

January 6, 2022

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

ABSENT: Justine D. Tilghman

VIRGINIA: At the Called Meeting of the Augusta County Board of Zoning Appeals held on Thursday, January 6, 2022 at 9:30 A.M., in the County Government Center, Verona, Virginia.

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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:

- NICK COLLINS, AGENT FOR WCC REAL ESTATE, LLC - SPECIAL USE PERMIT
- LESLIE HEWITT, AGENT FOR SCOTTLAND LAND COMPANY, LLC - SPECIAL USE PERMIT
- TIMOTHY GROVE, AGENT FOR HOUFF CORPORATION - 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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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  
Beatrice B. Cardellicchio-Weber, Executive Secretary

ABSENT: Justine D. Tilghman

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VIRGINIA: At the Regular Meeting of the Augusta County Board of Zoning Appeals held on Thursday, January 6, 2022, at 1:30 P.M., in the County Government Center, Verona, Virginia....

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**ELECTION OF OFFICERS**

Mr. Bailey nominated Mr. Coyner as Chair, Mr. Glover as Vice Chair, and Sandra Bunch as Secretary.

Mr. Thacker seconded the motion, which carried unanimously.

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**MINUTES**

Mr. Thacker moved that the minutes from the December 2, 2021, meeting be approved.

Mr. Glover seconded the motion, which carried unanimously.

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**CONSIDERATION OF 2022 RESOLUTION**

Mr. Glover moved that the Board of Zoning Appeals adopt the resolution to establish its schedule for regular meetings during calendar year 2022 and if hazardous weather

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conditions are such that the members of the Board cannot meet, the meeting shall be continued the next business day.

Mr. Bailey seconded the motion, which carried unanimously.

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**BERNARD LEE CHRISTIAN, III - SPECIAL USE PERMIT**

This being the date and time advertised to consider 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.

Mr. Bernard Lee Christian stated we have outgrown our current building and we are looking to build a bigger building.

Chair Coyner asked what do you plan to do with the current building?

Mr. Christian stated we may rent it out or use it for storage. We are not sure yet.

Chair Coyner asked if the applicant plans on retaining their existing Special Use Permit?

Mr. Christian stated yes especially until we get the new building complete.

Chair Coyner asked if this is something you plan to get onto pretty soon?

Mr. Christian stated yes. If everything goes good here then we are scheduled to break ground in April.

Chair Coyner stated this is basically the same operation you have, just a different location.

Mr. Christian stated yes about 100 feet away.

Ms. Bunch stated that the applicant mentioned using the existing building for storage. It could not be used as an accessory structure because there is no principal use there anymore. When you move your business, then you cannot use it for an accessory

structure on that property because it is vacant. The applicant would need a Special Use Permit for any type of business.

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

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

Mr. Glover stated they have operated there for a while and the site is well run and organized. He moved to approve the request with the following conditions:

**Pre-Conditions:**

1. Submit site plan meeting the requirements of Section 25-673 "Site Plan Contents" of the Augusta County Zoning Ordinance to be approved by all appropriate departments and/or agencies.
2. Obtain Health Department approval and provide a copy to Community Development.
3. Obtain Service Authority approval and provide a copy to Community Development.
4. Applicant obtain all required permits, inspections, and Certificate of Occupancy for the 60' X 120' building and provide a copy to Community Development.

**Operating Conditions:**

1. The outdoor storage area behind the building be screened with natural vegetation and be maintained at all times.
2. No more than five (5) licensed and inspected vehicles and ten (10) unlicensed dealer vehicles be kept in front of the building.
3. All vehicles waiting repair more than thirty (30) days and all inoperable or unlicensed vehicles other than the ten (10) dealer vehicles be kept inside the building or in the impoundment area behind the building.
4. Site be kept neat and orderly.

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- 5. Be limited to three (3) employees.
- 6. Hours of operation be 7:00 a.m. to 9:00 p.m., Monday – Saturday. No Sunday operation.

Mr. Bailey seconded the motion, which carried unanimously.

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**NICK COLLINS, AGENT FOR WCC REAL ESTATE, LLC - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Nick Collins, agent for WCC Real Estate, LLC, for a Special Use Permit to have outdoor storage of commercial vehicles, materials and equipment on property they own, located at 753 Lee Highway, Verona in the North River District.

Mr. Nick Collins stated they are starting their 12th year as an asphalt company doing paving activities. We are very excited about being able to relocate our business from Staunton where we have operated the last 11 years to Augusta County for many reasons. Our building tends to block much of the view plus we have some vegetation on the south end. For the most part, I think our equipment is out of view. In reading the staff report, it seems like someone wants me now to spend more money to do a complete Erosion and Sediment Control Plan and Stormwater Management Plan. Why is that necessary? I am requesting that we not be required to do specialized screening and would like an answer on the Stormwater.

Ms. Bunch stated Stormwater Management is based on the comments from our Engineer. They look at everything, all the activity associated, and how much it has changed, and how much has been graveled. This is a State Code requirement. The Engineer looks at how much area has been disturbed since 1991 and whether or not it warrants any Erosion and Sediment Control Plans or Stormwater Management.

Chair Coyner stated the Board visited the site this morning. This is a good way to utilize this site. 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. Thacker stated from our observation it is difficult to see behind the building. He moved to approve the request with the following conditions:

**Pre-Condition:**

- 1. Applicant submit a complete Erosion & Sediment Control Plan and Stormwater Management Plan.

**Operating Conditions:**

- 1. All equipment, machinery, materials, and commercial vehicles for the business be kept in the designated area on the site plan.
- 2. All natural vegetation remain and be maintained to provide adequate screening.
- 3. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
- 4. Site be kept neat and orderly.

Mr. Glover seconded the motion, which carried unanimously.

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**LESLIE HEWITT, AGENT FOR SCOTTLAND LAND COMPANY, LLC - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Leslie Hewitt, agent for Scotland Land Company, LLC, for a Special Use Permit to have a short term vacation rental on property they own, located at 621 West Augusta Road, West Augusta in the Pastures District.

Ms. Leslie Hewitt stated the property was previously a full time rental and we would like approval to make it a short term rental.

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

Mr. Steve Morris, 203 Hotchkiss Road, Churchville, stated this is a very beautiful place and they do a beautiful job of keeping it up.

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

There being none, Chair Coyner declared the public hearing closed. This site is well maintained.

Mr. Bailey stated this site is not out of character with the area. This is a beautiful place. He moved to approve the request with the following conditions:

**Pre-Conditions:**

None

**Operating Conditions:**

- 1. Be permitted to lease out the existing dwelling for short term vacation rentals.
- 2. No more than four (4) persons occupying the dwelling.
- 3. Site be kept neat and orderly.

Mr. Glover seconded the motion, which carried unanimously.

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**TIMOTHY GROVE, AGENT FOR HOUFF CORPORATION - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Timothy Grove, agent for Houff Corporation, for a Special Use Permit to construct a manure storage facility to store bio-solids or manure for future land application on property owned by Crosby Farm, LLC, located at 408 Hankey Mountain Highway, Churchville in the Pastures District.

Mr. Timothy Grove stated I am the General Manager of Houff Corporation, the applicant for this Special Use Permit. For over 30 years, we have been a part of the infrastructure that serves the food and beverage manufacturing industry in the Valley. Specifically, we recycle the solid reclaimed wastewater at area food processors such as Hershey, McKee, Shamrock Foods, Danone Plant, and Coors. These residuals are land applied as fertilizer for crops grown on farms in Rockingham, Augusta and Rockbridge Counties. The companies we serve produce these residuals daily so during times

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where inclement weather or soil conditions keep us from land applying, we store the material and liquid facilities until such time the conditions allow us to spread. We propose to add a third storage facility to our operation located just west of Churchville. We desire this extra capacity to accommodate the growth of our area food processors and to make our operation better able to handle a longer winter as we experience changes to our climate. A number of neighbors to our proposed site have reached out to me for more information. Knowing many of the common concerns, I would like to address some of these topics first. What are we hauling? Through my own fault, I have created confusion about what exactly we plan to store in this facility. I would like to clear that up. We will only store residuals from food processors at this facility similar to our other facilities. I know I chose other language when filling out the Special Use Permit application. At that time, I was aiming for simplicity, since most people would not understand the term industrial residuals. But in my letter to neighbors I wrote more specifically in so it would not be conflicting language. I asked the Board to clarify and make a part of our permit that we will store food processing residuals only. No municipal bio-solids. Our application states that we will haul in five (5) to fifteen (15) loads per day, but our actual schedule will be determined by what our clients' produce on any given day. Those numbers represent a general range. For practical purposes, we plan to use this storage facility only through the winter months of December, January, and February. That means for March to November, we anticipate zero loads per day. As a reference, traffic has not been raised as a concern at either of our other two (2) storage sites. Everything stored in the pit will be spread on the Manley farm. This will not be a hub of traffic, not a regional facility where residuals are stored and then hauled back out to other area farms. The traffic associated with this pit will be one-way volume. Many people have questioned the size of our pit and it is 192 feet across. It sounds gigantic but when dealing with water volumes the numbers are large. A tractor trailer holds 6,000 gallons of water. An inch of rain on one acre is 27,000 gallons. When an inch of rain falls on the entire Manley farm that is over 17 million gallons. This structure is characterized of concrete pits on large dairy farms. Again, when dealing with water volume the numbers are large. I received questions about visibility. We are choosing to locate the pit centrally on the farm out of view from the public road and out of view from all but a few distant houses. Much of the structure will be located in ground so only a few feet of the concrete should be exposed. There will be no lighting. There will be no leaching. The structural integrity of the design is the same as hundreds of other pits on dairy farms across Virginia. It will be round reinforced concrete with a fence around the top. It will basically be a large bowl. There will be no drain in the bottom, no valve to leave open, no pipe to freeze and break. Nothing contained in the pit can come out unless it is pumped back out over the wall. It would require a structural failure from material to leave the pit otherwise. And even though I have never heard of leaks from this type of facility, we will construct a leak monitoring system similar to a



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French drain under the pit that allows us to identify a leak before it becomes a problem. A few people have asked about the pit overflowing. Our DEQ permit does not allow us to fill the pit full. In fact, we cannot use the last two (2') feet. It would take 24 inches of rain to overflow the pit and if rainfall takes the level higher than the 24 inches, we are required to haul material out and restore the two (2') feet of freeboard. We will spread in the spring, usually late March or early April. We will spread the contents of the pit onto adjacent farm fields to fertilize corn and soybean crops. If necessary, we may make an application in mid-summer to fertilize double crop beans following a wheat harvest. But our intent is to empty the pit once each year. We anticipate not using the facility at all from April to November. When we mix and spread there will be odor. Over the years, we have tried various strategies of reducing odor with little success. Instead, our focus is to limit the duration of odor as much as possible, where before our crew would take up to two (2) months of spreading to empty a facility. Now we partner with Custom Dairy Manure Haulers to help us spread the contents of the tank as quickly as possible in one mobilization which takes two (2) or three (3) days. Sometimes once the air clears a few days later, our facility will lay dormant until the following application the following spring. There should be no odor from the pit unless we are actively mixing and spreading for 50 or 51 weeks of the year. Most people will not notice that we exist. There is a potential that a few houses will experience some odor from the pit during the winter on very windy days. But I can tell you that in ten (10) years, we have not received any odor complaints from our other facilities unless we were actively mixing and spreading. Spreading these residuals on the land will be the most regulated type of fertilizer application between the required Nutrient Management Plan, DEQ buffers from environmentally sensitive sites, record keeping and reporting. No other fertilizer or manure would have the same amount of oversight. From an environmental standpoint, our application will be the most stringent. A couple of people asked about the spreading we performed on the East farm along Middle River near Churchville for several years and the answer is yes, this material will likely have that same type of odor. Unlike that experience, however, we would spread on the Manley farm once or possibly twice a year instead of many times across many months. It was the constant application rotating between hay and pasture fields throughout the year on that farm that the neighbors became concerned about. This will not be the same. People have asked about location why this farm? Why not beside someone else's house? There are several reasons that make the Manley farm a good location. The sheer size of the farm and contiguous parcels owned by a single landowner is rare. We are able to locate the storage facility on this property out of view and far away from neighbors in comparison to other sites. There is enough acreage here to spread everything we store so that we are not loading trucks to head back out to other farms. There is access to this site from a primary road, keeping truck traffic off narrow secondary roads at other locations. Finally, this farm does not have a long history of litter and manure use. The soils here

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are not overloaded with phosphorus and other improper nutrients. These fields are the right place for this fertilizer. We are not adding to a bucket that is already full. One of the most common questions asked around the new land application site is the effect on neighboring property values. I do understand the concern, but in 30 years, we have not heard of any property values negatively affected by our land application sites even at our other storage facilities. Properties have been consistently bought and sold along the margins of those other farms at no reduction in value. We simply have not seen that be an issue. Is there a better use for this material, yes, there is a better use for this material. These residuals have energy. The energy is converted to methane which can be used to generate electricity or be injected into the natural gas pipeline system. Unfortunately, the cost of building and designing those systems is very high. There have been a few attempts to build this in the Valley in recent years. We support the companies that are trying to do so and perhaps in the coming years that will become an option for these residuals. We must rely on land application to farm fields and three decades of track record shows it can be done well. As a final remark, we desire to be good neighbors. Mr. Manley lives on the farm. He knows many of those who live around them, and he has a good reputation in the community. I live about seven (7) miles from the farm, and only two (2) miles from the storage pit in Mount Solon. I have good relationships with the neighbors around that farm. Yes, we make it stink for a week or so each spring, but as soon as the air clears we all go about the rest of our year. To the citizens of Churchville, I get my pizza from Pruto's as many of you likely do, my boys attended Bison Beginnings and we were active in the local Cub Scout and baseball program. Like Mr. Manley, my family is a part of the local community. My cell phone number is on the land application signs. I am available for conversation or a meeting. In fact, I have met several nice people here over the past couple of weeks. We serve businesses in the Valley and our employees go to school and church here and live around the many farms where we operate. It has always been and will always be our interest in being good neighbors. I humbly ask permission to work beside you. I respectfully ask your approval and I am happy to answer any questions that the Board has.

Mr. Glover asked where is the facility located in Stuarts Draft?

Mr. Grove stated it is located at 195 Milky Way Lane. It is near Walnut Hills Campground.

Chair Coyner asked if there was anyone wishing to speak in favor of the request?

Mr. Roger Baber, 209 Whiskey Creek Road, Churchville, stated I border the Manley's on three sides. I like to support it, due to the fact that they have been good neighbors.

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This is in an agricultural area. I am sure they will adhere to all the DEQ requirements. My property shares three sides and they are one of the best neighbors I have had in 28 years. I think since this is a farm area, I would move towards allowing this to happen.

Mr. Ricky Cook, 860 Jerusalem Chapel Road, Churchville, stated I adjoin on the back part of his property. I think he should get this permit because he takes real good care of the farm. I think it is doable. I spread manure every year because I got a turkey operation and within a couple days the smell is gone. You have to fertilize in order to grow crop.

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

Ms. Elizabeth Whitesell, 174 Hankey Mountain Highway, Churchville, stated I visited the site in Stuarts Draft the other day. There was an awful odor. I did also visit a few neighbors. Some of the neighbors smelled the odor for two (2) weeks. The smell for this is awful.

Ms. Diana Hostetter stated I am here representing my parents who live at 555 Hankey Mountain Highway, Churchville. The smell does affect the way we live our lives. They have a pool and the last thing they want to do is smell the farm. There are natural springs in our area. The river will come down through there and flood and come over to the fields. It is a flood zone there which you would expect this to come over to the storage area. My parents have COPD and asthma problems and we know this will affect them. The big trucks will also be on the road and hit their air brakes and it will disturb the earth underneath. There will be dirt, dust, and the roadways will be torn up. This should be put where it will not affect people's homes. What is the plan for when it reaches the top of the lid and when it goes above? Two (2') feet is not much. What is the plan to keep the overflow off the ground? If it does flood what will they do with the waste? There are environmental issues here.

Mr. Edward Lewis, 41 Deleeuw Lane, Churchville, stated this area has looked like it was snowing with feathers coming down all over. I have one lung and the other one collapsed. I can smell that stuff very strongly at times. This will affect me and the neighbors. Please think about others instead of just yourselves.

Mr. Harold Munson, 69 Entree Way, Churchville, presented the Board with a Power Point Presentation (copy is in the file). I would request that the applicant find another location on the property or find another property that is possibly adjacent to the National Forest. There is a bio-gas company that processed gas that can be trapped that comes off of these pits. The electricity from methane burn these biogases. A processing

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facility should be considered. I would hope the Board would postpone or deny this request. The applicant may want to withdraw to look at a fresh bio-solid processing facility because it has essentially no odor and it takes care of the waste in the area.

Ms. Sarah Munson, 69 Entree Way, Churchville, stated my asthma is triggered by smelling odors, such things like perfume, laundry detergents, fabric softeners, plug-ins, smoke, you name it, it triggers an asthmatic reaction. Because of the size of the pit and that it is so close to our property line, the prevailing winds will bring the odor to us. So being outside will not only be distasteful, it may be impossible. For me, hanging clothes outside, roaming, having a picnic, going to one of our favorite spots, which would be adjacent to where the pit will be, sitting on our porch, even just going outside from our house to our carport to get in the car to go somewhere may be a bigger problem for me. In New York we had a 100 acre farm there that we had planted hundreds of apple trees, and they required spraying with chemicals to combat any kind of insect that would destroy the crop. They had an odor, those chemicals had an odor, but because the spraying had to be done when there were no winds, the odor stayed with the trees and did not affect either me or our neighbors. So just to tell you what an asthma attack is like. It involves coughing long and hard. It involves gasping for air, dry heaves, and an elevated heart rate. These are brought on by odors. My quality of life will be greatly affected if the pit is located at the proposed site. In fact, my house will be endangered. I am asking that, actually, I am imploring you to deny the permit permission for this structure to be built on this site so that we can all live and breathe easily. I have a doctor's letter that verifies that I do have this.

Mr. Jim Wilson, 68 Entree Way, Churchville, stated I am strongly opposed to this project. I, along with Mr. Munson, did visit the farm in Stuarts Draft with Mr. Grove. The tank was essentially empty. What was in the bottom of it was dried up and crusted. The odor was terrible. I am not going to be able to open my windows in the evenings or on a cool day. My wife also has a terrible case of asthma. Her lifestyle is going to be definitely changed. She will not be able to go outside now especially on the days that they spread the litter. I have one of the comments that I asked Mr. Grove about the difference in the two letters about what was going to be stored there. I specifically asked him if there was going to be any human waste ever put in there to be opened to where Rotor-Rooter can dump their trucks there. They must have thought about that because he came back and said the Coors facility does not have the ability to separate certain items, and their sanitary sewers are in this waste. There will be a certain part of human waste in that period. It might be only as much as in this container, but it is going to be. I strongly oppose this and ask the Board to please not allow this to be built on that property.

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Mr. Robert Whitescarver stated my wife Jeanne Hoffman and I have a beef cattle operation at 164 Whiskey Creek Road in Churchville. I am a retired Soil Conservationist from the US Department of Agriculture and I am now a Watershed Restoration Consultant and work on the Chesapeake Bay in the Great Lakes region and the Mississippi Watershed. This proposed industrial waste pit is a bad idea for Churchville. Churchville is a small rural community where everyone uses well water. We do not need an industrial waste pit here where we have limestone soils, karst topography, which is the worst condition for spillage leaks, improper disposal and excessive rainfall for industrial waste material that the County nor the State has sufficient oversight to monitor. I am very familiar with a waste pit in Mount Solon used for industrial food waste. Proudly helped pay for it while I was the District Conservationist here in Augusta County. It was originally designed as a manure pit and when the corporation, not Houff, but a corporation began hauling industrial food waste to and from it caused tremendous hardship for the neighbors. The constant odor, which no one had the capability to handle or monitor, caused medical problems and lawsuits. I would like him to go check his figures on rainfall. The pit has to be built to a 25 year storm frequency which is only at five and a half inches. If this waste is applied to the land and we have a 10 year storm or 25 years, the soil in the earth is a recycler of all nutrients, but he can only do so much at a time. In the communities just north of here, Dayton, Montezuma, Ottobine, all the community exceeds the State standard for nitrates, and it is because of decades and decades of over application of manure. I can go on about the environmental hazards of opening the door to Pandora's Box but perhaps the most important aspect of this is that the neighbors do not want it. It is not right for a single person or single corporation, for convenience sake, to infringe on the rights of the community by compromising their clean air, peace, and quiet.

Mr. Steve Morris, 203 Hotchkiss Road, Churchville, stated so many counties say you choose where you live. Suck it up. So now say Churchville does not need or want this facility. They want to send this waste on citizens land where they built a house in this area. This facility was not there. Ask yourself this question, would you want this in your backyard or front door? You visited this place. So if you do approve this, you better put some limitations on it. I do not think you can approve it the way the applications run because the letter they mailed out says with no human waste. They even address that and say oh no, we did not do the application right so I do not think you can approve it. A traffic study needs to be done.

Mr. Darrell Campbell, 483 Jerusalem Chapel Road, Churchville, stated I have lived here for 28 years and I come before the Zoning Board expressing concerns about the proposed Houff Corporation of a 3 million gallon liquid solid industrial food waste tank to be constructed. I got a lot last night from the farming community. Mr. Manley has done

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a great job restoring this back. I want everybody to know the neighboring folks appreciate his hard work. He operates the 600 plus acres growing grains and cattle. We are not disputing he has a great thing. I started a petition. It was a very targeted petition and only went one and a quarter miles from the tank site and that is something really precise because we have 218 signatures represented. Only one of them is out about one and a quarter miles that I got here at the meeting today. All of the rest of those houses that are being seen right there, and Mr. Munson's, I think that is really an incredible picture. We as neighbors oppose the industrial waste tank. Every one of us living in Churchville will be affected for the rest of our lives by the extremely heavy agricultural operations from chicken and turkey farms. It is already existing. I want everybody to know we are not saying anything about the farms there, but this is what we got within a fair share of a one square mile area. We are already getting our soul saturated meaning they are established they have to be there, and just to give an example of how much we have, we have 33 houses that were built in the mid-1980s. We have chicken houses that were built in the 1980s. We have two of the super chicken houses which equals four of the standard chicken houses that was built in the late 1980s to early 1990s. I moved here in 1993. They came in after me, but I do not have an exact date and we have two more super chicken houses that was built about two years ago. That saturation has come to the point where we are having noise, odor, and dust. We also have two beef cattle feedlots that when I was gathering a petition the neighbors told me that oh, we get a terrible odor at seven o'clock in the evening. Well, I missed it, I left at 20 minutes to seven, and here it came just like they said every day. The people that signed this petition, including me, we are already having higher odors than we should be. We have noise issues at times. It is not constant. The thing about the wind is whoever is in the wind depends which way the wind blows today. If you go to have a picnic, hope the wind blows the other way because everybody is going to leave. They are no longer agricultural. They are industrial operations. I love America's freedom as much as anyone here. I guarantee everybody here loves American freedoms and all that we are asking when one person or one corporation financial gain destroys all the neighboring folks fresh air, water quality, causes excessive noise, possible health issues, especially breathing problems just like so many people with asthma, it is going to get worse, it is just not right to have to live in that environment. Therefore, on behalf of these 218 neighbors of the site, I ask you, the Zoning Board, to deny this request for the industrial waste storage tank. We have enough heavy agriculture. We have had two major wrecks on Route 250 in the last two weeks, two miles east of town in Churchville, Virginia at Jake's Convenience Store. There is no room for turning lanes off Route 250 in front of the area that would be affected from most of the truck traffic, dust, noise, and water quality. If the request would be approved, another thing I would like to make a clear statement on is we are not attacking the local farmer's rights. Even though they think so. We are just asking the

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neighbors to be considered. I am 62 years old, and I would like to die here and have fresh air and not be smuggled out.

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. Grove stated I can work with the neighbors to figure out where exactly what section does not flood. I met with Mr. Munson. I think he will become one of my new friends. We spent about four hours together with Mr. Wilson maybe a week ago, and it is time well spent for both sides I believe. He makes a good point about the location of the pit in terms of centrally to the far east, west, north south. I do not disagree with that. I do want to make some clarification on it. The drawn location of the pit is where my arrow is. It is a small distinction but it is further from his property line. We actually met with Mr. Manley and we are looking at locating it even further downhill at Mr. Munson's request to make further distance from his property line. I called DEQ while we were there together and asked about his ability to move further downhill from the property line and still be within the DEQ limit. We are working with them to provide the most optimal site to go the furthest distance away without having a challenge for the road construction standpoint. I was paying pretty close attention when he put up the slide from the airport about the wind directions. I noticed that most of the wind directions were southwest or west. He showed the Board on the screen the direction of the wind. So the west/southwest winds almost follow the pit plan, but when I use my phone to measure, southwest winds and west/southwest winds were 3,500 feet to 4,000 feet to the nearest house. I am not saying that the wind was below where the white lines are, but I think the prevailing wind that he showed will most likely be below in a different direction. We did visit the Stuarts Draft site and there was material that had just been dumped, and we did smell it while we were standing there when the wind was coming right at us. Mr. Munson and Mr. Wilson took a hike together and walked to the edge of the field. Our distance was about half the distance to their homes. That is the best approximation we can get and still smell it, but it was a pretty strong, windy day. Those are the two people that I refer to when I say there might be some houses that would smell something on strong windy days in the winter. Again, except for December through February and early March, the pit should be empty and emitting no odor whatsoever. I could spend 15 minutes here, and I will be brief with it. The pit produces gases, and it is not the cost of the membrane, the cost of the generator, we can get, no problem. The facility required if you are building a wastewater treatment plant. You have to cap it, catch it, burn it. The material we have does not emit methane. That is where a regional facility can take these materials, materials such as the sludge from the poultry processors and have a good gas recovery. We are not talking about a \$500,000 generator, we are talking

about a \$200 million facility, the one being looked at right now is a \$40 million facility. The water that comes off of that facility still has to be treated, the solids that remain still have to be dealt with and spread. So I would just want to make sure the crowd does not think that we are tripping up on a couple \$100,000 to put a cap on a pit. It is scientifically not that simple. We still support the efforts in the direction that he is talking about. Mr. Wilson mentioned sanitary waste from Coors, that is correct. In absolute transparency, the places where we receive material, Hershey, McKee, Shamrock, and whatnot have two separate waste collection systems. Those where their processes are rinsing down their mixers and conveyors they are cleaning water and then the sanitary waste from the employee sinks and showers. The exception is Coors. DEQ says if the commingling waste stream is less than 1% of flow then DEQ does not consider that solids and regulates it as an industrial source. Bio-solids are fine for when we spread them all over the Valley all the time. So that it is not like a hazardous waste in and of itself. So the Board should eliminate caution being stored from this facility so that we can say 100% no bio-solids instead of 99.995%. It is actually, in my opinion a non-issue. Mr. Whitescarver is a benefit as a conservationist. I think the work that he does for our community and for our state is great, and I am glad to hear he is working in other parts of the country. He has a good mind and has a good heart. I think that it is valuable to have people like him in our community. He mentioned well water in his community. We operate all over the Valley around wells with our other storage facilities and our land application efforts. That is really where the DEQ permit comes in and that is where we have a history of not reducing property values. We have a history of not polluting streams, we have a history of not polluting wells. I am glad that the well keepers are here but we have many, many years of experience to suggest that these are not issues. He mentioned the management of the soil, and he is right. The person who put that facility together in the beginning was a local farmer. He was growing alfalfa and spreading every 45 days a year. He would run through the night and against the fence, he throw it over the fence if he knew that you were sitting there taking pictures, and it ran across the school parking lot. All the things and all of these stories are true. For some reason, that got shut down 15-20 years ago, and when I came before this body in 2011-2012 for a permit the biggest concern that the neighbors had that time was will the farmer be managing this facility or will it be Houff? It was stated to them and how it has always been that it is a Houff managed facility. Since that time, we have had a couple of odor complaints. I had none last spring and one the spring before. It has been my experience through many public meetings in many towns that the level of interest in our work is very high at the time of permitting. There is a lot of unknowns. There is a lot of speculation but we do not get very many complaints for our work. Our work is actually much more boring than people would want it to be. The 25 year flood, our pit space needs to have five and a half feet of capacity, and he is right if it is a dairy farm. The DEQ requires us to have 24 inches of capacity of freeboard. That is an



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example of where this is the most stringent type of fertilizer storage application that can be on the acres. He is right about the well nitrates in Dayton that decades of the term he used over fertilization. We are not allowed to over fertilize here because we have to follow a Nutrient Management Plan. Our application is matched to the crops, and if you do not believe me or you do not trust me, it is fine because everything that we do is a matter of public record. Everything we do, you can go to DEQ right now and find the last 20 years of records, and you can trace me back to when I started working. There is no incentive for us to skirt regulations. We are an open book and that is why, I accompanied the gentlemen to the pit. I met Ms. Whitesell out at the pit yesterday because there is nothing here to hide. The last thing I would say is Mr. Morris mentioned the traffic study which is a valid concern. Our trucks are already using Route 250 all the way through Churchville and turning right on Route 42 to access the Mount Solon facility. So we are talking about another mile or mile and a half on Route 250 and taking a left instead. So the traffic impact on the town would be no different from what we are currently using. I appreciate the support of those who have stepped forward. I appreciate the concerns of the neighbors. My interest is in finding ways which are mutually beneficial and will continue should this be approved. I will continue to work with neighbors at finding common ground.

Chair Coyner asked if the applicant can look at moving it to a different location?

Mr. Grove said they may be able to move it a couple 100 feet half way down the hill.

Mr. Glover said this is basically throughout the Valley for your service route but would there be trucks coming in from other areas outside the Valley or the State?

Mr. Grove stated I have not written this down because, of course, our clients do not like to have their name published. The other sites are Hershey, McKee, Shamrock Foods, Danone Plant, and Coors. The single exception is a meat snacks manufacturer in Martinsville, Virginia. We haul material from one of the poultry processors down to Martinsville. They have an anaerobic digester and are making the energy that Mr. Munson was talking about. We backhaul that residual anaerobically digested waste back to the Valley.

Chair Coyner stated Martinsville is still in the State of Virginia though. If the Board would approve this, you could be limited to those six manufacturers.

Mr. Grove stated one of the benefits of the Valley is when we are recruiting for Economic Development, those are the types of facilities that we often see the economic developers trying to bring in. We have the infrastructure labor, we have got the

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infrastructure of support businesses, and we have the infrastructure of waste disposal. So to answer your question, should a new Shamrock come to Verona or another new dynamic company come in the area, we will be looked at to serve that business, and we want to also incorporate them into our general permitted activity through DEQ.

Mr. Thacker asked if all activity is monitored by DEQ?

Mr. Grove stated everything we do is permitted by DEQ. In terms of actually constructing the facility, the County approval for the Special Use Permit is just the first step. The next step would be to submit our engineering to DEQ. We would permit the acreage of the farm and there would be another public notice to all the people around the farm from the DEQ public meetings. That is a much more stringent permitting process. Then we end up with a document which has basically the law we have to abide by. This is the same thing we have been doing for the last number of years.

Mr. Thacker asked if DEQ regulates the sludge?

Mr. Grove stated DEQ regulates how close to a fence, how close to water, etc.

Mr. Thacker asked if the land application is regulated by DEQ?

Mr. Grove stated yes. So with a dairyman, he could put it anywhere and it would not be regulated by the DEQ. If you look at a Nutrient Management Plan for dairy manure or poultry manure, and Mr. Whitescarver can attest to this, there is a long list of places where you should spread from environmentally sensitive soils to open sinkholes, closed sinkholes, and streams. The list goes on and for bio-solids the list is the same. The only difference is for animal waste the regulation states you should but for bio-solids and industrial residuals the regulations say you shall.

Chair Coyner asked if you are also regulated as to when you can apply?

Mr. Grove stated yes.

Chair Coyner asked when you apply, do you have to keep records of when and where?

Mr. Grove stated yes. We submit a monthly report. Again, this is all public information. Anybody in this room can contact DEQ and see what we have been doing.

Chair Coyner asked if DEQ visits the sites?

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Mr. Grove stated they do. They keep a record of the number of sites that they visit. They do not visit every site every year. They have, like many agencies had a reduction in staffing and funding over the past few years. So their inspections are less frequent than they used to be but DEQ keeps records of the number of complaints, the number of notices of violation, warning letters, and that sort of stuff. When you look at the bio-solids community as a whole across Virginia, generally there is maybe one or two sometimes three warning letters for all the applicators across the state each year. We are an industry that is dependent upon good work, and so we do good work, otherwise, we cannot be in business. My signature is on those documents, and if I do not do it right, I go to jail. So again there is no incentive to sneak back. One of the things that I have talked to new landowners about is you know the evidence in our work is visible long after we are gone. We can get in the County bus and tour around Augusta County, and I can show you the fields that were sprayed last fall or in the spring, and you can still see where the sludge was propped up by us and where it was not because of the growth in the crop. If I get too close to a buffer or if it runs off the hillside it will show up so there is no incentive whatsoever for us to try to skirt regulations.

Chair Coyner stated it may be in your best effort to perhaps pick another location for this. How long would it take for you to achieve that?

Mr. Grove stated I have been working on finding another storage site for about three (3) years. I have been in conversation with Mr. Manley for about one year. In other locations we have closer distances to houses. So if it would not be these neighbors, it would be another set of neighbors. Other locations do not have the amount of acreage all in one spot so they would not be those regional facilities where we haul in, pick up and haul back out. So that makes the property here fairly unique. I would like to mention that for the past couple of years we have exceeded our storage capacity, and the first step for us is to borrow or rent some tanks from the Augusta County Service Authority. We have used those for a number of years. Outside of that, if we get to the end of winter, and our pits are full, and we are maintaining that two (2') feet of freeboard, and the County has nothing else to offer our trucks, we have to go to Maryland and Pennsylvania to recycle this material. Food Processing residuals are treated like a soil amendment in Virginia. They are treated like bio-solids from a regulatory standpoint. This is where the regulation is so accepting the cost, the fuel, the carbon emissions of our trucks traveling to other states, think about what we are doing. We are saying we are producing these goods in Augusta County, but we do not want to spread this out in our backyard even though the site is suitable. It is going to be a nuisance. Let's ship it off to Pennsylvania. Let them deal with it. How would we feel if the reverse were in effect and the Pennsylvanians were sending stuff down to our

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backyard? Because they did not want it? I feel like we are in the right spot for the materials that are produced here.

Chair Coyner stated the applicant may want to move the pit down a little bit. How much timeframe would you need to do that?

Mr. Grove stated I can move it as close to the bottom of the hill as DEQ allows. He said I think it would help all parties involved. It would help the truck traffic turnaround down towards the bottom of the hill, and it would provide a couple more 100 feet of distance between the location that is proposed and the neighbors. I think we are all on the same team in that effort.

Mr. Thacker asked if the applicant will haul December – March?

Mr. Grove stated yes.

Mr. Thacker stated I do not keep my windows open during that time. If you live anywhere in Augusta County and have a dairy operation around it is no different. He asked what is the difference between a bio-solids and a dairy pit?

Mr. Grove stated my best professional judgment, and I am not a scientist in this area, I think bio-solids are already digested so they are not still emitting material. The dairy manure would be actively emitting methane and hydrogen sulfide. The industrial residuals that we are talking about do not have bacteria in them breaking it down. It is the bacteria chewing up the organic matter that makes methane and that makes hydrogen sulfide in a very limited amount. My guys are in and around this stuff all day every day. It is a safe product in my opinion. The Stuarts Draft site fills up entirely several times a year. Our goal is to expand this operation and spread one time a year.

Chair Coyner asked if the spreading would be in a matter of days?

Mr. Grove stated two (2) days but maybe three (3) days at the most.

Mr. Thacker asked if they have double the crop will you go back?

Mr. Grove stated yes. They will only spread one time a year.

Chair Coyner declared the public hearing closed.

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Mr. Munson stated I want to be clear about my intent. I surely was on wind direction but not intended to show something that is not true. I showed what was on that chart. I did not look at percentages and just looked at the month by month. I can assure you when I stand at my house and look at my weather vane, more often than not, it is pointing at that location. If you make what I think will be a wrong decision and approve this, how do neighbors recover? For example, Mr. Grove said he has never had an instance of property loss being demonstrated to it. I can confidently tell you if I was selling my property and that potential buyer would have a lot bigger impact from looking over a manure pit then you would have with that beautiful view. I cannot see how you can say there would be no effect on property values. The letter said it would be out of sight from the highways. If it is not a nuisance, not attraction, not a distraction, was it even worth mentioning? Finally, I hope you will consider another location. If it has to go, and I hope it does not, move it down here closer to Mr. Manley's house. Most of it will go across more open land and some neighbors will still be affected. I know I am protecting myself, but let's consider the impact on the whole neighborhood.

Mr. Thacker stated if Mr. Manley ran a dairy operation and the manure pit was for that, we would not even be here.

Chair Coyner stated a different site on the property may be better and it is worth looking in to.

Mr. Thacker stated there are definitely not many farms in Augusta that have that much acreage in one location. He moved to table the request to the February 3, 2022 meeting so that the applicant can find a better location on the property.

Mr. Glover seconded the motion, which carried unanimously.

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### **OLD BUSINESS**

A consideration to cancel the Special Use Permit held by Randy Showalter for a motor vehicle repair operation and impound area on property owned by Kimberly A. Miller, located at 105 Shulls Lane, Mount Solon in the North River District. – The Board decided to give the applicant until January 6, 2022 to complete the pre-conditions of the permit.

Mr. Glover moved to bring the item forward.

Mr. Thacker seconded the motion, which carried unanimously.

Chair Coyner stated the applicant made some progress.

Mr. Randy Showalter stated he still needs the Erosion and Sediment Control Plan. My engineer is working with the County Engineering Department.

Chair Coyner stated they have to meet these regulations.

Ms. Bunch stated Jeff VanFossen, Civil Engineer, is waiting on the calculations for the Erosion and Sediment Control Plan.

Mr. Showalter stated my engineer has been the hold up in completing his pre-condition.

Chair Coyner asked if the applicant can get this completed within a month?

Mr. Showalter hoped to have it completed by next month.

Mr. Wilkinson stated this is a State requirement that will need to be completed. The engineer should get the paperwork to our office in enough time so that Jeff VanFossen can evaluate it.

Mr. Glover moved to table the request to the February 3, 2022 meeting.

Mr. Bailey seconded the motion, which carried unanimously.

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**BOARD OF ZONING APPEALS ANNUAL REPORT 2021**

Ms. Bunch presented the Board of Zoning Appeals Annual Report for the year 2021.

Mr. Thacker moved that the report be approved.

Mr. Bailey seconded the motion, which carried unanimously.

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**ALEXANDER DENSON, AGENT FOR WAYNE AVENUE SOLAR I, LLC – EXTENSION OF TIME REQUEST**

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

Ms. Bunch stated the applicant is requesting twenty-four (24) months to obtain site plan approval instead of twelve (12) months.

Mr. Glover moved to approve the twelve (12) month Extension of Time.

Mr. Bailey seconded the motion, which carried unanimously.

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**STAFF REPORT**

- 21-7 Cana Barn, Inc.
- 21-8 Carol Jay
- 21-9 Robert or Stephanie Baiotto
- 21-10 Ronnie D. Bryant
- 21-11 Carl W. or Vicki L. Woolridge
- 21-12 Doris S. Wright

Ms. Bunch stated SUP#21-7 have not completed their pre-conditions. Staff sent the applicant a letter and they said they hope to complete them this month. She said SUP#21-8 – SUP#21-12 are all 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

