

September 7, 2023

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

**ABSENT:** Justine D. Tilghman

**VIRGINIA:** At the Called Meeting of the Augusta County Board of Zoning Appeals held on Thursday, September 7, 2023 at 9:30 A.M., in the County Government Center, Verona, Virginia.

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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:

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

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

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 Chair

  
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 Secretary

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Sandra K. Bunch, Zoning Administrator and Secretary  
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, September 7, 2023, 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 August 3, 2023, meeting be approved.

Mr. Glover seconded the motion, which carried unanimously.

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**BRANDON TURNER - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Brandon Turner, for a Special Use Permit to continue to have a landscape business on property owned by James W. Sizemore Family, LP, located at 2499 Lee Jackson Highway, Staunton in the Riverheads District.

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

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

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

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

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

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

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

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

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

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

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

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

There being none, Chair Coyner declared the public hearing closed. The Board viewed the site this morning.

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

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

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

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**Pre-Conditions:**

None

**Operating Conditions:**

- 1. All equipment, machinery, and materials for the business be kept inside the existing 35' x 70' building.
- 2. Be limited to eight (8) company vehicles and five (5) trailers at the site parked in the designated parking areas as shown on the BZA sketch.
- 3. All outdoor storage of landscape block be kept in the designated area shown on the site plan.
- 4. No more than two (2) employees to come to the site unless Health Department approval is obtained for ten (10) and a copy provided to Community Development.
- 5. Hours of operation be 8:00 a.m. to 6:00 p.m. Monday – Saturday.
- 6. Site be kept neat and orderly.
- 7. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.

Mr. Glover seconded the motion, which carried unanimously.

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**ROBERT RUSMISEL - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Robert Rusmisel, for a Special Use Permit to have a lawn mowing business and storage of equipment on property owned by Vernon Lee Walker and Barbara R. Rowe, located at 77 Bradley Lane, Waynesboro in the Middle River District.

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

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Chair Coyner asked if there are any employees?

Mr. Rusmiser stated no.

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

There being none, Chair Coyner declared the public hearing closed. This is a well maintained property. The applicant will operate the business part-time.

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

**Pre-Conditions:**

None

**Operating Conditions:**

1. All mowers and weed eaters be kept on the twelve (12') foot utility trailer under the existing carport or in the existing storage building.
2. No employees other than family members.
3. Site be kept neat and orderly.
4. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.

Mr. Glover seconded the motion, which carried unanimously.

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

This being the date and time advertised to consider a request by Brian D. Jamison and Kelsey R. Simmons, for a Special Use Permit to have a property management business with outdoor storage of commercial vehicles and equipment on property they own, located at 60 Shutterlee Mill Lane, Staunton in the Pastures District.

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

Chair Coyner asked if you plan on clearing land?

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

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

Mr. Jamison stated no.

Chair Coyner asked if there will be employees?

Mr. Jamison stated no.

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

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

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

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

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

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

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

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**Pre-Conditions:**

None

**Operating Conditions:**

1. Be limited to two (2) tractors, three (3) trailers, and one (1) company vehicle.
2. Be permitted to use a 12' x 20' portion of the existing storage building for business use.
3. All tractors and trailers be kept in the 50' x 40' storage area shown on the BZA sketch plan.
4. All natural vegetation remain around the 50' x 40' storage area.
5. No debris, materials, or brush associated with the business be brought to the site.
6. No employees other than family members residing onsite.
7. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
8. Site be kept neat and orderly.

Mr. Bailey seconded the motion, which carried unanimously.

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

This being the date and time advertised to consider a request by Ward H., Jr. and Jane B. Alford, for a Special Use Permit to amend Operating Condition #1 of SUP#12-29 to increase the number of licensed vehicles associated with the repair business on property they own, located at 3867 Stuarts Draft Highway, Stuarts Draft in the South River District.

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

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

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

Chair Coyner asked if they have changed the business plan?

Mr. Snyder stated I have never done body work.

Chair Coyner asked if you plan on selling vehicles?

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

Ms. Bunch stated there is property behind you.

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

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

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

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

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

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

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

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

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

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

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

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

There being none, Chair Coyner declared the public hearing closed. The Board visited the site this morning.

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

Mr. Thacker seconded the motion, which carried unanimously.

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

This being the date and time advertised to consider a request by Lindsey Nelson, agent for Shenvalee Solar, LLC, for a Special Use Permit for a 3 Mega Watt (alternating current) small scale solar energy facility within approximately 25 acres of fence enclosed site on property owned by Sherry Hockman Sumerlin, located south of Edgewood Lane, between Edgewood Lane and the railroad tracks in the Riverheads District.

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

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

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

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

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

Chair Coyner asked if the panels are moveable?

Mr. Comer stated yes.

Chair Coyner asked what is the minimum clearance with sheep?

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. Benkahla stated the Circuit Court.

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

Mr. Benkahla stated it depends.

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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Chair Coyner declared the public hearing closed.

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

Mr. Bailey seconded the motion, which carried unanimously.

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

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

A request by Margaret Mae Davison, agent for Shared Solar HoldCo., LLC, for a Special Use Permit to install a 1 MW fixed tilt solar array on 10 acres to be tied into Dominion Energy per Virginia's Shared Solar Program – VA Code 56- 576 et seq. on property owned by Margaret Mae Davison, Etal, located on a 10 acre tract of 90.78 acres on Route 626 northwest of Staunton located at 125 Berry Farm Road, Staunton in the Beverley Manor District.

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

Mr. Glover seconded the motion, which carried unanimously.

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

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

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

Mr. Bailey seconded the motion, which carried unanimously.

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

A request by Laura Pittkin, agent for Kilbride International and Leasing, for a Special Use Permit to have a short term campground and to have weddings and other special events and motorcycle training and motorcycle trail riding on property they own, located at 273 Penmerryl Drive, Greenville in the Riverheads District.

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

Mr. Glover seconded the motion, which carried unanimously.

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**STAFF REPORTS**

- 22-64 Stephen A. and Margaret O. Riley
- 22-70 Lisa Jo Roberts
- 22-71 Darlene Delores Brown or Sheri L. Sheetz
- 22-72 Cynthia A. Holland
- 22-73 Kenneth or Donna Campbell
- 22-74 International Church of the Foursquare Gospel
- 22-75 Hope Drive Park, LLC - **Denied**
- 22-76 Stephen A. and Wanda F. Robertson
- 22-77 Ronald A. Boehme
- 22-78 Linda R. Herman Family Trust

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

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Mr. Benkahla discussed the court cases with the Board.

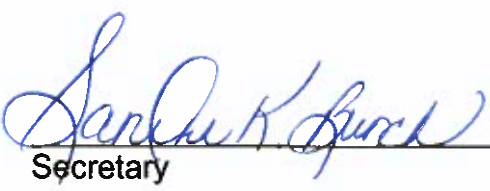
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There being no further business to come before the Board, the meeting was adjourned.

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Chair

  
Secretary

