Work Session Agenda
Staunton City Council
Rita S. Wilson Council Chambers
May 25, 2023
5:00 p.m.

5:00 p.m.	**1.**	**Consideration of Work Session and Regular Meeting Agendas**
5:05 p.m.	**2.**	**Presentation of Quarterly Financial Report**
5:15 p.m.	**3.**	**Closed Meeting for: (i) Consultation with Legal Counsel for Necessary Legal-Related Advice and Discussion Regarding the Order to Show Cause Concerning the Staunton Juvenile and Domestic Relations District Courts Facilities; and (ii) Discussion or Consideration of the Acquisition of Real Property within the City of Staunton for Use as a Court Facility Where Discussion in an Open Meeting Would Adversely Affect the Bargaining Position or Negotiating Strategy of the Public Body**
6:45 p.m.		**Break until Regular Meeting at 7:00 p.m.**

Regular Meeting Agenda
Staunton City Council
Rita S. Wilson Council Chambers
May 25, 2023
7:00 p.m.

Call to Order

Pledge of Allegiance

Invocation/Moment of Silence – Edwards

Mayor's Report

Additional Items by Members of Council

Approval of Minutes

Work Session and Regular Meeting of May 11, 2023

REGULAR MEETING

A. Public Hearing and Consideration of an Ordinance to Vacate and Abandon a Portion of Undeveloped Hale Street*

B. Public Hearing and Consideration of the Disposition of Real Property to Staunton Augusta Waynesboro Habitat for Humanity, Inc.*

C. Consideration of a Request by Flying Rock Property LLC, to withdraw 801 Commerce Road, Containing Approximately 96.823 Acres, from the Bells Lane Agricultural-Forestal District

D. Public Hearing and Consideration of a Request by Flying Rock Property LLC, for a Special Use Permit Under the Provisions of Staunton City Code Section 18.75.040(1), for the Development of a Solar Energy Facility at 801 Commerce Road*

E. Public Hearing and Consideration of a Solar Siting Agreement between Staunton PV-UT, LLC and the City of Staunton, Virginia*

Matters from the City Manager

Matters from the Public*

Adjournment

***Public Participation** For instructions on how to participate in a Public Hearing and Matters from the Public portions of the City Council meeting visit **www.staunton.va.us/council**.

CITY COUNCIL **AGENDA BRIEFING**

Staunton, Virginia

Meeting Date:	**May 25, 2023**	**City Council**
Item #	**1**	
Department:	**City Council**	
Alignment with Staunton Plan (Value/Strategic Area):	**Values: Integrity Engagement**	
Subject:	**Work Session and Regular Meeting Agendas**	

Background: Consistent with Procedural Memorandum No. 3, attached are draft meeting agendas for City Council's consideration and for approval as Council prefers.

Suggested Motion: I move to approve the Work Session agenda and the Regular Meeting agenda [as presented] [with the following changes: as to the Work Session, the addition/deletion of __________; as to the Regular Meeting, the addition/deletion of __________].

City Manager: Leslie Beauregard

CITY COUNCIL **AGENDA BRIEFING**

Staunton, Virginia

Meeting Date:	**May 25, 2023**	**Jessie L. Moyers** **Chief Finance Officer**
Item #	**2**	
Department:	**Finance**	
Alignment with Staunton Plan (Value/Strategic Area):	**Value: Excellence** **Strategic Area: Responsible, Efficient Government**	
Subject:	**Presentation of Quarterly Financial Report**	

Background: Jessie Moyers, Chief Finance Officer, will present a financial report for the third quarter of fiscal year 2023. The quarterly financial report and the sales, meals, and lodging tax reports are attached.

Attachments:

Attachment 1—Sales, Meals, and Lodging Tax Reports
Attachment 2—Financial Report

City Manager's Recommendation: Not applicable

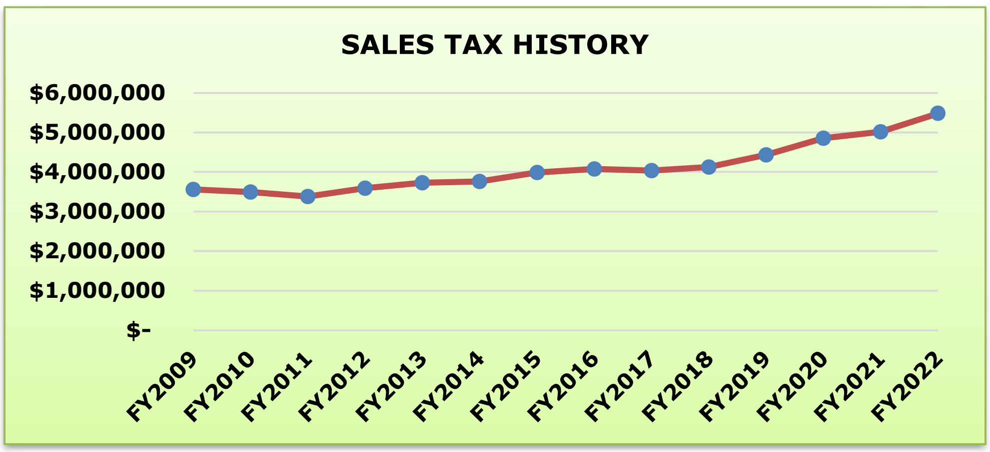
Suggested Motion: Not applicable

City Manager: Leslie Beauregard

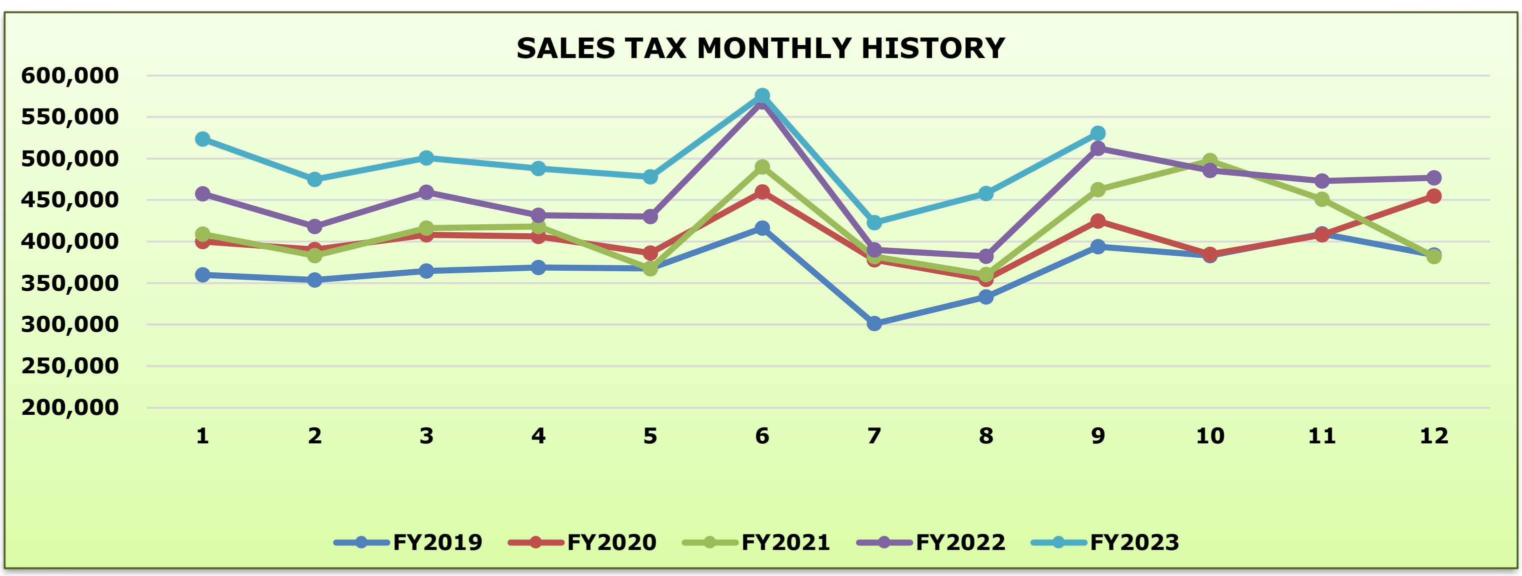
LOCAL SALES TAX HISTORY - 1% Tax Rate

Attachment 1

	FY2018	FY2019	FY2020	FY2021	FY2022	FY2023	% Change
July	324,283	359,853	399,841	408,778	457,551	523,345	14.4%
August	325,420	353,758	390,365	383,139	418,081	475,016	13.6%
September	335,271	364,511	408,013	416,225	459,262	500,792	9.0%
October	314,015	368,779	406,308	417,973	431,562	487,941	13.1%
November	324,549	367,724	386,214	367,040	430,213	478,059	11.1%
December	392,310	416,329	459,871	489,867	568,394	576,043	1.3%
January	299,703	301,088	378,159	381,915	389,797	422,862	8.5%
February	295,142	333,110	354,448	360,082	382,280	457,991	19.8%
March	357,636	393,767	424,727	462,591	512,099	530,325	3.6%
April	303,520	382,963	384,624	497,565	485,816		-100.0%
May	479,378	409,439	408,068	451,087	472,797		-100.0%
June	372,636	383,654	454,692	381,951	476,868		-100.0%
Totals	4,123,862	4,434,974	4,855,331	5,018,212	5,484,719	4,452,374	
Budget	4,100,400	4,015,000	4,300,000	3,393,750	4,662,500	5,275,000	
Budget Variance	23,462	419,974	555,331	1,624,462	822,219	(822,626)	
% OF BUDGET	100.6%	110.5%	112.9%	147.9%	117.6%	84.4%	
% CHANGE- YEAR	2.1%	7.5%	9.5%	3.4%	9.3%	-18.8%	

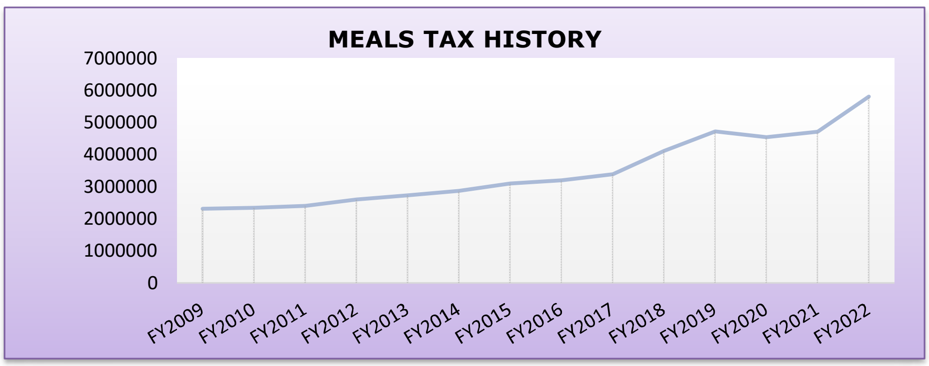


FY2009	$	3,554,096	
FY2010	$	3,495,905	-1.6%
FY2011	$	3,381,018	-3.3%
FY2012	$	3,588,737	6.1%
FY2013	$	3,729,201	3.9%
FY2014	$	3,760,505	0.8%
FY2015	$	3,988,839	6.1%
FY2016	$	4,079,919	2.3%
FY2017	$	4,039,658	-1.0%
FY2018	$	4,123,862	2.1%
FY2019	$	4,434,974	7.5%
FY2020	$	4,855,331	9.5%
FY2021	$	5,018,212	3.4%
FY2022	$	5,484,719	9.3%

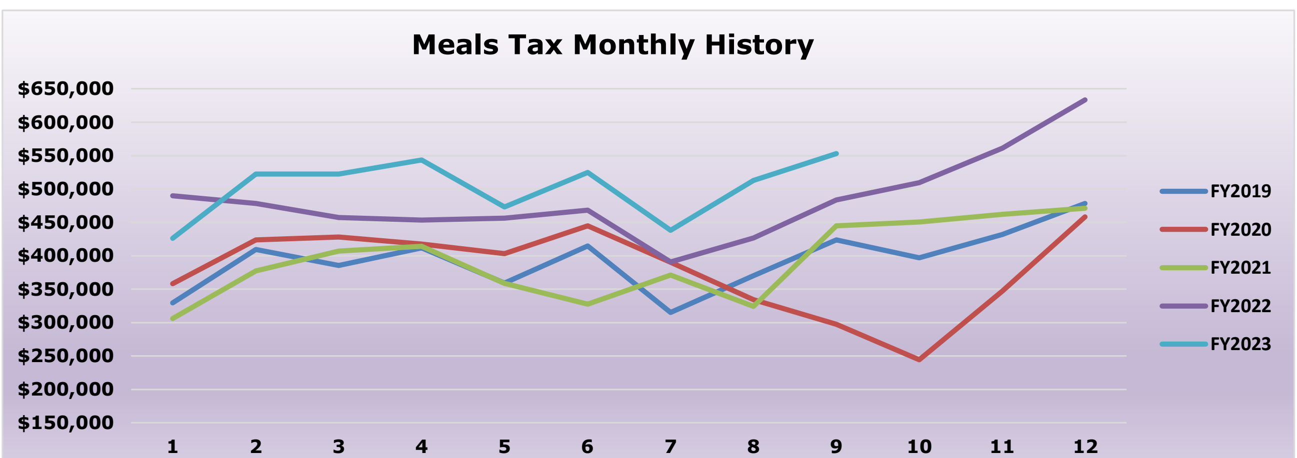


FY 2023 MEALS TAX - 7% Tax Rate

Tax Rate	6% TAX RATE	7% TAX RATE	7% TAX RATE	7% TAX RATE	7% TAX RATE	7% TAX RATE	
	FY2018	FY2019	FY2020	FY2021	FY2022	FY2023	% Change
July	334,579	329,573	358,212	305,920	490,076	426,045	-13.1%
August	341,094	409,425	424,090	377,519	478,421	522,710	9.3%
September	343,277	385,385	427,995	407,128	457,575	522,740	14.2%
October	342,810	411,876	417,690	414,546	453,768	543,587	19.8%
November	312,114	359,316	403,285	358,586	456,293	473,158	3.7%
December	336,804	415,030	444,990	327,793	468,456	524,706	12.0%
January	293,064	315,163	390,333	371,174	390,422	438,260	12.3%
February	301,836	370,265	334,123	324,288	426,769	512,829	20.2%
March	363,207	423,831	297,411	445,061	483,854	552,774	14.2%
April	343,386	397,110	244,201	450,532	509,567		-100.0%
May	374,830	432,043	347,244	462,115	561,110		-100.0%
June	431,265	478,306	458,278	471,063	633,671		-100.0%
Actuals	4,118,267	4,727,323	4,547,853	4,715,726	5,809,981	4,516,809	
Budget	3,200,000	4,112,500	4,600,000	3,562,500	4,300,000	5,358,050	
Budget Variance	918,267	614,823	(52,147)	1,153,226	1,509,981	(841,241)	
% of BUDGET	128.7%	115.0%	98.9%	132.4%	135.1%	84.3%	

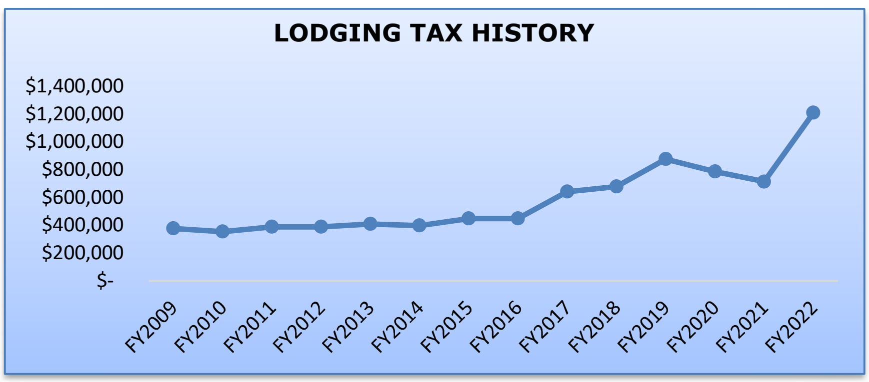


FY2009	$	2,304,448	
FY2010	$	2,344,698	1.7%
FY2011	$	2,406,577	2.6%
FY2012	$	2,599,776	8.0%
FY2013	$	2,732,598	5.1%
FY2014	$	2,868,910	5.0%
FY2015	$	3,099,130	8.0%
FY2016	$	3,203,638	3.4%
FY2017	$	3,391,337	5.9%
FY2018	$	4,118,267	21.4%
FY2019	$	4,727,323	14.8%
FY2020	$	4,547,853	-3.8%
FY2021	$	4,715,726	3.7%
FY2022	$	5,809,981	23.2%

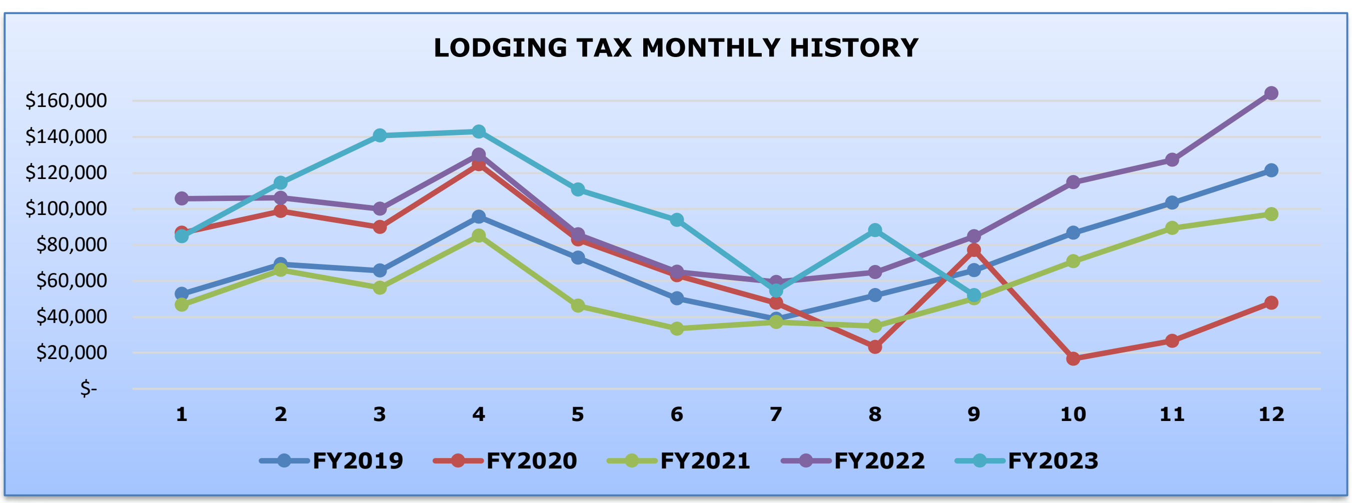


FY 2023 LODGING TAX - 6.7% Tax Rate

TAX RATE	6.70%	6.70%	6.70%	6.70%	6.70%	6.70%	
	FY2018	FY2019	FY2020	FY2021	FY2022	FY2023	% CHANGE
July	$ 63,907	$ 52,798	$ 86,792	$ 46,648	$ 105,750	$ 84,716	-19.9%
August	$ 63,738	$ 69,287	$ 98,765	$ 66,056	$ 106,184	$ 114,547	7.9%
September	$ 62,756	$ 65,785	$ 89,978	$ 56,235	$ 100,094	$ 140,720	40.6%
October	$ 79,262	$ 95,600	$ 124,738	$ 85,131	$ 130,186	$ 142,991	9.8%
November	$ 50,187	$ 72,869	$ 82,915	$ 46,252	$ 85,840	$ 110,688	28.9%
December	$ 32,225	$ 50,208	$ 63,057	$ 33,471	$ 65,008	$ 93,847	44.4%
January	$ 29,239	$ 38,856	$ 47,730	$ 37,127	$ 59,405	$ 54,478	-8.3%
February	$ 32,490	$ 52,085	$ 23,204	$ 34,928	$ 64,791	$ 88,071	35.9%
March	$ 50,304	$ 65,973	$ 77,152	$ 50,273	$ 84,717	$ 52,055	-38.6%
April	$ 64,326	$ 86,719	$ 16,730	$ 70,866	$ 114,860		-100.0%
May	$ 72,905	$ 103,399	$ 26,667	$ 89,381	$ 127,191		-100.0%
June	$ 76,577	$ 121,369	$ 47,878	$ 97,078	$ 164,234		-100.0%
Actuals	$ 677,917	$ 874,948	$ 785,605	$ 713,445	$ 1,208,260	$ 882,112	
Budget Totals	$ 575,000	$ 890,000	$ 890,000	$ 836,000	$ 760,000	$ 968,000	
Budget Variance	$ 102,917	$ (15,052)	$ (104,395)	$ (122,555)	$ 448,260	$ (85,888)	
% of BUDGET	118%	98%	88%	85%	159%	91%	
% CHANGE-YEAR	5.8%	29.1%	-10.2%	-9.2%	69.4%	-27.0%	



	TOTAL REVENUE	% CHANGE
FY2009	$ 376,829	
FY2010	$ 354,239	-6.0%
FY2011	$ 388,022	9.5%
FY2012	$ 388,721	0.2%
FY2013	$ 408,906	5.2%
FY2014	$ 397,786	-2.7%
FY2015	$ 447,792	12.6%
FY2016	$ 448,175	0.1%
FY2017	$ 640,843	43.0%
FY2018	$ 677,917	5.8%
FY2019	$ 874,948	29.1%
FY2020	$ 785,605	-10.2%
FY2021	$ 713,444	-9.2%
FY2022	$ 1,208,260	69.4%



FY 2023 FINANCIAL REPORT - UNAUDITED

MARCH 31, 2023

Attachment 2

GENERAL FUND REVENUES	FY23 Original Budget	FY23 Revised Budget	ACTUAL YTD	AVAILABLE BUDGET	% RECEIVED	Comment
PROPERTY TAXES						
Real Estate Taxes 2023 (75%) & 2022 (25%)	$ 20,492,518	$ 20,492,518	$ 5,519,015	$ 14,973,503	27%	75% of 2023 Taxes due June 20, 2023
						25% of 2022 Taxes due Dec 5, 2022
Real Estate - Public Service	940,000	940,000	929,541	10,459	99%	100% of 2023 Taxes due Dec 5, 2022
Real Estate - Interest	150,000	150,000	75,017	74,983	50%	
Real Estate- Penalty	120,000	120,000	91,174	28,826	76%	
Real Estate Tax -Downtown Serv District	125,243	125,243	35,155	90,088	28%	25% due Dec 5; 75% due June 23
Personal Property Taxes	6,055,000	6,055,000	6,691,939	(636,939)	111%	100% of 2023 PP Tax due December 5, 2022
Personal Property Taxes -Prior Written Off	-	-	756	(756)	#DIV/0!	
Personal Property Taxes- Public Service	2,800	2,800	2,975	(175)	106%	
Personal Property -Interest	85,000	85,000	84,699	301	100%	
Personal Property - Penalty	105,450	105,450	117,559	(12,109)	111%	
Machinery & Tools Tax	425,000	425,000	387,311	37,689	91%	100% Tax Due December 5, 2022
TOTAL PROPERTY TAXES	**$ 28,501,011**	**$ 28,501,011**	**$ 13,935,140**	**$ 14,565,871**	**49%**	
OTHER LOCAL TAXES						
Business & Occupational Licenses	$ 2,250,000	$ 2,250,000	$ 2,712,711	$ (462,711)	121%	BPOL License due March 1, 2023
Water Utility Tax	281,280	281,280	191,975	89,305	68%	Paid Monthly w/ 1-2 months delay in collection
Gas Utility	298,000	298,000	198,001	99,999	66%	Paid Monthly w/ 1-2 months delay in collection
Electric Utility	585,000	585,000	396,547	188,453	68%	Paid Monthly w/ 1-2 months delay in collection
Local Sales Tax	5,275,000	5,275,000	3,464,058	1,810,942	66%	Paid Monthly w/ 2 months delay in payment from State
Bank Stock	575,000	575,000	2,467	572,533	0%	Paid in June
Recordation	300,000	300,000	238,038	61,962	79%	Paid Monthly w/ 1 month delay in collection
Cigarette Tax	385,000	385,000	249,885	135,115	65%	Paid at sale date, no delay in collection
Lodging Tax	968,000	968,000	830,058	137,942	86%	Paid Monthly w/ 1 month delay in collection
Meals Tax	5,358,050	5,358,050	3,980,348	1,377,702	74%	Paid Monthly w/ 1 month delay in collection
Probate Tax on Wills	8,500	8,500	7,788	712	92%	
Short Term Rental Tax	25,000	25,000	17,566	7,434	70%	
Local Communications Tax	925,000	925,000	487,868	437,132	53%	Paid Monthly w/ 1-2 months delay in collection
TOTAL OTHER LOCAL TAXES	**$ 17,233,830**	**$ 17,233,830**	**$ 12,777,309**	**$ 4,456,521**	**74%**	
PERMITS						
Short Term Rental Registration/Precious Metal	$ -	$ -	$ 850	$ (850)	#DIV/0!	
Judicial Charges for Services	1,000	1,000	618	382	62%	
Public Safety Charges for Services	186,700	186,700	178,044	8,656	95%	
Planning and Development Charges for Services	14,250	14,250	11,725	2,525	82%	
TOTAL PERMITS	**$ 201,950**	**$ 201,950**	**$ 191,237**	**$ 10,713**	**95%**	

MARCH 31, 2023

GENERAL FUND REVENUES		FY23 Original Budget		FY23 Revised Budget		ACTUAL YTD		AVAILABLE BUDGET	% RECEIVED	
FINES & FORFEITURES										
Circuit Court Fines	$	168,000	$	168,000	$	80,862	$	87,138	48%	
Court Recorder Fees		54,000		54,000		30,600	$	23,400	57%	
Courthouse Maintenance Fee		9,500		9,500		5,839		3,661	61%	
Animal Control Fines		6,000		6,000		4,180		1,820	70%	
TOTAL FINES & FORFEITURES	**$**	**237,500**	**$**	**237,500**	**$**	**121,481**	**$**	**116,019**	**51%**	
REVENUE FROM USE OF PROPERTY										
Interest Revenue	$	45,000	$	45,000	$	36,464	$	8,536	81%	
Rental of Real Property		58,000		58,000		32,461		25,539	56%	
Rental of Real Property-Recreation		6,200		6,200		6,240		(40)	101%	
TOTAL REVENUE FROM USE OF PROPERTY	**$**	**109,200**	**$**	**109,200**	**$**	**75,165**	**$**	**34,035**	**69%**	
CHARGES FOR SERVICES										
Property Clean Up Fees	$	4,800	$	4,800	$	7,327	$	(2,527)	153%	
Payment in Lieu of Tax from Proprietary Funds		1,170,319		1,170,319		-		1,170,319	0%	Allocation transfers from Enterprise Funds
DMV Stop Fees		8,000		8,000		2,340		5,660	29%	
Administrative Fees		18,000		18,000		16,836		1,164	94%	
Judicial Operations Charges for Services		78,242		78,242		52,907		25,335	68%	
Public Safety Tax Exempt Service Charge		6,972		6,972		7,031		(59)	101%	
Sale of Publications & Maps		-		-		325		(325)	#DIV/0!	
Recreation Charges for Services	$	610,360	$	599,022		470,637		128,385	79%	
TOTAL CHARGES FOR SERVICES	**$**	**1,896,693**	**$**	**1,885,355**	**$**	**557,403**	**$**	**1,327,952**	**30%**	
MISCELLANEOUS										
Sale of Salvage & Surplus	$	15,000	$	15,000	$	95,000	$	(80,000)	633%	
Payment in Lieu of Taxes SRHA		13,923		13,923		13,923		0	100%	
Donations		-		10,235		51,093		(40,858)	499%	
Miscellaneous		-		102,494	$	203,713		(101,219)	199%	
TOTAL MISCELLANEOUS	**$**	**28,923**	**$**	**141,652**	**$**	**363,729**	**$**	**(222,077)**	**257%**	
RECOVERED COSTS										
Wellness Program Reimbursement	$	11,000	$	11,000	$	12,601	$	(1,601)	115%	
Recovered Costs - General Govt		-		-		5,478	$	(5,478)	#DIV/0!	
Recovered Costs - Courts		58,000		58,000		-		58,000	0%	
Recovered Costs- Public Safety		648,000		648,000		938,483		(290,483)	145%	Buy-In from Harrisonburg/Rockingham for Regional Jail. Swiss RE $275,643 for Worker's Comp Claim.
Recovered Costs- Police Security		45,000		45,000		58,952		(13,952)	131%	
Recovered Costs- Insurance Recovery		-		186,907		179,474		7,433	96%	
Recovered Costs- Public Works		25,000		25,000		2,478		22,522	10%	
Recovered Costs- Education		335,000		335,000		-		335,000	0%	Software Annual Costs and Bus Mechanic Services
Recovered Costs- Recreation/ Library		55,000		55,000		49,351		5,649	90%	Talking Book Center Reimbursement
TOTAL RECOVERED COSTS	**$**	**1,177,000**	**$**	**1,363,907**	**$**	**1,246,818**	**$**	**117,089**	**91%**	
TRANSFERS										
Transfers From Health	$	400,000	$	400,000	$	-	$	400,000	0%	
TOTAL TRANSFERS	**$**	**400,000**	**$**	**400,000**	**$**	**-**	**$**	**400,000**	**0%**	

MARCH 31, 2023

GENERAL FUND REVENUES	FY23 Original Budget	FY23 Revised Budget	ACTUAL YTD	AVAILABLE BUDGET	% RECEIVED	
COMMONWEALTH OF VIRGINIA REVENUE						
Public Facilities Tax	$ 45,000	$ 45,000	$ 49,521	$ (4,521)	110%	State sales tax revenue from Hotel 24 South
Recordation	-	-	-	-	#DIV/0!	
Rolling Stock Taxes	10,200	10,200	5,941	4,259	58%	
Motor Vehicle Rental Tax	112,500	112,500	98,754	13,746	88%	
HB599 Law Enforcement	1,004,888	1,004,888	787,395	217,493	78%	Quarterly Payments from State
Personal Property Tax Relief Act (PPTRA)	1,652,200	1,652,200	1,569,590	82,610	95%	
Recordation - Grantor's Tax	101,500	101,500	73,373	28,127	72%	
Juror/Witness Fees	9,100	9,100	2,150	6,950	24%	
Va Forestry Ash Borer				-	#DIV/0!	
DCJS- Victim Witness Grant	25,000	25,000	12,273	12,727	49%	
DMV Four for Life Funds	23,500	24,195	-	24,195	0%	
DMV Animal License Plates	1,000	1,000	1,068	(68)	107%	
State Crime Forfeited Assets- Police	-	-	28,465	(28,465)	#DIV/0!	Revenue based on criminal drug activity
Fire Programs Fund	88,000	103,312	103,312	-	100%	
E911 Wireless Funds	98,000	98,000	160,711	(62,711)	164%	Grants from the Wireless Board of Virginia
DCJS-Grants	-	67,486	9,022	58,464	13%	
Street & Highway Maintenance	4,300,000	5,037,489	3,700,660	1,336,829	73%	Quarterly Payments from State
Miscellaneous State Aid	-	-	-	-	#DIV/0!	
Other Grants	-	1,974	1,974	-	100%	FM Global Foundation Fire Grant
Public Assistance	1,628,175	1,628,175	726,048	902,127	45%	
CSA Administrative Fees	10,787	10,787	-	10,787	0%	
Comprehensive Services Act (CSA)	2,192,100	2,192,100	802,790	1,389,310	37%	
VA Comm for the Arts	4,500	4,500	4,500	-	100%	
Library	168,022	168,022	143,858	24,164	86%	Quarterly Payments from State
Commissioner of Revenue	140,484	140,484	77,708	62,776	55%	
Treasurer	143,532	143,532	78,996	64,536	55%	
Electoral Board & Registrar	75,679	75,679	-	75,679	0%	
Commonwealth Attorney	601,581	601,581	344,036	257,545	57%	
Sheriff	416,988	416,988	248,439	168,549	60%	
Circuit Court Clerk	348,098	348,098	279,774	68,324	80%	
Circuit Court Technology Grant	17,634	20,457	9,419	11,038	46%	
TOTAL COMMONWEALTH OF VIRGINIA	**$ 13,218,468**	**$ 14,044,247**	**$ 9,319,776**	**$ 4,724,471**	**66%**	
FEDERAL REVENUES						
Victim Witness Federal Grant	$ 112,548	$ 112,548	$ 28,637	$ 83,911	25%	
Federal DMV Grant	-	13,200	5,373	7,827	41%	
U S Marshall Forfeited Asset	-	-	6,266	(6,266)	#DIV/0!	
Federal Aid-ARPA	-	225,000	-	225,000	0%	
Miscellaneous Federal Aid	71,939	131,939	30,000	101,939	23%	
Welfare Public Assistance	1,396,153	1,396,153	751,431	644,722	54%	
TOTAL FEDERAL REVENUE	**$ 1,580,640**	**$ 1,878,840**	**$ 821,707**	**$ 1,057,133**	**44%**	
PRIOR YEAR APPROPRIATIONS						
Appropriation for Prior Year Encumbrances	$ -	$ 969,028	$ -	$ 969,028	0%	Outstanding Encumbrances at June 30, 2022
Appropriation of Prior Year Fund Balance	607,725	5,870,039	-	$ 5,870,039	0%	
TOTAL PRIOR YEAR APPROPRIATIONS	**$ 607,725**	**$ 6,839,067**	**$ -**	**$ 6,839,067**	**0%**	
TOTAL GENERAL FUND REVENUES	**$ 65,192,940**	**$ 72,836,559.39**	**$ 39,409,763.74**	**$ 33,426,796**	**54.1%**	

MARCH 31, 2022

GENERAL FUND EXPENDITURES	FY23 Original Budget	FY23 Revised Budget	FY23 YTD	ENCUMBRANCES	AVAILABLE BUDGET	% EXPENDED
GENERAL GOVERNMENT ADMINISTRATION						
CITY COUNCIL	$ 156,826	$ 191,126	$ 108,174	$ 8,750	$ 74,202	61%
CLERK OF COUNCIL	98,886	104,963	73,461	5,000	26,502	75%
CITY MANAGER	597,483	582,486	273,782	-	308,704	47%
HUMAN RESOURCES	695,234	771,167	601,872	5,904	163,392	79%
CITY ATTORNEY	396,191	494,635	253,407	96,219	145,009	71%
COMMUNICATIONS MANAGER	160,507	160,507	21,724	-	138,783	14%
PROFESSIONAL CONSULTANTS	77,000	77,000	55,000	-	22,000	71%
CITY MEMBERSHIPS	30,550	30,550	28,488	-	2,062	93%
FINANCE	1,017,740	1,354,731	811,310	88,796	454,625	66%
ASSESSOR	361,039	364,269	250,172	4,808	109,289	70%
COMMISSIONER OF REVENUE	386,761	389,991	232,429	15,298	142,263	64%
TREASURER	408,657	411,887	224,835	80	186,973	55%
REGISTRAR	242,571	252,811	147,147	1,514	104,150	59%
INFORMATION TECHNOLOGY	1,354,912	1,545,739	884,468	30,563	630,708	59%
RISK MANAGEMENT	765,000	765,000	383,230	121,663	260,107	66%
TOTAL GENERAL GOV'T ADMINISTRATION	**$ 6,749,357**	**$ 7,496,861**	**$ 4,349,500**	**$ 378,594**	**$ 2,768,768**	**63%**
JUDICIAL ADMINISTRATION						
CIRCUIT COURT	$ 162,098	$ 163,175	$ 112,233	$ -	$ 50,942	69%
GENERAL DISTRICT COURT	18,500	18,500	1,585	-	16,915	9%
MAGISTRATES	2,225	2,225	120	-	2,105	5%
JUVENILE DOMESTIC RELATIONS COURT	80,092	80,092	-	-	80,092	0%
CLERK OF THE CIRCUIT COURT	633,995	645,068	441,737	736	202,596	69%
SHERIFF	783,215	838,278	635,689	20,373	182,216	78%
VICTIM/WITNESS GRANT	87,790	89,070	73,289	-	15,781	82%
COMMONWEALTH ATTORNEY	966,773	983,093	667,693	-	315,400	68%
TOTAL JUDICIAL ADMINISTRATION	**$ 2,734,688**	**$ 2,819,501**	**$ 1,932,345**	**$ 21,108**	**$ 866,048**	**69%**
PUBLIC SAFETY						
POLICE	$ 5,916,304	$ 6,399,882	$ 4,548,775	$ 85,029	$ 1,766,078	72%
E911 CENTER	1,041,519	1,062,402	710,842	5,429	346,131	67%
FIRE	3,836,258	3,892,099	2,871,136	13,196	1,007,767	74%
COMMUNITY PUBLIC SAFETY	110,500	263,998	174,479	-	89,519	66%
JUVENILE DETENTION HOME	236,948	236,948	177,711	-	59,237	75%
JAIL	3,055,160	3,055,160	2,265,472	-	789,688	74%
OFFICE ON YOUTH	162,400	162,400	74,866	-	87,534	46%
INSPECTIONS	417,405	421,711	280,350	32	141,329	66%
ANIMAL CONTROL	152,240	152,240	79,408	-	72,832	52%
MEDICAL EXAMINER	250	250	200	-	50	80%
TOTAL PUBLIC SAFETY	**$ 14,928,984**	**$ 15,647,090**	**$ 11,183,239**	**$ 103,687**	**$ 4,360,165**	**72%**

MARCH 31, 2023

GENERAL FUND EXPENDITURES	FY23 Original Budget	FY23 Revised Budget	FY23 YTD	ENCUMBRANCES	AVAILABLE BUDGET	% EXPENDED	
PUBLIC WORKS							
ENGINEERING	$ 312,624	$ 314,777	$ 214,934	$ -	$ 99,843	68%	
PUBLIC WORKS ADMINISTRATION	302,108	304,956	248,996	1,498	54,463	82%	
STREETS	3,202,896	3,995,546	1,417,061	49,244	2,529,242	37%	
TRAFFIC ENGINEERING	335,167	302,771	103,293	12,495	186,983	38%	
TRAFFIC SIGNALS	242,073	296,209	208,618	36,155	51,437	83%	
BUILDING MAINTENANCE	1,475,192	1,572,293	1,049,866	114,378	408,049	74%	
EQUIPMENT MAINTENANCE	515,630	552,766	452,839	849	99,079	82%	
TOTAL PUBLIC WORKS	**$ 6,385,690**	**$ 7,339,319**	**$ 3,695,606**	**$ 214,618**	**$ 3,429,095**	**53%**	
HEALTH AND WELFARE							
PUBLIC HEALTH	$ 286,264	$ 274,363	$ 208,577	$ -	$ 65,786	76%	
VALLEY COMM SERVICES BOARD	200,334	200,334	150,251	-	50,084	75%	Quarterly Payments
COMMUNITY POLICY MGMNT TEAM (CSA)	3,150,000	3,150,000	1,340,982	-	1,809,018	43%	
DEPT OF SOCIAL SERVICES	3,952,949	3,952,949	1,970,860	-	1,982,089	50%	
TAX RELIEF FOR THE ELDERLY	209,000	209,000	-	-	209,000	0%	Real Estate Tax Relief- processed May each year
COMMUNITY WELFARE ASSISTANCE	114,091	114,091	107,591	-	6,500	94%	Outside Agency Contributions
TOTAL HEALTH AND WELFARE	**$ 7,912,638**	**$ 7,900,737**	**$ 3,778,260**	**$ -**	**$ 4,122,477**	**48%**	
EDUCATION -OTHER							
EDUCATIONAL CONTRIBUTIONS-BRCC	$ 9,000	$ 9,000	$ 9,000	$ -	$ -	100%	Contribution to Blue Ridge Community College
TOTAL EDUCATION-OTHER	**$ 9,000**	**$ 9,000**	**$ 9,000**	**$ -**	**$ -**	**100%**	
PARKS, RECREATION, LIBRARY, CULTURAL							
PARKS AND RECREATION ADMIN	$ 1,253,969	$ 1,290,009	$ 846,916	$ 12,607	$ 430,485	67%	
HORTICULTURE	210,276	824,112	768,520	14,868	40,725	95%	July storm damage $625K
GOLF COURSE	157,514	193,634	128,079	7,750	57,805	70%	
COMMUNITY RECREATION ASSISTANCE	20,000	20,000	20,000	-	-	100%	Boys and Girls Club
PARK MAINTENANCE	1,273,389	1,300,461	762,607	39,000	498,854	62%	
COMMUNITY CULTURAL CONTRIBUTIONS	15,500	15,500	15,500	-	-	100%	Outside Agency Contributions
LIBRARY	1,230,088	1,253,477	896,592	3,089	353,797	72%	
TOTAL PARKS, RECREATION, LIBRARY, CULTURAL	**$ 4,160,736**	**$ 4,897,193**	**$ 3,438,214**	**$ 77,313**	**$ 1,381,666**	**72%**	
PLANNING AND COMMUNITY DEVELOPMENT							
PLANNING	$ 365,075	$ 440,290	$ 273,495	$ 40,775	$ 126,020	71%	
COMMUNITY DEVELOPMENT ASSISTANCE	359,592	584,592	251,410	-	333,182	43%	Outside Agency Contributions
ECONOMIC DEVELOPMENT	1,383,171	1,385,324	285,643	3,350	1,096,331	21%	
TOURISM	560,651	673,681	418,166	83,305	172,210	74%	
STAUNTON WELCOME CENTER	55,758	57,911	32,450	-	25,461	56%	
TRANSPORTATION-CSPDC	77,948	77,948	77,948	-	-	100%	
TOTAL PLANNING AND COMMUNITY DEVELOPMENT	**$ 2,802,195**	**$ 3,219,746**	**$ 1,339,113**	**$ 127,430**	**$ 1,753,203**	**46%**	

March 31, 2023

GENERAL FUND EXPENDITURES	FY23 Original Budget	FY23 Revised Budget	FY23 YTD	ENCUMBRANCES	AVAILABLE BUDGET	% EXPENDED	
TRANSFERS TO OTHER FUNDS/NON-DEPARTMENTAL							
TRANSFER TO DEBT SERVICE FUND	$ 4,444,415	$ 4,844,415	4,844,415	$ -	$ -	100%	Annual Debt Payments
TRANSFER TO CIP FUND	-	2,421,050	2,421,050	-	-	100%	
TRANSFER TO EDUCATION FUND	15,065,237	15,065,237	7,532,619	-	7,532,619	50%	Education Transfer/ 1st Half December and 2nd half to occur in June
TRANSFER TO BRCS FUND	-	18,025	17,225	-	800	96%	
TRANSFER TO HUD	-	1,077	1,077	-	-	100%	
TRANSFER TO PARKING FUND	-	3,230	3,230	-	-	100%	
TRANSFER TO REFUSE FUND	-	18,302	18,302	-	-	100%	
TRANSFER TO SEWER FUND	-	538	538	-	-	100%	
TRANSFER TO STORMWATER FUND	-	2,153	2,153	-	-	100%	
TRANSFER TO WATER FUND	-	1,024,761	1,024,761	-	-	100%	
NON-DEPARTMENTAL EXPENDITURES	-	108,325	2,866	-	105,459	3%	Distribution account-equal to zero at year end
TOTAL TRANSFERS AND NON-DEPARTMENTAL	**$ 19,509,652**	**$ 23,507,113**	**$ 15,868,235**	**$ -**	**$ 7,638,878**	**68%**	
TOTAL GENERAL FUND EXPENDITURES	**$ 65,192,940**	**$ 72,836,560**	**$ 45,593,512**	**$ 922,751**	**$ 26,320,297**	**71.4%**	

FY2023 GENERAL FUND BUDGET

ADOPTED BUDGET	$ 65,192,941	JULY 1, 2022
ADOPTED BUDGET - APPROPRIATION REDUCTION	$ (16,298,235)	JULY 1, 2022
ENCUMBRANCE CARRY FORWARDS	969,028	JULY 1, 2022
FY2023 BUDGET AMENDMENT NO. 1	100,000	AUGUST 25, 2022
FY2023 BUDGET AMENDMENT NO. 3	677,135	DECEMBER 8, 2022
APPROPRIATE FINAL 25%	16,298,235	FEBRUARY 9, 2023
FY2023 BUDGET AMENDMENT NO. 4	5,784,357	FEBRUARY 9, 2023
FY2023 BUDGET AMENDMENT NO. 5	113,099	FEBRUARY 23, 2023
FY2023 REVISED BUDGET	72,836,560	

FY2023 REVENUES	$ 39,409,764
FY2023 EXPENDITURES	$ (45,593,512)
FY2023 NET YTD	$ (6,183,748)

CITY COUNCIL **AGENDA BRIEFING**

Staunton, Virginia

Meeting Date:	**May 25, 2023**	**City Council** **John C. Blair, II** **City Attorney**
Item #	**3**	
Department:	**City Council**	
Alignment with Staunton Plan (Value/Strategic Area):	**Value: Excellence** **Strategic Area: Responsive, Efficient Government**	
Subject:	**Closed Meeting for: (i) Consultation with Legal Counsel for Necessary Legal-Related Advice and Discussion Regarding the Order to Show Cause Concerning the Staunton Juvenile and Domestic Relations District Courts Facilities; and (ii) Discussion or Consideration of the Acquisition of Real Property within the City of Staunton for Use as a Court Facility Where Discussion in an Open Meeting Would Adversely Affect the Bargaining Position or Negotiating Strategy of the Public Body**	

Suggested Motion: I move to enter a closed meeting for: (i) consultation with legal counsel for necessary legal-related advice and discussion regarding the Order to Show Cause in Staunton Circuit Court Case CL21-500 concerning the Staunton Juvenile & Domestic Relations District Court Facility located in the District Courts Building at 6 East Johnson St., Staunton, pursuant to Virginia Code §§ 2.2-3711(A)(7) and 2.2-3711(A)(8); (ii) discussion or consideration of the acquisition of real property located within the city limits of Staunton, Virginia for use as a court facility where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Virginia Code § 2.2-3711(A)(3).

Second. Discussion. Vote – Clerk of Council to poll members of Council.

After the closed meeting: I move that Council reconvene in an open meeting and certify to the best of each member's knowledge that only lawfully exempted public business matters were discussed and that only public business matters as identified in the closed meeting motion were heard, discussed or considered in the meeting.

Second. Discussion. Vote –Clerk of Council to poll members of Council.

City Manager: Leslie Beauregard

City Council
WORK SESSION
May 11, 2023
4:30 p.m.

Council Members Present: Vice Mayor Darby and Councilors Arrowood, Edwards, Holmes, Robertson and Woods. Mayor Claffey was absent.

Vice Mayor Darby called the meeting to order: Vice Mayor Darby called the meeting of Staunton City Council to order.

1. Annual Visit to Betsy Bell

The annual visit to Betsy Bell took place.

2. Consideration of Work Session and Regular Meeting Agendas

Consistent with Procedural Memorandum No. 3, the agendas were presented for Council consideration.

Ms. Woods moved to approve the work session and regular meeting agendas as presented.

The motion was seconded by Mr. Robertson and carried as follows:

Ms. Edwards	aye	Mr. Robertson	aye
Mr. Arrowood	aye	Vice Mayor Darby	aye
Ms. Woods	aye	Mayor Claffey	absent
Mr. Holmes	aye		

3. Discussion of a Ward System for Electing Members of City Council

At the request of Councilmember Edwards, Butch Smiley and Judd Bankert gave a presentation on the benefits of a ward system for electing members of City Council.

4. Closed Meeting for: (i) Consultation with Legal Counsel for Necessary Legal-Related Advice and Discussion Regarding the Order to Show Cause Concerning the Staunton Juvenile and Domestic Relations District Courts Facilities as well as City and State Laws Regarding Subdivision Approval; and (ii) Discussion or Consideration of the Acquisition of Real Property within the City of Staunton for Use as a Court Facility Where Discussion in an Open Meeting Would Adversely Affect the Bargaining Position or Negotiating Strategy of the Public Body

Ms. Edwards moved to enter a closed meeting for: (i) consultation with legal counsel for necessary legal-related advice and discussion regarding the Order to Show Cause in Staunton Circuit Court Case CL21-500 concerning the Staunton Juvenile & Domestic Relations District Court Facility located in the District Courts Building at 6 East Johnson St., Staunton, as well as City and State Laws Regarding Subdivision Approval, pursuant to Virginia Code §§ 2.2-3711(A)(7) and 2.2-3711(A)(8); (ii) discussion or consideration of the acquisition of real property located within the city limits of Staunton, Virginia for use as a court facility where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Virginia Code § 2.2-3711(A)(3).

The motion was seconded by Mr. Holmes and carried as follows:

Mr. Holmes	aye	Mr. Arrowood	aye
Mr. Robertson	aye	Vice Mayor Darby	aye
Ms. Edwards	aye	Mayor Claffey	absent
Ms. Woods	aye		

Mr. Arrowood moved that Council reconvene in an open meeting and certify to the best of each member's knowledge that only lawfully exempted public business matters were discussed and that only public business matters as identified in the closed meeting motion were heard, discussed or considered in the meeting.

The motion was seconded by Mr. Robertson and carried as follows:

Mr. Robertson	aye	Mr. Arrowood	aye
Mr. Holmes	aye	Vice Mayor Darby	aye
Ms. Woods	aye	Mayor Claffey	absent
Ms. Edwards	aye		

The work session adjourned at 7:01 p.m.

____
Kiley A. Kesecker
Clerk of Council

REGULAR MEETING OF STAUNTON CITY COUNCIL
Thursday, May 11, 2023
7:00 p.m.
Rita S. Wilson Council Chambers

PRESENT:	**Vice Mayor Amy G. Darby**
	Brad D. Arrowood
	Michele D. Edwards
	R. Terry Holmes
	Mark A. Robertson
	Alice L. Woods
ABSENT:	**Mayor Stephen W. Claffey**
ALSO PRESENT:	**Leslie Beauregard, City Manager**
	Amanda Kaufman, Assistant City Manager
	John Blair, City Attorney
	Kiley Kesecker, Clerk of Council

Vice Mayor Darby called the meeting to order: Vice Mayor Darby called this meeting of Staunton City Council to order.

The Pledge of Allegiance was recited in unison.

The invocation/moment of silence was given by Vice Mayor Darby.

PROCLAMATIONS

Vice Mayor Darby read the following proclamation in recognition of Public Works Week 2023:

City of Staunton, Virginia
Proclamation
Public Works Week
May 21 – 27, 2023

WHEREAS, public works professionals focus on infrastructure, facilities and services that are of vital importance to sustainable and resilient communities and to the public health and well-being of the people of Staunton; and

WHEREAS, infrastructure and services could not be provided without the dedicated efforts of public works professionals at all levels of government and the private sector, who are responsible for rebuilding, improving and protecting our nation's transportation, water supply and solid waste systems, as well as public buildings and other facilities essential for our citizens; and

WHEREAS, it is in the public interest for the citizens and civic leaders of Staunton to gain and maintain an ongoing interest and understanding of the importance of public works and public works programs in their respective communities; and

WHEREAS, the year 2023 marks the 63rd annual National Public Works Week sponsored by the American Public Works Association.

NOW, THEREFORE, BE IT PROCLAIMED by Staunton City Council that May 21 – 27, 2023 is hereby designated as: **Public Works Week** in the City of Staunton, and Council urges all citizens to join with representatives of the American Public Works Association and government agencies to pay tribute to our public works professionals, engineers, managers and employees, and to recognize the substantial contributions they make to protecting our national health, safety and quality of life.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City to be affixed, adopted this 11th day of May, 2023.

Signed: AMY W. DARBY, VICE MAYOR

Attest: KILEY A. KESECKER
Clerk of Council

Director of Public Works Jeff Johnston was present to receive the proclamation.

MAYOR'S REPORT

There was no Mayor's Report.

ADDITIONAL ITEMS BY MEMBERS OF COUNCIL

Ms. Edwards stated that she had taken a tour of the Temple House of Israel, and attended a YMCA fundraiser as well as a School Board meeting.

Mr. Robertson stated that the Nominations Committee met on May 10, 2023 and would like to make the following motion:

To appoint Anna Bindrim to the Redevelopment & Housing Authority to fill the unexpired term of Allison Profeta ending February 28, 2025.

To appoint Sandi Cararo as retail representative to fill the unexpired term of Anna Schoenduby ending October 31, 2024.

To appoint Michelle Davis to the Tourism Advisory Board to fill the unexpired term of Sandi Cararo ending March 31, 2025.

To appoint Chester Johnston to the Youth Commission for a 3-year term beginning June 1, 2023 and ending May 31, 2026.

To appoint William Willett to the Community Action Partnership of Staunton, Augusta and Waynesboro to fill the unexpired term of Judy Burtner ending August 31, 2024.

To reappoint Ross Williams to the Tourism Advisory Board for a 3-year term beginning June 1, 2023 and ending May 31, 2026.

To reappoint Robert Higgs to the Tourism Advisory Board for a 3-year term beginning June 1, 2023 and ending May 31, 2026.

To reappoint Bradley Lyle to the Youth Commission for a 3-year term beginning July 1, 2023 and ending June 30, 2026.

To reappoint Susan Richardson to the Blue Ridge Criminal Justice Board for a 2-year term beginning June 1, 2023 and ending May 31, 2025.

To reappoint Amy Darby to the Central Shenandoah Planning District for a 3-year term beginning July 1, 2023 and ending June 30, 2026.

To reappoint Amanda DiMeo to the Shenandoah Valley Partnership for a 2-year term beginning July 1, 2023 and ending June 30, 2025.

To appoint Steve Claffey as the elected official member of the Virginia First Cities Board of Directors for 2023.

To appoint Brad Arrowood to the VML Community & Economic Development Policy Committee for 2023.

To appoint Mark Robertson to the VML Finance Policy Committee for 2023.

To appoint Alice Woods to the VML General Laws Policy Committee for 2023.

To appoint Michele Edwards to the VML Human Development & Education Policy Committee for 2023.

To appoint Amy Darby to the VML Infrastructure Policy Committee for 2023.

Needing no second, the motion carried as follows:

Ms. Woods	aye	Mr. Robertson	aye
Mr. Arrowood	aye	Vice Mayor Darby	aye
Ms. Edwards	aye	Mayor Claffey	absent
Mr. Holmes	aye		

Mr. Arrowood stated that that he had attended a presentation on Uniontown at the Booker T. Washington Center and a junior high school band performance.

Ms. Woods elaborated on Mr. Arrowood’s comments by stating that the Uniontown presentation was part of the “What We Lost” exhibit by Building Bridges for the Greater Good.

Vice Mayor Darby congratulated the Staunton High School class of 2023 who will graduate on May 20.

APPROVAL OF MINUTES

Mr. Robertson moved to approve the budget work session minutes of April 20, 2023 as presented.

The motion was seconded by Mr. Holmes and carried as follows:

Ms. Woods	aye	Mr. Robertson	aye
Mr. Arrowood	aye	Vice Mayor Darby	aye
Ms. Edwards	aye	Mayor Claffey	absent
Mr. Holmes	aye		

Mr. Holmes moved to approve the work session and regular meeting minutes of April 27, 2023 as presented.

The motion was seconded by Ms. Woods and carried as follows:

Ms. Woods	aye	Mr. Robertson	aye
Mr. Arrowood	aye	Vice Mayor Darby	aye
Ms. Edwards	aye	Mayor Claffey	absent
Mr. Holmes	aye		

REGULAR MEETING

A. Public Hearing and Consideration of an Ordinance Authorizing a Lease Agreement between City of Staunton and Happy Birthday America, Inc.

City Attorney John Blair stated that the city intends to enter into a lease agreement with Happy Birthday America, Inc. for the lease of Gypsy Hill Park and related facilities for the purposes of Fourth of July-related activities. The proposed lease agreement has been reviewed by the City Attorney with staff. A public hearing is required, as properly noticed in The News Leader.

Vice Mayor Darby asked if Councilmembers had any questions or comments.

Councilmembers had no questions or comments.

Vice Mayor Darby stated the following:

“In a moment, I will open the Public Hearing. It is a time that Council sets aside to hear from citizens and others about a specific topic.

We ask that you please give your name, your address, and then keep your remarks at five minutes or less. When you reach the five-minute time limit, I will let you know that your time limit has expired.

For our Zoom participants, please raise your hand now if you wish to speak on this particular Public Hearing. If you raise your hand during this Public Hearing, you will also be able to raise your hand during this Council meeting for other Public Hearings and Matters of the Public. Please keep your comments to five minutes as well. Once everyone who wishes to speak has had an opportunity, I will then close the Public Hearing.

I will now open the Public Hearing, so if you wish to speak, please approach the podium. We will alternate between individuals physically present and those that have their hands raised via the Zoom platform."

The public hearing was opened.

Langdon Reid and Andrew Dietz from Happy Birthday America thanked Council and presented a brief outline of the Happy Birthday America event.

With there being no one else wishing to speak, the public hearing was closed.

Mr. Holmes moved that City Council adopt the ordinance authorizing the approval of the lease agreement between the City of Staunton and Happy Birthday America, Inc., and further authorizing the City Manager to execute the lease agreement with such modifications and in final form as approved by the City Attorney.

The motion was seconded by Mr. Arrowood and carried as follows:

Mr. Holmes	aye	Mr. Arrowood	aye
Mr. Robertson	aye	Vice Mayor Darby	aye
Ms. Edwards	aye	Mayor Claffey	absent
Ms. Woods	aye		

Ordinance No. 2023 -15

AN ORDINANCE
AUTHORIZING THE APPROVAL
OF A LEASE AGREEMENT
BETWEEN THE CITY OF STAUNTON AND
HAPPY BIRTHDAY AMERICA, INC. FOR
HAPPY BIRTHDAY AMERICA'S BIRTHDAY CELEBRATION
2023 FOURTH OF JULY HOLIDAY ACTIVITIES

<u>**Recitals**</u>

A. The City of Staunton (City) owns and operates what is commonly known as Gypsy Hill Park;

B. Happy Birthday America, Inc. (HBA) is a privately organized and operated organization that has requested a lease agreement for charitable and educational purposes to sponsor and conduct Fourth of July-related activities for the year 2023;

C. HBA's Fourth of July activities provide the City and its residents with valuable civic, educational, and recreational opportunities;

D. The Council of the City of Staunton has conducted a public hearing regarding the proposed lease agreement;

E. This matter has been properly advertised, heard, and considered; and

F. These recitals are an integral part of this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF STAUNTON, VIRGINIA that it authorizes the lease agreement between the City of Staunton and Happy Birthday America, Inc. to sponsor and conduct Fourth of July-related activities for the year 2023; and it is

FURTHER ORDAINED that the Staunton Interim City Manager is authorized to execute the lease agreement with such modifications and in final form as approved by the City Attorney.

Introduced: May 11, 2023
Adopted: May 11, 2023
Effective Date: May 11, 2023

Signed: AMY G. DARBY, VICE MAYOR

Attest: KILEY A. KESECKER
Clerk of Council

B. Public Hearing and Consideration of an Ordinance Authorizing the Lease Agreement between City of Staunton and Staunton Baseball, Inc. for the Limited Use of Baseball Field and Operation of Concession Rights

Mr. Blair stated that the city intends to enter into a lease agreement with Staunton Baseball, Inc. for the lease of John Moxie Memorial Baseball Stadium and related facilities for the purposes of the 2023 Valley League baseball season and the operation of the concession stand at the stadium. Staunton Baseball, Inc. staff have requested access to office facilities beginning May 12, 2023. No field activity will take place until after May 20, 2023. The proposed lease agreement has been reviewed by the City Attorney with staff, and a public hearing is required, as properly noticed in The News Leader.

Vice Mayor Darby asked if Councilmembers had any questions.

Councilmembers had no questions.

Vice Mayor Darby stated the following:

"I will now open the Public Hearing, so if you wish to speak, please approach the podium. We will alternate between individuals physically present and those that have their hands raised via the Zoom platform."

The public hearing was opened.

With there being no one wishing to speak, the public hearing was closed.

Ms. Woods moved that City Council adopt the ordinance authorizing approval of the lease agreement between the City of Staunton and Staunton Baseball, Inc. for the limited use of the baseball field and operation of concession rights beginning May 20, 2023, and further authorizing the City Manager be authorized to execute the lease agreement with such modifications and in final form as approved by the City Attorney.

The motion was seconded by Mr. Holmes and carried as follows:

Ms. Woods	aye	Ms. Edwards	aye
Mr. Robertson	aye	Vice Mayor Darby	aye
Mr. Holmes	aye	Mayor Claffey	absent
Mr. Arrowood	aye		

Ordinance No. 2023 -16

AN ORDINANCE
AUTHORIZING THE APPROVAL OF A LEASE AGREEMENT BETWEEN THE CITY OF STAUNTON AND STAUNTON BASEBALL, INC. FOR THE LIMITED USE OF BASEBALL FIELD AND OPERATION OF CONCESSION RIGHTS

Recitals

A. The City of Staunton owns and operates John Moxie Memorial Baseball Stadium in Gypsy Hill Park;

B. Staunton Baseball, Inc. is a privately organized and operated organization that has requested a lease agreement for the use of John Moxie Memorial Baseball Stadium for the purposes, during summer months, of playing baseball during the Valley League Baseball Season, including the operation of a concession stand;

C. The Valley Baseball League program provides the City and its residents with valued recreational and entertainment opportunities during the summer;

D. The Council of the City of Staunton has conducted a public hearing regarding the proposed lease agreement;

E. This matter has been properly advertised, heard, and considered; and

F. These recitals are an integral part of this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF STAUNTON, VIRGINIA that it authorizes the lease agreement between the City of Staunton and Staunton Baseball, Inc. for the limited use of the baseball field and operation of concession rights retroactively to and including May 20, 2023; and it is

FURTHER ORDAINED that the Staunton City Manager is authorized to execute the lease agreement with such modifications and in final form as approved by the City Attorney.

Introduced: May 11, 2023
Adopted: May 11, 2023
Effective Date: May 11, 2023

Signed: AMY G. DARBY, VICE MAYOR

Attest: KILEY A. KESECKER
Clerk of Council

C. Public Hearing and Consideration of a Request by Scott Goldenberg to Amend Chapter 18.120 of the Staunton City Code to Allow Attached Private Garages to be Constructed in a Front Yard, with a Reduced Setback, for Properties with Existing Nonconforming Dwellings

Senior Planner Rodney Rhodes stated that staff has received a request from Scott Goldenberg to amend Chapter 18.120, Yard, Building Setback, and Open Space Exceptions. Currently, the Staunton Zoning Code requires that any garage, attached or detached, must be setback at least 25 feet from a front property line. The proposed amendment provides an exception to allow a limited number of attached private garages to be constructed with a reduced front setback. Planning Commission gave authorization to proceed with the zoning text amendment at its November 2022 meeting. The exception is limited to properties that have already been developed with single-family dwellings which are nonconforming to the minimum required front setback. Any property currently developed with a single-family dwelling which meets the minimum front setback would not be eligible. Any new single-family dwelling would be required to meet all setback requirements and therefore would not be eligible for this exception.

Mr. Rhodes stated that staff worked with Mr. Goldenberg and Daniel Hansen, of Balzer & Associates, to craft the draft language, which has been reviewed by the city attorney. The amendment would allow for a minimum setback of 18 feet, measured from the rear edge of the public sidewalk. Chapter 18.125 of the zoning code requires a parking space to be a minimum of 9 feet wide and 18 feet long, so an 18-foot setback coincides with the requirements for an adequate parking space and should allow a car to park in front of a garage without blocking the sidewalk. In cases where a sidewalk does not exist, the minimum setback requirement would be 23 feet to the edge of the city-maintained public street. This would give enough room for an 18-foot-long parking space and still allow room for a standard 5-foot-wide sidewalk to be installed later.

Mr. Rhodes closed by stating the amendment would allow flexibility for owners of properties in older residential neighborhoods while still providing for the safety of pedestrians and sightlines for motorists.

Vice Mayor Darby asked if Councilmembers had any questions or comments.

Councilmembers had no questions or comments.

Vice Mayor Darby stated the following:

"I will now open the Public Hearing, so if you wish to speak, please approach the podium. We will alternate between individuals physically present and those that have their hands raised via the Zoom platform."

The public hearing was opened.

Daniel Hansen from Balzer & Associates was present to answer questions from Councilmembers. There were none.

Brenda Mead, 342 Sherwood Avenue, asked if the amendment will conflict with the historic district overlays. Mr. Rhodes stated that it will not.

With there being no one else wishing to speak, the public hearing was closed.

Mr. Holmes moved that City Council adopt the ordinance and approve the amendment as recommended by the Planning Commission.

The motion was seconded by Mr. Robertson and carried as follows:

Mr. Arrowood	aye	Mr. Robertson	aye
Ms. Woods	aye	Vice Mayor Darby	aye
Ms. Edwards	aye	Mayor Claffey	absent
Mr. Holmes	aye		

Ordinance No. 2023-17

**AN ORDINANCE AMENDING
SECTION 18.120.010, SETBACK EXCEPTIONS,
OF CHAPTER 18.120, YARD, BUILDING SETBACK, AND OPEN SPACE EXCEPTIONS,
OF TITLE 18, ZONING, OF THE STAUNTON CITY CODE
TO ALLOW A REDUCED FRONT SETBACK FOR ATTACHED GARAGES IN CERTAIN SITUATIONS**

Recitals

A. Scott Goldenberg has requested a zoning text amendment to allow an attached garage to have a reduced minimum front setback in situations where there is an existing single-family dwelling that is nonconforming to the minimum front setback required for the district in which it is located;

B. City Staff has determined that a text amendment should be made and that Chapters 18.120, Yard, Building Setback, and Open Space Exceptions, of the Zoning Title of the Staunton City Code should be amended to allow a reduced setback for the convenience of having a private garage for parking;

C. The criteria established in SCC 18.215.060 was used to evaluate the request and the zoning text amendment was found to be consistent with the provisions;

D. The Planning Commission of the City of Staunton, after study and review, has properly heard the matter and recommended approval of the text amendment;

E. This matter has been properly advertised, heard, and considered; and

F. These recitals are an integral part of this ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Staunton, Virginia, that Chapters 18.120, Yard, Building Setback, and Open Space Exceptions, of Title 18, Zoning, of the Staunton City Code, is **HEREBY AMENDED, RESTATED, AND REORDAINED** as follows:

Chapter 18.120

YARD, BUILDING SETBACK, AND OPEN SPACE EXCEPTIONS

Sections:
18.120.010 Setback exceptions.

18.120.010 Setback exceptions.
The following requirements provide exceptions or qualify and supplement, as the case may be, the specific district regulations set forth except in Division II of this title:

(1) ….
(2) ….
(3) ….

(4) The following provisions also apply to certain conditions with respect to the use of lots and access points:

(a) ….
(b) ….
(c) …
….
….
….

(h) An attached or detached private garage which faces on a street shall not be located closer than 25 feet to the street right-of-way line.

(i) The following shall provide an exception to the minimum front setback requirement for attached private garages:

Notwithstanding any other provision set forth in Title 18, any attached private garage on any lot which includes a single-family dwelling that is nonconforming to the minimum required front setback for the zoning district, which faces on a street shall not be located closer than 18 feet to the rear edge of the public sidewalk on the street right-of-way line that the garage door opening faces, regardless of the orientation of the main dwelling. In cases where a public sidewalk does not exist, an attached private garage shall not be located closer than 23 feet to the nearest edge of the city maintained public street pavement that the garage door opening faces, regardless of the orientation of the main dwelling. 70

….

….

….

In all other respects, the provisions of Title 18, Zoning, of the Staunton City Code remain the same and are hereby restated, confirmed and reordained.

Introduced: May 11, 2023
Adopted: May 11, 2023
Effective Date: May 11, 2023

Signed: AMY G. DARBY, VICE MAYOR

Attest: KILEY A. KESECKER
Clerk of Council

D. Consideration of a Final Plat for Olde South Village, Section Four

Mr. Rhodes stated that Olde South Village is a planned residential development located off Commerce Road and Green Hills Drive. As originally proposed, the subdivision contained a residential area, zoned R-4, High Density Residential, with 98.6 acres and 317 lots, and a commercial area containing 9.01 acres and three lots. The Special Use Permit for a PRD and the Preliminary Plat for the entire subdivision were approved in January 2006. In the fall of 2007, approval was given for the first section of the development, which included the development of the first 30 units. An amended Preliminary Plat and Master Plan were approved in 2013, reducing the total number of lots to 286. Overall density was decreased from 3.9 units per acre to 2.8 units per acre. Open space was increased from 20% to 26% of the total acreage.

A final plat for section two was approved in 2014, and section three in 2019. To this point, between the three previously approved sections, 83 lots have been approved for development. Staff has conducted a review of the proposal and has determined that the final plat is in general conformance with the approved masterplan and preliminary plat. The proposed plat for section four creates 33 new lots and includes the extension of Stonewall Jackson Boulevard, construction of a new street to be named Antietam Court, as well as extension of public water and sewer. An Infrastructure Construction plan has been approved for these improvements; however, construction of the infrastructure has not yet been completed. In accordance with the provisions of SCC 17.20.100, surety has been submitted to the City, in the form of a letter of credit, in an amount sufficient to cover the cost of the infrastructure improvements ($580,000). The city engineer will hold this surety until after construction of the infrastructure is completed and accepted.

Vice Mayor Darby asked if Councilmembers had any questions or comments.

Councilmembers clarified several points from the presentation and the final plat.

Councilmembers had no further questions or comments.

Mr. Robertson moved that Council approve the final plat as recommended by the Planning Commission.

The motion was seconded by Ms. Edwards and carried as follows:

Ms. Edwards	aye	Ms. Woods	aye
Mr. Robertson	aye	Vice Mayor Darby	aye
Mr. Holmes	aye	Mayor Claffey	absent
Mr. Arrowood	aye		

E. Consideration of an Ordinance Amending Staunton City Code (SCC) Section 13.10.030, General & Technical Criteria for Stormwater Management, to Comply with Policy Guidance Issued by the Virginia Department of Environmental Quality for Certain Solar Projects

Environmental Programs Administrator Pete Kesecker stated that on March 29, 2022, the Virginia Department of Environmental Quality issued a memorandum implementing a more stringent post-development stormwater management policy for solar projects that are subject to Virginia Stormwater Management Program requirements related to permitting for construction activity-related stormwater discharges. The policy applies to any solar project for which a stormwater management plan has not been approved prior to March 29, 2022, regardless of the project's stage of design.

The Environmental Protection Agency's (EPA) Chesapeake Bay Program considers solar panels to be impervious areas for the purposes of performing water quality modeling and calculations. As such, local stormwater management programs, including the program of the City of Staunton, must comply with the numerous mandates of the Virginia Stormwater Management Program statutory provisions of the Virginia Code.

The proposed amendments would bring the city into compliance with the numerous mandates of the Virginia Stormwater Management Program statutory provisions of Virginia Code §§ 62.1-44.15:24 et seq. and numerous regulatory provisions of 9 VAC § 25-870-10 through 9 VAC § 25-870-830.

Vice Mayor Darby asked if Councilmembers had any questions or comments.

Mr. Robertson asked how the current standards will be affected by the new standards. Mr. Kesecker stated that the water coming off an impervious area would be treated so that post-runoff does not exceed pre-runoff levels.

Councilmembers had no further questions or comments.

Mr. Arrowood moved that City Council adopt the ordinance and approve the proposed amendments to Staunton City Code Chapter 13.10.030 of Title 13, Environment, as presented.

The motion was seconded by Ms. Edwards and carried as follows:

Ms. Edwards	aye	Ms. Woods	aye
Mr. Robertson	aye	Vice Mayor Darby	aye
Mr. Holmes	aye	Mayor Claffey	absent
Mr. Arrowood	aye		

Ordinance No. 2023- 18

AN ORDINANCE AMENDING, RESTATING, AND REORDAINING SECTION 13.10.030, GENERAL AND TECHNICAL CRITERIA FOR STORMWATER MANAGEMENT, OF CHAPTER 13.10, COMPREHENSIVE DRAINAGE PLAN, OF TITLE 13, ENVIRONMENT, OF THE STAUNTON CITY CODE TO COMPLY WITH POLICY GUIDANCE ISSUED BY THE VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY FOR CERTAIN SOLAR PROJECTS

<u>RECITALS</u>

A. Local stormwater management programs, including the program of the City of Staunton, must comply with the numerous mandates of the Virginia Stormwater Management Program statutory provisions of Virginia Code §§ 62.1-44.15:24 et seq. and numerous regulatory provisions of 9 VAC § 25-870-10 through 9 VAC § 25-870-830;

B. On March 29, 2022, the Virginia Department of Environmental Quality (DEQ) issued a memorandum implementing more stringent post-development stormwater management policy for solar projects that are subject to Virginia Stormwater Management Program (VSMP) requirements related to Virginia Pollutant Discharge Elimination System permitting for construction activity-related stormwater discharges. The policy applies to any solar project for which a stormwater management plan has not been approved prior to March 29, 2022, regardless of the project's stage of design;

C. Prior to the implementation of this policy, DEQ did not require solar projects that were subject to VSMP requirements to account for the imperviousness of solar panels when applying post-development stormwater management technical criteria—DEQ's practice was to consider only the solar panel support posts and beams as impervious areas. DEQ states that this approach underestimates the post-development runoff volume or runoff rate from solar panel arrays, which has the potential to negatively impact downstream waterways and properties;

D. It would serve the best interest of the City and its citizens to implement a stronger post-development stormwater management policy for solar projects that are subject to VSMP requirements;

E. This matter has been properly heard and considered; and

F. These recitals are deemed an integral part of this ordinance.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Staunton, Virginia, that Section 13.10.030 of Title 13, Environment, be and are hereby amended as follows:

13.10.030 General and technical criteria for stormwater management.

The following general and technical criteria shall apply to land development and land-disturbance activities which require a VSMP permit and/or a VESCP permit. In the event of conflict between any of these criteria, the most stringent shall govern.

…

(13) The Environmental Protection Agency's (EPA) Chesapeake Bay Program considers solar panels to be impervious areas for the purposes of performing water quality modeling/calculations for the Chesapeake Bay Total Maximum Daily Load. The City of Staunton is a MS4 locality within the Chesapeake Bay Watershed. As such Chesapeake Bay Total Maximum Daily Load is to be accounted for with all stormwater management plans for solar projects.

(a) **Water Quantity.** Solar panels are to be considered unconnected impervious areas when performing post-development water quantity calculations using the hydrologic methods specified in the Virginia Stormwater Management Program Regulation, 9VAC25-870-72. Current information regarding the application of unconnected impervious areas can be found in Chapter 9 (Hydrologic Soil-Cover Complexes), Part 630 (Hydrology) of the Natural Resource Conservation Service's National Engineering Handbook.

(b) **Water Quality.** Solar panels are to be considered impervious areas when performing post-development water quality calculations using the Virginia Runoff Reduction Method (VRRM). To account for the disconnection of the solar panels from the overall drainage system, the area of the solar panels may be entered into the applicable "Simple Disconnection" stormwater best management practices section of the VRRM compliance spreadsheet (i.e., 2a – Simple Disconnection to A/B Soils or 2b – Simple Disconnection to C/D Soils).

(c) Alternative Methods. This policy does not prohibit any alternative method. If alternative proposals are made, such proposals will be reviewed and accepted or denied based on their technical adequacy and compliance with the appropriate laws and regulations.

References for Alternative Methods may include:
Ohio Environmental Protection Agency – Guidance on Post- Construction Stormwater Management for Solar Panel Fields – Fact Sheet (epa.ohio.com)

Minnesota Pollution Control Agency - Minnesota Stormwater Manual – Stormwater management for solar projects: https://stormwater.pca.state.mn.us/index.php/Stormwater_management_for_solar_projects_and_determining_compliance_with_the_NPDES_construction_stormwater_permit

(14) Regional Stormwater Management Plans. Applicants shall contact the administrator prior to submitting an application for stormwater management plan approval to determine if a regional stormwater management plan was developed for the applicable watershed in accordance with 9 VAC 25-870-92 of the VSMP Permit Regulations. If such a plan is in existence, the applicant must meet all stormwater management requirements on site in accordance with the provisions of the regional plan and other management provisions as specified by the administrator.

In all other respects, the provisions of 13.10.030 of Title 13, Environment, of the Staunton City Code remain the same and are hereby restated, confirmed and reordained.

Introduced: May 11, 2023
Adopted: May 11, 2023
Effective Date: May 11, 2023

Signed: AMY G. DARBY, VICE MAYOR

Attest: KILEY A. KESECKER
Clerk of Council

F. Consideration of a Resolution Approving City Council Summer Meeting Schedule for 2023

Ms. Beauregard stated that based on a discussion about City Council's summer meeting schedule during the work session on April 27, she polled the members of Council who unanimously requested to cancel the first meeting in July, which is July 13, and the first meeting in August, which is August 10. She closed by stating the resolution before Council would cancel those two summer meetings.

Vice Mayor Darby asked if Councilmembers had any questions or comments.

Councilmembers had no questions or comments.

Mr. Robertson moved that City Council adopt the proposed resolution cancelling the following City Council meetings: July 13, 2023 and August 10, 2023.

The motion was seconded by Ms. Woods and carried as follows:

Ms. Edwards	aye	Ms. Woods	aye
Mr. Robertson	aye	Vice Mayor Darby	aye
Mr. Holmes	aye	Mayor Claffey	absent
Mr. Arrowood	aye		

RESOLUTION
OF THE
COUNCIL OF THE CITY OF STAUNTON
ESTABLISHING DATES FOR
REGULAR MEETINGS OF THE
COUNCIL OF THE CITY OF STAUNTON
FOR THE PERIOD OF
MAY, 2023 THROUGH
DECEMBER, 2023

RECITALS

A. Section 3 of Chapter II of the Charter of the City of Staunton vests the government and administration of the city in one body, called the Council of the City of Staunton, and in one administrative officer, styled the city manager, and in such other departments, boards and other officers as provided or as permitted or required by law to be appointed by the council;

B. Every two years, the Council organizes after the biennial election of members, as contemplated under the provisions of Section 4.1 of the Charter; and, as part of the organization, Council elects a Mayor and Vice Mayor, also referred to as the President and Vice-President, respectively, under the provisions of Staunton City Code Section 2.10.010;

C. At its organizational meeting on January 3, 2023, the Council members elected a Mayor and Vice-Mayor, and as part of its organizational meeting, the Council undertook other similar matters, including establishment of its meeting schedule for the next two years;

D. Section 6 of Chapter II of the Charter of the City of Staunton provides that regular meetings of the Council must occur at least once per month and that Council meet at such times as prescribed by ordinance or resolution;

E. Section 2.10.070 of the Staunton City Code provides that Council will hold regular meetings on the second and fourth Thursdays of each month at such hour as it may designate and at any other time to which it may be regularly adjourned or postponed;

F. On March 23, 2023, the Council adopted a Resolution amending the meeting start times for its meetings from May 2023 until December 2024 from 7:30 p.m. to 7:00 p.m.

G. For the months of July and August 2023, City Council has determined that it will not meet on the second Thursday, and for the months of November and December 2023, City Council has determined that it will not meet on the fourth Thursday due to the Thanksgiving and Christmas holidays, respectively, which Council recognizes as holidays observed by the City;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Staunton, Virginia, that:

1. Regular meetings of the Council shall be held on the second and fourth Thursdays of each month for the period of May, 2023 through December, 2023, at City Hall, 116 West Beverley Street, Staunton, Virginia, at 7:00 p.m. or at such earlier or other time or place as may be

designated by the published agenda for any meeting or session of Council, except Council shall only meet on the fourth Thursday of July and August, 2023, and only meet on the second Thursday of November and December, 2023.

2. In the event the Mayor, or the Vice-Mayor, if the Mayor is unable to act, finds and declares that weather or other conditions are such that it is hazardous for members of the Council to attend a regular meeting, such regular meeting shall be continued to the next Monday. Such finding and declaration shall be communicated to the members of the Council and the media as promptly as possible. And to the fullest extent permitted by law, all hearings and other matters previously advertised shall be conducted at the continued meeting and no further advertisement is required.

Adopted this 11th day of May, 2023

Signed: AMY G. DARBY, VICE MAYOR

Attest: KILEY A. KESECKER
Clerk of Council

G. Strategic Plan Adoption

Ms. Beauregard stated that staff has asked City Council to reaffirm and approve the Vision, Values and Strategic Goals, and to approve the new Objectives that resulted from the City Council retreat discussions. She gave a presentation to help guide the discussion and summarize next steps.

A discussion took place on specific wording and other items from the retreat.

Mr. Robertson moved that City Council adopt the vision, values, strategic goals and objectives that resulted from the City Council retreat.

The motion was seconded by Mr. Arrowood and carried as follows:

Ms. Edwards	aye	Ms. Woods	aye
Mr. Robertson	aye	Vice Mayor Darby	aye
Mr. Holmes	aye	Mayor Claffey	absent
Mr. Arrowood	aye		

MATTERS FROM THE CITY MANAGER

Ms. Beauregard stated that the recycling center would be closed on May 20 for the Fishing Derby. She also stated that the City of Staunton, City of Waynesboro, and Augusta County collaborated to submit a grant application to the Opioid Abatement Authority, and that a HUD public hearing would be taking place on May 16. She closed by stating that the city is seeking input from the community about the future of Uniontown via a survey. Mr. Johnston then gave a brief presentation on the paving and prioritization process.

MATTERS FROM THE PUBLIC

Vice Mayor Darby read the following statement:

"This part of City Council's agenda is entitled matters from the public. It is a time that Council sets aside to hear from citizens and others about a wide variety of subjects. A copy of the Staunton City Council's 'Matters from the Public' rules are available in paper form at the Clerk's desk and online at the City of Staunton webpage. You are asked to familiarize yourself with those rules before commenting. Please come to the podium or begin your call, identify yourself and complete your remarks within five minutes."

Karin Magno, no address given, expressed concerns with the planned development at Olde South Village.

Kelli Hale, 105 Chamberlain Drive, expressed concerns with the planned development at Olde South Village.

Nancy Sorrells, 3419 Cold Springs Road, Greenville, voiced her support of the planned solar project and solar facilities in general.

Bertie Pannell, 310 Sunnyside Street, described water drainage and other infrastructure issues, as well as indignation with the city's street paving schedule.

There was no one else wishing to speak.

ADJOURNMENT

There being no further business to come before Council, the meeting adjourned at 8:43 p.m.

____

Kiley A. Kesecker
Clerk of Council

CITY COUNCIL AGENDA BRIEFING

Staunton, Virginia

Meeting Date:	**May 25, 2023**	**Staff Members:** **Rodney Rhodes** **Tim Hartless**
Item #	**A**	
Department:	**Community Development— Planning and Zoning**	
Alignment with Staunton Plan (Value/Strategic Area):	**Strategic Areas: Infrastructure**	
Subject:	**Public Hearing and Consideration of an Ordinance to Vacate and Abandon a Portion of Undeveloped Hale Street**	

Background: Edward and Linda Koska have requested a vacation of an undeveloped portion of Hale Street. This portion of Hale Street is located between 850 and 900 Maple Street and extends south from Maple Street to its terminus at Lewis Creek. The Koska's own 900 Maple Street, which is immediately adjacent to this portion of undeveloped street. This area is known as the Tannehill Wheat Subdivision and was originally platted in Augusta County in the latte 19th century. The area was annexed into the City in 1905.

Analysis: Staff reviewed the request in 2022 and identified one issue. A city sewer line runs along Lewis Creek, adjacent to the rear property lines of the houses facing Maple Street. The undeveloped Hale Street provides access for the City for maintenance and repair of the line. If the street is vacated, staff recommended that the City retain a 20-foot wide public utility and access easement, from Maple Street, for the length of the current undeveloped street. Staff worked with Angie Whitesell, attorney for the applicant, to work out the details of the easement. Those details have been finalized and the request is now ready for Council's consideration.

During staff's review, no other issues were identified. This section of Hale Street does not serve as primary access for any properties. The three properties that have frontage on the street, all have frontage and primary access from other streets (either Maple Street or Middlebrook Avenue).

Planning Commission Recommendation:
At its September 15, 2022 meeting, the Planning Commission conducted a public hearing. During the public hearing no one spoke in opposition to the request. On a 5-0 vote, the Commission unanimously voted to recommend approval of the vacation with the condition that staff work out the details of the easement prior to the item being placed on a City Council agenda. As previously noted, these details have been worked out between the applicant and the city.

Attachments:
Attachment 1—Application and Supporting Documents
Attachment 2—Map Exhibit Showing Street Vacation and the Public Sewer Line
Attachment 3—Plat Exhibit Showing Easement Location
Attachment 4—Draft Easement
Attachment 5—Draft Ordinance

Suggested Motion (to be made after the public hearing is conducted): I move that Council adopt the ordinance and approve the vacation as recommended by the Planning Commission.

City Manager: Leslie Beauregard

Attachment 1

STAUNTON
VIRGINIA

DEPARTMENT OF PLANNING & INSPECTIONS
116 W. BEVERLEY STREET | P.O. BOX 58 |
STAUNTON, VA 24402 540.332.3862
(OFFICE) 540.332.3807 (FAX)

ALLEY & STREET VACATION APPLICATION

DATE OF APPLICATION: 4-2-22

APPLICANTS NAME: Edward and Linda Koska

ADDRESS: 89 Doe Hill Dr. Churchville, VA 24421

TELEPHONE NUMBER: 540 849-7058 ALTERNATE: 540 849-8921

EMAIL ADDRESS: LindaKoska@hotmail.com

LOCATION OF PROPERTY: 900 Maple St. Staunton, VA 24401

PLAT PROVIDED ✓ YES ____ NO (REQUIRED)

LEGAL DESCRIPTION OF PORTION OF ALLEY OR STREET IN THIS REQUEST:
"HALE STREET" APPROXIMATELY 40' by 180', DB 35, PAGE 463, COUNTY DB91, PAGE 103

IS THE PORTION OF THE ALLEY OR STREET IN THIS REQUEST IMPROVED? ____ YES X NO

IF YES, IS IT BEING USED BY PERSONS OTHER THAN YOURSELF? ____ YES ____ NO

IF YES, EXPLAIN: ____

TO YOUR KNOWLEDGE, ARE THERE ANY UTILITIES IN THE PORTION OF THE ALLEY OR STREET AFFECTED BY THIS REQUEST? X YES ____ NO IF YES, EXPLAIN?
Not to our knowledge, but see plat.

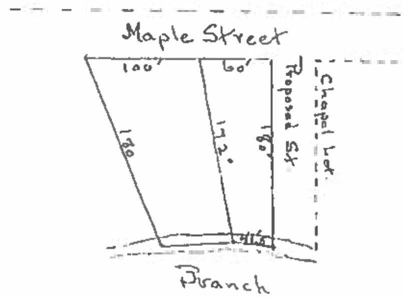
PURPOSE OF THE REQUEST? To acquire the land (or 1/2 of it) next to the property at 900 Maple St.

ORDINANCE PROVIDED? ✓ YES ____ NO
An electronic copy, in word document format, must be emailed to Planning Office. Application is considered incomplete until this is provided.

FEE PAID? ✓ YES ____ NO *check or cash only*

SIGNATURE OF APPLICANT Linda Koska
Edward Koska

****



The above plat represents the lands J.W.Wheeler purchased of Thos.L.Perkins in West End,Staunton,Virginia,Aug.9,1924,see D.B.32 P. 469 city office.

That part shown by red crayon is the part staked off this day to be deeded to H.G.A.Siple,said lot fronts 60 feet on Maple Street,beginning at a stake 40 ft. from the Chapel lot then parallel with a fence of same and 40 ft. from fence 180 ft. to middle of creek thence up creek 41.5 ft. thence 172 ft. to stake at edge of Maple Street with same 60 ft.to the beginning.

July 28,1927. J.M.Irvine Dep.S.A.C.

In the Clerk's Office of the Corporation Court of the City of Staunton,July 29th. 1927.

This deed from J.W.Wheeler and wife to H.G.A.Siple,was this day presented in the office aforesaid and with the certificate and plat annexed is admitted to record.

Teste:
Jacob Hevener Clerk.

7441

THIS DEED,made and entered into this 30th day of July,1927,by and between James H.Harden and Rebecca Harden,his wife,parties of the first part,and James M.Morris, Trustee,party of the second part,

Examined Aug 1/27 J. Hevener Clk. Original delivered to Jas M. Morris Tr. Sept 14,1928. Teste: Jacob Hevener clk.

W I T N E S S E T H

That for and in considereration of the sum of One ($1.00) Dollar cash in hand paid by said party of the second part to the said parties of the first part,the receipt of which is hereby acknowledged,and the further consideration hereinafter named,the said parties of the first part do hereby grant,bargain,sell and convey, WITH GENERAL WARRANTY OF TITLE unto the said party of the second part all that certain tract or parcel of land,together with all improvements thereon and appurtenances thereunto belonging,situated in the western portion of the City of Staunton in what is known as Plunketsville,and known by house-numbering as #1624 Plunkett Street/ said lot fronting 32½ feet on the south side of said Plunkett Street and running back in a southerly direction between lines nearly parallel a distance of about 157 feet,the rear of southern line being 30½ feet,and being the same tract or parcel of land conveyed to the said James H.Harden by deed of Florence H.Whitesell and husband,December 3,1919,duly of record in the Clerk's Office of / the Corporation Court for the City of Staunton in D.B.27,page 306,reference to which said deed is hereby made for a more particular description. This conveyance is in trust,however,for the following purpose,and none other,namely,to secure the payment of the sum of Three Hundred and Fifty ($350.) Dollars,b orrowed money, evidenced by the four certain bonds of the said parties of the first part,all bearing even date herewith,one for Fifty ($50.00) Dollars,payable six months after date/ one for Fifty ($50.) Dollars payable one year after date, one for One Hundred ($100.00) Dollars,payable one year after date,and one for One Hundred and Fifty ($150.00) Dollars payable two years after date,all apayable to the order of Wm.A.Pratt General Receiver of the Circuit Court for Augusta County and all bearing interest at the rate of 6% per annum,payable semi-annually,and waivingthe Homestead Exemption. Should default be made in the payment of said bonds

The four bonds secured in the Deed Trust, referred opposite hereto, have been paid in full and said Deed of Trust is hereby released Sept. 26-1928 Wm A. Pratt, Genl Recr, by Jas M Morris Atty. Teste: Irene Ongenbright Depty Clerk.

The four above described bonds were this day presented to me marked paid and cancelled Sept. 27-1928 Teste: Irene Ongenbright Depty Clerk.

City 35-463

This Deed made this 31st day of May 1876 Between E. J. McCoy of the County of Shenandoah State of Virginia, of the first part and T. K. Menifee, J. C. Marquis & B. T. Bagley of the County of Augusta of the second part. Witnesseth: that the party of the first part in consideration of One Dollar in hand paid the receipt of which is hereby acknowledged, doth grant bargain & sell to the parties of the second part a certain lot or parcel of land lying & being in the County of Augusta adjoining the land of said party of the 1st part & Edward McMahon containing 1800 square feet and bounded as follows: on the North by Maple Street, on the East by the lands of the party of the 1st part & on the west by E. McMahon land, being a part of the land conveyed by John R. Hogan & wife to said E. J. McCoy by deed bearing date August 1st 1868 and of record in the Clerk's Office of the County Court of Augusta Deed Book 84 Page 228. and is more fully described by the Plat made by C. M. Oltman and annexed to the deed from T. K. Menifee & others to E. M. Cushing and others bearing date June 13, 1876. which is made a part of this deed. and the said party of the first part doth covenant that she will warrant generally the property herein conveyed.

Witness the following signature & seal this day & date above written

E. J. McCoy (Seal)

State of Virginia
County of Shenandoah } to wit:

I hereby certify that E. J. McCoy whose name is signed to the above deed bearing date May 31st 1876, personally appeared before me Saml. Hammon a Justice for Shenandoah County & acknowledged the same before me. Given under my hand this 2nd day of June 1876.

Saml. Hammon J.P.

In the Clerk's Office of Augusta County Court June 28, 1876.

This deed from E. J. McCoy to T. K. Menifee, J. C. Marquis & B. T. Bagley was this day presented in the Office aforesaid and is with the certificate of acknowledgment thereon endorsed, admitted to record.

Teste

William A. Burnett C.C.

In the Clerk's Office of Augusta County Court June 28th 1876.

This deed from E. J. McCoy to T. K. Menifee, J. C. Marquis & B. T. Bagley was this day presented in the Office aforesaid and is with the certificate of acknowledgment thereon endorsed, admitted to record.

Teste

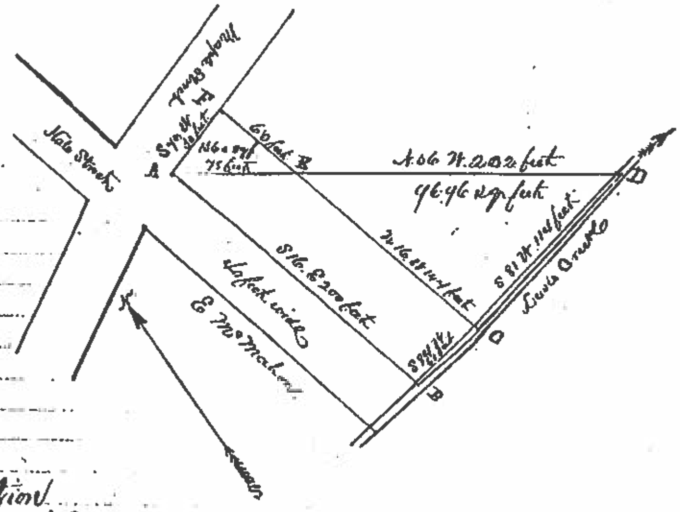
1876 William A. Burnett C.C.

Del. to E. M. Cushing June 26/19 ... J. B. Woodward

This Deed made the 13th day of June in the year 1876. Between Thomas K. Menifee and Lucy A. his wife, Benjamin T. Bagley and Martha A. his wife and James C. Marquis and Caroline his wife parties of the first part and Edwin M. Cushing, N. H. Hartman, James H. Waxton, Benjamin T. Bagley, Wesley A. Powell, George Harlan and John M. Carroll Trustees of the Methodist Episcopal Church South, in trust for the uses hereinafter mentioned all of the City of Staunton and State of Virginia, of the other part. Witnesseth: that the said parties of the first part for and in consideration of the sum of

County 91-102

one dollar in hand paid, the receipt whereof is hereby acknowledged, do grant, bargain sell and convey unto the said Cushing, Hartman, Newton, Bagley, Powell, Harlan and Carroll, Trustees as aforesaid and to their Successors, with general Warranty a certain lot or parcel of land lying and being in the County of Augusta, near to and Westwards of the City of Staunton, having a front of 80 feet on Maple Street, a width of 61 feet on Lewis Creek, running back 200 feet on the West line and 210 feet on the east to said Creek and is estimated to contain 10.896 Square feet, the metes and bounds of which will more fully appear by reference to a Survey of C.W. Oltmanns, which is as follows Viz:



Explanation

A. B. C. D. represents the Lot of ground conveyed by McMahon and wife to Th. Menifee & others

C, D, E. represents the Lot which Th. Menifee & wife & others agree to Exchange with E. J. McCoy

E. F. A. represents the Lot which E. J McCoy agrees to give to Th. Menifee & other in exchange for Lot C. D. E.

C. W. Oltmanns C.E.

the parties agreeing and accepting said quantity and Survey to be Satisfactory and Correct. Said lot adjoins E. J. McCoy on the East, Edward McMahon on the North and a forty foot Street to be opened on the west. The title to that portion of the lot hereby conveyed described on plat & diagram by letters B.C. was derived by deed from Edward McMahon & wife to said Menifee, Marquis & Bagley dated the 9th day of May 1874 and of record in the Clerk's office of Augusta County Court in Deed Book No 91. Page , and the smaller portion of said lot hereby conveyed designated on Map by letters A.F. was conveyed to said last named parties by E. J. McCoy by deed, dated the day of 1876. and to be recorded in the Clerk's Office of said County Court of Augusta, reference to both of which deeds are here made and the same made part hereof, to have and to hold by the said Trustees and their Successors in Office said Lot & the building thereon to be erected, as a place of Divine Worship, for the use of the Ministry & Membership of the "Methodist Episcopal Church South" subject to the discipline, usage and Ministerial appointments of said Church, as from time to time authorized and declared by the General Conference of said Church, and the annual

91-103

Conference within whose bounds said premises are situated. But it is distinctly understood and provided, that should the Chapel & its grounds conveyed hereby be discontinued as a place of worship by the Members of the said Methodist Episcopal Church South for the space of two years then the said grounds &c. shall revert back to the grantors in this deed their heirs and assigns such as it now stands.

Witness the following Signatures & Seals

T. K. Menefee (Seal)
L. A. Menefee. (Seal)
B. T. Bagley. (Seal)
M. A. Bagley (Seal)
J. C. Marquis (Seal)
C. Marquis (Seal)

Augusta County, to wit,

I, William A Burnett, a Notary Public for the County of Augusta in the State of Virginia, do Certify that Thomas K. Menefee, Benjamin T. Bagley and James C. Marquis whose Names are signed to the foregoing writing bearing date on the 13th day of June, 1876, have Severally acknowledged the Same before me in my County aforesaid, and I further certify that Lucy A. Menefee the wife of Thomas K. Menefee; Martha A. Bagley the wife of Benjamin T. Bagley and Caroline the wife of James C. Marquis, whose Names are signed to the said writing bearing date as aforesaid on said 13th day of June 1876, personally appeared before me in the County aforesaid and being examined by me privily and apart from their husbands and having the writing aforesaid fully explained to them, she the said Lucy A. Menefee, Martha A Bagley and Caroline Marquis, severally acknowledged the said writing to be her act and declared that she had willingly executed the same and does not wish to retract it.

Given under my hand this 21st day of June 1876

William A Burnett Notary Public

In the Clerk's Office of Augusta County Court June 28th, 1876.

This deed from T. K. Menefee & wife, B. T. Bagley & wife & J. C. Marquis & wife to E. M. Cushing, H. H. Hartman, James H. Huston, B. T. Bagley, T. K. Powell, Geo Harlow trustees of the M.E. Church (South) was this day presented in the office aforesaid and is with the Certificate of acknowledgment thereon endorsed admitted to record.

Teste,
William A Burnett C.C.

1876 This Deed, made the 1st day of April in the year 1876, between S. Travers Phillips one of the Commissioners of Sale in the Chancery Causes of Thos Magie vs ex Chas A Parker &c and Moffet Stale &c vs Parker &c of the first part and Howard Grove of the second part all of the City of Staunton, Witnesseth that whereas on the 4th day of April 1872, Geo. M. Cochran Jr James Bumgardner Jr & S. Travers Phillips Commissioners of Sale in the above described Causes by virtue of a decree regularly entered therein on the 23d day of November 1871, by the Circuit Court of Augusta County, sold to said Howard Grove a certain lot of land hereinafter described for the sum of $1100 payable in

EXHIBIT

A

T.M. 407, PID

S.I.P. = SET IRON

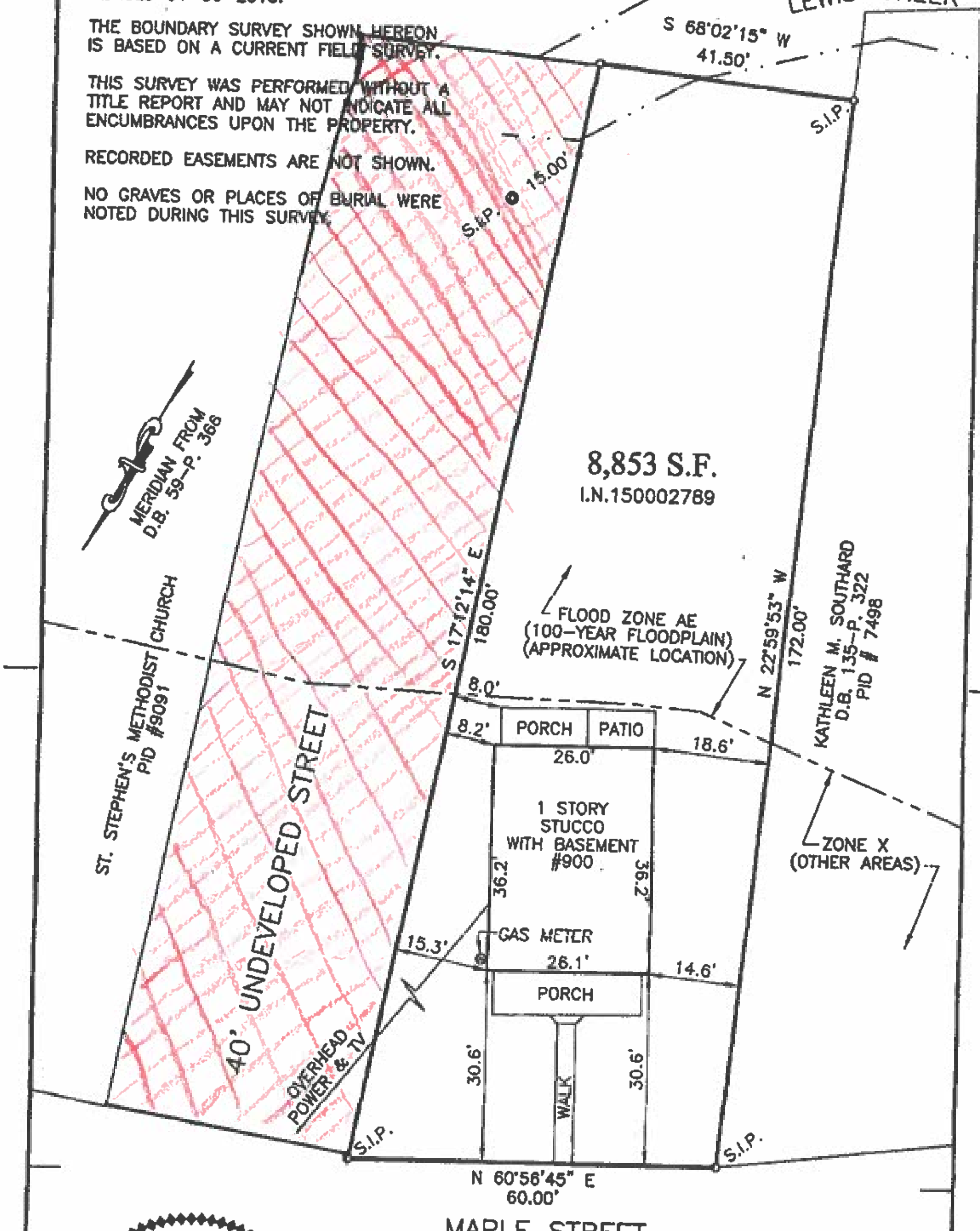
THIS LOT IS LOCATED WITHIN FLOOD ZONE AE (BASE FLOOD ELEVATIONS DETERMINED) AND ZONE X (OTHER AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD) ACCORDING TO FIRM FOR THE COUNTY OF AUGUSTA AND THE CITY OF STAUNTON, VIRGINIA MAP No 51015C0339E, REVISED 01-06-2010.

THE BOUNDARY SURVEY SHOWN HEREON IS BASED ON A CURRENT FIELD SURVEY.

THIS SURVEY WAS PERFORMED WITHOUT A TITLE REPORT AND MAY NOT INDICATE ALL ENCUMBRANCES UPON THE PROPERTY.

RECORDED EASEMENTS ARE NOT SHOWN.

NO GRAVES OR PLACES OF BURIAL WERE NOTED DURING THIS SURVEY.



COMMONWEALTH OF VIRGINIA
Stephen W. Ellinger
Stephen W. Ellinger
Lic. No. 1588
2/3/16
LAND SURVEYOR

PLAT OF THE

OLIN A. STOLTZ, ETAL. PROPERTY

STAUNTON, VA

SCALE 1" = 20'   FEBRUARY 3, 2016

EGS & ASSOCIATES, INC.
15 TERRY ST., STAUNTON, VA

JOB #A27950116

Additional Map Layers

7292

Show search results for 7292

-79.081 38.143 Degrees

Hale Street Vacation

Attachment 2

9/8/2022, 3:01:51 PM

1:444

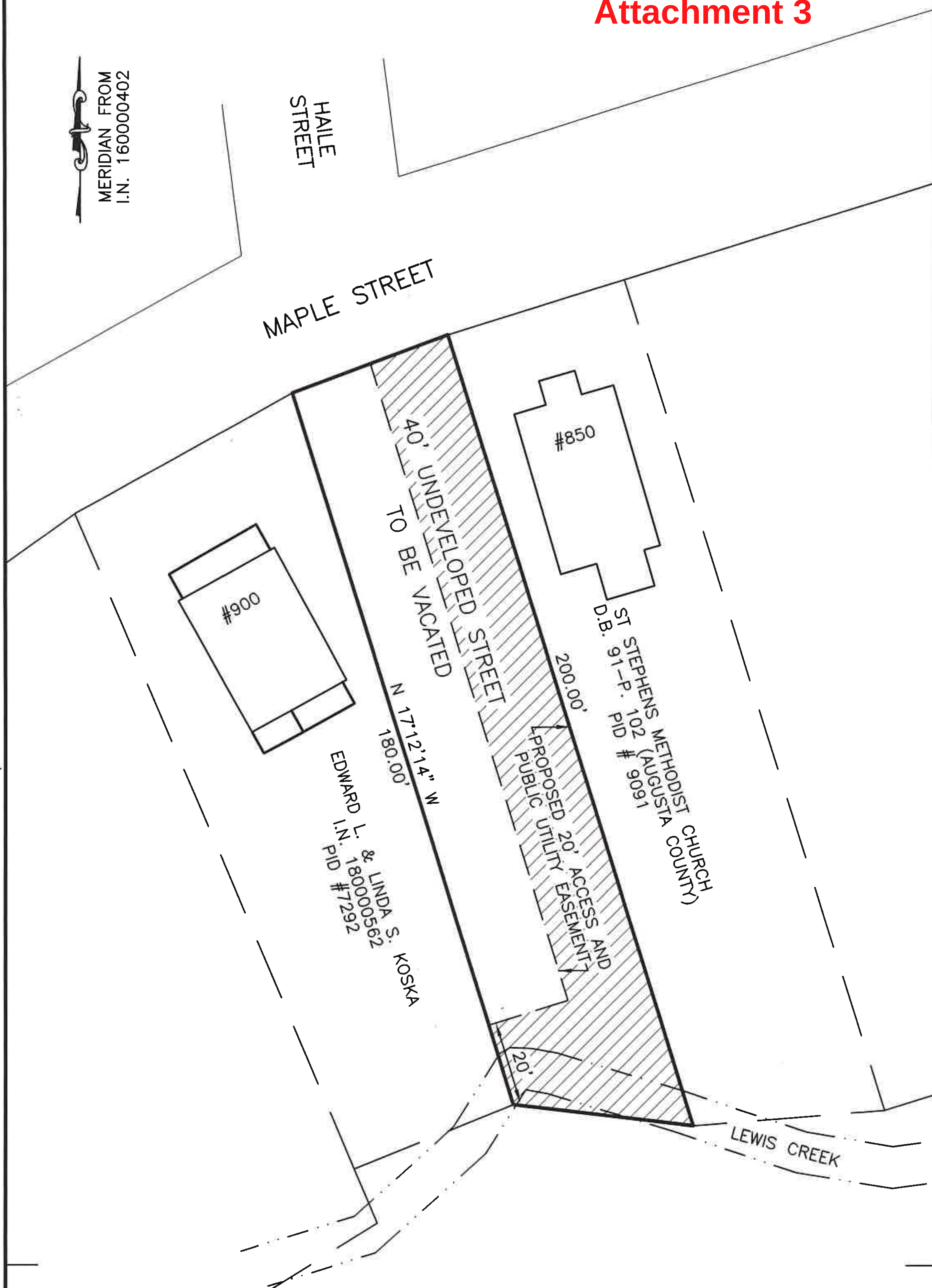
0 | 0.01 | 0.01 | 0.02 mi

0 | 0.01 | 0.01 | 0.03 km

Storm Pipes	Sewer Lines	MeteredLights	AddressPoints	Green: Band_2
Storm Structures	Sewer Structures	Lot_Lines	Point_of_Interests	Blue: Band_3
WaterLines	Montgomery Hill Streetlights	Lot_Numbers	Road Centerline	
Hydrants	Gypsy Hill Streetlights	City Limits	2018Image.tif	
Water System Labels	Streetlights	Tax Parcels	Red: Band_1	

TM 407

Attachment 3



COMMONWEALTH OF VIRGINIA
Thomas W. Dorr
Thomas W. Dorr
Lic. No. 3052
5-5-23
LAND SURVEYOR

EXHIBIT MAP SHOWING PROPOSED ACCESS
AND PUBLIC UTILITY EASEMENT ON A

40' UNDEVELOPED STREET TO BE VACATED

STAUNTON, VA

SCALE 1" = 30' MAY 5, 2023

EGS & ASSOCIATES, INC.
15 TERRY ST., STAUNTON, VA

0 30 60 90

JOB # A42430323

Attachment 4

NOTICE: THIS DEED IS EXEMPT FROM RECORDATION TAX PURSUANT TO VIRGINIA CODE §§ 58.1-811(A)(3) and 58.1-811(C)(4) .

PIN 7292 & 9091

THIS DEED OF EASEMENT, made this _________ day of __________, 2023, by and among **Diane Baker, Susan Black, Martha Bushman, William Bushman, Brent Foltz, Mike Melton, Sam Richardson, Barbara Snyder, and Jack True, Trustees of Central United Methodist Church,** parties of the first part, **Grantors**, **Edward J. Koska & Linda C. Koska**, husband and wife, parties of the second part, **Grantors**, and the **City of Staunton, Virginia,** a municipal corporation of the Commonwealth of Virginia, hereinafter called the City of Staunton, party of the third part, **Grantee**;

W I T N E S S E T H:

That for and in consideration of One Dollar ($1.00) cash in hand paid and other valuable consideration not heretofore mentioned, Diane Baker, Susan Black, Martha Bushman, William Bushman, Brent Foltz, Mike Melton, Sam Richardson, Barbara Snyder, and Jack True, Trustees of Central United Methodist Church, parties of the first part, Grantors, do hereby grant and convey, with GENERAL WARRANTY AND ENGLISH COVENANTS OF TITLE, to the City of Staunton, Virginia, a permanent easement of right-of-way over, across, and under a portion of the property of the parties of the first part situate in the City of Staunton, Virginia, and more particularly described as that certain approximately twenty feet by two hundred feet (20’ x 200’) strip of land which was vacated by the City of Staunton by an Ordinance Closing, Vacating, Discontinuing and Abandoning a Portion of Undeveloped Hale Street Located Between 900 Maple Street (PID 7292) on the West and 850 Maple Street (PID 9091) on the East, adopted ______________, 2023, and being the eastern one-half (1/2) of the now vacated unopened Hale Street (also spelled Haile Street), as such vacated street is shown on the plat attached to the

Prepared by:

Angela V. Whitesell/VSB #30632
Vellines, Glick & Whitesell, P.C.
125 South Augusta Street, Suite 3000, Staunton, VA 24401
540-885-1205 fax 540-885-7599

foregoing Ordinance, and which Ordinance is recorded in the Clerk's Office of the Circuit Court of the City of Staunton immediately preceding this instrument as Instrument #__________________.

And for the same consideration of One Dollar ($1.00) cash in hand paid and other valuable consideration not heretofore mentioned, Edward J. Koska and Linda C. Koska, husband and wife, parties of the second part, Grantors, do hereby grant and convey, with GENERAL WARRANTY AND ENGLISH COVENANTS OF TITLE, to the City of Staunton, Virginia, a permanent easement of right-of-way over, across, and under a portion of the property of the parties of the second part situate in the City of Staunton, Virginia, and more particularly described as that certain approximately twenty feet by twenty feet (20' x 20') portion of the strip of land which was vacated by the City of Staunton by an Ordinance Closing, Vacating, Discontinuing and Abandoning a Portion of Undeveloped Hale Street Located Between 900 Maple Street (PID 7292) on the West and 850 Maple Street (PID 9091) on the East, adopted _______________, 2023, and being the southern twenty feet by twenty feet (20' x 20') of the one-half (1/2) of the now vacated unopened Hale Street (also spelled Haile Street), as such vacated street is shown on the plat attached to the foregoing Ordinance, which is located adjacent to or along which Lewis Creek currently runs.

Reference to the aforementioned plat and to the aforementioned Ordinance and the references therein contained are hereby made for a more particular description of the easements and for derivation of title to the real estate hereby affected by the easements.

The permanent easement is perpetual for the purpose of accessing, constructing, installing, operating and maintaining sewer facilities over, across, and under the property of the parties of the first and second parts in, over, and across the easements described above, as well as for all equipment, accessories and appurtenances necessary in connection therewith (the "Facilities"). The Facilities shall be constructed in such a manner so that only appurtenances necessary to the operation and maintenance of the Facilities are located aboveground. Any other Facilities installed, except temporarily during construction, repair or maintenance, shall be constructed below ground surface. This permanent easement granted is conveyed in gross and together with the Facilities constructed shall remain the property of the City of Staunton. The City of Staunton shall have the perpetual right to inspect, rebuild, remove, repair, improve, enlarge and make such changes, alterations, and additions to or extensions of the Facilities and to remove and cut or trim trees, brush, and any undergrowth or above-ground cover or obstructions within such right-of-way as are consistent with the purposes expressed herein. The City of Staunton and its agents, assigns, and successors also shall have the right of ingress and egress from any public road to the area within the easements granted also for such purposes; provided, however, that the City of Staunton and its agents, assigns, and successors shall access the easement granted by Edward J. Koska and Linda C. Koska only through and along the easement granted by Central United Methodist Church. For the purpose of exercising the rights granted herein, the City of Staunton further shall have the right of ingress to and egress from the easements over such private roads as may now or hereafter exist on the property of Central United Methodist Church or its successors in title.

The City of Staunton, its agents, assigns, and successors also shall perpetually have a temporary construction easement as to the land already referenced and more particularly described above for the purpose of execution and maintenance of the initial and any subsequent work, including the right to remove, cut and trim trees, brush, and any undergrowth or above-ground cover or obstructions, as to the Facilities within the areas so designated for such periods of time as are reasonably necessary to access, build, rebuild, construct, complete, operate, maintain, repair, relay, and remove the Facilities. Such temporary construction easement shall be in effect only during periods when maintenance, repair or construction is being performed by the City of Staunton.

The parties of the first part, its successors and assigns, may use that portion of its property subject to the easement granted above for any purpose not inconsistent with the rights hereby granted, provided such use does not interfere with the safe and efficient access to any construction, operation, alteration, inspection, maintenance and repair of the Facilities and further provided that such use is not inconsistent with any laws, ordinances or codes pertaining to the construction, operation, alteration, inspection, maintenance and repair of the Facilities. The parties of the first part shall not have the right to construct any building, structure, or other above ground obstruction or change the ground elevation or impound any water on the area subject to the easement granted by it to the City of Staunton.

The parties of the second part, their heirs, successors and assigns, may use that portion of their property subject to the easement granted above for any purpose not inconsistent with the rights hereby granted, provided such use does not interfere with the safe and efficient access to any construction, operation, alteration, inspection, maintenance and repair of the Facilities and further provided that such use is not inconsistent with any laws, ordinances or codes pertaining to the construction, operation, alteration, inspection, maintenance and repair of the Facilities. The parties of the second part shall not have the right to construct any building, structure, or other above ground obstruction or change the ground elevation or impound any water on the area subject to the easement granted by them to the City of Staunton.

The City of Staunton shall fill and level all ditches, ruts, and depressions caused by construction, maintenance, or other operations; shall remove all debris resulting therefrom; shall remove all stakes and posts that may have been put into the ground; and shall generally restore the surface of the premises as is reasonably practicable, all within a reasonable time after any construction, repair or maintenance of the Facilities.

The parties of the first and second parts hereby covenant with the City of Staunton that the parties of the first and second parts are lawfully seized and possessed of the above referenced real estate and have a good and lawful right to grant the easements granted herein. The parties of the first and second parts also covenant and agree that the consideration hereinabove mentioned and paid by the City of Staunton shall be and hereby is in lieu of any and all claims to compensation for damages to the property included in the easements by reason of location, construction, operation, repair and maintenance of the Facilities within the easements granted to the City of Staunton and any damages to the residue.

Whenever the context of this deed of easement so requires, the singular number shall mean the plural and the plural the singular.

WITNESS the following signatures and seals.

____(SEAL)
Diane Baker, Trustee

COMMONWEALTH OF VIRGINIA,
CITY/COUNTY OF _____________

The foregoing Deed of Easement was acknowledged before me this ____ day of _____________ 2023, by Diane Baker, Trustee of Central United Methodist Church, for and on behalf of said Church.

My commission expires:

____
Notary Public
Notary Registration Number:

____(SEAL)
Susan Black, Trustee

COMMONWEALTH OF VIRGINIA,
CITY/COUNTY OF _____________

The foregoing Deed of Easement was acknowledged before me this ____ day of _____________ 2023, by Susan Black, Trustee of Central United Methodist Church, for and on behalf of said Church.

My commission expires:

____
Notary Public
Notary Registration Number:

____(SEAL)
Martha Bushman, Trustee

COMMONWEALTH OF VIRGINIA,
CITY/COUNTY OF ____________

The foregoing Deed of Easement was acknowledged before me this ____ day of ____________ 2023, by Martha Bushman, Trustee of Central United Methodist Church, for and on behalf of said Church.

My commission expires:

____
Notary Public
Notary Registration Number:

___ ____________________________________(SEAL)
William Bushman, Trustee

COMMONWEALTH OF VIRGINIA,
CITY/COUNTY OF ____________

The foregoing Deed of Easement was acknowledged before me this ____ day of ____________ 2023, by William Bushman, Trustee of Central United Methodist Church, for and on behalf of said Church.

My commission expires:

____
Notary Public
Notary Registration Number:

____(SEAL)
Brent Foltz, Trustee

COMMONWEALTH OF VIRGINIA,
CITY/COUNTY OF ____________

The foregoing Deed of Easement was acknowledged before me this ____ day of ____________ 2023, by Brent Foltz, Trustee of Central United Methodist Church, for and on behalf of said Church.

My commission expires:

____
Notary Public
Notary Registration Number:

____(SEAL)
Mike Melton, Trustee

COMMONWEALTH OF VIRGINIA,
CITY/COUNTY OF ____________

The foregoing Deed of Easement was acknowledged before me this ____ day of ____________ 2023, by Mike Melton, Trustee of Central United Methodist Church, for and on behalf of said Church.

My commission expires:

____
Notary Public
Notary Registration Number:

____(SEAL)
Sam Richardson, Trustee

COMMONWEALTH OF VIRGINIA,
CITY/COUNTY OF ____________

The foregoing Deed of Easement was acknowledged before me this ____ day of ____________ 2023, by Sam Richardson, Trustee of Central United Methodist Church, for and on behalf of said Church.

My commission expires:

____
Notary Public
Notary Registration Number:

____(SEAL)
Barbara Snyder, Trustee

COMMONWEALTH OF VIRGINIA,
CITY/COUNTY OF ____________

The foregoing Deed of Easement was acknowledged before me this ____ day of ____________ 2023, by Barbara Snyder, Trustee of Central United Methodist Church, for and on behalf of said Church.

My commission expires:

____
Notary Public
Notary Registration Number:

____(SEAL)
Jack True, Trustee

COMMONWEALTH OF VIRGINIA,
CITY/COUNTY OF ____________

The foregoing Deed of Easement was acknowledged before me this ____ day of ____________ 2023, by Jack True, Trustee of Central United Methodist Church, for and on behalf of said Church.

My commission expires:

____
Notary Public
Notary Registration Number:

____(SEAL)
Edward J. Koska

COMMONWEALTH OF VIRGINIA,
CITY/COUNTY OF ____________

The foregoing Deed of Easement was acknowledged before me this ____ day of ____________ 2023, by Edward J. Koska.

My commission expires:

____
Notary Public
Notary Registration Number:

____(SEAL)
Linda C. Koska

COMMONWEALTH OF VIRGINIA,
CITY/COUNTY OF ____________

The foregoing Deed of Easement was acknowledged before me this ____ day of ____________ 2023, by Linda C. Koska.

My commission expires:

____
Notary Public
Notary Registration Number:

ACCEPTED:
City of Staunton, Virginia,

By: ____________________________________(SEAL)
City Manager

COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF _____________________

The foregoing Deed of Easement was acknowledged before me this ____ day of ____________ 2023, by _______________, City Manager, on behalf of the City of Staunton, Virginia.

My commission expires:

____
Notary Public
Notary Registration Number:

2022/RE/Deed of Easement/avw

Ordinance No. 2023-___

AN ORDINANCE
CLOSING, VACATING, DISCONTINUING AND ABANDONING A PORTION OF UNDEVELOPED HALE STREET LOCATED BETWEEN 900 MAPLE STREET (PID 7292) ON THE WEST AND 850 MAPLE STREET (PID 9091) ON THE EAST

Recitals

A. An application for street vacation has been filed by Edward J. Koska and Linda C. Koska, pursuant to § 15.2-2006 of the Code of Virginia, 1950, as amended, to have all of that certain portion of the street as hereinafter described, vacated and abandoned by the City of Staunton, Virginia;

B. The subject portion of the street was initially platted in and was never accepted by the City as part of its public street system;

C. Edward J. Koska and Linda C. Koska are the owners of 900 Maple Street, identified as City of Staunton PID 7292, and seek to close the portion of the unopened Hale Street (now also spelled Haile Street) located to the east of their property and to the west of 850 Maple Street, identified by City of Staunton PID 9091, consisting of an area of approximately forty feet (40') in width and two hundred feet (200') in length;

D. Central United Methodist Church, acting by and through its duly appointed Trustees, is the owner of 850 Maple Street, identified as City of Staunton PID 9091, and seek to close the portion of the unopened Hale Street (now also spelled Haile Street) located to the west of its property and to the east of 900 Maple Street, identified by City of Staunton PID 7292, consisting of an area of approximately forty feet (40') in width and two hundred feet (200') in length;

E. A plat showing the aforesaid portion of the undeveloped street to be vacated and abandoned (the cross-hatched area) is annexed and incorporated by reference as **Exhibit A**;

F. The requirements of § 15.2-2006 of the Code of Virginia have been met along with those of § 15.2-2204 of the Code of Virginia;

G. At its regular meeting on September 15, 2022, the Planning Commission of the City of Staunton, Virginia, after study and review, properly heard the matter and recommended approval of vacating said portion of the street;

H. This matter has been properly advertised, heard, and considered; and,

I. These recitals are an integral part of this ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Staunton**,** Virginia, that the City hereby **CLOSES**, **VACATES**, **DISCONTINUES** and **ABANDONS** the portion of the street described as follows:

> The portion of a 40 foot wide street running a distance of 200 feet, designated and described as "40' Undeveloped Street to be Vacated", adjoining City Tax Map Parcels 7292 and 9091,

with reservation to the City of Staunton of any existing utility lines located in the street, with ownership of the area of the vacated street determined in accordance with applicable law.

Introduced:
Adopted:
Effective Date:

____
Stephen W. Claffey, Mayor

ATTEST:______________________________
Kiley Kesecker,
Clerk of Council

CITY COUNCIL **AGENDA BRIEFING**

Staunton, Virginia

Meeting Date:	**May 25, 2023**	**John C. Blair, II** **City Attorney** **Leslie Beauregard** **City Manager**
Item #	**B**	
Department:	**City Attorney** **City Manager**	
Alignment with Staunton Plan (Value/Strategic Area):	**Value: Excellence** **Strategic Area: Economic Development**	
Subject:	**Public Hearing and Consideration of the Disposition of Real Property to Staunton Augusta Waynesboro Habitat for Humanity, Inc.**	

Background: Staunton Augusta Waynesboro Habitat for Humanity, Inc. (“Habitat”) is proposing to construct twenty-two units of workforce housing on land it currently owns located on A Street. In order to construct all twenty-two units as well as infrastructure associated with this project, Habitat needs to acquire property currently owned by the City of Staunton. The proposed ordinance conveys four lots and a portion of a fifth lot in the A Street area to Habitat. City staff indicates that there is no current or anticipated City operational need for the property. The City and Habitat have agreed to a price of $15,000 for the property.

The proposed deed contains a reverter clause. If Habitat does not commence construction of the project and dedicate A Street right-of-way associated with the project to the City by July 1, 2025, the property conveyed to Habitat will revert back to the City of Staunton.

Virginia Code Section 15.2-1800 authorizes the Staunton City Council to convey the property to Habitat after conducting a public hearing.

The public hearing was properly advertised in the News Leader on May 18, 2023.

Attachments:

Attachment 1—Notice of Public Hearing
Attachment 2—Proposed Ordinance
Attachment 3—Proposed Deed
Attachment 4—Plat Combining Lots 1, 3, 5, and a Portion of 7, Block 1, Corrected Map of Staunton Park Addition

City Manager Recommendation: Hold the public hearing and approve the Ordinance conveying title of a portion of 600 Churchville Avenue to Staunton Augusta Waynesboro Habitat for Humanity, Inc., as presented.

Suggested Motion: I move that City Council approve the Ordinance conveying title of a portion of 600 Churchville Avenue to Staunton Augusta Waynesboro Habitat for Humanity, Inc., as presented.

City Manager: Leslie Beauregard

Attachment 1

The News Leader

Classified Ad Receipt
(For Info Only - NOT A BILL)

Customer: STAUNTON CITY OF

Address: 116 W BEVERLEY ST
STAUNTON VA 24401
USA

Ad No.: 0005705775
Pymt Method Invoice
Net Amount $326.16

Run Times: 1
No. of Affidavits: 1

Run Dates: 05/18/23

Text of Ad:

NOTICE OF PUBLIC HEARING
REGARDING DISPOSITION OF REAL ESTATE

A public hearing will be held during the regular meeting of Staunton City Council at 7:00 p.m. on Thursday, May 25, 2023, in the Rita S. Wilson Council Chambers, located on the first floor of City Hall, 116 West Beverley Street, Staunton, Virginia, on whether to adopt an ordinance regarding the disposition of real estate. The subject property consists of Lot Nos. One (1), Three (3), Five (5), the northeastern portion of seven (7) measuring 19.63' in width and 128.25' in length, and Lot twenty-one (21) in Block No. One (1), as designated on the corrected Map of Staunton Park Addition of record in the Clerk's Office of the Circuit Court of Augusta County, Virginia in Map Book 1.
The City is considering whether to grant and convey with special warranty the real property to Staunton Augusta Waynesboro Habitat for Humanity Inc.. The City acquired the property by deed dated October 15, 1970 and recorded in the Clerk's Office of the Circuit Court of the City of Staunton, Virginia in Deed Book 144 Page 1.
The proposed ordinance is authorized by, among other considerations, Section 11 of Chapter II of the City Charter and Staunton City Code § 2.10.190, and by Virginia Code Section § 15.2-1800.
A true and complete copy of the proposed ordinance is available for inspection during normal working hours at the office of the Clerk of Council and at the office of the City Manager.
All persons wishing to be heard at the public hearings are invited to attend. The public may also participate in the public hearings by Zoom, or by phone. Specific instructions to participate by Zoom or by phone can be found at: **https://www.ci.staunton.va.us/government/city-council/access-city-council-meetings**. Those interested in listening to the meeting may do so via live stream from the City's website or by listening to the public access television Channel (Comcast Channel 7). Hearing impaired persons desiring to participate in the public hearings should contact the Clerk of Council by email at **keseckerka@ci.staunton.va.us**, to request an interpreter.

Kiley A. Kesecker
Clerk of Council

0005705775-01

Ordinance No. 2023 - __

AN ORDINANCE AUTHORIZING CONVEYNCE OF TITLE OF A PORTION OF 600 CHURCHVILLE AVE (Parcel: 9115) TO STAUNTON AUGUSTA WAYNESBORO HABITAT FOR HUMANITY, INC.

<u>RECITALS</u>

A. By deed dated October 15, 1964, ("Deed") and recorded in Deed Book 144 Page 1, in the Clerk's Office of the Circuit Court of the City of Staunton, Valley Investment Company, Incorporated, a Virginia Corporation, conveyed unto the City of Staunton, a municipal corporation of the Commonwealth of Virginia, all of those lots or parcels of land, with appurtenances thereunto belonging, situate in the City of Staunton, Virginia:

> 1. The residue of a tract of 22.22 acres shown by plat and survey dated April 5, 1954, of W. A. Crawford , S.A.C., attached to a deed from Hubert F. Grimm and wife, dated April 16, 1954, and recorded in the Clerics Office of the Circuit Court of the City of Staunton, Virginia, in Deed Book 81, page 83, conveying said property to said party of the first part, after the conveyance of three(3) lots to John A. Reid and Malcolm J. Reid, by deed of Valley Investment Company, Incorporated, dated December 21, 1959, recorded in said Clerk's Office in Deed Book 115, page 45, said lots being therein described by plat of Clark and Associates, dated March 2, 1959, attached as Lot 1 in Block 2 and Lots 5 and 6 in Block 1 on the Plat of Kenwood Unit 1.
>
> 2. Lots Nos. One (1), Three (3) Five (5), Seven (7), Nine (9) the southwest one-half of Ten (10), and Lots Nos- Eleven (11) through twenty-one (21), inclusive, in Block No. One (1); Lots Nos. Two (2), Four (4), Six (6), Eight (8), the southwest one-half of Lot Nine (9) and Lots Nos. Ten (10) through Twenty-eight (28), inclusive, in Block No. Two (2); Lots Nos. One (1) through Twenty-five (25), inclusive, and Lot No. Twenty-seven (27) in Block No. Three (3), as designated on the corrected Map of Staunton Park Addition of record in the Clerk's Office of the Circuit Court of Augusta County, Virginia in Map Book 1, and being a portion of certain lots conveyed to said party of the first part by deed of Ray L. St. Clair and Helen B. St. Clair, husband and wife, dated August 7, 1963, recorded in the Clerk's Office of the Circuit Court of the City of Staunton, Virginia, in Deed Book 135, page 216.

B. The property was combined with Gypsy Hill Park;

C. Staunton Augusta Waynesboro Habitat for Humanity, Inc. (Habitat) is proposing to construct workforce housing that will consist of at least twenty-two units on land it currently owns that is located on A Street (Project). Habitat wishes to obtain from the City Lot Nos. One (1), Three (3), Five (5), the northeastern portion of seven (7) measuring 19.63’ in width and 128.25’ in length, and Lot twenty-one (21) (Property) in order to construct the units along with the necessary infrastructure needed for the Project;

D. City Council was advised of Habitat’s proposed Project and desires to support and encourage the development of the Project;

E. At its regular May 25, 2023 meeting, City Council voted ____-_____, which constitutes an affirmative vote of at least three-fourths of all Council members, as required pursuant to Staunton City Code § 2.10.90, to convey the Property to Habitat in exchange for Fifteen Thousand Dollars ($15,000.00);

F. Under the prepared deed as attached to this ordinance, the City of Staunton shall grant and convey the real property to Habitat;

G. This matter has been properly advertised, heard and considered;

H. These recitals are deemed an integral part of this ordinance; and

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Staunton, Virginia, that it authorizes the conveyance of title as contemplated in the proposed deed;

BE IT FURTHER ORDAINED that the City Manager of the City of Staunton, Virginia, is authorized to make minor modifications to the prepared deed and to execute such proposed instrument on behalf of the City of Staunton, Virginia, as advised by the City Attorney of the City of Staunton, Virginia, and take all other reasonable actions in exchange for full execution by the other parties and receipt by the City of Staunton, Virginia, in a form satisfactory as determined in the sole discretion of the City Attorney.

Introduced:
Adopted:
Effective Date:

____
Stephen W. Claffey, Mayor

ATTEST:__________________________
Kiley A. Kesecker,
Clerk of Council

Attachment 3

NOTICE: THIS DEED IS EXEMPT FROM RECORDATION TAX PURSUANT TO VIRGINIA CODE §58.1-811(C)(4)

Existence of title insurance is unknown to the preparer

PIN: 9115

Consideration: $15,000

THIS DEED, made the ______ day of ___________ in the year 2023, between the **CITY OF STAUNTON**, VIRGINIA, a municipal corporation of the Commonwealth of Virginia, Grantor, and **STAUNTON AUGUSTA WAYNESBORO HABITAT FOR HUMANITY, INC**., a Virginia Corporation, Grantee.

RECITALS:

WHEREAS, by Deed dated October 15, 1964 (the "Deed") and recorded in the Clerk's Office of the Circuit Court of the City of Staunton, Virginia in Deed Book 144 Page 1, Valley Investment Company, Incorporated, a Virginia Corporation, conveyed unto the City of Staunton, Virginia that certain property located in the City of Staunton, Virginia, and more particularly described herein ("Property");

WHEREAS, Staunton Augusta Waynesboro Habitat for Humanity, Inc. has requested consideration of the transfer of title to it a portion of the property;

WHEREAS, the Council of the City of Staunton, Virginia authorized the City Manager to execute this deed on behalf of the City of Staunton, Virginia consistent with Staunton City Code § 2.10.180 and Virginia Code § 15.2-1800 at its May 25, 2023 meeting to convey title to the Property

---

Prepared by:
John C. Blair, II, City Attorney
City of Staunton
116 W. Beverley Street
P.O. Box 58
Staunton, VA 24402-0058
540.332.3992

WHEREAS, attached and incorporated by reference is an attested copy of Ordinance No. 2023-__ adopted by the Staunton City Council on May 25, 2023 to authorize the conveyance;

WHEREAS, these recitals are an integral part of this deed.

NOW, THEREFORE,

W I T N E S S E T H:

That for and in consideration of the sum of Fifteen Thousand Dollars ($15,000.00) cash in hand paid by the Grantee to the Grantor, and other good and valuable consideration, the receipt of which is hereby acknowledged, the Grantor does hereby grant and convey with Special Warranty, subject to easements, restrictions and reservations of record, unto the Grantee, the real property located in the City of Staunton, Virginia, more particularly described as follows:

> All of that certain lot or parcel of land, with all appurtenances thereto belonging, situate in the City of Staunton Virginia: Lot Nos. One (1), Three (3), Five (5), the northeastern portion of seven (7) measuring 19.63’ in width and 128.25’ in length, and Lot twenty-one (21) as designated on the plat dated _______ by Thomas W. Dorr, entitled “Plat Combining Lots 1, 3, 5, and a Portion of 7, Block 1, Corrected Map of Staunton Park Addition” and attached hereto.

This is a portion of the same property acquired by the City of Staunton by virtue of a deed dated October 15, 1964, of record in the Clerk’s Office of the Circuit Court of the City of Staunton as Deed Book 144, Page 1.

The property hereby conveyed shall AUTOMATICALLY REVERT to the City of Staunton, Virginia in the event that Staunton Augusta Waynesboro Habitat for Humanity, Inc. does not commence construction and dedicate the right-of-way by July 1, 2025, pursuant to the construction plans dated February 10, 2023, by Jeffrey L. Gentry, Professional Engineer, EGS & Associates, Inc., which were submitted to the City of Staunton on February 27, 2023.

Reference is here made to the aforesaid deed(s) and plat(s) for a more particular description of the property hereby conveyed and for other derivation of title. This conveyance is made subject to the easements, conditions, and restrictions of record insofar as they may lawfully affect the Property, and any matters that would be disclosed by a visual inspection and/or survey of the Property.

IN WITNESS WHEREOF, the City of Staunton, Virginia has caused this instrument to be executed on its behalf by its City Manager as thereunto duly authorized.

CITY OF STAUNTON, VIRGINIA,
a Virginia municipal corporation,

____(SEAL)
By: Leslie M. Beauregard, City Manager

COMMONWEALTH OF VIRGINIA
CITY OF STAUNTON, to-wit:

The foregoing instrument was acknowledged before me in the jurisdiction aforesaid this _______ day of ________ 2023, by Leslie M. Beauregard, City Manager of the City of Staunton.

____
Notary Public – ID # ____________________

My commission expires:_________________________

[LEGIBLE SEAL AFFIXED HERETO]

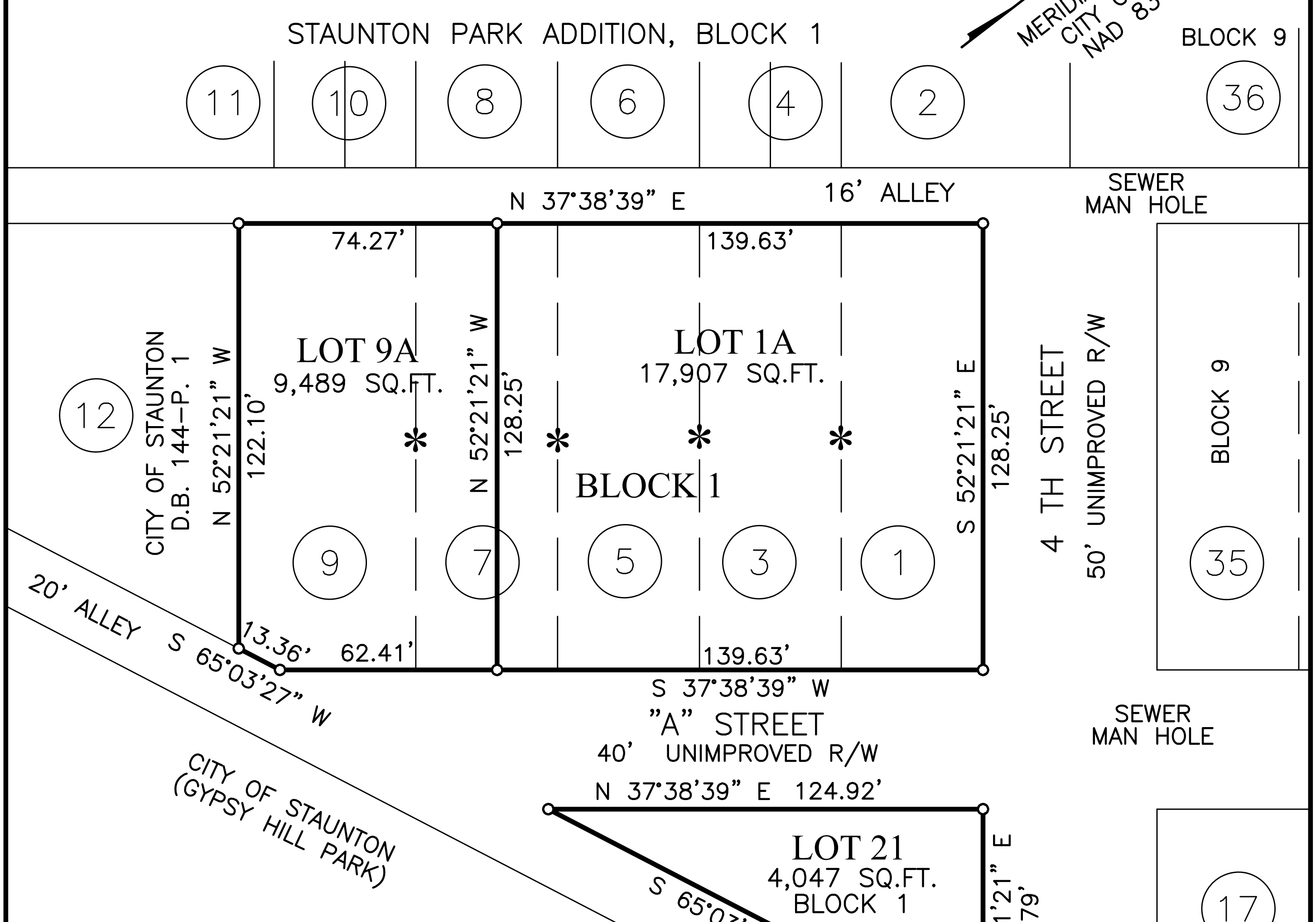
Attachment 4

TM 308, PID #9115

ALL CORNERS ARE SET IRON PINS

* LOT LINES HEREBY VACATED

OWNER:
CITY OF STAUNTON
D.B. 144, PAGE 1
TM 308, PID #9115



THE BOUNDARY SURVEY SHOWN HEREON IS BASED ON A CURRENT FIELD SURVEY.

THIS SURVEY WAS PERFORMED WITHOUT A TITLE REPORT AND MAY NOT INDICATE ALL ENCUMBRANCES UPON THE PROPERTY.

NO GRAVES OR PLACES OF BURIAL WERE NOTED DURING THIS SURVEY.

LOTS 1, 3, 5, AND A PORTION OF LOT 7 ARE TO BE COMBINED INTO ONE PARCEL FOR THE PURPOSE OF ADJUSTING THE BOUNDARY LINES OR ADDING LAND TO THE EXISTING TRACT, WITH THE RESULTING COMBINED TRACT TO BE TREATED AS ONE TRACT, LOT 1A, CONTAINING 17,907 SQ.FT.

THE RESIDUE PORTION OF LOT 7 AND LOT 9 ARE TO BE COMBINED INTO ONE PARCEL FOR THE PURPOSE OF ADJUSTING THE BOUNDARY LINES OR ADDING LAND TO THE EXISTING TRACT, WITH THE RESULTING COMBINED TRACT TO BE TREATED AS ONE TRACT, LOT 9A, CONTAINING 9,489 SQ.FT.

THE SURVEY PREMISES IS LOCATED IN ZONE X (OTHER AREAS, DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD PLAIN) ACCORDING TO FIRM FOR THE COUNTY OF AUGUSTA, VIRGINIA, COMMUNITY #510013 AND THE CITY OF STAUNTON, VIRGINIA, COMMUNITY #510155, MAP NUMBER 51015C0337D, EFFECTIVE DATE SEPTEMBER 28, 2007.

COMMONWEALTH OF VIRGINIA
PRELIMINARY
Thomas W. Dorr
Lic. No. 3052
COPY
LAND SURVEYOR

SUBDIVISION AGENT

PLAT COMBINING

LOTS 1, 3, 5, AND A PORTION OF 7, BLOCK 1,CORRECTED MAP OF STAUNTON PARK ADDITION

STAUNTON, VA

SCALE 1" = 50'   FEBRUARY 22, 2023
REVISED MAY 8, 2023

EGS & ASSOCIATES, INC.
15 TERRY ST., STAUNTON, VA

0 50 100 150

JOB # A39890322

CITY COUNCIL **AGENDA BRIEFING**

Staunton, Virginia

Meeting Date:	**May 25, 2023**	**Staff Members:** **Rodney Rhodes** **Tim Hartless**
Item #	**C & D**	
Department:	**Community Development—** **Planning and Zoning**	
Alignment with Staunton Plan (Value/Strategic Area):	**Value: Environmentally Conscious** **Strategic Areas: Infrastructure**	
Subject:	**Consideration of a Request by Flying Rock Property LLC, to withdraw 801 Commerce Road, Containing Approximately 96.823 Acres, from the Bells Lane Agricultural-Forestal District** **Public Hearing and Consideration of a Request by Flying Rock Property LLC, for a Special Use Permit Under the Provisions of Staunton City Code Section 18.75.040(1), for the Development of a Solar Energy Facility at 801 Commerce Road**	

Background:
In 2022, Oikos Solar Systems Inc., applied for zoning text amendments to the Staunton Zoning Code; Chapter 18.10 to define a Solar Energy Facility, and to Chapter 18.75 to permit Solar Energy Facilities by Special Use Permit in the I-1, Light Industrial District and I-2, Heavy Industrial District. The zoning text amendments were approved by City Council on July 28, 2022. The zoning text amendments did not include any development standards for Solar Energy Facilities. Therefore, each application is considered on a case-by-case basis, with specific conditions placed on approved requests through the Special Use Permit (SUP) process.

Project Proposal:
The applicant proposes to develop a 96.823-acre property at 801 Commerce Road with a 15.75 MW utility scale solar energy facility and a 5 MW community scale solar energy facility. The original Special Use Permit application (Attachment 1), dated January 13, 2023, also included a 5.5 MW utility scale battery energy storage facility; however, the battery energy storage facility has been withdrawn from the application and is no longer under review. Any future requests for battery energy storage facilities in conjunction with the solar energy facilities will require, either a new Special Use Permit application or an application to amend the current SUP under consideration by City Council. Either process will require public notifications and hearings in accordance with Section 15.2-2204 of the Code of Virginia.

Character of the Area:
The property is predominately rolling open terrain with several stream beds and two ponds. The property has not been used for agricultural production, but has been used for decades for grazing of cattle. The adjoining properties to the north and east are zoned I-1, Light Industrial District. The adjoining property to the west is zoned B-2, General Business District Conditional and the property to the south is zoned R-1, Low Density Residential District. Neighboring land uses include: offices and facilities of the Virginia Department of Transportation and the Virginia State Police, pasture land, the site of the City's former wastewater treatment plant and future activity fields for the YMCA. Residential development in the vicinity is scattered.

Proposed Withdrawal of 801 Commerce Road from the Bells Lane Agricultural District:
On November 28, 2022, the applicant requested that 801 Commerce Road be removed from the Bells Lane Agricultural District in order to develop the site with a solar energy facility (Attachment 2). Land within the overlay district shall be used solely for agricultural and forestal products and production. Therefore, removal of the property from the agricultural District is a prerequisite to developing the property with a solar energy facility.

The Bell's Lane Agricultural District consists of approximately 1,700 acres, bounded generally on the west by Commerce Road, on the north by State Route 262, on the east by Interstate 81, and on the south by Route 254. The Bell's Lane Agricultural District was established by City Council on January 1, 1997, and was most recently renewed, for a 10-year period, in 2020. In 1998 a 12-acre parcel was removed from the Bell's Lane Agricultural District.

The request to withdraw the property from the district was considered by the Staunton Agricultural and Forestal Advisory Committee on February 6, 2023 and February 24, 2023. The committee members were also afforded the opportunity to visit the site in advance of their second meeting. The committee noted in their report (Attachment 3):

> The City Ordinance 18.95, which establishes Ag/Forestal Districts, does not give a purpose statement or general description which could help guide the Committee in their determination. However, language in the Code of Virginia does lay out state policy that specifies considerations in establishing and maintaining Ag/Forestal Districts. Code section 15.2-4401 states, "It is state policy to encourage localities of the Commonwealth to conserve and protect and to encourage the development and improvement of their agricultural and forestal lands for the production of food and other agricultural and forestal products. It is also a state policy to encourage localities of the Commonwealth to conserve and protect agricultural and forestall lands as valued natural ecological resources which provide essential open spaces for clean air sheds, watershed protection, wildlife habitat, aesthetic quality, and other environmental

purposes. It is the purpose of this chapter to provide a means by which localities may protect and enhance agricultural and forestal lands of local significance as a viable segment of the local economy and as an important economic and environmental resource."

18.095.060(2) of the City Zoning Code states, "No land within a district shall be removed except with the approval of the Council of the City of Staunton, upon a showing of good and reasonable cause."

The Virginia Code or case law does not define good and reasonable cause explicitly. It only says that a good and reasonable cause cannot be arbitrary or capricious and cannot be willfully unreasonable.

The general purpose of Land Use Taxation in Virginia is to preserve agricultural, horticulture, forestry, and open space lands and to allow for the timely development of land.

Soil maps from the City show that only a small portion of the property is considered prime agricultural soil. The bulk of the property is primarily silty clay loam with very high runoff and 30% rock outcrops.

After careful deliberations on the matter, the committee on a 3-2 vote, recommended approval of the applicant's request to remove the property from the Bells Lane Agricultural District.

Section 18.95.040 of the Staunton Zoning Code notes:

These districts are overlay districts and upon termination of any of the districts or withdrawal of any parcel from a district, when permitted, the underlying zoning with its rules and regulations shall continue to be in effect.

The property is zoned I-1, Light Industrial District and is therefore subject to all the regulations and restrictions of that District.

Special Use Permit for the Development of a Solar Energy Facility:

Details of the Proposal:
The proposal is to develop a solar-energy electrical generation facility and associated collector substation producing approximately 20.75 megawatts (MW). The proposal includes a 15.75 MW utility scale solar facility and a 5 MW community scale solar facility. Attachment 4 contains the narrative submitted by the applicant describing the details of the proposal. Attachment 5 is a concept plan of the proposed project. Staff will not restate all the submitted information in this report and refers readers to the application and attachments for detailed information on the proposal.

Community Meetings:
The applicant held two community meetings, February 22, 2023, and April 5, 2023, that were attended by approximately 20-30 people (including the public, Council members, Planning Commissioners, City staff, and the applicant's team). Comments received included: concerns about visual impacts, property value impacts, stormwater impacts and decommissioning.

Analysis of the Special Use Permit Request:
When conducting an analysis of the Special Use Permit request one should do so in the context

of the underlying I-1, Light Industrial District zoning of the property. Section 18.75.010 of the Staunton Zoning Code describes the district as such:

> These districts are composed of land and structures used for light manufacturing or wholesaling, or suitable for such uses, where the use and its operation do not directly adversely affect nearby residential and business uses. These districts are usually separated from residential areas by business areas or by natural barriers. The district regulations are designed to allow a wide range of industrial activities subject to limitations designed to protect nearby residential and business districts.

Uses permitted by right in the I-1 Light Industrial District include:

- Building material sales yard and lumber yard, including the sale of rock, sand, and gravel.
- Contractor's equipment storage yard or plant, or rental of equipment commonly used by contractors.
- Freighting or trucking yard or terminal.
- Outdoor storage facilities for coal, coke, building materials, sand, gravel, stone, lumber; open storage of construction contractor's equipment and supplies.
- Public utility service yard or electrical receiving or transforming station.
- Auction house.
- Tire recapping or retreading.
- Co-location of telecommunication antenna and related equipment.

The following uses when conducted within a completely enclosed building:

- The manufacture, compounding, processing, packaging, assembling or treatment of various products.
- Automobile assembling, painting, upholstering, rebuilding, reconditioning, body and fender works, truck repairing and overhauling and battery manufacturing.
- The sale, storage and sorting of junk, waste, discarded or salvage materials, machinery, or equipment.
- Blacksmith shop and machine shop.
- Wholesale or warehouse enterprise.

Any of the above noted uses could be permitted on the site upon the administrative approval of a site plan. The approval would not be subject to public review, Planning Commission input or City Council authorization.

Visual Impacts

The most apparent impact of the proposal is the visual impact on the adjacent and nearby properties. The applicant has proposed a 50-foot vegetative screening buffer for the solar panels and equipment from the right-of-way and from any non-industrial zoned property. This far exceeds the 10-foot vegetative buffer requirement for any of the by-right industrial uses. Due to the elevated railroad, parallel to Commerce Road, there will be very limited views of the solar panels for the motoring public along this street. However, due to the topography of the site and other properties in the vicinity, even with a 50-foot vegetative buffer, the solar panels will be viewable along sections of New Hope Road and from elevated locations in the vicinity. Visual simulations have been prepared and are included as Attachment 6. (Note: Visual simulations show a 10’ vegetative buffer – not the 50’ vegetative buffer on the current proposal.) The solar panels will not be visible from any of the City’s National Register Historic Districts; however, they will be visible from the John Lewis grave site (located on private property).

Impact on Adjoining Property Value

The applicant has noted that “when properly screened and set back from surrounding residences and properties, studies have shown that solar arrays have no negative impact on property values…studies have shown that solar arrays can mildly increase property values given that they are quiet, do not generate traffic and further reduce residential development.” As previously noted, due to the topography of the area, it is impractical to screen the solar panels from all surrounding properties; however, development of the site with a solar energy facility would preclude the property from being developed with industrial uses that would be more incongruous with the surrounding area. The use of adjacent properties for agriculture, state offices and facilities, and recreational facilities will not be impacted by the proposed solar energy development.

Environmental Impacts

An Environmental Resource Impact Analysis was prepared by Timmons Group and is provided as Attachment 7. The project will be located outside of the 50-foot riparian buffer and flood plain. It will be developed in conformance with all applicable federal, state, and local laws and regulations. Conformance with the laws and regulations will be verified through the site plan review process. Any significant grading on the site will be limited to areas for access roads, a substation, inverter locations, and stormwater management facilities. Only minimal grading will be done under the individual solar panels.

Decommissioning Plans

Unlike with most industrial uses, it is practical to decommission a solar energy facility at the end of its useful life and restore the land to its pre-development condition. The Timmons Group prepared Decommissioning Plans for the solar energy facilities (Attachment 8). The Decommissioning Plans provide specifics on when the projects will be decommissioned, how the land will be restored, who is responsible to do the work and how much the plans will cost to implement. City staff has reviewed the Decommissioning Plans and find them to be very thorough and generally acceptable; however, staff has reservations about the estimated value of the salvaged material. Therefore, staff recommends that surety is provided to cover the entire cost of implementing the Decommission Plans, without a credit for the estimated value of the salvage material.

Public Facilities and Public Infrastructure

The applicant notes that “while the Project will increase the tax base provided to the City, it will not have any significant draw on public resources such as schools, sewer and water, roads, or other public services and facilities.” Access to the site is from an existing entrance that serves VDOT and the State Police offices. Temporary traffic control measures will be implemented during construction; however, once operational, the site is not expected to generate more than one or two trips per week. A Transportation Overview was provided and is included as Attachment 9.

Review for Compliance with the Comprehensive Plan

As a solar energy facility, the proposal is subject to a Compliance with the Comprehensive Plan Review as required by the Code of Virginia (15.2-2232). A compliance review considers whether the general location, character, and extent of a proposed public facility are in substantial accord with the adopted Comprehensive Plan. It is reviewed by the Planning Commission, and the Commission's findings are forwarded to City Council.

The property is designated as Planned Farm Development area in the Future Land Use Map of the *City of Staunton, Virginia, Comprehensive Plan 2018-2040*. While solar energy facilities are not identified as a goal or an objective for the Planned Farm Development areas, it helps the City meet other Comprehensive Plan goals and objectives related to renewable energy.

The *City of Staunton Comprehensive Plan, 2018-2040* supports green energy such as solar in following areas of the plan:

<u>Open Space/Environment</u>
Goal – Practice good stewardship of the environmental resources within and surrounding the City by protecting environmentally sensitive areas, preserving open space and natural habitat (including dark skies), minimizing pollution of all kinds, and encouraging sustainability and conservation practices.

Objective - Promote energy conservation practices and the potential use of alternative energy sources.

<u>Public Services and Government</u>
Goal - Ensure quality and effective public services that meet the needs of citizens and the business community that is balanced with the City's economic base and resources.

Utilities and Infrastructure
Objective - Encourage green and sustainable initiatives and integrate emerging technologies that promote use of efficient and renewable energy.

For the above noted reasons staff finds that the proposal is consistent with the Comprehensive Plan.

<u>Shared Solar Subscription</u>

"The applicant will establish a 12-month period during which only Staunton residents may be enrolled in the program. Arcadia (third-party servicing company) will conduct a marketing campaign to promote and advertise the program to city residents. Any Staunton resident may enroll, regardless of income, during the initial 12-month period (Attachment 10)." While the monetary benefit of participating in the program is minimal, it offers residents an opportunity to participate in renewable energy without the expense of installing individual solar panels. The program would also benefit residents that are not able to install solar panels on their property for various other reasons such as too much shade on their property. The potential benefit of community/shared solar facilities for residents in historic districts has previously been discussed by staff as a viable option to installing individual panels.

Summary:
This application has been reviewed for compliance with the factors to be considered when acting on a Special Use Permit. It is staff's opinion that the proposal, with appropriate conditions, meets the requirements of the Staunton Zoning Code for approval. The primary impacts associated with the project are with construction and visual impacts. It is estimated that

the construction will last approximately 6-12 months so the impact is of a limited duration. While the visual impacts will remain, it is arguable that the visual impacts of the proposed project are less than other permitted uses of the property. Other permitted uses would have greater impacts such as noise, traffic, and light pollution. The proposed project is unique in that it requires minimal grading of the site and the site can, and will, be returned to its pre-existing condition at the end of the facility's useful life.

Recommendations:
Staff recommends that City Council follow the recommendation of the Staunton Agricultural-Forestal Advisory Committee and the Planning Commission to remove 801 Commerce Road from the Bell's Lane Agricultural District. The reason for removing the property from the district is not arbitrary or capricious or willfully unreasonable. Only 7% of the property is considered prime agricultural soil. The property has not been used for crop production, but has only been used for grazing of cattle.

Based on the findings contained in the staff report, staff recommends approval of the Special Use Permit for the development of 801 Commerce Road with a solar energy facility with the following conditions:

1. Development and use must be in general accord with the plans prepared by Timmons Group titled "Oikos Staunton Solar Project and Oikos Staunton Community Solar Project, Preliminary Concept Plans" dated May 16, 2023 (hereinafter "Concept Plan") and included as Attachment 5, as determined by the Zoning Administrator. To be in general accord with the Concept Plan, development and use must reflect the following major elements as shown on the Concept Plan: a. Location of solar development envelopes, b. Location of collector station, and c. Retention of wooded vegetation in stream buffers. Land disturbance shall be limited to the areas within the proposed fenced areas as shown on the Concept Plan. The location of the proposed entrance and access to the solar facility shall not be subject to this condition. Site grading will be subject to review and approval by the City during the site planning process. The panels shall be installed generally with the existing topography of the site. Grading of the panel areas shall be limited to the greatest extent practicable. Minor modifications, with the approval of the Zoning Administrator to the Concept Plan that do not otherwise conflict with the elements listed above may be made to ensure compliance with the Zoning Ordinance, and State or Federal laws.

2. Landscaping and screening locations must be substantially the same as shown on the Concept Plan. Additional landscaping and screening may be required during site plan review if required for compliance with federal, state, or local laws, ordinances, or regulations. Planting materials shall be approved by the Zoning Administrator during site plan review.

3. All inverters, solar panels and collector station must be set back at least fifty (50) feet from rights-of-way and from all adjoining properties not zoned industrial.

4. The facility shall utilize only panels that employ anti-glare technology,

anti-reflective coatings, and other available mitigation techniques to reduce glint and glare. Prior to the issuance of a building permit, the applicant shall submit to the Zoning Administrator descriptive and schematic information regarding panel technology to ensure the facility is utilizing current anti-glare technology and anti-reflective coatings.

5. The decommissioning and site rehabilitation plan (hereinafter "Decommissioning Plan") prepared by Timmons Group and submitted with the Special Use Permit application, shall be subject to review and approval by the City Attorney and the City Public Works Director and shall be in a form and style so that it may be recorded in the office of the Circuit Court of the City of Staunton.

6. Prior to issuance of a grading permit, the Decommissioning Plan must be recorded by the applicant in the office of the Circuit Court of the City of Staunton. A performance bond or letter of credit approved by the City Attorney must be posted to cover the full cost of implementing the Decommissioning Plan. No credit is provided for the estimated salvage value of the materials.

7. The Decommissioning Plan and estimated costs must be updated every five years, upon change of ownership of either the property or the project's owner, or upon written request from the Zoning Administrator. Any changes or updates to the Decommissioning Plan must be recorded in the office of the Circuit Court of the City of Staunton. The performance bond or letter of credit shall be adjusted to cover any estimated increase in cost.

8. The Zoning Administrator must be notified in writing within 30 days of any change in ownership or the abandonment or discontinuance of the use.

9. All physical improvements, materials, and equipment (including fencing) related to solar energy generation, both above ground and underground, must be removed entirely, and the site must be rehabilitated as described in the Decommissioning Plan, within one year of the abandonment or discontinuance of the use.

10. If the construction of the solar energy facility, for which this special use permit is issued, is not commenced within five (5) years after City Council approval, the permit must be deemed abandoned and the authority granted thereunder shall terminate.

11. Products used to clean panels are limited to water, and biodegradable cleaning products.

12. No above ground wires except for those associated with the panels and attached to the panel support structure and those associated with tying into the existing overhead transmission wires are permitted.

13. Prior to activation of the site, the applicant must provide training to Staunton Fire/Rescue. This training must include documentation of

onsite materials and equipment, proper firefighting and lifesaving procedures and material handling procedures.

14. The project areas shall be enclosed by security fencing not less than six feet in height and equipped with an appropriate anticlimbing device. Fencing must be installed on the interior of the vegetative buffer required so that it is screened from the ground level view of adjacent property owners. The wildlife corridors shall not be enclosed with fencing.

15. The property owner must grant the Zoning Administrator, or designee, access to the facility for inspection purposes within 14 days of the Zoning Administrator requesting access.

16. Outdoor lighting for the facility shall be permitted only during maintenance periods; regardless of the lumens emitted, each outdoor luminaire must be fully shielded to the satisfaction of the Zoning Administrator.

17. Ground mounted solar energy generation facilities shall not exceed a height of eighteen (18) feet, which shall be measured from the highest natural grade below each solar panel. This limit shall not apply to the collector station, utility poles and the interconnection to the overhead electric utility grid. The lowest surface of the panel shall be a minimum of eighteen (18) inches above grade.

18. The project area shall be seeded with appropriate pollinator-friendly native plants, shrubs, trees, grasses, and wildflowers. The project must achieve VA Pollinator-Smart Certification as contained in the Virginia PollinatorSmart Solar program.

19. The applicant shall establish a 12-month period during which only Staunton residents may be enrolled in the applicant's Shared Solar Program.

20. The site plan shall include a maintenance and traffic plan to identify how construction vehicles will stage on the property to avoid impacts to Commerce Road and operations of the State Police and Virginia Department of Transportation facilities.

Planning Commission Recommendation:
At its April 20, 2023 meeting, the Planning Commission conducted a combined public hearing on the withdrawal of 801 Commerce Road from the Agricultural-Forestal District and the Special Use Permit request. During the public hearing three individuals spoke in favor of the request and six individuals spoke in opposition.

On a 4-1 vote, the Commission voted to recommend approval of the withdrawal from the A-1, Agricultural-Forestal District.

On a 4-1 vote, the Commission affirmed that the proposed solar energy project is in substantial accord with the adopted Comprehensive Plan.

On a 4-1 vote, the Commission voted to recommend approval of the Special Use Permit with the twenty conditions noted above.

Attachments:
Attachment 1—Special Use Permit Application
Attachment 2—Request to withdraw 801 Commerce Road from the Bell's Lane Agricultural-Forestal District
Attachment 3—Report of the Agricultural and Forestal Advisory Committee
Attachment 4—Special Use Permit Narrative
Attachment 5—Revised Concept Plan by Timmons Group
Attachment 6—Visual Simulations
Attachment 7—Environmental Resource Impact Analysis by Timmons Group
Attachment 8—Decommissioning Plans by Timmons Group
Attachment 9—Transportation Overview by Timmons Group
Attachment 10—Supplement Regarding Shared Solar Subscription
Attachment 11—Panel Diagram
Attachment 12—Inverter Diagram
Attachment 13—Substation Photo
Attachment 14—Distribution Line Map

Exhibit 1—Vicinity Map: 801 Commerce Rd
Exhibit 2—Agricultural-Forestal District Map
Exhibit 3—Current Zoning Map:801 Commerce Rd
Exhibit 4—Future Land Use Map: 801 Commerce Rd

Suggested Motion for Consideration of Agricultural Forestal Withdrawal: I move that Council approve the withdrawal of 801 Commerce Road from the Bell's Lane A-1, Agricultural-Forestal District as recommended by the Planning Commission.

Suggested Motion for Special Use Permit Request (to be made after the public hearing is conducted): I move that Council approve the Special Use Permit with the conditions as recommended by the Planning Commission as presented.

City Manager: Leslie Beauregard

Attachment 1

STAUNTON
VIRGINIA

DEPARTMENT OF PLANNING & INSPECTIONS
116 W. BEVERLEY STREET | P.O. BOX 58 | STAUNTON, VA 24402
540.332.3862 (OFFICE)
540.332.3807 (FAX)

APPLICATION FOR SPECIAL USE PERMIT

DATE: January 13, 2023

NAME OF APPLICANT: Staunton PV-UT, LLC and Staunton PV-CS, LLC

ADDRESS OF APPLICANT: c/o Oikos Solar System, Inc., 11011 Richardson Rd., Ashland, VA 23005

PHONE #: c/o Lori H. Schweller, Williams Mullen, 323 2nd St. SE, Ste 900, Charlottesville, VA 22902
434-951-5728

E-MAIL ADDRESS: LSchweller@williamsmullen.com and Oikos.danny@gmail.com

IF APPLICANT IS ***NOT*** THE OWNER OF THE PROPERTY IN QUESTION, EXPLAIN. A COPY OF A PENDING CONTRACT OR OPTION AGREEMENT MUST BE ATTACHED HERETO AND MADE A PART OF THIS APPLICATION. The property owner is Flying Rock Property, LLC, an affiliate of Oikos Solar System, Inc.

LOCATION OF PROPERTY: 801 Commerce Road, Staunton, Virginia

MAP PROVIDED: YES x NO _____ SITE PLAN PROVIDED: YES x NO _____

FEE PAID: YES x NO _____ **check or cash only*

PRESENT ZONING OF THE PROPERTY: I-1 Light Industrial

APPLICABLE SECTION OF ZONING CODE STATING USE IS PERMITTED ON REVIEW:
Chapter 18.75 and Chapter 18.10

ARE PUBLIC UTILITIES AVAILABLE AND ADEQUATE FOR PROPOSED USE? IF ***NO***, EXPLAIN HOW UTILITIES WILL BE PROVIDED:
yes

LEGAL DESCRIPTION OF PROPERTY: Please see attached legal description; the parcels have been combined, as shown on the attached consolidation plat.

DETAILED DESCRIPTION OF PROPOSED USE (DRAWINGS MUST BE INCLUDED IF NEW CONSTRUCTION, ADDITIONS, OR CHANGES TO THE EXTERIOR OF THE PROPERTY ARE PROPOSED).

Please see attached Special Use Permit Application Narrative for PIN 10413 with exhibits.

SIGNATURE: ______________________________

Attachment 2

WILLIAMS MULLEN

Direct Dial: 434-951-5728
lschweller@williamsmullen.com

November 28, 2022

Via Email and U.S. Mail

Rodney Rhodes, Zoning Administrator
City Hall
116 W. Beverley Street
P.O. Box 58
Staunton, VA 24402

Re: REQUEST TO WITHDRAW PROPERTY FROM THE AGRICULTURAL-FORESTAL DISTRICT; Oikos Staunton Solar Project, 801 and 809 Commerce Road, Staunton, VA

Dear Mr. Rhodes:

City of Staunton real estate tax records indicate that Flying Rock Property, LLC acquired the following property on August 23, 2022 by deed recorded in the Clerk's Office as Instrument No. 220002665:

1. 809 Commerce Road, PID 10140, containing 1.24 acres
2. 801 Commerce Road, PID 10413, containing 65.50 acres
3. 569 New Hope Road, PID 10418, containing 31.19 acres

These three parcels were combined by recordation of a boundary line adjustment plat, dated September 13, 2022, prepared by EGS & Associates, Inc. The newly-created parcel is referred to herein as the "Property."

Flying Rock Property, LLC is affiliated with Staunton PV-UT, LLC and Staunton PV-CS, LLC (collectively, the "Applicant"), which intend to file application materials for appropriate land use approvals for Solar Energy Facilities on the Property.

The Applicant proposes a solar facility up to 15.75 MWac, a 5 MWac shared solar facility, and a 5.5 MWac battery electric storage system (collectively, the "Projects") on the Property, which is zoned I-1 Industrial. We understand that the Property, though in the I-1 District, is designated as Agricultural-Forestal. The Applicant requests to withdraw the entire Property from the Agricultural-Forestal district in order to develop and operate the Projects.

We thank you for your consideration of this request and look forward to working with the City on this project.

Very truly yours,

Lori H. Schweller

cc: Dan Chung, Oikos Solar System, Inc.

Attachment 3

REPORT OF THE AGRICULTURAL & FORESTAL ADVISORY

COMMITTEE

on the

PROPOSED WITHDRAWAL OF 801 COMMERCE ROAD

OWNED BY

FLYING ROCK PROPERTY, LLC

FROM THE

BELLS LANE AGRICULTURAL DISTRICT

The Agricultural & Forestal Advisory Committee of The City of Staunton, Virginia

Stephen Talley, Chairman

Faye Cooper, Vice-Chairman

Steven Beam

Presley W. Moore, III

Charles Haney, Jr., Staunton City Assessor

Mark Robertson, Council Liaison

Background

A. On November 28, 2022, a representative of Flying Rock Property LLC, owner of a 96.823-acre property now described as 801 Commerce Road in Staunton, Virginia (PID 10413), requested that Staunton remove the property from the Bells Lane Agricultural District.
B. The owner and their affiliates request that the City remove the property from the Agricultural District, subjecting the property to underlying I-1 zoning and allowing the owners to apply for a special use permit to develop and operate a solar energy facility.

Salient Points

A. The City Ordinance 18.95, which establishes Ag/Forestal Districts, does not give a purpose statement or general description which could help guide the Committee in their determination. However, language in the Code of Virginia does lay out state policy that specifies considerations in establishing and maintaining Ag/Forestal Districts. Code section 15.2-4401 states, "It is state policy to encourage localities of the Commonwealth to conserve and protect and to encourage the development and improvement of their agricultural and forestal lands for the production of food and other agricultural and forestal products. It is also state policy to encourage localities of the Commonwealth to conserve and protect agricultural and forestal lands as valued natural and ecological resources which provide essential open spaces for clean air sheds, watershed protection, wildlife habitat, aesthetic quality, and other environmental purposes. It is the purpose of this chapter to provide a means by which localities may protect and enhance agricultural and forestal lands of local significance as a viable segment of the local economy and as an important economic and environmental resource."

B. 18.095.060(2) of the City zoning code states, "No land within a district shall be removed except with the approval of the Council of the City of Staunton, upon a showing of good and reasonable cause."
C. The Virginia Code or case law does not define good and reasonable cause explicitly. It only says that a good and reasonable cause cannot be arbitrary or capricious and cannot be willfully unreasonable.
D. The general purpose of Land Use Taxation in Virginia is to preserve agricultural, horticulture, forestry, and open space lands and to allow for the timely development of land.
E. Soil maps from the City show that only a small portion of the property is considered prime agricultural soil. The bulk of the property is primarily silty clay loam with very high runoff and 30% rock outcrops.

Committee Action

The Committee met on February 6, 2023, and February 24, 2023, to discuss the request. Flying Rock Property LLC permitted the Committee to visit the site. Most Committee members visited individually or as a group between the meetings. Oikos Solar Systems, a partner in this venture, had a public informational meeting that some members attended. Representatives of the zoning department were also at our meetings to answer zoning-related questions. Representatives of Flying Rock Properties and Oikos Solar Systems addressed our meeting on February 24, 2023.

Issues brought up and discussed were: the loss of agriculture and open space lands, the effect on the District as a whole if the City removes the property from the District, personal properties rights, income to the City and its uses, the impact on neighboring properties, the benefits of solar power, the perception that the Committee did not have enough time to consider their decision properly, other possible future uses of the industrial zoned property, the absence of guidelines that could inform decision making, what happens when and if Oikos Solar Systems decommissions a solar operation, the extent to which the solar operation developer is willing to install conservation practices and habitat enhancements, and the quality of the soil on the property for farming.

Stephen Beam made the motion to allow the removal of the 96.823 acres at 801 Commerce Road from the Bells Land Agricultural District. Charley Haney seconded the motion. The Committee voted to recommend approval of the applicant's request (three in favor: two opposed).

Stephen Talley, Chairman, Ag/Forestal Committee

Stephen T Talley

Chairman Agriculture/Forestal Advisory Committee

Attachment 4 January 13, 2023

Oikos Staunton Utility Solar Project
and
Oikos Staunton Community Solar Project

Special Use Permit Application Narrative

Parcel ID Number 10413

INTRODUCTION

Staunton PV-UT, LLC and Staunton PV-CS, LLC (collectively, the "Applicant") are affiliates of Oikos Solar Systems, Inc., based in Ashland, Virginia. Oikos Solar Systems, Inc. introduced a zoning ordinance amendment to Staunton City Code ("SCC") Chapter 18.75 to make Solar Energy Facilities permitted by Special Use Permit in the I-1 Light Industrial District and I-2 Heavy Industrial District and to add a definition for Solar Energy Facility to SCC Chapter 18.10. Staunton City Council approved the amendments on July 28, 2022. Flying Rock Property, LLC, a Virginia limited liability company, an affiliate of the Applicant, has purchased property on Commerce Road in the City of Staunton in order to develop and operate Solar Energy Facilities.

PROJECT PROPOSAL

The Applicant proposes two Solar Energy Facilities (collectively, the "Project") within the 95.1-acre Project property:

1. A 15.75 MW utility scale solar facility with estimated 5.5 MW battery storage[1]; and
2. A 5 MW community solar facility[2]

The point of interconnection with the Dominion power lines is located in the Dominion easement within the railroad right-of-way that runs alongside Commerce Road. The point of connection is also part of the Solar Energy Facilities submitted for approval under the special use permit.

The Project property (the "Property") is a single parcel (PID 10413) with the address of 801 Commerce Road. The Property was created by consolidating three parcels, as shown on the plat prepared by EGS

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[1] To be finalized following 100% design.
[2] The term "community solar" is used interchangeably with the term "shared solar." The Community Solar project will be developed under the Shared Solar program per Virginia State Code Section 56-594.3 and related regulations.

& Associates, Inc., dated September 13, 2022, recorded in the City of Staunton land records with a deed of consolidation as Instrument No. 220003442 (See Exhibit A).

Enclosed as Exhibit B to this Special Use Permit Application is a Concept Plan prepared by Timmons Group, dated January 6, 2023, which depicts the perimeter of the Project area, screening, setbacks, fencing, access, panel areas, points of interconnection, inverters, collector station, and environmental features. The Project area will include the following fenced areas:

1. Utility Scale Solar Array Area of approximately 59.4 acres (43.4 acres*);
2. Community Scale Solar Array Area of approximately 30.5 acres (13.6 acres);
3. Utility Scale Battery Energy Storage System Area of approximately 2.1 acres (0.866 acre); and
4. Collector Substation Area of approximately 3.1 acres (0.77 acre).

*The acreage in parentheses is the fenced area for such component.

The Community Solar project is being developed to participate in the Shared Solar Program, adopted by the General Assembly in 2020. This program allows Dominion Energy customers the opportunity to subscribe to shared solar facilities to reduce their energy bills. A minimum of 30% of the initial Shared Solar Program's megawatts must be allocated to low-income customers. The Applicant plans to subscribe as many low-income subscribers as are interested in the program, up to 100% of its subscribers. Staunton's electricity is provided by Dominion Energy and Shenandoah Valley Electric Cooperative. Currently, the Shared Solar Program operates in conjunction with Dominion Energy, and discussions are ongoing to expand it to other electric power providers. For further information, below is a description of the Shared Solar Program from Dominionenergy.com:

> "During its 2020 Session, the Virginia General Assembly enacted Chapters 1238 (HB 1634) and 1264 (SB 629) of the 2020 Virginia Acts of Assembly. These Acts of Assembly added a new section to the Virginia Code numbered 56-594.3. The section established the Shared Solar Program, which provides customers of Dominion Energy Virginia the opportunity to participate in shared solar projects.
>
> Under the program, retail customers may purchase subscriptions in a shared solar facility owned by a subscriber organization (SO). The Code defines shared solar facility as a facility that, among other things, generates electricity by means of a solar photovoltaic device with a nameplate capacity that does not exceed 5,000 kilowatts of alternating current, is located in Dominion Energy's service territory in Virginia, and is located on a single parcel of land. Customers that purchase a subscription will receive a bill credit for the proportional output of the shared solar facility attributable to that subscriber, subject to a minimum bill notwithstanding the bill credit. Subscriptions must be sized such that the estimated bill credits do not exceed the subscriber's average annual bill for the account to which the subscription is attributed."

The Applicant intends to construct the Utility Scale and Community Solar projects at the same time, following site plan approval and necessary permitting from the Department of Environmental Quality.

CHARACTER AND USE OF SURROUNDING PARCELS

The surrounding land uses include agricultural, Virginia Department of Transportation (VDOT) offices and facility, Virginia State Police offices and facility, Gaie Lea event property, and single family residential. The operation of solar facilities in this area would not affect the viability of these existing uses, nor future uses within the area as further discussed below.

CONSISTENCY WITH THE COMPREHENSIVE PLAN

Like much of the property in the northeast quadrant of the City annexed from Augusta County in 1986, the Property is designated as Planned Farm Development within the Comprehensive Plan. The parcel is zoned I-1 Light Industrial.

The proposed Project meets the following specific goals and objectives of the City's Comprehensive Plan:

Planning

Goal: Encourage appropriate new development that is well-planned, compatible, incorporates mixed uses when appropriate, and contributes to the resource base of the city.

Public Service and Government

Goal: Ensure quality and effective public services that meet the needs of citizens and the business community that is balanced with the City's economic base and resources.

Objective: Utilities and Infrastructure

- *Encourage green and sustainable initiatives and integrate emerging technologies that promote use of efficient and renewable energy.*

PUBLIC NEED AND BENEFIT

Economic Development and Direct Revenue to the City

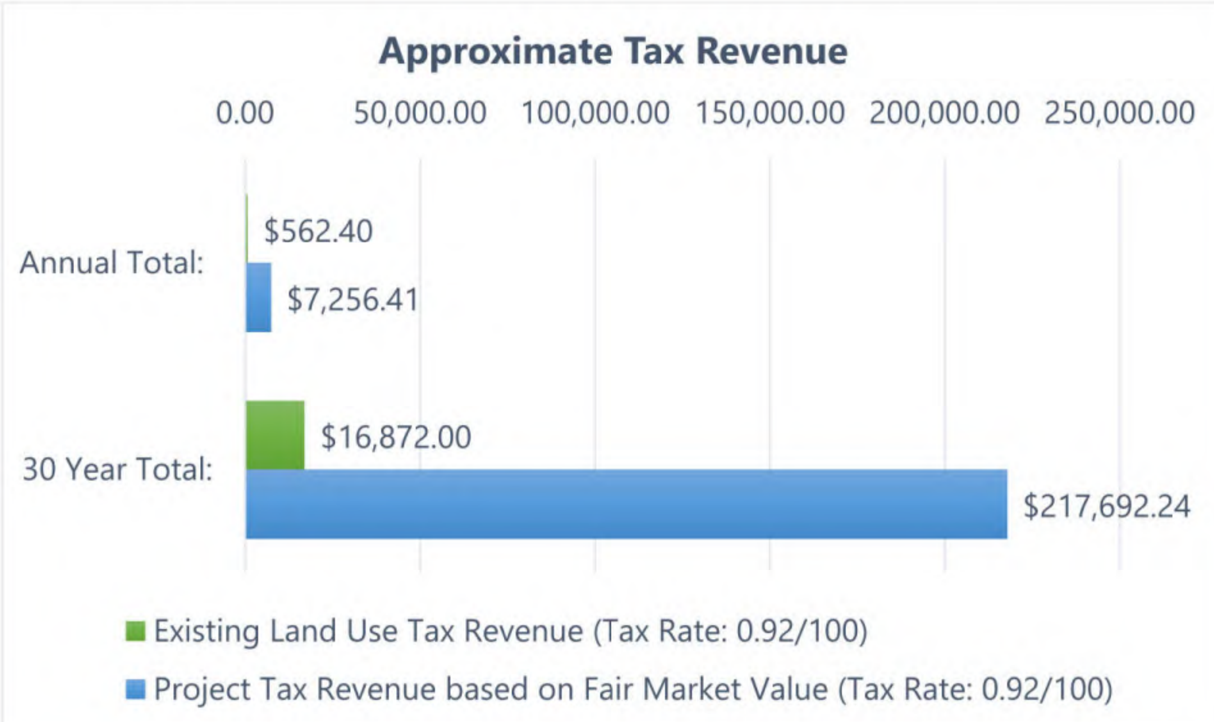
The City will benefit directly from the Project in the form of increased tax revenue, both from real property tax and from personal property taxation. In addition to direct revenue from taxes, there are other economic benefits to consider. The largest of these is jobs directly attributable through the construction of the Project. Upon reaching construction, the Project would contribute to support local jobs by sourcing local contractors and subcontractors wherever possible, from fence installers, to panel electricians, civil engineers, and construction laborers.

After construction of the solar project, it is anticipated that the real property taxation will increase due to the increased value placed on the Project. Below is the current estimate of the approximate revenue that will be provided to the City from the Project:

- $52,437.98 one-time rollback tax after removal of the property from land use
- $6,694.01 in additional annual tax revenue ($200,820.36 over 30 years)*

*This figure is simply the difference in 2022 taxes between land use and fair market value assessments at the 2022 tax rate. Real estate property assessments and tax rates are subject to change annually.

Therefore, the estimated difference between land use and fair market value taxes over a 30 year period are for illustrative purposes only.



Another consideration is the amount of public services that accompany this additional tax revenue base. While the Project will increase the tax base provided to the City, it will not have any significant draw on public resources such as schools, sewer and water, roads, or other public services and facilities.

<u>POTENTIAL IMPACTS OF THE PROPOSED PROJECT</u>

Visual Impact to Adjacent Properties and Vegetative Screening

The Project will be sited and screened so as to not impact adjacent landowners. The western boundary of the Property lies along the railroad right-of-way where existing trees create an approximately 200' wide buffer between Commerce Road and the Property. Single-family residential lots are located across Commerce Road further to the west. To mitigate further any visual impact to these residential property owners and to travelers on Commerce Road, an entrance corridor, the Applicant will plant an additional 10' wide vegetative buffer within the 25' front setback required by Sec. 18.75.030(1) along the entirety of the western property boundary to screen visibility of the Project from views from the west.

To the north of the Property is the Gaie Lea event venue. The home and event areas are over 1,500 feet away from the Project. There is existing screening by mature trees along the stream comprising the Property's northeast property boundary, as well as along the south side of the existing pond on the Gaie Lea property. Also immediately north of the Project east of Commerce Road is a Virginia Department of Transportation office and a Virginia State Police office, with multiple buildings and parking lots.

To the west and south are existing agricultural parcels, some containing farmhouses. The southern parcel boundary has trees along Lewis Creek, but the Applicant will plant a 10' vegetative buffer within the 50' setback between the Project and the common boundary line with the YMCA parcel, which is zoned A-1 Agricultural, as well as along the southwest boundary in order to further mitigate any impact to the adjacent owners. The nearest residence to the west is approximately 2,000 feet from the Project.

Pursuant to the standards of Section 18.175.060, the 10'-wide landscaped buffer may consist of a double staggered row of evergreen trees.

Access to the Project

As shown on the plat (Exhibit A), the Property has appurtenant easements of right-of-way for access at both the northern and southern boundaries. Primary access to the Project will be from Commerce Road on the VDOT/State Police driveway, over which the Property owner has an easement. If needed, access is available from New Hope Road over three access easements.

Real Estate

When properly screened and set back from surrounding residences and properties, studies have shown that solar arrays have no negative impact on property values across the Commonwealth of Virginia. Oikos will provide screening, and the Project is not anticipated to have any negative impact on surrounding property values. In fact, studies have shown that solar arrays can mildly increase property values given that they are quiet, do not generate traffic, and reduce further residential development.

Glint and Glare

Solar panels are designed to absorb light, rather than reflect it and therefore produce less glint and glare than snow or concrete.

Lighting

All lighting will comply with the City's Zoning Ordinance requirements and will be kept to the minimum necessary to ensure the safe operation of the facility.

Noise Analysis

Solar facilities produce negligible noise when operating, such that any noise produced becomes inaudible at approximately one hundred (100) feet from the noise producing components. These components include inverters that produce decibel levels that will not be heard from adjacent properties. The solar inverters have a manufacturer listed noise rating of sixty-five (65) decibels at one meter aware from the inverter. The CDC reports this level of noise as comparable to an air conditioner, washing machine, or dishwasher. The inverters on the site will be setback at least one hundred (100) feet from property lines. At one hundred (100) feet away from the inverter the noise is reduced to approximately thirty-five (35) decibels which is comparable to the noise of a refrigerator hum.

There will be some noise increase during construction of the facility. It is estimated that the construction will last approximately 6-12 months.

Vegetative Buffer
A representative of City Planning & Zoning met with a representative of the Applicant at the site to discuss required and suggested screening. The concept plan incorporates vegetative buffering where required along the southwest and southeast boundaries bordering on parcels zoned A-1 and B-3 and a corner abutting an R-1 designated district. As recommended, additional buffering is proposed along the entire western boundary with Commerce Road to mitigate potential impacts along the entrance corridor. Existing mature vegetation along the Property boundaries will provide additional screening. The proposed vegetative screening and species descriptions are provided on Sheet C4.0 of the Concept Plan.

Security
The Project components will be completely enclosed in perimeter fencing of not less than 6 feet and will include barbed wire at the top. The fencing will serve to prevent unauthorized persons from entering the Project site and will protect the system components from damage from wildlife. Locked gates will be installed to allow for ingress and egress of authorized personnel.

Temporary fencing will be installed, as necessary for safety and security, during construction. Access will be limited to authorized personnel, including designated City officials.

Public Facilities & Public Infrastructure
As stated above, the Project will not have any impacts to roads or schools. Timmons Group representatives have met on-site with Virginia Department of Transportation officials to review the proposed project and access location. See Exhibit C for a summary of this discussion. Site access will be from the existing entrance and access that serves the Virginia Department of Transportation offices. Temporary traffic control measures that meet VDOT and the City's best management practices, will be employed during construction. Once operational, there will be no daily staff at the Project site and site visits are expected to be limited to approximately one or two times per week or less.

It is not anticipated that the Project would impact other City services such as Fire/Rescue and Police. All project gates will have a Knox Box that will be accessible to Fire/Rescue and Police should the need to access the project area arises.

Environmental Resources
An Environmental Resource Impact Analysis, dated November 22, 2022, prepared by Timmons Group, is provided as Exhibit D.

Streams, Flood plain, and Wetlands
The Project has been designed to ensure that there will be minimal impact on any identified streams, ponds, flood plain, or wetlands within the Special Use Permit Area. The Project will be located outside of the 50-foot Riparian buffer and designated flood plain. The Project will not impact any flood plain or wetlands, with minor impact to the streams for the designated crossings, and will be developed and constructed in conformance with all applicable federal, state, and local laws and regulations including

the Clean Water Act, and VA-DEQ Stormwater Management Program Regulations. During the site planning phase of the project, a wetland delineation will offer more precise wetland and stream locations, as well as their classifications.

Grading and Stormwater Management

All stormwater management plans will be in conformance with all applicable local laws and regulations, as well as with the VA-DEQ Stormwater Management Program Regulations.

Prime Agricultural Soils

Enclosed as Exhibit E is a map showing the types of farmland soils on the Property. The majority of the Project (93%) is located on non-prime agricultural soils.

DECOMMISSIONING PLAN

Each solar energy facility within the Project will be decommissioned at the end of its useful life, which will be the earlier of when (a) the Project Owner determines the solar energy facility is at the end of its useful life, or (b) the facility generates no electricity for a continuous period of one year. At least 60 days prior to the commencement of decommissioning activities, the Project Owner will notify the City of Staunton officials. The Project Owner (the "Owner") will perform decommissioning activities for that solar energy facility pursuant to the respective decommissioning plan included with the application as Exhibit F. Decommissioning includes the removal and disposal of all equipment and materials relating to the operation of a solar energy facility including:

- Removal of all racking, panels, and electrical equipment
- Removal of all cabling above 36" below grade
- Removal of all above ground cabling
- Removal of all concrete foundations
- Removal of all internal roadways and fencing

Any existing vegetation and buffering will remain in place, and disturbed areas will be covered with topsoil. Minimal grading as necessary will be completed, though virtually none is anticipated except for areas where access roads are removed, and the soil will be decompacted to allow for productive agricultural use. All refuse and materials will be removed from the site and disposed of according to applicable laws and regulations. Where possible, materials will be recycled, salvaged, or reused. The decommissioning plan is designed to restore the property to allow for a productive agricultural use.

For details, please see the two Decommissioning Plans, prepared by Timmons Group, enclosed as Exhibit F(a) and Exhibit F(b).

EXHIBITS

A. Consolidation Deed and Plat for Flying Rock Properties, LLC, dated September 13, 2022
B. Concept Plan dated January 6, 2023
C. Timmons Group Transportation Overview Memorandum, dated January 5, 2023

D. Environmental Resource Impact Analysis, dated November 22, 2022
E. Farmland Soils Map
F. (a) Decommissioning Plan for Utility-Scale Facility, dated January 2, 2023
   (b) Decommissioning Plan for Community Solar Facility, dated January 2, 2023

(101643387.4)

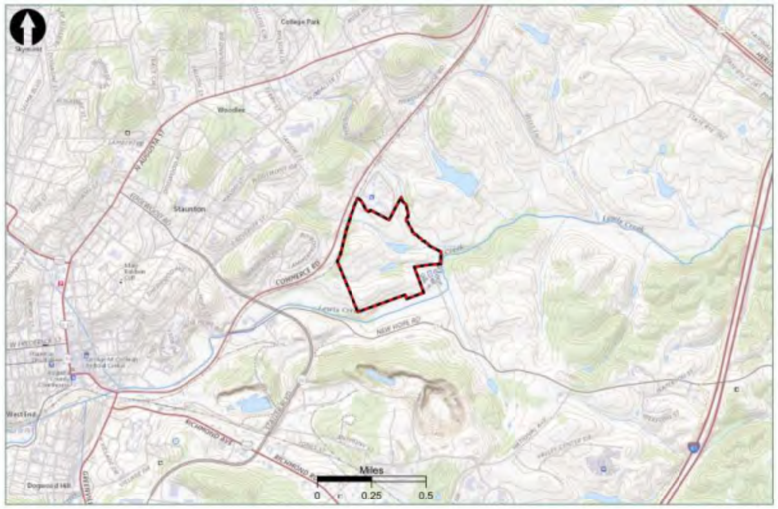
Attachment 5

OIKOS STAUNTON UTILITY SOLAR PROJECT & OIKOS STAUNTON COMMUNITY SOLAR PROJECT

15.75 MWAC UTILITY SCALE SOLAR ELECTRIC POWER GENERATION FACILITY &
5 MWAC COMMNUITY SOLAR ELECTRIC POWER GENERATION FACILITY

SPECIAL USE PERMIT

STAUNTON, VIRGINIA



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C2.0	PARCEL AND ZONING MAP
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C5.0	LANDSCAPING DETAILS

STAUNTON PV-UT, LLC
STAUNTON PV-CS, LLC

DEVELOPER

Oikos Solar System, Inc.
11011 Richardson Rd.
Ashland, VA 23005-3418

TIMMONS GROUP

ENGINEER

1001 Boulders Parkway, Suite 300
Richmond, VA 23225
TEL 804.200.6538

PROPERTY OWNER

Flying Rock Property, LLC
13407 Westwell Drive
Midlothian, Virginia 23113

PRELIMINARY CONCEPT PLANS PREPARED BY TIMMONS GROUP

MAY 16, 2023

TIMMONS GROUP
YOUR VISION ACHIEVED THROUGH OURS.

OIKOS SOLAR SYSTEM, INC.

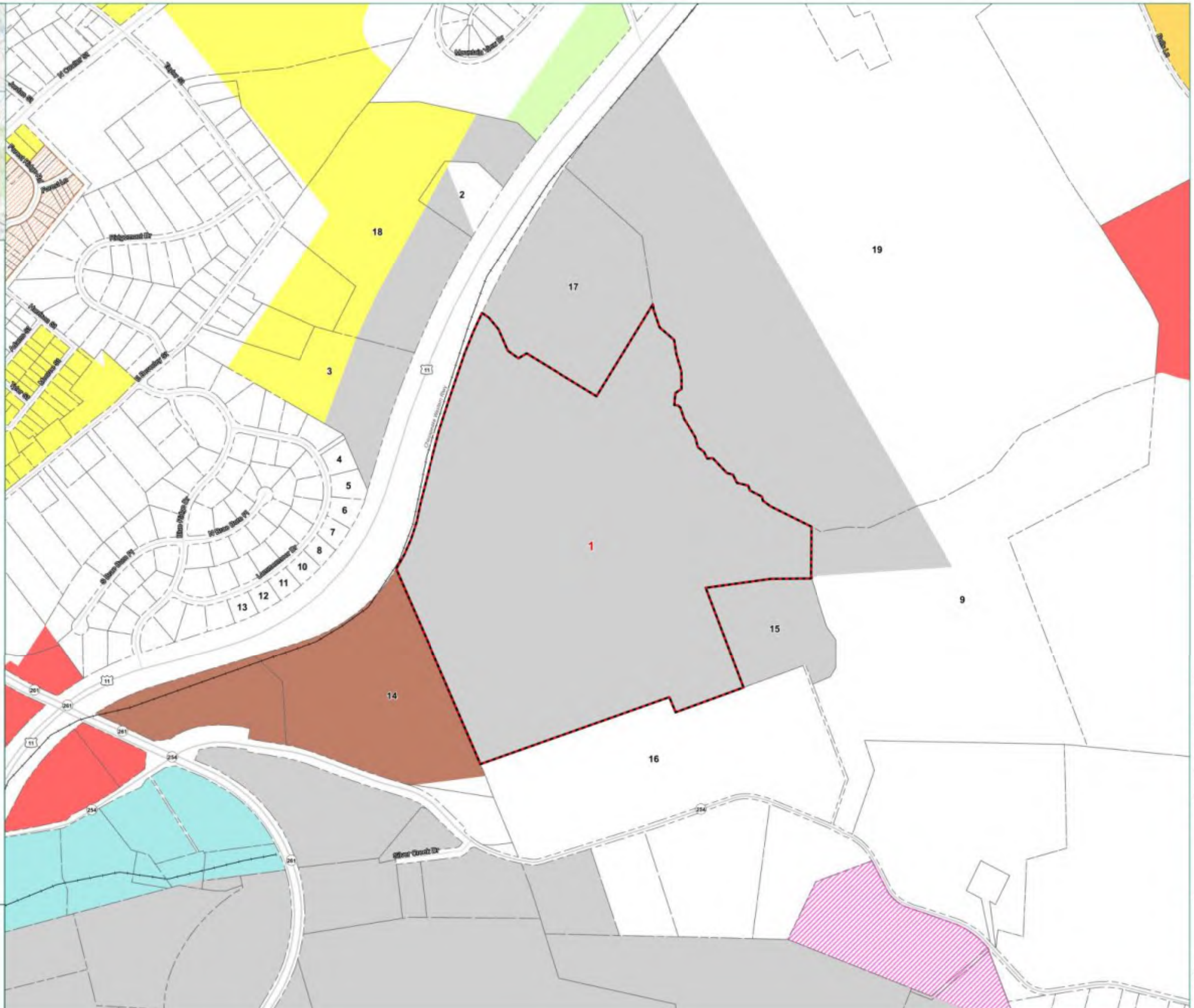
STAUNTON SOLAR PROJECT
STAUNTON, VIRGINIA

DATE 01/06/2023
PROJECT NUMBER 49034.004
PROJECT NAME STAUNTON SOLAR PROJECT
DESIGNED BY / DRAWN BY W. HART

REVISIONS

DRAWING DESCRIPTION COVER SHEET

PLANS PRINTED AS 11X17 ARE HALF SCALE
SCALE
SHEET NUMBER C1.0



Legend

- Project Study Limits - 95.1 Acres
- City of Staunton Tax Parcels

Parcel Zoning Code

- B-1
- B-1(conditional)
- B-2
- B-3
- B-5 outline
- HE-1
- I-1
- I-2
- P-1
- R-1
- R-2
- R-3
- R-3(conditional)
- R-4

Staunton Solar Project Parcels	
Map Identifier	**Parcel Identifier**
1	10413
Staunton Solar Adjacent Parcels	
Map Indentifier	**Parcel Identifier**
2	11356
3	6460
4	5154
5	1532
6	8435
7	5455
8	6197
9	10410
10	1533
11	6198
12	1534
13	6199
14	10420
15	10456
16	10377
17	10180
18	6461
19	10146

NOTES:
Project Limits have been previously surveyed.
Site layout is for design purposes only.
Not for construction.
Zoning Map from City of Staunton GIS.
Parcel limits from City of Staunton GIS.

TIMMONS GROUP
YOUR VISION ACHIEVED THROUGH OURS.
1001 Boulders Parkway, Suite 300
Richmond, VA 23225
TEL 804.200.6500
www.timmons.com

OIKOS SOLAR SYSTEM, INC.
8435 GLAZEBROOK AVENUE
RICHMOND, VA 23228

PROJECT NAME & LOCATION
STAUNTON SOLAR PROJECT
STAUNTON, VIRGINIA

DATE: 01/06/2023
PROJECT NUMBER: 49034.004
PROJECT NAME: STAUNTON SOLAR PROJECT
DESIGNED BY / DRAWN BY: W. HART

NOTES

REVISIONS

#	DATE	DESCRIPTION

DRAWING DESCRIPTION
PARCEL & ZONING MAP

SCALE (FEET)
0 300 600
PLANS PRINTED AS 11x17 ARE HALF SCALE

SCALE: H: 1" = 300'
SHEET NUMBER: C2.0

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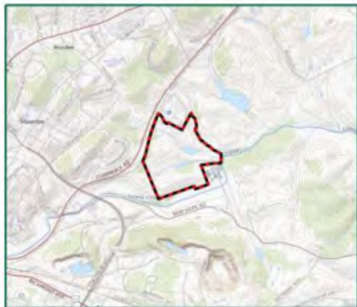
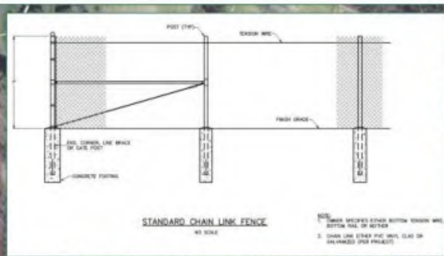
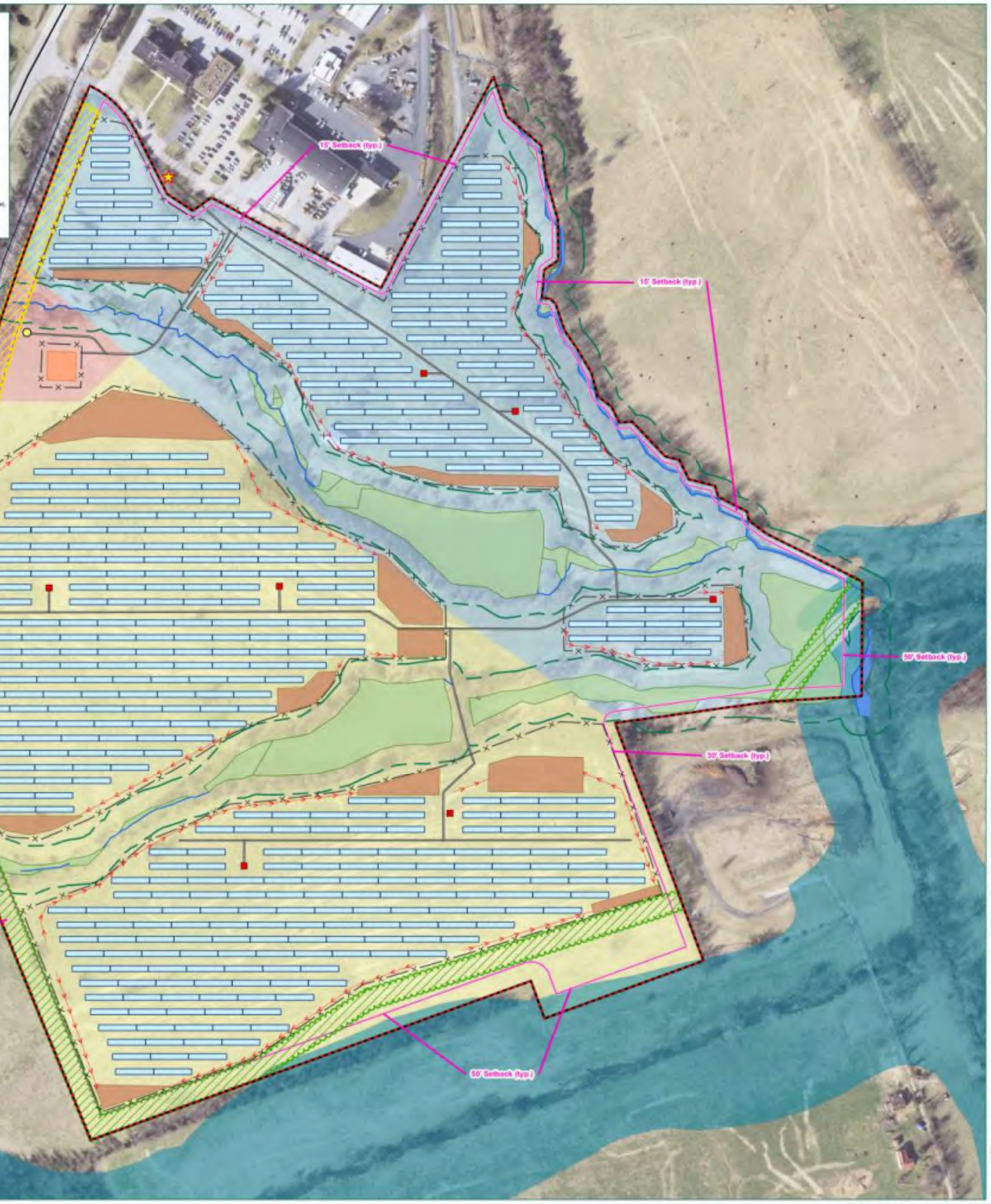






Legend

- Project Study Limits - 95.1 Acres
- Property Setbacks - See Notes
- Fence - 60.0 Acres
- Project Entrance
- Point of Interconnection
- Inverters
- Solar Arrays
- Collector Substation
- Internal Roads
- Stormwater Diversion Ditch
- Stormwater Basins
- Area of Required Vegetative Screening (50' Wide)
- Area of Voluntary Additional Vegetative Screening (50' Wide)
- 50' Riparian Buffer
- Delineated Stream
- Delineated Wetland
- FEMA Flood Zone

Operating Sections

- Utility Scale Solar Array Area - 15.75 MWac - 57.5 Acres
- Community Scale Solar Array Area - 5 MWac - 35.8 Acres
- Collector Substation Area - 1.8 Acres

NOTES

1. PROJECT LIMITS HAVE BEEN SURVEYED.
2. CONCEPT PLAN IS FOR DESIGN PURPOSES ONLY. NOT FOR CONSTRUCTION.
3. PROPERTY SETBACKS MEET THE ZONING ORDINANCE: 15 LF SETBACK FROM ALL SIDES, 25 LF SETBACK FROM STREET / FRONT YARD, 30 LF SETBACK FROM REAR AND 50 LF SETBACK FROM ALL ADJACENT RESIDENTIAL ZONED PARCELS. THE SETBACK ALONG COMMERCE ROAD HAS BEEN WIDENED TO 50 LF TO ACCOMMODATE A LARGER VEGETATIVE SCREENING BUFFER.
4. STREAMS AND WETLANDS HAVE BEEN FIELD DELINEATED BY TIMMONS GROUP.
5. FLOOD ZONE FROM FEMA NATIONAL FLOOD ZONE LAYER.
6. AERIAL IMAGERY FROM VGIN.
7. A 50 LF RIPARIAN BUFFER WILL BE MAINTAINED FROM THE EDGE OF DELINEATED WETLANDS AND STREAMS.

TIMMONS GROUP
YOUR VISION ACHIEVED THROUGH OURS.
1001 Boulders Parkway, Suite 300
Richmond, VA 23225
TEL 804.200.6500
www.timmons.com

OIKOS SOLAR SYSTEM, INC.
8435 GLAZEBROOK AVENUE
RICHMOND, VA 23228

PROJECT NAME & LOCATION
STAUNTON SOLAR PROJECT
STAUNTON, VIRGINIA

DATE 05/16/2023
PROJECT NUMBER 49034.004
PROJECT NAME STAUNTON SOLAR PROJECT
DESIGNED BY / DRAWN BY L. WHEELER

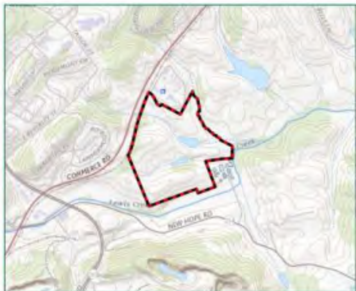
NOTES

REVISIONS

DRAWING DESCRIPTION
CONCEPT PLAN

SCALE (FEET)
0 150 300
PLANS PRINTED AS 11X17 ARE HALF SCALE
SCALE H: 1" = 150'
SHEET NUMBER 3.0

Y:\852\49034.004-Staunton_Solar\GIS\Staunton Solar\Staunton Solar.aprx



Legend

- Project Study Limits - 95.1 Acres
- Limits of Disturbance - 62 Acres
- Conceptual Stormwater Basins
- Conceptual Stormwater Diversion Ditch
- Point of Interconnection
- Fence

10' Topographic Contours (Existing)

- Major
- Minor

NOTES

1. THE LIMITS OF DISTURBANCE IS CONCEPTUAL AND WILL BE FINALIZED DURINGTHE SITE PLAN STAGE. STORMWATER FACILITIES WILL ALSO BE FINALIZED AT THE SITE PLAN STAGE.
2. STORMWATER BASINS AND DIVERSION DITCHES SHOWN ARE CONCEPTUAL AND WILL BE ENGINEERED AT THE SITE PLAN STAGE.
3. SPECIFIC LOCATION OF TOPSOIL TO BE REMOVED AND PRESERVED WILL BE IDENTIFIED ON THE FINAL CONSTRUCTION EROSION AND SEDIMENT CONTROL/STORMWATER MANAGEMENT PLANS THAT WILL BE REQUIRED FOR THIS PROJECT. TOPSOIL STRIPPED DURING GRADING SHALL BE STOCKPILED, STABILIZED, AND REPLACED DURING FINAL GRADING AND PRIOR TO THE INSTALLATION OF PANELS. SOIL STOCKPILES WILL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH 9VAC25-840-40.
4. PERMANANT OR TEMPORARY SOIL STABLIZATION SHALL BE APPLIED TO DENUDED AREAS WITHIN SEVEN DAYS AFTER FINAL GRADE IS REACHED ON ANY PORTION OF THE SITE. TEMPORARY SOIL STABILIZATION SHALL BE APPLIED WITHIN SEVEN DAYS TO DENUDED AREAS THAT MAY NOT BE AT FINAL GRADE BUT WILL REMAIN DORMANT FOR LONGER THAN 14 DAYS.
5. DURING CONSTRUCTION OF THE PROJECT, SOIL STOCK PILES AND BORROW AREAS SHALL BE STABLIZIED OR PROTECTED WITH SEDIMENT TRAPPING MEASURES. THE APPLICANT IS RESPONSIBLE FOR THE TEMPORARY PROTECTION AND PERMENANT STABILIZATION OF ALL SOIL STOCKPILES ON SITE AS WELL AS BORROW AREAS AND SOIL INTENTIONALLY TRANSPORTED FROM THE PROJECT SITE.

TIMMONS GROUP
YOUR VISION ACHIEVED THROUGH OURS.
1001 Boulders Parkway, Suite 300
Richmond, VA 23225
TEL 804.200.6500
www.timmons.com

OIKOS SOLAR SYSTEM, LLC
8435 GLAZEBROOK AVENUE
RICHMOND, VA 23228

PROJECT NAME & LOCATION

STAUNTON SOLAR PROJECT
STAUNTON, VIRGINIA

DATE: 05/16/2023
PROJECT NUMBER: 49034.004
PROJECT NAME: STAUNTON SOLAR PROJECT
DESIGNED BY / DRAWN BY: L. WHEELER

REVISIONS

DRAWING DESCRIPTION
AERIAL TOPOGRAPHY MAP

SCALE (FEET)
0 150 300
PLANS PRINTED AS 11X17 ARE HALF SCALE
SCALE: H: 1" = 150'
SHEET NUMBER: C4.0

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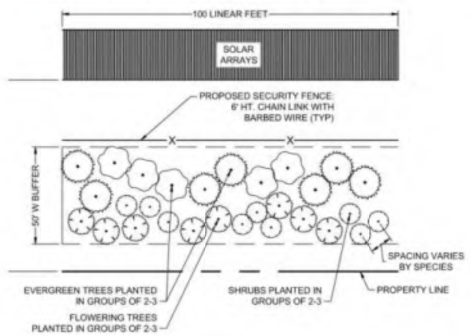
VEGETATIVE BUFFER NOTES

• SCREENING SHALL CONSIST OF A PLANTING STRIP, EXISTING VEGETATION, A SLIGHTLY OPAQUE WALL OR FENCE, OR COMBINATION THEREOF.
• WHERE ONLY VEGETATIVE SCREENING IS PROVIDED, SUCH SCREENING STRIP SHALL NOT BE LESS THAN FIVE (5) FEET WIDE IN THE BUSINESS AND PROFESSIONAL DISTRCITS AND 10 FEET WIDE IN THE INDUSTRIAL DISTRICTS AS REQUIRED BY CITY ORDINANCE.
• SUPPLEMENTAL SCREENING UP TO 50' WIDE HAS BEEN PROPOSED, AS SHOWN IN THE CONCEPT SCHEMATIC BELOW.
• VEGETATIVE SCREENING MAY CONSIST OF A DOUBLE STAGGERED ROW OF EVERGREEN TREES PLANTED AND FLOWERING TREES 15 FEET ON CENTER.
• WHERE A FENCE OR A WALL IS PROVIDED, IT SHALL BE A MINIMUM OF SIX FEET IN HEIGHT.
• PLANTINGS SHALL BE REQUIRED AT INTERVALS ALONG SUCH A FENCE OR WALL.

CONCEPTUAL VEGETATIVE SCREENING BUFFER



RECOMMENDED BUFFER PLANT LIST

BOTANICAL NAME / COMMON NAME
KALMIA LATIFOLIA / MOUNTAIN LAUREL
PHYSOCARPUS OPULIFOLIUS / NINEBARK
SAMBUCUS CANADENSIS / COMMON ELDERBERRY
VIBURNUM DENTATUM / SOUTHERN ARROW-WOOD VIBURNUM
IILEX OPACA / AMERICAN HOLLY
CHIONANTHUS VIRGINIACUS / FRINGE TREE
AMELANCHIER CANADENSIS / SERVICEBERRY

GROUNDCOVER PLANTING NOTES

- FOLLOWING INITIAL IMPLEMENTATION OF NOXIOUS WEED AND INVASIVE SPECIES MANAGEMENT PLAN, PREPARE SITE SOIL CONDITIONS FOR SEEDING.
- SEED DISTURBED AREAS WITHIN THE PROJECT AREA. DISTURBED AREAS WITHIN THE SETBACK, AND INSTALLED VEGETATIVE BUFFERS WITH APPROPRIATE POLLINATOR-FRIENDLY NATIVE PLANTS, SHRUBS, GRASSES, FORBES, AND WILDFLOWERS.
- FOLLOWING COMPLETION OF CONSTRUCTION, THE POLLINATOR-SMART DESIGNATED AREA OF THE PROJECT AREA SHALL RECEIVE PROMPT SEEDING WITH APPROPRIATE POLLINATOR-FRIENDLY NATIVE PLANTS, SHRUBS, TREES, GRASSES, AND WILDFLOWERS AND IN SUCH A MANNER AS TO REDUCE INVASIVE WEED GROWTH AND TRAP SEDIMENT WITHIN THE PROJECT AREA. AT THE BEGINNING OF THE NEXT PLANTING SEASON OVERSEED THE PROJECT AREA, SETBACKS AND BUFFERS WITH APPROPRIATE POLLINATOR-FRIENDLY NATIVE PLANTS, SHRUBS, TREES, GRASSES, FORBS AND WILDFLOWERS, FOLLOWING VIRGINIA POLLINATOR-SMART PROGRAM BEST PRACTICES OR ANY SUCH OTHER PROGRAM AS APPROVED BY COUNTY STAFF IN CONSULTATION WITH THE DEPARTMENT OF ENVIRONMENTAL QUALITY NATIVE PLANT FINDER SYSTEM.
- SEED DISTURBED AREAS WITH A TEMPORARY MIXTURE AS NEEDED TO MEET STATE REGULATIONS FOR EROSION AND SEDIMENT CONTROL.
- DURING THE NEXT SUITABLE SEEDING PERIOD (SPRING OR FALL), SOW GROUNDCOVER TO ESTABLISH PERMANENT VEGETATIVE COVER. OPTIMAL SEED GERMINATION OCCURS AFTER OCTOBER 15 AND BEFORE APRIL 15. IF SEEDING IS CONDUCTED OUTSIDE OF OPTIMAL SEED GERMINATION PERIODS, PAIR A SEASONALLY-APPROPRIATE COVER CROP WITH PERMANENT SEED MIXTURE TO SUPPORT SOIL STABILIZATION AND EROSION AND SEDIMENT CONTROL DURING SEED ESTABLISHMENT PERIOD.
- USE RECOMMENDED SEEDING RATES (SPECIFIC TO MIXTURE) AND PROPER SEED PACKING FOR OPTIMAL GERMINATION AND SEED ESTABLISHMENT.
- ONCE ESTABLISHED, MOWING OF THE POLLINATOR HABITATS SHALL OCCUR AFTER THE END OF EVERY MIGRATORY SEASON IN ORDER TO RESEED THESE AREAS. THE INTENT OF THIS PROVISION IS TO ENSURE AT LEAST TEN PERCENT OF THE TOTAL ACREAGE OF THE FACILITY IS CULTIVATED IN SUCH A MANNER TO ENCOURAGE POLLINATOR HABITATS IN ORDER TO HELP MAINTAIN THE RURAL, AGRICULTURAL NATURE OF THE COUNTY.

NOXIOUS WEED AND INVASIVE PLANT SPECIES MANAGEMENT PLAN

GENERAL NOTES

- ONGOING MONITORING IS REQUIRED TO MANAGE WEEDS AND INVASIVE SPECIES.
- USE PROPER EQUIPMENT FOR ALL CONTROL MEASURES:
  - TRACTOR MOUNTED BRUSH HOG FOR HEAVY MOWING (MINIMUM PLANT HEIGHT ≥3"-4") AND HIGH MOWING (MINIMUM PLANT HEIGHT ≥6"-8")
  - TRACTOR-MOUNTED, TRUCK-MOUNTED, OR ATV- MOUNTED SPRAYER FOR BROADCAST APPLICATIONS
  - BACKPACK STYLE SPRAYER OR OTHER DEVICE FOR SPOT SPRAYING APPROPRIATE TO THE CLASS OF PESTICIDE
  - AREAS UNDER AND DIRECTLY ADJACENT TO SOLAR ARRAYS MAY REQUIRE USE OF HAND-HELD EQUIPMENT
  - GRAZING BY RUMINANTS (USUALLY GOATS OR SHEEP) WHERE PRACTICAL AND APPROPRIATE TO PLANT SPECIES PRESENT
- REMOVE SHRUBS AND WOODY VINES BY THEIR ROOT SYSTEMS. ALTERNATIVELY, PRUNE THESE PLANTS AT GROUND LEVEL.
- REMOVE PROBLEMATIC PLANTS WITH FLOWERS OR SEEDS MANUALLY, PLACE HEAD FIRST IN HEAVY PLASTIC BAG, AND TRANSPORT TO A DESIGNATED DISPOSAL SITE. DO NOT DISPOSE OF AT LOCAL TRANSFER STATION, UNLESS THERE IS A DESIGNATED AREA FOR INVASIVE PLANT SPECIES DISPOSAL.
- PERFORM ALL CHEMICAL CONTROL TREATMENTS UNDER THE DIRECT SUPERVISION OF A VIRGINIA CERTIFIED PESTICIDE APPLICATOR OR REGISTERED TECHNICIAN.
- DO NOT APPLY HERBICIDE WHEN RAINFALL IS EXPECTED WITHIN 48 HOURS OR WIND SPEEDS EXCEED 10 MPH.

IDENTIFICATION AND CONTROL MEASURES PRE-CONSTRUCTION AND DURING CONSTRUCTION

- COMPLETE SITE INVENTORY OF NOXIOUS WEED SPECIES AND INVASIVE SPECIES.
- DEVELOP A MANAGEMENT PLAN THAT PRIORITIZES CONTROL OBJECTIVES.
- IMPLEMENT REMOVAL AND CONTROL MEASURES ACCORDING TO MANAGEMENT PLAN.
- REMOVAL AND CONTROL STRATEGIES SHOULD BE IMPLEMENTED TO BEGIN MANAGEMENT PRIOR TO SEEDING.

ESTABLISHMENT AND ONGOING MAINTENANCE SCHEDULE

- WINTER
  - REVIEW AND REVISE MANAGEMENT PLANS FOR THE UPCOMING YEAR BASED ON OBSERVATIONS FROM THE PRIOR YEAR.
  - PRUNE AS NECESSARY AND SEASONALLY APPROPRIATE.
  - DURING THE ESTABLISHMENT PERIOD, YEARS 1, 2, AND 3: DURING LATE WINTER OR EARLY SPRING, MOW SEEDED AREAS WHEN VEGETATION GROWS TO 18 INCHES BENEATH THE PANELS OR 2 TO 2.5 FEET ELSEWHERE. MOW TO A HEIGHT OF 12 INCHES. AFTER THE ESTABLISHMENT PERIOD, THIS SHOULD BECOME THE ONCE-A-YEAR MOWING OR AN AS NEEDED MOWING.
- SPRING
  - WEED MANUALLY OR SPOT SPRAY TO TREAT WEEDS, IDEALLY ONCE PER MONTH.
  - DURING THE ESTABLISHMENT PERIOD, YEARS 1, 2, AND 3: IF NOT DONE IN WINTER, MOW SEEDED AREAS WHEN VEGETATION GROWS TO 18 INCHES BENEATH THE PANELS OR 2 TO 2.5 FEET ELSEWHERE. MOW TO A HEIGHT OF 12 INCHES.
  - WATER AS NEEDED, ESPECIALLY DURING PERIODS OF DROUGHT.
  - REMOVE AND DISPOSE OF DISEASED AND DAMAGED PLANT MATERIAL, PARTICULARLY THOSE THAT CONTAIN OR COULD CONTAIN PESTS.
- SUMMER
  - WEED MANUALLY OR SPOT SPRAY TO TREAT WEEDS, IDEALLY ONCE PER MONTH.
  - WATER AS NEEDED, ESPECIALLY DURING PERIODS OF DROUGHT.
  - REMOVE AND DISPOSE OF DISEASED AND DAMAGED PLANT MATERIAL, PARTICULARLY THOSE THAT CONTAIN OR COULD CONTAIN PESTS.
- FALL
  - DURING THE ESTABLISHMENT PERIOD, YEARS 1 AND 3: IF NOT DONE IN WINTER, MOW SEEDED AREAS WHEN VEGETATION GROWS TO 18 INCHES BENEATH THE PANELS OR 2 TO 2.R FEET ELSEWHERE. MOW TO A HEIGHT OF 12 INCHES. THE SECOND OR LAST MOWING SHOULD BE IN OCTOBER.
  - REMOVE AND DISPOSE OF DISEASED AND DAMAGE PLANT MATERIAL, PARTICULARLY THAT WHICH CONTAINS OR COULD CONTAIN PESTS.
  - LEAVE GROUNDCOVER ALONE FOR THE PURPOSE OF CREATING SEASONAL INTEREST IN THE LANDSCAPE AND WINTER HABITAT AND FOOD SOURCES FOR WILDLIFE. DO NOT DEADHEAD OR CUT DOWN STANDING VEGETATION, INCLUDING GRASSES AND FORBS. AN EXCEPTION IS ANY SPECIES THAT SEEDS AGGRESSIVELY; IN THAT CASE, DEADHEAD TO PREVENT THESE PLANTS FROM SELF-SOWING. IF A DECISION IS MADE TO CUT DOWN ANY VEGETATION, LAY THE CLIPPINGS ON THE GROUND TO SERVE AS MULCH (EXCEPT FOR AGGRESSIVE, NOXIOUS, OR INVASIVE PLANTS, WHICH SHOULD BE PROPERLY REMOVED FROM THE SITE).
  - IDENTIFY PROBLEM AREAS AND CHALLENGES FROM THE PRIOR GROWING SEASON TO INCORPORATE INTO MAINTENANCE AND MANAGEMENT PLANS FOR THE UPCOMING SEASON. PLAN OUT AND SCHEDULE SPECIFIC MAINTENANCE TASKS.

RECOMMENDED COVER CROPS (TEMPORARY SEEDING)

BOTANICAL NAME	COMMON NAME	SEEDS RATE: POUNDS PER ACRE
AVENA SATIVA	GRAIN OATS	50-100
SETARIA ITALICA	GERMAN MILLET	50
SECALE CEREALE	GRAIN RYE	50-100

RECOMMENDED GROUNDCOVER SEED MIXES

SOLAR FARM SEED MIX
FOR USE IN PANEL ZONE
ERNST SOLAR FARM SEED MIX - ERNMX 186

Ernst Conservation Seeds
8884 Mercer Pike
Meadville, PA 16335
(800) 873-3321 Fax (814) 336-5191
www.ernstseed.com

Ernst Solar Farm Seed Mix - ERNMX-186

	Botanical Name	Common Name
45.10 %	*Festuca rubra*	Creeping Red Fescue
15.00 %	*Festuca ovina var. duriuscula, 'Jetty'*	Hard Fescue, 'Jetty'
15.00 %	*Festuca ovina var. duriuscula, Gladiator*	Hard Fescue, Gladiator
10.00 %	*Festuca rubra ssp. commutata*	Chewings Fescue
5.00 %	*Poa pratensis, 'Kelly'*	Kentucky Bluegrass, 'Kelly'
5.00 %	*Poa pratensis, 'Maverick'*	Kentucky Bluegrass, 'Maverick'
4.50 %	*Trifolium repens, Dutch*	White Clover, Dutch

SHORT NATIVE GRASS SEED MIX
FOR USE IN OPEN AREAS WITHIN THE PROPERTY SETBACK
CUSTOM MIX BY ERNST

Ernst Conservation Seeds Inc
8884 Mercer Pike
Meadville, PA 16335-9275
Phone (814) 336-2404; (800) 873-3321; Fax (814) 336-5191
www.ernstseed.com; sales@ernstseed.com

QUOTE

Quote Number Q247897
Quote Date 7/30/2021
Page Number 1 of 1

BILL TO:
Timmons Group
1001 Boulder's Parkway
Suite 300
Richmond, VA 23225
Phone 804-200-6500
Fax 804-560-1648
Email ben.sagara@timmons.com

SHIP TO:
Timmons Group
1001 Boulder's Parkway
Suite 300
Richmond, VA 23225
Phone: 804-200-6500

Customer PO#	Customer ID	Shipping Method	UPS Shipper #	Terms	Salesperson ID
EM 073021 KK	TIMM002	UPS GROUND		Credit Card	

Bulk Qty	PLS Qty	UOM	Item Number	Description	Unit Price	Ext. Price
0.000		EACH	NATIVE SEED MIX		$0.00000	$0.00
2.343	2.178	LB PLS	PANSPH01	Roundseed Panicgrass	$32.00000	$69.70
1.493	1.227	LB PLS	BOUCUR02	Sideoats Grama, Butte	$14.00000	$17.18
5.259	4.356	LB PLS	SCHSCO01	Little Bluestem, 'Camper'	$16.00000	$69.70
0.000		EA	TOTAL	MIX NOTES	$0.00000	$0.00

$21.18 per PLS lb with a 5% custom mixing fee included
7.761 lb total

Price quotes guaranteed for 30 days.
All prices are FOB Meadville, PA.
Please check our web site at www.ernstseed.com for current pricing when placing orders.

DETENTION BASIN SEED MIX
FOR USE IN STORMWATER BASINS
VA SOUTHERN PIEDMONT DETENTION BASIN MIX - ERNMX-864

VA Southern Piedmont Detention Basin Mix - ERNMX-864

	Botanical Name	Common Name
30.00 %	*Panicum virgatum, NJ Ecotype*	Switchgrass, NJ Ecotype
20.00 %	*Elymus virginicus, PA Ecotype*	Virginia Wildrye, PA Ecotype
17.00 %	*Panicum clandestinum, Tioga*	Deertongue, Tioga
15.50 %	*Panicum rigidulum, PA Ecotype*	Redtop Panicgrass, PA Ecotype
5.00 %	*Carex vulpinoidea, PA Ecotype*	Fox Sedge, PA Ecotype
5.00 %	*Chasmanthium latifolium, WV Ecotype*	River Oats, WV Ecotype
2.00 %	*Agrostis perennans, Albany Pine Bush-NY Ecotype*	Autumn Bentgrass, Albany Pine Bush-NY Ecotype
2.00 %	*Juncus effusus*	Soft Rush
2.00 %	*Juncus tenuis, NC Ecotype*	Path Rush, NC Ecotype
0.40 %	*Helenium autumnale, Northern VA Ecotype*	Common Sneezeweed, Northern VA Ecotype
0.40 %	*Helenium flexuosum, VA Ecotype*	Purplehead Sneezeweed, VA Ecotype
0.40 %	*Vernonia noveboracensis, PA Ecotype*	New York Ironweed, PA Ecotype
0.30 %	*Scirpus cyperinus, PA Ecotype*	Woolgrass, PA Ecotype

VIRGINIA POLLINATOR BUFFER SEED MIX
FOR USE AS SUPPLEMENTAL PLANTING IN PROPERTY SETBACK
VA SOLAR POLLINATOR BUFFER MIX - ERNMX-620

VA Solar Pollinator Buffer Mix
Mix Composition
36.4% Schizachyrium scoparium, 'Camper' (Little Bluestem, 'Camper')
36.8% Bouteloua curtipendula, Butte (Sideoats Grama, Butte)
4.0% Chamaecrista fasciculata, PA Ecotype (Partridge Pea, PA Ecotype)
4.0% Coreopsis lanceolata (Lanceleaf Coreopsis)
4.0% Echinacea purpurea (Purple Coneflower)
3.1% Rudbeckia hirta (Blackeyed Susan)
2.0% Heliopsis helianthoides, PA Ecotype (Oxeye Sunflower, PA Ecotype)
2.0% Asclepias tuberosa (Butterfly Milkweed)
1.2% Penstemon digitalis, PA Ecotype (Tall White Beardtongue, PA Ecotype)
1.0% Liatris spicata (Marsh Blazing Star)
0.7% Senna hebecarpa, VA & WV Ecotype (Wild Senna, VA & WV Ecotype)
0.5% Aster laevis, NY Ecotype (Smooth Blue Aster, NY Ecotype)
0.5% Aster novae-angliae, PA Ecotype (New England Aster, PA Ecotype)
0.5% Eupatorium coelestinum, VA Ecotype (Mistflower, VA Ecotype)
0.5% Geum canadense, PA Ecotype (White Avens, PA Ecotype)
0.5% Lespedeza capitata, RI Ecotype (Roundhead Lespedeza, RI Ecotype)
0.5% Monarda fistulosa, Fort Indiantown Gap-PA Ecotype (Wild Bergamot, Fort Indiantown Gap-PA Ecotype)
0.5% Zizia aurea (Golden Alexanders)
0.3% Baptisia australis, Southern WV Ecotype (Blue False Indigo, Southern WV Ecotype)
0.3% Tradescantia ohiensis, PA Ecotype (Ohio Spiderwort, PA Ecotype)
0.2% Penstemon hirsutus (Hairy Beardtongue)
0.2% Pycnanthemum tenuifolium (Narrowleaf Mountainmint)
0.1% Oenothera fruticosa var. fruticosa (Sundrops)
0.1% Rudbeckia fulgida var. fulgida, Northern VA Ecotype (Orange Coneflower, Northern VA Ecotype)
0.1% Solidago juncea, PA Ecotype (Early Goldenrod, PA Ecotype)
0.1% Veronicastrum virginicum, PA Ecotype (Culver's Root, PA Ecotype)

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1001 Boulders Parkway, Suite 300
Richmond, VA 23225
TEL 804.200.6500
www.timmons.com

OIKOS SOLAR SYSTEM, INC.
8435 GLAZEBROOK AVENUE
RICHMOND, VA 23228

PROJECT NAME & LOCATION
STAUNTON SOLAR PROJECT
STAUNTON, VIRGINIA

DATE 12/19/2022
PROJECT NUMBER 49034.004
PROJECT NAME STAUNTON SOLAR
DESIGNED BY / DRAWN BY W. HART

NOTES

REVISIONS

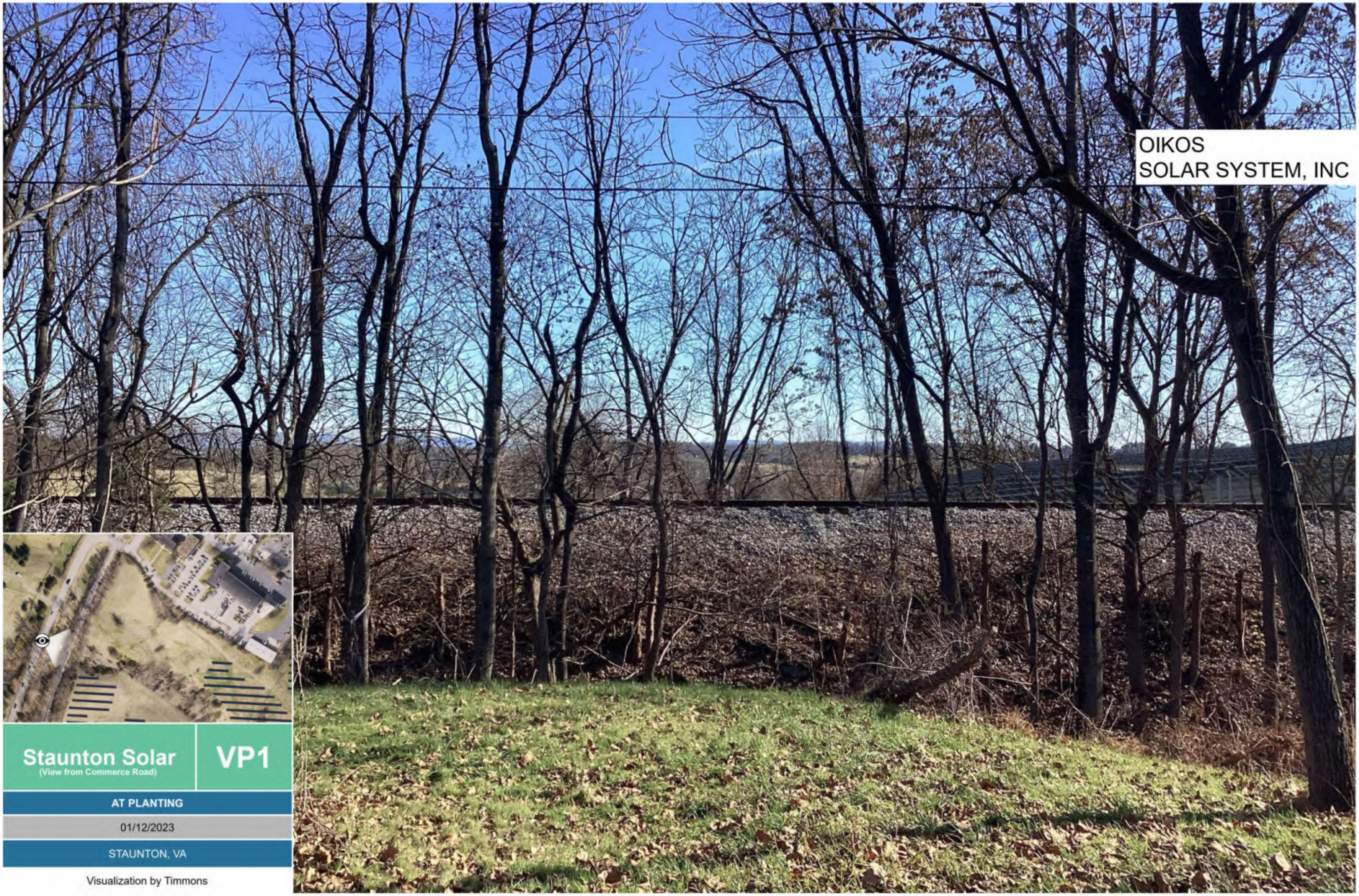
#	MM/DD/YY	DESCRIPTION

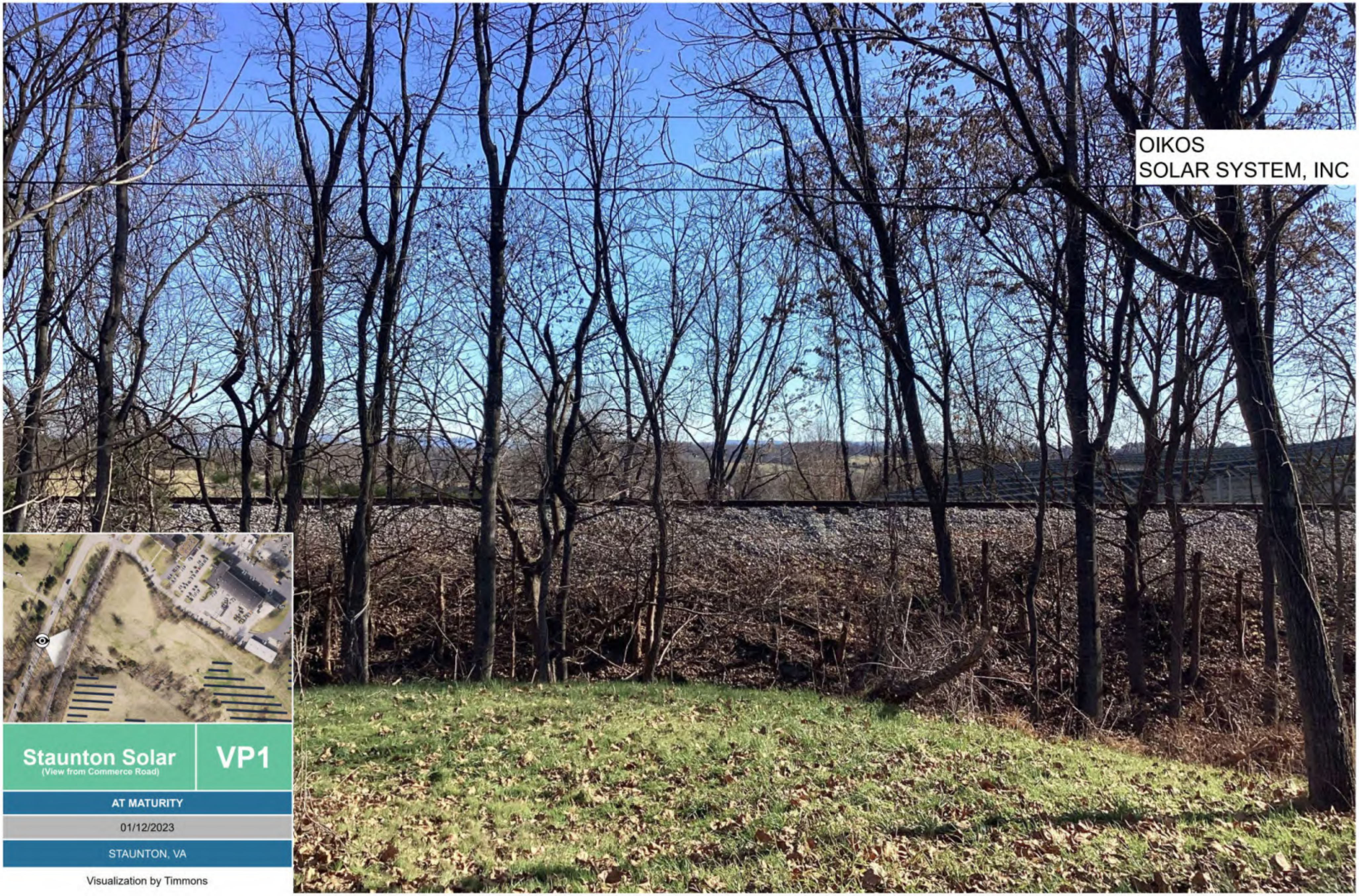
DRAWING DESCRIPTION
LANDSCAPING DETAILS

PLANS PRINTED AS 11X17 ARE HALF SCALE
SHEET NUMBER
C5.0

Y:\852\49034.004-Staunton_Solar\GIS\Staunton Solar\Staunton Solar.aprx

Attachment 6





Visualization by Timmons

Visualization by Timmons


OIKOS
SOLAR SYSTEM, INC
Staunton Solar
(View from New Hope Road)
VP2
AT MATURITY
01/12/2023
STAUNTON, VA
Visualization by Timmons

Staunton Solar
(View from Staunton Alliance Church)

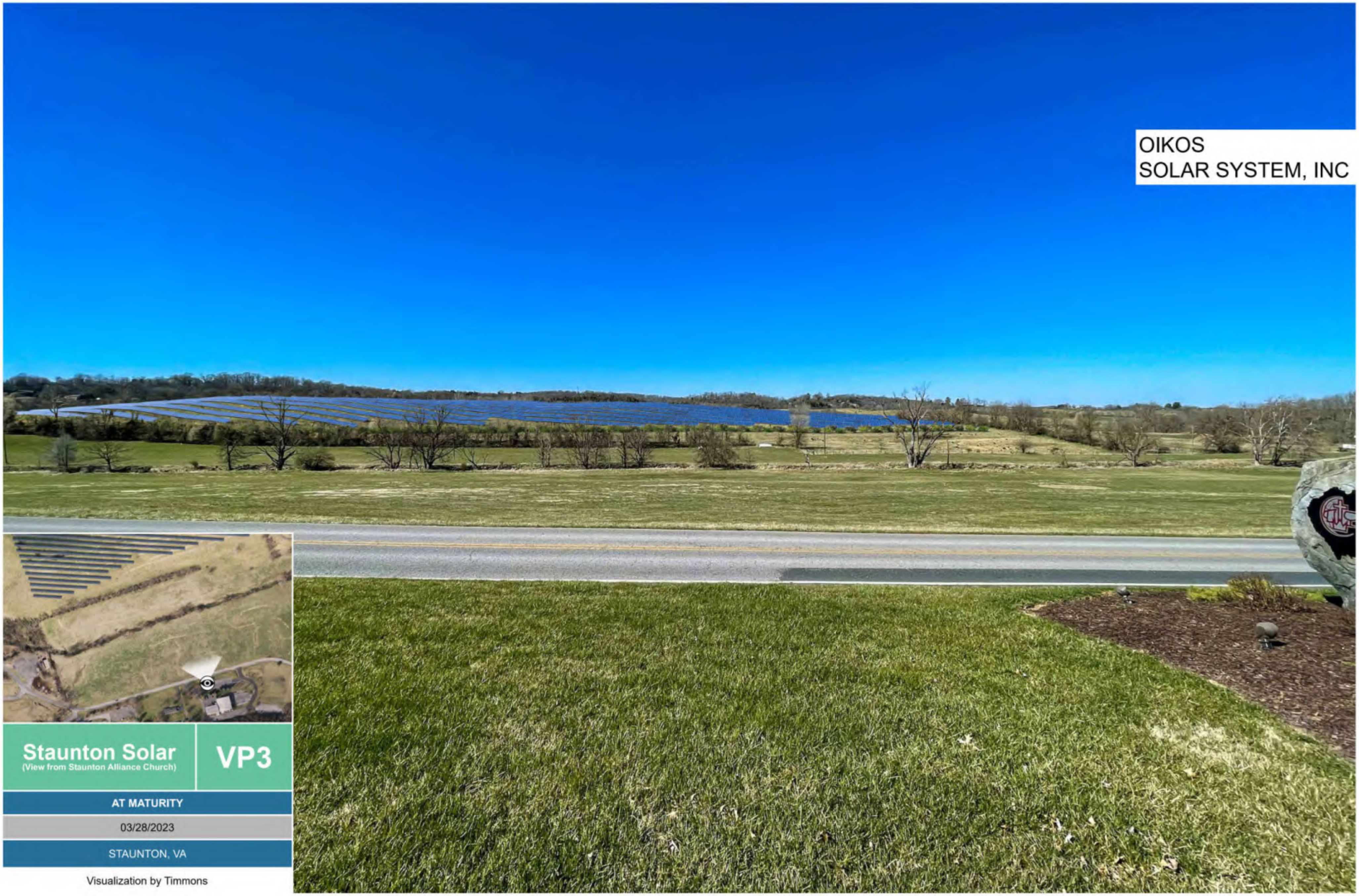
VP3

AT PLANTING

03/28/2023

STAUNTON, VA

Visualization by Timmons



Visualization by Timmons

OIKOS
SOLAR SYSTEM, INC

PHOTOS AT PEDESTRIAN LEVEL

Staunton Solar
(Aerial View from Lammermoor Dr.)

VP4

AT MATURITY

03/28/2023

STAUNTON, VA

Visualization by Timmons

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1001 Boulders Parkway
Suite 300
Richmond, VA 23225

P 804.200.6500
F 804.560.1016
www.timmons.com

MEMORANDUM

TO: City of Staunton Planning and Zoning Department

FROM: Timmons Group on behalf of Staunton PV-UT, LLC and Staunton PV-CS, LLC

DATE: November 22, 2022

RE: Staunton Solar Environmental Resource Impact Analysis

Timmons Group, on behalf of Staunton PV-UT, LLC and Staunton PV-CS, LLC (Staunton Solar), has conducted a limited environmental review of resources that may be present in the vicinity of the proposed project location. This environmental review includes national and state forests, national and state parks, wildlife management areas, conservation easements, recreational areas, and cultural and historic resources.

Federal, State, and Local Conservation and Recreation Lands

Staunton Solar does not intersect any federal, state, or recreational lands. Staunton Solar does intersect with one conservation easement that is managed by the Valley Conservation Council (VCC). There 2 other conservation easements that are located within one mile of the proposed project location. These two are managed by the Department of Historical Resources (DHR) and the VCC. See Attachment 1: Protected Lands Map.

Wetlands and Streams

Wetlands and streams are present on site. As the project progresses, more precise locations of wetlands and streams will be delineated and verified by the United States Army Corps of Engineers (USACE). If wetland or stream impacts are unavoidable, the Applicant will obtain the appropriate USACE permit for any unavoidable impacts to USACE jurisdictional wetlands and streams.

Wetlands and streams form a natural wildlife corridor, and as they will generally not be impacted by the project, will remain as interior corridors for wildlife utilization. Wetlands and streams are generally outside the fenced area so free passage of wildlife will be allowed for the duration of the project. The Virginia Department of Wildlife Resources advises that interior passages through solar projects helps reduce potential impacts to wildlife, to which this project will adhere. See Attachment 2: Environmental Inventory Map.

Cultural and Historical Resources

The Project is not expected to have any impacts to cultural and historical resources due to the amount of cultural work required at the state permitting level. In-depth cultural surveys conducted by qualified professionals will be submitted for approval and concurrence by the Virginia Department of Historic Resources (VDHR).

There are three previously recorded architectural resources within one-half mile of the project. All three architectural resources (DHR ID # 007-5086, 007-0414, and 007-005) have been evaluated by VDHR and have been listed as Not Eligible for the National Register of Historic Places (NRHP) and the Virginia Landmarks Register (VLR). See Attachment 3: Cultural Resources Review.

Landscaping

The Virginia Department of Conservation and Recreation (VDCR) recommends the development of an invasive species management plan for the project and the planting of Virginia native pollinator species.

Attachments

Attachment 1 Public Lands and Easements Map

Attachment 2 Environmental Inventory Map

Attachment 3 Cultural Resources Review

Prepared By:

TIMMONS GROUP
ENGINEERING | DESIGN | TECHNOLOGY

Attachment 8

Staunton PV-UT, LLC.

Decommissioning Plan

City of Staunton, Virginia

Date: 1/2/2023

This cost estimate was not based on detailed construction drawings, but is typical for a project of this size and type. The listed equipment quantities are subject to change based on the actual installed facilities.

Prepared For:

Oikos Solar System, Inc.

Staunton PV-UT
Decommissioning Plan

CLIENT NAME	Staunton PV-UT, LLC
PROJECT NAME	Oikos Staunton Utility Solar Project
LOCATION	801 & 809 Commerce Rd, 569 New Hope Road, City of Staunton, Virginia
PROJECT	Solar PV Electric Generating Facility and Energy Storage Facility

Rev.	Date	Description	Prepared	Checked	Approved
0	11/15/2022	Released for Client Use	NBF	KJ	LW
1	12/05/2022	Released for Client Use	NBF	KJ	LW
2	01/02/2023	Released for Client Use	NBF	KJ	LW

Table of Contents

1 Introduction

Oikos Staunton Utility Solar (the “Project”) is a Solar Energy Facility, as defined by Section 18.75.040(2) of the Staunton Zoning Ordinance (the “Facility”) up to 15.75 MWac Solar plus 5.5 MWac Battery ESS with DC coupling proposed by Staunton PV-UT, LLC (the “Project Owner”). The Project will be located in the City of Staunton, at 801 & 809 Commerce Rd, Virginia. The project area will span approximately 61.5 acres and will connect to a 34.5 kV Transmission Distribution line owned by local Dominion Energy Virginia.

This Decommissioning and Restoration Plan (the “Plan”) has been prepared in conjunction with the special use permit application for a Solar Energy Facility in the City of Staunton, Virginia.

The Project will also comply with any applicable municipal, state and federal regulations. The Plan assumes decommissioning and restoration will occur at the end of the Project’s expected useful life of forty (40) years. An overview of all activities related to the removal of the Project’s equipment and panels, appurtenant structures, and for restoration of the site to its previous condition (as much as reasonably practicable) can be found in the Plan.

Within 12 months of initiating the decommissioning, the Project Owner will safely have the relevant components removed from the land and will then restore the site as described below.

This Plan lays out the procedures for restoring the site to its original use, based on the recent historical land use of the property or other economical land uses as desired by the relevant landowner, at the end of the Facility’s operational life. The Plan describes procedures for the removal of Facility components. The components of the Facility are described in detail in the Exhibit to the CUP application (the “Concept Plan”).

2 Project Components

The Conceptual Site Plan provides detailed information regarding the anticipated location and description of the Facility components. The Facility generally consists of the equipment and infrastructure listed below:

- Steel Piers and Racking
- PV Panels
- ESS Battery DC coupling
- Inverters
- Electrical Collection underground Feeder.
- Access Roads
- Fencing, Gating, and Safety Features
- Operations and Maintenance (O&M) Building (TBD)
- Weather Stations
- Project Point of Interconnection Switching Facility

3 Regulatory Compliance

Prior to the commencement of decommissioning, the Project Owner will perform the appropriate due diligence requirements and obtain the necessary City, County, state, and federal approvals to complete decommissioning activities. To mitigate any environmental impact from decommissioning, the Project Owner will assess the necessary permits and approvals in the future regulatory environment to maintain regulatory compliance. Anticipated types of evaluations may include the following:

- Review of on-site jurisdictional status and potential impacts to wetlands and waterbodies to comply with the Clean Water Act.
- Consultation with the United States Fish and Wildlife Service to evaluate compliance with the Endangered Species Act, Migratory Bird Treaty Act, Bald and Golden Eagle Protection Act, and any other relevant regulations at the time of decommissioning.
- Consultation with the Virginia Department of Environmental Quality for compliance with any pertinent state regulatory requirements.
- Completion of a Phase I Environmental Site Assessment in support of Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) protection.
- Development and implementation of a Stormwater Pollution Prevention Plan (SWPPP).
- City of Staunton building, road, discharge, or erosion control permits (as necessary).
- Special state or local hauling permits (as necessary).

4 Decommissioning

The Project will be decommissioned at the end of its useful life, which will be the earlier of when (a) the Project Owner determines the Project is at the end of its useful life, or (b) the facility generates no electricity for a continuous period of 1 year. At least 60 days prior to the commencement of decommissioning activities, the Project Owner will notify the City of Staunton officials. The following general decommissioning activities will occur:

Decommissioning Sequence

1. Obtain required site permits from Authority Having Jurisdiction (AHJ)
2. Disconnect all utility grid power
3. Move all disconnects to the off position
4. Disconnect all above ground wirings, cables, and electrical connections
5. Remove all PV Modules
6. Remove all ESS Battery DC coupling
7. Remove inverters, mounting equipment, and posts

8. Remove all electrical switchgear, transformers, and their foundations
9. Remove Data Acquisition System (DAS) equipment, feeders, and conduit
10. Remove all above ground mounting equipment components and posts
11. Excavate and remove Underground feeders and conduit
12. Remove all MV feeders and utility poles
13. Removal of Collector Substation
14. Removal of weather station
15. Remove access road
16. Remove all fencing
17. Fill/Grade/Seed as needed

Some components may be left in place under certain circumstances. Electrical lines that will not impact future use of the Project Area (at least 3 feet in depth) may be left in place per renewable industry practices. Steel piles, where full removal is unattainable, may be cut and left in place at a depth of 3 feet or greater below the ground surface. Additionally, landowners may desire that certain improvements such as fencing, or access roads remain in place for their use. The Project Owner will obtain a written request from the landowner for any improvement to remain in place.

5 Materials, Recycling, and Disposal

Many components of the Facility, such as racking, wiring, piles, and panels, retain value over time. Panels, while slightly less efficient than when installed, may be reused elsewhere, or their components may be broken down and recycled. Recycling of solar panels and equipment is rapidly evolving and can be handled through a combination of sources such as certain manufacturers, e.g., PV Cycle (an international waste program founded by and for the PV industry), or waste management companies. More than 90 percent of the semiconductor material and glass can be reused in new modules and products. Other waste materials that hold no value will be recycled or disposed of via a licensed solid waste disposal facility.

6 Site Restoration

Following the completion of decommissioning activities, it is anticipated that the site will primarily be converted back to the pre-construction land uses. The land will be graded as necessary, though minimal grading is expected to be required, and decompacted to allow for productive agricultural use. Following completion of the decommissioning activities, the site will be reseeded as necessary with native grasses. Decommissioning of the Facility, including the removal of materials followed by site restoration, should be completed in approximately 12 months.

7 Decommissioning Cost Estimate

7.1 OPINION OF PROBABLE DECOMMISSIONING COST

Detailed Project Description: The Project is a fixed tilt solar electric generating facility, consisting of 27 modules per string, that will be installed in City of Staunton, VA.

Table 7-1A: PV Estimated Decommissioning Cost:

PV Module Removal	QUANTITY	UNITS	Unit Cost	Total	Comment
# Solar Panels 540 W	37,950	EA	$5	$189,750	Disassembly, Haul Offsite
SUBTOTAL				$189,750	
Foundations Structural Removal	**QUANTITY**	**UNITS**	**Unit Cost**	**Total**	**Comment**
# Panel Support Steel Piles	8,304	EA	$12	$99,650	Disassembly, Haul Offsite
# Panel Racks	1,406	EA	$100	$140,556	Disassembly, Haul Offsite
SUBTOTAL				$240,205	
Electrical Equipment Removal	**QUANTITY**	**UNITS**	**Unit Cost**	**Total**	**Comment**
Inverters Sungrow SG3150	5	EA	$3,000	$15,000	Disassembly, Haul Offsite
MV Transformers, 3200 KVA	5	EA	$5,000	$25,000	Disassembly, Haul Offsite
POI (Circuit Breaker, Disconnect/ Meter, Pad, Grounding System and Wiring)	1	LOT	$15,000	$15,000	Disassembly, Haul Offsite
55SUBTOTAL				$55,000	
Electrical Wires Removal	**QUANTITY**	**UNITS**	**Unit Cost**	**Total**	**Comment**
MV Conductor	16,800	FT	15	$252,000	Removal, Non-Excavation
DC/LC Conductor	168,000	FT	$1.0	$168,000	Removal, Non-Excavation
SUBTOTAL				$420,000	
Fence/land, Removal/Restoration	**QUANTITY**	**UNITS**	**Unit Cost**	**Total**	**Comment**
Fence Perimeter	12,600	FT	$1	$12,600	Disassembly, Haul Offsite
Site Remediation	61.5	Acre	$4,000	$246,000	Disturbed Area Only
Storm Water Management Ponds	2	EA	$5,000	$10,000	Restoration
Engineering & permitting				$70,000	Budgeted
SUBTOTAL				$338,600	

PV Summary of Cost Estimates	
PV Module Removal	$189,750
Foundations Structural Removal	$240,205
Electrical Equipment Removal	$55,000
Electrical Wires Removal	$420,000
Fence/land, Removal/Restoration	$338,600
SUBTOTAL TOTAL	**$1,243,555**

Table 7-1B: BESS Estimated Decommissioning Cost:

BESS Module Removal	QUANTITY	UNITS	Unit Cost	Total	Comment
# BESS Foundation Pad	5	EA	$500	$2,500	Disassembly, Haul Offsite
SUBTOTAL				$2,500	
Electrical Equipment Removal	**QUANTITY**	**UNITS**	**Unit Cost**	**Total**	**Comment**
Inverters (Coupled with PV)	0	EA			
Battery Skid (Four Hour Battery)	5	EA	$4,000	$20,000	Disassembly, Haul Offsite
SUBTOTAL				$20,000	
Electrical Wires Removal	**QUANTITY**	**UNITS**	**Unit Cost**	**Total**	**Comment**
MV Conductor (no Need)	0	FT	0	$0	Removal, Non-Excavation
DC Conductor	2,500	FT	$2	$5,000	Removal, Non-Excavation
SUBTOTAL				$5,000	

BESS Summary of Cost Estimate	
BESS Foundations Structural Removal	$2,500
Electrical Equipment Removal	$20,000
Electrical Wires Removal	$5,000
SUBTOTAL	**$27,500**

Data Sources:

1. Material List and Quantities: Based on schematic design.
2. Unit Price Values: Based on R.S. Means and typical quantities for various components.

7.2 OPINION OF PROBABLE SALVAGE VALUE COST

There should be opportunity to reclaim metal scrap value from electrical equipment. Yard equipment such as bus work, circuit breakers, and power transformers contain a significant amount of conductive material such as copper and aluminum. Dead-end and other steel structures contain a significant amount of steel. Rubble from the foundation demolition and all other materials would be sent to landfill at cost. The scrap value of the substation is presented in Table 7-2.

Timmons Group considers that there is a resale market for substation transformers. Therefore, the transformer could be sold as operational second-hand equipment instead of being scrapped. This scenario has been considered.

Table 7-2A PV Estimated Salvage Value:

PV Module (At: $.3/W before Removal and Hauling)	**QUANTITY**	**UNITS**	**Estimated New Cost/Unit**	**Estimated New Total Cost**	**Estimated Salvage Value 10% of New Cost**
# Solar Panels 540 W ($.3W X450) =$162	37,950	LOT	$162	$6,147,900	$614,790
Foundations Structural (at:$ .20/LB before Removal and Hauling)	**QUANTITY**	**UNITS**	**Estimated Weight LB- EA**	**Estimated Salvage Value**	**Estimated Salvage Value**
# Panel Support Steel Piles	8,304	EA	100	$0.20	$166,083.15
#Rack Steel	1,406	EA	2,000	$0.20	$562,222.22
SUBTOTAL					$728,305.37
Electrical Equipment	**QUANTITY**	**UNITS**	**Estimated New Cost/Unit**	**Estimated New Total Cost**	**Estimated Salvage Value 20% of New Cost**
MV Transformers 3,200 KVA	5	EA	$95,000	$475,000	$95,000
Electrical Wires/Cables	**QUANTITY**	**UNITS**	**Estimated New Cost/Unit**	**Estimated New Total Cost**	**Estimated Salvage Value 10% of New Cost**
MV Conductor (only 10% of total)	16,800	FT	$15	$252,000	$25,200
DC/LC Conductor	168,000	FT	$2	$336,000	$33,600
SUBTOTAL					$58,800
Fence	**QUANTITY**	**UNITS**	**Estimated Weight LB.**	**Estimated Salvage Value**	**Estimated Salvage Value**
Fence Perimeter (1.3 lb. per square ft, 6ft height)	12,600	FT	98,280	$0.54	$53,071.20
Fence Post every 10 ft (9 ft length, 2.3 lb.Ft)	1,260	FT	26,082	$0.54	$14,084.28
SUBTOTAL					$67,155.48

PV Summary of Salvage Values Estimate	
PV Module	$614,790
Foundations Structural	$728,305
Electrical Equipment	$95,000
Electrical Wires	$58,800
Fence	$67,155
SUBTOTAL TOTAL	**$1,564,051**

Table 7-2B BESS Estimated Salvage Value:

BESS Equipment	QUANTITY	UNITS	Estimated New Cost/Unit	Estimated New Total Cost	Estimated Salvage Value 10% of New Cost
Cubical/Batteries	5.5	MWdc/4h	$350,000	$1,750,000	$175,000
Electrical Wires/cables	**QUANTITY**	**UNITS**	**Estimated New Cost/Unit**	**Estimated New Total Cost**	**Estimated Salvage Value 10% of New Cost**
DC Conductor	2,500	FT	$5	$12,500	$1,250
SUBTOTAL					$1,250

BESS Summary of Salvage Values Estimate	
BESS Equipment	$175,000
Electrical Wires	$1,250
SUBTOTAL TOTAL	**$176,250**

7.3 NET DECOMMISSIONING COST

The net decommissioning cost for the Project is calculated by subtracting the salvage value from the total of the disassembly and removal costs. As noted in Table 7-1A., 7-1B and Table 7-2A, 7-2B the total estimated decommissioning costs will be $1,297,455 and Table 7-2 the total estimated salvage value of Project components will be $1,740,301. The estimated net decommissioning cost will be a ($442,846) negative return.

Summary of Estimate	
Estimated Decommissioning Cost PV	$1,243,555
Estimated Decommissioning Cost BESS	$27,500
Grand Total Decommissioning Cost	**$1,268,055**
Estimated Salvage Value PV	$1,564,051
Estimated Salvage Value BESS	$176,250
Grand Total Salvage Value	**$1,740,301**
ESTIMATED NET COST	**($472,246)**

Note: Negative values, in parenthesis, are positive returns to the Project.

7.4 DECOMMISSIONING ASSUMPTIONS

1. To develop a cost estimate for the decommissioning of the Project, Timmons Group made the following assumptions, with and costs were estimates based on current pricing, technology, and regulatory requirements. The assumptions are listed in order from top to bottom of the estimate spreadsheet. We developed time and materials-based estimates considering composition of work crews. When materials have a salvage value at the end of the project life, the construction activity costs, and the hauling/freight cost are separated from the disposal costs or salvage value to make future revisions to salvage values more transparent.
2. Decommissioning year is based on a 10-year initial period for the financial security. The projected life of the project is 40 years.
3. This Cost Estimate is based on the Timmons Group data request forwarded November 2022.
4. Common labor will be used for the majority of the tasks except for heavy equipment operation. Pricing is based on local Southeast US labor rates.
5. Permit applications required include the preparation of a Stormwater Pollution Protection Plan (SWPPP) and a Spill Prevention Control and Countermeasure (SPCC) Plan.
6. Road gravel removal was estimated on a time and material basis using a 16 foot width and an 8 inch thickness for the access roads. Substation aggregate is included in the substation quantities. Since the material will not remain on site, a hauling cost is added to the removal cost. Road aggregate can often be disposed of by giving to landowners for use on driveways and parking areas.

   Many landfills will accept clean aggregate for use as “daily cover” and do not charge for the disposal.

7. Grade Road Corridor reflects the cost of mobilizing and operating light equipment to spread and smooth the topsoil stockpiled on site to replace the aggregate removed from the road.
8. Erosion and sediment control along road reflects the cost of silt fence on the downhill side of the road and surrounding all on-site wetlands.
9. Topsoil is required to be stockpiled on site during construction, therefore this topsoil is available on site to replace the road aggregate, once removed. Subsoiling cost to decompact roadway areas is estimated as $500 per acre (based on previous bid prices), and revegetation on removed road area, which includes seed, fertilizer, lime, and care until vegetation is established is $2,500 per acre. The majority of the project area is “over-seeded” since the decommissioning activities are not expected to eliminate the existing grasses and vegetation under the arrays or heavily compact the soils. Over-seeding does not include fertilizer and lime and is estimated at $4,000 per acre.
10. Fence removal includes loading, hauling, and recycling or disposal. Fences and posts weigh approximately 2.3 pounds per foot.
11. Array support posts are generally lightweight “I” beam sections installed with a piece of specialized tracked equipment. Crew productivity is approximately 240 posts per day, and the same crew and equipment should have a similar productivity removing the posts, resulting in a per post cost of approximately $12. We assume a cost of $12.00 per post to include hauling fees and contingencies.
12. A metal recycling facility (FEA Salvage and Recycling) is located in Orange, Virginia and is relatively close to the project site. Steel scrap pricing was acquired from [www.scrapmonster.com.](http://www.scrapmonster.com)
13. The solar panels rated 540 watts can easily be disconnected, removed, and packed by a three-person crew at a rate we estimate at 12 panels per hour.
14. No topsoil is planned to be removed from the site during decommissioning and most of the site will not have been compacted by heavy truck or equipment traffic so the site turf establishment cost is based on RS Means unit prices for applying lime, fertilizer, and seed at the price of per acre plus an allowance for some areas to be decompacted.
15. There is an active market for reselling and recycling electrical transformers and inverters with several national companies specializing in recycling. We have assumed a 20% recovery of these units based on field experience with used transformers as opposed to trying to break them down into raw material components.
16. The underground collection lines are assumed to be aluminum conductor.
17. Care to prevent damage and breakage of equipment, PV modules, inverters, capacitors, and SCADA must be exercised, but removal assumes unskilled common labor under supervision.

The estimated salvage values are derived from years of experience decommissioning and uprating electric substations, overhead transmission and distribution hardware and underground distribution hardware that would include but not be limited to substation and pad mounted transformers, overhead and underground conductors, poles, fencing, ground grid conductors, control housings, circuit breakers (high and medium voltage), protective relaying, and other hardware items. These individual items have high salvage value either as stand-alone components to be reused or recycled and sold as used items. These items also have a relatively high salvage value as pure scrap for steel, copper and other commodities.

For all medium voltage transformers, breakers and other items, Southeastern Transformer Company in Dunn, NC provides complete repair, upgrading and recycling and resale for all items mentioned above. Their website is: https://www.setransformer.com. They have a national presence.

For any and all recycling and upgrading, Solomon Corporation offers the same set of services for transformer repair and recycling and complete substation decommissioning services. With seven different locations, Solomon is one of several vendors that can decommission and recycle the components as noted above. Their website is: https://www.solomoncorp.com/. Solomon Corporation is only one of many transmission and distribution recycle and decommissioning shops that do this mainly to harvest the components.

For recycling conductor, General Cable and Southwire both utilize extensive scrap procurement programs to reuse copper and aluminum conductor harvested from projects such as this one to supplement and reduce their raw material costs.

Here is the link to the General Cable program which only increases the salvage values found in this Plan: General Cable Recycling https://es.generalcable.com/na/us-can/socialresponsibility/sustainability/recycling

As for solar panels, they are in demand as salvageable items either in whole or for their raw material. According to the International Renewable Energy Agency (IRENA), more than 90% of all the materials are high grade silicon, aluminum and glass and are typically harvested to produce new panels. This is far less expensive than buying unprocessed raw materials for production.

The base industry assumption is that since solar panels are expected to retain about 75% of their production capability after 35 years of use, a salvage value of 10% of original cost is a low estimate of their expected value and as we note in assumption. This considers possible technology improvements and undervalues the anticipated salvage value of the panel's raw materials.

The Solar Energy Industries Association (SEIA) has an approved set of PV recycling vendors that specialize in doing this today and they can be found at: https://www.seia.org/initiatives/seia-national-pv-recycling-program.

First Solar, which has been active in the solar industry since its inception, takes solar modules and recycles 90% of the semiconductor material which is then reused in new modules. 90% of the glass product can be reused as new glass products, including panels and fiber optic cable. We can conclude that realistically the estimated 10% salvage value is low and reflects a conservative figure. Information about First Solar's recycling program is at: http://www.firstsolar.com/en/Modules/Recycling.

8 Financial Assurance

The Project Owner will post a financial surety if required by the City of Staunton zoning ordinance. Based on industry trends, the projected and actual costs of decommissioning are expected to go down over time based on improvements both to best practices in calculating these costs and the decommissioning process itself. The Project Owner will reevaluate decommissioning costs with a qualified engineering consultant every five years during the life of the Project.

Prepared By:

TIMMONS GROUP
ENGINEERING | DESIGN | TECHNOLOGY

Staunton PV-CS, LLC.

Decommissioning Plan

City of Staunton, Virginia

Date: 1/2/2023

This cost estimate was not based on detailed construction drawings, but is typical for a project of this size and type. The listed equipment quantities are subject to change based on the actual installed facilities.

Prepared For:

Oikos Solar System, Inc.

Staunton PV-CS
Decommissioning Plan

CLIENT NAME	**Staunton PV-CS, LLC**
PROJECT NAME	**Oikos Staunton Shared Solar Project**
LOCATION	**801 & 809 Commerce Rd, City of Staunton, Virginia**
PROJECT	**Solar PV Electric Generating Facility**

Rev.	Date	Description	Prepared	Checked	Approved
0	11/15/2022	Released for Client Use	NBF	KJ	LW
1	12/5/2022	Released for Client Use	NBF	KJ	LW
2	01/02/2022	Released for Client Use	NBF	KJ	LW

Table of Contents

1 Introduction

Oikos Staunton Shared Solar (the "Project") is a Solar Energy Facility, as defined by Section 18.75.040(2) of the Staunton Zoning Ordinance ("Facility") up to 5 MWac proposed by Staunton Solar, LLC (the "Project Owner"). The Project will be located in the City of Staunton, at 801 & 809 Commerce Rd, Virginia. The project area will span approximately 30.5 acres and will connect to a 34.5 kV Transmission Distribution line owned by local Dominion Energy Virginia.

This Decommissioning and Restoration Plan (the "Plan") has been prepared in conjunction with the special use permit application for a Solar Energy Facility in the City of Staunton, Virginia.

The Project will also comply with any applicable municipal, state and federal regulations. The Plan assumes decommissioning and restoration will occur at the end of the Project's expected useful life of forty (40) years. An overview of all activities related to the removal of the Project's equipment and panels, appurtenant structures, and for restoration of the site to its previous condition (as much as reasonably practicable) can be found in the Plan.

Within 12 months of initiating the decommissioning, the Project Owner will safely have the relevant components removed from the land and will then restore the site as described below.

This Plan lays out the procedures for restoring the site to its original use, based on the recent historical land use of the property or other economical land uses as desired by the relevant landowner, at the end of the Facility's operational life. The Plan describes procedures for the removal of Facility components. The components of the Facility are described in detail in the Exhibit to the CUP application (the "Concept Plan").

2 Project Components

The Conceptual Site Plan provides detailed information regarding the anticipated location and description of the Facility components. The Facility generally consists of the equipment and infrastructure listed below:

- Steel Piers and Racking
- PV Panels
- Inverters
- Electrical Collection underground Feeder
- Access Roads
- Fencing, Gating, and Safety Features
- Operations and Maintenance (O&M) Building (TBD)
- Weather Stations
- Project Point of Interconnection Switching Facility

3 Regulatory Compliance

Prior to the commencement of decommissioning, the Project Owner will perform the appropriate due diligence requirements and obtain the necessary City, state, and federal approvals to complete decommissioning activities. To mitigate any environmental impact from decommissioning, the Project Owner will assess the necessary permits and approvals in the future regulatory environment to maintain regulatory compliance. Anticipated types of evaluations may include the following:

- Review of on-site jurisdictional status and potential impacts to wetlands and waterbodies to comply with the Clean Water Act.
- Consultation with the United States Fish and Wildlife Service to evaluate compliance with the Endangered Species Act, Migratory Bird Treaty Act, Bald and Golden Eagle Protection Act, and any other relevant regulations at the time of decommissioning.
- Consultation with the Virginia Department of Environmental Quality for compliance with any pertinent state regulatory requirements.
- Completion of a Phase I Environmental Site Assessment in support of Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) protection.
- Development and implementation of a Stormwater Pollution Prevention Plan (SWPPP).
- City of Staunton building, road, discharge, or erosion control permits (as necessary).
- Special state or local hauling permits (as necessary).

4 Decommissioning

The Project will be decommissioned at the end of its useful life, which will be the earlier of when (a) the Project Owner determines the Project is at the end of its useful life, or (b) the facility generates no electricity for a continuous period of 1 year. At least 60 days prior to the commencement of decommissioning activities, the Project Owner will notify the City of Staunton officials. The following general decommissioning activities will occur:

Decommissioning Sequence
1. Obtain required site permits from Authority Having Jurisdiction (AHJ)
2. Disconnect all utility grid power
3. Move all disconnects to the off position
4. Disconnect all above ground wirings, cables, and electrical connections
5. Remove all PV Modules
6. Remove inverters, mounting equipment, and posts
7. Remove all electrical switchgear, transformers, and their foundations

8. Remove Data Acquisition System (DAS) equipment, feeders, and conduit
9. Remove all above ground mounting equipment components and posts
10. Excavate and remove Underground feeders and conduit
11. Remove all MV feeders and utility poles
12. Removal of Collector Substation
13. Removal of weather station
14. Remove access road
15. Remove all fencing
16. Fill/Grade/Seed as needed

Some components may be left in place under certain circumstances. Electrical lines that will not impact future use of the Project Area (at least 3 feet in depth) may be left in place per renewable industry practices. Steel piles, where full removal is unattainable, may be cut and left in place at a depth of 3 feet or greater below the ground surface. Additionally, landowners may desire that certain improvements such as fencing, or access roads remain in place for their use. The Project Owner will obtain a written request from the landowner for any improvement to remain in place.

5 Materials, Recycling, and Disposal

Many components of the Facility, such as racking, wiring, piles, and panels, retain value over time. Panels, while slightly less efficient than when installed, may be reused elsewhere, or their components may be broken down and recycled. Recycling of solar panels and equipment is rapidly evolving and can be handled through a combination of sources such as certain manufacturers, e.g., PV Cycle (an international waste program founded by and for the PV industry), or waste management companies. More than 90 percent of the semiconductor material and glass can be reused in new modules and products. Other waste materials that hold no value will be recycled or disposed of via a licensed solid waste disposal facility.

6 Site Restoration

Following the completion of decommissioning activities, it is anticipated that the site will primarily be converted back to the pre-construction land uses. The land will be graded as necessary, though minimal grading is expected to be required, and decompacted to allow for productive agricultural use. Following completion of the decommissioning activities, the site will be reseeded as necessary with native grasses. Decommissioning of the Facility, including the removal of materials followed by site restoration, should be completed in approximately 12 months.

7 Decommissioning Cost Estimate

7.1 OPINION OF PROBABLE DECOMMISSIONING COST

Detailed Project Description: The Project is a fixed tilt solar electric generating facility, consisting of 27 modules per string, that will be installed in City of Staunton, VA.

Table 7-1: Estimated Decommissioning Cost:

PV Module Removal	QUANTITY	UNITS	Unit Cost	Total	Comment
# Solar Panels 540 W	12,050	EA	$5	$60,250	Disassembly, Haul Offsite
SUBTOTAL				$60,250	
Foundations Structural Removal	**QUANTITY**	**UNITS**	**Unit Cost**	**Total**	**Comment**
# Panel Support Steel Piles	2,637	EA	$12	$31,641	Disassembly, Haul Offsite
# Panel Racks	446	EA	$100	$44,630	Disassembly, Haul Offsite
SUBTOTAL				$76,271	
Electrical Equipment Removal	**QUANTITY**	**UNITS**	**Unit Cost**	**Total**	**Comment**
Inverters Sungrow SG3150	2	EA	$3,000	$6,000	Disassembly, Haul Offsite
MV Transformers, 3200 KVA	2	EA	$5,000	$10,000	Disassembly, Haul Offsite
POI (Circuit Breaker, Disconnect/ Meter, Pad, Grounding System and Wiring)	1	LOT	$15,000	$15,000	Disassembly, Haul Offsite
SUBTOTAL				$31,000	
Electrical Wires Removal	**QUANTITY**	**UNITS**	**Unit Cost**	**Total**	**Comment**
MV Conductor	5,600	FT	15	$84,000	Removal, Non-Excavation
DC/LC Conductor	56,000	FT	$1.0	$56,000	Removal, Non-Excavation
SUBTOTAL				$140,000	
Fence/land, Removal/Restoration	**QUANTITY**	**UNITS**	**Unit Cost**	**Total**	**Comment**
Fence Perimeter	4,500	FT	$1	$4,500	Disassembly, Haul Offsite
Site Remediation	30.5	Acre	$4,000	$122,000	Disturbed Area Only
Storm Water Management Ponds	2	EA	$5,000	$10,000	Restoration
Engineering & permitting				$45,000	Budgeted
SUBTOTAL				$181,500	

Summary of Cost Estimates	
PV Module Removal	$60,250
Foundations Structural Removal	$76,271
Electrical Equipment Removal	$31,000
Electrical Wires Removal	$140,000
Fence/land, Removal/Restoration	$181,500
ESTIMATED GRAND TOTAL	**$489,021**

Data Sources:

1. Material List and Quantities: Based on schematic design.
2. Unit Price Values: Based on R.S. Means and typical quantities for various components.

7.2 OPINION OF PROBABLE SALVAGE VALUE COST

There should be opportunity to reclaim metal scrap value from electrical equipment. Yard equipment such as bus work, circuit breakers, and power transformers contain a significant amount of conductive material such as copper and aluminum. Dead-end and other steel structures contain a significant amount of steel. Rubble from the foundation demolition and all other materials would be sent to landfill at cost. The scrap value of the substation is presented in Table 7-2.

Timmons Group considers that there is a resale market for substation transformers. Therefore, the transformer could be sold as operational second-hand equipment instead of being scrapped. This scenario has been considered.

Table 7-2 Estimated Salvage Value:

PV Module (At: $.3/W before Removal and Hauling)	QUANTITY	UNITS	Estimated New Cost/Unit	Estimated New Total Cost	Estimated Salvage Value 10% of New Cost
# Solar Panels 540 W ($.3W X450) =$162	12,050	LOT	$162	$1,952,100	$195,210
Foundations Structural (at:$ .20/LB before Removal and Hauling)	**QUANTITY**	**UNITS**	**Estimated Weight LB- EA**	**Estimated Salvage Value**	**Estimated Salvage Value**
# Panel Support Steel Piles	2,637	EA	100	$0.20	$52,735.23
#Rack Steel	446	EA	2,000	$0.20	$178,518.52
SUBTOTAL					$231,253.75
Electrical Equipment	**QUANTITY**	**UNITS**	**Estimated New Cost/Unit**	**Estimated New Total Cost**	**Estimated Salvage Value 20% of New Cost**
MV Transformers 3,200 KVA	2	EA	$95,000	$190,000	$38,000

Electrical Wires/Cables	QUANTITY	UNITS	Estimated New Cost/Unit	Estimated New Total Cost	Estimated Salvage Value 10% of New Cost
MV Conductor (only 10% of total)	5,600	FT	$15	$84,000	$8,400
DC/LC Conductor	56,000	FT	$2	$112,000	$11,200
SUBTOTAL					$19,600
Fence	**QUANTITY**	**UNITS**	**Estimated Weight LB.**	**Estimated Salvage Value**	**Estimated Salvage Value**
Fence Perimeter (1.3 lb. per square ft, 6ft height)	4,500	FT	35,100	$0.54	$18,954.00
Fence Post every 10 ft (9 ft length, 2.3 lb/Ft)	450	FT	9,315	$0.54	$5,030.10
SUBTOTAL					$23,984.10

Summary of Salvage Values Estimate	
PV Module	$195,210
Foundations Structural	$231,254
Electrical Equipment	$38,000
Electrical Wires	$19,600
Fence	$23,984
ESTIMATED GRAND TOTAL	**$508,048**

7.3 NET DECOMMISSIONING COST

The net decommissioning cost for the Project is calculated by subtracting the salvage value from the total of the disassembly and removal costs. As noted in Table 7-1 and Table 7-2 the total estimated decommissioning costs will be $467.021and Table 7-2 the total estimated salvage value of Project components will be $508,048. The estimated net decommissioning cost will be a ($41,027) Negative return.

Summary of Estimate	
Estimated Decommissioning Cost	$489,021
Estimated Salvage Value	$508,048
ESTIMATED NET COST	($18,027)

Note: Negative values, in parenthesis, are positive returns to the Project.

7.4 DECOMMISSIONING ASSUMPTIONS

1. To develop a cost estimate for the decommissioning of the Project, Timmons Group made the following assumptions, with and costs were estimates based on current pricing, technology, and regulatory requirements. The assumptions are listed in order from top to bottom of the estimate spreadsheet. We developed time and materials-based estimates considering composition of work crews. When materials have a salvage value at the end of the project life, the construction activity costs, and the hauling/freight cost are separated from the disposal costs or salvage value to make future revisions to salvage values more transparent.
2. Decommissioning year is based on a 10-year initial period for the financial security. The projected life of the project is 40 years.
3. This Cost Estimate is based on the Timmons Group data request forwarded November 2022.
4. Common labor will be used for the majority of the tasks except for heavy equipment operation. Pricing is based on local Southeast US labor rates.
5. Permit applications required include the preparation of a Stormwater Pollution Protection Plan (SWPPP) and a Spill Prevention Control and Countermeasure (SPCC) Plan.
6. Road gravel removal was estimated on a time and material basis using a 16 foot width and an 8 inch thickness for the access roads. Substation aggregate is included in the substation quantities. Since the material will not remain on site, a hauling cost is added to the removal cost. Road aggregate can often be disposed of by giving to landowners for use on driveways and parking areas. Many landfills will accept clean aggregate for use as "daily cover" and do not charge for the disposal.
7. Grade Road Corridor reflects the cost of mobilizing and operating light equipment to spread and smooth the topsoil stockpiled on site to replace the aggregate removed from the road.
8. Erosion and sediment control along road reflects the cost of silt fence on the downhill side of the road and surrounding all on-site wetlands.
9. Topsoil is required to be stockpiled on site during construction, therefore this topsoil is available on site to replace the road aggregate, once removed. Subsoiling cost to decompact roadway areas is estimated as $500 per acre (based on previous bid prices), and revegetation on removed road area, which includes seed, fertilizer, lime, and care until vegetation is established is $2,500 per acre. The majority of the project area is "over-seeded" since the decommissioning activities are not expected to eliminate the existing grasses and vegetation under the arrays or heavily compact the soils. Over-seeding does not include fertilizer and lime and is estimated at $4,000 per acre.

10. Fence removal includes loading, hauling, and recycling or disposal. Fences and posts weigh approximately 2.3 pounds per foot.
11. Array support posts are generally lightweight “I” beam sections installed with a piece of specialized tracked equipment. Crew productivity is approximately 240 posts per day, and the same crew and equipment should have a similar productivity removing the posts, resulting in a per post cost of approximately $12. We assume a cost of $12.00 per post to include hauling fees and contingencies.
12. A metal recycling facility (FEA Salvage and Recycling) is located in Orange, Virginia and is relatively close to the project site. Steel scrap pricing was acquired from www.scrapmonster.com.
13. The solar panels rated 540 watts can easily be disconnected, removed, and packed by a three-person crew at a rate we estimate at 12 panels per hour.
14. No topsoil is planned to be removed from the site during decommissioning and most of the site will not have been compacted by heavy truck or equipment traffic so the site turf establishment cost is based on RS Means unit prices for applying lime, fertilizer, and seed at the price of per acre plus an allowance for some areas to be decompacted.
15. There is an active market for reselling and recycling electrical transformers and inverters with several national companies specializing in recycling. We have assumed a 20% recovery of these units based on field experience with used transformers as opposed to trying to break them down into raw material components.
16. The underground collection lines are assumed to be aluminum conductor.
17. Care to prevent damage and breakage of equipment, PV modules, inverters, capacitors, and SCADA must be exercised, but removal assumes unskilled common labor under supervision.

The estimated salvage values are derived from years of experience decommissioning and uprating electric substations, overhead transmission and distribution hardware and underground distribution hardware that would include but not be limited to substation and pad mounted transformers, overhead and underground conductors, poles, fencing, ground grid conductors, control housings, circuit breakers (high and medium voltage), protective relaying, and other hardware items. These individual items have high salvage value either as stand-alone components to be reused or recycled and sold as used items. These items also have a relatively high salvage value as pure scrap for steel, copper and other commodities.

For all medium voltage transformers, breakers and other items, Southeastern Transformer Company in Dunn, NC provides complete repair, upgrading and recycling and resale for all items mentioned above. Their website is: https://www.setransformer.com. They have a national presence.

For any and all recycling and upgrading, Solomon Corporation offers the same set of services for transformer repair and recycling and complete substation decommissioning services. With seven different locations, Solomon is one of several vendors that can decommission and recycle the components as noted above. Their website is: https://www.solomoncorp.com/. Solomon Corporation is only one of many transmission and distribution recycle and decommissioning shops that do this mainly to harvest the components.

For recycling conductor, General Cable and Southwire both utilize extensive scrap procurement programs to reuse copper and aluminum conductor harvested from projects such as this one to supplement and reduce their raw material costs.

Here is the link to the General Cable program which only increases the salvage values found in this Plan: General Cable Recycling https://es.generalcable.com/na/us-can/socialresponsibility/sustainability/recycling

As for solar panels, they are in demand as salvageable items either in whole or for their raw material. According to the International Renewable Energy Agency (IRENA), more than 90% of all the materials are high grade silicon, aluminum and glass and are typically harvested to produce new panels. This is far less expensive than buying unprocessed raw materials for production.

The base industry assumption is that since solar panels are expected to retain about 75% of their production capability after 35 years of use, a salvage value of 10% of original cost is a low estimate of their expected value and as we note in assumption. This considers possible technology improvements and undervalues the anticipated salvage value of the panel's raw materials. The Solar Energy Industries Association (SEIA) has an approved set of PV recycling vendors that specialize in doing this today and they can be found at: https://www.seia.org/initiatives/seia-national-pv-recycling-program.

First Solar, which has been active in the solar industry since its inception, takes solar modules and recycles 90% of the semiconductor material which is then reused in new modules. 90% of the glass product can be reused as new glass products, including panels and fiber optic cable. We can conclude that realistically the estimated 10% salvage value is low and reflects a conservative figure. Information about First Solar's recycling program is at: http://www.firstsolar.com/en/Modules/Recycling.

8 Financial Assurance

The Project Owner will post a financial surety if required by the City of Staunton zoning ordinance. Based on industry trends, the projected and actual costs of decommissioning are expected to go down over time based on improvements both to best practices in calculating these costs and the decommissioning process itself. The Project Owner will reevaluate decommissioning costs with a qualified engineering consultant every five years during the life of the Project.

TIMMONS GROUP
YOUR VISION ACHIEVED THROUGH OURS.

1001 Boulders Parkway
Suite 300
Richmond, VA 23225

P 804.200.6500
F 804.560.1016
www.timmons.com

Attachment 9

To: Lori Schweller (Williams Mullen)
From: W. Scott Dunn, AICP, PTP
RE: Oikos Staunton Solar Project, Staunton, VA – Transportation Overview
Date: January 5, 2023
Copy: Rick Thomas (TG); Lauren Wheeler (TG)

Staunton PV-UT, LLC and Staunton PV-CS, LLC are pursuing the development of a solar facility in Staunton, VA. Oikos Staunton Solar is located on the east side of US Route 11 (Commerce Road), immediately south of the Virginia Department of Transportation (VDOT) Staunton District and Virginia State Police (VSP) offices. The project encompasses a total of 95 acres and will be served by one (1) entrance off the existing public right-of way that serves the aforementioned VDOT/VSP offices; this entrance will serve both construction-related traffic and operations/maintenance activities.

A pre-application meeting was held on November 16, 2022 with representatives from the City of Staunton. At this meeting, no traffic concerns were raised related to the construction of the site or operations/maintenance activities. It was recommended that the owner/applicant coordinate with VDOT prior to project submission.

A subsequent project meeting was held on December 16, 2022 with VDOT representatives (Adam Campbell, Kevin Linhares, Jeff Lineberry) to introduce the project and receive comments. The following was discussed:

- There are no VDOT requirements associated with the site for the CUP process. VDOT will comment on the site plan when it is forwarded by the City.
- With respect to site access:
    - The entrance should be located prior to the access gate at the front entrance.
    - The preferred entrance location is opposite the VSP parking area.
    - The site layout should accommodate traffic freely entering the site and accessing a staging/parking area; the objective is to avoid congestion on the public ROW and across the RR tracks.
- VDOT will inform VSP of this project; no direct coordination from solar team is required.
- The site plan should include a truck wash area to minimize debris on the road.
- The railroad (RR) is a Buckingham Branch short line that runs between Staunton and Harrisonburg:
    - There are no signals/arms present at the crossing.
    - There are 3-4 trains/day.
    - There has been one (1) accident at the crossing; no one was injured.
- Documents indicate ROW is public, but it is recommended to coordinate with RR on the solar project and associated traffic.

Following the meeting with VDOT, Williams Mullen coordinated with Tom Dorr of EGS Surveying on Flying Rock's consolidation plat. Mr. Dorr agreed that the northern access easement was reserved for future dedication as a public right-of-way but that it has not been taken into a public street system. He reiterated that it will be important to check with the RR regarding the crossing.

Timmons Group attempted to contact a representative from Buckingham Branch Railroad (Brandon Shumaker, Supervisor of Projects, and Grant Administration) by both phone and email. Messages provided a brief description of the project and requested Buckingham Branch's input. To date, no response has been received.

Attachment 10

March 31, 2023

SUPPLEMENT REGARDING SHARED SOLAR SUBSCRIPTION

Oikos Staunton Utility Solar Project
and
Oikos Staunton Community Solar Project
Special Use Permit Application

Staunton PV-UT, LLC and Staunton PV-CS, LLC (collectively, the "Applicant"), which are affiliates of Oikos Solar Systems, Inc., submitted an application for a special use permit for a Utility Solar Facility comprising a 15.75 MW utility-scale project and a 5 MW community solar project on January 13, 2023.

The community solar project[1] is enabled by the Virginia Shared Solar Program adopted with the 2020 Clean Economy Act. Currently, the program is approved for 150 MW in the Dominion Energy territory. Solar developers have registered for 123 MW of the available capacity; it is widely anticipated that the General Assembly will expand the program. At least 30% of the Shared Solar subscribers must be low-income residents, as defined by the enabling statutes.[2]

The City has requested information about how Staunton residents will be able to take advantage of the community solar project's energy production. General information about the program and subscribing can be found at this link (scc.virginia.gov/pages/Shared-Solar) on the State Corporation Commission's website and on the Dominion Energy website here: www.dominionenergy.com/virginia/renewable-energy-programs/community-solar, but this narrative explains the Applicant's plan specifically prepared for the City of Staunton.

The Applicant has engaged Arcadia, which is a third-party servicing company, to manage subscriptions. The Applicant has arranged for an unusually long exclusivity period for Staunton residents. However, because of the relatively small population of the City, Arcadia expects that not all subscribers for the project will be Staunton residents. Also, the percentage of City residents that would fit the low median income range also lowers the likely percentage of project subscribers who will meet the low-income definition. The Applicant will establish a 12-month period during which *only* Staunton residents may be enrolled in the program. Arcadia will conduct a marketing campaign to promote and advertise the program to City residents. Any Staunton resident may enroll, regardless of income, during that initial 12-month period. After the initial 12 months, if not fully subscribed, Arcadia will open subscriptions to remaining Dominion territory in Virginia, but limited to 100% low-income customers. The Applicant desires to serve as many low-income customers as possible--ideally, at least 50%--but, again, will not limit subscriptions *within the City* to low-income customers.

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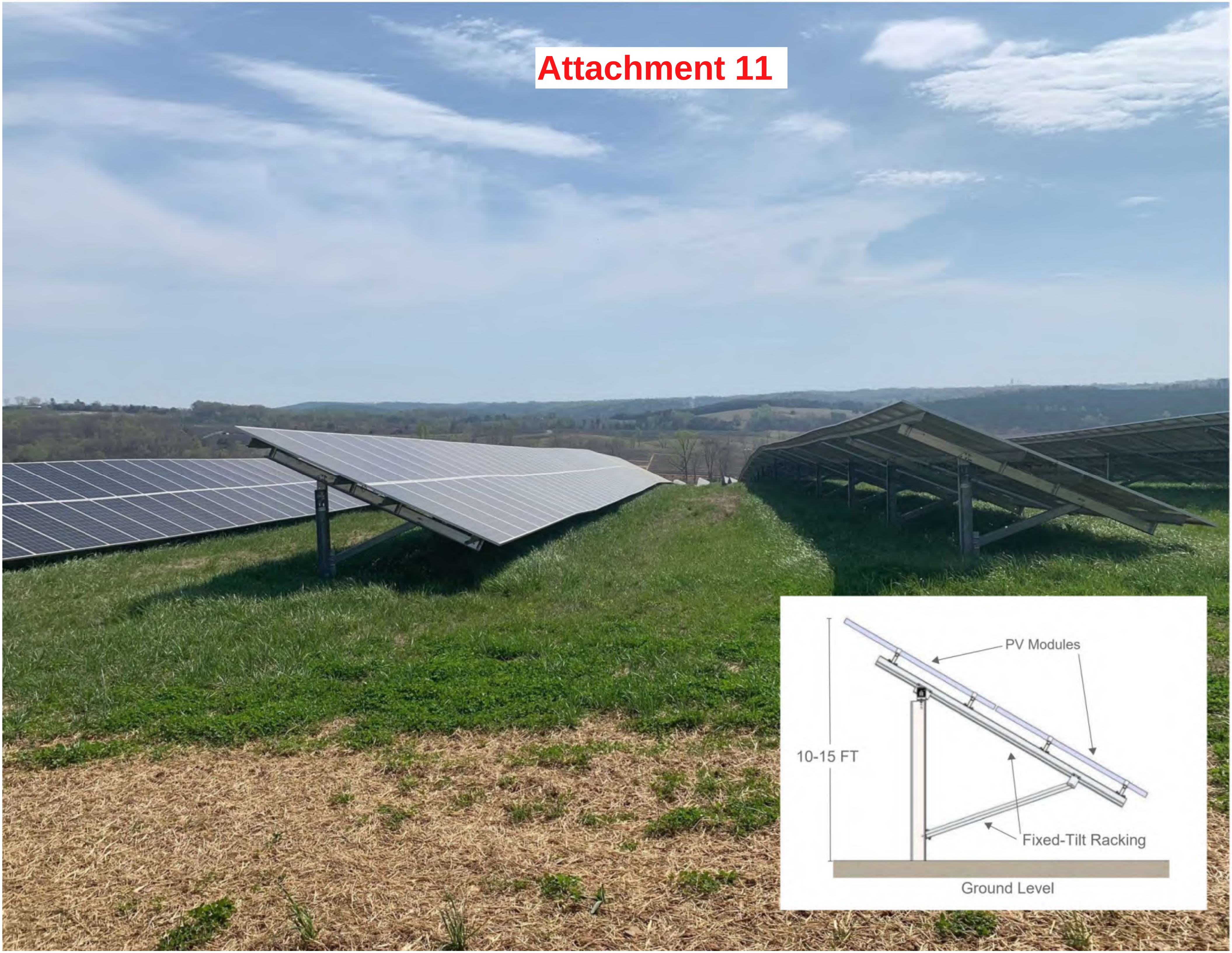
[1] Virginia statutes use the term "shared solar," but this program is frequently referred to as "community solar" in Virginia and elsewhere, and Dominion uses the term "community solar" for its program. The terms are interchangeable.

[2] "Low-income customer" means any person or household whose income is no more than 80% of the median income of the locality in which the customer resides. The median income of the locality is determined by the U.S. Department of Housing and Urban Development. 20VAC5-340-20.

Attachment 11



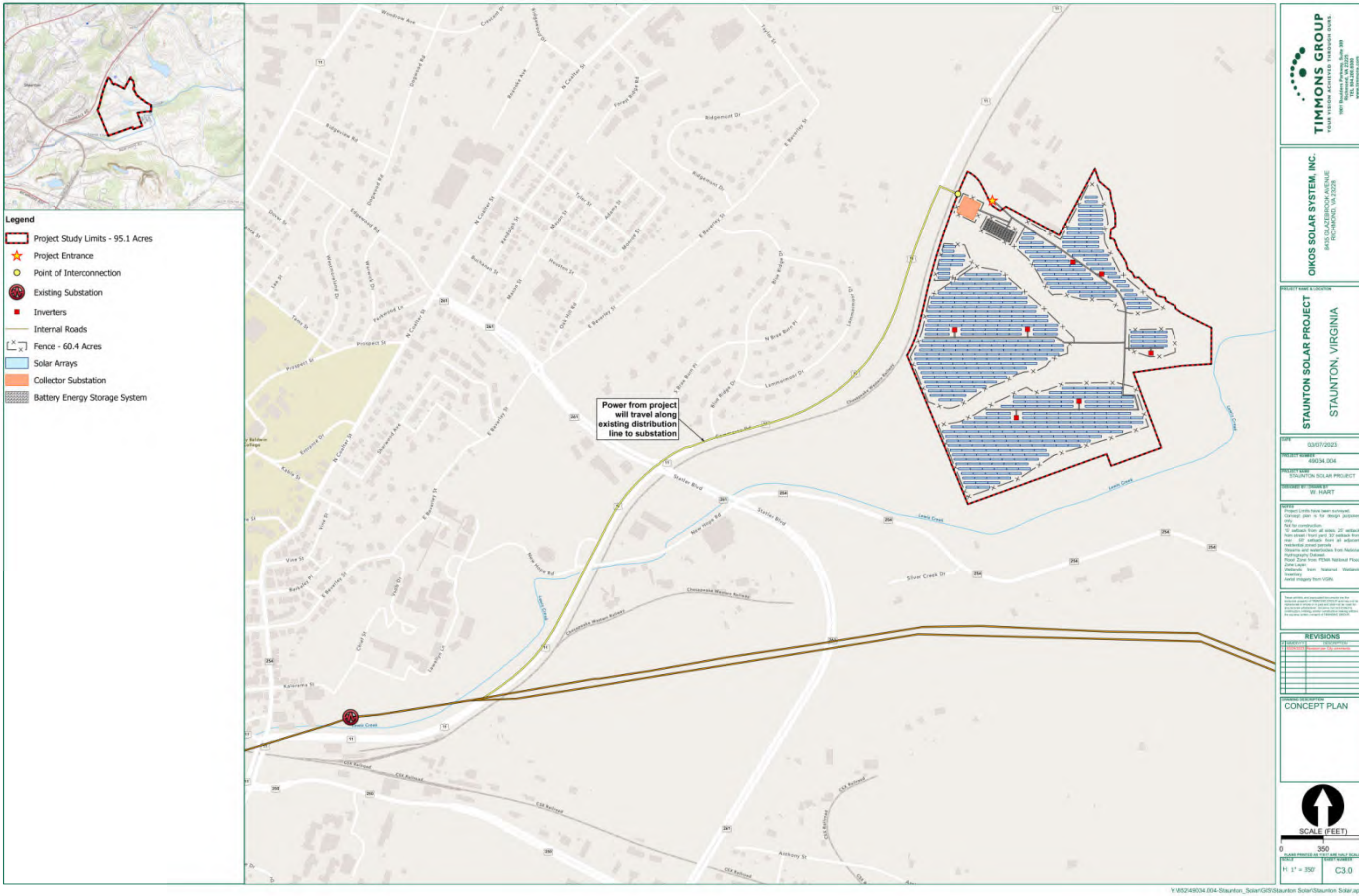
Attachment 12

Attachment 13

SUBSTATION NOTES

1. MAJOR COMPONENTS ARE SIMILAR TO OTHER EXISTING SUBSTATION IN THE REGION AND INCLUDE:
   - MAIN POWER TRANSFORMER
   - COLLECTION LINE FEEDERS AND BREAKERS
   - UNDERGROUND TRANSMISSION LINE RISER
   - HIGH VOLTAGE BREAKER
   - METERING/RELAYING TRANSFORMERS
   - DISCONNECT SWITCHES
   - EQUIPMENT ENCLOSURE
   - LIGHTENING MAST (TALLEST STRUCTURE AT ~50-65 FEET)
2. ESTIMATED BUILDING COMPONENT HEIGHTS RANGE FROM 10-15' HEIGHTS PER TYPICAL SUB-STATION DESIGN, WITH THE EXCEPTION OF THE PROPOSED LIGHTNING PROTECTION MAST AT 50-60'
3. THE PROJECT SUBSTATION/COLLECTION YARD WILL BE NO MORE THAN 350 LF BY 350 LF.

Attachment 14



Vicinity Map: 801 Commerce Rd

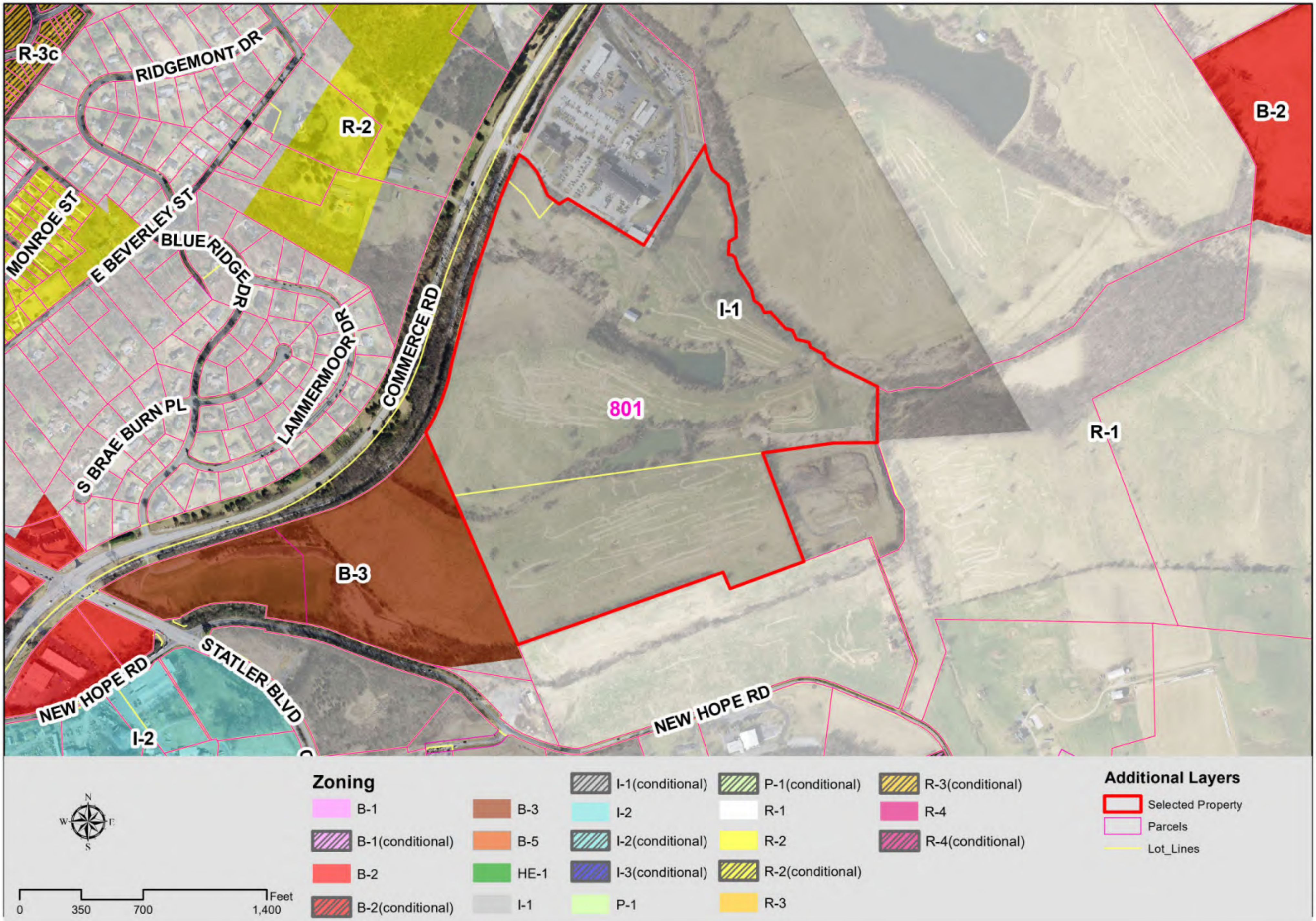
Exhibit 1

Agricultural-Forestal District in the Area

Exhibit 2

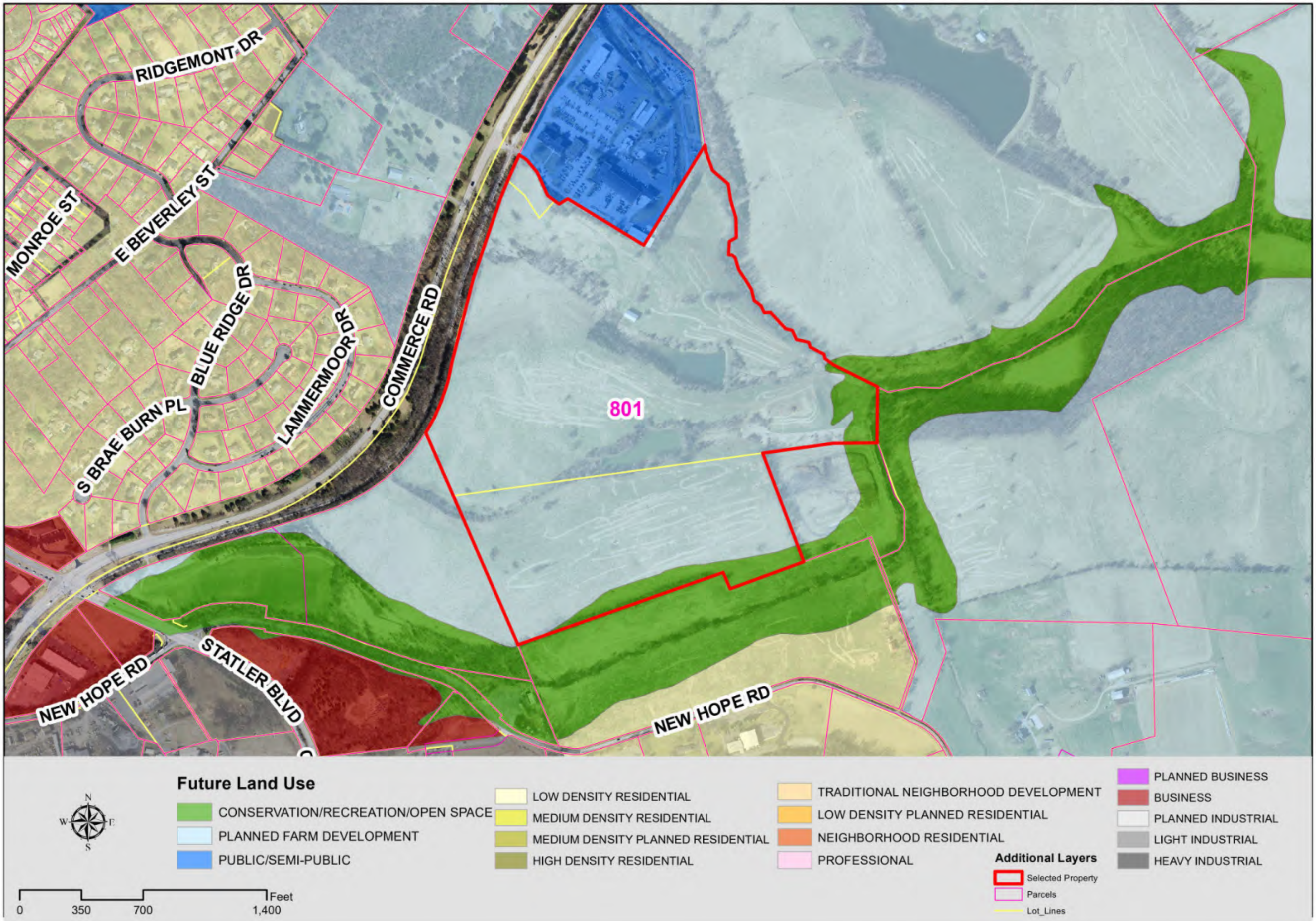
Underlying Zoning - 801 Commerce Road

Exhibit 3



Future Land Use: 801 Commerce Rd

Exhibit 4



RESOLUTION
OF THE
COUNCIL OF THE CITY OF STAUNTON, VIRGINIA
GRANTING A SPECIAL USE PERMIT FOR PROPERTY LOCATED AT
801 COMMERCE ROAD (PID: 10413)

<u>Recitals</u>

A. Oikos Solar Systems Inc, and Flying Rock Property LLC, (Owner), owner of certain land identified as parcel identification number 10413, currently addressed as 801 Commerce Road, Staunton (the Property), having acquired the land through a deed dated November 9, 2022 and recorded in the Clerk's Office of the Circuit Court of the City of Staunton as Instrument Number 220003442, is requesting a Special Use Permit to allow a solar facility to be constructed on the property (the Project);

B. The Owner seeks a Special Use Permit under Staunton City Code (SCC) Section 18.75.040(1) to allow a Solar Energy Facility;

C. The Property is located within a I-1, Light Industrial District, which according to SCC Section 18.75.040(1), a Solar Energy Facility may be permitted on review;

D. The Staunton Planning Commission conducted a public hearing concerning the Project, after notice and advertisement as required by law on April 20, 2023;

E. The Staunton Planning Commission considered and recommended approval of the Owner's application for the Project at its April 20, 2023 meeting;

F. Upon consideration of the Staunton Planning Commission's recommendation, the City staff briefing, comments received at the public hearing, as well as the factors set forth within Section 18.75.040 and Chapter 18.210 of the SCC, Staunton City Council finds and determines that granting the proposed Special Use would serve the public necessity, convenience, general welfare and good zoning practice; and

G. These recitals are an integral part of this resolution.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Staunton, Virginia that a Special Use Permit is hereby granted to allow the Project to be established on the Property, subject to the following conditions:

1. Development and use must be in general accord with the plans prepared by Timmons Group titled "Oikos Staunton Solar Project and Oikos Staunton Community Solar Project, Preliminary Concept Plans" dated May 16, 2023 (hereinafter "Concept Plan") and included as Attachment 5, as determined by the Zoning Administrator. To be in general accord with the Concept Plan, development and use must reflect the following

major elements as shown on the Concept Plan: a. Location of solar development envelopes, b. Location of collector station, and c. Retention of wooded vegetation in stream buffers. Land disturbance shall be limited to the areas within the proposed fenced areas as shown on the Concept Plan. The location of the proposed entrance and access to the solar facility shall not be subject to this condition. Site grading will be subject to review and approval by the City during the site planning process. The panels shall be installed generally with the existing topography of the site. Grading of the panel areas shall be limited to the greatest extent practicable. Minor modifications, with the approval of the Zoning Administrator to the Concept Plan that do not otherwise conflict with the elements listed above may be made to ensure compliance with the Zoning Ordinance, and State or Federal laws.

2. Landscaping and screening locations must be substantially the same as shown on the Concept Plan. Additional landscaping and screening may be required during site plan review if required for compliance with federal, state, or local laws, ordinances, or regulations. Planting materials shall be approved by the Zoning Administrator during site plan review.

3. All inverters, solar panels and collector station must be set back at least fifty (50) feet from rights-of-way and from all adjoining properties not zoned industrial.

4. The facility shall utilize only panels that employ anti-glare technology, anti-reflective coatings, and other available mitigation techniques to reduce glint and glare. Prior to the issuance of a building permit, the applicant shall submit to the Zoning Administrator descriptive and schematic information regarding panel technology to ensure the facility is utilizing current anti-glare technology and anti-reflective coatings.

5. The decommissioning and site rehabilitation plan (hereinafter "Decommissioning Plan") prepared by Timmons Group and submitted with the Special Use Permit application, shall be subject to review and approval by the City Attorney and the City Public Works Director and shall be in a form and style so that it may be recorded in the office of the Circuit Court of the City of Staunton.

6. Prior to issuance of a grading permit, the Decommissioning Plan must be recorded by the applicant in the office of the Circuit Court of the City of Staunton. A performance bond or letter of credit approved by the City Attorney must be posted to cover the full cost of implementing the Decommissioning Plan. No credit is provided for the estimated salvage value of the materials.

7. The Decommissioning Plan and estimated costs must be updated every five years, upon change of ownership of either the property or the project's owner, or upon written request from the Zoning Administrator. Any changes or updates to the Decommissioning Plan must be recorded in the office of the Circuit Court of the City of Staunton. The performance bond or letter of credit shall be adjusted to cover any estimated increase in cost.

8. The Zoning Administrator must be notified in writing within 30 days of any change in ownership or the abandonment or discontinuance of the use.

9. All physical improvements, materials, and equipment (including fencing) related to solar energy generation, both above ground and underground, must be removed entirely, and the site must be rehabilitated as described in the Decommissioning Plan, within one year of the abandonment or discontinuance of the use.

10. If the construction of the solar energy facility, for which this special use permit is issued, is not commenced within five (5) years after City Council approval, the permit must be deemed abandoned and the authority granted thereunder shall terminate.

11. Products used to clean panels are limited to water, and biodegradable cleaning products.

12. No above ground wires except for those associated with the panels and attached to the panel support structure and those associated with tying into the existing overhead transmission wires are permitted.

13. Prior to activation of the site, the applicant must provide training to Staunton Fire/Rescue. This training must include documentation of onsite materials and equipment, proper firefighting and lifesaving procedures and material handling procedures.

14. The project areas shall be enclosed by security fencing not less than six feet in height and equipped with an appropriate anticlimbing device. Fencing must be installed on the interior of the vegetative buffer required so that it is screened from the ground level view of adjacent property owners. The wildlife corridors shall not be enclosed with fencing.

15. The property owner must grant the Zoning Administrator, or designee, access to the facility for inspection purposes within 14 days of the Zoning Administrator requesting access.

16. Outdoor lighting for the facility shall be permitted only during maintenance periods; regardless of the lumens emitted, each outdoor luminaire must be fully shielded to the satisfaction of the Zoning Administrator.

17. Ground mounted solar energy generation facilities shall not exceed a height of eighteen (18) feet, which shall be measured from the highest natural grade below each solar panel. This limit shall not apply to the collector station, utility poles and the interconnection to the overhead electric utility grid. The lowest surface of the panel shall be a minimum of eighteen (18) inches above grade.

18. The project area shall be seeded with appropriate pollinator-friendly native plants, shrubs, trees, grasses, and wildflowers. The project must achieve VA Pollinator-Smart Certification as contained in the Virginia Pollinator Smart Solar program.

19. The applicant shall establish a 12-month period during which only Staunton residents may be enrolled in the applicant's Shared Solar Program.

20. The site plan shall include a maintenance and traffic plan to identify how construction vehicles will stage on the property to avoid impacts to Commerce Road and operations of the State Police and Virginia Department of Transportation facilities.

Introduced:
Adopted:
Effective:

____
Stephen W. Claffey, Mayor

Attest: ________________________________
Kiley A. Kesecker, Clerk of Council

CITY COUNCIL **AGENDA BRIEFING**

Staunton, Virginia

Meeting Date:	**May 25, 2023**	**John C. Blair, II** **City Attorney** **Leslie Beauregard** **City Manager**
Item #	**E**	
Department:	**City Attorney** **City Manager**	
Alignment with Staunton Plan (Value/Strategic Area):	**Value: Excellence; Environmentally Conscious**	
Subject:	**Public Hearing and Consideration of a Solar Siting Agreement between Staunton PV-UT, LLC and the City of Staunton, Virginia**	

Background: Virginia Code Section 15.2-2316.7 permits localities in Virginia to enter into solar facility siting agreements with entities wishing to locate a solar facility within the locality's borders. If the siting agreement is approved, it can include financial compensation to the locality.

Staunton PV-UT, LLC through Flying Rock Property, LLC has applied for a Special Use Permit (SUP) to locate a solar facility within the City of Staunton. If the Council approves the SUP, it will consider approving the solar facility siting agreement.

The City Attorney and Staunton PV-UT, LLC's legal counsel have negotiated the solar facility siting agreement for the Council's consideration. The agreement provides that Staunton PV-UT will make a one-time payment of $200,000 to the City of Staunton one month after Staunton PV-UT has commenced the delivery of electricity from the Staunton solar facility to a third party pursuant to an executed interconnection agreement or power purchase agreement.

This $200,000 payment is in addition to the potential machinery and tools, real property, and rollback taxes the City will collect if the SUP is approved and the solar facility is constructed.

This item requires a public hearing, which was properly advertised in the News Leader on May 18, 2023.

Attachments:

Attachment 1—Notice of Public Hearing
Attachment 2—Proposed Solar Facility Siting Agreement

City Manager Recommendation: Hold the public hearing and approve the Solar Facility Siting Agreement, as presented.

Suggested Motion: I move that City Council approve the Solar Facility Siting Agreement, as presented.

City Manager: Leslie Beauregard

Attachment 1

The News Leader

Classified Ad Receipt
(For Info Only - NOT A BILL)

Customer: STAUNTON CITY OF

Address: 116 W BEVERLEY ST
STAUNTON VA 24401
USA

Ad No.: 0005706248
Pymt Method Invoice
Net Amount $281.76

Run Times: 1

No. of Affidavits: 1

Run Dates: 05/18/23

Text of Ad:

NOTICE OF PUBLIC HEARING
REGARDING CONSIDERATION OF A SITING AGREEMENT BETWEEN THE CITY OF STAUNTON, VIRGINIA AND STAUNTON PV-UT, LLC

A public hearing will be held during the regular meeting of Staunton City Council at 7:00 p.m. on Thursday, May 25, 2023, in the Rita S. Wilson Council Chambers, located on the first floor of City Hall, 116 West Beverley Street, Staunton, Virginia, on whether to consider a siting agreement between the City of Staunton, Virginia and Staunton PV-UT, LLC regarding a solar energy facility proposed for 801 Commerce Road.
The proposed agreement is authorized by, among other considerations, Section 1, of Chapter I of the Charter of the City of Staunton, and by Virginia Code Section § 15.2-2316.8.
A true and complete copy of the proposed agreement is available for inspection during normal working hours at the office of the Clerk of Council and at the office of the City Manager.
All persons wishing to be heard at the public hearings are invited to attend. The public may also participate in the public hearings by Zoom, or by phone. Specific instructions to participate by Zoom or by phone can be found at: https://www.ci.staunton.va.us/government/city-council/access-city-council-meetings. Those interested in listening to the meeting may do so via live stream from the City's website or by listening to the public access television Channel (Comcast Channel 7). Hearing impaired persons desiring to participate in the public hearings should contact the Clerk of Council by email at keseckerka@ci.staunton.va.us , to request an interpreter.

Kiley A. Kesecker
Clerk of Council

0005706248-01

SOLAR FACILITY SITING AGREEMENT

This Solar Facility Siting Agreement (this "Agreement"), dated as of May ____, 2023 (the "Effective Date"), is by and between the **City Of Staunton, Virginia**, a political subdivision of the Commonwealth of Virginia (the "City") and **Staunton PV-UT, LLC** a Virginia limited liability company (the "Applicant"). The City and Applicant are herein each a "Party" and collectively, the "Parties."

RECITALS

WHEREAS, the Applicant intends to develop, install, build, and operate a ground-mounted solar photovoltaic electric generating facility, commonly known as the Oikos Staunton Utility Solar Project (the "Project"), along with a shared solar facility (as defined by Va. Code Sec. 15.2-2316.6), which is not subject to this Agreement, on a certain parcel of land within the City identified as PID #10413, which was created by a Deed of Consolidation, dated November 9, 2022, recorded with a plat prepared by EGS & Associates, dated September 13, 2022, in the Clerk's Office of the Staunton Circuit Court as Instrument No. 22000008055 (the "Property");

WHEREAS, pursuant to Chapter 22, Title 15.2, Article 7.3 of the Code of Virginia titled "Siting of Solar Projects and Energy Storage Projects" (the "Siting Agreement Legislation"), Applicant and the City may enter into a siting agreement (the "Siting Agreement") for a solar project or energy storage project, as such terms are defined by Virginia Code § 15.2-2316.6;

WHEREAS, pursuant to Virginia Code § 15.2-2316.6, the Project is eligible for a Siting Agreement as it will contain solar facilities and energy storage facilities as described therein;

WHEREAS, on November 22, 2022, the Applicant gave written notice to the City pursuant to Virginia Code § 15.2-2316.7.A of Applicant's intent to locate the Project in the City and requested a meeting to discuss and negotiate a Siting Agreement;

WHEREAS, after negotiation between the City and the Applicant, the Parties desire to enter into this Agreement so the Applicant can make a voluntary payment to the City above and beyond its tax obligations, as a meaningful way to be a community partner, and to mitigate certain potential impacts of the Project, and to provide financial compensation to the City to address capital needs set out in (a) the City's capital improvement plan, (b) the City's current fiscal budget, or (c) the City's fiscal fund balance policy; and to help the City achieve its goals toward deployment of broadband, all as permitted by Virginia Code §15.2-2316.7(B).

WHEREAS, pursuant to Virginia Code § 58.1-2636, the City has not adopted an ordinance assessing a revenue share of up to $1,400 per megawatt (MW), as measured in alternating current (AC) generation capacity of the nameplate capacity of a solar facility (the "Solar Revenue Share") and does not intend to adopt a Solar Revenue Share;

WHEREAS, pursuant to Virginia Code § 58.1-3660, if the City adopts a Solar Revenue Share Ordinance, the solar photovoltaic (electric energy) systems comprising the Project, which are considered "certified pollution control equipment and facilities," will be exempt from all state and local taxation pursuant to Article X, Section 6 (d) of the Constitution of Virginia;

WHEREAS, the Applicant has agreed to the payment and financial terms contained herein; and

WHEREAS, the City, pursuant to the requirement of Virginia Code § 15.2-2316.8 (B), held a public hearing on May 25, 2023 in accordance with subdivision A of Virginia Code § 15.2-2204 for the purpose of considering this Agreement, at which a majority of a quorum of the members of the Staunton City Council approved this Agreement.

NOW, THEREFORE, pursuant to the Siting Agreement Legislation, intending to be legally bound hereby and in consideration of the mutual covenants contained herein, the receipt and sufficiency of which are hereby acknowledged, the City and Applicant do hereby agree as follows:

Article I

Project Features, Conditions, and Mitigation

1. **Project Features.** The Project will be an up to 15.75 MWac solar facility. Generated power will likely be sold to a regional utility. Specific details regarding the Project are contained in the Special Use Permit Application package submitted to the City on January 13, 2023, as such materials were supplemented and amended prior to the City Council taking final action on the Application.

2. **Special Use Permit Conditions.**

(a) The Parties acknowledge that Applicant is required to obtain a Special Use Permit from the City to construct and operate the Project on the Property. Applicant acknowledges and agrees that the Project is subject to all the terms and conditions contained in any Special Use Permit approved by the City Council for the Project (the "SUP"), which conditions of approval have been agreed upon by the Applicant in advance, and which conditions of approval will govern the development and operation of the Project, and are intended to mitigate any adverse impacts associated with the Project (the "Conditions of the SUP"). A certified Resolution of the City Council approving the SUP is attached hereto as Exhibit A and is hereby incorporated herein.

(b) The Applicant's obligations pursuant to this Agreement are expressly conditioned upon the Applicant's agreement with the Conditions of the SUP, and upon the City's approval of the SUP with the Conditions of the SUP, or such other conditions that Applicant may agree to. Nothing herein shall guarantee the City's approval of the SUP.

(c) In the event that the City approves the SUP with conditions that are not acceptable to the Applicant, in the Applicant's sole discretion, and the Applicant does not commence construction of the Project, then the Applicant may terminate this Agreement immediately in the Applicant's sole discretion, and this Agreement shall be null and void and have no further force or effect. Alternatively, and in its sole discretion, the Applicant may attempt to negotiate any additional conditions of approval or modifications to conditions of approval with the City prior to the City taking final action on the Applicant's SUP Application.

(d) Notwithstanding anything to the contrary in the SUP, this Agreement, or otherwise, neither an actual or asserted breach of this Agreement by the Applicant nor the voiding, termination or invalidation of this Agreement shall be grounds for voiding, terminating or suspending the SUP.

3. **Conformance with Comprehensive Plan.** Upon approval of this Agreement by the City and in accordance with Code of Virginia § 15.2-2316.9, the Solar Facility and all associated transmission facilities shall be deemed to be "substantially in accord" with the City of Staunton Comprehensive Plan.

4. **Financial Security for Decommissioning and Periodic Adjustment.** The Parties agree that Applicant shall provide a form of financial security to cover the costs of decommissioning the Solar Facility. Decommissioning is required as a condition in the SUP. The estimated decommissioning cost will be updated upon the request of the zoning administrator, and upon change of ownership of the Property or the Project owner, but at least, and no more frequently than, once every five years from the Commercial Operation Date (defined in Paragraph 1(b) of Article II).

Article II

Payment Structure

1. **Siting Agreement Payment**.

(a) After the Project has commenced Commercial Operation (as defined in Section 1(b) herein), the Applicant shall make payment to the City in the total amount of TWO HUNDRED THOUSAND AND 00/100 DOLLARS ($200,000.00) (the "Payment"), payable on or before the first day of the month following the Commercial Operation Date (as "Commercial Operation Date" is defined in paragraph 1(b) of this Article II);

(b) For purposes of this Agreement, the term (i) "Commercial Operation" means the Project has commenced the delivery of electricity generated from the Project to a third party pursuant to an executed interconnection agreement or power purchase agreement (excluding any electricity generated during any pre-delivery testing or start-up testing), and (ii) "Commercial Operation Date" means the date on which Commercial Operation has occurred.

(c) The Payment is separate and distinct from the amounts owed to the City under applicable law, such as machinery and tools taxes on the Project's equipment pursuant to Article 2, Chapters 35 and 36 of Title 58.1 of the Code of Virginia and applicable City ordinances ("M&T Taxes"), and all real estate taxes on the Property owed pursuant to Chapters 32 of Title 58.1 of the Code of Virginia and applicable City ordinances.

2. **Statutory Structure of Payment**; **Statement of Benefit**. The Parties acknowledge that this Agreement is fair and mutually beneficial to them both, as follows:

(a) The Applicant agrees that by entering into this Agreement, pursuant to Virginia Code § 15.2-2316.7, the Payment is authorized by statute and acknowledges it is obligated to make the Payment in accordance with this Agreement.

(b) The City acknowledges that the Payment is authorized by statute.

(c) The Parties acknowledge that the funding provided pursuant to this Agreement is beneficial in that it will result in mutually acceptable, predictable, and reasonable payment to the City.

(d) Applicant acknowledges that this Agreement is beneficial to Applicant in allowing it to proceed with development of the Project with clear SUP Conditions, clear project design terms which proscribe design requirements to mitigate any potential impacts on the surrounding properties and the Staunton City community. Additionally, Applicant acknowledges that this Agreement provides for a clear schedule of future payment to the City in an amount fair to both Parties.

3. **Use of Payment by the City.** The City may use the Payment for any of the following purposes, each as expressly permitted by Virginia Code §15.2-2316.7: (a) to fund the capital improvement plan of the City; (b) to meet needs of the current fiscal budget of the City; (c) to supplement or establish any fund for which the City maintains a balance policy; and (d) to support broadband funding.

Article III

Effect of Siting Agreement

1. In accordance with Code of Virginia § 15.2-2316.9(B), and as acknowledged and agreed to by the parties, the terms of this Agreement shall control over any City ordinance(s) and/or regulation(s) that may be inconsistent with the terms of this Agreement, including any ordinances, regulations, policies, and/or guidelines which are inconsistent with the design, construction, operation and/or maintenance of the Solar Facility as indicated on the Plan (or elsewhere in the SUP application), which Plan and/or application will control.

2. In accordance with Code of Virginia § 15.2-2316.8(A)(3), and acknowledged and agreed to by the parties, this Agreement shall be binding upon the City and enforceable against the governing body and future governing bodies of the City in any court of competent jurisdiction.

3. This Agreement is expressly conditioned upon the City's approval of a SUP authorizing the use of the Property as a utility-scale solar facility, subject to the conditions associated with the SUP. Should the City fail to approve a SUP on terms acceptable to Developer, and/or the Developer elects not to proceed with the construction of the Solar Facility prior to the Payment, then this Agreement shall be null and void and of no effect, at Developer's election.

4. The Parties acknowledge and agree that the Applicant has no obligation to develop the Project. Payment hereunder is expressly contingent on the commencement of Commercial Operation of the Project. Any test energy or other energy produced prior to the Commercial Operation Date shall not constitute "Commercial Operation" or trigger any payment obligations hereunder. It is understood that development of the Project by Applicant is contingent upon on a number of factors including, but not limited to, regulatory approvals, availability and cost of equipment and financing, and demand for and contracts to sell renewable energy, and renewable energy credits. No election by the Applicant to terminate, defer, suspend, or delay development

of the Project shall constitute, or be deemed to be, a default or breach of Applicant under this Agreement. If Applicant decides to no longer develop the Project, the Applicant may provide written notice to the City terminating this Agreement, whereupon its obligations hereunder shall terminate.

Article IV

Miscellaneous Terms

1. **Term; Termination.** The term of this Agreement shall commence on the Effective Date and, unless terminated earlier in accordance with its terms, shall continue until the earlier of (i) the Applicant's commencement of decommissioning of all or a material portion of the Project; or (ii) the thirty-fifth (35^{th}) calendar year of the Commercial Operation Date (the "Termination Date"). The Applicant shall have no obligation to make payments after the Termination Date. The termination of this Agreement shall not limit the Applicant's legal obligation to pay local taxes in accordance with applicable law at such time and for such period as the Project remains in operation.

2. **Mutual Covenants**. The Applicant covenants to the City that it will not seek to invalidate this Agreement, or otherwise take a position adverse to the purpose or validity of this Agreement. So long as Applicant is not in breach of this Agreement during its term, the City covenants to the Applicant that it will not seek to invalidate this Agreement or otherwise take a position adverse to the purpose or validity of this Agreement.

3. **Successors and Assigns**. This Agreement will be binding upon the successors and assigns of the Applicant, and the obligations created hereunder shall be covenants running with the Property upon which the Project is developed. If Applicant sells, transfers, leases or assigns all or substantially all of its interest in the Project or the ownership of the Applicant, this Agreement will automatically be assumed by and be binding on the purchaser, transferee or assignee. Applicant may assign, without the City's consent, this Agreement or any right or obligation hereunder. Upon such assumption, the sale, transfer, lease or assignment shall relieve the Applicant of all obligations and liabilities under this Agreement accruing from and after the date of sale or transfer, and the purchaser or transferee shall automatically become responsible under this Agreement. The Applicant shall execute such documentation as reasonably requested by the City to memorialize the assignment and assumption by the purchaser or transferee.

4. **Memorandum of Agreement**. At the request of either party, a memorandum of this Agreement, in a form acceptable to the City Attorney, may be recorded in the land records of the Clerk's Office of the Circuit Court of the City of Staunton, Virginia. Such recordation shall be at the Applicant's sole cost and expense. If the Applicant chooses, in its sole discretion, to not develop the Project, the City shall execute a release of the memorandum filed in the aforementioned Clerk's Office.

5. **Notices**. Except as otherwise provided herein, all notices required to be given or authorized to be given pursuant to this Agreement shall be in writing and shall be delivered or sent by registered or certified mail, postage prepaid, by recognized overnight courier, or by commercial messenger to:

CITY: City Hall
116 W. Beverley Street
P.O. Box 58
Staunton, VA 24402
Attention: City Manager

With a copy to:
City Attorney
City Hall
116 W. Beverley
Street
P.O. Box 58
Staunton, VA 24402

APPLICANT: Staunton PV-UT, LLC
13407 Westwell Drive
Midlothian, VA
23113

With a copy to:
Lori H. Schweller, Esq.
Williams Mullen, PC
323 2nd Street SE
Suite 900
Charlottesville, VA 22902

The City and Applicant, by notice given hereunder, may designate any further or different persons or addresses to which subsequent notices shall be sent.

6. **Governing Law; Jurisdiction; Venue.** THIS AGREEMENT SHALL BE GOVERNED BY AND CONSTRUED IN ACCORDANCE WITH THE LAWS OF THE COMMONWEALTH OF VIRGINIA, WITHOUT REGARD TO ANY OF ITS PRINCIPLES OF CONFLICTS OF LAWS OR OTHER LAWS WHICH WOULD RESULT IN THE APPLICATION OF THE LAWS OF ANOTHER JURISDICTION. THE PARTIES HERETO (A) AGREE THAT ANY SUIT, ACTION OR OTHER LEGAL PROCEEDING, AS BETWEEN THE PARTIES HERETO, ARISING OUT OF OR RELATING TO THIS AGREEMENT SHALL BE BROUGHT AND TRIED ONLY IN THE CIRCUIT COURT OF THE CITY OF STAUNTON, VIRGINIA, (B) CONSENT TO THE JURISDICTION OF SUCH COURT IN ANY SUCH SUIT, ACTION OR PROCEEDING, AND (C) WAIVE ANY OBJECTION WHICH ANY OF THEM MAY HAVE TO THE LAYING OF VENUE OR ANY SUCH SUIT, ACTION, OR PROCEEDING IN SUCH COURT AND ANY CLAIM THAT ANY SUCH SUIT, ACTION, OR PROCEEDING HAS BEEN BROUGHT IN AN INCONVENIENT FORUM. THE PARTIES HERETO AGREE THAT A FINAL JUDGMENT IN ANY SUCH SUIT, ACTION, OR PROCEEDING SHALL BE CONCLUSIVE AND MAY BE ENFORCED IN OTHER JURISDICTIONS BY SUIT ON THE JUDGMENT OR IN ANY OTHER MANNER PROVIDED BY LAW.

7. **Confidentiality**. This Agreement, once placed on the docket for consideration by the Staunton City Council, is a public document, subject to production under the Virginia Freedom of Information Act, Virginia Code § 2.2-3700 *et seq.* The City understands and acknowledges (i) the Applicant, its affiliates and their respective employees, contractors, consultants, agents and representatives may furnish confidential or proprietary information and data to the City pertaining to its or their business, operations, or development plans (including the Project or other projects), including, but not limited to, technical, financial, business or other information (collectively, "Confidential Information"), and (ii) that disclosure of any such Confidential Information could result in substantial harm to them and could thereby have a significant detrimental impact on their business and operations. The City acknowledges that during the development of this Agreement, certain Confidential Information may be shared by the Applicant with the City. The Applicant agrees that any Confidential Information it submits to the City shall be clearly labeled as "Confidential Information," and shall refer to the statute under which the Applicant is claiming that such information is exempt from disclosure. The City agrees that, except as required by law and pursuant to the City's police powers, neither the City nor any employee, agent or contractor of the City will knowingly or intentionally disclose or otherwise divulge any Confidential Information to any person, firm, governmental body or agency, or any other entity unless the request for Confidential Information is properly made under and pursuant to applicable law. Upon receipt of such request, but before transmitting any documents or information which may contain any Confidential Information, the City shall contact Applicant to review the request for information and associated documents to determine if any Confidential Information is at risk of disclosure. If Confidential Information exists, Applicant may intervene on behalf of the City and defend against disclosure of the Confidential Information. The City agrees to cooperate in this defense and to the extent allowed by law, work to protect the Confidential Information of the Applicant.

9. **Severability; Invalidity Clause**. Any provision of this Agreement that conflicts with applicable law or is held to be void or unenforceable shall be ineffective to the extent of such conflict, voidness, or unenforceability without invalidating the remaining provisions hereof, which remaining provisions shall be enforceable to the fullest extent permitted under applicable law. If, for any reason, including a change in applicable law, it is ever determined by any court or governmental authority of competent jurisdiction that this Agreement is invalid then the Parties shall, subject to any necessary City meeting vote or procedures, undertake reasonable efforts to amend and or reauthorize this Agreement so as to render the invalid provisions herein lawful, valid and enforceable. If the Parties are unable to do so, this Agreement shall terminate as of the date of such determination of invalidity. The Parties will cooperate with each other and use reasonable efforts to defend against and contest any challenge to this Agreement by a third party.

10. **Entire Agreement**. This Agreement and any schedules or exhibits attached hereto constitute the entire agreement and supersedes all other prior agreements and understandings, both written and oral, between the Parties hereto with respect to the subject matter hereof. No provision of this Agreement can be modified, altered or amended except in a writing executed by all Parties hereto.

11. **Construction**. This Agreement was drafted with input by the City and the Applicant, and no presumption shall exist against either Party.

12. **Force Majeure**. Any delay or failure of performance by either party hereunder shall not constitute a breach or give rise to any claim if and to the extent such delay or failure is caused by an act, event, or condition beyond the Party's reasonable control, and in the event of such act, event, or condition, the time to perform any obligation hereunder, including payment obligations, will be extended on a day-for-day basis for the period of the delay or resulting actions caused by such act, event, or condition.

13. **Third Party Beneficiaries**. This Agreement is solely for the benefit of the Parties hereto and their respective successors and permitted assigns, and no other person shall have any right, benefit, priority or interest in, under or because of the existence of, this Agreement.

14. **Counterparts; Electronic Signatures**. This Agreement may be executed simultaneously in any number of counterparts, each of which shall be deemed to be an original, and all of which shall constitute but one and the same instrument. A signed copy of this Agreement delivered by facsimile, e-mail/PDF or other means of electronic transmission shall be deemed to have the same legal effect as delivery of an original signed copy of this Agreement.

[signature page follows]

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be executed by the officers whose names appear below as of the Effective Date.

STAUNTON PV-UT, LLC

By: ___________________________

Name: _________________________

Title: _________________________

CITY OF STAUNTON, VIRGINIA

By: _________________________________

Name: Leslie Beauregard

Title: City Manager

[**Note**: Virginia Code Section 15.2-2316.8(B) states that a siting agreement shall be signed by the "chief executive officer of the host locality."]

Approved as to form:

By: ___________________________
John C. Blair, II, City Attorney

EXHIBIT A

CERTIFIED RESOLUTION APPROVING SPECIAL USE PERMIT
INCLUDING LIST OF CONDITIONS OF APPROVAL