



Augusta County Board of Zoning Appeals  
BZA Regular Meeting  
Thursday, December 7, 2023 – 1:30 PM  
Augusta County Government Center  
Main Board Room  
18 Government Center Lane  
Verona, VA 24482

Staff Briefing

Staff Briefing Memo  
memo.doc

1. **CALL TO ORDER**

2. **DETERMINATION OF QUORUM**

3. **MINUTES**

A. Approval of the November 2, 2023 Minutes  
11022023 BZA Minutes.doc

4. **PUBLIC HEARINGS**

A. A request by Brandon R. Burkholder, for a Special Use Permit to have an office for an audio visual setup production business with outdoor storage of commercial vehicles on property owned by Brandon R., Sarah F. and Robert M. Burkholder, located at 53 Deerwood Lane, Lyndhurst in the South River District.

burkholder 2.JPG

burkholder aerial.jpg

burkholder site plan.jpg

burkholder tm.jpg

burkholder.JPG

Burkholder Staff Report.pdf

B. 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

C. A request by Quentin Wood, PE, agent for Wayne Ave Solar 2, LLC, for a Special Use Permit to construct a 3 megawatt solar facility on property owned by Ellen B. Fitzgerald and Laura B. Fitzgerald, located within the field to the east of the house at 147 Wayne Avenue, which is south of the railroad that parallels Wayne Avenue, Stuarts Draft in the South River District.

fitzgerald aerial.jpg

fitzgerald site plan.jpg

fitzgerald tm.jpg

fitzgerald.JPG  
Fitzgerald Staff Report.pdf

5. **OLD BUSINESS**

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

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

A. A request by Bernard Lee Christian, III, for a Special Use Permit to construct a new building to have a motor vehicle repair operation including body and fender work on property he owns, located on the east side of Tinkling Spring Road (Route 608), Stuarts Draft in the South River District. – **ONE YEAR EXTENSION OF TIME**

**REQUEST**

Christian Staff Report.pdf

8. **STAFF REPORTS**

A. Inspection Reports  
inspection memo.doc  
decmtginsp.doc

9. **ADJOURNMENT**

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



**MEMORANDUM**

TO: Augusta County Board of Zoning Appeals

FROM: Sandra K. Bunch, Zoning Administrator

DATE: November 30, 2023

SUBJECT: Regular Meeting and Viewing

The Regular Meeting of the Augusta County Board of Zoning Appeals will be held on **Thursday, December 7, 2023, at 1:30 P.M.**, in the Board Meeting Room, Augusta County Government Center, 18 Government Center Lane, Verona, Virginia.

Please meet in the Board of Supervisors Conference Room at the Augusta County Government Center in Verona at **9:00 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 **November** 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

November 2, 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  
 James R. Benkahla, County Attorney  
 Kathleen Keffer, Assistant County Attorney  
 Beatrice B. Cardellicchio-Weber, Executive Secretary

ABSENT: None

VIRGINIA: At the Called Meeting of the Augusta County Board of Zoning Appeals held on Thursday, November 2, 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.

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### **VIEWINGS**

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

- **CHARLES MAY - SPECIAL USE PERMIT**
- **IVAN PIZARRO - SPECIAL USE PERMIT**
- **DEREK REARDON, PE, AGENT FOR WAWA, INC. - SPECIAL USE PERMIT & VARIANCE**

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

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Chair

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Secretary

PRESENT: George A. Coyner, II, Chair

November 2, 2023

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

ABSENT: None

\* \* \* \* \*

VIRGINIA: At the Regular Meeting of the Augusta County Board of Zoning Appeals held on Thursday, November 2, 2023, at 1:30 P.M., in the County Government Center, Verona, Virginia....

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## **MINUTES**

Mr. Glover moved that the minutes from the October 5, 2023, meeting be approved.

Mr. Thacker seconded the motion, which carried unanimously.

\* \* \* \* \*

## **CHARLES MAY - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Charles May, for a Special Use Permit to have storage of commercial vehicles, equipment, tools, and landscape materials inside the existing barn, greenhouse, and garage in conjunction with a landscape business on property owned by Charlene T. May, located at 1177 Rockfish Road, Waynesboro in the Wayne District.

Mr. Charles May stated my business is Chuck May Landscaping and Design. This is my mom's property. I have three (3) commercial vehicles and two (2) trailers. I will not operate at this site. I only plan to store the equipment there. I live in a subdivision and I cannot store the items there. There will not be a change to what we have already been doing. It used to be my dad, brother and I in business. We split the business up in June and I am going through this process so that we can legally operate.

November 2, 2023

Chair Coyner asked if this operation would be similar to what your dad did?

Mr. May stated yes but on a smaller scale.

Chair Coyner asked if there will be employees?

Mr. May stated no.

Chair Coyner stated the Board visited the site this morning. The property is well screened and well kept. It is important that it stay that way. 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.

Chair Coyner stated this is a well maintained property and there has been a business there for years.

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

**Pre-Condition:**

1. Applicant Submit a complete Erosion & Sediment Control Plan and Stormwater Management Plan to the Community Development Department.

**Operating Conditions:**

1. All mulch, and topsoil be kept in the designated area shown behind the barn screened by natural vegetation.
2. All natural vegetation and trees remain and be maintained.
3. All licensed commercial vehicles, and trailers be parked in the graveled area beside the barn and garage as shown on the BZA sketch plan.
4. All equipment, and machinery for the business be kept inside the existing barn, and garage.
5. All shrubbery be kept inside the 12'X 80' hoop greenhouse.

November 2, 2023

6. No employees
7. No refuse from the business to be brought to this site.
8. Hours of operation be Monday – Saturday 8:00 a.m. to 5:00 p.m.
9. No Sunday work.
10. Site be kept neat and orderly.
11. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.

Mr. Bailey seconded the motion, which carried unanimously.

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#### **IVAN PIZARRO - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Ivan Pizarro, for a Special Use Permit to have a short term vacation rental on property he owns, located at 33 Prospect Street, Grottoes in the Middle River District.

Mr. Ivan Pizarro stated I would like to have an Airbnb.

Chair Coyner asked do you plan on residing at the site?

Mr. Pizarro stated yes. When the property is rented, I will stay with my brother in Harrisonburg.

Chair Coyner asked how long have you had the property?

Mr. Pizarro stated since April 28, 2023.

Chair Coyner asked if the applicant saw the comments from the Health Department?

Mr. Pizarro stated yes.

Chair Coyner asked if marketing will be done through the internet?

November 2, 2023

Mr. Pizarro stated yes. I have a personal page and I will market through Airbnb.

Chair Coyner asked do you plan on overseeing the operation?

Mr. Pizarro stated yes.

Chair Coyner asked have you ever done this type of activity before?

Mr. Pizarro stated I have been a renter.

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.

Chair Coyner stated the Board visited the site this morning. This is a nice piece of property.

Mr. Bailey stated this use should be compatible with the surrounding area. Mr. Bailey moved to approve the request with the following conditions:

**Pre-Conditions:**

None

**Operating Conditions:**

1. Applicant be permitted to lease two (2) bedrooms and be limited to a total occupancy not to exceed four (4) persons unless the applicant provides Community Development with Health Department approval.
2. Applicant resides on premise and be available during rental.
3. Site be kept neat and orderly.

Mr. Glover seconded the motion, which carried unanimously.

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**DEREK REARDON, PE, AGENT FOR WAWA, INC. - SPECIAL USE PERMIT**

November 2, 2023

This being the date and time advertised to consider 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 continue until the November 2, 2023 Meeting.

Ms. Valerie Long stated I am here to represent Wawa along with Derek Reardon. The challenge has been with diesel fueling stations. The standard for Wawa is single pumps with both regular gas and diesel. We would like to have 16 diesel options at the pumps. There is more and more demand in the market for diesel. The ordinance states that gas stations should not have more than two (2) diesel fueling stations. If there are more than two (2) then they are not considered a gas station. One option is for Wawa to have two (2) of the pumps for dual fuel. The challenge is that they do not want to have a multiple queue of cars blocking the travel ways using the diesel pumps. In their experience, it is not best practice to do that. The 16 pumps with the diesel is not permitted in the ordinance so that is why they had to apply for a Special Use Permit for a travel plaza which is more like a truck stop. They are not at all designed for tractor trailers or will serve them. The plan is just like any other Wawa store. The next request is a Variance because even in the General Business District a travel plaza requires a 100' setback on all four sides of the site. The challenge is the side lot that is adjacent to Mr. Wilson's residue land, even though the building and canopy is outside the 50' setback. The ordinance talks about the 100' setback applying to all buildings, structures, and operations. The sixteen (16) parking spaces and a dumpster are within the 50' setback on the far side. We would like to reduce the setback of 100' to 50' on three (3) sides and 10' on the other side. Wawa can buy an additional 40' from Mr. Wilson to have the dumpster and parking spaces to comply with the setback but Mr. Wilson does not want to sell any additional land. Mr. Wilson has plans for the rest of the land as future commercial development. This is just like any other gas station. Wawa builds stores around Virginia. This is their standard practice to have sixteen (16) pumps. The pumps are the same size but it is a matter of having one or two handles and two types of fueling. The building and fuel canopy are within the 50' setback on all sides. Wawa made a number of adjustments to their plan to be within the fifty (50') foot as possible. If they moved the canopy for the fuel pumps they would be removing four (4) parking spaces. They would like to be able to have sixteen (16) diesel pumps instead of the two (2).

Chair Coyner stated the Board visited the site this morning. What is the entrance to the site?

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Ms. Bunch stated the primary entrance is at Travelers. The one on Tinkling Spring Road was approved as a right-in and right-out. The setback is 100' all the way around but they are requesting a 50' setback.

Chair Coyner stated grounds for granting a Variance is due to a hardship. There is an open field back there right now.

Ms. Long stated Mr. Wilson has plans for the other land for commercial businesses.

Chair Coyner stated it may not be the right spot for Wawa.

Ms. Long stated Wawa thinks it is a great spot. In looking at the Variance criteria, in addition to looking at the hardship criteria, there is also a provision about whether the strict enforcement of the regulations would unreasonably restrict the utilization of the property. The setback is 100' on all four sides but we are requesting for it to be 50' on three sides and 10' on the one side. This is adjacent to other land that is also zoned commercial. We would ask for your support. The 100' or 50' on the one side would require the removal of those parking spaces. We could probably relocate the dumpster but there is nowhere else to put the parking spaces and there would not be enough parking spaces to support the business. Otherwise it is a wonderful location and it is their standard alignment and standard size parcel. They have to go down the travel plaza route due to diesel pumps. This is an unusual request because this is not a traditional gas station. I hope that you would consider it. This is a great location for Wawa. They are excited to build a store in the community.

Chair Coyner stated Wawa needs to acquire more land.

Ms. Long stated that is not an option.

Chair Coyner asked what is the nearest location?

Mr. Derek Reardon stated Warrenton, Virginia as well as other sites. We plan on building in Staunton next.

Chair Coyner asked if the headquarters is in Pennsylvania?

Mr. Reardon stated yes.

Ms. Long stated there are also three Wawa locations in the Charlottesville area.

Mr. Glover stated the number of diesel pumps are the issue. If you had two (2) pumps than there would not be an issue.

Chair Coyner asked could you accommodate a tractor trailer?

Ms. Long stated the site is not designed for that. We do not have the high speed fuel pumps like a truck stop would have.

Mr. Reardon stated it would take 1-2 hours to fill both sides. The tractor trailer drivers know better than to stop at the standard gas stations. They would be better off going to a Love's Travel Center in order to be more efficient with their time.

Chair Coyner asked if Wawa caters to trucks, cars and RVs?

Ms. Long stated yes. Tractor trailers will deliver in the loading zone to the store but they will not be there to fuel. We will kick them out of the fueling area because we are designed for regular passenger vehicles or small trucks.

Chair Coyner asked what is the build out time?

Ms. Long stated 8-12 months.

Chair Coyner asked if Wawa would be 24 hours?

Ms. Long stated yes.

Mr. Thacker asked if Charlottesville and Albemarle County Wawa locations have dual pumps?

Mr. Reardon stated yes. This is standard for Wawa to have diesel at every pump.

Mr. Thacker stated Buc-ee's specifically states no tractor trailers allowed. If approved would Wawa go that route on this site?

Mr. Reardon stated yes as a day to day fueling use, we would be able to condition that.

Ms. Long stated they would still need to have tractor trailer deliveries. They could put up signage.

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Mr. Bailey asked do you feel like you would lose a lot of business if reducing this site to a gas station?

Ms. Long stated yes. With only two (2) diesel pumps there will be many vehicles waiting in line which would create an issue. If people see congestion at the pumps they will not want to stop there.

Chair Coyner asked is the owner of the property not willing to sell more land?

Mr. Reardon stated yes. They have plans for the future development of the rest of 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.

Chair Coyner stated the Board visited the site this morning. Currently, this is an open field and from my perspective there is enough land there to accommodate what they would like to do. The property owner is unwilling to sell them more land. They are unyielding on the number of diesel pumps. I am not in favor of this request.

Mr. Bailey stated the Variance itself is something that is not shared by adjoining properties either. There is not a hardship with this request.

Mr. Glover stated the ordinance is not prohibiting them from using the property.

Chair Coyner stated they are trying to put too much on a small lot.

Mr. Glover stated the applicant can still reduce the pumps to two (2) diesel pumps and it would be permitted.

Mr. Bailey asked could the pumps be reduced to two (2) diesel?

Ms. Long stated yes they will do that if necessary but they strongly prefer to have all sixteen (16). We would hate to build a brand new store without the optimal layout and design.

Ms. Bunch stated the definition of a travel plaza states more than two (2) diesel pumps by the ordinance and that is why there is a larger setback.

November 2, 2023

Mr. Glover moved to deny the request. The site plan does not meet the increased setbacks due to them having sixteen (16) diesel pumps as opposed to two (2).

Mr. Bailey seconded the motion, which carried unanimously.

Chair Coyner stated there is sufficient property in the parcel but the property owner is reluctant to sell.

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**DEREK REARDON, PE, AGENT FOR WAWA, INC. - VARIANCE**

This being the date and time advertised to consider 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 continue until the November 2, 2023 Meeting

Ms. Long stated the code states that we do not have to show a hardship. Another option in the code states that we have to show that the strict application of the ordinance requirements would unreasonably restrict the utilization of the land. In light of the circumstances that the pumps are exactly the same whether it is diesel or not, if you are willing to reduce the setback from 100' to 50' on those sides it would. The 10' is to accommodate parking spaces and a trash enclosure. Otherwise this meets the spirit of what is intended. We are know where near the scale of Buc-ee's. The need for a 100' setback or even a 50' on the one side is just not necessary given the fact that the adjacent property is zoned commercial. The adjacent owner has no objection. There is not a health, safety or welfare impact that would result with the reduction.

Chair Coyner stated it is odd to have a Variance when you do not even really need to have one when there is sufficient land available. This is too big of an operation for this small piece of property.

Ms. Long stated this is the same size operation as their other sites. The layout will not change. It is exactly the same. We are asking to be a travel plaza to accommodate their standard diesel arrangement.

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

November 2, 2023

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

Mr. Benkahla asked if a Variance is needed without the diesel pumps?

Ms. Bunch stated they meet all of the ordinance requirements for a gasoline retail outlet. The Variance is not needed if they reduce the diesel fueling stations.

Mr. Bailey moved to deny the Variance.

Mr. Thacker seconded the motion, which carried unanimously.

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#### **STAFF REPORTS**

- 23-1 Stephen A. and Margaret O. Riley
- 23-2 Kevin S. or Amber N. May
- 23-3 Doug Huffman
- 23-4 James E. Wenger

Ms. Bunch stated SUP#23-1 is in compliance. SUP#23-2 was withdrawn. Staff sent a letter to Mr. Huffman regarding the pre-condition for SUP#23-3. He is working with VDOT to complete the pre-condition. SUP#23-4 is in compliance.

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Ms. Keffer discussed the court cases with the Board.

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

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Chair

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Secretary



# Burkholder

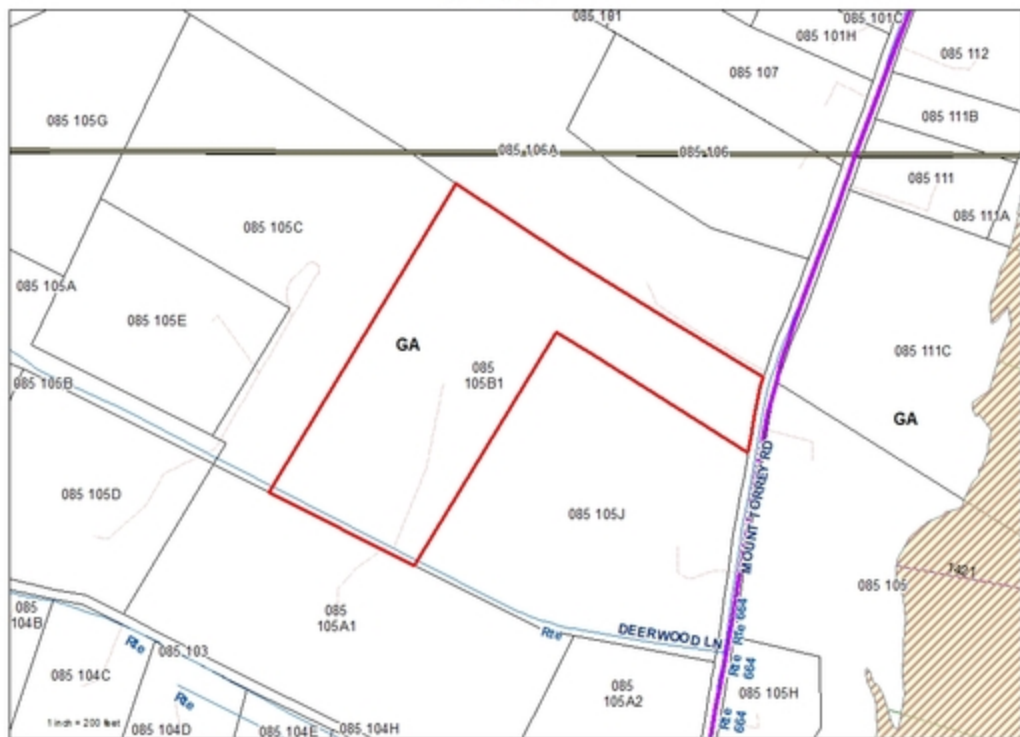


1 inch = 200 feet



*Burkholder*  
Aerial Imagery © 2001 Commonwealth of VA 1 inch = 100 feet

# Burkholder



1 inch = 200 feet



Agenda Item # 4A  
Date 12/7/2023

**PROPERTY OWNER:**

Brandon R., Sarah F. and Robert M. Burkholder

**APPLICANT:**

Brandon R. Burkholder

**APPLICANT'S REQUEST:**

To have an office for an audio visual setup production business with outdoor storage of commercial vehicles

**LOCATION OF PROPERTY:**

53 Deerwood Lane, Lyndhurst in the South River District

**SIZE OF PROPERTY:**

6.63 acres

**VICINITY ZONING:**

General Agriculture surrounds the entire parcel

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

12/95 Zoned General Agriculture

**LAND USE MAPS:**

Community Development Area – Low Density Residential

**UTILITIES:**

Public water and private septic

**PLANNING COMMISSION'S COMMENTS:**

No comments.

**BUILDING INSPECTOR'S COMMENTS:**

After review, our office has no conditions.

**HEALTH DEPARTMENT'S COMMENTS:**

Mr. Burkholder indicated by phone that there are no outside of the home employees, and no customers coming to the property. Therefore the local Health Department has no requirements.

**HIGHWAY DEPARTMENT'S COMMENTS:**

VDOT has no objections to the proposed use.

**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 10" waterline along Mt. Torrey Road across from the eastern side property line of the subject parcel.
5. There is no public sewer available in the area of the subject parcel.

**ENGINEERING'S COMMENTS:**

Activity associated with the Special Use Permit application appears to be less than 10,000 sf (35' x 70' parking and 32' x 64' portion of building, total ~4500 sf). No permit required as long as cumulative land disturbance and impervious areas associated with the activity are less than 10,000 sf. If additional impervious areas are added in the future, impervious area associated with special use permit activity will be calculated back to 1990 based on documentation available and 1991 aerial photography 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.**

There will be no outside storage other than licensed commercial vehicles parked in a graveled area that does not have to be screened.

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

The applicant resides on the property.

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

Businesses are more appropriate in Business zoned areas. However, a small audio visual setup business and storage of two (2) vehicles and one (1) trailer should be appropriate for the agriculture areas.

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

The property has access to Mount Torrey Road.

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

The 6.63 acre parcel should adequately and safely accommodate all traffic to and from the public highways.

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

The applicant will be utilizing 2,048 square feet of the 64' x 64' existing building on the property for storage of equipment.

**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.**

The building is 64' x 64', however, only 2,048 square feet will be used for business use.

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

The dwelling is connected to an approved sewage disposal system and there are no employees onsite. The Health Department has no issues with the request.

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

There are fire extinguishers onsite.

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

The vehicles are well over twenty-five (25') feet from the edge of pavement.

### **STAFF RECOMMENDATIONS**

The applicant is requesting to operate his audio visual setup production business and to have outside storage of two (2) licensed trucks and one (1) 16' enclosed trailer on the property. The applicant installs video surveillance, fire alarms, cameras, and audio equipment for concerts. The applicant will be using 2,048 square feet of the existing 64' x 64' accessory building for equipment storage. There will be no customers coming to the property and no outside employees. Staff does not feel the request will have a negative

impact on the neighboring properties and would recommend approval with the following conditions:

**Pre-Conditions:**

None

**Operating Conditions:**

1. All equipment and materials for the business be kept in the 32' x 64' portion of the building.
2. Be limited to two (2) licensed company vehicles at the site and one (1) sixteen (16') foot trailer parked in the designated area shown on the site plan.
3. No employees.
4. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
5. Site be kept neat and orderly.

# Strickler

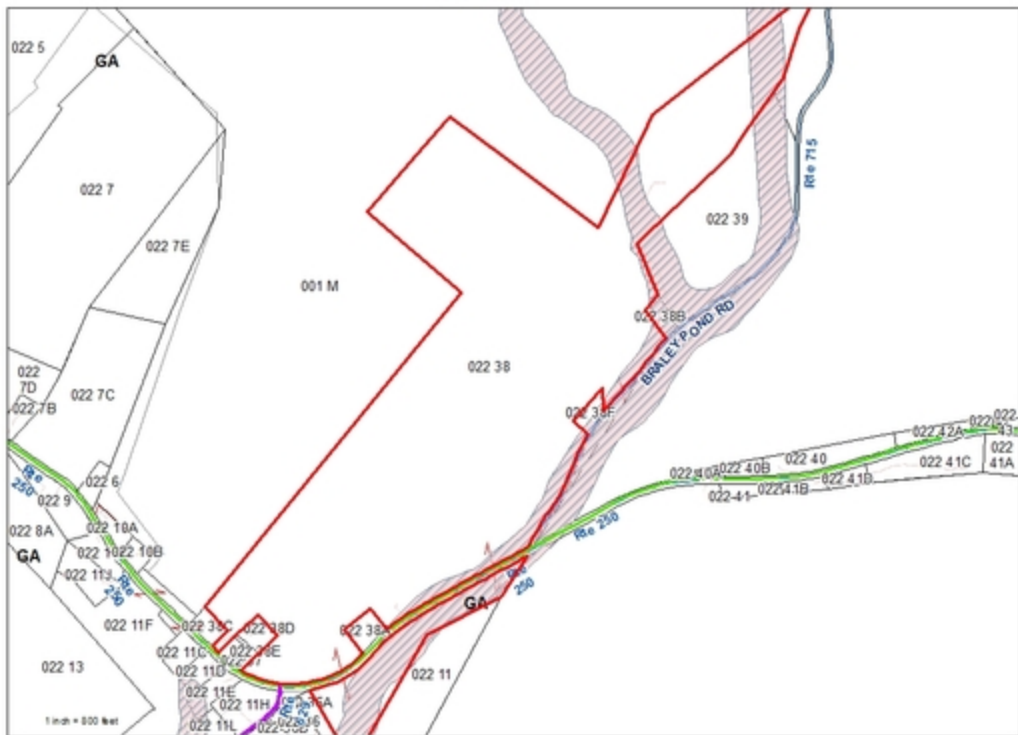


Aerial Imagery © 2001 Commonwealth of VA

1 inch = 500 feet



**Strickler**



Aerial Imagery © 2001 Commonwealth of VA.

1 inch = 800 feet



**PROPERTY OWNER:**

Ray Hawpe Strickler

Agenda Item # 4B  
Date 12/7/2023

**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 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.

They also recommended approval of the ordinance amendment regarding fall zones recently approved by the Board of Supervisors.

**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. The Board of Zoning Appeals may reduce or waive the requirement for portions of the fall zone that lie on publicly owned property, if the Board of Zoning Appeals is satisfied that a waiver or reduction will adequately protect persons, structures, or personal property.**

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 to reduce the setback to fifty feet (50') along the rear property line adjoining National Forest property and has provided a letter from the tower manufacturer certifying the tower is designed to fall within this reduced setback.

**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 is requesting a reduction in the one hundred ten percent (110%) required fall zone along the rear property line adjoining National Forest property. The applicant is requesting to reduce the setback to fifty feet (50'). **The Board of Zoning Appeals may reduce or waive the requirement for portions of the fall zone that lie on publicly owned property, if the Board of Zoning Appeals is satisfied that a waiver or reduction will adequately protect persons, structures, or personal 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.

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. Staff agrees with the consultant and recommends approval of the request with the following operating 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 within **two (2) years**.

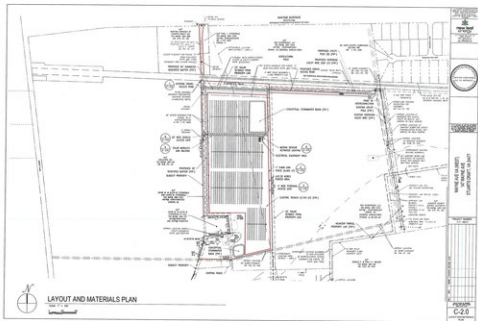
**Operating Conditions:**

1. Be permitted to construct a 195' monopole style telecommunication tower with a four (4') foot lighting rod.
2. Be permitted to construct the tower fifty (50') from the rear property line adjoining National Forest property.
3. No additional landscaping or buffering is required to screen the fenced compound area.
4. All existing trees and vegetation around the perimeter of the fenced compound remain and be maintained as a natural buffer.
5. Tower design will allow a minimum of three (3) additional co-locators.
6. The tower will not be lighted.
7. 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.
8. The applicant will not unreasonably deny the telecommunication providers the opportunity to co-locate on this tower.
9. 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.
10. Construction of the approved project shall commence within **two (2) years** of final approval and be diligently pursued until completion.

# Fitzgerald



1 inch = 500 feet







**PROPERTY OWNER:**

Ellen B. Fitzgerald and Laura B. Fitzgerald

Agenda Item # 4C  
Date 12/7/2023

**APPLICANT:**

Quentin Wood, PE, agent for Wayne Ave Solar 2, LLC

**APPLICANT'S REQUEST:**

To construct a 3 megawatt solar facility

**LOCATION OF PROPERTY:**

Within the field to the east of the house at 147 Wayne Avenue, which is south of the railroad that parallels Wayne Avenue, Stuarts Draft in the South River District

**SIZE OF PROPERTY:**

35 acres – leased area

23 acres – fenced in area

6 acres – under panel

**VICINITY ZONING:**

General Agriculture surrounds the entire parcel

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

12/95 – Zoned General Agriculture

**LAND USE MAPS:**

Urban Service Area – Industrial

**UTILITIES:**

None

**PLANNING COMMISSION'S COMMENTS:**

The New Leaf Energy SUP request for substantial accord determination was voted on with a motion to not see it in substantial accord, but it tied, so the motion died. The Planning Commission is therefore unable to make a recommendation for this project.

**BUILDING INSPECTOR'S COMMENTS:**

After review, our office has no conditions.

**HEALTH DEPARTMENT'S COMMENTS:**

The Health Department has no issues with the request.

**HIGHWAY DEPARTMENT'S COMMENTS:**

The site's only access appears to be via a private lane from Rte. 639 (Wayne Ave) that crosses the railroad. This same entrance on Wayne Ave has recently been approved for access to the previous Wayne Ave Solar, LLC project. The entrance will be adequate for the proposed request as well. In general, a solar facility may generate an initial peak of

construction traffic but is expected to generate very little traffic once in operation. VDOT has no objections to the proposed use.

**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 6" waterline at the intersection of Wayne Avenue and Sylvan Drive and a 6" waterline approximately 1,330'± to the east of the subject parcel.
5. There is an existing 21" sewer line approximately 291'± to the south of the subject parcel.
6. There is an existing 6" PRIVATE sewer force main running through the southern portion of the subject parcel.

**NOTE:** Comments concerning Augusta County's Comprehensive Plan and the potential economic impact to Augusta Water were provided to the Augusta County Board of Zoning Appeals at an earlier date.

**ENGINEERING'S COMMENTS:**

Environment Ordinance Considerations

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

This property drains to 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 wildlife other than waterfowl, non-point sources 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.

#### Overlay Ordinance Considerations

Portions of this property lie within Zone AE on the FEMA FIRM. Any development on this portion of the property must meet the provisions of the Floodplain Overlay (FPO) Ordinance. New lots must contain a "Buildable Area" outside of the floodplain.

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.

Portions of this property lie 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).

#### 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 is in the Urban Service Area, with a Future Land Use of Industrial. As developed, this property is expected to connect to the adjacent solar facility and ultimately, after decommissioning, planned industrial parcels south of the RR and north of the river.

#### Natural Resources Recommendations from the Comprehensive Plan

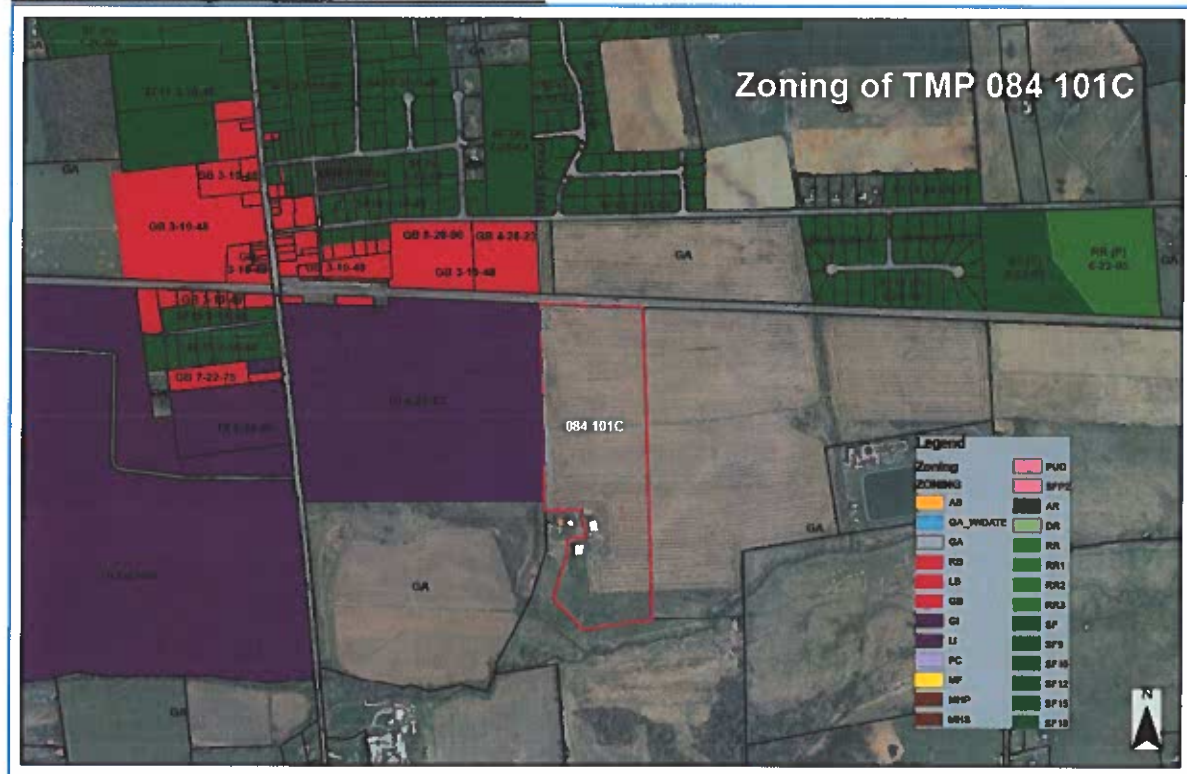
The Augusta County Comprehensive Plan recommends performance standards to protect natural resources. For Urban Service Areas, a riparian buffer of 35 feet on either side of a stream is encouraged, and where feasible, stormwater should not be piped through in a manner to short-cut the buffer. Additionally,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

For unique natural features such as caves, major karst features, critical habitats, etc., the Comprehensive Plan recommends to tie these features in with greenways, active and passive recreation areas and flood plain preservation areas.

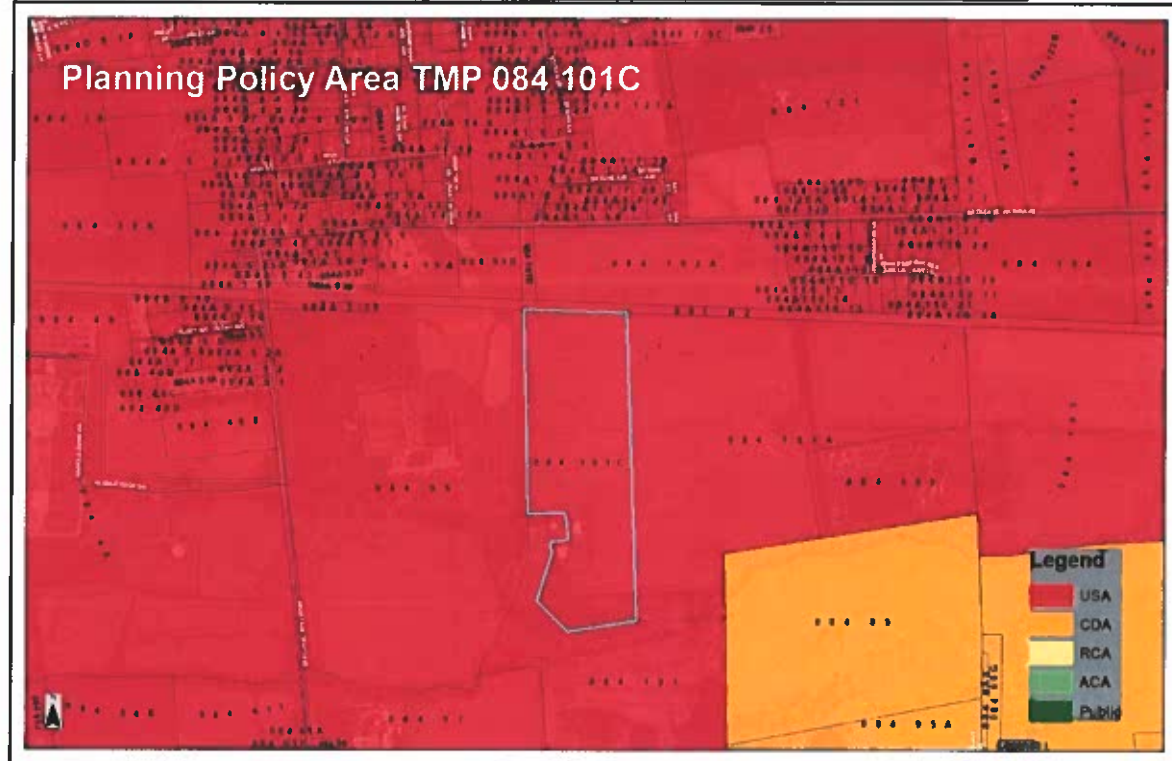
## LAND USE MAPS:

The proposed project lies within in the **Urban Service Area** of the Comprehensive Plan, planned for Industrial. Adjacent properties are a mixture of different land uses, including medium density residential, agricultural, business, and industrial land use types. The property is bordered to the north by an existing Norfolk-Southern railroad right-of way.

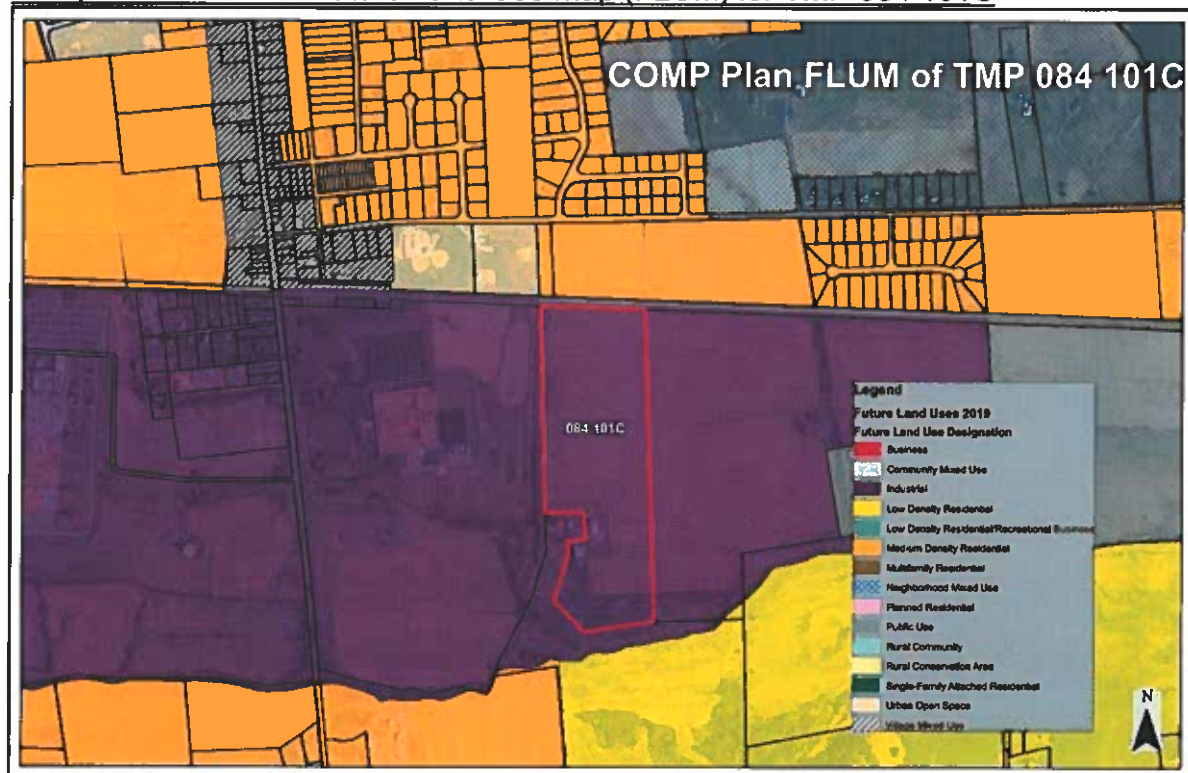
### Current Zoning Map of TMP 084 101C



Comprehensive Plan Planning Policy Area (PPA) Map for TMP 084 101C



Comprehensive Plan Future Land Use Map (FLUM) for TMP 084 101C



## **AGENCY COMMENTS**

### **Traffic Data: Rte. 639 (Wayne Ave)**

- AADT: 1,300 (2021)
- Speed Limit: 35 MPH
- K-factor: 0.094, Dir. Factor: 0.619
- Funct. Class.: Minor Collector

## **VDOT COMMENTS:**

### **VDOT Site Specific Comments:**

The site's only access appears to be via a private lane from Rte. 639 (Wayne Ave) that crosses the railroad. This same entrance on Wayne Ave has recently been approved for access to the first Wayne Ave Solar, LLC project. The entrance will be adequate for the proposed request as well. In general, a solar facility may generate an initial peak of construction traffic but is expected to generate very little traffic once in operation.

### **VDOT General Comments:**

Should the safety, use, or maintenance level of any existing or proposed entrance to a VDOT maintained highway change in the future, VDOT reserves the right to require additional modifications as warranted by the site-specific conditions.

If any work is required on VDOT right-of-way, a VDOT Land Use Permit is required. The permit is issued through the Harrisonburg Residency office.

## **HEALTH DEPARTMENT COMMENTS:**

The Health Department advises the applicant to research any sewage disposal systems or private well approvals on the parcels and ensure they are not encroached upon or damaged. Solar panels should not be placed over existing drainfields or reserve areas.

For questions or for additional information, the applicant should contact the Central Shenandoah Health District at [cshdinfo@vdh.virginia.gov](mailto:cshdinfo@vdh.virginia.gov).

**Applicant's Response:** *The applicant referred to a report by AES Consulting Engineers, who conducted a physical survey onsite on July 24<sup>th</sup> of 2020 documenting all public and private utilities present on the site. The applicant has also confirmed with the property owner that there are no drain fields or reserve areas present on site.*

## **SCHOOL BOARD STAFF COMMENTS:**

The request for a change of approximately 35 acres from General Agriculture to Special Use Permit for a small scale solar energy system would have no impact on these three (3) schools.

The table below indicates the enrollment as of May 18, 2023

| School                    | Enrollment | Capacity |
|---------------------------|------------|----------|
| Stuarts Draft Elem SDES   | 593        | 834      |
| Stuarts Draft Middle SDMS | 495        | 960      |
| Stuart Draft High SDHS    | 692        | 940      |

**FIRE-RESCUE COMMENTS:**

- Prior to activating the site, all Augusta County Fire and Rescue Departments shall be provided emergency response training by the owner or operator. This training and education must include documentation of onsite material and equipment, proper firefighting and lifesaving procedures, and material handling procedures.
- Solar sites should have adequate methods for system shutdown of the electrical equipment to be reviewed by the Fire Chief or his designee. All main power disconnects, as well as all system components that require special attention during an emergency, shall be clearly and consistently labeled on the preliminary site plan submitted with the SUP application and all subsequent site plans.
- A Knox box or key box shall be provided at all access gates shown on the site plan to be reviewed by the Fire Chief or his designee.
- All tracking rows must be a minimum of 15' apart at highest tilt for emergency vehicles and responders to have access.
- A Site Maintenance Plan must be provided including the following: weed control methods, routine mowing and trimming, and other general site maintenance.

If you have further questions, please contact me at 540-245-5624.

**Applicant's Response:** *Applicant states that they will coordinate with Fire and Rescue in providing emergency response training prior to the activation of the site, along with an Emergency Response Plan. Applicant states that they will coordinate with the Fire Chief for review of all methods of system shutdown, will provide a Knox box or key box at all access gates, agrees to provide 15' of interrow spacing to allow for Emergency vehicle and responder access, and agrees to provide a Site Maintenance Plan.*

**AUGUSTA WATER 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 6" waterline approximately 1,330'± to the east of the subject parcel.
5. There is an existing 21" sewer line approximately 291'± to the south of the subject parcel.
6. There is an existing 6" PRIVATE sewer force main running through the southern portion of the subject parcel.

**NOTE:** Without a detailed review of the project site, it appears Augusta Water utilities are well positioned to provide water and sewer service to this property in conformance with the Augusta County Comprehensive Plan. The above comments do not include any analysis concerning Augusta County's Comprehensive Plan or the potential economic impact to Augusta Water. Additional comments will be provided to the Augusta County Board of Zoning Appeals under separate cover prior to this application being considered.

**ENGINEERING COMMENTS:**  
**Environment Ordinance Considerations**

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

This property drains to 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 wildlife other than waterfowl, non-point sources 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.

### Overlay Ordinance Considerations

Portions of this property lie within Zone AE on the FEMA FIRM. Any development on this portion of the property must meet the provisions of the Floodplain Overlay (FPO) Ordinance. New lots must contain a "Buildable Area" outside of the floodplain.

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.

Portions of this property lie 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).

### 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 is in the Urban Service Area, with a Future Land Use of Industrial. As developed, this property is expected to connect to the adjacent solar facility and ultimately, after decommissioning, planned industrial parcels south of the RR and north of the river.

### 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.

For unique natural features such as caves, major karst features, critical habitats, etc., the Comprehensive Plan recommends to tie these features in with greenways, active and passive recreation areas and flood plain preservation areas.

### **ZONING ADMINISTRATOR'S COMMENTS:**

Installing solar panels on approximately twenty-two (22) acres of the property could have a negative visual impact on the single family residential zoned property to the north containing single family residences, and the surrounding General Agriculture

zoned property. Staff does not feel the adjoining General Business and General Industrial zoned properties will be negatively impacted.

A Special Use Permit meeting the ordinance requirements outlined in **Section 25-70.4** is required prior to development of a small scale energy project.

The Zoning Ordinance requires a buffer yard to be provided and maintained and landscaped adjacent to any property line. A site plan meeting submittal requirements of Article LXVII "Site Plan Review" including supplemental plans shall be submitted for review prior to Special Use Permit approval.

**Applicant's Response:** *Applicant states that they will provide buffering to match or be similar to the approved Wayne Ave Solar 1, LLC buffering plan to provide a cohesive viewshed along the northern portion.*

### **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 is a distributed solar project, which provides renewable energy to the local utility system. The applicant has provided an "Economic Impact Assessment" as well as an estimated financial analysis reviewing additional taxes to the County. Under Virginia State Code Section 58.1-3660 (D), solar projects equal to or less than 5 MW in localities without a revenue share ordinance have a 100% exemption from taxes if the initial interconnection request was made on or after January 1, 2019 and approved by the locality before July 1, 2022. For projects approved by the locality on or after July 1, 2022, the exemption decreases to 80% of the assessed value in the first 5 years of service after commencement of commercial operation, 70% in the second 5 years, and 60% for the remaining years in service [VA Code section 58.1-2606.1] Real Estate Tax and personal property tax are factored in to come up with the total estimate. Rollback taxes are included as a portion of the land will be taken out of land use with an estimated one-time payment of \$4,600.00. The real estate tax is estimated at \$1,483.02 annually, while personal property tax is calculated with the following values depending on years assessed: year 1-5 (80% exemption) at \$1,764.60; year 6-10 (70% exemption) at \$2,646.90; and year 11 to the end of the life of the facility (60% exemption) at \$3,529.20. The estimated cumulative tax for the lifespan of the small solar energy system is \$191,854.15.

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. The applicant has stated that New Leaf, Inc has contacted the Commissioner of Revenue, and that the cost estimate provided is subject to change.

The assessment noted that 30 to 40 individuals are anticipated to be make up the labor force during the construction phase, while 4 to 6 individuals will be hired during the operational phase of the system, including, a local landscape company, technician, and operator. The applicant states the installation of the panels and equipment will be from labor outside of the County as it is often specialized work, but the project will utilize a local landscaping company, for the clearing of the site and the maintenance of the site once in operation. The majority of materials for the project will be purchased from manufacturers outside of the county, but the applicant states that some materials will be locally sourced such as gravel, concrete, topsoil, and other miscellaneous materials for construction. The applicant adds that local trucks will be used to import the materials. The estimated value for the construction materials has not been provided by the applicant at this time.

The applicant also emphasizes that while the project will remove a portion of the agriculture fields from further use, it will not eliminate any jobs currently on the parcel. A family member of the Fitzgerald's will continue to farm the surrounding fields. The applicant is looking into having sheep within the fenced area of the solar site, which would be managed by a local farmer. The applicant has been in contact with Augusta County's Animal Science Extension agent who has reached out to two local sheep producers that have expressed interest in the possibility of grazing sheep for this solar project.

***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 project is located in Stuarts Draft, a major growth area for the county. The applicant acknowledges that the parcel is currently zoned General Agriculture, and points out that the Comprehensive Future Land Use Map designates this parcel for future Industrial. The applicant makes the argument that the solar project would consist of lower heights compared to an industrial sized building which would potentially impact the residents to the north's view of the Blue Ridge Mountains. The solar project is sited behind the railroad, which the applicant states provides a natural rural berm from the residents to the north.

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 could be in conflict with this policy and being in close proximity to another approved solar project could result in undue adverse visual impacts on rural viewsheds for the neighborhood to the north. However, staff takes into consideration the natural buffer of

the railroad, the distance from the single-family neighborhood to the north, the topography of the land where the solar panels would be situated below the railroad, and the extent of the project being approximately 6 acres under panel, and find that this project will not affect the rural viewshed from the Blue Ridge Mountains or other parcels zoned General Agricultural surrounding the proposed site.

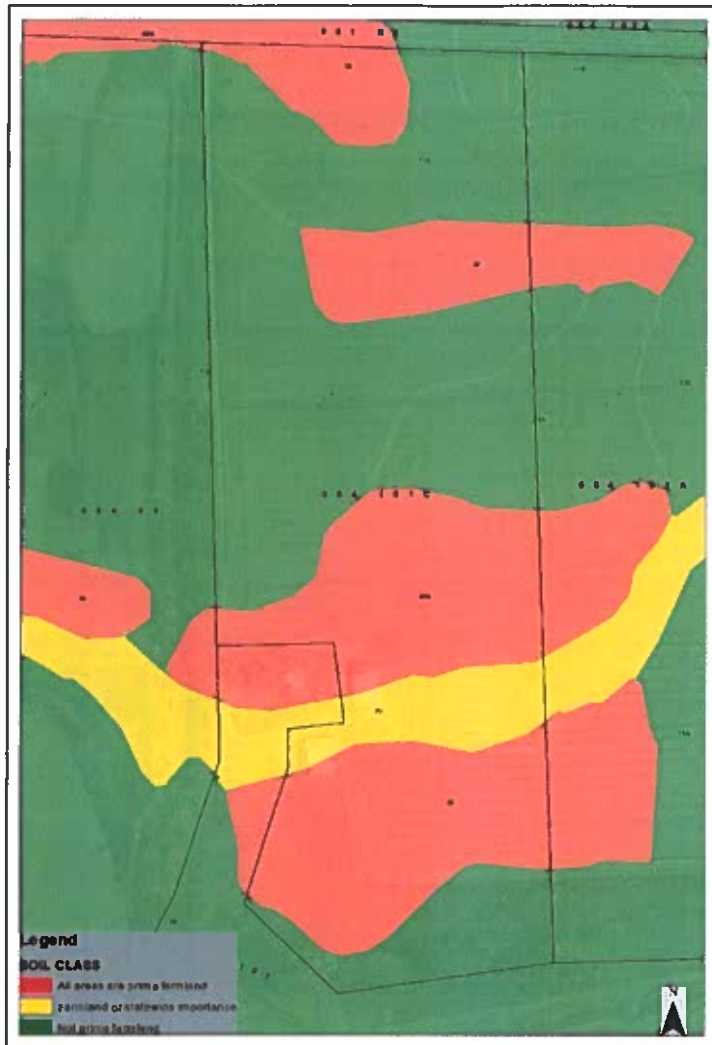
**Policy 3: Agricultural landscape and economy. Siting of projects should evaluate the agricultural landscape of the project area and surrounding area to assess the effects of a project on the agricultural economy.**

**STAFF ANALYSIS:** The proposed parcel is currently cleared and actively being used for agricultural purposes, and is adjacent to general agriculturally zoned land to the north, west, and south, and an approved small energy system solar facility to the east. The applicant states that approximately 31.5 acres of land being used for agriculture would be taken out of agriculture use, but the surrounding land would continue to be utilized for farming by a relative of the landowner. Out of the 31.5 acres, 22.32 acres will be fenced and approximately 6 acres of the fenced area under panels, 7.96 acres will be used for stormwater controls and the access road, and 1.22 acres for the landscape buffer. The applicant notes that the project will be decommissioned so that the landowner can choose to continue farming after if they wish, or because the land has been preserved for 40 years, it could turn into an Industrial Development.

The applicant states the project will have minimal impact on the agricultural economy of Stuarts Draft since the parcel is planned for Industrial use, and that any future Industrial use would take away from the Blue Ridge Mountain Horizon and the land out of agriculture use. Stuarts Draft is set apart as an area in the County that is expected to grow and have industry mixed in with the agricultural economy. The extent of the project being approximately 31.5 acres of Augusta County's agricultural land, is taken into consideration as an impact to the agricultural economy of the area, as Stuarts Draft is predominately agriculture, contributing to Augusta County being second in the state of Virginia for agricultural production. However, staff feel it will have little impact to the agricultural economy of the area as the parcel is planned for Industrial, and it is expected for the land use of this property to shift from agriculture uses.

**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.**

| TAX MAP  | TOTAL ACREAGE | CLASS 1 | CLASS 2 | CLASS 3 |
|----------|---------------|---------|---------|---------|
| 084 101C | 36.469        | 0       | 34.469  | 2.0     |



**STAFF ANALYSIS: 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 with 2 acres as Class 1. 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. Soil Map TMP 084 101C

Majority of the map in green show that the land is considered not prime farmland, with some areas being prime farmland in red, and a small portion to south, in yellow, being of statewide importance. From the applicant's site plan, the majority of panels will be located in the areas designates as not prime farmland and prime farmland While the project will remove the field from agricultural operations, the applicant intends to leave all subsoil and top soil onsite at decommissioning, and states that the landowner will have the ability

to return the land to agricultural use. One of the conditions of the Special Use Permit in the operating conditions is prohibiting topsoil from being removed from the site (see recommended Operating Condition #14). The intention of the applicant to leave all subsoil and topsoil onsite at decommissioning would fulfill this condition.

**Agricultural and Forestal Districts:** The parcel 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 applicant is proposing an enhanced forty-foot (40') wide buffer along the Norfolk Southern Railroad, along with a twenty foot (20') buffer along the western property line. An alternative compliance from the County Ordinance is also being proposed along the east side where the project would sit adjacent to an approved solar facility. The applicant has stated they will be providing photo simulations and digital renderings to the County prior to the Planning Commission meeting. Applicant believes that screening between the two solar projects is not required as the facility is unmanned and shares the same property line. Minimum required setbacks from public right of ways and adjacent properties have been provided. The site lies seven hundred feet (700') from the public road.

The applicant states that the project will sit in low-lying land below the railroad which provide a natural rural berm from the site. The applicant has also stated that after feedback from a neighbor across the railroad, they have decreased the proposed panel height from fifteen feet (15') to ten feet (10') to further reduce visibility from the single family residential neighborhood across Wayne Ave, in addition to the enhanced buffering along the railroad. The applicant emphasizes that there will not be any visual impacts on the view of the Blue Ridge Mountains. The sight will also be surrounded by a security fence and the panels constructed will have an anti-glare coating on them to mitigate any reflection towards the surrounding properties.

As the project sits behind the Norfolk Southern Railroad, and with the additional buffering of landscape and reduction of panel height, staff do not anticipate that the project will have a visual impact to the surrounding development.

**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 Industrial. **This parcel is located within the Urban Service Area, where** Augusta Water has invested in infrastructure to support future anticipated residential, commercial, and industrial development. The project is also located less than a mile from the historic downtown of Stuarts Draft.

The Stuarts Draft area is one of the most industrialized areas in the County, mixed with the agriculture economy. The two uses characterize Stuart Draft. While this project is being sited directly adjacent to an approved solar facility in an Urban Service Area, both

facilities would be less than 50 acres under panel, Wayne Ave Solar 1 being approximately 23.3 acres and Wayne Ave Solar 2 being approximately 6 acres under panel. Staff feel that the location for the two facilities would not change the character of the community as industrial is planned for these two parcels.

**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. Stuarts Draft is considered one of the County's two major growth areas, where significant residential, business, and industrial growth is anticipated. A major objective for Stuart Draft and for the County is to be interconnected and to create communities that have a sense of place. One way to do so is to develop the area in a planned and coordinated way. Wayne Ave is one of the main corridors and source of connection in Stuarts Draft. The Transportation Plan of The Stuarts Draft Small Area Plan designates an area for a future shared greenway as a plan of action to implement the small area's vision for interconnectivity. The greenway is proposed to encompass parcels along the railroad, including 084 101C. While the proposed greenway is presently a concept, if solar were to be developed there, it could alter the location of the proposed greenway, delaying construction.

**Applicant Response:** *The applicant acknowledges that there are conceptual plans for a Greenway along Wayne Ave, but the applicant also states that the proposed solar facilities' improvements leave an approximate 40-foot-wide corridor between the designated project area and the Norfolk Southern Railroad Right-of-Way, which is also being provided with the approved Wayne Ave Solar 1, LLC SUP 21-64. The applicants also notes that the property owners are also agreeable to providing a greenway through their property and will work with the County on the plan.*

**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:** Wayne Ave is one of Stuarts Draft corridors and is a targeted area to create interconnectivity through sidewalks and walking trails. The applicant states that while the site is on private property, the landowner would be open to working with the County on siting a portion of the walking trail, if the project moves forward, as a way to support open space.

**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:** Please see Policy 7 and 8 for staff comments on providing trails and open spaces.

**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:** An aquatic resource delineation was performed, and no resources were identified. The project will not impact the streams, rivers, and wetlands.
- b. **Fertile soils:** The project will maintain the fertile soils onsite throughout the life of the project by stockpiling and any excess topsoil onsite and separation of the subsoil and topsoil during construction.
- c. **Habitats:** The existing habitat consists of agricultural rotational fields comprised of soybeans, corn and similar cash crops. The project will temporarily retire the agricultural field by reverting the land to native vegetation that will be maintained and promote wildlife and pollinators. Upon the project reaching the end of its life cycle the site's soil can be turned and returned to agricultural use.
- d. **Native vegetation:** The project will utilize native vegetation, including pollinator plants to promote wildlife.
- e. **Forests:** The project is sited within an existing agricultural field and tree clearing or fragmentation of existing forests will occur as a result of the project.
- f. **Historic and archaeological resources:** The applicant's consultant, LaBella & Associates, performed a preliminary cultural resources assessment of this and the abutting eastern parcel and concluded that there are no eligible recorded archaeological sites on-site. The Virginia Department of Historic Resources, DHHR, have recommended the Miss Hannah Forrer house located at 147 Wayne Ave as potentially eligible for the National Register List. The site is also less than a mile from the historic downtown of Stuarts Draft.

**Applicant Response:** *The applicant states that they have spoken to the property owners about mitigation efforts to protect their potentially eligible historic home, and that additional trees and shrubs will be planted along portions of the property line at the property owner's discretion.*

**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 states that the perimeter of the panels is similar to pasture where wildlife will follow the fence line and other birds and small animals can coexist within the fenced area with less interaction with predators.

**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 Wayne Ave Solar 2 and the adjacent, approved Wayne Ave Solar 1 solar facility, may be in conflict with this policy. 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. However, staff feel that due to the parcel's characteristics and limitations for future industrial development and the similar footprint of the approved solar facility adjacent to it, that it would be appropriate to site two separate facilities adjacent to each other, in this case. The siting of two facilities could produce a patchwork effect, but because the two projects are homogenous in design, staff feel that the facilities together would not have undue impact of future surrounding development or alter existing community character. The Planning Commission and Board of Zoning Appeals will need to determine if this request is in compliance with this policy.

**STUART 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. A copy of the Small Area Plan can be found on the Planning page of Community Development on the County Website. A link is also provided. [Stuarts Draft Small Area Plan](#).

The Stuarts Draft Small Area Plan encourages as much 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 in the Stuarts Draft

area. In addition, one of the central tenets of the plan is encouraging pedestrian oriented and interconnected development, with heavy investment in bicycle and pedestrian infrastructure being a central tenet of realizing a more interconnected Stuarts Draft. The transportation chapter of the plan has proposed a future greenway as one primary method of realizing this goal and has designated a portion of the greenway to run not only through this property, but through the area included in the proposed project site. The transportation chapter also includes corridor improvements on Wayne Avenue as a goal to be reached within the twenty-year timeframe of the plan.

The Stuarts Draft Small Area Plan recognizes the importance and growing trend of diversification of power portfolios to include more renewable energy, but under Policy 1 of Objective A under Electricity, Stuart Draft supports renewable energy as accessory to by-right established uses. Land used for a solar facility, planned for Industrial use could inhibit economic growth generated by targeted industrial uses. One of the Stuarts Draft Small Area Plan's objectives is to create economic growth by way of preserving industrial lands Identified on the Future Land Use Map (FLUM) to create employment growth.

#### **REMAINING ISSUES TO BE CONSIDERED DURING THE PLANNING COMMISSION:**

***Adherence to Policy 1, Economy-*** The applicant is encouraged to offer the estimated value of the construction materials to be obtained locally.

***Adherence to Policy 6, Balanced Land Uses-*** This project is sited directly adjacent to an approved small energy system, Wayne Ave Solar 1. This policy states that projects should not be sited in close proximity to existing facilities. However, this project combined with Wayne Ave Solar 1 would be less than 50 acres, approximately 29.3 acres combined, still meets the definition of a small scale solar energy system facility as defined by the County Ordinance. Staff feels that because of the location of these parcels as well as the extent of the project, the two solar facilities would contribute to the balance of land uses in the area.

***Adherence to Policy 7, Compact, interconnected development-*** This solar facility is sited in the Urban Service Area, where solar facilities are strongly discouraged to locate. Facilities are not prohibited in the Urban Service Areas but are discouraged as these areas are our growth areas for residents and future development. This project does not meet this policy, and in general, unless a developer is to partner with the County to provide walking trails and wildlife corridors, solar facilities are most likely not going to help with interconnection in the Urban Service Area. Staff also understand the need for solar facilities to be located near infrastructure already in place.

***Adherence to Policy 12, Clustering and Colocation-*** While this project would be next to an already approved solar facility, staff do not feel this constitutes as clustering as they are located on contiguous parcels and would be homogenous in design, that together still meet the definition of a small scale facility.

### **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:** While the proposed solar project is in an Urban Service Area, where solar facilities are strongly discouraged in the Comprehensive Plan, the proposed solar energy facility is located immediately adjacent to another small-scale solar facility, adjacent to an industrial site, and in close proximity to the waste water treatment plant. The parcel is planned for future industrial, but due to lack of access for a road across the railroad, staff do feel that this proposed solar facility would be an appropriate location for a small scale energy system. For these reasons, the location of this proposed facility is in substantial accord with the Comprehensive Plan.

**CHARACTER:** Staff feel that the proposed native plantings would be aligned with the character of this area. The additional landscaping and buffering provided by the applicant to match the approved Wayne Ave 1 landscape and height reduction of the panels could alleviate some of the anticipated visual impacts to nearby properties. Therefore, staff find the character of this proposal to be in substantial accord with the Comprehensive Plan.

**EXTENT:** Staff find the extent of the proposal, with 6 acres under panel, to be in substantial accord with the Comprehensive Plan.

Staff find that the proposal is in substantial accord with the Comprehensive Plan. While the project does not meet every policy, as listed above, given the access challenges for the site for more intensive development and being adjacent to the railroad to the north, Industrial to the west, and a Wastewater Treatment Facility to the east, the location is appropriate. The approved Wayne Ave Solar 1 project combined with this project would be less than fifty (50) acres under panel. Staff feel that the extent of the two facilities will not have adverse impacts on rural viewshed, especially of the Blue Ridge Mountains. The applicant has proposed adequate buffering to mitigate any additional visual impacts on surrounding properties. While infrastructure is in place for an industrial development, due to access issues, future development is limited across the railroad. Part of the land not included in the project will still be in agriculture use, with the possibility of sheep grazing under the panels. For these reasons, **staff recommend that this project is in substantial accord with the Comprehensive Plan and recommend approval of this project.**

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

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

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

**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 included in this request. The site plan shows the required twenty-five foot (25') setback.

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

The maximum solar panel height is fifteen feet (15').

**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 applicants meet all applicable federal and state standards.

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

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

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

No buildings are proposed and no Building permits are required per Building Inspection comments.

**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 applicants submitted 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 property has access to Wayne Avenue which is State maintained.

**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 forty foot (40') enhanced vegetated buffer along the northern property line and a twenty foot (20') vegetated buffer along a portion of the side property line to the west. No buffer is shown along the side property line to the east. A buffer will need to be provided.

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

The applicant is requesting no buffer along the eastern side property line due to the fact the parcel adjoins a previously approved solar facility that is not part of this proposal and has not been constructed. This does not meet alternative compliance requirements.

### **STAFF RECOMMENDATIONS**

The applicants are proposing a 3MW small solar facility on approximately twenty-three (23) acres with approximately six (6) acres under panel. The proposed location meets the required twenty-five foot (25') side and rear setback and is setback approximately seven hundred feet (700') from Wayne Avenue.

The site plan submitted with the application shows an enhanced forty foot (40') landscape buffer along the property line to the north, and a twenty foot (20') landscape buffer along a portion of the side property line to the west that will need to be extended to fully buffer all panels and meet the Ordinance requirement. The applicants are requesting no buffer be required along the side property line to the east due to the fact the parcel is adjacent to a forty five (45) acre parcel approved by the Board in 2021 for a small scale solar facility. Due to the fact no construction has started and the facility is not part of this request, Staff does not feel this meets the alternative compliance requirement, therefore, the buffer would be required along the side property line to the east. The applicant will need to submit an updated site plan meeting all buffering requirements of the Ordinance.

The Comprehensive Plan incorporates policies specific to utility scale solar facilities. As required under Virginia State Code Section 15.2-2232, the location, character, and extent

of the project were considered in the review process. After review of the projects conformance with the twelve (12) policies in the Comprehensive Plan, the Planning Staff found the proposed solar facility to be in substantial accord with the Comprehensive Plan or parts thereof, however, the request for substantial accord determination was voted on by the Planning Commission with a motion to not see it in substantial accord, but it tied, so the motion died. **The Planning Commission is therefore unable to make a recommendation for this project.**

While the property is located in an Urban Service Area planned for Industrial use in the future, the Planning staff felt the location of the facility is in substantial accord with the Comprehensive Plan due to lack of access for a road across the railroad, the solar project would be located immediately adjacent to another small scale solar facility, adjacent to an industrial site, and in close proximity to the waste water treatment plant and felt the solar facility would not change the character of the area.

The Zoning staff agrees that the location of the proposed solar facility would be suitable for the solar facility due to lack of access for a road across the railroad and the close proximity to other industrial uses. However, staff is still concerned with the location being within close proximity to a previously approved solar facility.

If the Board feels the request would not be out of character or have an adverse impact on the neighboring properties and desires to approve the Special Use Permit. 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, including buffering on the north, east, and west, and natural vegetation to the south.
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 six (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. A letter of acceptance from a landfill shall be provided with the submittal of the Decommissioning Plan.
8. 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 forty (40) 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.
9. 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.
10. 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.
11. 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.
12. The applicant shall disclose to the Augusta Water if corrosion control systems are part of the Facility.
13. 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.
14. 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 Wayne Ave Solar 2, 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 Wayne Ave Solar 2, 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 Wayne Ave Solar 2, 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 New Leaf Energy, Inc. dated\_\_\_\_\_.

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 7:00 a.m. to 8:00 p.m., Monday through Saturday, and will be prohibited on Sundays. These conditions shall apply to noise generated during the construction of the Facility and to any construction needed during replacement, repair, or maintenance activities during the ongoing operation of the Facility. Replacement, repair, and maintenance activities conducted at nighttime and not involving construction shall comply with all applicable noise standards.
12. The Facility shall not be lit during ongoing operations, unless as required by the Uniform Statewide Building Code. Lighting used during construction shall be

downward facing and shall be located at least 500 feet from any adjacent residential property.

13. All solar panels shall use anti-reflective coatings.

14. All topsoil shall not be removed from the site.

15. The Applicant shall implement the following additional measures during construction:

- a. Maintain all construction-related vehicles in good working order.
- b. Designate a specific individual and provide that individual's name and contact information to the Zoning Administrator and/or his /her designee, to which questions, complaints, or concerns during construction may be directed.
- c. Prior to the initiation of construction, mail a notice of construction activity to all property owners whose properties are adjacent to areas on which the Facility will be constructed. The notice shall summarize upcoming construction activities, describe the areas in which construction will occur, including the main routes of delivery, and provide the name and contact information of the Facility representative to whom any complaints, concerns, or comments may be addressed.
- d. Provide adequate portable sanitation facilities that are located in a manner that facilitates ease of disposal but that are not within one hundred and fifty (150) feet of any property boundary of a parcel on which a home is located and whose owner is not participating in the Facility.
- e. Prohibit any personnel associated with the construction of the Facility from overnight lodging at the site.

16. The construction protocol will be designed to ensure that ground cover is expeditiously established, and appropriate site stabilization achieved throughout construction, and the approved construction phasing plan shall be implemented during construction.

17. Any electrical wiring used in the system shall be underground except where wiring is brought together for inter-connection to system components and/or at the project substation and switchyard for interconnection the local utility power grid. Electrical distribution lines between the inverters and the point of interconnection shall be underground except where crossing creeks, floodplains, wetlands, and at the point of interconnection. Nothing in this condition shall prevent the ability to utilize underground boring technology.

18. This Permit shall be valid from the time of issuance and thereafter for a period of 40 years from the start of commercial operations of the Facility, which shall be the date on which the Facility first delivers non-test energy to the high-voltage transmission system, or until this Permit is lawfully terminated or terminated as a matter of ordinance or other law prior to the natural expiration date, whichever is sooner. At the end of the 40 year period, unless such period is otherwise extended by the Board, or unless decommissioning is required sooner pursuant to the conditions herein, the Facility shall be deemed to have reached the end of its lifespan and decommissioning shall begin pursuant to the conditions herein.
19. Solar Panels will be constructed, maintained, and operated in accordance with national industry standards and regulations including the National Electrical Code, International Fire Code of the International Code Council and the National Fire Protection Association Fire Code, as provided in Va. Code 15.2-2286. In the event of a conflict between the national industry standards and these Conditions, the national industry standards shall control.
20. Corporate Structure, Associations, and Information. Applicant and all successors-in-interest, including current and future owners, lessees, sub-lessees, and permitted assignees shall provide the Zoning Administrator, with a copy to the County Attorney, written notice of changes of ownership of the solar facility within thirty (30) days thereof.
21. Any substantial upgrades or changes made to the design or operation of the Facility that are planned shall be disclosed to the Zoning Administrator and/or his/ her designee at least ninety (90) days before the intended implementation of the upgrades or changes – except as provided herein. Any substantial upgrades and/or changes resulting solely from a bona fide emergency and force majeure event shall be disclosed no later than (sixty) 60 days thereafter.
22. Prior to the activation of the Facility, Wayne Ave Solar 2, LLC, shall provide training to the Augusta County Fire Rescue and Augusta County Sheriff's Office. This training and education shall include documentation of onsite material and equipment, proper firefighting and lifesaving procedures, and material handling procedures.
23. Local Subscribers - If the project secures a place in the Shared Solar program, 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.

24. Contribution for Public Improvements – The Applicant, or, if different from the Applicant, the facility owner and/or operator, shall provide to the County a one-time cash payment in the amount of \$50,000 on or before the date that is 90 days following the commencement of commercial operation of the solar facility. This payment is provided in accordance with the provisions of Virginia Code §15.2-2288.8.B. 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 Applicant, facility owner and/or operator shall be jointly and severally responsible for the payment of the cash payment required by this condition.

25. Any infraction of the above-mentioned conditions, or any Zoning Ordinance regulations, may lead to a stop work order and revocation of the Special Use Permit by the Board of Zoning Appeals.

Agenda Item # 7A  
Date 12/7/2023

**EXTENSION OF TIME**

**PROPERTY OWNER:**

Bernard Lee Christian, III

**APPLICANT:**

Same

**APPLICANT'S JUSTIFICATION:**

To construct a new building to have a motor vehicle repair operation including body and fender work

**LOCATION OF PROPERTY:**

On the east side of Tinkling Spring Road (Route 608), Stuarts Draft in the South River District

**SIZE OF PROPERTY:**

12.697 acres

**VICINITY ZONING:**

General Agriculture surrounds the entire parcel

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

12/95 – Zoned General Agriculture

**LAND USE MAPS:**

Community Development Area – Low Density Residential

**UTILITIES:**

Public water & private septic

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

The applicant has been working with an engineer to complete the site plan. He would like some additional time.

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

**STAFF RECOMMENDATIONS:**

The applicant has not completed the Pre-Conditions of the Special Use Permit that was approved by the Board January 6, 2022. The applicant is asking for a one (1) year extension. This is the second request for an extension of time. Staff recommends the applicant be present at the hearing to update the Board on progress.



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



**MEMORANDUM**

DATE: November 20, 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 **February 2023** have been inspected:

|       |                                          |
|-------|------------------------------------------|
| 23-5  | Mint Spring Development, LLC             |
| 23-6  | Douglas J. Napier – <b>Denied</b>        |
| 23-7  | Shady Haven Properties, LLC              |
| 23-8  | Samuel & Jessica Boppe                   |
| 23-9  | Jacob W. Back                            |
| 23-10 | Gobble Hoo, LLC                          |
| 23-11 | VA District of United Pentecostal Church |
| 23-12 | Kevin S. & Amber N. May                  |
| 23-13 | RAE Enterprises, LLC                     |

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

JW:bcw

## SPECIAL USE PERMIT INSPECTION REPORT

**NAME:** Mint Spring Development, LLC

**Location:** On the north side of White Hill Road, east of the intersection of White Hill Road and Lee Jackson Highway

**Use:** To have a residential care facility.

**Special Use Permit No.:** 23-5

**Date Approved:** 02/02/23

**Date Inspected:** 11/08/23

**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:** Send first notice regarding Pre-Conditions.

## SPECIAL USE PERMIT INSPECTION REPORT

**NAME:** Shady Haven Properties, LLC

**Location:** 2402 Stuarts Draft Highway, Stuarts Draft

**Use:** To have online auction sales and outdoor storage of vehicles and equipment and to have a 10' x 16' office building.

**Special Use Permit No.:** 23-7

**Date Approved:** 03/02/23

**Date Inspected:** 11/17/23

**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:** A wrecked vehicle is on the lot in violation. Send first notice of violation of Operating Conditions.

## **SPECIAL USE PERMIT INSPECTION REPORT**

**NAME:** Samuel and Jessica Boppe

**Location:** 193 Reeds Gap Road, Lyndhurst

\_\_\_\_\_

\_\_\_\_\_

**Use:** To have a short term vacation rental.

\_\_\_\_\_

\_\_\_\_\_

**Special Use Permit No.:** 23-8

**Date Approved:** 02/02/23

**Date Inspected:** 11/17/23

**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:** Jacob W. Back

**Location:** 74 Parker Road, Stuarts Draft

**Use:** To expand a non-conforming dwelling by enclosing an attached carport no closer to the side yard setback.

**Special Use Permit No.:** 23-9

**Date Approved:** 02/02/23

**Date Inspected:** 11/20/23

**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:** Gobble Hoo, LLC

**Location:** Located on the southeast side of Jericho Road, east of the intersection of  
Jericho Road and Ramsey Road

**Use:** To have a concrete batching plant.

**Special Use Permit No.:** 23-10

**Date Approved:** 02/02/23

**Date Inspected:** 11/13/23

**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 activity. Sent first notice regarding Pre-Conditions.

## SPECIAL USE PERMIT INSPECTION REPORT

**NAME:** VA District of the United Pentecostal Church

**Location:** 1640 Lee Highway, Fort Defiance

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

**Use:** To have special events including but not limited to music events, reunions, car shows and civil war reenactments and to have food trucks onsite.

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

**Special Use Permit No.:** 23-11

**Date Approved:** 02/02/23

**Date Inspected:** 11/08/23

**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. and Amber N. May

**Location:** 155 Miller Road, Waynesboro

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

**Use:** To have an excavating business with outdoor storage of commercial  
vehicles and to use a portion of the existing building for storage of materials and  
equipment.

\_\_\_\_\_  
**Special Use Permit No.:** 23-12

**Date Approved:** 02/02/23

**Date Inspected:** 11/14/23

**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:** RAE Enterprises, LLC

**Location:** Located along the south side of Wayne Avenue

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

**Use:** Proposed amendment to condition #3 of the approved SUP#21-64 in order to  
impact a designated wetland.

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

**Special Use Permit No.:** 23-13

**Date Approved:** 02/02/23

**Date Inspected:** 11/13/23

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

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