, meaning that the proposed project site occupies .066% of the County's Urban Service Area land area. **The County and the Comprehensive Plan strongly discourages development of solar facilities in Urban Service Areas**, where the County's infrastructure is located. Stuarts Draft is one of the County's two major growth areas, where significant residential and business growth is anticipated.

However, while the proposed project is sited in the Urban Service Area, a railroad right-of-way and industrial uses border the project to the south and west. Staff do feel that a small scale solar project could be compatible with those adjacent uses. Please see Policy 6 for additional staff comments on balanced and compatible land uses.

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 publicly accessible land and rights-of-ways.

STAFF ANALYSIS: Given the 9-acre forested area and remainder of the property left as agriculture, the project should not significantly impede the movement or activity of wildlife on or around this property. However, the project is adjacent to Stuarts Draft Park, where citizens enjoy bird watching and other wildlife observation, including deer. The project site is also approximately 0.6 miles from the South River. For these reasons, **staff and the applicant have discussed opportunities for creating an outdoor recreational activity for citizens, in compliance with Policy 8.** Please see Policy 9 for additional details regarding this proposal.

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: The affected parcel TMP 084 38 immediately adjoins Stuarts Draft Park to the northeast. While the fenced project area is set back within the parcel, which is privately owned, staff have suggested that the applicant consider opportunities for interconnectivity, such as by partnering with Augusta County Parks and Recreation to develop extended walking or nature viewing trails around the proposed project site. The creation of a trail around the proposed project site could also be a critical element of the creation of a park-to-park trail connecting Stuarts Draft Park to Schneider Park.

The applicant has expressed their interest in developing such a walking trail, and has submitted a concept plan. This proposed path would require review and approval by various stakeholders, which will occur at site plan stage. Given this proposal, **staff find this project to be conditionally in compliance with Policy 9.**

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:

STAFF ANALYSIS:

- a. **Streams, rivers, wetlands** – Photovoltaic panels will not be located near existing water bodies on the property.
- b. **Fertile soils** – The project would be locating on fertile soils. Please refer to Policy 4 for staff analysis regarding soils and prime farmland on this property.
- 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** – The applicant has proposed planting a variety of native grasses and clovers on the project to stabilize ground cover. Development of the project also should not lead to any adverse impacts on native vegetation on the property or nearby.
- e. **Forests** – This project is proposing to clear cut a portion of the forested area for 160 feet for the proposed access road. However, the site will not primarily locate in the forested area, and a majority of the 9 forested acres will remain forested. There are no Agricultural-Forestal Districts on the property or nearby.
- f. **Historic and archaeological resources** – An Architectural Survey Form provided by the applicant states that the primary residence on this property (Alexander House, located at 265 Draft Ave) has been identified as a historic structure and is eligible for the National Register of Historic Places. As previously

noted in Policy 5, **staff recommends that landscaping be provided in front of the timber privacy fence to the east of the proposed project site to provide additional mitigation of visual impacts for adjacent properties, especially the Alexander House.**

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: The applicant has proposed to plant native pollinator species underneath the area covered by photovoltaic panel. Existing forested area on the site is also preserved, with the exception of an access road, which will allow wildlife refuge. In addition, wildlife should be able to move freely around the fenced project area due to the large setbacks and remaining open, agricultural use of the property. Therefore, staff believes **compliance with Policy 11 is met.**

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 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: There is an existing, approved solar facility within 0.6 miles of the proposed facility. While the two projects cannot be seen from one another due to the topography of the area, staff are concerned that siting projects within 0.6 miles of each other could set a negative precedent for clustering of solar facilities. However, **staff feel that the adverse impacts on community character will be mitigated by the existing topography and buffering, along with the proposed buffering.** The Planning Commission and Board of Zoning Appeals will need to determine if this distance qualifies as “a reasonable distance away” for the purposes of this policy.

COMMUNITY DEVELOPMENT STAFF RECOMMENDATION: The applicants are proposing a small-scale solar facility sited on 26 acres located on TMP 084 38 and 084 39. **The proposed project meets the buffering and setback requirements of the County Zoning Ordinance.** After a review of the project's conformance to the twelve policies outlined in the Comprehensive Plan, staff find that the proposed project also meets the following policies:

- Policy 2: Rural Viewsheds: The majority of the project will not be seen by the public due to the increased setbacks, opaque fencing, relatively flat land, existing forested area to be preserved, and the Norfolk Southern Railroad. Therefore, staff feel that **compliance with Policy 2 has been met.**
- Policy 3: Agricultural Landscape and Economy: The proposal of the project states that the remainder of the property will remain in forestry or continue to be used for agricultural purposes. In addition, the applicants have proposed a pilot program to explore sheep grazing within the fenced project area. Given these considerations, and the small project footprint, staff feel that **compliance with Policy 3 has been met.**
- Policy 4: Prime farmland and Agricultural and Forestal Districts: Though the project is proposing to locate on Class 2 soils, staff feel that, given the small project size and intention for the remainder of the property to remain in agricultural use, **compliance with this policy can be met, by the applicant's compliance with Operating Condition #14 as recommended below.**
- Policy 5: Visual Impacts*: Given the site topography and existing forest, the proposed project site is naturally buffered from the north. To the west, industrial uses will not be negatively impacted by the proposed project. The southern property line parallels an existing railroad right-of-way, and the applicant has provided additional landscaping along a portion of the railroad right-of-way that faces businesses and residential homes. Additional buffering is not needed along the portion of the right-of-way that faces industrially-zoned properties. Finally, to the east, while some properties may have visibility, this can be mitigated by the addition of supplemental landscape plantings in front of the proposed project fence, as recommended in Policy 5. The existing buildings will serve as a natural buffer to drivers along Draft Ave. **Conditional on compliance with the staff recommendation as presented above, this project should not have undue adverse visual impacts on the surrounding community.**
- Policy 6: Balanced land uses: Despite the proposed project being located near residential and business development, staff do feel that the unique topography of these parcels makes this site suitable for solar development, and that **this project, conditional on compliance with the staff recommendations and Pre- and Operating Conditions recommended herein, would not have undue adverse impacts on nearby communities as defined by Policy 6.**
- Policies 8 and 9: Open Space and Interconnectivity: The applicant has agreed to collaborate with County stakeholders on a walking path connecting Stuarts Draft Park to the existing sidewalk network around the proposed project site. The applicant has submitted a concept plan, which will be further discussed and refined at site plan stage. **This proposal aligns closely with Policies 8 and 9.**

- Policy 10: Resource considerations: No significant adverse impacts are expected to streams, rivers, wetlands; habitats; native vegetation; or forests. **Anticipated impacts to fertile soils and historic and archaeological resources can be mitigated through compliance with the staff recommendations**, including recommended Pre- and Operating Conditions, presented herein.
- Policy 11: Natural resource benefits: Staff feel that **compliance with Policy 11 is met by the proposal's use of native pollinator plantings and the preservation of the majority of the existing forested area.**

In addition, comments received from agency partners indicated that the small-scale solar facility would not have any significant negative impacts on Augusta County Schools, Augusta County Fire-Rescue, or the existing traffic network.

STUARTS DRAFT SMALL AREA PLAN CONSIDERATIONS:

While not explicitly related to guiding future solar development in the County, the Stuarts Draft Small Area Plan is an extension of the Comprehensive Plan and therefore must also be taken into consideration during review of this project, as it more specifically details future investment and growth in the Stuarts Draft area.

The Stuarts Draft Small Area Plan encourages as much residential and business development as possible to occur in Urban Service Areas in order to preserve the natural and rural character of Rural Conservation Areas and Agricultural Conservation Areas. While the proposed project is located in an Urban Service Area, staff feels the project is compatible with the surrounding industrial and railroad uses. In addition, while the Future Land Use Map designates these parcels for Medium Density Residential, staff feels there are significant barriers to developing this as a residential site. Therefore, staff feels that small-scale solar development could be a compatible land use.

One of the central goals of the Stuarts Draft Small Area Plan is encouraging pedestrian-oriented and interconnected development. **The proposed walking trail connecting Stuarts Draft Park to the existing sidewalk network would be closely aligned with this goal, and could create a needed recreational amenity for the residents of Stuarts Draft.**

After the above evaluation of the project's conformance with the twelve policies in the Comprehensive Plan and the Stuarts Draft Small Area Plan, **staff find that, conditional on the applicant satisfactorily addressing the one (1) issue below and complying with the Pre- and Operating Conditions as recommended below, this proposal is in substantial accord with the vision and objectives as identified in the Comprehensive Plan.**

VIRGINIA STATE CODE SECTION 15.2-2232 CONSIDERATIONS:

A separate staff evaluation of the location, character, and extent of the project is meant to provide additional analysis and guidance to the Planning Commission, as Virginia State Code Section 15.2-2232 identifies these three characteristics as required to be considered during review:

LOCATION: This site is challenged by its location in an Urban Service Area and proximity to an existing, approved solar facility. However, given the small project footprint, compatible adjacent land uses, proposed buffering plan, and specific topography of this site, staff find that this location is suitable for small-scale solar development.

CHARACTER: Staff feels that the proposed native vegetation to be used as buffer and ground cover for this project is aligned with the character of the County. The provision of additional landscape plantings in front of the timber privacy fence, as recommended above, would make this proposal more visually compatible with the character of the County. Finally, the proposed walking path around the project site could enhance the character of downtown Stuarts Draft.

EXTENT: The size of the project, with twenty-six (26) acres in the fenced project area, is aligned with the County's desire to balance land use.

Staff has determined that the proposed project is in substantial accord with the Comprehensive Plan and the three considerations above, and therefore, **conditional on the applicant satisfactorily addressing the one (1) issue below and complying with the Pre- and Operating Conditions as recommended below, recommend approval of this project as proposed.**

ISSUES THAT NEED TO BE ADDRESSED:

1. ***Adherence to Policy 5: Visual Impact:*** The applicant is encouraged to provide additional landscaping in front of the timber privacy fence to mitigate potential adverse visual impacts associated with the project, particularly to the adjacent historic home. Please see Policy 5 for additional details regarding this recommendation. **The Planning Commission and Board of Zoning Appeals will need to decide if this supplemental planting will be required to sufficiently mitigate the project's visual impacts.**
-

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 submitted a site plan showing the panels exceeds the setback requirements from side, rear, and the right of way of the public and private streets.

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.

The height of the solar modules above the ground at the maximum tilt angle will be less than ten feet (10').

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 copy of the 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 advertising signs will be on site.

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 submitted a site plan including structural and electrical details.

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. A glare study will be done indicating no glare.

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 parcel has frontage along Draft Avenue. The panels will be accessed from Edgewood Lane.

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 site plan shows a twenty (20') foot wide landscape buffer composed of evergreens, canopy trees and understory trees that will be placed screening the project from Stuarts Draft Park and other properties to the north and along a portion of the railroad right-of-way. The applicant will also be installing a six foot (6') privacy fence immediately adjacent to the project perimeter on the side of the project area that front Draft Avenue along with additional landscape plantings.

The buffer requirements may be modified by the Board of Zoning Appeals meeting the alternative compliance requirement in the Zoning Ordinance.
No alternative buffers are requested.

STAFF RECOMMENDATIONS

The applicants are proposing a 3MW (alternating current) small scale solar facility on two parcels totaling 46.91 acres. Approximately twenty-five (25) acres will be under panel. The proposed location exceeds the ordinance required setbacks from property lines and roads. The proposed project is within close proximity to residential and commercial development, however, due to the topography of the site and the installation of required landscaping and buffering to mitigate visual impact to the adjacent properties, Zoning staff feels this project would not have an undue adverse impact on the adjacent properties, and the project area comprises a very small percentage of active agricultural land. The applicants are also proposing to continue to have active agriculture uses on the property through a solar grazing program.

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 not be in substantial accord with the Augusta County Comprehensive Plan or parts thereof and **recommended denial** 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 operating 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 of landscaping.
 - 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.

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

11. 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.

12. The Applicant must obtain site plan approval within 24 months of the issuance of the Special Use Permit and shall substantially complete construction within 36 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:

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 [Applicant Name] 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 Shenvalee Solar, 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 Shenvalee Solar, 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 Site Plan prepared by VHB, dated October 7, 2022.
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. All solar panels shall use anti-reflective coatings.
14. All topsoil shall not be removed from the site.
15. 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.
16. 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.
17. 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.
18. This Permit shall be valid from the time of issuance and thereafter for a period of 40 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 40 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.
19. 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.
20. 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.
21. 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.

22. Upon completion of the installation of the Facility, Augusta CSG, LLC shall establish contacts with Augusta County Fire Rescue and Augusta County Sheriff's Office and provide both with an emergency management plan.
23. 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.
24. Contribution for Public Improvements – The Applicant, and if different than the Applicant, the facility owner and/or operator, shall provide annual substantial cash payments for substantial public improvements in accordance with the provisions of Virginia Code § 15.2-2288.8. The amount of such annual substantial cash payment shall be equal to \$1,400 per megawatt as measured in alternating current (AC) generation capacity of the facility as listed in the Applicant's executed Interconnection Agreement with the interconnecting utility ("Contribution Amount"). The Applicant and the County acknowledge and agree that the County may identify in future budget years qualifying substantial public improvements that will be funded by the annual substantial cash payments to be provided by the facility owner and/or operator. The Contribution Amount will increase annually by two percent (2%), beginning on the first anniversary of the first payment of the Contribution Amount. The first payment will be due on or before the date that is 90 days following the commencement of commercial operation of the solar facility. Subsequent payments will be due on each anniversary of the commercial operation date until the solar facility is decommissioned as required by these Conditions. The Applicant, facility owner and/or operator shall provide written notice to the Zoning Administrator within ten (10) business days of when the solar facility commences commercial operation. The payment by the Applicant, facility owner, and/or operator of all annual substantial cash payments until the decommissioning of the solar facility is complete shall be a condition of this permit. The Applicant, facility owner and/or operator shall be jointly and severally responsible for the payment of all annual substantial cash payments required by this condition.
25. Local Subscribers – Prior to beginning commercial operation of the utility-scale solar facility, the Applicant shall work in good faith and use its best efforts to identify residents of Augusta County, Virginia and its incorporated towns to voluntarily subscribe to its community solar program ("Local Subscribers"). Outreach efforts to Local Subscribers may include, among others, advertising in a local newspaper of record and hosting informational community meetings. The Applicant will give notice of such informational community meetings to the County Administrator.

EXTENSION OF TIME REQUEST

PROPERTY OWNER:

Margaret Mae Davison, Etal

APPLICANT:

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

APPLICANT'S REQUEST:

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.

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

The applicant is requesting a six (6) month Extension of Time.

The applicant is having some legal issues with Dominion and are requesting additional To complete the pre-conditions. Staff recommends approval.

Agenda Item # 7B
Date 9/7/2023

EXTENSION OF TIME REQUEST

PROPERTY OWNER:

John Rixey and Margaret Rennolds

APPLICANT:

Same

APPLICANT'S REQUEST:

To place a dwelling less than 900 square feet

LOCATION OF PROPERTY:

Southeast quadrant of the intersection of Frog Pond Road (Route 612) and Wolfs Ledge Lane

SIZE OF PROPERTY:

2.687 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

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

The applicants have obtained their building permit to construct the dwelling, however, Final inspections have not been done and the Certificate of Occupancy has not been Issued. Staff recommends approval of the extension.

EXTENSION OF TIME REQUEST

PROPERTY OWNER:

Laura Pittkin, agent for Kilbride International and Leasing

APPLICANT:

Same

APPLICANT'S REQUEST:

To have a short term campground and to have weddings and other special events and motorcycle training and motorcycle trail riding

LOCATION OF PROPERTY:

273 Penmerryll Drive, Greenville in the Riverheads District

SIZE OF PROPERTY:

129.939 acres

VICINITY ZONING:

General Agriculture surrounds the entire parcel

PREVIOUS ZONING OR S.U.P.:

12/95 Zoned General Agriculture

06/97 SUP approved to have staff quarters with two (2) units in one building, each with own kitchen

LAND USE MAPS:

Agriculture Conservation Area

UTILITIES:

Private well and septic

The applicant is requesting a six (6) month Extension of Time.

The applicant is still working to complete the Pre-Conditions of the approved permit and needs a little additional time. Staff recommends approval.



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



MEMORANDUM

DATE: August 21, 2023

TO: Sandra K. Bunch, Zoning Administrator

FROM: Jared Watson, Zoning Technician – Inspector I

SUBJECT: Special Use Permit Inspections

The following Special Use Permits issued in the month of **November 2022** have been inspected:

22-64	Stephen A. and Margaret O. Riley
22-70	Lisa Jo Roberts
22-71	Darlene Delores Brown or Sheri L. Sheetz
22-72	Cynthia A. Holland
22-73	Kenneth or Donna Campbell
22-74	International Church of the Foursquare Gospel
22-75	Hope Drive Park, LLC - Denied
22-76	Stephen A. and Wanda F. Robertson
22-77	Ronald A. Boehme
22-78	Linda R. Herman Family Trust

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

JW:bcw

SPECIAL USE PERMIT INSPECTION REPORT

NAME: Stephen A. and Margaret O. Riley

Location: 451 Battlefield Road, Fort Defiance

Use: To reconstruct a non-conforming barn no closer to the road from the
existing.

Special Use Permit No.: 22-64

Date Approved: 11/03/22

Date Inspected: 08/04/23

Name of Person Inspecting: Jared Watson

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: Owner is constructing the building.

SPECIAL USE PERMIT INSPECTION REPORT

NAME: Lisa Jo Roberts

Location: 3912 Stuarts Draft Highway, Waynesboro

Use: To amend Operating Condition #2 of SUP#22-30 to allow year round
weddings or special events.

Special Use Permit No.: 22-70

Date Approved: 11/03/22

Date Inspected: 08/11/23

Name of Person Inspecting: Jared Watson

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: Darlene Delores Brown or Sheri L. Sheetz

Location: 544 Stribling Springs Road, Mount Solon

Use: To have a kennel.

Special Use Permit No.: 22-71

Date Approved: 11/03/22

Date Inspected: 08/10/23

Name of Person Inspecting: Jared Watson

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: 13 dogs onsite. In compliance.

SPECIAL USE PERMIT INSPECTION REPORT

NAME: Cynthia A. Holland

Location: 766 Frog Pond Road, Staunton

Use: To have a doggie day care and boarding facility for up to six (6) dogs.

Special Use Permit No.: 22-72

Date Approved: 11/03/22

Date Inspected: 08/15/23

Name of Person Inspecting: Jared Watson

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 or Donna Campbell

Location: 762 Braley Pond Road, West Augusta

Use: To have a tree service and stump grinding business with outdoor storage of commercial vehicles.

Special Use Permit No.: 22-73

Date Approved: 11/03/22

Date Inspected: 08/11/23

Name of Person Inspecting: Jared Watson

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: International Church of the Foursquare Gospel

Location: 100 Foursquare Lane, Fishersville

Use: To have a daycare within the existing church and the early childhood center.

Special Use Permit No.: 22-74

Date Approved: 11/03/22

Date Inspected: 08/11/23

Name of Person Inspecting: Jared Watson

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: Stephen A. and Wanda F. Robertson

Location: 49 Adams Lane, Verona

Use: To have a dog kennel for personal dogs.

Special Use Permit No.: 22-76

Date Approved: 11/03/22

Date Inspected: 08/18/23

Name of Person Inspecting: Jared Watson

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: Ronald A. Boehme

Location: 325 Coffman Road, Weyers Cave

Use: To have a short term vacation rental.

Special Use Permit No.: 22-77

Date Approved: 11/03/22

Date Inspected: 08/04/23

Name of Person Inspecting: Jared Watson

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: Linda R. Herman Family Trust

Location: 4292 Morris Mill Road, Swoope

Use: To have a short term vacation rental.

Special Use Permit No.: 22-78

Date Approved: 11/03/22

Date Inspected: 08/04/23

Name of Person Inspecting: Jared Watson

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: _____
