



Augusta County Board of Zoning Appeals  
BZA Regular Meeting  
Thursday, October 5, 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 September 7, 2023 Minutes  
09072023 BZA Minutes.doc

4. **PUBLIC HEARINGS**

A. A request by Ammad S. Sheikh, agent for Barnstable Farm House, LLC, for a Special Use Permit to lease an existing building for maintenance and equipment storage and outdoor storage of commercial vehicles in conjunction with an excavating business on property owned by Barnstable Farm House, LLC, located at 604 Christians Creek Road, Staunton in the Beverley Manor District.

barnstable farm house aerial.jpg

barnstable farm house site plan.jpg

barnstable farm house tm.jpg

barnstable.JPG

Barnstable Farm House Staff Report.pdf

B. A request by Marc Childers, agent for Pine View Buildings, LLC, for a Special Use Permit to have outdoor storage and display of storage buildings on property owned by United Leasing Corp. Etal, located at 7 Hutchwood Lane, Waynesboro in the South River District.

united leasing corp. aerial.jpg

united leasing corp. tm.jpg

united leasing site plan..jpg

united leasing.JPG

United Leasing Staff Report.pdf

C. A request by Derek Reardon, PE, agent for WaWa, Inc., for a Special Use Permit to construct a travel plaza on property owned by Wilson Investments, LLC, located in the northeastern quadrant of the intersection of Tinkling Spring Road and Goose Creek Road in the Wayne District. - **Applicant requested to defer to the November 2, 2023 Meeting**

D. A request by Derek Reardon, PE, agent for WaWa, Inc., for a Variance from the one hundred (100') foot setback requirement on property owned by Wilson Investments, LLC, located in the northeastern quadrant of the intersection of Tinkling Spring Road

and Goose Creek Road in the Wayne District. - **Applicant requested to defer to the November 2, 2023 Meeting**

- E. A request by Stuart Squier, agent for Verizon Wireless, for a Special Use Permit to construct a 199' wireless telecommunications tower on property owned by Ray Hawpe Strickler, located at 85 Shenandoah Mountain Drive, West Augusta in the Pastures District.

strickler aerial.jpg

strickler site plan.jpg

strickler tm.jpg

strickler.JPG

Strickler Staff Report.pdf

- F. A request by Stuart Squier, agent for Verizon Wireless, for a Variance from the 110% fall zone requirement on property owned by Ray Hawpe Strickler, located at 85 Shenandoah Mountain Drive, West Augusta in the Pastures District.

strickler aerial.jpg

strickler site plan.jpg

strickler tm.jpg

strickler.JPG

Strickler Variance Staff Report.pdf

- G. A request by Cara Romaine, agent for Esa Solar, for a Special Use Permit for the construction and operation of Fishersville Solar, a 2 Megawatt alternating current small scale solar facility on property owned by James W. and Kelly B. Curd, located approximately 2,000 feet east of Fishersville, off of Long Meadow Road near the intersection of Long Meadow Road and US 250 in the Wayne District.

curd aerial.jpg

curd site plan.jpg

curd tm.jpg

curd.JPG

Curd Staff Report.pdf

## 5. OLD BUSINESS

- A. 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. – **Tabled at the 9/7/2023 Meeting**

Alford Staff Report.pdf

- B. 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. – **Tabled at the 9/7/2023 Meeting**

shenvalee updated site plan.jpg

Sumerlin Staff Report.pdf

## 6. MATTERS TO BE PRESENTED BY THE PUBLIC

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

- A. A request by David L. or Ann W. Gardner, for a Special Use Permit to cover and enclose an existing patio to provide indoor space for weddings and seasonal events

and to increase the number of events per year on property they own located at 3494 Lee Highway, Weyers Cave in the North River District. – **One Year Extension of Time Request**

Gardner Staff Report.pdf

- B. A request by Alexander Denson, agent for Wayne Avenue Solar I, LLC, for a Special Use Permit for approval of a small solar energy site on property owned by Rae Enterprises, LLC, located along the south side of Wayne Avenue, Stuarts Draft in the South River District. – **6 Month Extension of Time Request**

Rae Staff Report.pdf

8. STAFF REPORTS

- A. Staff Report Memo  
inspection memo.doc  
octmtginsp.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: September 28, 2023

SUBJECT: Regular Meeting and Viewing

The Regular Meeting of the Augusta County Board of Zoning Appeals will be held on **Thursday, October 5, 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 **9:00 A.M., Thursday**, for the Staff Briefing prior to going out to view the items on the agenda. Lunch will follow in the **Board of Supervisors Conference Room at noon**.

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

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

SKB/bcw

Enclosures

September 7, 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  
 Elizabeth Goodloe, Planner I  
 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, September 7, 2023 at 9:30 A.M., in the County Government Center, Verona, Virginia.

\* \* \* \* \*

The staff briefing was held at **9:30 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.

\* \* \* \* \*

**VIEWINGS**

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

- **BRANDON TURNER - SPECIAL USE PERMIT**
- **BRIAN D. JAMISON AND KELSEY R. SIMMONS - SPECIAL USE PERMIT**
- **WARD H., JR. AND JANE B. ALFORD - SPECIAL USE PERMIT**
- **LINDSEY NELSON, AGENT FOR SHENVALEE SOLAR, 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.

\* \* \* \* \*

---

Chair

---

Secretary

September 7, 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

\* \* \* \* \*

VIRGINIA: At the Regular Meeting of the Augusta County Board of Zoning Appeals held on Thursday, September 7, 2023, at 1:30 P.M., in the County Government Center, Verona, Virginia....

\* \* \* \* \*

**MINUTES**

Mr. Bailey moved that the minutes from the August 3, 2023, meeting be approved.

Mr. Glover seconded the motion, which carried unanimously.

\* \* \* \* \*

**BRANDON TURNER - SPECIAL USE PERMIT**

This being the date and time advertised to consider 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.

Mr. Brandon Turner stated I purchased the business and would like to continue to operate as the new owner.

Chair Coyner asked if he plans on keeping everything the same?

September 7, 2023

Mr. Turner stated I will not operate the garden center. This will be a site for employees to drop off their personal vehicle and pick up the company vehicle, trailer, tools and equipment. If we need mulch or other materials, we go to the store to get the materials.

Mr. Bailey stated the applicant is asking for ten (10) employees but staff has suggested two (2) unless Health Department approval is obtained.

Mr. Turner stated I have not talked with the Health Department yet.

Ms. Bunch suggested the applicant tell the Health Department that no one works there and provide their approval to our office.

Mr. Thacker stated the Board saw a lot of stuff outside when we visited today.

Mr. Turner stated we are still working on cleaning up the site. The garage will be for the mowers and skid steer. I cannot keep the block and landscape material in the garage. A storage area for the materials would be nice to have.

Mr. Glover stated the snow plows will need to be inside the building.

Ms. Bunch stated it can be put inside the storage area that was already approved which is screened by the trees.

Mr. Turner stated I am still consolidating and cleaning up the property.

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. The Board viewed the site this morning.

Mr. Glover asked if only five (5) vehicles is enough to be kept onsite?

Mr. Turner stated we use three (3) in our day to day operations. It would be nice to have at least eight (8) company vehicles and five (5) trailers. We will sell a lot of the trailers because we do not need that many.

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

September 7, 2023

**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 eight (8) company vehicles and five (5) 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.

Mr. Glover seconded the motion, which carried unanimously.

\* \* \* \* \*

**ROBERT RUSMISEL - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Robert Rusmisel, 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.

Mr. Robert Rusmisel stated I have a 6 x 12 trailer, zero-turn mower, two (2) push mowers and two (2) weed eaters for my business that I would like to store at the property. I will operate this part-time.

Chair Coyner asked if there are any employees?

Mr. Rusmiser stated no.

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. This is a well maintained property. The applicant will operate the business part-time.

Mr. Bailey stated this is a small operation and an ideal business use for the site. He moved to approve the request 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.

Mr. Glover seconded the motion, which carried unanimously.

\* \* \* \* \*

**BRIAN D. JAMISON AND KELSEY R. SIMMONS - SPECIAL USE PERMIT**

This being the date and time advertised to consider 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.

September 7, 2023

Mr. Brian Jamison stated I work a full-time job in Charlottesville. I would like to operate this business. I have been doing small side jobs for my neighbors and friends.

Chair Coyner asked if you plan on clearing land?

Mr. Jamison stated as of right now I do bush hogging.

Chair Coyner asked if any material will be brought back to the site?

Mr. Jamison stated no.

Chair Coyner asked if there will be employees?

Mr. Jamison stated no.

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

Ms. Sharon Crummett, 54 Shutterlee Mill Lane, Staunton, stated I was concerned with exactly what he was doing. I do not want equipment in my yard. How many vehicles will be going up and down the driveway? I am concerned about the safety and the wear and tear on the road. I am not sure what type of equipment will be at the site. What will prevent him from getting more equipment and putting up another building?

Chair Coyner stated each Special Use Permit has to have a site plan submitted. If there are any changes, they will have to come before this Board again. He asked if there was anyone else wishing to speak regarding the request?

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

Mr. Jamison stated the property behind me is not even mine. No one will notice a difference than what has been happening currently. If there are any issues, I would ask the neighbors to come and talk with me so that we can work everything out.

Chair Coyner declared the public hearing closed. The Board viewed the property and the shed cannot be seen.

Mr. Glover stated this property is well secluded. The applicant said if there are any issues, he will address them. He moved to approve the request 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.

Mr. Bailey seconded the motion, which carried unanimously.

\* \* \* \* \*

**WARD H., JR. AND JANE B. ALFORD - SPECIAL USE PERMIT**

This being the date and time advertised to consider 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.

Mr. Ward Alford, Jr. stated I bought this property in the early 1990s. I ran a heavy equipment operation at this address for decades. When I retired, I rented this property out to various businesses. I am currently renting to Tim Snyder. There is one individual

September 7, 2023

who complains about this and that has a personal vendetta against Mr. Snyder. I am almost to the point of suing for harassment. We met with Ms. Bunch on August 1<sup>st</sup> and on August 10<sup>th</sup> we received a letter. On August 2<sup>nd</sup>, we put an effort to move inoperable cars out of the way. The clients sometimes need to decide whether they want the vehicle fixed or not. If they want the vehicle fixed sometimes we have to wait on parts. We were told that we cannot run a wrecker business out of the property. When I drove by my property I did see a rollback truck at the site but when I drove back around it was gone. One to two minutes should not dictate what is going on. The rollback was sitting on the property for 30 days. The bed to the rollback was inside waiting to be repaired. We requested to have 25 cars. This property is capable of doing so many things for many people. If the County considers denying the request for 25, I will lose a renter just because one person continues to call. This is my retirement plan. I ride through the area and I am the biggest critic. Inoperable does not necessarily mean sitting on blocks. Many cars that are being sold are unlicensed. On any given day, you can drive by and say there is an unlicensed vehicle. We are trying to solve these issues. I did not know we needed a permit to have U-hauls at the site. I challenge you to find a property within a 25 mile radius that does not look like a junkyard. This property does not look like a junkyard. We try to put things against the back of the shop. I have had nothing but compliments on the property. The nearest neighbor is 500'-600' away with turkey barns and they do not have any issues.

Mr. Tim Snyder stated I rent the property from Mr. Alford. I did have trouble getting customers to pick up their vehicles.

Chair Coyner asked if they have changed the business plan?

Mr. Snyder stated I have never done body work.

Chair Coyner asked if you plan on selling vehicles?

Mr. Snyder stated no. I plan to only operate vehicle repair and U-Haul rental.

Chair Coyner stated the site is continually not in compliance, staff has sent letters out. If 20 is not a good number, would 25 be?

Mr. Snyder stated yes. It takes time to get parts in.

Mr. Alford stated auto repair is important. This place is a show place compared to many other sites.

September 7, 2023

Mr. Bailey stated with the U-Haul business, does the client leave their vehicle?

Mr. Snyder stated I deal with mostly local clients for pickup. They leave the vehicle parked in the U-Haul area.

Mr. Glover asked how long does it take to repair a vehicle?

Mr. Snyder stated it takes about a week to get the part and within a week and a half it is gone.

Mr. Glover stated the ordinance states vehicles waiting to be repaired for 30 days or more need to be in a fenced screened in area.

Mr. Snyder stated I could not get the people who owned the vans to make up their mind with what they wanted to do.

Ms. Bunch stated vehicles with expired tags and expired inspections on the property are considered inoperable by definition of the ordinance. They are supposed to be behind a screened impound area. There continues to be multiple inoperable vehicles at the site. They need to be kept inside or behind a fence. We have had this discussion about inoperable vehicles. The ordinance states inoperable vehicles need to be screened by a fenced in area.

Chair Coyner asked if there was any thought to have a screened in area on the property?

Mr. Snyder stated there is no way to have an area screened in.

Mr. Alford stated we can put the vehicles inside or in the rear of the building because of the line of sight. All you can see is a Ntelos building and propane tank. You cannot see things behind my building. I have a car that has expired tags and it is my son's vehicle. He is in a treatment center. The rear of the building would be more efficient than any fence could possibly be due to the line of sight. No one can see things back there. This is common sense.

Mr. Glover stated there is a wooden fence there. Would that be able to be extended to come around and enclose that area?

Mr. Alford stated that wooden fence is a courtesy to my son so that they do not look at the site. To bring a wooden fence around anymore does not do any good unless you enclose it from the fence side and that would destroy the entire property.

September 7, 2023

Ms. Bunch stated the ordinance states the vehicles need to be screened from public view. That does not mean just the road.

Mr. Alford stated there is no public there to view.

Ms. Bunch stated there is property behind you.

Mr. Alford stated there is no public back there to view.

Ms. Bunch said there could be at some point in the future. It needs to be screened from all sides.

Mr. Alford stated these are opinions and they have been allowed to do this for the last thirty (30) years.

Ms. Bunch stated in 2012 the permit had stipulations in the operating conditions stating this and limiting the number of licensed vehicles on the property.

Mr. Alford stated we have always kept things behind the building. The public could not see it and it was out of view. Now it would be a hindrance to the property to try and put up a fence. There is no one objecting.

Mr. Benkahla stated it is in public view if you can see it from other property.

Mr. Glover stated the brick ranch house is in public view.

Mr. Alford stated the entire area is blocked from the Ntelos complex.

Mr. Benkahla stated if you can see it from the Ntelos complex it is in public view.

Chair Coyner stated installing a fence to alleviate problems would be the logical thing to do.

Mr. Glover stated by law we have to follow the ordinance. The Ntelos building is in public view. There is property and public access so it is public view. We cannot let it slide. We are not saying there needs to be a fence but there needs to be screening from public view.

September 7, 2023

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. The Board visited the site this morning.

Mr. Glover stated we should give the applicant time to bring the property into compliance. He moved to table the request to the October 5, 2023 meeting.

Mr. Thacker seconded the motion, which carried unanimously.

\* \* \* \* \*

**LINDSEY NELSON, AGENT FOR SHENVALEE SOLAR, LLC - SPECIAL USE PERMIT**

This being the date and time advertised to consider 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.

Mr. Jeff Lord and Kevin Comer stated they are here to represent RWE. They presented a PowerPoint presentation to the Board (copy is in the file).

Mr. Comer stated this is agriculture grazing land and it will continue to be. There will be an extension of Edgewood Lane. This will not go through the park.

Mr. Lord stated there will not be deliveries before 9:00 a.m. or after 2:00 p.m. during the few months of construction. There will also be a traffic manager designated at the site.

Mr. Comer stated there will be a monthly or periodic visit to the site once it is up and running.

Mr. Lord stated we are willing to have an extra buffer of 250'.

Chair Coyner asked if the panels are moveable?

Mr. Comer stated yes.

Chair Coyner asked what is the minimum clearance with sheep?

September 7, 2023

Mr. Comer stated two (2') feet at the maximum tilt.

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

Mr. Dan Sumerlin stated I am the property owner. Our family has been part of Stuarts Draft for over 100 years. I do not plan on subdividing the property for housing. I plan to build a home on a portion of the property overlooking the panels. The tenant farmer plans to continue to farm. We will have sheep grazing at the site. We believe it is our right to do this. The project does meet all County solar ordinance requirements. The land is screened by a natural scope of land. Very few people would be aware of the project's existence. Augusta County has recommended the project for approval. Our rights should be protected.

Mr. Wayne Nolde, 210 Cider Mill Road, Mount Sidney, stated I am a solar advocate and worked with solar. I have put solar on numerous houses and I am a professional engineer. Not everyone will ever get all that they want. With regard to property rights and views, the neighbor above me had a view of Route 250 and Route 33 fifty (50) years ago. The trees and property have now grown up in the last fifty (50) years. It is not right for me to ask them to cut down their trees in order for me to have a view. We make a reasonable effort to accommodate the views but if somebody loses their view, that is a risk that you take. The development of houses will impact the view also. The solar panels will have very limited impact on traffic. The construction of houses will have a significant impact with schools, etc. What is the plan with Urban Service Area growth when it is completely built up. If this is developed for solar, there are other places where people can develop. We are not going to bankrupt Augusta Water. This is a balanced project. What is the plan for urban growth? The County needs to do a lot of planning for schools and other infrastructure.

Mr. Jonathan Barter stated I live in Rockingham County. I have experience in the solar grazing and I would be happy to help. I have a lot of input to help people do this better. I am happy to work with RWE or any other farms working with other solar sites.

Mr. Bruce Dorries, 1036 Middle River Road, Staunton, stated the future of the world is solar and wind. Sigora Solar installed panels for us in order to create more energy that our family can use.

Mr. Andrew Hershberger, 373 Franklin Street, Harrisonburg, stated I run an electrical business in the County. We travel all over Virginia building these solar plants. These projects bring my guys home and keep us here locally. I am in support of this project.

September 7, 2023

Ms. Nancy Sorrells, 3419 Cold Springs Road, Greenville, stated I am here to support the project. It kicks off many of the goals that our citizens have for the Small Area Plan and Comprehensive Plan which allows the landowners to keep the farm in agriculture production and preserve low taxes and quality of life for everyone. This land is in the Urban Service Area with a future land use of Medium Density Residential should the landowner decide to rezone. Happily, the landowner does not want to rezone. They want to put solar panels on a 26 acre tract. They want to graze sheep and put pollinator plants around them as well as graze cattle. At the Planning Commission meeting, Augusta Water argued that they would rather see houses on the land because of the income that those houses would bring in for the water and sewer rate payers. They said those houses equal a net revenue loss of \$800,000. That is a ridiculous statement because no one is made to develop their land unless the County gets into the business of eminent domain. The Comprehensive Plan is not an assumption that every particular policy area should or would be built out to the highest use. It is a guide about where to encourage appropriate land use if the current landowner decides to change the current land use of the land. Augusta Water would gain almost \$1 million but 80 houses would give financial drain to the taxpayers and here is why: The staff report notes that Stump Elementary is one student from capacity. How many new students would live in those 80 houses? How much does a new school cost? 80 houses would need more Fire and Rescue. One fire truck would cost more than the total expected revenue. 80 houses would create a lot of traffic. Will there need to be traffic lights, turning lanes, widening of the road? Everyone knows what long lines of cars occur at Stump Elementary School and park every day when the school lets out. What would the traffic from 80 houses behind the park due to that situation? Solar projects keep the County taxes low and quality of life high. Taking this acreage out of development provides a natural relief value for County planners and the County pocketbooks. The developer has offered to work with the County to provide a public walking trail. This project embraces the vision of the Stuarts Draft Small Area Plan. This is a win-win for the community, win for county leaders, and win for the landowners, so please vote yes for this Special Use Permit.

Ms. Phyllis Cox, 654 Broadhead School Road, Greenville, stated I am in favor of this. It is our duty to look at stewardship of the resources provided by our creator. Our duty is not to have Dominion (which implies control) take care of our earth's natural resources. The solar project is a perfect example of good land stewardship. I urge you to support and approve this.

Mr. Jack Barber, 169 Windsor Drive, Fishersville, stated the Board should vote in favor of this. I support this project. I do feel the landowner is within their rights to ask you to approve this. The Comprehensive Plan is a guide and subject to change. The Small

September 7, 2023

Area Plan in Stuarts Draft outlines the preservation of agriculture resources and this project does that much better than some of the area projects that are currently built in that area. I feel we have a great opportunity to demonstrate real leadership for the County by approving this project.

Mr. Alexander Smallwood, 265 Draft Avenue, Stuarts Draft, stated my family moved to this property a couple of months ago. We have one of the largest contiguous properties near this project. I grew up in northern Virginia and my family had a cattle farm and they would have had it today if they did not have to sell it. Now it is a subdivision. I have seen the orchards and farmland turned into a maze of cul de sacs and plastic boxes and it just breaks my heart. If there were eighty (80) units built here, my wife and I would have kept looking for somewhere else to live. I am in strong support of this. I was so happy when I heard about the solar project which will maintain the use of the land and support the agriculture heritage of this area. I love the idea when they are done that it will continue to be agriculture land.

Mr. James Kindig, 3546 Stuarts Draft Highway, Waynesboro, stated I am in favor of this. I believe every landowner has a right to do what they think is best to do on their property. This landowner wants to have this and it should be allowed. This is not going to affect adjacent property owners. Building houses on the property will have impacts. If they sell the property, we may see townhouses there. There will be more congestion. There is no more room for development in Stuarts Draft until infrastructure is improved. I am concerned about the schools and increasing taxes and children going to school. This will impact everyone. Dominion is in a crunch and they need power anywhere they can get it. Dominion is going to start buying property because they will be in a crunch and they would not have to go through the public hearing process to do anything because they have already been approved.

Ms. Sarah Smallwood, 265 Draft Avenue, Stuarts Draft, stated I hope this is approved. We are one of the affected neighbors for this project. The power lines go through our property. We moved here from northern Virginia because we wanted to live in the country and we could not afford to live there. We cannot afford to live in the town we grew up in. We would not have bought this property if there was going to be a development. I was happy to find out about this project. I do not think it would decrease property values. They have the right to do what they want to make a living.

Ms. Ann Murray, 2084 Long Meadow Road, Waynesboro, stated I have solar panels on my home. This would be a good neighbor instead of eighty (80) homes. It is difficult to make a living on a farm these days. The owner wants this to remain a farm and they should be allowed to do this. Farms have very high costs and low profits.

September 7, 2023

Ms. June Cohron, 211 Draft Avenue, Stuarts Draft, stated I own the animal hospital and dog grooming businesses in Stuarts Draft. This went before the Planning Commission and they determined that this was not in substantial accord with the Comprehensive Plan. Why is it in front of the Board of Zoning Appeals now and not the Board of Supervisors?

Mr. Benkahla stated it is my legal opinion that this is properly before the Board of Zoning Appeals.

Ms. Cohron stated in the event that there is an appeal, where does it go?

Mr. Benkahla stated the Circuit Court.

Ms. Cohron asked if the general public has a right to appeal?

Mr. Benkahla stated it depends.

Ms. Cohron stated if I have twenty (20) dogs at my house, I would have to reapply for a Special Use Permit on a regular basis. Does this require a re-application? If this lease is sold and conveyed to another developer, does the Special Use Permit convey as the solar panel developer and lease holders change?

Ms. Bunch stated there is an operating condition which states that it does convey. As far as a kennel, the permit does not require the applicant to reapply and it never expires as long as the location is not changed or the property sold.

Ms. Cohron stated I sat on the committee for the Stuarts Draft Small Area Plan in 2019 when we had community meetings with citizens and listened to what people wanted. Majority of the people who spoke in favor of the solar panels do not live in Stuarts Draft. I am not opposed to solar either. There is a reason why we have a Comprehensive Plan. If everyone can do what they want with their land we would have a giant mess. Stuarts Draft and the plan is all about agriculture. I love industry but I like the fact that Target Distribution Center is over the hill and we cannot see it. I love that Hershey is back off of the road and there is a corn field in front of it and we cannot see it. As much as they tell you that you will not see the solar farm, you will. You may not see it in front standing on Draft Avenue but if we revitalize the downtown area, you may. There is going to be apartments on the second floor and you will see them. I can see everything from the topography. My property will look over the solar panels. This will affect the value of my property and affect me personally. This is what our small area committee did not want. We wanted agriculture. I am sorry but growing sunshine is not agriculture. The sheep is

September 7, 2023

an experimental project and very few people have done that. They have already made a mistake because you cannot use Rhododendrons along the fence line because they will kill the sheep and they will die. It is poisonous to sheep. This does not match up with the Comprehensive Plan and Stuarts Draft Small Area Plan. Policy #7 – Urban Service Area (along the railroad, has public water and access to public sewer). Policy #12 – Fitzgerald farm already has an approved solar farm. That project is only 0.6 of a mile away as noted in the minutes of the Planning Commission meeting. Despite staff's recommendation of this being a great idea, it goes against the clustering and co-location policy. Policy #5 – Visual Impact: I have property in Medium Density Residential and do not plan to build houses. If I were to do that, this solar project will lower my property values. I spoke with Ms. Sumerlin and she asked what it would do for me to support this project. It would make me happy to not see this project from my second story of my home. I can even see it from the first story. I did propose a 250' setback if the property was developed. I could probably live with that. I wrote up a proposal with seven different things that I wanted done. This included install the proper type of fence for livestock, proper type of buffering not to include non-toxic type plants, and had to keep it in some sort of agriculture, graze it, produce honey, make crops, etc. I included that in my list of things that would make me happy but I did not hear any of that mentioned today by the applicant. If this gets approved, how will it get approved? Will it get approved with the 250' setback or regulations? If the Special Use Permit never gets reviewed and one of the things they are talking about is a sheep farm, what happens when this is not a sheep farm? This was supposed to be an agriculture project and now it is an overgrown project and someone mowing on a John Deere. They do not need to make me happy but they should try to make the citizens of Augusta County happy by following the plans as they are written. This project does not meet the requirements and the Planning Commission said it was not in substantial accord with the Comprehensive Plan. I think you should find the same.

Ms. Janet Rollings, 615 Elk Mountain Road, Waynesboro, stated the overlook area is not the entire National Park. At the overlook all you see is Target and it affects the view shed of the parkway. This will affect the view shed of the parkway. I would not walk my dog through a trail near solar arrays. You have tried to make some accommodation but it speaks of desperation to me. The Comprehensive Plan strongly discourages solar facilities in Urban Service Areas. Even the other eight projects planned should be turned down. I am tired of keep having to come to these meetings and reminding you of what is clear in the Comprehensive Plan. We would ask that they go away and stop wasting people's time and resources. The community does not want this here. I am a fan of solar panels. I have solar panels at home and drive an electric car. Solar is a great resource. The problem is this location is wrong and the initial effort to choose this location was ill conceived. I understand that you found a willing partner but that does not mean that it is

September 7, 2023

right. This is a direct contradiction of the vision of the citizens of Stuarts Draft. I urge you to turn this down. I hope that I can stop coming to the meetings.

Mr. Phil Martin, Executive Director, Augusta Water stated I am not here to support or oppose this project. The Board of Directors asked me to attend and deliver comments. It is part of our mission to work with Augusta County to achieve their goals. We use the Comprehensive Plan. The Comprehensive Plan shows this property as being in the Urban Service Area as a future land use as Medium Density Residential. In accordance with the Comprehensive Plan and our mission we have been able to make water and sewer available. The drinking water comes from the South River. There is sewer on Draft Avenue that goes to Stuarts Draft Wastewater Treatment Plant which is a 4,000,000 gallon plant and we are running at 1.25 million gallons. We use the Comprehensive Plan to see what the current and future demands are for the County. The Urban Service Area is our first priority locations for provision of water and sewer. The rate payers have already funded the projects to make water and sewer available in these areas. We look at if the property was developed as envisioned? With 4 units in the next 15 years we would lose \$800,000 over 35 years which is \$23,000 a year. The Comprehensive Plan is the guide that we use to give this area utilities and that is why we are giving you these numbers to take that into consideration. Our Mission Statement is to support the Comprehensive Plan and we have made and will continue to make investments and do that in good faith as best as we can. We would ask that you consider that in making your decision.

Mr. Ken King, 81 Neff Drive, Stuarts Draft, stated I also own 255 Draft Avenue, Stuarts Draft. No one came to visit me. My business location is called Sportsline. I could not come to the original meeting. My biggest concern is of a transformer sitting 25' behind my property line. I have lived in the area for 27 years. There is no direct access to get to the property if there is a fire. We will be the first to go. I do worry about property values. I am in strong disagreement. Would you mind a transformer 25' from your property line?

Ms. Kelly King, 81 Neff Drive, Stuarts Draft, stated if something were to go wrong with the solar panel farm does Sherry Sumerlin still own the property and is she liable if it damages my property?

Mr. Benkahla stated I cannot answer that question. I would consult with a private attorney.

Mr. Rick Pfizenmayer, 30 Round Hill Drive, Stuarts Draft, stated this is not a question about being pro-solar or against solar. The issue is the disregard for what the Planning Commission is recommending. There is a common sense approach, the answer should

September 7, 2023

be a clear no. This will change the character of the community if granted. Should you disregard the Comprehensive Plan and Stuarts Draft Small Area Plan and zoning of parcels .... No. Should you disregard Augusta Water loss of \$800,000 .... No. Should you add the impact of this project on Wayne Ave Solar and thus affecting the quality of life for Stuarts Draft residents ....No. This should be denied.

Ms. Rebecca Early, 2400 Stuarts Draft Highway, Stuarts Draft, stated I am opposed to the project. I sent in an email for the Board. In July of 2022, Virginia lost about 2,000 acres of productive farmland. In 2015, there were no utility scale solar farms in Virginia and now there is 44. There are 19 proposed and now up to 28 which is a lot for Augusta County. There is no plan on dealing with the hazardous waste when the panels are no longer in use. Solar farms require 6-8 acres to produce 1MW of electricity. These are highly toxic metals like lead and cadmium. Virginia is on track to lose a massive amount of farmland. We relocated because we love this area. We hear comments from people daily that we do not want solar panels. People come from all over to camp in this area. Many customers do not want the solar panels. If approved this will impact them and impact us as business people.

Mr. Larry Cohron, 43 Finley Drive, Stuarts Draft, stated I love our community. The Stuarts Draft Small Area Plan took about three (3) years to prepare to go to the Board of Supervisors. The plan was passed unanimously. Edgewood Lane is the entrance to the Stuarts Draft Park. There is another street but it goes directly to Stump Elementary School grounds. The park has two ballfields, two soccer fields, walking trail, and picnic pavilion. There is only parking on the street when the kids are playing ball. My grandchildren and great-grandchildren play at the park. The folks that are in favor of this project are not Stuarts Draft residents.

Ms. Kristen Donohue, 572 Churchmans Mill Road, Stuarts Draft, stated I am strongly opposed to this project. Policy #7 – This is located within an Urban Service Area – the County has made a significant investment of infrastructure. The Urban Service Areas and Community Development Areas are for family friendly residential neighborhoods. The solar projects by their nature do not support the vision. Solar projects take up land that could be used for residential and agriculture. I do not think that the addition of sheep hides the fact that this is a transition of agriculture to industry. It will not be easy to reverse this after several decades. People who would move to this area would avoid it as this gets developed more and more as an industrial area. I hope the Board denies this solar project.

Ms. Judy Bienvenu, 211 Draft Avenue, Stuarts Draft, stated I am opposed to this. I will see solar panels for the rest of my life. They will be right behind my house. Please do

September 7, 2023

not go against the Comprehensive Plan or Stuarts Draft Small Area Plan. This is something you should base your decisions on. This is not a good match for the area. I understand the owner wants to do this. To me this goes against everything that the plan stands for.

Mr. David Holland stated I live in Staunton but we have property in Craigsville. We are having discussions with our developer to develop a solar farm. We want to be sure that when everything is done that those panels will be removed and the field gets the same texture that it did before the panels were installed. It takes money to do that. I want to be sure that after thirty (30) years, the field gets back to normal use so that we are not left with fields and fields of abandoned solar arrays.

Ms. Bunch stated the Planning Commission found that this was not in conformity with Policy #5, 7, and 12 of the Comprehensive Plan to which they based their decision on.

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.

Mr. Lord stated we did not talk about the decommission because it is in the conditions of the staff report. County staff does a remarkable job of putting those together. There is no cadmium and that is not part of this and not allowed. The surety requirement is very robust. We have a plan that the bond will be posted before construction begins and if they do not do the right thing then there will be a bond on file. There is nothing toxic at the site or left at the site. There is no transformer near the site. The project will have their own transformer inside the fenced area. The equipment will be monitored remotely. The project will have commercial liability insurance. They have a responsibility to be held liable and any issues insurance would cover that. In my experience, solar arrays attract dog walkers and is very common. We were asked by staff if we would be interested in creating this. It was not our idea but County staff's idea and they thought it would be worth exploring. From our perspective we think it is a neat idea. The landowner also agrees to explore this with County staff. The land is zoned agriculture and there will be grazing to preserve the soils. When the solar gets removed the soils will still be there. The land could be used for the same thing as it is today. We are not removing topsoil from the site. They are actually going to develop this project using the existing topo and flow of the land. We are not converting anything but preserving it. In the future, the landowner may decide to have residential development, industrial, commercial or agriculture but the choice will still be available to the landowner.

September 7, 2023

Mr. Comer stated the Comprehensive Plan does not prohibit solar. Target can be viewed because it is a very large white building. It is not this property. This project is on the other side of Hershey and it will be very well hidden. The rhododendron was shown in the initial rendering. There is a 16-20 page list of what they had in stock and what Waynesboro Nursery recommends. We will get great advice from staff and Waynesboro Nursery. The Rhododendrons will not be inside the fenced area where the sheep will be. There is an easement agreement in place between RWE and the property owner that allows access for these types of services with the power line. No other traffic in and out except for an emergency.

Mr. Lord stated there is a switch Dominion installs by the road. The switch is programmed and if a fault occurs, it disconnects if there is an issue.

Mr. Comer stated the sheep grazing program is not a gimmick. We will get the help from Mr. Barter who is an expert. It is new but that is why we asked an expert to help. We also have two experienced farmers that we will get advice from. The new homebuyers that just purchased a home by this project is in support. Roger Willetts also sent in a letter of support. Mr. Kiser is also in support. We knocked on doors of people who live on Draft Avenue and sent out mailers. I did not talk with everyone. I am happy to work with Dr. Cohron but not as a measure of desperation but because this is how we do things. We are happy to take people's suggestions. We have Dr. Cohron's list of recommendations and they will be considered seriously. The significant one was the setback issue. We will have the extra 250' buffer. She is also requesting a new fence but there is no livestock there. I guess she wants a new fence from the Sumerlin's. Not all people are going to be in favor of something like this. The people to consider is the owner because it is going to be their land. This is low impact. This is encouraged in the Comprehensive Plan. They are trying to improve their operation on the property. The tenant farmer does not consider sheep grazing a gimmick. They are very interested. If the tenant farmer was not interested, we would not propose the sheep grazing. The property is quiet and it is mostly hidden. The setback that Dr. Cohron requested is feasible and we would accommodate that. This is quiet, clean renewable energy. This is supportive in many ways of the Stuarts Draft Area Plan and the Comprehensive Plan. Some of the policies do not fit which we addressed in the presentation but staff almost entirely thought it was in accord.

Mr. Lord stated the Comprehensive Plan does not prohibit this. There is a policy which states there is a purpose to encourage distributed solar and carefully sited utility scale. The plan encourages distributive solar. This is not utility scale. The clustering and co-location really apply to utility scale. Distributed solar has to be on a single parcel of land.

September 7, 2023

Chair Coyner declared the public hearing closed.

Mr. Glover stated the Board viewed this property. There is a lot to consider with this request. I would prefer to table the request in order to look at the Comprehensive Plan and how it relates to this. There has been a lot of discussion of whether it meets the Comprehensive Plan. He moved to table the request to the October 5, 2023 meeting.

Mr. Bailey seconded the motion, which carried unanimously.

\* \* \* \* \*

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

#### **MARGARET MAE DAVISON, AGENT FOR SHARED SOLAR HOLDCO., LLC - EXTENSION OF TIME**

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.

Mr. Bailey moved to approve the six (6) month Extension of Time.

Mr. Glover seconded the motion, which carried unanimously.

\* \* \* \* \*

#### **JOHN RIXEY AND MARGARET RENNOLDS - EXTENSION OF TIME**

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.

Mr. Glover moved to approve the one (1) year Extension of Time.

Mr. Bailey seconded the motion, which carried unanimously.

September 7, 2023

\* \* \* \* \*

**LAURA PITTKIN, AGENT FOR KILBRIDE INTERNATIONAL AND LEASING -  
EXTENSION OF TIME**

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.

Mr. Bailey moved to approve the six (6) month Extension of Time.

Mr. Glover seconded the motion, which carried unanimously.

\* \* \* \* \*

**STAFF REPORTS**

- 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

Ms. Bunch stated all permits were inspected and appeared to be in compliance.

\* \* \* \* \*

Mr. Benkahla discussed the court cases with the Board.

\* \* \* \* \*

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

September 7, 2023

\* \* \* \* \*

---

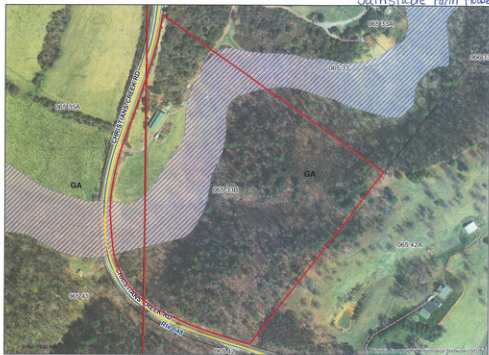
Chair

---

Secretary

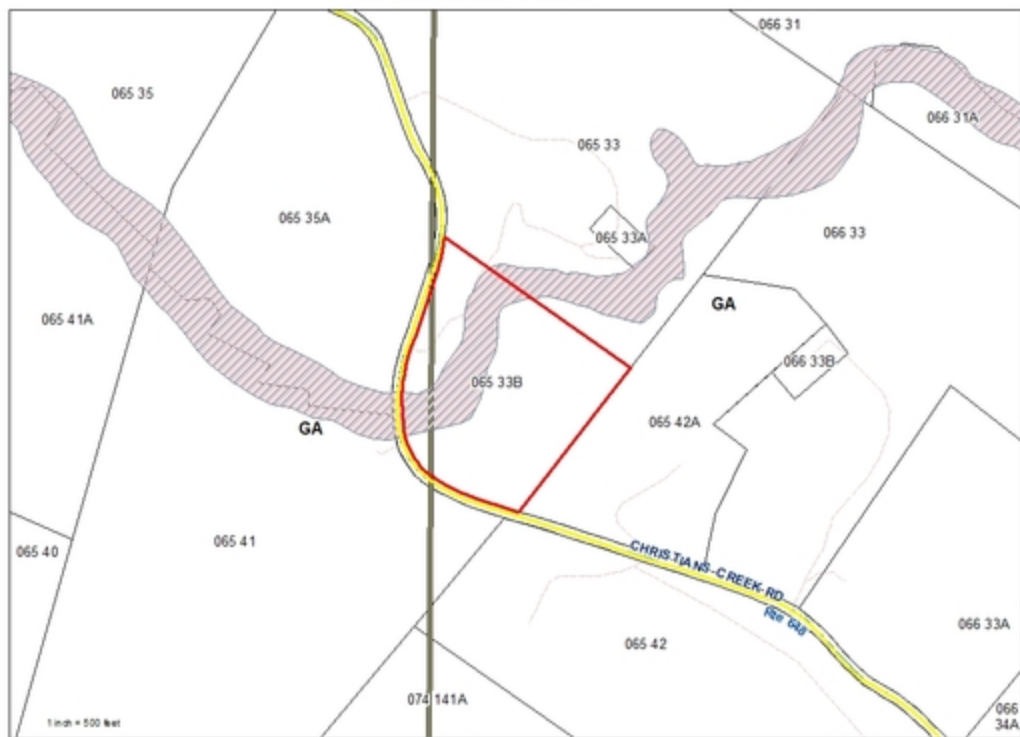


Barnstable Farm House



Using existing building 30'x80' all equipment kept inside

### Barnstable Farm House



Aerial Imagery © 2001 Commonwealth of MA

1 inch = 500 feet



Agenda Item # 4A  
Date 10/5/2023

**PROPERTY OWNER:**  
Barnstable Farm House, LLC

**APPLICANT:**  
Ammad S. Sheikh, agent for Barnstable Farm House, LLC

**APPLICANT'S REQUEST:**  
To lease an existing building for maintenance and equipment storage and outdoor storage of commercial vehicles in conjunction with an excavating business

**LOCATION OF PROPERTY:**  
604 Christians Creek Road, Staunton in the Beverley Manor District

**SIZE OF PROPERTY:**  
20.458 acres

**VICINITY ZONING:**  
General Agriculture surrounds the entire parcel

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

**LAND USE MAPS:**  
Agriculture Conservation Area

**UTILITIES:**  
Private well and septic

**PLANNING COMMISSION'S COMMENTS:**  
No comments.

**BUILDING INSPECTOR'S COMMENTS:**  
After review, our office has no conditions.

**HEALTH DEPARTMENT'S COMMENTS:**  
An existing septic system serves the building. The Health Department has no issues with a maximum of 2 people working onsite. If more than 2 people will be working at the property, the applicant will need to consult with an onsite soil evaluator or a professional engineer to determine if the septic system can handle the proposal.

**HIGHWAY DEPARTMENT'S COMMENTS:**  
A Low Volume Commercial Entrance permit has been issued for improvements to the entrance. The improvements will satisfy the requirements that VDOT would require for the proposed usage. VDOT has no objection to the request.

**AUGUSTA WATER'S COMMENTS:**

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

**ENGINEERING'S COMMENTS:**

Activity appears to be less than 10,000 sf (~7,000 sf existing). No permit required as long as cumulative land disturbance and impervious areas associated with the activity are less than 10,000 sf. If additional impervious areas are added in the future, impervious area associated with special use permit activity will be calculated back to 1990 based on documentation available and 1991 aerial photography 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.**

All equipment and materials will be stored inside the existing building with the exception of some licensed commercial vehicles.

**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.**

There are no dwellings on the property.

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

Businesses are more appropriate in Business zoned districts. However, leasing the building for storage and maintenance of two (2) pieces of equipment and two (2) pickup trucks for an excavating 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 Christians Creek Road which is State maintained.

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

The 20 acre site with a gravel drive should adequately and safely accommodate all traffic to and from the public highway.

**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 be using a pre-existing building.

**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 enlargements or expansions 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 septic onsite approved for the building.

**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.**

No items will be displayed for sale. All commercial vehicles will be stored well over twenty-five (25') feet from the edge of pavement.

### **STAFF RECOMMENDATIONS**

The applicant is proposing to lease the existing 30' x 80' building to an excavating business for storage and maintenance of their equipment and commercial vehicles. There will be two (2) pieces of equipment stored inside the building and one (1) licensed trailer, and two (2) pickup trucks stored outside adjacent to the building. There will be two (2) employees who come to the property to pick up equipment and vehicles. There are restroom facilities inside the building and the Health Department comments state the system is adequate to accommodate two (2) employees. The hours of operation are 7:00 a.m. to 5:00 p.m. and no customers will come to the property. Staff feels this is a low impact business that should not have an adverse impact on the surrounding properties and recommends approval with the following conditions:

**Pre-Conditions:**

None

**Operating Conditions:**

1. Be limited to two (2) pieces of equipment, one (1) licensed trailer, and two (2) licensed pickup trucks.
  2. No outside storage of materials.
  3. No more than two (2) employees.
  4. Hours of operation be 7:00 a.m. to 5:00 p.m. Monday – Saturday.
  5. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
  6. Site be kept neat and orderly.
-

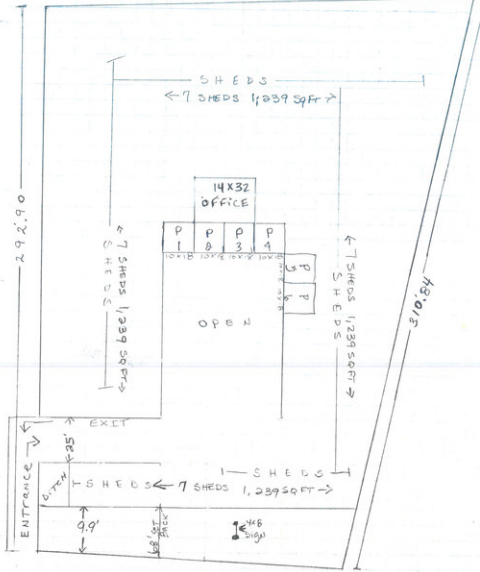




7 Hutchwood LN, Waynesboro, VA

237'

292.90



RT 340

United Leasing



**PROPERTY OWNER:**  
United Leasing Corp. Etal

Agenda Item # 4B  
Date 10/5/2023

**APPLICANT:**  
Marc Childers, agent for Pine View Buildings, LLC

**APPLICANT'S REQUEST:**  
To have outdoor storage and display of storage buildings

**LOCATION OF PROPERTY:**  
7 Hutchwood Lane, Waynesboro in the South River District

**SIZE OF PROPERTY:**  
1.634 acres

**VICINITY ZONING:**  
General Business to the south, east, and west; Multi-Family and Single Family Residential to the north

**PREVIOUS ZONING OR S.U.P.:**  
05/79 Zoned General Business

**LAND USE MAPS:**  
Urban Service Area – Business

**UTILITIES:**  
Public water and public sewer

**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 the request. Public water and sewer to serve.

**HIGHWAY DEPARTMENT'S COMMENTS:**  
The storage building complex will need to access Rte. 340 via Hutchwood Lane. The other existing entrance to Rte. 340 will need to be removed.

**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 2" waterline along Hutchwood Lane fronting the parcel.
5. There is an existing 8" sewer line along Stuarts Draft Highway (Rt. 340) across from the subject parcel.

**ENGINEERING'S COMMENTS:**

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

**SECTION 25-304B - GENERAL OUTDOOR STORAGE**

**A site plan is filed meeting the requirements of division J article LXVII "Site Plan Review", approved and followed which clearly delineates the areas intended for outdoor storage and complies with the requirements of this chapter.**

The applicant submitted a site plan showing the location of the proposed office building and the storage areas for buildings. The applicant will submit a site plan for full review if approved.

**On-site traffic flow will adequately and safely accommodate all traffic to and from the public highways. Aisleways will be appropriate for the anticipated vehicular and pedestrian traffic.**

The 1.634 acres and approved entrance should adequately and safely accommodate all traffic to and from the public highways. Aisleways are shown 24'.

**Outdoor storage areas will not interfere with convenient, easily accessible parking for the public. Areas delineated on the site plan for parking or aisleways may not be used for outdoor storage.**

Outdoor storage areas are located away from designated parking areas and aisleways.

**Outdoor storage areas will be proportionately appropriate in size and scope to the nature of the business. Financial considerations alone will not justify the failure to use inside storage.**

The requested outdoor storage areas appear proportionately appropriate for the 1.634 acre lot.

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

The buildings displayed for sale will be setback approximately sixty-eight (68') feet from the edge of Route 340.

**Items not displayed for sale or lease shall be fully shielded or screened from view unless the board of zoning appeals determines that fully shielding or screening is not necessary. Opaque screening, including fencing and landscaping, shall be appropriate to ensure compatibility with neighboring properties, taking into account the proper location of aiseways and gates and the compatibility of screening materials with the materials utilized in the principal buildings on site. Fencing or screening shall be maintained in a good state of repair. Chain-link fencing with slats inserted is not acceptable for this screening. Gates shall remain closed except when goods are moved to and from the enclosed area.**

All buildings displayed are for sale. No screening is required.

**There is an adequate plan for outdoor lighting showing the location of lights and shielding devices or other equipment to prevent unreasonable glow beyond the site. Any such outdoor lighting shall otherwise comply with the provisions of article VI of division I of this chapter.**

No outdoor lighting is proposed.

**Items to be stored outside may not be items normally and customarily kept inside.**

Accessory buildings are normally and customarily kept outside.

### **STAFF RECOMMENDATIONS**

The applicant is leasing the property to operate a sales lot for pre-fab accessory buildings. The applicant will display approximately twenty-eight (28) buildings located in four (4) designated storage areas on the property. This property is zoned General Business. Staff feels the request would be compatible with the adjoining businesses and would recommend approval with the following conditions:

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

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.

**Operating Conditions:**

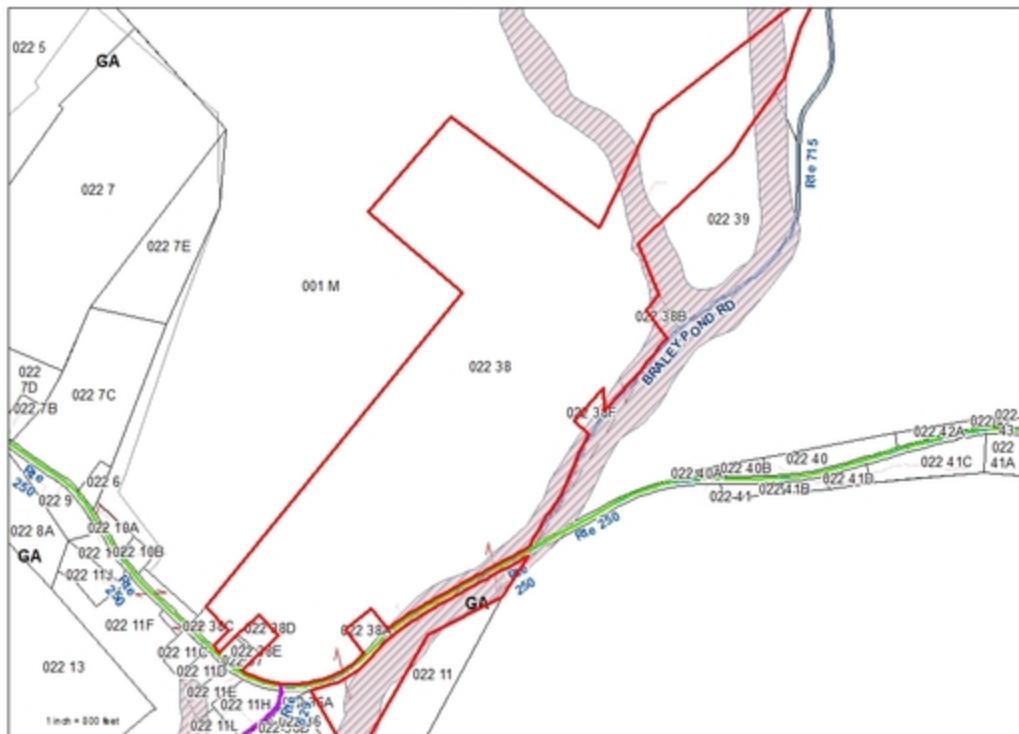
1. All outdoor storage be kept in the designated areas shown on the site plan.
2. The entrance to Route 340 be removed per VDOT comments.
3. Site be kept neat and orderly.
4. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
5. Any new outdoor lights over 3,000 lumens require site plan submittal and must meet the ordinance requirements of Article VI.A Outdoor Lighting.

Strickler





Strickler





**PROPERTY OWNER:**

Ray Hawpe Strickler

Agenda Item # 4E

Date 10/5/2023

**APPLICANT:**

Stuart Squier, agent for Verizon Wireless

**APPLICANT'S REQUEST:**

To construct a 199' wireless telecommunications tower

**LOCATION OF PROPERTY:**

85 Shenandoah Mountain Drive, West Augusta in the Pastures District

**SIZE OF PROPERTY:**

219.68 acres

**VICINITY ZONING:**

General Agriculture surrounds the entire parcel

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

12/95 Zoned General Agriculture

**LAND USE MAPS:**

Agriculture Conservation Area

**UTILITIES:**

Private well and septic

**PLANNING COMMISSION'S COMMENTS:**

The Planning Commission expressed their support for the request and variance stating that the tower is very much needed in the area for service and hopes the Board of Zoning Appeals considers approval for this request.

**BUILDING INSPECTOR'S COMMENTS:**

Obtain all necessary permits, inspections and Certificates of Occupancy in accordance with the Uniform Statewide Building Code.

**HEALTH DEPARTMENT'S COMMENTS:**

The Health Department has no issues with the request.

**HIGHWAY DEPARTMENT'S COMMENTS:**

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

**AUGUSTA WATER'S COMMENTS:**

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

**ENGINEERING'S COMMENTS:**

Activity associated with this request appears to exceed 10,000 sf. A complete Erosion & Sediment Control Plan and Stormwater Management Plan are required. Impervious area associated with special use permit activity will be calculated back to 1990 based on documentation available and 1991 aerial photography.

**SECTION 25-68.5B – WIRELESS TELECOMMUNICATION FACILITIES**

**New wireless telecommunication towers or base stations over fifty feet (50'), existing facilities expanded higher than one hundred ninety-nine feet (199'), existing facilities where a collocation or expansion would result in a substantial change to the facility, and facilities where setback requirements cannot be met may be permitted by Special Use Permit provided that the location (latitude and longitude), structure height, name, address, and telephone number of the structure owner of all potential co-locatable structures within a three-mile radius of the proposed structure, and written discussion and documentation of why those opportunities were rejected.**

The applicant provided documentation, verified by Atlantic Technologies that there are no co-locatable structures within three (3) miles of the site.

**Propagation predictions and coverage objective from a committed carrier including hand-off sites.**

Propagation maps are not provided pursuant to VA Code 15.2-2316.4:2.

**No wireless telecommunications facility may be approved and no building permit issued until the first telecommunications service provider is identified.**

Verizon will be on this tower.

**Eight (8) copies of a wireless telecommunication facilities plan are submitted meeting the requirements of ARTICLE LXVII, "Site Plan Review" of this chapter, including latitude and longitude, and a description of the lot lines, location of the proposed structure showing setbacks, location of adjacent dwellings and structures, separation distances, site elevation view with the height of the structure showing the location and height of the proposed antennas, compound details, landscaping, screening, access, parking, and security.**

Eight (8) copies will be submitted for agency review once approved. Applicant submitted one (1) copy with the application.

**Towers and base stations shall be visually as innocuous as possible and maintain a galvanized steel finish unless otherwise required by the Federal Aviation Administration (FAA). Antennas shall be of a neutral, non-reflective color with no logos. The design of accessory structures and equipment shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the facilities with the natural setting.**

The tower will be constructed of galvanized matte-finish and will be screened by natural vegetation.

**Towers and base stations shall have a fall zone. The radius of the fall zone shall be measured from the base of the structure and shall be equal to one hundred ten percent (110%) of the height of the structure from all adjacent property lines. Fall zone requirements shall not preclude the construction habitable buildings on adjacent parcels following the construction of the structure. These requirements to no apply for towers and base stations located in the public right of way.**

The site plan shows the proposed tower exceeding the 218.9' fall zone requirement from the front and side property lines. However, the proposed tower is shown fifty (50') feet from the rear property line. The applicant is requesting a Variance.

**Wireless telecommunications facilities shall meet all setback requirements for primary structures for the zoning district in which the telecommunications facility is located.**

The wireless telecommunication facility meets all setback requirements.

**All towers or base stations will be designed to collapse within the lot lines in case of structure failure as the result of various hazards including high wind.**

The applicant provided documentation stating the proposed tower is designed to collapse within the lot lines.

**Written, technical evidence from a professional engineer that the existing or proposed structure meets structural integrity standards.**

The applicant submitted documentation from a professional engineer that the proposed structure meets structural standards.

**Towers and base stations shall not be artificially lighted unless required by the Federal Aviation Administration (FAA).**

A TOWAIR study was performed which determines that lighting is not required at this site.

**Wireless telecommunications facilities shall be enclosed by security fencing not less than six feet (6') in height and shall also be equipped with an appropriate anti-climbing device unless determined by the county not to be warranted.**

The telecommunication facility will be enclosed by a six (6') foot security fence topped by barbed wire to prevent climbing.

**Monopoles and other single-pole structures, standing alone, shall be secured by anti-climbing devices.**

The security fence will be topped with strands of barbed wire to prevent climbing. The County's consultant is recommending the installation of an OSHA approved fall prevention cable.

**Collocation space on new wireless telecommunications facilities shall be reasonably available to other telecommunication service providers including limited facilities of the County and its agencies.**

The tower and compound are designed to handle three (3) additional carriers.

**Approval for a highway entrance can be obtained from the Virginia Department of Transportation.**

The facility will be accessed by an existing entrance off of Route 250.

**Federal Aviation Administration (FAA) approval and project conditions, if included in approval documentation.**

No registration is required per the submitted TOWAIR.

**Color photo simulations showing to scale representations of the proposed structure and associated facilities as it would appear viewed from the closest residential property or properties and from adjacent roadways.**

Color photo simulations and actual photos from a balloon test are included.

**No signs other than those listed below may be placed on the antenna support structure or other components comprising the wireless telecommunications facility unless required by the Federal Communications Commission (FCC).**

- a. **A sign is required displaying the facility owner's name, address, Federal Communications Commission (FCC) antenna support registration number and emergency contact phone number. The sign shall not exceed four square feet (4 sq. ft.) in size and shall be located on the security fence or other approved location.**
- b. **Signs warning of electromagnetic energy emissions shall be posted at wireless telecommunication facilities pursuant to Federal Communications Commission (FCC) regulations.**

**No advertising of any type may be placed on a tower or other components comprising the wireless telecommunications facility unless the advertising was pre-existing on a base station structure.**

No advertising will be placed on a tower or other components.

**A balloon test may be required by the board of zoning appeals. The applicant shall be responsible for costs associated with the public advertisement of such test.**

A balloon test was conducted on August 14, 2023 and photo simulations were submitted.

**If the applicant is not the owner of the property, the application shall be accompanied by the written consent of the owner.**

The applicant submitted a lease agreement.

## **STAFF RECOMMENDATIONS**

The applicants are proposing to construct a one hundred ninety-five (195') foot telecommunication tower with a four (4') foot lighting rod. The tower and all base station equipment will be within a 20' x 50' fenced compound. The facility will provide improved phone and data to an area lacking in coverage. The tower will not be lighted. The applicant has provided evidence that no existing facility is available for co-location, submitted engineering studies, TOWAIR studies, photo simulations of the proposed structure, and will be providing co-location space for up to three (3) additional carriers in accordance with the general standards of Section 25-68.5 of the ordinance.

The applicant has asked for a reduction in the one hundred ten percent (110%) required fall zone that will be addressed in their Variance application. The location of the facility is a wooded area that the applicant would like to use for screening requirements. Staff feels no additional screening or landscaping will be required.

The proposal has been reviewed by the County's consultant, Atlantic Technologies, Inc. and was found to be located in an area lacking system coverage and should be considered for approval. If the Board desires to approve the request, staff would recommend 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 Erosion and Sediment Control Plan and Stormwater Management Plan.
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 with **two (2) years**.

### **Operating Conditions:**

1. Be permitted to construct a 195' monopole style telecommunication tower with a four (4') foot lighting rod.
2. No additional landscaping or buffering is required to screen the fenced compound area.
3. All existing trees and vegetation around the perimeter of the fenced compound remain and be maintained as a natural buffer.
4. Tower design will allow a minimum of three (3) additional co-locators.
5. The tower will not be lighted.

6. The applicant will notify the Augusta County Community Development Department within thirty (30) days of the date the tower is no longer used for telecommunication purposes. The tower shall be disassembled and completely removed including the concrete pad to a depth of at least three (3') feet below grade and all equipment from the site within 180 days of such notification.
7. The applicant will not unreasonably deny the telecommunication providers the opportunity to co-locate on this tower.
8. 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.
9. Construction of the approved project shall commence within **two (2) years** of final approval and be diligently pursued until completion.

Strickler









Agenda Item # 4F  
Date 10/5/2023

**PROPERTY OWNER:**

Ray Hawpe Strickler

**APPLICANT:**

Stuart Squier, agent for Verizon Wireless

**APPLICANT'S REQUEST:**

Variance from the 110% fall zone requirement

**LOCATION OF PROPERTY:**

85 Shenandoah Mountain Drive, West Augusta in the Pastures District

**SIZE OF PROPERTY:**

219.68 acres

**VICINITY ZONING:**

General Agriculture surrounds the entire parcel

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

12/95 – Zoned General Agriculture

**LAND USE MAPS:**

Agriculture Conservation Area

**UTILITIES:**

Private well and private septic

**PLANNING COMMISSION'S COMMENTS:**

The Planning Commission expressed their support for the request and variance stating that the tower is very much needed in the area for service and hopes the Board of Zoning Appeals considers approval for this request.

**BUILDING INSPECTOR'S COMMENTS:**

After review, our office has no conditions.

**HEALTH DEPARTMENT'S COMMENTS:**

The Health Department has no comment.

**HIGHWAY DEPARTMENT'S COMMENTS:**

VDOT has no objection to the request.

**AUGUSTA WATER'S COMMENTS:**

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

### **ENGINEERING'S COMMENTS:**

Activity associated with this request appears to exceed 10,000 sf. A complete Erosion & Sediment Control Plan and Stormwater Management Plan are required. Impervious area associated with special use permit activity will be calculated back to 1990 based on documentation available and 1991 aerial photography.

### **STAFF RECOMMENDATIONS:**

The applicant is requesting a Variance from the required fall zone setback in order to construct a new telecommunications tower. The current Zoning Ordinance requires towers to be setback a distance of one hundred ten percent (110%) of the height of the tower which would be a two hundred nineteen foot (219') setback from all property lines. The applicant is requesting to reduce the setback to fifty feet (50') along the rear property line adjoining National Forest property. The applicant has provided a fall zone letter from the tower manufacturer stating the tower will utilize break point technology to reduce the fall zone to fifty feet (50') if it were to fail.

Due to the topography of the property, the applicant states if the tower is moved in order to meet the two hundred nineteen foot (219') setback requirement, the tower height would have to be increased by approximately one hundred eighty feet (180') in order to achieve their coverage objectives.

**Section 15.2-2201** of the Code of Virginia defines Variance "In the application of a Zoning Ordinance, a reasonable deviation from those provisions regulating the size or area of a lot or parcel of land, or the size, area, bulk or location of a building or structure when the strict application of the Ordinance would result in unnecessary or unreasonable hardship to the property owner, and such need for a Variance would not be shared generally by other properties, and provided such Variance is not contrary to the intended spirit and purpose of the Ordinance, and would result in substantial justice being done. It shall not include a change in use which change shall be accomplished by a rezoning or by a confidential zoning."

**Section 15.2-2309** of the Code of Virginia provides for approval of Variances providing evidence shows that the strict application of the terms of the ordinance would unreasonably restrict the utilization of the property or that granting of the variance would alleviate a hardship due to a physical condition relating to the property or improvements thereon at the time of the effective date of the ordinance or alleviate a hardship by granting a reasonable modification to a property or improvements thereon requested by, or on behalf of, a person with a disability, and **(i) the property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance; (ii) the granting of the variance will not be a substantial detriment to adjacent property and nearby properties in the proximity of that geographical area; (iii) the condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance; (iv) the granting of the variance does not result in a use that is not**

**otherwise permitted on such property or a change in the zoning classification of the property; and (v) the relief or remedy sought by the variance application is not available through a special exception process that is authorized in the ordinance.**

While Staff understands moving the tower to meet the required two hundred nineteen foot (219') fall zone setback may increase the cost of the tower and not be as convenient for the applicant, Staff does not feel it restricts the utilization of the property, and therefore, feels the applicant has not met the State Code requirements to be granted a Variance and to approve one would be contrary to the purpose of the ordinance. Staff would recommend **denial** of the request.

Curd



1 inch = 300 feet

**PARCEL DATA**

Owner: Jones and Kelly Ltd  
 Parcel#: 007460  
 Total Area: 24.00 Acres  
 Solar Panel Area: 8.24 Acres  
 Impervious Surface Area: 2.71% Planned Construction  
 2.8% Existing and Planned  
 Open Space Area: 62.8% of Parcel

**PV SYSTEM**

(SHEET 1 OF 2)

Number of PV Modules (approx): 5,700  
 Peak Power: 2.8MW Solar  
 Tracking Technology: Fix-Tilt  
 Module Size: 60"  
 Solar Module Orientation: South  
 Solar Module Height: ~10 ft  
 Approximate location of project discussed in  
 (SR 100000 - 78 307460)

This site plan is preliminary and NOT FOR CONSTRUCTION.  
 Based on GIS data, not a survey. A final site plan will be  
 submitted before construction based on a final survey.  
 Topography data obtained from Aquatic County.

**LEGEND**

MODULE RACK OF 24



FENCE



GATE



PROPERTY LINE



SEWER LINE



SF EASEMENT



GRAVEL



LANDSCAPING BUFFER SUPPLEMENTED



EXISTING VEGETATION TO REMAIN



GROUNDCOVER



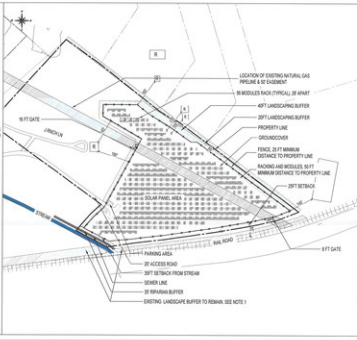
STREAM



BUILDING



RAILROAD



Scale: 1" = 100'

North Arrow

ES&S

Environmental Science & Solutions, LLC  
 10000 N. 10th Street, Suite 100, Portland, OR 97228  
 Phone: 503.253.8800  
 Fax: 503.253.8801  
 Website: www.esands.com

PROJECT NO. 2018-001

DATE: 08/15/2018

BY: J. PETERSON

SCALE: 1" = 100'

PROJECT NO. 2018-001

DATE: 08/15/2018

BY: J. PETERSON

Curd



1 inch = 300 feet



Agenda Item # 4G  
Date 10/5/2023

**PROPERTY OWNER:**  
James W. and Kelly B. Curd

**APPLICANT:**  
Cara Romaine, agent for Esa Solar

**APPLICANT'S REQUEST:**  
Construction and operation of Fishersville Solar, a 2 Megawatt alternating current small scale solar facility

**LOCATION OF PROPERTY:**  
Approximately 2,000 feet east of Fishersville, off of Long Meadow Road near the intersection of Long Meadow Road and US 250 in the Wayne District

**SIZE OF PROPERTY:**  
24.085 acres

**VICINITY ZONING:**  
General Agriculture to the north, south, east and west. Single Family Residential to the north

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

**LAND USE MAPS:**  
Urban Service Area – Planned Residential

**UTILITIES:**  
Public water and public sewer

**BUILDING INSPECTOR'S COMMENTS:**  
After review, our office has no conditions.

**HEALTH DEPARTMENT'S COMMENTS:**  
The Health Department has no issues with the request as long as the project does not encroach on any existing septic systems.

**HIGHWAY DEPARTMENT'S COMMENTS:**  
Any new entrance proposed off Rte 608 (Long Meadow Road) will need to be installed in accordance with Appendix F of the VDOT Road Design Manual. 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 Long Meadow Road approximately 1,040'± to the northwest of the subject parcel.
5. There is an existing 12" sewer line running through the southwest corner of the subject parcel.
6. Information regarding the potential economic impact to Augusta Water was sent to the Board of Zoning Appeals at an earlier date.

#### **ENGINEERING COMMENTS:**

##### Environment Ordinance Considerations

This property drains to Long Meadow Run and tributary which is listed on the Virginia DEQ 2022 Impaired Waters List. This impaired segment extends from the headwaters downstream to its confluence with Christians Creek. The impaired use is recreation, the specific impairments is E. coli. The sources are: On-site Treatment Systems (Septic Systems and Similar Decentralized Systems), Non-Point Source, Agriculture, and Impervious Surface/Parking Lot Runoff. This segment is covered by the bacterial TMDL for Christians Creek which must be considered by the applicant. (Federal TMDL ID # 17969)

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.

##### Overlay Ordinance Considerations

This property lies within the Conical Zone of the Airport Overlay District (APO) for the Waynesboro Eagles Nest Airport. The floor of the zone above the site is approximately 1761 Ft msl, and the highest grade on the site is approximately 1370 Ft msl, a difference of 391 Ft. No restrictions are anticipated.

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.

This property lies outside of the Source Water Protection Overlay (SWPO), and Floodplain Overlay (FPO) Ordinance Districts.

#### 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. Though a solar facility by its nature requires isolation with appropriate fencing, the ordinance would require connection to the surrounding properties enhancing the street network if developed as currently proposed in the Comprehensive Plan. Some properties are already substantially developed, however TM 67 Parcel 45 F in the northern corner of this parcel and TM 67 Parcel 46 (adjacent property currently approved for a solar facility) are potential future connections.

Additionally, this property lies along the route of a conceptualized future street connection, identified in the Comprehensive Plan, that would connect Hickory Hill Rd to Long Meadow Road at its intersection with Kiddsville Rd. This route faces a number of costly obstacles (Railroad, existing development patterns) and is highly conceptual at this point, but could be further limited with construction of a solar facility.

#### Natural Resources Recommendations from the Comprehensive Plan

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

## 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 the project will result in a capital investment of over \$4.68 million including machinery and tools, and will create approximately 25 full-time-equivalent (FTE) jobs during construction of the project. The applicant states that the project will likely advertise jobs and create a running log of job openings that will be open to the local workforce. Additional impacts to the local economy during the construction process will include the purchase of local goods and services, such as construction materials.

According to the applicant, this project would be included in Dominion's Shared solar program, where Dominion Energy customers have the potential to have lowered electric bills through voluntary participation in the program. This project also has a Low to Moderate Income (LMI) component that incentivizes projects to seek subscribers that qualify for the LMI metric, thus providing citizens with low-to-moderate income with savings on their electricity bill.

It is important to note that, per Virginia State Code, certain solar energy facilities under 5MW are eligible for an exemption from state and local taxation. However, rollback taxes will be required to be paid to the County on any acreage that will be removed from land use assessment. If the Special Use Permit is approved, the Commissioner of the Revenue will determine what acreage will be subject to removal from land use assessment and subsequent rollback taxation, depending on the property's overall compliance with the requirements of the land use program.

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

**STAFF ANALYSIS:** This project is located in Fishersville, one of the main growth areas in the County. The character of this area is residential, with both low- and medium-density residential surrounding the proposed project site. There are also surrounding agricultural operations.

This site is located immediately adjacent to an approved community scale solar facility. Staff are concerned that the siting of two (2) solar facilities this close to one another is in conflict with this policy. **The approval of this site, in close proximity to another approved solar project, is expected to result in undue adverse visual impacts on rural viewsheds for the surrounding neighborhood.** Please see Policy 5 for additional staff analysis regarding visual impact on adjacent residential properties.

While staff also note that the proposed site plan shows solar panels compacted tightly into the property, with very little open space between and around the panels, the applicant has stated the spacing of their solar arrays is standard, and that efficient spacing of panels is beneficial to the site. The compacted nature of the panels within the parcel could have an undue adverse visual impact on the surrounding neighbors. To mitigate this negative impact, the applicant has added increased setbacks from the northeast property line.

***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.***

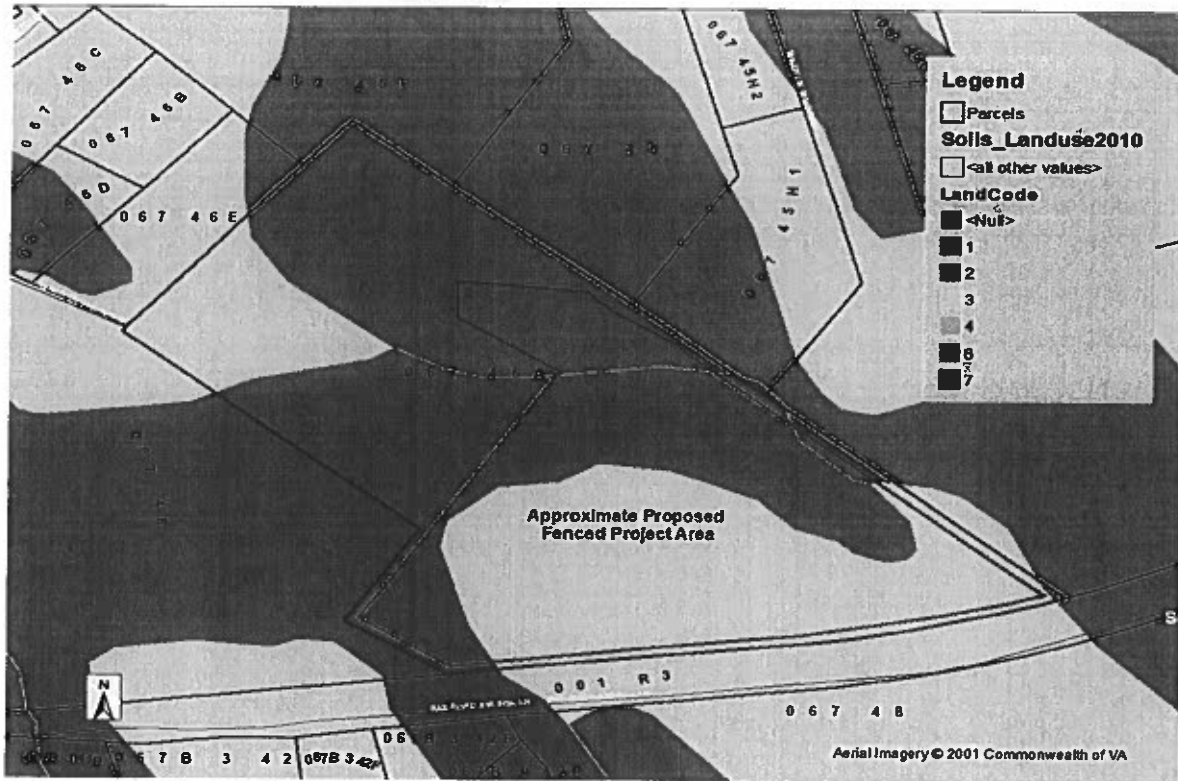
**STAFF ANALYSIS:** Staff observed during multiple site visits that the property appears to be used for residential and agricultural purposes. When asked if the remaining 14 acres outside of the project fence would be maintained for agricultural uses, the applicant stated that "The landowner will decide the appropriate use of the remaining 14 acres, in conformity with all applicable zoning codes, which could include a continuation of agricultural activities." However, it is likely that the presence of this project of 10 acres, if properly screened and buffered, would have a minimal impact on the agricultural economy of the County.

Staff also have concerns about the impacts of this proposed project on soils that are ideal for agricultural production. Please see Policy 4 for additional information 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:** Class 1, 2, and 3 soils are considered the best for farming purposes. Of the approximately 22 acres in this parcel that are not used for the house site, land use taxation data states that approximately 23.02% of the parcel is Class 2 soils, 45.28% of the parcel is Class 3 soils, and 31.7% of the parcel is Class 6 soils. The map below illustrates the soils for the parcels.

## Soils Map for TMP 067 46A:



Per data submitted by the applicant, over fifty-four percent (54.5%) of the soils within the proposed AOI are designated as either Prime Farmland or farmland of statewide importance. While the proposed siting of the project within the parcel attempts to limit impacts to soils better suited for agricultural production, it should be considered that **siting solar facilities on soils which are ideal for agricultural production could have a negative impact on the agricultural production of the area in both the short- and long-term.**

With that being said, USDA data shows that a far majority of the soils in Augusta County are designated Class 1, 2, or 3 or as either prime farmland or farmland of statewide importance. Therefore, the relatively small extent of the project – about 10 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.

The applicant has noted that there will be minimal soil disturbances during the construction phase of the project, and after the solar panels are set up, the ground will not be disturbed. The applicant has also questioned the need for consideration of soil preservation for this project, given that this parcel is designated for Planned Residential in the FLUM. However, as this parcel is

currently zoned General Agriculture, and this proposed facility would be taking the soils in question out of productive agricultural use, staff find that soil characteristics should be considered.

**Agricultural and Forestal Districts:** This property is 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:** The proposed project site is relatively flat with limited existing buffering. The applicant has proposed a 20-foot landscape buffer along portions of the north and west boundaries of the photovoltaic panel area, as a supplement to existing natural landscape buffers, along with additional buffering along the northeast property line. Minimum required setbacks from public right of ways and adjacent properties have been provided.

During staff inspection, it was noted that visual impacts would be moderate for residential properties along J Ranch Lane and the surrounding neighborhood, including Rosemary Ridge, due to these properties' higher elevation in comparison to the project site. Significant visual impacts are expected to properties along Windy Ln due to the close proximity of homes to the proposed project. The nearest dwelling on Windy Ln is located one hundred feet (125') from the proposed project fence.

The applicant has met with the neighbor in close proximity to the project, and has increased the setbacks 125' from the property as well as added additional buffering along the northeast property line. While these factors will serve to alleviate some of the adverse visual impacts of this project, it is impossible to fully screen the project site from all viewpoints due to the topography of the site and surrounding areas. For these reasons, while the setbacks from property lines exceed the Ordinance's minimum setback for small-scale solar facilities, **given the topography of the site and close proximity of several residential homes, staff find that compliance with this policy is not 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:** According to the Comprehensive Plan Future Land Use Map, the parcel is planned for Planned Residential, a zoning designation which may include a variety of residential uses at a density of four (4) to eight (8) dwelling units per acre. **This parcel is located within the Urban Service Area.**

**Staff does have concerns that a solar facility would have undue adverse impacts on nearby residential communities.** While the project meets setback requirements, the facility is in close proximity to residences to the north and west of the proposed site, including one home located one hundred feet (125') from the proposed project fence and one hundred and fifty feet (150') from the nearest panels. Not counting the house on the subject parcel, there are four (4) residential or residential accessory buildings located within one hundred and fifty feet (150') of the proposed project fence. These and other nearby homes could be negatively impacted with noise, lighting, dust, and glare, especially during the construction period.

**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 entirely in an Urban Service Area. The County and Comprehensive Plan strongly discourage development of solar facilities in Urban Service Areas, where the County's infrastructure is located and where the County seeks to encourage residential and commercial growth. Fishersville is also considered one of the County's two major growth areas, where significant residential and business growth is anticipated. Please see Policy 9 for staff comments on interconnectivity.

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

**STAFF ANALYSIS:** There is no publicly owned land in the immediate area, and no known public fishing or wildlife watching areas in the immediate area; therefore, compliance with Policy 8 is not applicable.

**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 proposed site is not adjacent to or nearly any public park or trail spaces. Westminster Drive, Long Meadow Road, J Ranch Lane and Fishersville Road do not have any pedestrian infrastructure. Therefore, considerations for interconnectivity and linkages to adjacent land – pedestrian or otherwise – are not applicable to this project.

However, staff do note that this property could conflict with a conceptual future road connecting Hickory Hill Rd to Long Meadow Road. While this road is highly conceptual at this point and faces other barriers, the proposed solar facility could severely limit its viability.

**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:** A stream is located to the southwest at the property line. Photovoltaic panels will not be located in the stream.
- b. **Fertile soils:** Please refer to Policy 4 for staff comments regarding soils on this property.
- c. **Habitats:** There is no specific evidence or information provided by the applicant at this time.
- d. **Native vegetation:** The applicant has proposed planting a variety of native grasses and clovers on the project site to stabilize the ground cover.
- e. **Forests:** This project is not proposing to locate in a forested area; therefore, clear cutting will not be occurring during the development phase.
- f. **Historic and archaeological resources:** According to data provided by the applicant, there are no significant known historic and archaeological resources either on the property or immediately adjacent to the property.

**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 project proposes the use of native vegetation and pollinator species in the buffer areas and underneath the panels. The applicant has also agreed to additional buffer plantings along the northeast property boundary. Therefore, this project should lead to minimal adverse impacts on native vegetation on the property or nearby, and **staff find compliance with this policy 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:** While both sites combined would be under 50 acres, having two solar facilities adjacent to each other, such as the proposed Fishersville Road Solar Farm and the adjacent, approved Augusta CSG solar facility, may be in conflict with this policy. Staff feels that this project is not "a reasonable distance away" from other solar facilities for the purposes of this policy, due to its siting immediately adjacent to another small-scale solar facility. If approved, this project could set a negative precedent for allowing clustering of solar facilities and have a negative impact on community character. Staff have noted this concern to the past applicant, the current applicant, and the landowners. In addition, during the Planning Commission public hearing for the adjacent solar facility, that applicant acknowledged this concern and stated that this policy, and specifically the concern regarding clustering, "would be a consideration" if a second project were proposed in this area.

However, this policy also encourages support of projects that site "on contiguous parcels." Based on the final sentence of this policy, staff interpret the contiguous parcels element of this policy as referring to projects which include multiple parcels, where support would be given to projects which propose siting on contiguous parcels, rather than projects which propose siting on non-contiguous parcels, which could create a "patchwork" effect in a given area. Staff do not believe that this policy is intended to support separate solar facilities being added adjacent to existing, approved facilities at a later date. The Planning Commission and Board of Zoning Appeals will need to determine if this request is in compliance with this policy.

In addition, the recently-approved Elm Spring Solar I project (approved by the Board of Zoning Appeals on 7/6/2023) is located less than 1 mile away from the proposed project site.

## ISSUES:

1. **Adherence to Article LXVII "Site Plan Review" of the Augusta County Code:**  
On the site plan, the applicant states: "The site plan is preliminary and not for construction; layer based on GIS data, not a survey. A final site plan will be submitted before construction based on a final survey." The applicant was informed that the Board of Zoning Appeals must be presented with a site plan that has been surveyed, including the final acreage, and that if the acreage and site plan has approved by the Board of Zoning Appeals, any changes to the approved acreage or site plan would require an additional public hearing. In response, the applicant stated: "We acknowledge this and the preliminary site plan will remain unchanged until final site plan. We have obtained a boundary survey, but not a final ALTA survey yet. This will get one done prior to requesting a building permit. We keep this sentence on all of our preliminary site plans, but acknowledge the requirements of Augusta County."
2. **Adherence to VDOT Comments:** Any entrance must be designed and constructed in accordance with VDOT requirements. This will be further discussed at site plan stage. The applicant has acknowledged this requirement.

## COMMUNITY DEVELOPMENT STAFF RECOMMENDATION:

An evaluation of this project's conformance with the twelve policies in the Comprehensive Plan and its overall location, character, and extent are both crucial in determining whether this project is in substantial accord with the vision for land use on this property as identified by the Augusta County Comprehensive Plan.

As required under Virginia State Code Section 15.2-2232, the location, character, and extent of the project were considered in the review process:

**LOCATION:** The solar project is proposed in an Urban Service Area, where solar facilities are strongly discouraged in the Comprehensive Plan. Additionally, the proposed solar energy facility is located immediately adjacent to another small-scale solar facility and in close proximity to residential homes. For these reasons, the location of this proposed facility is not in substantial accord with the Comprehensive Plan.

**CHARACTER:** Staff feel that the proposed native plantings would be aligned with the character of this area. However, while the additional landscaping and buffering provided by the applicant could alleviate some of the anticipated visual impacts to nearby properties, it is impossible to fully screen the project site from all viewpoints due to area's topography, and adverse visual impacts are anticipated to surrounding properties. Therefore, staff find the character of this proposal to not be in substantial accord with the Comprehensive Plan.

**EXTENT:** Staff find the extent of the proposal, with 10 acres under panel, to be in substantial accord with the Comprehensive Plan.

Staff find that the proposal is not in substantial accord with the Comprehensive Plan because, as outlined above, the project lies entirely within the Urban Service Area and is located adjacent to an approved solar facility. In addition, despite the increased setbacks and buffering which the applicant has added, this project is expected to have significant adverse visual impacts on surrounding properties. Therefore, **staff recommend that this project is not in substantial accord with the Comprehensive Plan and recommend denial of this project.**

**RELATIONSHIP TO THE AUGUSTA CSG REQUEST:** In August 2021, Community Development staff and the Planning Commission found the Augusta CSG, LLC request, for a 3.88 MW small scale solar energy facility on approximately 12 acres of an approximately 50 acre parcel immediately adjacent to the Fishersville Road Solar Farm (current) request, in substantial accord with the Comprehensive Plan. While the sites share some similar characteristics, such as being located in the Urban Service Area and being designated for Planned Residential in the Comprehensive Plan, several factors differentiate the sites in terms of their compliance with the Comprehensive Plan:

1. The Fishersville Road Solar Farm request is located higher on a slope, which will make it more visible to surrounding properties than the Augusta CSG request, which is located at a lower elevation.
2. The Fishersville Road Solar Farm request is located closer to existing residential homes, with the nearest homes located one hundred and twenty five feet (125') from the project fence.
3. When the Augusta CSG project was approved, the nearest approved solar facility at the time was in Stuarts Draft. The Fishersville Road Solar Farm request is severely challenged by its proximity to the approved Augusta CSG facility. The Comprehensive Plan encourages siting solar projects "a reasonable distance away from existing solar facilities." Staff do not consider siting two separate solar projects immediately adjacent to each other as "a reasonable distance away." Please see Policy 12 for more information regarding this recommendation. In addition, the recently-approved Elm Spring Solar I project is located less than 1 mile away from the proposed project site.

For these reasons, while the Augusta CSG request is located adjacent to the Fishersville Road Solar Farm request, the current request is substantially different. Therefore, though the Augusta CSG request was found in substantial accord with the Comprehensive Plan, the determination on this request may differ, and **staff have found that the Fishersville Road Solar Farm request is not in substantial accord with the Comprehensive Plan.**

## **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 exceed the setback requirements from side, rear, and the right-of-way of the public or 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.**

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

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

The applicant submitted a lease agreement.

**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 onsite.

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

The applicant will submit a site plan and necessary building plans.

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

**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 on Long Meadow Road and J Ranch 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 landscape strips including evergreens, canopy trees and understory trees and existing trees and vegetation along the boundaries of the panel area.

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

The applicant would like to preserve the existing trees and vegetation along portions of the boundary to satisfy buffering as an alternative compliance requirement.

### **STAFF RECOMMENDATIONS**

The applicants are proposing a 2 MW alternating current small scale solar facility on a twenty-four (24) acre parcel with approximately ten (10) acres under panel. The proposed solar energy facility is located adjacent to a 3.88 MW small scale solar facility on approximately twelve (12) acres of the fifty (50) acre parcel approved by the Board in 2021 and several residential dwellings.

The site plan shows the proposed location exceeds the ordinance required setbacks from property lines and roads, and the applicants are proposing additional landscaping and buffering to help mitigate visual impacts to the neighboring residential properties. However, due to the topography of the site, Staff does not feel the increased setbacks and additional landscaping and buffering will fully screen the project and could have an adverse impact on the surrounding properties.

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.

Due to the visual impact on the neighboring properties and the close proximity of an existing solar energy facility, Zoning staff does not feel the request would be compatible

with the area. However, if the Board feels the request would be compatible and not have a negative impact on the adjoining properties and approves the request, staff would recommend the following conditions:

**Pre-Conditions:**

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

The use of herbicides for perimeter landscaping shall be minimized to the greatest extent reasonably practicable.

- 6. Decommissioning Plan. Concurrent with the submittal of the final site plan, the owner of the Facility shall produce to the County a Decommissioning Plan as outlined in the Augusta County Code Section 25-70.10, as amended. Any structure or equipment associated with the Facility that is not operating for a continuous period of 12 consecutive months shall be subject to decommissioning, per Augusta County Code Section 25-70.10, as amended.

Within 6 months of the date of abandonment or discontinuation, the owner or operator shall complete the physical removal of the solar energy project and site restoration. This period may be extended at the request of the owner or operator, upon approval of the Board of Zoning Appeals. Periods during which the Site is not operational for maintenance, repair, or due to catastrophic events beyond the control of the Applicant, during which the Applicant works diligently to return the Site to full operating status, shall not trigger the Decommissioning requirements herein. The Applicant must provide written notice and evidence of the above to the Zoning Administrator during the period in which the Solar Facility is not fully operational. Such notice shall identify the last day on which the Site was fully operational. Regardless of the efforts of the Applicant to return the Solar Facility to full operational capacity, if the Solar Facility does not operate as a solar energy facility collecting and storing energy and transferring and distributing it to the Grid after the catastrophic event, for a period of two (2) years the Special Use Permit shall be rendered void and the Applicant shall commence Decommissioning no later than the 730th day after the last day the Site was fully operational.

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

- h. Costs for removal of any landscaping in buffer zones, setback areas, or under panels
  - i. Costs of landfill fees associated with the disposal of commercial and industrial waste
  - j. Costs of all labor and estimated man hours to perform the decommissioning work.
  - k. Costs must assume an increase in labor and equipment costs of two percent (2%) a year every year until the completion of decommissioning and must assume commencement of decommissioning after year thirty-five (35) of operation.
  - l. Costs must include a 25% contingency of the total estimate.
  - m. The certification of a third-party engineer licensed in Virginia affirming that the owner/operators' cost estimate is sufficient to satisfy the decommissioning required herein. The estimated amount for the salvaged materials shall not be part of the consideration in the decommissioning cost estimate.
  - n. Should the funds guaranteed for the Decommissioning Activities for any reason not be sufficient for the County to complete the Decommissioning Activities as allowed for herein and as set forth in the Decommissioning Plan, the Applicant shall be and shall remain liable to the County for the difference between the guaranteed funds and the amounts required to Decommission the Solar Facility and shall pay the difference to the County upon demand. The County shall not be liable to any party in any way for the funds drawn pursuant to the conditions set out herein and expended in relation to Decommissioning.
8. Decommissioning Bonding. Prior to the issuance of final site plan approval for the Facility, the applicant shall submit a bond, irrevocable letter of Credit, or other appropriate surety acceptable to the County in accordance with Augusta County Code Section 25- 70.11, as amended.
9. Panel Specification and Composition. At the time of site plan review the Applicant shall provide to the Zoning Administrator, a written panel specification disclosure document that includes the composition, toxicological information, and the physical and chemical properties of all of the solar panels, including coatings, being utilized for the Facility. The Applicant shall utilize crystalline solar panels for the Project. The Applicant shall not utilize any panels that of the type known as thin-film panels, including but not limited to not utilizing panels manufactured with or coated using lead, the GenX chemical, amorphous silicon (a-Si),

cadmium telluride (CdTe), copper indium gallium selenide (CIS/CIGS), organic photovoltaic cells (OPC) panels, and/or any other material prohibited by state or federal law for use in solar photovoltaic panels. Moreover, to the extent any panel utilized has a Safety Data Sheet associated therewith under 29 CFR 1910.1200(g) and its Appendix D, the Safety Data Sheet shall be disclosed, as well.

10. The Facility, including, but not limited to, all areas covered by photovoltaic panel, any and all landscape or fencing buffer areas, any and all setback areas, any and all support equipment, and any and all access roads, shall be removed from Land Use Assessment and therefore subject to a rollback tax paid to the County for the difference between land use tax and the fair market value for each of the five most recent complete tax years. The remainder of the property not included in the Facility shall continue to meet current requirements for the County's Land Use Assessment program in order to remain included in the program, as determined by the Commissioner of the Revenue upon approval of the Special Use Permit.
11. The applicant shall disclose to the Augusta County Service Authority if corrosion control systems are part of the Facility.
12. Augusta Water 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 Augusta Water.
  - 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, Augusta Water shall have the right to utilize access roads constructed for the project or be provided with reasonable access to the utilities by truck.
13. The Applicant must obtain site plan approval within 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 Fishersville Solar Farm Road, LLC and any successor-in-interest, including but not limited to any current or future owner, lessee, sub-lessee, and permitted assignee ("Applicant").
2. The Permit shall not be assignable by Fishersville Solar Farm Road, 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 Fishersville Solar Farm Road, LLC 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 Uneclipsed Energy, PLLC, dated January 24, 2023.
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 to 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, Fishersville Road Solar Farm, 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.

Agenda Item # 5A

Date 10/5/2023

**TABLED**

**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.

## **STAFF RECOMMENDATIONS OCTOBER 5, 2023**

The applicant contacted our office stating the current tenant will be vacating the property and clearing the site of any vehicles associated with the repair shop. The applicant would still like to request a modification to the current operating conditions to allow future tenants the option of having more licensed vehicles kept outside. The applicant would like this modification to apply to all types of general repair and body shop. If the Board desires to approve the request, Staff 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 including the body shop.
2. **No junk, inoperable, unlicensed, wrecked vehicles or parts of vehicles kept outside.**
3. Site be kept neat and orderly.



Agenda Item # 5B

Date 10/5/2023

**TABLED**

**PROPERTY OWNER:**

Sherry Hockman Sumerlin

**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.***

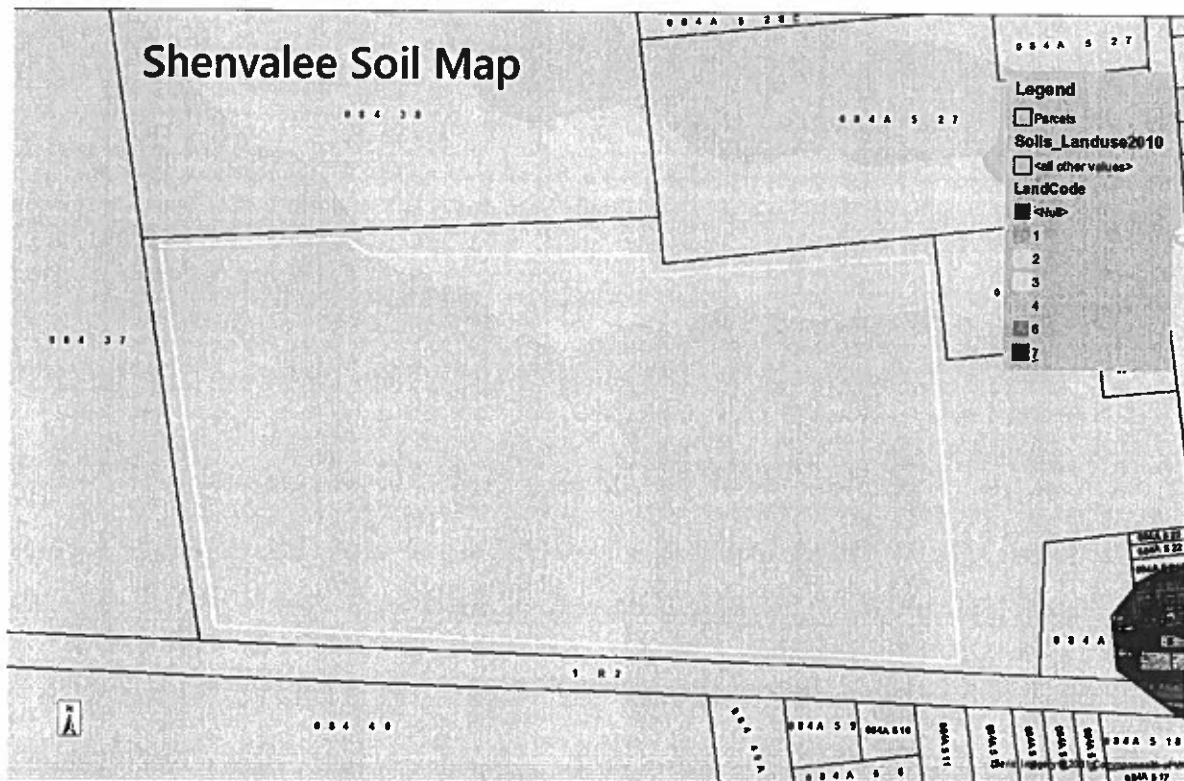
**STAFF ANALYSIS:** During staff's site visit, it appears the property is primarily used for pasture and cattle grazing. While the proposed project would remove these twenty-six (26) acres from the current cattle grazing operation, it is unlikely that the presence of this project, if properly screened 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:



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

<b>Land Use Taxation Data for TMP 084-38</b>	
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.
11. The applicant shall disclose to the Augusta County Service Authority if corrosion control systems are part of the Facility.
12. ACSA Infrastructure.
  - a. Ground surface elevations shall not be changed, and no water shall be impounded over any existing water/sewer infrastructure without written consent of the Augusta County Service Authority.
  - b. No panels and/or appurtenances, including fences and landscaping shall be installed within 20 feet each way of the centerline of any existing water or sewer main to ensure adequate space for future operations and maintenance.
  - c. Where public water/sewer utilities are located on the same property as the Facility, the Service Authority shall have the right to utilize access roads constructed for the project or be provided with reasonable access to the utilities by truck.
13. The Applicant must obtain site plan approval within 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 to 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, Shenvalee Solar, 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.

**STAFF RECOMMENDATIONS OCTOBER 5, 2023**

The applicant submitted a revised site plan addressing items requested by adjoining landowner. Copy enclosed.

Agenda Item # 7A

EXTENSION OF TIME Date 10/5/2023

**PROPERTY OWNER:**

David L. or Ann W. Gardner

**APPLICANT:**

Same

**APPLICANT'S REQUEST:**

To cover and enclose an existing patio to provide indoor space for weddings and seasonal events and to increase the number of events per year

**LOCATION OF PROPERTY:**

3494 Lee Highway, Weyers Cave in the North River District

**SIZE OF PROPERTY:**

4.532 acres

**VICINITY ZONING:**

General Agriculture and General Business to the north, south, and west; and General Business and Multi-Family Residential to the east.

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

12/95 – Zoned General Agriculture

05/76 – A portion rezoned to General Business

06/14 – SUP approved to construct a pavilion to have seasonal sales/farmers' Market with outdoor storage

05/15 – SUP approved to utilize a bank barn for farmers' market, to have seasonal Events, and to have outdoor storage

01/19 – SUP to utilize a historic structure for a farmers' market and retail sales

03/20 – SUP to construct an addition to the existing farmers' market for storage

**LAND USE MAPS:**

Urban Service Area – Business

**UTILITIES:**

Public Water and Public Sewer

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

The applicant is requesting additional time to complete the Pre-Conditions of the approved Special Use Permit.

Agenda Item # 7B

Date 10/5/2023

**EXTENSION OF TIME**

**PROPERTY OWNER:**

Rae Enterprises, LLC

**APPLICANT:**

Alexander Denson, agent for Wayne Avenue Solar I, LLC

**APPLICANT'S JUSTIFICATION:**

Approval of a small solar energy site

**LOCATION OF PROPERTY:**

Along the south side of Wayne Avenue, Stuarts Draft in the South River District

**SIZE OF PROPERTY:**

80.33 Site Area

45.00 Disturbed Area

**VICINITY ZONING:**

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

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

12/95 Zoned General Agriculture

**LAND USE MAPS:**

Urban Service Area – Industrial

**UTILITIES:**

None

**The applicant is requesting a twelve (12) month Extension of Time.**

The applicants were granted a Special Use Permit to install a small scale solar energy facility in November, 2021. The permit was issued with the pre-condition that site plan approval must be obtained within twelve (12) months of the issuance of the Special Use Permit. The applicants are requesting a twelve (12) month Extension of Time to allow twenty-four (24) months to obtain site plan approval. Staff recommends approval.

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

The applicant is still working on completing the Pre-Conditions and would like additional time.



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



**MEMORANDUM**

DATE: September 8, 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 **December 2022** have been inspected:

22-79	Shinaberry Rentals, LLC - <b>Cancelled</b>
22-80	Mini-Max Storage Center
22-81	Kevin S. or Leslie C. Whitney
22-82	Sipapu, LLC
22-83	David L. or Ann W. Gardner
22-84	Wall Residences, Inc.

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

JW:bcw

**SPECIAL USE PERMIT INSPECTION REPORT**

**NAME:** Mini-Max Storage Center

**Location:** 52 Lodge Lane, Verona

**Use:** To have outdoor storage of licensed vehicles and trailers.

**Special Use Permit No.:** 22-80

**Date Approved:** 12/01/22

**Date Inspected:** 09/05/23

**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:** Kevin S. or Leslie C. Whitney

**Location:** 982 Newport Road, Raphine

**Use:** To have a kennel and to have dog training and field trial events.

**Special Use Permit No.:** 22-81

**Date Approved:** 12/01/22

**Date Inspected:** 09/01/23

**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:** 9 Dogs on site.



**SPECIAL USE PERMIT INSPECTION REPORT**

**NAME:** David L. or Ann W. Gardner

**Location:** 3494 Lee Highway, Weyers Cave

**Use:** To cover and enclose an existing patio to provide indoor space for weddings and seasonal events and to increase the number of events per year.

**Special Use Permit No.:** 22-83

**Date Approved:** 12/01/22

**Date Inspected:** 09/05/23

**Name of Person Inspecting:** Jared Watson

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

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

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

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

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

**Action Taken:** No site plan submitted and no work started. Send first notice.

**SPECIAL USE PERMIT INSPECTION REPORT**

**NAME:** Wall Residences, Inc.

**Location:** 13 Swartzel Shop Road, Staunton

**Use:** To have office space and meeting rooms within the existing building.

**Special Use Permit No.:** 22-84

**Date Approved:** 12/01/22

**Date Inspected:** 09/06/23

**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:** \_\_\_\_\_