

August 1, 2024

PRESENT: George A. Coyner, II, Chair  
 Mark L. Glover, Vice Chair  
 Thomas W. Bailey  
 Monica L. Rutledge  
 Thomas V. Thacker  
 Sandra K. Bunch, Zoning Administrator and Secretary  
 Doug Wolfe, Director of Community Development  
 James R. Benkahla, County Attorney  
 Nicole Price, Assistant County Attorney  
 Julia Hensley, Planner II  
 Kaitlyn Savage, Planner I  
 Beatrice B. Cardellicchio-Weber, Executive Secretary

ABSENT: None

VIRGINIA: At the Called Meeting of the Augusta County Board of Zoning Appeals held on Thursday, August 1, 2024 at 8:30 A.M., in the County Government Center, Verona, Virginia.

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The staff briefing was held at **8:30 a.m.** in the **Board of Supervisors Conference Room** where the Zoning Administrator reviewed the staff report for each request on the Board's agenda. Copies of the staff reports can be found in the Community Development Department.

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**VIEWINGS**

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

- DANIEL J. AND DIANA M. SHELL – SPECIAL USE PERMIT
- PERRY MACE AND JOHN SITES - SPECIAL USE PERMIT
- BENJAMIN S. RAMSEY, AGENT FOR BCSA PROPERTIES, LLC - SPECIAL USE PERMIT
- SAM AVERNA, AGENT FOR NETWORK TOWERS II, LLC - SPECIAL USE PERMIT
- JEFFREY LORD, AGENT FOR ELM SPRING VAB, LLC - SPECIAL USE PERMIT

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

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 Chair

  
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 Secretary

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James R. Benkahla, County Attorney  
Beatrice B. Cardellicchio-Weber, Executive Secretary

ABSENT: None

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VIRGINIA: At the Regular Meeting of the Augusta County Board of Zoning Appeals held on Thursday, August 1, 2024, at 1:30 P.M., in the County Government Center, Verona, Virginia....

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**MINUTES**

Mr. Bailey moved that the minutes from the July 3, 2024, meeting be approved.

Mr. Glover seconded the motion, which carried unanimously.

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**DANIEL J. AND DIANA M. SHELL – SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Daniel J. and Diana M. Shell, for a Special Use Permit to have a welding/machine shop and repair business for agriculture vehicles and equipment on property they own, located at 1826 Ridge Road, Bridgewater in the North River District.

Mr. Daniel Shell stated I would like to operate a farm equipment repair business and a welding shop at the site.

Chair Coyner asked if this would be a family venture?

Mr. Shell stated the business is operated strictly by me.

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Chair Coyner asked if the old building will be torn down?

Mr. Shell stated yes. I will build the new shop there. I will stay beyond the setback requirements.

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

Mr. Michael Wenger, 61 Roman Road, Weyers Cave, stated this will be a benefit to the community. I am in favor of this request.

There being no one else wishing to speak regarding the request, Chair Coyner declared the public hearing closed.

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

**Pre-Conditions:**

1. Obtain all necessary building permits and provide a copy to Community Development.
2. Obtain VDOT approval and provide a copy to Community Development.

**Operating Conditions:**

1. Be permitted to construct a 40' x 70' structure to operate a repair/machine shop for farm equipment.
2. No employees.
3. Hours of operation be 8:00 a.m. to 5:00 p.m. Monday – Friday.
4. No Sunday work.
5. All equipment, machinery, and materials for the business be kept inside the 40' x 70' building.
6. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.

7. Site be kept neat and orderly.

Ms. Rutledge seconded the motion, which carried unanimously.

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**JOSHUA E. GROVE - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Joshua E. Grove, for a Special Use Permit to construct an accessory building exceeding the 900 square foot total aggregate allowed on property he owns, located at 2996 Lyndhurst Road, Stuarts Draft in the South River District.

Mr. Joshua Grove stated I would like to build a garage to park my vehicles in and to have a place to service them.

Chair Coyner asked if the garage would be for personal use?

Mr. Grove stated yes.

Chair Coyner asked if the building is a prefab building?

Mr. Grove stated it will be a pole barn.

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. It appears that this would be keeping in character with the neighborhood.

Mr. Glover stated it does not appear to be out of character with the area and the building is not much larger than the existing buildings in the area. He moved to approve the request with the following conditions:

**Pre-Condition:**

1. Applicant obtain building permit and provide a copy to Community Development.

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**Operating Conditions:**

- 1. Be permitted to construct a 30' x 40' (1,200) square foot garage for personal storage.
- 2. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
- 3. Site be kept neat and orderly.

Mr. Bailey seconded the motion, which carried unanimously.

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**PERRY MACE AND JOHN SITES - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Perry Mace and John Sites, for a Special Use Permit to construct an office for a landscape supply business with outdoor storage of equipment and outdoor display of stone, rocks, mulch and plants for sale on property owned by Wilson Investments, LLC, located between Tinkling Spring Road and Midway Lane in the Beverley Manor District.

Mr. Perry Mace stated we would like to supply materials for contractors and homeowners including pavers and block. This type of business is needed in this area.

Chair Coyner asked if the inventory comes in on pallets?

Mr. Mace stated yes. The inventory in the bins will be loose mulch. We also will sell pond plants. My partner, John Sites, is very knowledgeable in this type of business. I talked with VDOT. We will also take care of the water issues and stay away from the church.

Chair Coyner asked if you plan on starting this year?

Mr. Mace stated yes.

Mr. Bailey asked if five (5) vehicles are enough for the business?

Mr. Mace stated yes. We sometimes use other delivery companies.

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. The applicant plans on solving the drainage issue in the area. This is a good application.

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

**Pre-Conditions:**

1. Submit site plan meeting the requirements of Section 25-673 "Site Plan Contents" of the Augusta County Zoning Ordinance to be approved by all appropriate departments and/or agencies including Erosion and Sediment Control Plan and Stormwater Management Plan.
2. Applicant obtain building permit and provide a copy to Community Development.

**Operating Conditions:**

1. Be permitted to construct a 26' x 32' office building and a 24' x 14' storage building.
2. Be permitted to have outdoor display and sales of sand, rocks, stone, mulch, and plants kept in the storage bins as shown on the BZA sketch plan.
3. All equipment and machinery for the business be kept inside the 25' x 100' screened storage area as shown on the BZA sketch plan.
4. The 25' x 100' storage area be screened by an eight (8') foot high opaque privacy fence.
5. The eight (8') foot opaque privacy fence must be maintained at all times.
6. Be limited to five (5) company vehicles at the site.
7. Be limited to three (3) employees.
8. Hours of operation be 7:00 a.m. to 5:00 p.m. Monday – Saturday.

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- 9. Any new outdoor lights over 3,000 lumens require site plan submittal and must meet the ordinance requirements of Article VI.A Outdoor Lighting.
- 10. Site be kept neat and orderly.
- 11. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.

Mr. Thacker seconded the motion, which carried unanimously.

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**ABNER N. JOHNSTON, IV - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Abner N. Johnston, IV, for a Special Use Permit to continue the existing quarry operation on property he owns, located on the west side of Cold Springs Road (Route 608), approximately .5 of a mile west of the intersection of Cold Springs Road and Dabneys Road adjacent to the existing quarry in the Riverheads District.

Mr. Abner Johnston stated I would like to continue what we have been doing for the last ten (10) years.

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 numerous times over the last ten (10) years. We received zero complaints about this business. This is a good operation.

Ms. Rutledge moved to approve the request with the following conditions:

**Pre-Conditions:**

None

**Operating Conditions:**

1. The maximum acreage allowed to be mined at any one time is not to exceed thirty (30) acres. Prior to any area being mined, the applicant must submit to the Community Development Department a site plan drawn to scale showing the intended area to be mined.
2. Each section must be reclaimed as soon as possible after mining of the section has been completed, but not later than twelve (12) months after mining of an additional section has commenced.
3. Permit be issued non-transferable to Abner N. Johnston, IV, President of Shenandoah Asphalt.
4. Thirty (30') feet is the maximum depth allowed to be mined.
5. All truck drivers be given driving guidelines that they are to adhere to.
6. There be no operation of onsite equipment prior to 7:00 a.m. or after 7:00 p.m. Monday – Friday and 7:00 a.m. to noon on Saturdays.
7. No Sunday operation.
8. All local, State, and Federal regulations must be complied with.
9. Debris including residue rock and stone and other waste material stored on the property must have originated from the property and not be brought in from other sites. The only exception to this would be milled asphalt, stone, rock, and mulch.
10. All Federal and State regulations concerning vehicle condition, covering of loads, spills, etc. be met at all times.

Mr. Glover seconded the motion, which carried unanimously.

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**BENJAMIN S. RAMSEY, AGENT FOR BCSA PROPERTIES, LLC - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Benjamin S. Ramsey, agent for BCSA Properties, LLC, for a Special Use Permit to construct a mini-warehouse facility on property they own, located on the south side of Stuarts Draft Highway (Route 340), east of the intersection of Lee Jackson Highway (Route 11) and Route 340 in the Riverheads District.

Mr. Benjamin Ramsey stated I am the owner of the property.

Mr. Bill Moore with Balzer and Associates stated the owner would like to have a mini-warehouse facility at the rear of the property. The property in the front will be used as an office. The site is zoned General Business.

Chair Coyner stated the other building cannot be used for mini-warehouses. Do you plan on working on this right away?

Mr. Moore stated as soon as we go through the site plan approval process.

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. Mini-warehouses are very much in need these days.

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

**Pre-Conditions:**

1. Submit site plan meeting the requirements of Section 25-673 "Site Plan Contents" of the Augusta County Zoning Ordinance including an Erosion and Sediment Control Plan and Stormwater Management Plan to be approved by all appropriate departments and/or agencies.
2. Applicant obtain building permit, inspections, and Certificate of Occupancy and provide a copy to Community Development.
3. Obtain VDOT approval and provide a copy to Community Development.

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**Operating Conditions:**

1. All buildings, structures, and office associated with the mini-warehouse facility must be setback at least two hundred (200') feet from Stuarts Draft Highway (Route 340).
2. No warehouse space in the 50' x 150' building in front be leased as flex space to multiple persons or businesses.
3. No activities such as sales, repairs, painting or servicing of goods, equipment, or vehicles shall be permitted inside or outside the mini-warehouse units.
4. Any new outdoor lights over 3,000 lumens require site plan submittal and must meet the ordinance requirements of Article VI.A Outdoor Lighting.
5. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
6. Site be kept neat and orderly.

Mr. Glover seconded the motion, which carried unanimously.

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**SAM AVERNA, AGENT FOR NETWORK TOWERS II, LLC - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Sam Averna, agent for Network Towers II, LLC, for a Special Use Permit to construct a 195' monopole tower with a 4' lightning rod (199' total) and associated equipment within the 50' x 50' fenced in compound on property owned by Shomo Rollinghills Farm, LLC, located in the northeast quadrant along Middlebrook Road and between Cedar Green Road and Apple Jack Lane in the Pastures District.

Ms. Lori Schweller with Williams Mullen presented a PowerPoint presentation to the Board (copy is in the file).

Chair Coyner stated the Board visited the site today and this is a good spot for the tower. Is there anyone wishing to speak in favor, or in opposition to the request?

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Mr. Charlie Ward, 163 Smoky Row Road, Staunton, stated I have been complaining about cell phone service for a long time in this area. We do not have service in this area at all. This is a safety issue and we need to have good communication. This is a well needed tower and I would like to see this happen.

Ms. Evelyn Young stated I live on Middlebrook Road and the cell phone service is sketchy.

There being no one else wishing to speak regarding the request, Chair Coyner declared the public hearing closed. This is a good spot to have a tower.

Ms. Rutledge stated this is definitely needed in the area.

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

**Pre-Conditions:**

1. Submit site plan meeting the requirements of Section 25-673 "Site Plan Contents" of the Augusta County Zoning Ordinance including an Erosion and Sediment Control Plan and Stormwater Management Plan to be approved by all appropriate departments and/or agencies.
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 telecommunications tower with a four (4') lighting rod.
2. Tower design will allow a minimum of three (3) additional co-locators.
3. The tower will **not be lighted unless required by the FAA in the future**.
4. The fenced compound area be screened by a **double row of six (6') foot high staggered evergreen trees planted ten (10') foot on center, per section 25-68.6 of the Augusta County Zoning Ordinance**, and the trees be maintained at all times.

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- 5. The applicant will notify the Augusta County Community Development Department within thirty (30) days of the date the tower is no longer used for 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.
- 6. The applicant will not unreasonably deny the telecommunication providers the opportunity to co-locate on this tower.
- 7. The County will have the option of co-locating public safety communications equipment and antenna on this site for future growth and upgrade of the radio system, including law enforcement communications.
- 8. Construction of the approved project shall commence within **two (2) years** of final approval and be diligently pursued until completion.

Ms. Rutledge seconded the motion, which carried unanimously.

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**JEFFREY LORD, AGENT FOR ELM SPRING VAB, LLC - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Jeffrey Lord, agent for Elm Spring VAB, LLC, for a Special Use Permit for a 3 MW (alternating current) small scale solar energy facility within approximately 23 acres of fence enclosed site located on Parcel Tax Map No. 67-78J and 67-78L with a gravel access road extending through adjacent Tax Map No. 67-78 to Jefferson Highway on property owned by Elm Spring, LLC, located at 2129 Jefferson Highway, Fishersville in the Wayne District.

Mr. Thacker stated I will abstain from the discussion and the vote on this request due to my attorney being the attorney for Elm Spring.

Mr. Kevin Comer with Stark Tech and Bryan Schoffman with RWE presented a PowerPoint presentation to the Board (copy is in the file).

Chair Coyner asked why wasn't the entire project applied for last time?

Mr. Comer stated these are two solar projects next to one another. It all goes through Dominion. It did not make sense on this farm. Two projects that are of smaller size are the best way. It is hard to compete with the pricing from larger projects.

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Mr. Ray Burkholder with Balzer and Associates stated the Board should recognize that the landowner does not want to develop the land. In the future, if they do, we will look at the best options. It is in the Mixed Use Area for commercial/residential development in the Comprehensive Plan. The solar projects are a temporary use from a land development perspective.

Chair Coyner asked what is the projected timeframe?

Mr. Comer stated there is a large substation upgrade project that is delayed for interconnection. The first project cannot start until the Dominion substation is upgraded. It will take a couple of years for this project. The timing for the second project would be more in line with the construction of the first project. We are not allowed to interconnect until the upgrade has occurred which has pushed our schedule back.

Chair Coyner stated the project is built close together which means the project could have been done as one large project.

Mr. Comer stated when planning to sell the power to Dominion, two 3MW is better than one 6MW because we would be competing in a slightly difficult market. It is two separate projects with Dominion.

Mr. Schoffman stated we have no control over the interconnection upgrades. We wished it all happened together. We cannot force the upgrade faster because otherwise it would have been built already.

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

Mr. Andrew Wenner, 2001 Jefferson Highway, Fishersville, stated I have been at this location of business for forty years. Change does happen. Forty years ago, I looked out my back door and saw apple trees, cows, deer, etc. This is the only land of green space between Waynesboro and Fishersville. I do not want to see this turn into Lew Dewitt or Rosser Avenue or Hopeman Parkway. Once the land is cut it never goes back. I am in favor of this project. This will keep the farm a farm. During your decision process, I would request that the area behind my property and back be buffer free because I want to maintain the same view that I have had over the last forty years.

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Ms. Virginia Badgett stated I am the Manager of Elm Spring, LLC. I am the granddaughter of the Morris family. Adding solar is a smart business decision. It is an opportunity to preserve our farm for the next generation. Solar and solar grazing will help us extend our current agriculture operation which already includes cattle grazing and hay. It will preserve the last patch of green space. This application for Elm Spring II was submitted prior to the 2023 Solar Ordinance amendment. By law the County is required to consider this project under the previous ordinance. This does not define clustering. Elm Spring Solar II is not visible from any other approved or built projects including the one that is built on the back side of our farm. Since the County's approved ordinance prohibits solar developments in Fishersville, clustering should be a very minimal concern and not used as justification to deny this project. Both Elm Spring I and II use locations of the farm with slopes and where it will help minimize soil disturbance and maximize setbacks from neighbors. Less than 15% of the farm will be dedicated to solar and solar grazing. Of the County's 8,649 acres within the planned Fishersville Urban Service Area, this project represents less than 0.27% of those Urban Service Areas. Despite being in an Urban Service Area, the 23 acres of the project are two among the least attractive to developers due to the existing power lines. This is ideal for solar given the location of the power lines and the substation to Route 250. Your approval of this project will no way restrict or prohibit the long term land use as outlines in the County's Comprehensive Plan. The setback of this project allows for more immediate development along the road frontage, preserving the most valuable real estate for uses beyond well before the solar resources expire. It is misleading to say the County will be losing revenue, this falsely assumes that we want to sell the farm and take the land out of agriculture. Subdivisions might be sprouting up like thistle in Augusta County but they do not happen overnight. Let me be clear that revenue from taxes are not being lost because losing something means that it did exist in the first place like the farm that my family has owned for years. The Elm Spring II project will help put revenue back in the farm. Elm Spring II means that they would have a guaranteed revenue that we can put into the farm like fences and barns and soil nutrition. They will be able to offer a multi-year lease to the tenant farmers. Why should the BZA say yes to a second project at Elm Spring? You should say yes because this project is well sighted and it will benefit Augusta County.

Ms. Nancy Sorrells, 3419 Cold Springs Road, Greenville, stated I support this request. This could not be a better use. This supports landowner's rights. This will help retain a family farm for future generations. This will be a long term temporary land use. The County seal depicts an agricultural scene. Augusta County is second in the state of agricultural production. We support farms in the County, Comprehensive Plan reflects it and our County seal depicts it. Keeping farming generation after generation is not easy. Farming is a business and businesses have to make money so they can survive.

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This farm was an orchard previously. By doing this solar farm it will keep the land open. Virginia's Right to Farm Act allows farmers the right to farm and keep their farm viable without the interferences from nuisance complaints from non-agriculture uses or from localities acting in policies that would unreasonably restrict farming practices. This project includes sheep and cattle grazing. This is not a rezoning. The solar Special Use Permit should be granted.

Mr. Wayne Nolde, 210 Cider Mill Road, Mount Sidney, stated a large portion of the property will remain available for future development when the landowner decides it is the right time. It is not the County's right to tell them they have to build houses on this land. If they are forced to sell it should be considered illegal. The land near the power line is not ideal for residential. There are more than adequate setbacks and buffers for the project and the buffer exceeds the County's requirements. This is just like cell towers and just because people may not like the look of them that is not a good reason why they should not be considered. The revenue is real. Augusta Water brings up the loss of revenue but that is not real because the land is not for sale for residential development. Do not force them to sell the agriculture land. This is a temporary use. There is plenty of land for development in the meantime. If this project is not acceptable, then what is? I recommend approval.

Ms. Barbara Brothers, 206 Crossing Lane, Staunton, stated this is a win for the community. The County will receive revenue, wage benefits and economic impact, add resilience to the local electrical grid, the farmer wins, and Dominion Energy also wins. We support renewable energy to keep the air cleaner and be less polluted. This family wants to keep their farm in the County. I urge you to approve the project for solar.

Mr. John Barber, 169 Windsor Drive, Fishersville, stated I have lived here for 23 years. I am impressed that Augusta County is built on commodities. RWE is proposing another commodity. We have had cattle and other grazing opportunities. This is the best way and the newest way. This will cause less impact on the economy and the environment. I am in favor of this project.

Ms. Linda Blazer, PO Box 55, Fishersville, stated I am a resident near Elm Spring I and II. I am not opposed to the project per say. If Elm Spring II is not approved, will she have to sell the farm or part of it in order to make ends meet? This is a clustering of solar farms. What happens in adverse weather conditions to the equipment? What decommissioning requests are there in place? There are three County approved solar projects so far in close proximity to this. Wayne Avenue Solar is under construction. Long Meadow and Elm Spring I are both approved. Aren't three solar farms enough in our area? The state has requirements to meet the clean energy goals in the next

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several decades. I am clearly aware that Elm Spring II is at odds because it is in the Urban Service Area. RWE and Balzer showed us on a map certain blue areas. How close to the blue area is this if it goes through? Who will live that close to the solar farm? Policy 6 is in opposition to the Elm Spring II project. People living near Elm Spring I and II would not get any benefit from this or reduced electricity costs. The people near Elm Spring II are not low income enough to qualify for the benefits. The Elm Spring I project is not part of the Shared Solar program. They are being asked to take on an additional risk. This is not a direct energy savings for us. What is the wind and snow loads for these panels? It does not say the requirements anywhere. I have never gotten an answer to that. A tornado went through this area on April 26, 2022. 90% of the homes had extensive damage in the neighborhood that I live in. What might have happened if the solar farm was under construction during the time of the tornado or any other extreme weather hazard condition. What is the tolerances for the solar panels? What is the track record and how is it affected? Decommissioning is 35 years but the contract with Dominion is 25 years. Will they be recycled, will it just decompose, return them to the supplier, or disbursed in the landfill? These are hazardous materials. If the project goes forward these conditions need to be specific. We are not opposed to it but they need to take some things into account.

Mr. Jim Osborne, PO Box 55, Fishersville, stated I live near this project. I appeared before you during the Elm Spring I project and I had the same arguments as I do today. Once the land changes, it cannot go back. Erosion will change the character of the land. The applicant calls this balancing. I call it minimizing. Minimizing the noise, land disturbance, and visibility of the project. The mom wanted them to maintain the agriculture activity but not have commercial activity. This is a commercial activity. The structures will be there and people will know that they are there. Who will want to live near a solar facility? This is the last green pasture between Staunton and Waynesboro of this size. Inch by inch this will change the character of the property. We do not need this in our area. If we get another solar facility in this area, you will further erode the area. You do not see solar activity on the County seal behind you. I support solar activity and do believe we need it. I hope you deny this particular request because of what it would do to change the character of the area.

There being no one else wishing to speak, Chair Coyner asked the applicant to speak in rebuttal.

Mr. Comer stated power output varies depending on the cloud cover. We have monitored electricity and weather data for over 25+ years. The equipment meets the National Electric Code and Building Codes. Construction mode should take 4-6 months but after that it is fully operational. This request is for a tracking system. A weather



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station is installed at the project. These angle and tilt upwards. Research shows in storms and hail these panels will have minimal damage. These projects have the ability to adjust to those conditions. The project is monitored closely. If performance drops off on the system and if there is an impact with the electricity it interferes with RWE's business. The Wayne Avenue solar is a significant distance from the project. Waynesboro Bridge is the furthest away. This project cannot be seen along Goose Creek Road. This is different and not everyone is going to like it. This will help the owners continue the agriculture uses inside the farm. They plan on raising sheep on the farm. The neighbors that are most impacted are in favor of this. They are in support of the project. We will prioritize the benefits to the landowner and try to work with the neighbors.

Chair Coyner declared the public hearing closed. This is in an Urban Service Area. It is disappointing that solar companies gravitate to those areas. There are a lot better spots to have this.

Ms. Rutledge stated the site will have little visibility. They want to keep the generational farm in the family and are utilizing it for cattle and sheep grazing. The area is planned for growth but it is important to note that the County does not have ownership of this land. It is the farmers' land. You cannot bank on something that you do not have. The Shared Energy program, while everyone will not benefit from it, the purpose is to assist low income families. The comment about erosion of land, and in thinking about that, I think I would much rather see in the back distance of the 23 acre field solar panels than a full development of the entire site with houses, roads, and increased traffic. Passing this allows the farm to stay in farming and continue their operation.

Mr. Bailey stated this will not take any rights away from the farm.

Ms. Bunch stated the ordinance does state the buffer needs to be provided from all property lines but there are alternative compliance measures in the ordinance that can be amended by the BZA, some of those being if the property is heavily wooded, topo, or adjacent to industrial land or already established utilities. In the staff report, we noted that the western property is heavily wooded and is adequately screened. The southern is adjacent to industrial. The eastern property line while it is adjacent to Elm Spring I, it is a totally separate project and it needs to have the adequate screening. If the Board feels the existing vegetation along the front is adequate due to the topography, that would be one of the alternative compliance measures. It would take a Variance to remove the buffer if they do not meet the criteria for alternative compliance.

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Ms. Rutledge moved to approve the request with the recommended conditions and the modified buffer requirement for the front section.

Mr. Glover seconded the motion. The motion dies with a 2-2 vote, with Mr. Thacker abstaining from the vote.

The request has been denied.

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

A request by John Rixey and Margaret Rennolds, for a Special Use Permit to place a dwelling less than 900 square feet on property they own, located in the southeast quadrant of the intersection of Frog Pond Road (Route 612) and Wolfs Ledge Lane, Staunton in the Pastures District.

Ms. Bunch stated the applicant is still working on getting their well and septic approvals.

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

Mr. Glover seconded the motion, which carried unanimously.

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**STAFF REPORT**

- 23-56 Ray Hawpe Strickler
- 23-57 Barnstable Farm House, LLC
- 23-58 United Leasing Corp. Etal
- 23-59 James W. or Kelly B. Curd
- 23-60 Wilson Investments, LLC

Ms. Bunch stated the applicant was given two (2) years to complete SUP#23-56. We sent a letter to the applicant to cancel SUP#23-57 because the applicant no longer wants to operate at the site. The pre-conditions are not complete for SUP#23-58. Staff sent the applicant a letter. SUP#23-59 and SUP#23-60 were both denied.

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Ms. Price 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

