

June 1, 2023

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

VIRGINIA: At the Called Meeting of the Augusta County Board of Zoning Appeals held on Thursday, June 1, 2023 at 8:00 A.M., in the County Government Center, Verona, Virginia.

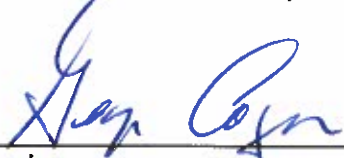
The staff briefing was held at **8:00 a.m.** in the Board of Supervisors Conference Room where the Zoning Administrator reviewed the staff report for each request on the Board's agenda. Copies of the staff reports can be found in the Community Development Department.

VIEWINGS


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

- **DAVID WAYNE AND FERNE JOY SHOWALTER - SPECIAL USE PERMIT**
- **RICHARD M. AND BONNIE L. SMITH - SPECIAL USE PERMIT**
- **CARMEN SHEETS - SPECIAL USE PERMIT**
- **HANNAH SPONGBERG, AGENT FOR NEW RIVER VALLEY WORKS, INC. - SPECIAL USE PERMIT**
- **JUSTIN TALBOTT, AGENT FOR JBT CONSTRUCTION, LLC - SPECIAL USE PERMIT**
- **STEVEN WHELAN - SPECIAL USE PERMIT**
- **PAUL M. AND AMBER C. SWAREY - SPECIAL USE PERMIT**
- **LINDSEY NELSON, AGENT FOR CONSOLIDATED EDISON DEVELOPMENT, INC. - SPECIAL USE PERMIT**

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



 Chair



 Secretary

June 1, 2023

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

ABSENT: Thomas V. Thacker
Justine D. Tilghman

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

MINUTES

Mr. Glover moved that the minutes from the May 4, 2023, meeting be approved.

Mr. Bailey seconded the motion, which carried unanimously.

DAVID WAYNE AND FERNE JOY SHOWALTER - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by David Wayne and Ferne Joy Showalter, for a Special Use Permit to convert an accessory building into a second dwelling less than 900 square feet to be used as a short term vacation rental on property owned by David Wayne and Ferne Joy Showalter Joint Rev. Trust, located at 20 Grand Ridge Lane, Bridgewater in the North River District.

Mr. David Showalter stated the surveyor has marked the property and we will move the building so that it is in compliance.

Chair Coyner asked how will clients discover this short term rental?

Mr. Showalter stated by word of mouth and Airbnb.

June 1, 2023

Chair Coyner stated the Board visited the site this morning. This is a nice piece of property. He asked if there was anyone wishing to speak in favor, or in opposition to the request?

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

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

Pre-Conditions:

- 1. Applicant move the dwelling to meet the twenty-five (25') foot setback and provide a foundation survey to Community Development.
- 2. Applicant obtain all permits, required inspections, and Certificate of Occupancy and provide a copy to Community Development.

Operating Conditions:

- 1. Be permitted to convert a 14' x 28' (392 square feet) accessory building into a dwelling to be used for short term rentals.
- 2. Be limited to a maximum occupancy not exceeding two (2) persons per the Health Department.
- 3. Applicant must reside on premise or on an adjacent parcel.
- 4. Site be kept neat and orderly.
- 5. No junk or inoperable vehicles to be kept outside.

Mr. Glover seconded the motion, which carried unanimously.

June 1, 2023

RICHARD M. AND BONNIE L. SMITH - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Richard M. and Bonnie L. Smith, for a Special Use Permit to have a hauling business with outdoor storage of commercial vehicles on property they own, located at 251 Smithfield Lane, Weyers Cave in the North River District.

Mr. Richard Smith stated I am the owner of Blissful Trucking. I apologize for not getting this done earlier. I own four (4) trucks. I have no plan to expand. Once in a while I will bring in empty trailers. I park them at Coors majority of the time. I plan on doing minor service work for the trucks on the property. This is not visible from the surrounding homeowners.

Chair Coyner stated the Board saw two (2) trucks this morning when we visited the site.

Mr. Smith stated I have two (2) full-time drivers. There will be minimal traffic on the shared driveway.

Ms. Bunch read an email in support from Ben and Joanne Showalter.

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

Mr. Charles Munse, 1563 Fadley Road, Weyers Cave, stated my property backs up to this site. The area is zoned General Agriculture. The area has seen a steady increase in commercial uses and getting away from the agricultural uses. A wedding venue just got approved in this area. When will the commercial uses end? There is no acceleration lane on Fadley Road. If the area is zoned General Agriculture, why do we allow commercial uses to still happen.

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

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

Mr. Smith stated I do not bring the trailers to the site unless they are empty. All trucks 99% of the time if they are not loaded can accelerate like a vehicle. I have an approved commercial entrance.

June 1, 2023

Chair Coyner stated the Board viewed the site and there are farms in the area that use large tractors coming in and out of the area. Chair Coyner declared the public hearing closed.

Mr. Bailey stated these are semi-tractors going in and out of the property. He moved to approve the request with the following conditions:

Pre-Conditions:

None

Operating Conditions:

1. Be limited to four (4) licensed semi-tractors onsite.
2. No semi-trailers stored onsite.
3. No more than three (3) employees.
4. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
5. Site be kept neat and orderly.

Mr. Glover seconded the motion, which carried unanimously.

CARMEN SHEETS - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Carmen Sheets, for a Special Use Permit to have a day care on property owned by Jerusalem Chapel United Brethren in Christ, USA, located at 935 Jerusalem Chapel Road, Churchville in the Pastures District.

Ms. Carmen Sheets stated I am the owner of Bison Beginnings Early Learning Center in Churchville and Verona. My business has grown substantially and there is a need for this service. I would like to have before and after school and a summer camp at this location. We are growing largely and cannot help parents in need.

June 1, 2023

Chair Coyner stated the Board visited the site. This is a good location.

Ms. Sheets stated we have completed all of the inspections for this use.

Chair Coyner asked do you plan on starting this summer?

Ms. Sheets yes. We are behind schedule but will slowly transition into this site.

Mr. Bailey asked if lunches will be served?

Ms. Sheets stated no. Parents will pack lunches for the children.

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

There being none, Chair Coyner declared the public hearing closed. This is a well needed service to the area.

Mr. Glover agreed. He moved to approve the request with the following conditions:

Pre-Condition:

1. Obtain permits, required inspections and Certificate of Occupancy for the change of use and provide a copy to Community Development.

Operating Conditions:

1. Be permitted to have a day care operation with up to forty-nine (49) children and four (4) teachers.
2. Provide a copy of the license from the Department of Social Services.
3. Site be kept neat and orderly.

Mr. Bailey seconded the motion, which carried unanimously.

June 1, 2023

HANNAH SPONGBERG, AGENT FOR NEW RIVER VALLEY WORKS, INC. - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Hannah Spongborg, agent for New River Valley Works, Inc., for a Special Use Permit to have a special event facility and to have a short term and primitive campground to provide overnight accommodations during events on property owned by 102 Burketown Road, LLC, located at 102 Burketown Road, Weyers Cave in the North River District.

Ms. Hannah Spongborg stated we would like to maintain the historic use of the property including the equestrian use. We would like to have an arts and crafts fair. Our plan is to bring people out to the area and see what Augusta County has to offer.

Chair Coyner asked if there would be campsites out at the upper level of the property?

Ms. Spongborg stated yes. Everything will happen during the day time. There will be no amplified noise and no music. These will be small scale events in general and be quiet and calm.

Chair Coyner asked if this would be primitive camping?

Ms. Spongborg stated clients will park their van and camp. There will be no RVs.

Chair Coyner asked how do you plan on advertising?

Ms. Spongborg stated we do plan on advertising to VW enthusiasts on their website.

Chair Coyner asked if these events will be in the summer?

Ms. Spongborg stated yes. The events will be May – September one time a month.

Chair Coyner asked if the owners will be onsite during events?

Ms. Spongborg stated I am the owner and I will be onsite all of the time.

Mr. Bailey asked if the Health Department was contacted?

Ms. Spongborg stated we reached out to the Health Department and we will have to contact an engineer but we have ample bathroom facilities and septic field.

June 1, 2023

Chair Coyner stated the pre-conditions will need to be completed prior to operating.

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

Ms. Jane Lamb, 339 White Oak Gap Road, Staunton, stated I own the property located at 157 Burketown Road across from the horse barn. There is a lot of camping shown on their website. The applicant is saying they will have less than fifty (50) people but the website shows a lot more. I am concerned about drinking onsite and the traffic. There needs to be a light to protect the residences in the area.

Mr. Josh Good, 336 Burketown Road, Weyers Cave, stated I am concerned about traffic. The road will be blocked with the horse shows. I am not sure if we want this to happen every month. The noise will be an issue. How many people will be onsite? I am not opposed but do have some concerns.

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

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

Ms. Spongberg stated there would be fifty (50) people maximum per day. There will never be more than that onsite. There will be twenty (20) vehicles at the site.

Chair Coyner stated the vehicles need to be parked on the property and not along the road.

Ms. Spongberg stated yes. The website we put together will show the concept. I have not sold any tickets. The events are not intended to have more than fifty (50) people.

Chair Coyner asked if these would be non-alcohol events?

Ms. Spongberg stated I do not plan on serving alcohol. The events would be family friendly.

Chair Coyner declared the public hearing closed. This will be a good way to utilize the property.

Mr. Glover stated the concerns from the neighbors are addressed in staff's recommended conditions. The property is a sizable piece of land. He moved to approve the request with the following conditions:

June 1, 2023

Pre-Conditions:

1. Applicant submit a Stormwater Analysis.
2. Applicant submit documentation by an engineer that the existing septic system can accommodate the request and obtain Health Department approval.
3. Obtain approval from the Virginia Department of Health Office of Drinking Water and provide a copy to Community Development.
4. Obtain a campground permit from the Health Department and provide a copy to Community Development.

Operating Conditions:

1. Be permitted to have a short term campground including ten (10) sites in the designated areas on the BZA sketch to provide overnight accommodations during car show events.
2. Be permitted to use the existing restrooms once Health Department approval is obtained and a copy submitted to Community Development.
3. Be permitted to have ten (10) primitive campsites in the designated areas shown on the BZA sketch to provide overnight accommodations during car show events.
4. No more than two (2) camping units per campsite.
5. Signage must be posted at the entrance to the primitive area.
6. Be limited to fifteen (15) events per year with a maximum of fifty (50) attendees.
7. No outdoor amplified music.
8. Events cease by 9:00 p.m. and all persons off the property by 10:00 p.m. except those leasing sites.
9. Applicant be present during events.

June 1, 2023

10. Site be kept neat and orderly.

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

12. Any new outdoor lights over 3,000 lumens require site plan submittal and must meet the ordinance requirements of Article VI.A Outdoor Lighting.

Mr. Bailey seconded the motion, which carried unanimously.

JUSTIN TALBOTT, AGENT FOR JBT CONSTRUCTION, LLC - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Justin Talbott, agent for JBT Construction, LLC, for a Special Use Permit to have a contractor and excavating business with outdoor storage of commercial vehicles and equipment on property owned by Daniel L. Bryant Rev. Trust Agreement, located at 4881 Lee Jackson Highway, Greenville in the Riverheads District.

Mr. Talbott was not present. Chair Coyner moved this item to the end of the agenda.

STEVEN WHELAN - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Steven Whelan, for a Special Use Permit to have a small engine repair business and outdoor storage of mowers on property owned by Samuel C. Whelan and Kipp Leslie Eisenberg, located at 808 Emmanuel Church Road, Mount Solon in the North River District.

Mr. Steven Whelan stated I would like to operate a small engine repair business. I have been in business since 2009. I am a full time farmer and I would like to have another source of income. This business would benefit the community. I am willing to work with customers if they need to bring something out to the property after 5:00 p.m. I would also like to sell used or new equipment.

Chair Coyner stated we did not advertise sales on this permit.

Mr. Whelan stated ok. I will mainly concentrate on repairs.

June 1, 2023

Chair Coyner asked if there will be employees?

Mr. Whelan stated no.

Chair Coyner asked do you operate by word of mouth?

Mr. Whelan stated yes. There will be a sign at the end of the driveway.

Chair Coyner stated this is a quiet location. The applicant needs to be sure they are not a disturbance to any of the neighbors.

Mr. Whelan stated we like to keep the area quiet.

Mr. Bailey asked if the applicant plans on picking up or will customers deliver?

Mr. Whelan stated both. I need enough to offset what I make on the farm.

Chair Coyner stated this is a remote area but a lot of times repair shops can get junky quickly.

Mr. Whelan stated I am aware of that.

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

There being none, Chair Coyner declared the public hearing closed. The Board visited the site this morning and the area is very remote. This would be a good addition to the neighborhood.

Mr. Bailey stated this is a great benefit to the area. He moved to approve the request with the following conditions:

Pre-Conditions:

None

June 1, 2023

Operating Conditions:

1. All outdoor storage be kept in the designated areas in front of the 24' x 40' building and on the west side between the building shown on the site plan.
2. All work must be done inside the 24' x 40' shop.
3. Hours of operation be Monday – Saturday 9:00 a.m. to 7:00 p.m.
4. No Sunday work.
5. Be limited to employees who reside on the property.
6. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
7. Site be kept neat and orderly.
8. All natural vegetation remain and be maintained to provide screening.

Mr. Glover seconded the motion, which carried unanimously.

PAUL M. AND AMBER C. SWAREY - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Paul M. and Amber C. Swarey, for a Special Use Permit to have an excavating business with outdoor storage of commercial vehicles and equipment on property they own, located at 4604 Lee Jackson Highway, Greenville in the Riverheads District.

Mr. Paul Swarey stated I would like to move the business to my home. I would like to use the existing office and keep the business separate from my house. Two (2) of my employees meet at the property and then leave to go to the jobsite.

Chair Coyner asked if the equipment remains on the jobsite?

Mr. Swarey stated yes. The smaller equipment would come back to my property.

Chair Coyner asked how much equipment do you have?

June 1, 2023

Mr. Swarey stated ten (10) pieces of equipment.

Chair Coyner asked if employees always come to the site?

Mr. Swarey stated yes. They come to the office first and then go to the jobsite.

Chair Coyner asked if the applicant only has two (2) employees?

Mr. Swarey stated yes. My son does help with the business but he lives there.

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

There being none, Chair Coyner declared the public hearing closed. The Board viewed the property today and this is in a remote area. The nearest property is 700' away.

Mr. Glover stated the applicant said ten (10) pieces of equipment but we only listed eight (8) on the staff recommended conditions.

Ms. Bunch stated when we met it was discussed that you wanted to have eight (8) pieces of equipment and two (2) commercial vehicles for a total of ten (10).

Mr. Swarey stated that is correct. I counted them into the ten (10).

Mr. Glover stated this is a perfect setting for this type of business. He moved to approve the request with the following conditions:

Pre-Conditions:

None

Operating Conditions:

1. Be permitted to use the existing 40' x 44' and 20' x 25 buildings for the business.
2. Be limited to two (2) commercial vehicles and eight (8) pieces of equipment outside.
3. All outdoor storage be kept in the designated areas shown on the site plan.

June 1, 2023

4. No more than three (3) employees not residing on the property.
5. Hours of operation be 7:00 a.m. to 5:00 p.m. Monday – Thursday.
6. All natural vegetation and trees remain to screen the equipment stored outside.
7. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
8. Site be kept neat and orderly.

Mr. Bailey seconded the motion, which carried unanimously.

**LINDSEY NELSON, AGENT FOR CONSOLIDATED EDISON DEVELOPMENT, INC. -
SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Lindsey Nelson, agent for Consolidated Edison Development, Inc., for a Special Use Permit for a 3MW (alternating current) small scale solar energy facility within approximately 25 acres of fence enclosed site overlapping four (4) contiguous parcels totaling 206.97 acres on property owned by Elm Spring, LLC, located between Goose Creek Road and Jefferson Highway in the Wayne District.

Mr. Kevin Comer stated I work for an engineering consulting firm in Harrisonburg. I am here because the landowner reached out to the company and they were interested in solar project developers. The property owners were interested in doing this because they promised to operate the farm and not sell for a commercial development. The property owner wanted to provide a better financially operated farm for the daughters. A farmer is operating on the farm and they would like to continue to operate on the farm and to minimize disruptions to the current farm operation. The property is in an Urban Service Area but the family has provided 25 different easements to companies in the past and donated two (2) acres to Preston Yancey Fire. This is a distributed solar project.

The applicants presented a PowerPoint Presentation to the Board (copy is in the file).

Chair Coyner asked how much erosion do you see taking place?

June 1, 2023

Mr. Stephen Quina stated the first phase will be a temporary construction entrance and then put silt fence around the perimeter of the project. We will excavate ditches to develop the stormwater system. Then at final seeding we will put in the perimeter controls measures. The County Erosion inspector will inspect the site. There will be very minimal disturbance. There is no need to strip the topsoil except for a concrete pad for a transformer which would be about 10' x 20'. We will disturb as little as possible.

Chair Coyner asked who will be responsible for weeds and the plants?

Mr. Jeff Lord stated we will have as little disturbance as possible. We will work with the farmer every step of the way to get it right. Sheep grazing has been successful with these projects. The farmer will guide us along the way. Sheep grazing is easier on larger projects.

Chair Coyner asked if they may have to alter the height on the structure because of the sheep grazing? Do you have to have protective wires?

Mr. Lord stated we are responsible for the solar array. The farmer will be responsible for the animals. The arrays will not be installed any differently than they normally would.

Ms. Lindsey Nelson stated the sheep are not onsite year round. There is plenty of grass onsite. We do not want to over graze the property and we do not want too many animals there either. We will take care of all the odds and ends to be sure that the property is maintained. The array itself is very sheep friendly. The tracker moves to follow the sun. The array has plenty of space for the sheep to move around.

Mr. Comer stated the neighbors that have the pool cut down their vegetation and they would like to request that the Board consider those structures as buffering to respond to the landowner wishes. The operating condition with the wiring to be underground, there is existing aboveground wiring on the farm already due to the location of the power line. It is hard to see the power lines from any exterior view point. We would like to not have to bury the power line. We would request consideration for these items to be changed on the conditions. We would like to do everything that we can to eliminate as much grading as possible.

Chair Coyner asked how long do these panels last?

June 1, 2023

Mr. Comer stated there is a 25 year warranty from the manufacturer. Normally the solar panels last 35 years.

Chair Coyner asked if they could withstand a hail storm?

Ms. Nelson stated I grew up with a ground mounted solar project and I would slide down the array and we would throw rocks at them. These arrays are incredibly durable. We have had no problem with the panels with hail because they are designed to withstand that type of weather.

Mr. Comer stated bullets and occasionally a golf ball could damage the panel. These are designed to withstand hail.

Chair Coyner asked about the goings and comings to the site?

Mr. Comer stated there is not much traffic once the panels go up. The performance is monitored offsite remotely. There can be about 1-2 inspections annually for the electrical safety. The vegetation would be maintained through sheep grazing. If there were no sheep there, taking care of the vegetation and mowing would be about one (1) time a month.

Chair Coyner asked if there would be a perimeter fence around the project?

Mr. Lord stated yes. We will have a seven (7') foot tall chain link fence. There would be a perimeter fence inside the fence for the farm. County staff asked about any alternatives to a chain link fence. One of the alternatives would be a knot fence which would be consistent with agricultural areas. In the State of Maine, a knot fence is required instead of a chain link fence. We provided this information to County staff and can do whichever the County prefers. We are fine with either one. They may put a strand of electric on the fence.

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

Mr. Larry Korte, PO Box 977, Churchville, stated I have had solar panels for 11 years and I never had any one out for maintenance on the panels. My brother has a small scale solar project and they never had any issues. I am amazed that you received approval from Dominion already. The solar panels are very durable. When the derecho came through they were fine and we did not have any problems. The birds like to slide down them. There is not much traffic for something like this. This is a way that

June 1, 2023

the landowner can keep their land and get some additional income. I am in favor of this request.

Mr. Bill Patterson, 64 Red Mill Lane, Crimora, stated I am a farmer and I hate to see farmland being used for development. This is a way we can keep the land in agriculture. We need solar production. There is very little downside with this project. This is a big step forward in the right direction and I hope you approve it.

Ms. Virginia Reynolds Badgett stated I am here speaking on behalf of Elm Spring Solar. My family has owned this property for 89 years for four generations. This is a 25 acre solar project which is less than 10% of the 330 acre family farm. We are excited to partner with RWE. This will increase revenue for the farmer and the landowner. We will use sheep grazing on the farm. The acres within the solar field will continue to be used through grazing along with the rest of the farm. Six years ago we began exploring the solar farm project. My family was determined to improve the farm's finances without selling or developing with three goals in mind: 1) To improve the farm's financial performance by leasing land. 2) Maintain the mixed use agriculture nature on the farm rather than selling the farm for commercial or residential development. This honors my grandparents' wishes because my family will keep the farm and continue to own and operate the farm. Over the last three decades my mother and family have kept that promise. 3) My family continues to own and operate the farm for the future. They donated land to Preston Yancey Fire and donated numerous easements for local utilities including sewer and water. While we are aware that this is in an Urban Service Area, preserving and sustaining agriculture on our land has been a shared family value for multiple generations. We have no plan or desire to sell the property for any portion of development. The Planning Commission determined that this is in substantial accord with the County's Comprehensive Plan. This honors my family's wishes to operate the farm if we can have the solar program in order to keep the farm in the future and not sell our land.

Ms. Nancy Sorrells, 3419 Cold Springs Road, Greenville, stated I am in support of this project. This solar project is being done right so that it can preserve agriculture and preserve their farmland. The County seal depicts an agriculture scene. We are second in agriculture production in Virginia. We should support family farms. The Comprehensive Plan reflects it, ordinance reflects it, and the County seal reflects it. The solar arrays create a steady income stream. The Comprehensive Plan creates a guide but this landowner does not want to change the use of the land. Today the Board will hear some opposition for this project. The solar panels are not toxic because they do not leak chemicals. They will not reduce property values. They do not produce glare. The project will help preserve the family farm and keep the land from being

June 1, 2023

developed. This has a strong decommissioning agreement. The sheep grazing should be a dream come true for County Planners, this Board, and all of our citizens.

Mr. William Lucas, 1871 Goose Creek Road, Waynesboro, stated I own the property across from the request. The developer mentioned there is another phase in the future. Where will that go on the property?

Mr. Comer explained where the next phase could be in the future.

Mr. Jack Barber, 169 Windsor Drive, Fishersville, stated this would be a mixed use with the solar and farming. This project makes a lot of sense. The Board should consider the benefits of that. This is good for business and for the population.

Mr. Riley Murray, 2084 Long Meadow Road, Waynesboro, stated I support this project. This will have sheep grazing. The solar panels can withstand 125 mph winds. These structures are robust. The panels are recycled and toxicity is a non-issue. The wiring that gets put in will not be damaged by the animals. This is a reliable sustainable option for farmers to keep their land.

Ms. Linda Blazer, 11 Jefferson Court, Waynesboro, stated I have many questions about this request. If the solar project did not go through, would the property owner have to sell the farm or portions of it for commercial or residential development?

Ms. Badgett stated I would avoid that at all costs. My family would explore other options. We are opposed to selling and developing the land. This would be a huge benefit to our family.

Ms. Blazer stated with Con Edison selling to RWE, how does this hold up in this request because this applicant does not exist anymore. The solar farm is built and then hooked up to the power grid. Who owns it? This is exempt from USBC because it is a utility. Does Dominion control the equipment? Do they own it outright? Who will assure us that there are not unsafe conditions with the structures because it is not being controlled from the USBC? There is a possibility of two equally sized solar farms. How soon will this other phase go forward? What is the timeline for RWE? There is a solar farm that already exists less than one (1) mile away.

Chair Coyner stated it is approved but not built yet.

Ms. Blazer asked if the County has any experience with in place solar farms to date? What are the wind or snow regulations that these panels withstand? What are the

June 1, 2023

extreme weather conditions for the panels? The tornado that happened here had hail damage and 90 to 110 mph winds. What are these standards to withstand the EF1 tornado and hail that we had here in the Fishersville area? Have these panels ever been tested? How are they tested? What is the history of other solar farm projects and any damage? What toxic chemicals are in the solar panels themselves? I have several articles that state there are at least nine (9) toxic chemicals. What are the environmental impacts? Would the flying debris hit areas nearby? Who would be responsible to area properties? How much heat is generated by these solar panels? What distance is the solar entrance from Village Green at the Lake? What is the distances from the birthing center? These are electromagnet power driven sources. I did a search to find out how many towers and antennas within a three (3) mile radius within Village Green at the Lake and there are 39 towers and 58 antennas within three (3) miles of my home. Solar panels produce energy and give off emissions. I would like to know what the levels are. At the end of life of these panels, where are they going to go, into the Augusta County dump? According to the EPA, in 2050 there will be 10 million tons of solar panel toxic waste in this country. How many days a year will this deliver the 3MV to Dominion? We are not in the dessert or in the southwest, what will be the impact on the electricity generated? What if they cannot meet the contract amount for Dominion? Why is that not even part of the community solar program? Why are we not getting the direct benefit from the energy from this site? Some things still need to be considered especially if there are two solar farms on this property.

Mr. Jim Osborne, 11 Jefferson Court, Waynesboro, stated I live within a mile to the site. I moved to the area because of the character of this area. I see open farmland along Goose Creek Road. There is no other commercial activity in this area. This will change the character of the stretch of the road. This will double the activity with another site in the future. This will be a commercial property. The end product will be a blemish to the character of the property. When I drive down I enjoy seeing the farming, grazing and cultivation of hay. This will change that scenario. The County seal activity includes animals and someone blowing a horn not solar. I am opposed to this.

Mr. Phil Martin, Executive Director, Augusta Water, stated my Board did not vote to support or oppose this request. They did inform me to come talk about the request with regard to utilities (read the Mission Statement to the Board). We rely on the Comprehensive Plan and it identifies this property as being in an Urban Service Area and the Future Land Use is Community Mixed Use. Part of our Mission Statement is for us to work together with Augusta County in a financially responsible manner. Goals: 1. Develop the water supply services to meet the current and future County needs. 2. Develop wastewater treatment systems to meet the current and future County plans. 3. Public Water and Sewer should be designed to serve full development in the entire

June 1, 2023

planning area and/or subarea. The clear direction in the Urban Service Area is that we are expected to utilize public water and sewer. We get pretty clear direction on what is expected by the Comprehensive Plan. In accordance with our Mission Statement and the Comprehensive Plan, water and sewer is available. If developed as envisioned in the Comprehensive Plan and if the Special Use Permit was granted we could lose as envisioned an average of \$189 a year per residential customer and over 35 years it would be a loss of \$1.8 million. This is no guarantee but we try to project revenues. We make our decisions based on the Comprehensive Plan. Our Mission Statement is based on the Comprehensive Plan.

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

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

Mr. Glover stated on the application it states the applicant is Lindsey Nelson with Consolidated Edison Development. Who is the applicant?

Mr. Lord stated Lindsey is the Project Developer and an employee of Con Edison. At the time we submitted the application our employer was Con Edison and the company still exists. It and all of its subsidiaries still exist but it was purchased by RWE Americas and it was consolidated and doing business under a new entity called RWE Clean Energy. All entities and subsidiaries still exist but they just have a different corporate parent as their owner. All of this was structured to ensure the authority and operation would remain in effect. The corporate company is a German based firm.

Mr. Benkahla asked if they have the authority to act and the paperwork to show staff?

Mr. Lord stated yes. I am happy to provide copies of all of that information. The land is an option to lease. No one is buying this land. This is only an option with the landowner. If the business is sold to a new owner they take on all obligations. Dominion does not own the project. Dominion will own its equipment at the point of connection. The interconnection rules follow the State of Virginia rules and the National Electric Safety Code. The second project could happen in the future but we are not here to talk about it today. That would require a separate process. Nothing could potentially happen with that second location until it is brought forward. We will need to submit the plans and go through this process. The interconnection agreement limits you to 3MW and we cannot increase it without getting a new agreement for the additional capacity and it would be another process. The power purchase agreement is limited to 3MW. There is an annual RFP done by Dominion for 3MW or smaller projects. It gets reviewed through the SCC. The Community Solar is referred to as a

June 1, 2023

VA Shared Solar and it is a different program. This project is not one of those. There are storms all over and there has been no issues. The solar panels are designed for weather. They are designed to handle tornados and hail. Insurance companies would not be able to insure these if they are not built right. The solar panels absorb the solar radiation into the DC current and run through a converter to change it into AC. Nothing is being created. This will not create or change the temperature of the area. There are no EMFs generated outside of the array area. There would be more from a kitchen microwave. The disposal number is not accurate. On the Energy.gov website the cumulative end of life would be 2030 and it is projected to be .17-1 billion tons. 200 million tons of solid waste is generated in the United States each year. When panels start to come out of use they can be recycled under a recycling program. We would expect this would be a matter of law. One condition with Dominion is that we maintain compliance with all applicable laws and regulations. We want to be a good fit with the community. The 300+ acre fields that everyone enjoys seeing will not be changed by this solar project. Some of the neighbors are big supporters of the project. I would like the Board to defer on the screening and do what the neighbor wants. I would be happy to have the obligation in the permit and not install the vegetation initially but after it is built we could be free to put plantings at the site in the future.

Mr. Comer said Village Green is about 3,200' from this site. The birthing center is 600' away. The next neighbor to the right is 645' from the edge of the parcel to the rear of their home.

Chair Coyner declared the public hearing closed.

Ms. Blazer requested the ratings on snow, hail and wind for the solar panels. I quoted from the EPA on what is expected to be the solar panel waste generated in this country. What about the toxicity? I do not agree that there is no toxicity with regard to the panels.

Mr. Glover moved to table the request to the July 6, 2023 meeting so that we can have our other Board member present and to give the applicant the opportunity to address the outstanding issues.

Mr. Bailey seconded the motion, which carried unanimously.

June 1, 2023

JUSTIN TALBOTT, AGENT FOR JBT CONSTRUCTION, LLC - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Justin Talbott, agent for JBT Construction, LLC, for a Special Use Permit to have a contractor and excavating business with outdoor storage of commercial vehicles and equipment on property owned by Daniel L. Bryant Rev. Trust Agreement, located at 4881 Lee Jackson Highway, Greenville in the Riverheads District.

The applicant was not present, therefore, the Board moved this request to the July 6, 2023 meeting.

MATTERS TO BE PRESENTED BY THE ZONING ADMINISTRATOR

DAWN VALLIMONT, AGENT FOR THE VIRGINIA FARMHOUSE, LLC - EXTENSION OF TIME REQUEST

A request by Dawn Vallimont, agent for The Virginia Farmhouse, LLC, for a Special Use Permit to have an extended stay campground on property they own, located at 219 Anderson School Road, Staunton in the North River District.

Ms. Dawn Vallimont stated I am sorry I missed the deadline. I would like to request a one (1) year Extension of Time in order to move things forward and complete the pre-conditions.

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

Mr. Bailey seconded the motion, which carried unanimously.

STAFF REPORTS

- 22-45 Erix J. Lagos-Diaz & Sarah R. Lagos
- 22-46 Ethel M. Baber
- 22-47 Sean P. Harvey & Laura Beth Dawson
- 22-48 ZE-MAC Homes, Inc.
- 22-49 Jeremy or Megan Roach
- 22-50 Virginia Farmhouse, LLC
- 22-51 Eastside Speedway, Inc.
- 22-52 Everette or Carol Showalter

June 1, 2023

- 22-53 Paige A. or Angela K. Adams
- 22-54 Phillip E. Wagner, Sr. & Jessica Campbell
- 22-55 Richard and Elizabeth Thompson
- 22-56 Jimmy's Landing, LLC

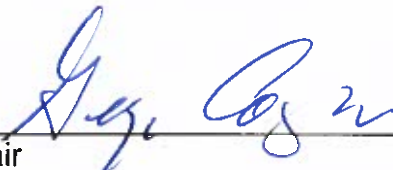
Ms. Bunch stated we sent a letter to complete the pre-conditions for SUP#22-45 and SUP#22-46. SUP#22-47 is in compliance. The Board requested the applicant be present for SUP#22-48 but she could not get off of work. The site was inspected and the applicant had an adequate number of dogs. The site was in compliance. Would the Board like her to attend the July meeting?

Chair Coyner stated there is no need.

Ms. Bunch stated SUP#22-49 is in compliance. BZA approved an Extension of Time for SUP#22-50. SUP#22-51 is in compliance. SUP#22-52 was cancelled. SUP#22-53, SUP#22-54, and SUP#22-55 were all in compliance. SUP#22-56 withdrew their request.

Ms. Keffer discussed the court cases with the Board.

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



 Chair



 Secretary

