

**Work Session Agenda
Staunton City Council
Rita S. Wilson Council Chambers
June 22, 2023
6:30 p.m.**

- | | | |
|------------------|-----------|--|
| 6:30 p.m. | 1. | Consideration of Work Session and Regular Meeting Agendas |
| 6:35 p.m. | 2. | Briefing on Flood Alerting System |
| 6:55 p.m. | | Break Until Regular Meeting at 7:00 p.m. |

**Regular Meeting Agenda
Staunton City Council
Rita S. Wilson Council Chambers
June 22, 2023
7:00 p.m.**

Call to Order

Pledge of Allegiance

Invocation/Moment of Silence – Woods

Mayor's Report

Additional Items by Members of Council

Approval of Minutes

Work Session and Regular Meeting of June 8, 2023

REGULAR MEETING

- A. Consideration of Ordinance to Amend the FY 2023 Budget for the City of Staunton by Adding Budget Amendment Number Six**
- B. Approval of Transfer of Already Appropriated Funds Within the Capital Improvement Fund**
- C. Public Hearing and Consideration of a Request by the City of Staunton to Vacate, Discontinue and Abandon a .009-Acre Portion of Village Drive***
- D. Public Hearing and Consideration of a Request by Baldwin Place Home Owners Association for a Special Use Permit Under the Provisions of SCC 18.20.030(8) to make changes to the covenants of the Planned Residential Development***
- E. 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***

**F. 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:	June 22, 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, VA

Meeting Date:	June 22, 2023	Kurt Plowman Chief Technology Officer Pete Kesecker Environmental Programs Administrator
Item #	2	
Department:	Information Technology Community Development	
Alignment with Staunton Plan (Value/Strategic Area):	Value: Engagement Strategic Area: Infrastructure	
Subject:	Briefing on Flood Alerting System	

Background: The City will launch a new flood alerting dashboard providing real-time visualization of current rainfall and water levels from sensors in downtown and areas “upstream.” The dashboard will provide alerting and notification functionality to provide advanced warning of potential flood events. Staff will provide an overview of the new dashboard.

City Manager’s Recommendation: Not applicable.

Suggested Motion: Not applicable.

City Manager: Leslie Beauregard

City Council
WORK SESSION
June 8, 2023
6:00 p.m.

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

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

1. 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	absent	Vice Mayor Darby	aye
Ms. Woods	aye	Mayor Claffey	aye
Mr. Holmes	absent		

2. Discussion of Potential Revision to Nuisance Animal Ordinance

City Attorney John Blair stated that Staunton City Code Section 6.10.240 prohibits the ownership or maintenance of a nuisance animal within the city. The ordinance defines conduct that results in a finding of a nuisance animal. One type of conduct listed in the ordinance is, “Excessively makes disturbing noises, including, but not limited to, continued and repeated howling, barking, whining, or other utterances causing unreasonable annoyance, disturbance, or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored.”

Mr. Blair noted that in 2009, the Supreme Court of Virginia issued its opinion in *Tanner v. City of Virginia Beach*. This opinion voided the City of Virginia Beach’s noise ordinance for being too vague in the conduct it prohibited. Specifically, Virginia Beach’s noise ordinance used terminology such as “unreasonably”, “unnecessary”, and “disturbing”. The court found that these terms were not precise and therefore would invite arbitrary enforcement. The current nuisance animal ordinance’s use of “excessively” and “unreasonable” could make it susceptible to a vagueness challenge. Therefore, the prohibited conduct needs to be better defined and more precise.

Continuing, Mr. Blair stated that the Attorney General of Virginia reviewed a similar ordinance in Hanover County and found that the ordinance would meet the *Tanner* standard. Therefore, it is proposed that the Staunton City Code be amended to establish concrete time standards for a barking dog to be declared a nuisance animal. Those standards would prohibit an animal from barking, howling, whining, meowing, squawking, or making other noises which are plainly audible

across a property boundary or through a partition common to two residences within a building and take place repeatedly or continuously for an uninterrupted period of at least fifteen consecutive minutes.

Mr. Blair added that the Staunton City Code would include a provision similar to that contained in the Augusta County Code which will state that any citizen with sufficient evidence of a violation of the nuisance animal ordinance may request the City of Staunton Magistrate to issue a summons or warrant. Corroboration of the alleged violation by the Staunton Police Department will not be necessary for the citizen to pursue a summons or warrant.

Mayor Claffey asked if Councilmembers had any questions or comments.

Ms. Woods clarified the length of time an animal must be continually making noise in order to violate the noise ordinance with the proposed revisions.

Councilmembers had no further questions or comments.

3. Update on Bicycle Infrastructure Design Plans for Churchville Avenue/Springhill Road Intersection

Senior Planner Rodney Rhodes stated that the city is working with Timmons Group to design bicycle infrastructure along Churchville Avenue in accordance with the Staunton Bicycle and Pedestrian Plan. During the design process, Timmons Group received input on the plan from city staff and the Staunton Bicycle and Pedestrian Advisory Committee, and a public information meeting was conducted to receive public comments on the plan. A representative of Timmons Group presented the 60% plans to City Council during their September 22, 2022, work session, and the plans for the Churchville/Springhill intersection were amended based on comments received during that work session. Prior to finalizing the plans and implementing the improvements, Director of Public Works Jeff Johnston and Captain Brian Brown presented their recommendations for this intersection.

Councilmembers agreed to instruct staff to move forward with the proposed improvements.

4. Closed Meeting for: (i) Discussion or Consideration of the Acquisition of Real Property Within the Northwestern Portion of the City of Staunton for the Location of Water Infrastructure Where Discussion in an Open Meeting Would Adversely Affect the Bargaining Position or Negotiating Strategy of the Public Body; and (ii) Consultation with Legal Counsel Regarding the Freedom of Information Act.

Vice Mayor Darby moved to enter a closed meeting for: (i) discussion or consideration of the acquisition of real property located within the northwestern portion of the City of Staunton, Virginia for the location of water infrastructure 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) and (ii) consultation with legal counsel regarding specific legal matters related to the Virginia Freedom of Information Act pursuant to Virginia Code § 2.2-3711(A)(8).

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

99	Mr. Holmes	absent	Mr. Arrowood	absent
100	Mr. Robertson	aye	Vice Mayor Darby	aye
101	Ms. Edwards	aye	Mayor Claffey	aye
102	Ms. Woods	aye		

103

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

108

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

110

111	Mr. Robertson	aye	Mr. Arrowood	absent
112	Mr. Holmes	absent	Vice Mayor Darby	aye
113	Ms. Woods	aye	Mayor Claffey	aye
114	Ms. Edwards	aye		

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116

117 The work session adjourned at 7:02 p.m.

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Kiley A. Kesecker
Clerk of Council

REGULAR MEETING OF STAUNTON CITY COUNCIL**Thursday, June 8, 2023****7:00 p.m.****Rita S. Wilson Council Chambers**

PRESENT: **Mayor Stephen W. Claffey**
 Vice Mayor Amy G. Darby
 Michele D. Edwards
 Mark A. Robertson
 Alice L. Woods

ABSENT: **Brad D. Arrowood**
 R. Terry Holmes
 Leslie Beauregard, City Manager
 Amanda Kaufman, Assistant City Manager

ALSO PRESENT: **John Blair, City Attorney / Acting Deputy City Manager**
 Kiley Kesecker, Clerk of Council

Mayor Claffey called the meeting to order: Mayor Claffey 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 Mr. Robertson.

PROCLAMATIONS

Mayor Claffey read the following proclamation in recognition of Juneteenth 2023:

City of Staunton, Virginia
Proclamation
Juneteenth
June 19

WHEREAS, it is well documented that Africans were enslaved and forcibly brought to a land that would later become the United States beginning in the early 1600s and continuing for over 200 years becoming the main cause of the Civil War; and

WHEREAS, although President Abraham Lincoln's Emancipation Proclamation was issued on January 1, 1863, in Texas, many slaveholders continued to enslave Black people after the announcement; and

WHEREAS, on June 19, 1865, Union soldiers, led by Major General Gordon Granger, arrived in Galveston, Texas, with news that the Civil War had ended; and

WHEREAS, African Americans who had been enslaved, celebrated June 19 – also known as Emancipation Day, Freedom Day, Jubilee Day, Juneteenth Independence Day and Black Independence Day – as a symbolic date representing African American freedom; and

WHEREAS, Juneteenth also serves as a reminder of the work yet to come that will be necessary in order to ensure a more equitable world for future generations; and

WHEREAS, Juneteenth has been celebrated by Texans since 1866, it became a Virginia state and federal holiday in 2021; and

WHEREAS, the Shenandoah Valley Juneteenth Celebration Committee began hosting an annual celebration of Juneteenth in Staunton, Virginia in 2017; and

WHEREAS, Staunton City Council recognizes that the observance of the end of American slavery is a part of the history and heritage of the United States and acknowledges the significance of Juneteenth as a federal, state and citywide day of celebration.

NOW, THEREFORE, BE IT PROCLAIMED by Staunton City Council that June 19, 2023, is hereby recognized as **Juneteenth** in the City of Staunton, and Council encourages all residents to join together in celebration and solidarity, and urges all residents to actively raise their own awareness of the significance of this celebration in African American History and in the heritage of our nation and city.

Adopted this 8th day of June, 2023.

Signed: STEPHEN W. CLAFFEY, MAYOR

Attest: KILEY A. KESECKER
Clerk of Council

Sheila Ahmadi, co-founder of the Shenandoah Valley Juneteenth Committee, was present to receive the proclamation and shared a few words.

Mayor Claffey read the following proclamation in recognition of LGBTQ+ Pride Month and the Shenandoah LGBTQ Center:

**City of Staunton, Virginia
Proclamation
LGBTQ+ Pride Month &
The Shenandoah LGBTQ Center**

WHEREAS, our nation was founded on the principle of equal rights for all people, but the fulfillment of this promise has been long in coming for many Americans; and

WHEREAS, the historical riot at Stonewall in New York City on June 28, 1969 is recognized as the beginning of the modern-day LGBTQ+ civil rights movement and, as a

97 result, for more than 50 years, June has been celebrated as LGBTQ+ Pride
98 Month nationwide; and
99

100 **WHEREAS,** everyone should be able to live without fear of prejudice, discrimination,
101 violence, and hatred based on race, ethnicity, religion, class, gender identity,
102 sexual orientation, age, mental or physical disability and to be supported by
103 their peers, educators, and community leaders; and
104

105 **WHEREAS,** the fabric of our community is strengthened when we center the values of
106 equity, inclusion, justice, diversity, acceptance and kindness, not only during
107 this month of remembrance, patronage and recognition, but throughout the year
108 and beyond; and
109

110 **WHEREAS,** Staunton has a diverse LGBTQ+ community and is committed to uplifting the
111 voices and dignity for all people in the community; and
112

113 **WHEREAS,** the Shenandoah LGBTQ Center of Staunton, Virginia was established in July
114 2018 by Christopher Wood to address the unique challenges faced by the rural
115 LGBTQ+ community and is a community-based organization that strengthens
116 this community through advocacy, education, programs and safe spaces; and
117

118 **WHEREAS,** the Center has served countless members of the community since its inception,
119 and continues to offer programs and support for individuals of any age, through
120 all phases of their journey as LGBTQ+ people; and
121

122 **WHEREAS,** consistent with the efforts of the Center, the City of Staunton strives to be a
123 community where everyone is celebrated for our differences, rather than limited
124 by what might divide us.
125

126 **NOW, THEREFORE, BE IT PROCLAIMED** by Staunton City Council that the entire month
127 of June 2023, is hereby designated as **LGBTQ+ Pride Month** in the City of Staunton, and Council
128 honors the Shenandoah LGBTQ Center and its work to serve the LGBTQ+ community,
129 encourages the citizens of Staunton to celebrate their diverse community, and joins our LGBTQ+
130 community in celebrating the resiliency of LGBTQ+ people of all ages.
131

132 Adopted this 8th day of June, 2023.
133

134 Signed: STEPHEN W. CLAFFEY, MAYOR
135

136 Attest: KILEY A. KESECKER
137 Clerk of Council
138

139 AnhThu Nguyen, Director of the Shenandoah LGBTQ Center was present to receive the
140 proclamation and shared some words on Pride Month and the efforts of the Shenandoah LGBTQ
141 Center.
142
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MAYOR'S REPORT

Mayor Claffey stated that he had attended a ribbon cutting for a newly placed plaque at Fairview Cemetery. He also announced the summer schedule of events at Gypsy Hill Park, and stated that he had toured the site of the proposed solar farm with city staff.

ADDITIONAL ITEMS BY MEMBERS OF COUNCIL

Ms. Edwards stated that she had attended the summer reading launch at the library.

APPROVAL OF MINUTES

Ms. Edwards moved to amend the regular meeting minutes of May 25, 2023 to delete line 605.

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

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

Ms. Woods moved to approve the special meeting minutes of May 22, 2023, as presented, and the work session and regular meeting minutes of May 25, 2023, as amended.

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

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

REGULAR MEETING**A. Public Hearing of an Ordinance to Amend the FY2023 Budget Ordinance for the City of Staunton by Adding Budget Amendment Number Six**

Chief Financial Officer Jessie Moyers stated that the sixth budget amendment for fiscal year 2023 has been prepared for review and discussion. The total budget amendment equals \$2,874,238. Consideration of the ordinance is scheduled for June 22, 2023. She outlined the amendment as follows:

City Budget Amendment—\$2,874,238**1. General Fund amendment of \$1,065,881.**

- \$576,803 – Appropriation for recovered costs.
- \$18,228 – Appropriation for the Opioid Settlement funds received to date.
- \$470,850 – Appropriation for new non-capital grants and contributions.

- 193
194 2. Capital Improvements Fund amendment netted to zero. There is one CIP transfers between
195 CIP accounts.
196
197 • \$42,000 – transferred from 2% Urban Street Construction to Retaining Wall
198
199 3. Community Development Fund amendment of \$162,227 for non-cap grants.
200
201 4. Grants Fund amendment of \$337,918 to appropriate the LLEBG grant and the ARPA Law
202 Enforcement Equipment Grant.
203
204 5. HUD Fund amendment of \$1,177,646 for various HUD grant years.
205
206 6. Blue Ridge Court Services amendment of \$106,510 to appropriate DCJS grant.
207
208 7. Water Fund amendment for \$6,642 to appropriate insurance recovery.
209
210 8. Stormwater Fund amendment of \$17,414 to appropriate the Monsanto settlement.
211

212 Mayor Claffey asked if Councilmembers had any questions or comments.
213

214 Councilmembers had no questions or comments.
215

216 Mayor Claffey stated the following:
217

218 “In a moment, I will open the Public Hearing. It is a time that Council sets aside to hear from
219 citizens and others about a specific topic.
220

221 We ask that you please give your name, your address, and then keep your remarks at five minutes
222 or less. When you reach the five-minute time limit, I will let you know that your time limit has
223 expired.
224

225 For our Zoom participants, please raise your hand now if you wish to speak on this particular
226 Public Hearing. If you raise your hand during this Public Hearing, you will also be able to raise
227 your hand during this Council meeting for other Public Hearings and Matters of the Public. Please
228 keep your comments to five minutes as well. Once everyone who wishes to speak has had an
229 opportunity, I will then close the Public Hearing.
230

231 I will now open the Public Hearing, so if you wish to speak, please approach the podium. We will
232 alternate between individuals physically present and those that have their hands raised via the
233 Zoom platform.”
234

235 The public hearing was opened.
236

237 With there being no one present wishing to speak, the public hearing was closed.
238

B. Consideration of a Resolution Endorsing an Application by City of Staunton to the Virginia Department of Housing and Community Development for a Virginia Industrial Revitalization Fund Grant to the Arcadia Project

Director of Community and Economic Development Billy Vaughn stated that the Virginia Department of Housing and Community Development (DHCD) operates the Industrial Revitalization Fund, from which grants and loans can be made to localities, for the purpose of rehabilitating vacant or distressed properties or for demolishing such buildings to make way for new development. The Arcadia Project, a 501(c) (3) non-profit organization, is requesting that the city apply for a FY2023-2024 Industrial Revitalization Fund (IRF)/American Rescue Act (ARPA) grant of \$1,500,000. These funds will be used to redevelop a downtown property that will house the Arcadia Project. The goal of the project is to create a catalyst for long-term employment opportunities and on-going physical and economic revitalization. When operational, the Arcadia Project will provide a theater for films, an event/performance space, classrooms and a café.

Mr. Vaughn continued, stating that the IRF program requires a 1:1 match of grant funds requested. The local match requirement will be provided by the Arcadia Project, meaning a funding commitment from the city is not required nor requested for the grant application or project. To complete the building's transformation for full operation, improvements will include providing new electrical service, HVAC and plumbing systems, framing new walls adjacent to existing ones, insulating the building, raising the floor of the future event space, constructing classrooms, providing lighting and digital media for each space, soundproofing, painting, etc. The estimated cost is approximately \$3 million. The timeline for opening is the first quarter of 2025. The IRF program guidelines require the local governing body to approve a resolution of endorsement for the application.

Pamela and Thomas Wagner of the Arcadia Project provided a brief overview of the project and grant application.

Mayor Claffey asked if Councilmembers had any questions or comments.

Ms. Edwards asked when they were anticipating opening if the project receives the grant. Mr. Wagner stated that they would hopefully break ground in the early part of 2024 and could be open for business in the first quarter of 2025.

Councilmembers had no further questions or comments.

Ms. Woods moved that City Council adopt the resolution endorsing an application by the Arcadia Project to the Virginia Department of Housing and Community Development, as presented, and authorize the City Manager to sign the Local Certification letter.

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

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

**RESOLUTION APPROVING AN APPLICATION BY THE CITY OF STAUNTON TO
THE VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
FOR AN INDUSTRIAL REVITALIZATION FUND GRANT TO FUND THE ARCADIA
PROJECT**

WHEREAS, the Virginia Department of Housing and Community Development (DHCD) operates the Industrial Revitalization Fund (IRF) from which grants and loans can be made to localities for the purpose of rehabilitating vacant or distressed properties or demolishing buildings to make way for new development; and

WHEREAS, The Arcadia Project, a 501(c) (3) non-profit organization, is requesting that the City of Staunton apply for a 2023-24 IRF Grant in the amount of \$1,500,000; and

WHEREAS, the funds will be used by The Arcadia Project to redevelop a downtown property that will house an operation to be known as the “Arcadia Project,” as further detailed in the City’s application; and

WHEREAS, in addition to the IRF Grant, an additional \$1,685,682 will be expended on this project, comprising \$489,000 in grants from private foundations and proceeds from sale of real estate, \$603,000 in private donations, \$500,000 from a bridge loan to be repaid with sale of Historic Tax Credits, and \$93,682 in previously expended development costs.

WHEREAS, the goal of the Arcadia Project is to create a catalyst for long-term employment opportunities and on-going physical and economic revitalization; and

WHEREAS, it is projected by The Arcadia Project that nearly 19,000 residents of the City of Staunton and the region and tourists will partake of the Arcadia Project’s cultural and education activities, and a minimum of five full-time jobs and five full-time equivalent part-time jobs will result from the implementation of the project; and

WHEREAS, City Council has made the revitalization of Downtown Staunton a high priority in the community’s economic development effort.

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

1. The submittal of an application to DHCD for an IRF Grant, in the amount of \$1,500,000, to be used by The Arcadia Project to redevelop the downtown property formerly known as the Dixie Theater, located at 125 East Beverley Street, as a community cultural center that will house the Arcadia Project, is hereby authorized.

2. The City confirms that the local match requirement of \$1,500,000 will be satisfied by The Arcadia Project, and other private sources, pending further refinement of the project budget, and it is the responsibility of The Arcadia Project, and such other private sources, to satisfy the requirement.

3. The City understands that a funding commitment from the City is neither required nor requested for the grant application or the project, and Council's authorization of submittal of an application to DHCD is conditioned upon the same.

4. The City Manager or her designee is hereby authorized to sign and submit appropriate documents for the submittal of this Industrial Revitalization Fund application.

Adopted this 8th day of June, 2023.

Signed: STEPHEN W. CLAFFEY, MAYOR

Attest: KILEY A. KESECKER
Clerk of Council

C. Consideration of Signatory Authority on Truist Bank, US Bank, and LGIP Accounts

Ms. Moyers stated that the item for consideration is simply to update the signatory authority on the city's current banking and investment accounts, which consists of Richard Johnson, Treasurer, and Cindy Fitzgerald, Assistant Director of Finance. Richard Johnson will remain, and Ms. Moyers will replace Cindy Fitzgerald as the other signer on the account, for Truist, US Bank and the Local Government Investment Pool (LGIP).

Ms. Moyers closed by stating that the proposal is simply a housekeeping measure to allow the appropriate people to conduct business with Truist Bank, US Bank, and LGIP.

Mayor Claffey asked if Councilmembers had any questions or comments.

Councilmembers had no questions.

Mr. Robertson moved that City Council adopt the authorized signer forms and authorize the Director of Finance/Chief Finance Officer to execute all documents with Truist Bank, U.S. Bank, and LGIP for the cash management accounts.

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

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

D. Consideration of a Resolution—Cash Management Authorization

Ms. Moyers stated that the resolution for consideration is another housekeeping measure to update the City Council's January 27, 2011 resolution authorizing the Director of Finance, as Chief Finance Officer (CFO), to establish and sign agreements and take other actions related to the custody and transfer of stocks, bonds, securities and other financial instruments on behalf of the City. The January 27, 2011 resolution referenced the CFO by name, and due to turnover in the Finance Department, that employee is no longer with the city. The proposed resolution is generic

in nature and names the CFO position in general, with no reference to a particular bank or investment company.

Mayor Claffey asked if Councilmembers had any questions or comments.

Councilmembers had no questions.

Ms. Edwards moved to adopt the proposed resolution to authorize the Director of Finance, as Chief Finance Officer, to execute all documents and take other action to establish custodial bank and investment accounts as needed.

The motion was seconded by Vice Mayor Darby and carried as follows:

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

**RESOLUTION
OF
THE COUNCIL OF THE CITY OF STAUNTON, VIRGINIA
TO AUTHORIZE THE CITY'S CHIEF FINANCE OFFICER TO ESTABLISH AND
SIGN AGREEMENTS AND TAKE OTHER ACTIONS RELATED TO THE CUSTODY
AND
TRANSFER OF STOCKS, BONDS, SECURITIES AND OTHER FINANCIAL
INSTRUMENTS ON BEHALF OF THE CITY OF STAUNTON, VIRGINIA**

RECITALS

A. The City maintains depository and investment accounts as part of the City's management of its financial resources;

B. Pursuant to the provisions of Staunton City Code Section 2.45.020, the chief finance officer of the city has the responsibility and authority to, among other matters, manage and supervise the development and maintenance of financial and accounting systems, procedures and reporting, data, records, selection and oversight of public depositories, financial institutions, firms, and advisers, investment management, cash management, bond and other debt transactions;

C. At its regular meeting January 27, 2011, City Council adopted a Resolution authorizing the City's then chief finance officer to execute all documents and take other action to establish custodial accounts with U.S. Bank and staff has determined that the previously adopted resolution merits updating;

D. In order to change and make such arrangements and establish and contract for such services, it is necessary that the Council of the City of Staunton, Virginia adopt a new Resolution to further authorize the chief finance officer to take action on behalf of the city.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Staunton, Virginia that the City's Chief Finance Officer **IS HEREBY AUTHORIZED** to establish and sign agreements with financial institutions and firms as to funds and securities agreements and other various agreements on behalf of the City of Staunton, Virginia, a municipal corporation of the Commonwealth of Virginia, and to sell, convey, assign, transfer, liquidate, and otherwise control, manage, direct such actions with regard to the investment and handling of all stocks, bonds, or other securities or similar instruments evidencing such securities or interests and related funds or proceeds now or hereafter registered or held in the name or on behalf of the City of Staunton, Virginia, its agencies, authorities, and departments, to the fullest extent permitted by law in accordance with the Investment of Public Funds Act and the Virginia Security for Public Deposits Act and such other laws as may be applicable; and

BE IT FURTHER RESOLVED that the City Manager also is authorized to take such actions as may be necessary to implement this authorization and to effect these changes in the best interests of the City; and

BE IT FURTHER RESOLVED that the Clerk of Council is authorized, to the extent necessary, to provide a certification or an attestation as to a copy of this adopted resolution by Council lawfully convened and acting on behalf of the City of Staunton, Virginia.

Adopted this 8th day of June, 2023.

Signed: STEPHEN W. CLAFFEY, MAYOR

Attest: KILEY A. KESECKER
Clerk of Council

E. Consideration of a Resolution Authorizing the Adoption of Substantial Amendments to the FY 2019 and FY2020 Annual Action Plans

Mr. Vaughn stated that in February 2019, the city was designated by the U.S. Department of Housing and Urban Development (HUD) as an entitlement community, which qualified the city to receive annual allocations from HUD. This is the city's fifth year of such designation, and in accordance with the federal regulations, an annual action plan (AAP) must be prepared and adopted by City Council. The AAP is a prerequisite to receiving the annual allocation through HUD's Community Development Block Grant (CDBG) program, and its purpose is to describe the goals and objectives for the year, and to detail how funds will be spent in the current program year. At its regularly scheduled meeting on August 8, 2019, City Council adopted the FY2019-2023 Five-Year Consolidated Plan and the FY2019 AAP, and on July 23, 2020, City Council adopted the FY2020 AAP.

Mr. Vaughn continued, stating that the city is required to meet certain timeliness standards established by HUD. In order to meet these standards by August 2, 2023, a proposed amendment would redirect funds from slow-moving projects in 2019 and 2020 to a shovel-ready project in Montgomery Hall Park. Funds totaling \$70,000 would be used to upgrade playground equipment in Montgomery Hall Park. The FY2019 AAP amendments propose to reduce the Valley Supportive Housing allocation by \$16,500, since these funds are in excess and will not be used for the project. In addition, \$25,000 would be canceled for the Habitat for Humanity A Street Aging

in Place project, since this project is not ready to proceed by the timeliness deadline. Mr. Vaughn noted that with this reduction, Habitat still has \$397,421 allocated for the project. The FY2020 AAP amendment proposes reallocation of funds totaling \$28,500 for the West Beverly Street Sidewalk Improvements project, since the project is not ready to proceed by the timeliness deadline. Plans are to request additional funding in the FY23 AAP. Staff engaged with M&L Associates, Inc., the consultant under contract with the city, to provide program technical support services and to vet the proposed amendment to ensure compliance with HUD CDBG guidelines. As required by HUD regulations, the Substantial Amendment was properly advertised and made available to the public on May 30, 2023 for a period of 30 days.

Mr. Vaughn closed by stating that if City Council approves the proposed amendment to the FY2019 and FY 2020 Annual Action Plans, authorization must be given to the City Manager to sign agreements and other associated documents with agencies slated to receive HUD CDBG funds.

Mayor Claffey asked if Councilmembers had any questions or comments.

Mayor Claffey and Councilor Robertson clarified several points about the A Street Aging in Place project.

Vice Mayor Darby asked what had slowed down the West Beverley Street sidewalk improvement project. Mr. Vaughn stated that it was set for 2019 but just did not move forward due to the COVID-19 pandemic, and the 2023 AAP will request funding to replace what was removed.

Councilmembers had no further questions.

Vice Mayor Darby moved that City Council approve the Substantial Amendments to the FY2019 and FY2020 Annual Action Plans, and authorize the City Manager to sign appropriate forms including agreements associated with these amendments.

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	absent	Mayor Claffey	aye
Mr. Arrowood	absent		

**RESOLUTION
OF THE
COUNCIL OF THE CITY OF STAUNTON, VIRGINIA
AUTHORIZING THE ADOPTION OF FY2019 and FY2020 SUBSTANTIAL
AMENDMENTS FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT
PROGRAM OF THE U.S. DEPARTMENT OF HOUSING AND URBAN
DEVELOPMENT FOR THE CITY OF STAUNTON AS A HUD ENTITLEMENT
COMMUNITY**

Recitals

- 524 A. Under Title I of the Housing and Community Development Act of 1974, as Amended,
525 the Secretary of the U.S. Department of Housing and Urban Development is authorized
526 to extend financial assistance to communities in the elimination or prevention of slums
527 or urban blight, or activities which will benefit low- and moderate-income persons, or
528 other urgent community development needs;
529
- 530 B. On February 26, 2019, the City of Staunton (City) received official confirmation from
531 the U.S. Department of Housing and Urban Development (HUD) that it had been
532 designated as a new entitlement community starting with the federal fiscal year 2019;
533
- 534 C. Under this program designation, the City receives annual allocations from HUD;
535
- 536 D. This is the City's fifth year of such designation and in accordance with the federal
537 regulations at 24 CFR Part 91, an Annual Action Plan (AAP) must be prepared and
538 adopted by City Council;
539
- 540 E. The AAP is a prerequisite to receiving the annual allocation through HUD's
541 Community Development Block Grant (CDBG) program, and its purpose is to describe
542 the goals and objectives for the year and to detail how funds will be spent in the current
543 program year;
544
- 545 F. At its regularly scheduled meeting August 8, 2019, City Council adopted the FY2019-
546 2023 Five-Year Consolidated Plan and the FY2019 AAP;
547
- 548 G. At its regularly scheduled meeting July 23, 2020, City Council adopted the FY2020
549 AAP;
550
- 551 H. The City of Staunton is required to meet certain timeliness standards established by
552 HUD. In order to meet these standards by August 2, 2023, the City will redirect funds
553 away from slow moving projects to shovel-ready projects.
554
- 555 I. The City of Staunton has prepared substantial amendments to the Annual Action Plans
556 for FY2019 and FY2020, to reallocate funds totaling \$70,000 for the upgrade of
557 playground equipment at Montgomery Hall Park;
558
- 559 J. The FY2019 AAP amendment proposes the reallocation of funds as follows:
560
- 561 • Reduce the Valley Supportive Housing project by \$16,500, since these funds are in
562 excess of the project's costs and will not be used for the project;
563
 - 564 • Cancel the Habitat for Humanity A Street Aging in Place funding in the amount of
565 \$25,000. The project is not ready to proceed by the timeliness deadline. With this
566 reduction, Habitat still has \$397,421 allocated for this project. Funds in future years
567 may be available for this project.
568
- 569 K. The FY2020 AAP amendments propose reallocation of funds as follows:
570

- Reduce the West Beverly Street Improvements project funding by \$28,500. The project is not ready to proceed by the timeliness deadline. Plans are to request additional funding in the FY23 AAP.

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

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Staunton, Virginia, that the amendments to the FY2019 and FY2020 Annual Action Plans for the Community Development Block Grant Program of the U.S. Department of Housing and Urban Development for the City of Staunton as a HUD Entitlement Community are hereby **APPROVED** and **ADOPTED**.

City Council further **AUTHORIZES** and **DIRECTS** the City Manager to execute any agreements and documents associated with this amendment.

Adopted this 8th day of June, 2023.

Signed: STEPHEN W. CLAFFEY, MAYOR

Attest: KILEY A. KESECKER
Clerk of Council

MATTERS FROM THE ACTING DEPUTY CITY MANAGER

Mr. Blair stated that the recycling center will be moving from Gypsy Hill Park to the Public Works yard on Craigmont Road, and announced city facility closures in observance of the Juneteenth holiday. He closed by stating that the City Council tour of a solar facility in Louisa County had been canceled. The Freedom of Information Act requires that if more than two city councilors convene at a time and are discussing public business, then it becomes a public meeting. Since the public would not be permitted by the facility to attend the tour, the meeting has been canceled.

MATTERS FROM THE PUBLIC

Mayor Claffey 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.”

Mary Miller, 471 Albemarle Avenue, spoke on the importance of solar energy and other renewable, non-polluting energy sources.

Stephen Poulson, 315 Sherwood Avenue, spoke on Uniontown and issues surrounding its redevelopment.

Barbara Lee, 904 Rockway Street, stated that June is gun violence awareness month, and asked that the elevator be unlocked for City Council meetings.

Annie Dixon, 610 New Hope Road, described issues with the Ag-Forestal Advisory Committee and the proposed solar facility at 801 Commerce Road.

Brenda Mead, 342 Sherwood Avenue, thanked Council for moving forward with the Churchville Avenue bike plan and stated that Staunton should be welcoming outside developers, not turning them away or treating them as outsiders.

There was no one else wishing to speak.

ADJOURNMENT

There being no further business to come before Council, the meeting adjourned at 8:15 p.m.

Kiley A. Kesecker
Clerk of Council

CITY COUNCIL



AGENDA BRIEFING

Staunton, Virginia

Meeting Date:	June 22, 2023	Jessie L. Moyers Chief Financial Officer
Item #	A	
Department:	Finance	
Alignment with Staunton Plan (Value/Strategic Area):	Value: Excellence Strategic Area: Responsible, Efficient Government	
Subject:	Ordinance to Amend the FY2023 Budget for the City of Staunton by Adding Budget Amendment Number Six	

Background: The sixth budget amendment for fiscal year 2023 is being brought back for consideration. This amendment was introduced at the June 8, 2023 council meeting. A public hearing was required, which was properly advertised on June 1, 2023 and held on the evening of June 8, 2023. The total budget amendment equals \$2,874,238.

City Budget Amendment—\$2,874,238

1. General Fund amendment of \$1,065,881.
 - \$576,803 – Appropriation for recovered costs.
 - \$18,228 – Appropriation for the Opioid Settlement funds received to date.
 - \$470,850 – Appropriation for new non-capital grants and contributions.
2. Capital Improvements Fund amendment netted to zero. There is one CIP transfers between CIP accounts.
 - \$42,000 – transferred from 2% Urban Street Construction to Retaining Wall
3. Community Development Fund amendment of \$162,227 for non-cap grants.

4. Grants Fund amendment of \$337,918 to appropriate the LLEBG grant and the ARPA Law Enforcement Equipment Grant.
5. HUD Fund amendment of \$1,177,646 for various HUD grant years.
6. Blue Ridge Court Services amendment of \$106,510 to appropriate DCJS grant.
7. Water Fund amendment for \$6,642 to appropriate insurance recovery.
8. Stormwater Fund amendment of \$17,414 to appropriate the Monsanto settlement.

Attachment: Budget Amendment Number Six

City Manager's Recommendation: Recommends the ordinance be approved as presented.

Suggested Motion: I move to approve an ordinance amending the fiscal year 2023 budget by adding Budget Amendment Number Six, totaling \$2,874,238.

City Manager: Leslie Beauregard

**Ordinance No. 2023-
AN ORDINANCE TO AMEND
THE FY2023 BUDGET ORDINANCE
FOR THE CITY OF STAUNTON
BY ADDING BUDGET AMENDMENT NUMBER SIX**

Attachment 1

BE IT ORDAINED, by the City Council of the City of Staunton, Virginia, that the FY2023 Budget is amended as follows:

GENERAL FUND

Anticipated Revenue

Recovered Costs	\$	576,803
Miscellaneous Revenue		18,228
Capital Grants and Contributions		470,850
Total Revenue	\$	1,065,881

Appropriations

General Government	\$	18,228
Judicial Administration		40,602
Public Safety		279,258
Public Works		676,613
Parks, Recreation, Cultural		51,180
Total Appropriations	\$	1,065,881

GRANTS FUND

Anticipated Revenue

Capital Grants and Contributions	\$	337,918
Total Revenue	\$	337,918

Appropriations

Public Safety	\$	337,918
Total Appropriations	\$	337,918

HUD FUND

Anticipated Revenue

Capital Grants and Contributions	\$	1,177,646
Total Revenue	\$	1,177,646

Appropriations

HUD Funds	\$	1,177,646
Total Appropriations	\$	1,177,646

BLUE RIDGE COURT SERVICES

Anticipated Revenue

Capital Grants and Contributions	\$	106,510
Total Revenue	\$	106,510

Appropriations

Public Safety	\$	106,510
Total Appropriations	\$	106,510

CITY CAPITAL IMPROVEMENTS FUND

Anticipated Revenue

Transfer from the General Fund	\$	-
Total Revenue	\$	-

Appropriations

Capital Projects	\$	-
Total Appropriations	\$	-

COMMUNITY DEVELOPMENT FUND**Anticipated Revenue**

Capital Grants and Contributions	\$	162,227
Appropriation of Prior Year Unassigned Fund Balance		-
Total Revenue	\$	162,227

Appropriations

Operations	\$	162,227
Total Appropriations	\$	162,227

WATER FUND**Anticipated Revenue**

Appropriation of Prior Year Unassigned Fund Balance	\$	6,642
Total Revenue	\$	6,642

Appropriations

Capital	\$	6,642
Total Appropriations	\$	6,642

STORMWATER FUND**Anticipated Revenue**

General Revenue	\$	17,414
Total Revenue	\$	17,414

Appropriations

Operations	\$	17,414
Total Appropriations	\$	17,414

GRAND TOTAL BUDGET AMENDMENT NO 6	\$	2,874,238
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INTRODUCED: June 8, 2023

PUBLIC HEARING: June 8, 2023

Public Hearing Advertisement Date: June 1, 2023

Approved this _____ day of _____ 2023

Effective Date: _____

CERTIFIED: _____

ATTEST: _____

Kiley Kesecker

Clerk of Council

Stephen W. Claffey

Mayor of Council

CITY OF STAUNTON			
FY 2023 BUDGET AMENDMENT NO. 6			
		AMOUNT	
	LEDGER CODE	REVENUE	EXPENDITURE
GENERAL FUND			
GENERAL GOVERNMENTAL ADMINISTRATION			
<u>GENERAL GOVERNMENT</u>			
Misc Revenue	11001-41750	\$ 18,228	
Other Expense	11099800-55670		\$ 18,228
To appropriate Opioid Settlement			
JUDICIAL ADMINISTRATION			
<u>SHERIFF DEPARTMENT</u>			
Insurance Recovery	11021-41928	\$ 675	
Main / Repair of Vehicles	11022170-53105		\$ 675
To appropriate insurance recovery			
<u>SHERIFF DEPARTMENT</u>			
Insurance Recovery	11021-41928	\$ 11,427	
Main / Repair of Vehicles	11022170-53105		\$ 11,427
To appropriate insurance recovery			
<u>SHERIFF DEPARTMENT</u>			
Non Cap	11023-45311	\$ 28,500	
Part-time	11022170-51510		\$ 8,725
Soc Security	11022170-52010		\$ 656
Maint & Repair	11022170-53105		\$ 7,893
Dues	11022170-55002		\$ 100
Maint & Repair	11022170-55305		\$ 910
Office Supplies	11022170-55405		\$ 2,344
Postage	11022170-55410		\$ 803
Courtroom Security	11022170-55479		\$ 4,158
Tires	11022170-55480		\$ 2,403
Gas and Oil	11022170-55481		\$ 508
To appropriate additional funds for Sheriff			
PUBLIC SAFETY			
Other Grants	11033-41737	\$ 2,000	
Training	11033110-55005		\$ 2,000
To appropriate Virginia CIT Coalition			
<u>POLICE DEPARTMENT</u>			
Recovered Cost Workers Comp	11033-41929	\$ 275,643	
Workers Compensation	11033110-52025		\$ 275,643
To appropriate Swiss Re insurance proceeds			
Insurance recovery	11031-41928	\$ 1,133	
Police Maintenance and Repairs-vehicles	11033110-55305		\$ 1,133
To appropriate insurance proceeds for deer strike			
Insurance recovery	11031-41928	\$ 481	
Police Maintenance and Repairs-vehicles	11033110-55305		\$ 481
To appropriate insurance proceeds for deer strike			

CITY OF STAUNTON			
FY 2023 BUDGET AMENDMENT NO. 6			
		AMOUNT	
	LEDGER CODE	REVENUE	EXPENDITURE
PUBLIC WORKS			
<u>ADMINISTRATION</u>			
Street & Highway Maintenance	11043-45530	\$ 389,170	
Maintenance Street Paving	11044130-53225-18300		\$ 389,170
To appropriate additional paving expenditures for street maintenance.			
Recovered Cost	11043-41901	\$ 287,443	
Paving	11044130-53225		\$ 287,443
To appropriate funds for paving			
PARKS AND RECREATION			
<u>PARKS AND RECREATION</u>			
Donations	11073-41730-33200	\$ 7,500	
Part Time Wages	11077120-51510-33200		\$ 7,000
FICA Taxes	11077120-52010-33200		\$ 500
To appropriate Blackley Grant			
Donations	11073-41730-38300	\$ 20,000	
Site Improvements	11077110-58399-38300		\$ 20,000
To appropriate donation for GHP Entrance			
<u>LIBRARY</u>			
Library State Aid	11073-45550	\$ 23,680	
State Aid Books	11077510-55423		\$ 15,197
Furniture and Fixtures	11077510-58311		\$ 3,291
Rental of Software	11077510-55498		\$ 5,192
To appropriate additional state aid			
TOTAL GENERAL FUND		\$ 1,065,881	\$ 1,065,881

BUDGET AMENDMENT NO. 6 GENERAL FUND SUMMARY

GENERAL FUND REVENUE SUMMARY

General Revenues		
Recovered Costs		576,803
Public Works	287,443	
Public Safety - Insurance Proceeds	277,258	
Sheriff Department	12,102	
Miscellaneous Revenue		18,228
General government - Opioid Settlement	18,228	
Non-Capital Grants and Contributions		470,850
Sheriff Department	28,500	
Police Department	2,000	
Public Works	389,170	
Parks and Rec	27,500	
Library	23,680	
Total General Fund Revenues		\$ 1,065,881

GENERAL FUND EXPENDITURE SUMMARY

CITY OF STAUNTON			
FY 2023 BUDGET AMENDMENT NO. 6			
		AMOUNT	
	LEDGER CODE	REVENUE	EXPENDITURE
General Government		\$ 18,228	
Judicial Administration		40,602	
Public Safety		279,258	
Public Works		676,613	
Parks, Recreation, Cultural		51,180	
Total General Fund Expenditures		\$ 1,065,881	

CITY CAPITAL IMPROVEMENTS FUND			
RETAINING WALL	39044130-58530		\$ 42,000
2% URBAN STREET CONSTRUCTION	39044130-58456		\$ (42,000)
To transfer CIP funds to cover failing retaining walls			
TOTAL CAPITAL IMPROVEMENTS FUND		\$ -	\$ -
COMMUNITY DEVELOPMENT FUND			
Non Cap Grant Industrial Revitalization Fund Professional Services	22083-46240-46012 22088501-53010-46012	51,227	\$ 51,227
To appropriate remaining Industrial Revitalization Fund Planning Grant			
Federal Grant Professional Services	22083-46240-46013 22088502-53010-46013	\$ 99,000	\$ 99,000
To appropriate grant for Western State Hospital Dream Home Project			
VIDA Grant	22083-46250-46011	\$ 12,000	
Other Expenses	22088566-55670-46011		\$ 12,000
To appropriate HUD CDBG VIDA program grant funds			
TOTAL COMMUNITY DEVELOPMENT FUND		\$ 162,227	\$ 162,227
GRANTS FUND			
DCJS GRANTS	21533-46252-40255	\$ 2,750	
NON CAP EQUIPMENT	21533110-55486-40255		\$ 2,750
To appropriate LLEBG grant			
<u>POLICE DEPARTMENT</u>			
Federal grant	21533-46252-40256	\$ 45,183	
Federal grant	21534-46252-40256	\$ 289,985	
Auto Equipment	21533110-58316-40256		\$ 279,512
Non Capital Equipment	21533110-55486-40256		\$ 45,183
Special Equipment	21533110-58341-40256		\$ 10,473
To appropriate ARPA Law Enforcement Equipment Grant			
TOTAL GRANTS FUND		\$ 337,918	\$ 337,918
BLUE RIDGE COURT SERVICES FUND			
Community Corrections Grants	21033-45556	\$ 106,510	
Other Salaries	21033340-51009		\$ 65,343
Social Security	21033340-52010		\$ 37,000
Office supplies	21033340-55405		\$ 4,167
To appropriate additional DCJS grant award			
TOTAL BLUE RIDGE COURT SERVICES FUND		\$ 106,510	\$ 106,510

CITY OF STAUNTON			
FY 2023 BUDGET AMENDMENT NO. 6			
		AMOUNT	
	LEDGER CODE	REVENUE	EXPENDITURE
HUD FUND			
Transfer from general fund	22501-49211	\$ 33,074	
HUD Grant CDBG-CV	22583-46242-CVHD1	\$ 81,502	
HUD Grant	22583-46242-HUD19	\$ 220,806	
HUD Grant	22583-46242-HUD20	\$ 242,313	
HUD Grant	22583-46242-HUD21	\$ 282,611	
HUD Grant	22583-46242-HUD22	\$ 317,340	
Salaries	22588535-51006		\$ 24,750
Group Life Insurance	22588535-52001		\$ 290
Health Insurance	22588535-52005		\$ 2,268
FICA	22588535-52010		\$ 1,876
Retirement	22588535-52020		\$ 3,742
Unemployment	22588535-52030		\$ 34
Disability	22588535-52035		\$ 114
Professional Services	22588535-53010-HUD21		\$ 41,497
Professional Services	22588535-53010-HUD22		\$ 63,468
HUD CDBG Covid Grant Program	22588535-55207-CVHD1		\$ 23,161
HUD CDBG Covid RD 2 Grant Program	22588535-55207-CVHD2		\$ 58,341
Special Grant Program	22588535-55207-HUD19		\$ 82,260
Public Service Grants	22588535-55207-HUD20		\$ 167,313
Public Service Grants	22588535-55207-HUD21		\$ 201,114
Public Service Grants	22588535-55207-HUD22		\$ 253,872
Water Lines	22588535-58365-HUD19		\$ 138,546
Water Lines	22588535-58365-HUD20		\$ 35,000
Sidewalk Curb and Gutter	22588535-58379-HUD20		\$ 40,000
Sidewalk Curb and Gutter	22588535-58379-HUD21		\$ 40,000
To appropriate HUD funds			
TOTAL HUD FUND		\$ 1,177,646	\$ 1,177,646
WATER FUND			
Insurance Recovery	53001-41928	\$ 6,642	
Repairs	53004321-53288		\$ 6,642
To appropriate Insurance Recovery			
TOTAL WATER FUND		\$ 6,642	\$ 6,642
STORMWATER FUND			
<u>STORMWATER PROJECTS</u>			
Misc Revenue	57001-41750	\$ 17,414	
Construction	57004799-58360		\$ 17,414
To appropriate Monsanto settlement			
TOTAL STORMWATER FUND		\$ 17,414	\$ 17,414

FY 2023 BUDGET AMENDMENT NO. 6 SUMMARY

CITY GOVERNMENT FUNDS

GENERAL FUND	\$ 1,065,881
CAPITAL IMPROVEMENTS FUND	\$ -
COMMUNITY DEVELOPMENT FUND	\$ 162,227

CITY OF STAUNTON			
FY 2023 BUDGET AMENDMENT NO. 6			
		AMOUNT	
	LEDGER CODE	REVENUE	EXPENDITURE
GRANTS FUND		\$ 337,918	
HUD		\$ 1,177,646	
BLUE RIDGE COURT SERVICES FUND		\$ 106,510	
WATER FUND		\$ 6,642	
STORMWATER FUND		\$ 17,414	
TOTAL CITY GOVERNMENT FUNDS		\$ 2,874,238	
TOTAL FY2023 BUDGET AMENDMENT NO. 6		\$ 2,874,238	

CITY COUNCIL



AGENDA BRIEFING

Staunton, Virginia

Meeting Date:	June 22, 2023	Jessie Moyers Chief Financial Officer
Item #	B	
Department:	Finance	
Alignment with Staunton Plan (Value/Strategic Area):	Value: Excellence Strategic Area: Responsible, Efficient Government	
Subject:	Approval of Transfer of Already Appropriated Funds within the Capital Improvement Fund	

Background: The item before City Council is approval of transfer of already appropriated funds between projects in the Capital Improvement Fund. Approval of these transfers can be accomplished in one meeting, June 22, 2023, since this is a transfer of previously appropriated funds rather than an appropriation of funds.

The Animal Shelter Project is being proposed to be funded with local dollars through an appropriation of FY2022 carry over funds that will be part of the next budget amendment, which will be brought to council on July 27, 2023. The original estimate of \$776,000 for Staunton's share of the cost assumed the use of local dollars. Funding this project with federal funds could result in an increase in cost, principally due to the Davis-Bacon Act that adds additional work for the contractor and therefore would increase their costs. Additional information on the Davis-Bacon Act can be found here: <https://www.dol.gov/agencies/whd/government-contracts/construction>

The \$776,000 appropriated in the Animal Shelter Project would be repurposed for the JDR Courthouse/West End Complex project.

The Beverley and North Coalter Pedestrian Crossing project with a current appropriation of \$400,000 will be funded with a grant that was received from VDOT earlier this spring. This

\$400,000 would be repurposed for the JDR Courthouse/West End Complex project and the Water Infrastructure Acquisition.

The remaining four transfers are for previously appropriated CIP funds that have excess funds remaining. They are \$190,202 for the Telephone Replacement Project, \$136,000 for the Bessie Weller Safe Route to Schools Project, \$50,000 for the Rt 11/ Commerce Intersection Project, and \$54,948 for the County Courts Project. These four appropriations within the CIP total \$431,150, which would be repurposed for the JDR Courthouse/West End Complex project.

Summary of the proposed transfers:

Project	Increase	Decrease
Regional Animal Shelter Project (ARPA)		\$ (776,000)
JDR Courthouse/West End Complex Project	\$ 776,000	
 Beverly/N Coalter Pedestrian Project		 \$ (400,000)
Water Infrastructure Acquisition	\$ 185,000	
JDR Courthouse/West End Complex Project	\$ 215,000	
 Telephone Replacement Project		 \$ (190,202)
JDR Courthouse/West End Complex Project	\$ 190,202	
 Bessie Weller Safe Route Project		 \$ (136,000)
JDR Courthouse/West End Complex Project	\$ 136,000	
 Rt 11/Commerce Rd Intersection Project		 \$ (50,000)
JDR Courthouse/West End Complex Project	\$ 50,000	
 County Courts Project		 \$ (54,948)
JDR Courthouse/West End Complex Project	\$ 54,948	

Attachment: Not applicable.

City Manager's Recommendation: Recommends the approval of the transfer of already appropriated funds within the Capital Improvement Fund.

Suggested Motion: I move to approve the transfer of already appropriated funds within the Capital Improvement Fund, as presented.

City Manager: Leslie Beauregard

CITY COUNCIL



AGENDA BRIEFING

Staunton, Virginia

Meeting Date:	June 22, 2023	Staff Members: Rodney Rhodes Tim Hartless
Item #	C	
Department:	Community Development— Planning and Zoning	
Alignment with Staunton Plan (Value/Strategic Area):	Strategic Areas: Infrastructure; Responsive, Efficient Government	
Subject:	Public Hearing and Consideration of a Request by the City of Staunton to Vacate, Discontinue and Abandon a .009-Acre Portion of Village Drive	

Background: In January of 2023, City Council approved a final plat for an extension of Village Drive. During review of the final plat, staff determined that a small portion of the existing Village Drive right-of-way (approximately 392 square feet) should be vacated. This portion of right-of-way contains a section of public sidewalk adjacent to 106 Village Drive. During construction of the street and sidewalk extension, the grade change created issues connecting the existing sidewalk to the new sidewalk extension. To resolve the issue, a new section of sidewalk was poured within the existing right-of-way and the old section of sidewalk was retained solely for the purpose of providing access to 106 Village Drive. Since the purpose of the sidewalk is now solely to access private property, the City has no desire to retain the right-of-way. If the vacation is approved, the section of sidewalk would become privately owned and part of the 106 Village Drive property. This will relieve the City of any obligation or responsibility for maintenance of this section of sidewalk.

Planning Commission Recommendation:

At its May 18, 2023 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.

Attachments:

Attachment 1—Plat Showing Area to be Vacated

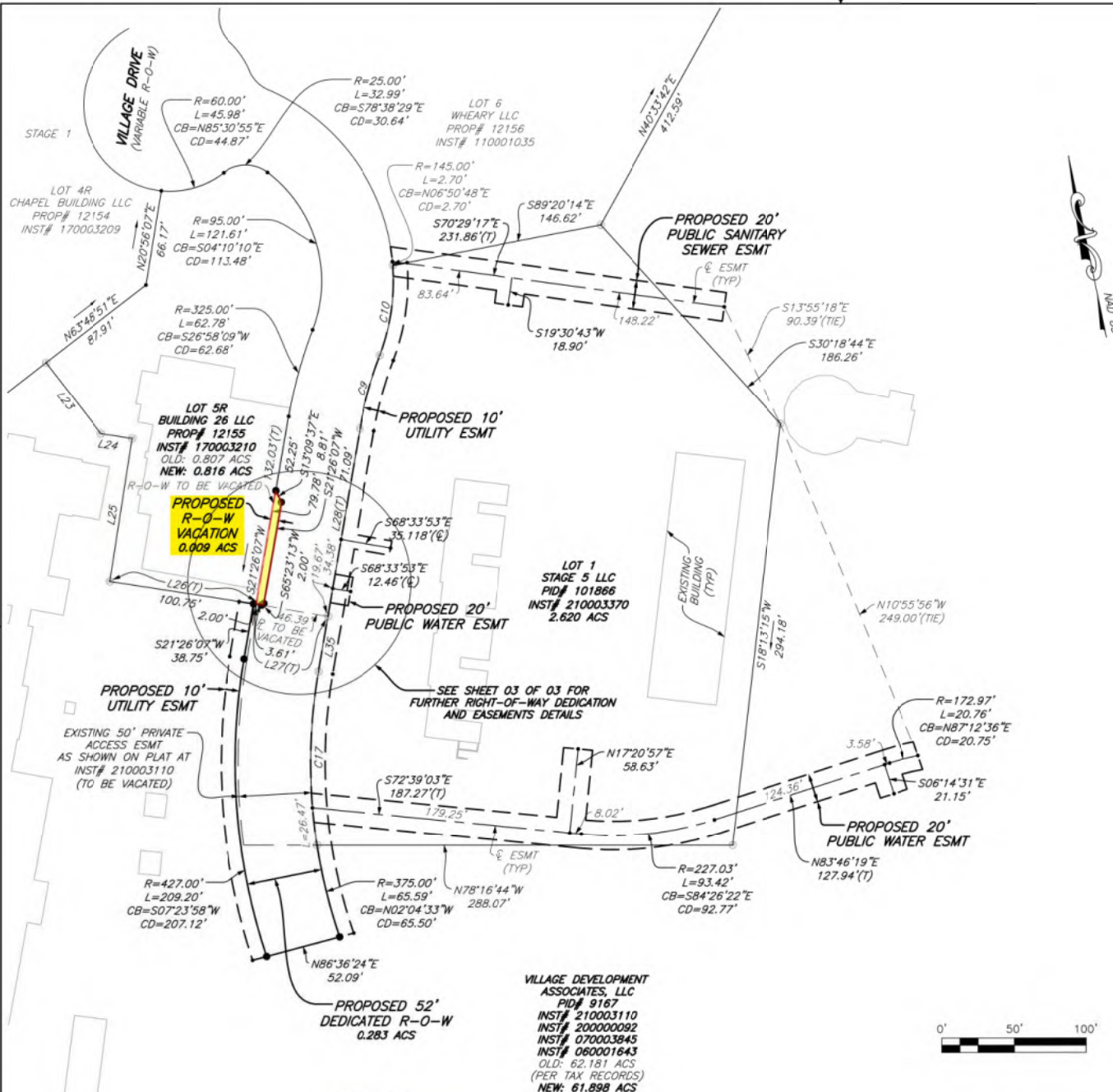
Attachment 2—Draft Ordinance of Vacation

Attachment 3—Notice of Public Hearing

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



SUBJECT PROPERTY OWNERS' INFORMATION:

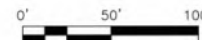
BUILDING 26 LLC
116 E FRANKLIN ST LLC
RICHMOND, VA 23219

STAGE 5 LLC
P.O. BOX 32
STAUNTON, VA 24402

VILLAGE DEVELOPMENT ASSOCIATES, LLC
116 E FRANKLIN ST LLC,
RICHMOND, VA 23219

LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
L1	S52°59'52"W	147.00'	L18	S68°29'57"E	64.74'
L2	S31°44'31"E	70.00'	L19	N21°30'03"E	120.52'
L3	S58°15'29"W	86.00'	L20	N82°20'50"E	70.90'
L4	N31°44'31"W	52.00'	L21	S69°27'30"E	40.83'
L5	N14°02'27"E	85.48'	L22	N63°48'51"E	95.16'
L6	S83°15'15"W	43.61'	L23	S25°57'15"E	62.56'
L7	S62°35'15"W	64.31'	L24	S69°27'30"E	21.85'
L8	S66°00'30"E	45.00'	L25	S20°32'30"W	100.27'
L9	N19°26'07"E	101.33'	L26	S69°27'30"E	102.75'
L10	S73°43'46"E	198.63'	L27	S68°33'53"E	50.00'
L11	S49°44'28"W	21.59'	L28	N21°26'07"E	132.03'
L12	S40°15'32"E	50.00'	L29	S00°56'44"E	52.13'
L13	N49°44'28"E	50.00'	L30	N69°27'30"W	54.98'
L14	N40°15'32"W	17.09'	L31	S24°21'28"W	31.17'
L15	N16°17'09"E	125.03'	L32	S03°24'34"E	51.20'
L16	S68°29'57"E	106.96'	L33	S71°59'02"E	69.54'
L17	N21°30'03"E	128.65'	L34	S21°30'03"W	74.94'
			L35	N21°26'07"E	38.78'

CURVE TABLE					
CURVE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH	
C1	1065.92'	263.59'	S79°18'30"E	262.92'	
C2	184.54'	66.57'	S72°55'16"W	66.21'	
C3	379.35'	103.84'	S70°25'45"W	103.52'	
C4	40.91'	46.17'	N69°23'46"W	43.76'	
C5	1488.39'	240.53'	N28°37'17"E	240.27'	
C6	25.00'	15.02'	S32°31'50"W	14.79'	
C7	25.00'	39.27'	S85°15'31"E	35.36'	
C8	95.00'	93.75'	N11°59'11"W	90.00'	
C9	275.00'	53.12'	N26°58'09"E	53.04'	
C10	145.00'	63.58'	N19°56'32"E	63.07'	
C11	1519.89'	178.63'	N24°54'21"E	178.53'	
C12	91.50'	116.90'	N58°06'54"E	109.11'	
C13	609.46'	259.21'	N82°31'53"E	257.26'	
C14	536.46'	305.79'	N86°40'58"E	301.67'	
C15	145.00'	90.83'	N54°18'08"W	89.35'	
C16	1020.00'	116.53'	N68°54'30"W	116.47'	
C17	375.00'	121.09'	N12°11'05"E	120.56'	



LEGEND

- ROD/F ROD FOUND
- PIPE/F PIPE FOUND
- ROD/S ROD SET

PLAT SHOWING
RIGHT-OF-WAY DEDICATION, SANITARY SEWER
EASEMENT, AND WATERLINE EASEMENTS AT
VILLAGES AT STAUNTON

CITY OF STAUNTON, VIRGINIA

PLANNERS / ARCHITECTS / ENGINEERS / SURVEYORS
RICHMOND / RICHMOND / NEW RIVER VALLEY / BIRMGHAM VALLEY / LYNNHURST
104 Industry Way, Suite 102 / Staunton, Virginia 24401 / Phone (540) 248-3220 / www.balzer-cc



REV: 02-27-2023
REV: 11-17-2022
DATE: 10-31-2022
SCALE: 1" = 50'
JOB: 34210008.00
DRAWN BY: DEN

SHEET 02 OF 03



Ordinance No. 2023-_____

**AN ORDINANCE VACATING, DISCONTINUING AND ABANDONING
THAT PORTION OF A DEVELOPED PUBLIC RIGHT-OF-WAY
IDENTIFIED AS “.009 ACRES OF PROPOSED R-O-W VACATION,” LYING IN AN
AREA ON VILLAGE DRIVE IN THE CITY OF STAUNTON, VIRGINIA**

RECITALS

A. There exists a developed 0.009 acre public right-of-way lying in an area on Village Drive, to the northeast of Parcel ID 12155, owned by Building 26 LLC (Owner), as represented and shown on the attached “Plat Showing Right-of-Way Dedication, Sanitary Sewer Easement, and Waterline Easements at Villages at Staunton,” dated February 27, 2023, prepared by Daniel E. Hansen, Balzer & Associates, Inc.;

B. The 0.009 acre right-of-way contains a privately constructed sidewalk that is used for private access to the building located on Parcel ID 12155;

C. This proposed portion of right-of-way to be vacated is a portion of the variable width right-of-way which was previously dedicated to the City of Staunton, Virginia, as shown on Instrument Number 070003845, recorded in the Clerk’s Office of the Circuit Court of the City of Staunton, Virginia;

D. A request to vacate the 0.009 acre right-of-way was made by the City of Staunton, Virginia, in coordination with the Owner;

E. Public hearings were held by the Staunton Planning Commission and Staunton City Council, after proper advertisement and notice, pursuant to Virginia Code Sections 15.2-2006, 15.2-2204, and 15.2-2270 for the vacation and abandonment of that 0.009 acre public right-of-way, as shown on the plat attached hereto and made a part hereof; and

F. Virginia law authorizes the City of Staunton to alter or vacate such public right-of-way conditionally;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Staunton, Virginia, that the rights of the public in the 0.009 acre portion of the right-of-way, as shown on the attached plat titled “Plat Showing Right-of-Way Dedication, Sanitary Sewer Easement, and Waterline Easements at Villages at Staunton,” dated February 27, 2023, prepared by Daniel E. Hansen, Balzer & Associates, Inc., are hereby, upon recordation, VACATED AND ABANDONED and all the City’s right, title and interest otherwise, if any, is relinquished and to the extent permitted by law, is conveyed, transferred and assigned to Building 26 LLC.

Nothing contained in this ordinance shall be deemed, construed, or applied in any manner as a waiver of the sovereign or other immunity of the City of Staunton, Virginia, to the extent that such immunity would otherwise obtain.

Introduced:
Adopted:
Effective Date:

Stephen W. Claffey, Mayor

ATTEST: _____
Kiley A. Kesecker,
Clerk of Council

The News Leader

Attachment 3

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

Customer: STAUNTON CITY OF

Ad No.: 0005728426

Address: 116 W BEVERLEY ST
STAUNTON VA 24401
USA

Pymt Method Invoice

Net Amount \$1,043.44

Run Times: 2

No. of Affidavits: 1

Run Dates: 06/08/23, 06/15/23

Text of Ad:

NOTICE OF PUBLIC HEARINGS

Staunton City Council will conduct the following Public Hearings at **7:00 p.m. on Thursday, June 22, 2023**. The hearings will be held in Rita S. Wilson Council Chambers located on the first floor of City Hall, 116 W Beverley Street.

• *Public Hearing and Consideration of a Request by the City of Staunton to Vacate, Discontinue and Abandon that Portion of a Developed Public Right-of-Way Identified as .009 Acres, Northeast of Parcel ID 12155, Owned by Building 26 LLC, Lying in an Area on Village Drive in the City of Staunton, Virginia, Which is a Portion of the Variable Width Right-of-Way as Previously Dedicated to the City of Staunton, as Shown on Instrument 070003845, Recorded in the Clerk's Office of the Circuit Court of the City of Staunton.*

• *Public Hearing and Consideration of a Request by Baldwin Place Home Owners Association, Inc, for a Special Use Permit Under the Provisions of SCC 18.20.030(8) to Make Changes to the Covenants of the Planned Residential Development to Allow More Options for Roofing Materials. The Property is Zoned R-1, Low Density Residential District and is an Existing Planned Residential Development Allowed by Special Use Permit.*

• *Public Hearing and Consideration of a Request by Staunton PV-UT LLC, and Staunton PV-CS LLC, on behalf of Oikos Solar Systems Inc, and Flying Rock Property LLC, for a Special Use Permit Under the Provisions of SCC 18.75.040(1), Uses Permitted on Review, of the I-1, Light Industrial District, of Title 18 Zoning, of the Staunton City Code. The Purpose of the Special Use Permit is to Allow a Solar Energy Facility at 801 Commerce Road. The Property is Identified on the City's Real Estate Records as Parcel Identification Number 10413 and is Zoned I-1, Light Industrial District.*

• *Public Hearing and Consideration of 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 City of Staunton Planning Commission conducted public hearings for the street vacation and the special Use Permit at its May 18, 2023 meeting and has recommended approval of the both requests.

The City of Staunton Planning Commission conducted a public hearing

for the Haile Street vacation at its September 15, 2022 meeting and has recommended approval of the request.

If interested, you are invited to attend the meeting and share your views with Council. Additional information on these items can be obtained by contacting the Community Development Department, Planning and Zoning Division (540) 332-3862. The City Code may be accessed online at: <http://www.codepublishing.com/VA/Staunton/>.

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: www.ci.staunton.va.us/council. Participants are reminded that the Public Hearing and Matters from the Public portions of the meeting are a time for Council to simply listen to your comments. 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).

Deaf and hard of hearing 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.

Tim Hartless
City Planner

0005728426-01

CITY COUNCIL



AGENDA BRIEFING

Staunton, Virginia

Meeting Date:	June 22, 2023	Staff Members: Rodney Rhodes Tim Hartless
Item #	D	
Department:	Community Development— Planning and Zoning	
Alignment with Staunton Plan (Value/Strategic Area):	Strategic Areas: Infrastructure; Responsive, Efficient Government	
Subject:	Public Hearing and Consideration of a Request by Baldwin Place Home Owners Association for a Special Use Permit Under the Provisions of SCC 18.20.030(8) to make changes to the covenants of the Planned Residential Development	

Background: Baldwin Place Home Owners Association has requested a change to the Planned Residential Development (PRD) approved by Council in July of 1986. Planned Residential Developments are approved by Special Use Permit and review and approval of the covenants and restrictions of the neighborhood are part of that process. Baldwin Place PRD is located on North Augusta Street near the intersection with North Coalter Street (known as “The Triangle”). In June of 1996, the covenants were amended at the request of the Baldwin Place Home Owners Association (HOA) to alter some of the design standards.

The HOA is now requesting to remove the requirement that cedar shakes be used for all roof surfaces. The HOA proposes to add roof surface material requirements to the bylaws. By moving this design element to the bylaws, a future change would not need to be reviewed and approved by Planning Commission and City Council. The bylaws would be amended to include architectural standards for permitted roof materials including natural cedar shakes, composite

shake tiles, laminated shingles, and raised seam metal for appendages.

Analysis: Staff reviewed the proposed changes and have identified no issues. The City's Deputy Chief of Community Risk Reduction of the Fire Marshal's Office noted:

While wood shakes and shingles are pleasing to the eye and add to the appearance of a home, untreated wood shakes and shingles are readily ignited by firebrands, sparks from chimneys, and direct exposure to fire. Furthermore, burning untreated wood shakes and shingles can become firebrands and contribute to the spread of fire. The fire department supports any change to make the community safer from fire emergencies.

As shown on the attached map (Attachment 3), all surrounding zoning is R-1, Low Density Residential.

The *City of Staunton, Virginia, Comprehensive Plan 2018-2040*, Future Land Use Map, designates this area as Low Density Residential. Baldwin Place is consistent with this designation.

Staff have no objections to the proposed change to the Baldwin Place Planned Residential Development.

Planning Commission Recommendation:

At its May 18, 2023 meeting, the Planning Commission conducted a public hearing. During the public hearing one person spoke in opposition to the request. On a 5-0 vote, the Commission unanimously voted to recommend approval of the Special Use Permit.

Attachments:

Attachment 1—Application and Supporting Documents

Attachment 2—Letter from HOA President Explaining the Voting Process

Attachment 3—Vicinity Map

Attachment 4—Current Zoning Map

Attachment 5—Future Land Use Map

Attachment 6—Draft Resolution

Attachment 7—Letter in Opposition to the SUP

Attachment 8—Notice of Public Hearing

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

City Manager: Leslie Beauregard



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: April 20, 2023

NAME OF APPLICANT: Baldwin Place Homeowners Ass'n

ADDRESS OF APPLICANT: 304 Carriage Drive, Staunton, VA 24401

PHONE #: (564) 204-0584

E-MAIL ADDRESS: lflobenhofen@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. Insert 1

LOCATION OF PROPERTY: Baldwin Place

MAP PROVIDED: YES ☐ NO ☒ SITE PLAN PROVIDED: YES ☐ NO ☒

FEE PAID: YES ☒ NO ☐ *check or cash only

PRESENT ZONING OF THE PROPERTY: R-1

APPLICABLE SECTION OF ZONING CODE STATING USE IS PERMITTED ON REVIEW:
18.20.030(8)

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

Yes

LEGAL DESCRIPTION OF PROPERTY: Sections One, Two, and Three of Baldwin Place
DETAILED DESCRIPTION OF PROPOSED USE (DRAWINGS MUST BE INCLUDED IF NEW CONSTRUCTION, ADDITIONS, OR CHANGES TO THE EXTERIOR OF THE PROPERTY ARE PROPOSED).

Insert 2

SIGNATURE: Louis F. Lobenhofen
President, Baldwin Place Homeowners Association

April 20, 2023

City Council
Planning Commission
City of Staunton
116 W. Beverley St.
Staunton, VA 24402

To Whom It May Concern:

On behalf of the Baldwin Place Homeowners Association, I ask that the Planning Commission and the City Council of the City of Staunton approve the enclosed amendment, the Third Amendment to the Declaration of Protective Covenants, Conditions and Restrictions of Baldwin Place. Our request is in the form of an Application for Special Use Permit.

We make this request because Article XIV of our Declaration requires that any amendment of our Declaration passed by a majority of our members must be approved by both the Planning Commission and the City Council of the City of Staunton. (See Exhibit 2, p. 15.) The attached Application for Special Use Permit embodies our request.

Our Declaration has required that all homes in Baldwin Place have roofs covered with cedar shake shingles. Cedar shakes have become very expensive and hard to install in recent years, so members of our community wanted to have a choice of other roofing materials. The members passed an amendment to our Declaration that moved the roofing matter to our Bylaws, and then amended the Bylaws to allow members to use two other roofing materials, composite shake tiles and laminated shingles made of asphalt and fiberglass, both of which are less expensive and easier to install. (See Exhibit 2, p. 11 and Exhibit 4.) These new materials have the additional advantage of also being more fire resistant than cedar shakes.

These matters of roofing in Baldwin Place are probably not of great concern to the City of Staunton, they are important to our homeowners. We hope that you will give them prompt and favorable consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Louis F. Lobenhofer". The signature is fluid and cursive, with a large initial "L" and "F".

Louis F. Lobenhofer
President, Baldwin Place Homeowners Association

Application for Special Use Permit, Baldwin Place Homeowners Association, April, 2023

Insert 1: Applicant is the homeowners association that includes the owners of all of the lots in Baldwin Place.

Insert 2: Our Declaration currently requires that all of the homes in Baldwin Place have cedar shake roofs. (See Exhibit 2, p. 11.) For a variety of reasons, particularly cost, this requirement has become particularly onerous in recent years, and there has been a movement to allow alternative roofing materials. This year, the movement has coalesced into amendments to our governing documents that will allow two other types of roofing materials: composite shake tiles, and laminated shingles made of fiberglass and asphalt, as options in addition to cedar shakes. (See Exhibit 2, p. 11, and Exhibit 4, Section 1, (3) and (4)).

Because both of these alternative materials are less expensive and easier to install than cedar shakes, I expect that, over time, they will be widely adopted in our community. Also, both of these new materials are more fire resistant than cedar shakes, so they offer safety advantages over cedar shakes as well. These new materials were approved by the members on March 28, 2023. (See Exhibit 3, Tellers' Report.) The matter before this body, the amendment to the Declaration, item 7 on the ballot, passed overwhelmingly by a 42-6 margin. In view of all of these facts, we respectfully ask that this body approve Exhibit 1, the Third Amendment to our Declaration.

Exhibits:

Exhibit 1: Third Amendment to Declaration of Protective Covenants, Conditions and Restrictions of Baldwin Place

Exhibit 2: Second Amended and Restated Declaration of Covenants, Conditions, and Restrictions of Baldwin Place (both before and after amendments, for informational purposes only)

Exhibit 3: Tellers' Report (RE: Results of the Community Vote regarding the amendment to the BPHA Covenants and By-Laws to allow alternatives to Cedar Shakes.)

Exhibit 4: Article XVIII, Architectural Standards, of the Bylaws of Baldwin Place

Exhibit 1

**THIRD AMENDMENT TO
DECLARATION OF PROTECTIVE COVENANTS,
CONDITIONS AND RESTRICTONS
OF BALDWIN PLACE**

THIS AMENDMENT is made this ____ day of _____, 2023, by **BALDWIN PLACE HOMEOWNERS ASSOCIATION, INC.**, Virginia nonstock corporation (the "Association"). Also index all the **NAMES** listed on the Cover Sheet, which is attached hereto, in the grantor index.

P R E A M B L E:

A. The lots located in the Baldwin Place Subdivision (the "Lots") are subject to the Declaration of Covenants, Conditions and Restrictions to Sections One and Two, which is recorded in the Clerk's Office of the Circuit Court of the City of Staunton, Virginia (the "Clerk's Office"), in Deed Book 276, page, page 595, and the Declaration of Covenants, Conditions and Restrictions to Section Three, recorded in the Clerk's Office in Deed Book 276, page 609, which was amended by Declaration of Covenants, Conditions, and Restrictions of Baldwin Place applicable to Sections One, Two, and Three, Baldwin Place, recorded in the Clerk's Office in Deed Book 280, page 68, and further amended and restated by Second Amended and Restated Declaration of Covenants, Conditions, and Restrictions of Baldwin Place, recorded in the Clerk's Office in Deed Book 375, page 856 (collectively, the "Declaration").

B. The Association, with the approval by the Planning Commission and City Council of the City of Staunton, Virginia, and with the agreement of the majority of the owners of the Lots (the "Owners"), being the requisite number of Owners pursuant to Section XIV of the Declaration, now wishes to amend Section X.3.(f) of the Declaration.

NOW THEREFORE, pursuant to Section XIV of the Declaration, the Association with the consent of the majority of the Owners, amends Section X.3.(f) of the Declaration in its entirety as follows:

X.3.(f) All roofs shall be of materials specified in the Architectural Standards as set forth in the Bylaws of the Association. The main portion of the house should have a 14/12 pitch on the roof, with shed roofs having at least a 5/12 pitch.

All other provisions of the Declaration shall remain in full force and effect and are incorporated herein.

Certification required by §55.1-1829(F) of the Code of Virginia: I hereby certify as President of the Association that the majority of the lot owners have ratified this Third Amendment to Declaration of Protective Covenants, Conditions and Restrictions of Baldwin Place.

By: _____
Louis F. Lobenhofer, President of
Baldwin Place Owners Association, Inc.

WITNESS the following signature and seal.

Baldwin Place Homeowners Association, Inc.
a Virginia nonstock corporation

By: _____
Louis F. Lobenhofer, President

COMMONWEALTH OF VIRGINIA

CITY/COUNTY OF _____, to-wit:

The foregoing instrument was acknowledged before me in the aforesaid jurisdiction this _____ day of _____, 2023, by Louis F. Lobenhofer, President of the **Baldwin Place Homeowners Association**, a Virginia nonstock corporation, on behalf of the Association.

My commission expires: _____
Notary Registration No.: _____

Notary Public

COVER SHEET 2

List of Names to be Indexed in the Grantor Index

Exhibit 2 (both before and after
amendments, for informational purposes only)

**SECOND AMENDED AND RESTATED
DECLARATION OF COVENANTS, CONDITIONS,
AND RESTRICTIONS OF BALDWIN PLACE**

THIS AMENDED AND RESTATED DECLARATION is made as of December 12, 1995 by Baldwin Place Homeowners Association, Inc., a Virginia corporation, hereinafter referred to as "Homeowners Association";

WITNESSETH:

WHEREAS, Baldwin Village, Inc. ("Developer") was the owner of certain property located in the City of Staunton, Virginia, known as Baldwin Place, and is still the owner of some numbered lots in Baldwin Place;

WHEREAS, Developer conveyed to Homeowners Association certain real estate located in Baldwin Place by deed dated June 12, 1987, which is recorded in the Clerk's Office of the Circuit Court of the City of Staunton, Virginia, in Deed Book 276, at page 624;

WHEREAS, Developer entered into certain covenants, conditions, and restrictions of Baldwin Place applicable to Sections One and Two, Baldwin Place, by Declaration dated May 4, 1987, recorded in Deed Book 276, at page 595;

WHEREAS, Developer entered into certain covenants, conditions, and restrictions of Baldwin Place applicable to Section Three, Baldwin Place, by Declaration dated May 7, 1987, recorded in Deed Book 276, at page 609;

WHEREAS, Developer amended and restated said Declaration of Covenants, Conditions, and Restrictions of Baldwin Place applicable to Sections One, Two, and Three, Baldwin Place the Amended and Restated Declaration being recorded in Deed Book 280, page 68.

WHEREAS, a majority of the members of Homeowners Association have voted to amend the Amended and Restated Declaration of Covenants, Conditions, and Restrictions of Baldwin Place and Homeowners Association enters into this document

for the purpose of making this second Amendment and Restatement of the Declaration a matter of public record.

NOW, THEREFORE, the Homeowners Association hereby declares that all of the property described in Section I below shall be held, sold and conveyed subject to the following easements, restrictions, covenants and conditions, which are for the purpose of protecting the value and desirability of and which shall run with the real property and be binding on all parties having any right, title or interest in the described properties or any part thereof, their heirs, successors and assigns, and shall inure to the benefit of such owner thereof.

I. PLAT.

A plat of subdivision of Sections One and Two of Baldwin Place, prepared by Mattern & Craig, dated May 4, 1987, revised May 28, 1987, is recorded in Deed Book 276, at page 608. A plat of subdivision of Section Three of Baldwin Place, prepared by Mattern & Craig, dated May 6, 1987, revised May 28, 1987, is recorded in Deed Book 276, at page 623. (The plats recorded in Deed Book 276, at page 608, and in Deed Book 276, at page 623, are referred to in this Declaration as "the plats".) The plats are recorded for the purpose of identifying and making reference to the several lots, and common areas in Sections One, Two and Three of Baldwin Place and the restrictions hereinafter set forth shall apply to the land shown on said plats. The common areas as used in this Declaration shall be those areas designated on the plats as "common area". There is also shown on said plats certain easements dedicated to the City of Staunton for sanitary sewer and water. Streets in Baldwin Place are shown on the plats and have been conveyed to the Homeowners Association.

II. DEFINITIONS.

For purpose of this Declaration, the following definitions shall apply: Common areas - Common areas are the areas specified on the plats as "common area" By way of information, the common areas are the areas shown in Section One as the common area along US. Route 11 Business, the common area within Smithleigh Circle, the common area within Yardley Square, the common area within King's Square, and the common area at the end of Candlelight Drive.

Developer - As used in this Declaration, Developer means Baldwin Village, Inc., its successor and assigns.

Numbered Lot - The lots in Sections One, Two and Three as shown on the plats which are numbered to distinguish them from the common areas shown on the plats. A lot shall be deemed to be improved when the residence is completed and occupied.

Owner - Owner shall mean the owner of a numbered lot in Baldwin Place, which specifically includes Developer until such lots are sold.

Undeveloped lands of Developer - These are the areas shown on the plat of Section Three of Baldwin Place, recorded in the Clerk's Office of the Circuit Court of the City of Staunton, Virginia, in Deed Book 276, at page 623, as "Undeveloped Lands of Baldwin Village, Inc. (5.700)ac.).".

III. OVERALL OPERATION OF DEVELOPMENT.

Baldwin Village is being developed conceptually as a village where one person's front yard may be his neighbor's back yard. Control of the overall appearance of Baldwin Village is established and maintained by an Architectural Review Board, as hereinafter described, which will review all of the work which is done to building exteriors, fences, structures or outbuildings, patios and trees, plants and shrubs so as to insure the overall harmony of the development and maintain the integrity of the Williamsburg style community. To that end, the owner will own all of the numbered lots as shown on the plats, subject to the easements and restrictions reserved in favor of the Homeowners Association. The owner shall construct his house, garage, patio, if any, driveway, sidewalk, outside steps, and perform the landscaping as approved and required by the

Architectural Review Board. The Homeowners Association will perform routine maintenance of the grounds of the improved numbered lots. Routine maintenance will consist of leaf removal, mowing and trimming of lawns, blowing cuttings from streets, driveways and sidewalks, and snow removal from driveways and one sidewalk per dwelling in the winter. The owner will bear the responsibility for the maintenance of the house and all improvements on the numbered lot, subject to the control and direction of the Architectural Review Board and the Homeowners Association. The Homeowners Association shall have the right to perform such maintenance as it determines in its absolute discretion is necessary, which is not performed on the houses by the owner and to assess the costs for such work to the owner in accordance with this Declaration.

Prior to commencing construction on any numbered lot, the owner shall submit his plans for construction and site development (location of structures on lot and landscape design) to the Architectural Review Board who shall review the plans and make a binding recommendation to the owner. All of the work to be done on the numbered lot shall be at the sole cost and expense of the owner.

IV. EASEMENTS ON NUMBERED LOTS.

Developer will convey title to the numbered lot to the owner subject to the easements, rights and privileges granted herein to the Homeowners Association. In addition to the title to the numbered lot, the owner shall receive as appurtenant to his numbered lot the right to use the common areas as specified in this Declaration. Developer, its successors and assigns, and the Homeowners Association reserve in favor of themselves and any other person or entity authorized by the Board of Directors of the Homeowners Association, the right of access to any numbered lot for the purpose of maintenance as provided in this Declaration. This right of access shall exist at all reasonable times as established in the sole discretion of the Homeowners Association.

V. PERMITTED AND PROHIBITED USES.

1. All buildings shall be subject to the setback requirements established by the City of Staunton. Garages may be attached to or detached from the residence.

2. The home shall not be used or occupied by other than a single family and family servants and shall not be used for other than residential use.

3. No owner will do or permit to be done any act within the home or any part of his numbered lot which may be, or is, or may become a nuisance, including activities which generate excessive noise, to other owners or residents.

4. Homeowners Association shall be authorized to erect and place a sign identifying the development as Baldwin Place on the common areas in accordance with the zoning ordinances of the City of Staunton. No other sign of any character shall be displayed or placed upon any part of the property except a sign bearing the name of the owner, size 5" by 20".

5. Garbage and rubbish receptacles shall be in complete conformity with sanitary regulations and shall not be visible from the street, adjacent numbered lots, or common areas, except receptacles may be left on the numbered lot at the edge of the street for necessary trash pickup on the day of pickup.

6. No animals, birds or fowl shall be kept or maintained in any of the homes or numbered lots except for dogs, cats and pet birds which may be kept thereon in reasonable numbers as pets for the pleasure and use of the residents, but not for any commercial use or purpose. All dogs must be kept on a leash when they are outside the numbered lot and must not become a nuisance to other residents by barking or other acts.

7. No trailers or habitable motor vehicles of any nature shall be kept on or stored on any part of the numbered lot, common areas or streets, except within an enclosed garage. No trucks of any nature shall be parked overnight on any part of the numbered lot, common areas or streets, except in an enclosed garage. No boats or on or off trailers may be parked on any part of the numbered lot, common areas, or streets, except in an enclosed garage.

8. The design, size and type of mailbox shall be in accordance with standard specifications provided by the Architectural Review Board and must be approved by the Architectural Review Board. All mailboxes shall be black in color.

9. All electrical service, cable television service and telephone lines on the

numbered lots and common areas shall be placed underground, unless a prior waiver, in writing, on account of physical impracticability is given by the Architectural Review Board.

10. All antennas, including satellite dishes must be of the concealed type installed inside attic space.

11. In addition to the easement reserved in Article IV of this Declaration, there is hereby reserved to the Homeowners Association for the mutual benefit of all owners in Baldwin Place, a permanent easement across the rear and both sides of each numbered lot and common area shown on the plats within five feet of the boundary lines thereof, for development and use of a hiking or walking trail for the benefit of owners, the carrying of utilities, surface water drainage, and water and sewer lines, and for the necessary maintenance of such facilities. There is also reserved for the mutual benefit of all owners certain easements which are fifteen feet in width as shown on the plats.

12. Surface Water. No owner or contract owner shall interfere with the natural drainage of surface water from a numbered lot to the detriment of any other numbered lot or common area shown on said plat.

13. No numbered lot may be further subdivided for the purpose of building an additional residence on the numbered lot. No numbered lot may be used as a roadway for access to any property lying outside the boundaries of Baldwin Place except, however, nothing in this Declaration shall be construed to preclude Developer from developing Laketree Drive as shown on Section Three of Baldwin Place for a roadway for access to the undeveloped lands of Developer as shown on the plat of Section Three of Baldwin Place.

14. Notwithstanding any of the other provisions in this Section V, the Homeowners Association may erect such maintenance buildings and recreational facilities for the use of the Homeowners Association as shall be approved by the appropriate zoning officials of the City of Staunton, Virginia.

15. All construction in Baldwin Village shall be subject to the architectural controls established in this Declaration.

VI. BUILDING PLANS, BUILDING CONTRACTOR AND LANDSCAPE PLANS.

1. All plans prior to start of construction of any and all residences, buildings, fences and other structures or alterations and additions thereto, including building materials, color scheme, grading plan and location of such improvement, structure, alteration or addition, shall be presented to and approved by an Architectural Review Board. The Architectural Review Board shall consist of 3 members who shall be designated annually as follows:

- (a) One member shall be designated by Developer. In the event of the vacancy of the member so designated and the failure by Developer to appoint a successor member within thirty (30) days of the occurrence of such vacancy, then this member shall be designated by the Homeowners Association.
- (b) The other two members shall be designated by the Homeowners Association.
- (c) The Architectural Review Board shall be authorized to engage the services of a qualified consulting architect in circumstances considered advisable.

2. The building contractor must be approved by the Architectural Review Board. All building contractors must be quality custom homebuilders, licensed to build in the City of Staunton, Virginia. All plans are to be drawn and stamped by a registered architect to be submitted to the Architectural Review Board.

3. When the construction of any building is once begun, work thereon must be prosecuted diligently and must be completed within a reasonable time.

4. No land clearing, filling, grading, shrub or tree removal or pruning or any landscaping or other work (other than the mowing of grass) shall be done until detailed plans for the landscaping of any lot upon which such work is proposed to be done shall have been submitted to the Architectural Review Board and written approval of such proposed landscaping work shall have been received from said Board. The Architectural Review Board may require a maximum expenditure for landscaping and design engineering to including locating the house and shrubbery, seeding and planting, survey work, constructing walkways and driveways, and other expenses of locating or placing items on the numbered lot or five percent (5%) of the estimated construction

cost and lot value as determined by said Architectural Review Board.

5. No changes in the elevations of the land shall be made unless approved by the Architectural Review Board.

VII. BALDWIN PLACE HOMEOWNERS ASSOCIATION.

The Homeowners Association is a non-stock, non-profit membership corporation organized for the purpose, among other things, of interpreting, applying, administering and enforcing the covenants and restrictions contained in this Declaration.

The Articles of Incorporation of the Association provide in part that any person, firm, association or corporation which shall hereafter acquire by purchase or otherwise any lot or any beneficial interest in such lot in Baldwin Place shall automatically become a member of the Association. The Articles further provide the means of resolving disputes regarding membership in the Homeowners Association.

The Homeowners Association shall be responsible for the payment of the cost of maintenance of all common areas shown on said plat, including the maintenance of fencing and trails along said common areas; the payment of the cost of routine maintenance of the grounds of all numbered lots; the cost of maintenance of all streets which are not dedicated to the City of Staunton; the cost of all snow removal from common areas, and the payment of real estate taxes assessed against the common areas. The owner shall be responsible for the costs of maintenance of the exterior of his home, maintenance of all driveways and walkways, and for the payment of real estate taxes on the numbered lot. Additionally, the Association shall have the right to perform such maintenance on the exterior of any home or any improvement on a numbered lot which is not performed by its owner as specified in this Declaration and to assess the costs of such maintenance to the owner.

Until changed by the membership of the Homeowners Association, in order to provide funds for the foregoing purposes, there shall be a regular annual assessment levied by the Homeowners Association against each numbered improved lot not to exceed \$1,200.00 and payable quarterly on the 15th day of January, April, July and

October in each year for expenses incurred in the preceding three months plus capital reserves for future expenses; provided, however, that the annual assessment for any unimproved numbered lot shall be an amount not to exceed 25% of the regular assessment for all improved numbered lots.

Any increase in regular annual assessments above \$1,200.00 per lot shall be authorized by a majority vote of the members. Special assessments and assessments for the reimbursement of maintenance performed by the Homeowners Association on account of an owner's failure to perform such maintenance shall be established by the Board of Directors, subject in the case of special assessments to rescission by the members as provided in the by-laws.

The Homeowners Association shall have the right to contract for the maintenance of all common areas and streets and for other goods or services with any party including Developer provided that such contracts are reasonable in their terms and are entered into in compliance with the foregoing restrictions and the by-laws of the Association.

The Homeowners Association shall have all of the powers conferred by the Non-Stock Corporation Act of Virginia, as amended, including the right to convey or reconvey such property or easements as may be necessary or proper from time to time, the right to sue to enforce the liens established in this Declaration, the right to borrow money, and the right to amend this Declaration as necessary.

Any assessments which are not paid within thirty (30) days from the due date shall bear interest from the date of delinquency at the rate of the prime rate of interest then prevailing in Staunton, Virginia, plus two percentage points, and the Association may bring an action at law against the owner obligated to pay the assessment or foreclose the lien hereinafter provided for against the numbered lot. Interest, court costs, costs of recording any lien, and reasonable attorney's fees shall be added to the amount of the assessment.

There shall be a continuing lien upon each of the numbered lots to secure the payment of any of the assessments herein provided for, but such lien shall at all times be subject to any first or second mortgages or deeds of trust placed on the numbered

lot at any time, except as hereinafter provided. If any assessment has not been paid within thirty (30) days, a notice of such non-payment as to any particular lot on a form prescribed by the Board of Directors may be recorded in the Clerk's Office of the Circuit Court of the City of Staunton, Virginia, and from the time of such recordation such delinquent assessment in the amount stated in the notice shall become a lien prior to any first or second mortgages or deeds of trust recorded subsequent to the date of such notice.

VIII. APPURTENANCES.

There is reserved for the benefit of all owners, members of families, their tenants, and to any guests while in their immediate presence, the right to use the common areas in accordance with such rules and regulations as may be established by the Homeowners Association.

IX. APPLICATION.

The above covenants and restrictions shall be covenants running with the land, shall be binding upon all owners, shall inure to the benefit of each owner in Baldwin Place and shall be enforceable through due process of law by the Homeowners Association; provided, however, that the above covenants and restrictions shall be so enforceable by any owner in any case where the Homeowners Association shall fail or decline to act within ninety (90) days after having received from such lot owner written notice of a violation and a demand for enforcement thereof, except in the case of decisions or actions regarding architectural control which shall be at the sole discretion of the Architectural Review Board and maintenance which shall be at the sole discretion of the Homeowners Association.

The invalidation by judgment or court order of any one or more of the covenants contained herein shall in no wise affect the validity and enforceability of the remaining provisions hereof. This Declaration shall be construed in accordance with the laws of the Commonwealth of Virginia.

X. ARCHITECTURAL CONTROL.

1. The Architectural Review Board. An Architectural Review Board consisting of three (3) persons shall be appointed in accordance with the provisions of paragraph 1 of Section VI of this Declaration.

2. Purpose. Subject to the applicable provisions of the zoning code of the City of Staunton, Virginia, and the conditions established on the development by City Council of the City of Staunton, Virginia, the Architectural Review Board shall regulate the external design, appearance, use, location and maintenance of the properties and of improvements thereon in such a manner so as to preserve and enhance values and to maintain a harmonious relationship among structures and the natural vegetation and topography.

3. Specifications. In order to maintain the integrity of Baldwin Place as a Williamsburg style community, the following criteria shall be used in establishing the location, design, and landscaping for each new home.

a) Dwellings and dependencies are to be at least 12' from the side, 15' from rear, and 20' from front boundaries of the lot, with the exception of lots bordering Baldwin Acres and the Welsh property which shall have dwellings and dependencies at least 30' from rear boundaries.

(b) The dwelling must be one and one-half stories or Dutch colonial in style and have at least 1600 square feet of above ground, heated living space.

(c) The exterior walls of the house must be of oversized brick in an approved color, or beaded siding of wood or a wood product.

(d) Exterior finishes are to be a Williamsburg hue with no house within 200 feet of another of the same color.

(e) Every house shall have at least one chimney. Chimneys will be constructed of oversized brick with all exposed chimneys being larger at the bottom, stepping into a smaller top, and capped with a Williamsburg signature or design.

(f) All roofs shall be of materials specified in the Architectural Standards as set forth in the Bylaws of the Association. The main portion of the house

Deleted: All roofs shall be of cedar shakes

should have a 14/12 pitch on the roof, with shed roofs having at least a 5/12 pitch.

(g) Windows facing streets are to be double hung if they are 24" or greater in width, or may be casement if they are less than 24" in width. All windows must have mullions

(h) Copper guttering must be used.

(i) All detached buildings must be of appropriate design and size.

(j) All homes must have at least a dusk to dawn exterior light atop a 9-foot pole of appropriate design.

(k) Mail boxes and their posts are to be of a specified design and painted black.

(l) Driveways must be of asphalt/blacktop.

(m) Walkways are to be of concrete, exposed aggregate, or brick.

(n) The plan for landscaping should be influenced by a professional designer and should make use of well-spaced native plantings.

Provided, however, that the Architectural Review Board shall have the right to waive any of these specifications with respect to any numbered lot for good cause.

4. Plans and Colors. House plans that provide for an external appearance in consonance with Williamsburg architecture will be provided by the owner for review by the Architectural Review Board. Houses utilizing the same plan and/or colors cannot be built side by side in Baldwin Place or within 200 feet of one another facing on the same road in Baldwin Place.

5. Conditions. No building, fence, wall, residence or other structure shall be commenced, erected, maintained or improved, altered, removed, made or done without the prior written approval of the Architectural Review Board. No improvements, alterations, repairs, change of paint colors, reversal of paint colors, planting, excavations, changes in grade or other work which in any way alters the exterior of any numbered lot or the improvements located thereon from its natural or improved state existing on the date such numbered lot was first conveyed by Developer to an Owner shall be made or done without the prior written approval of the Architectural Review Board.

6. Procedures.

(a) Any person desiring to make any improvement, alteration or change described in Section 5 above shall submit the plans and specifications therefore, showing the nature, kind, shape, height, materials and location of the same, to the Architectural Review Board which shall evaluate such plans and specifications in light of the purpose of this Article as set forth in Section 2 above. In the event the Board fails to approve modify or disapprove in writing an application within sixty (60) days after plans and specifications have been submitted to it, approval will not be required and this Article will be deemed to have been fully complied with.

(b) As a condition to the granting of approval of any request made under this Article, the Architectural Review Board may require that the Owner requesting such change be liable for any costs of surveying, conveying, constructing, maintaining or repairing the approved project. If such condition is imposed, the Owner shall evidence his consent thereto by a written document in recordable form satisfactory to the Architectural Review Board and recorded at Owner's cost in the Clerk's Office of the Circuit Court of the City of Staunton, Virginia. Thereafter, the Owner, and any subsequent Owner of the lot, by acceptance of a deed therefore, whether or not it shall be so expressed in such deed, is deemed to covenant and agree that any cost of maintenance and repair of such improvement shall be added to the annual assessment or charge set forth in Article VII, and subject to the lien rights described in said Article VII. The standard for maintenance shall be determined by the Homeowners Association.

XI. EXTERIOR MAINTENANCE.

The owner shall be responsible for maintaining the exterior of any structures or improvements on the numbered lot in accordance with the standards prevailing in Baldwin Place. The Homeowners Association shall have the sole discretion to determine whether an owner is maintaining his or her property in accordance with the standards prevailing in Baldwin Place. In the event that the Homeowners Association determines that an owner has not maintained his property in accordance with this standard, then the Homeowners Association shall provide to the owner written notice to

perform such maintenance. In the event that the owner fails to perform such maintenance within thirty (30) days of receipt of said notice, then the Homeowners Association and any other person or entity authorized by the Board of Directors of the Homeowners Association shall have the right to provide such exterior maintenance as it deems necessary and to assess the owner for the costs of such maintenance, such assessment to be deemed to contain the lien rights set forth in Article VII of this Declaration. In order to enable the Homeowners Association to accomplish the foregoing, there is hereby reserved to the Homeowners Association, its agents and employees, and any other person or entity authorized by the Board of Directors of the Homeowners Association the right to unobstructed access over and upon each numbered lot and building at all reasonable times.

The Homeowners Association shall have the absolute discretion in determining the nature of the maintenance and the timing which is required, which determination shall be binding upon all owners.

XII. INSURANCE.

The Homeowners Association shall maintain liability insurance to provide coverage for its officers, directors, agents, and employees. All owners shall maintain property damage, casualty and liability insurance on their numbered lots. In the event of damage by fire or other casualty to any home, then the owner shall promptly proceed to repair or replace the damage. In the event that an owner fails to make such repairs or replacements, then the Homeowners Association shall have the right to determine the work which is necessary to remove or cover over the home or damaged portion thereof and to assess the owner as an additional assessment as provided herein for the costs of such work.

XIII. REPRESENTATIONS.

No person or entity shall be entitled to rely on any earlier version of this Declaration or any oral representations or statements regarding the contents of this Declaration.

XIV. AMENDMENTS.

This Declaration may be amended, with approval by the Planning Commission and City Council of the City of Staunton, Virginia, by a majority vote of the members of the Homeowners Association.

XV. REVOCATION OF PRIOR DECLARATIONS.

This Declaration is effective upon approval by the City Council of the City of Staunton, Virginia. Upon approval and recordation in the Clerk's Office of the Circuit Court of the City of Staunton, Virginia, it supersedes and revokes the Amended and Restated Declaration applicable to Baldwin Place, recorded in Deed Book 280, at page 68, provided, however, that nothing herein shall affect the validity of the plats.

IN WITNESS WHEREOF, the undersigned Baldwin Place Homeowners Association, Inc. has caused this instrument to be executed pursuant to duly authorized corporate authority on this 12th day of December, 1995.

BALDWIN PLACE HOMEOWNERS ASSOCIATION, INC.

Exhibit 3 Tellers' Report

April 15, 2023

RE: Results of the Community Vote regarding the amendment to the BPHA Covenants and By-Laws to allow alternatives to Cedar Shakes.

A community meeting was held at Covenant Church on March 25, 2023 at 4:30. Ballots that were not mailed previously were collected at the meeting. As of March 28, 2023 there were 44 responses/ballots out of 47 received. Three members did not send in a ballot. Of the 44 responses, 4 were for 2 votes each, representing the four members who own an adjacent lot.

The vote tally was:

Proposal #1	To approve Natural Cedar Shakes 39 Yes 9 No 48 Total
Proposal #2	To approve Raised Seam Metal for appendages 42 Yes 6 No 48 Total
Proposal #3	To approve Manufactured Composite Shakes 40 Yes 8 No 48 Total
Proposal #4	To approve Multi-layered Laminated Shingles 33 Yes 15 No 48 Total
Proposal #5	This is not applicable. Since #1 through #4 passed, there are no non-conforming materials 37 Yes 10 No 47 Total (one vote here was ??)
Proposal #6	To approve adding Architectural Standards to the By-Laws 41 Yes 7 No 48 Total
Proposal #7	To approve amending the Covenants to state that Architectural (roofing) Standards will be listed in the By-Laws 42 Yes 6 No 48 Total

Since at least 27 YES votes were required for approval, all seven proposals passed. All ballots along with a statement of these results have been turned over to BPHA President Lou Lobenhofer and the Board of Directors.

Carol Broderick
Bill Anderson

ARTICLE XVIII

ARCHITECTURAL STANDARDS

SECTION 1: Roofing Materials. Roofs in Baldwin Place shall be covered with materials from one of the categories described in this section. The ARB shall keep a list of products that meet the requirements of each of the categories in this section, except for the category of cedar shakes. For each category the ARB shall determine whether a particular product meets the requirements of that category. Once a product is approved, the ARB shall add the product to the list of approved products that the ARB keeps.

(1) **Natural Cedar Shakes:** Premium western cedar shake, split or sawn type.

(2) **Raised Seam Metal:** *This material may only be applied to building appendages (shed roofs, breezeways, connectors) and accent for architectural purposes only.* Raised ('standing')-seam metal panel roof material of copper or coated-steel having panel widths and seam height and thickness for old-style copper roof appearance. Coated-steel panels to have factory applied finish in dark copper-bronze color similar to weathered copper.

(3) **Composite Shake Tile:** Individual manufactured tiles having an appearance of weathered natural cedar shake considering dimension, texture, and color.

(4) **Laminated Shingle:** Multi-layered shingles of fiberglass and asphalt, with bold, shadowed edge tabs for a textured appearance like a weathered shake in dark gray.

(5) **Existing Materials:** On the date the Architectural Standards take effect (the "Effective Date"), any roofing material used on a home in Baldwin Place on the Effective Date that does not conform to the approved roofing materials set forth in the Architectural Standards (the "Nonconforming Roofing Material") shall not be required to be removed or replaced until the earlier of i) the substantial termination of the use of the Nonconforming Roofing Material on the home or ii) the substantial destruction of the home. Homes in Baldwin Place with Nonconforming Roofing Materials may be repaired or replaced with the same Nonconforming Roofing Materials.

Baldwin Place Homeowners Association
304 Carriage Drive
Staunton, VA 24401

Rodney S. Rhodes, Senior Planner
Planning & Zoning Division, Community Development Department
City of Staunton
116 W. Beverly Street
Staunton, VA 24401

May 4, 2023

Dear Mr. Rhodes:

Article XIV of our Declaration requires that a majority of the members of the Homeowners Association approve an amendment to the Declaration.

Article 3 of the Bylaws determine the voting rights of the members. Article 3, Section 1 provides that "all members shall be entitled to one vote per lot." The records of the Association show 52 lots. On March 25 and on April 15, four members owned two lots each, and two members owned one and one-half lots each. Fifty percent of 52 is 26, so a majority of the members would be 27.

In the election to amend the declaration, 47 ballots were distributed to members of the community, with four ballots marked for 2 votes and two ballots marked for 1 ½ votes as appropriate. If all members voted their full votes and all ballots had been returned, there would have been 52 votes. Three ballots, each for one vote, were not returned, and the voters who were entitled to 1 ½ votes decided only to cast 1 vote each, so only 48 votes were cast. On one issue, one voter abstained, so only 47 votes were cast. On the issue before the Planning Commission, Proposal #7 on the Ballot, 42 votes were cast in favor and only six against. (See Teller's Report.)

While issues one through six on our ballot are not strictly before the Planning Commission, it is noteworthy that all of the other issues on the ballot passed by solid majorities. The least popular issue received 33 Yes votes, 63% of the possible votes, and 68% of the votes cast.

I hope this answers your questions. If you need further information, please contact me.

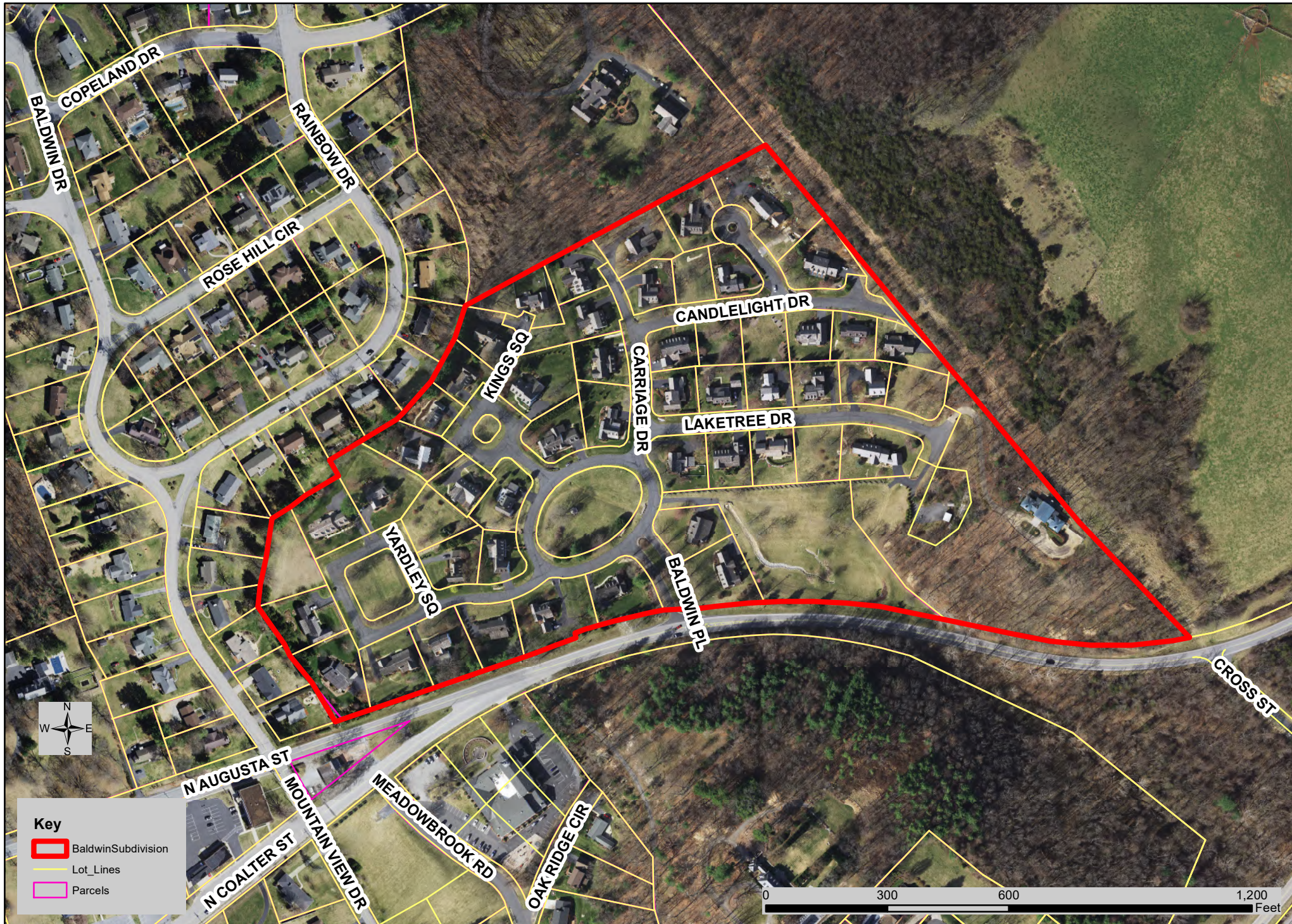
Sincerely,



Louis F. Lobenhofer
President, Baldwin Place Homeowners Association

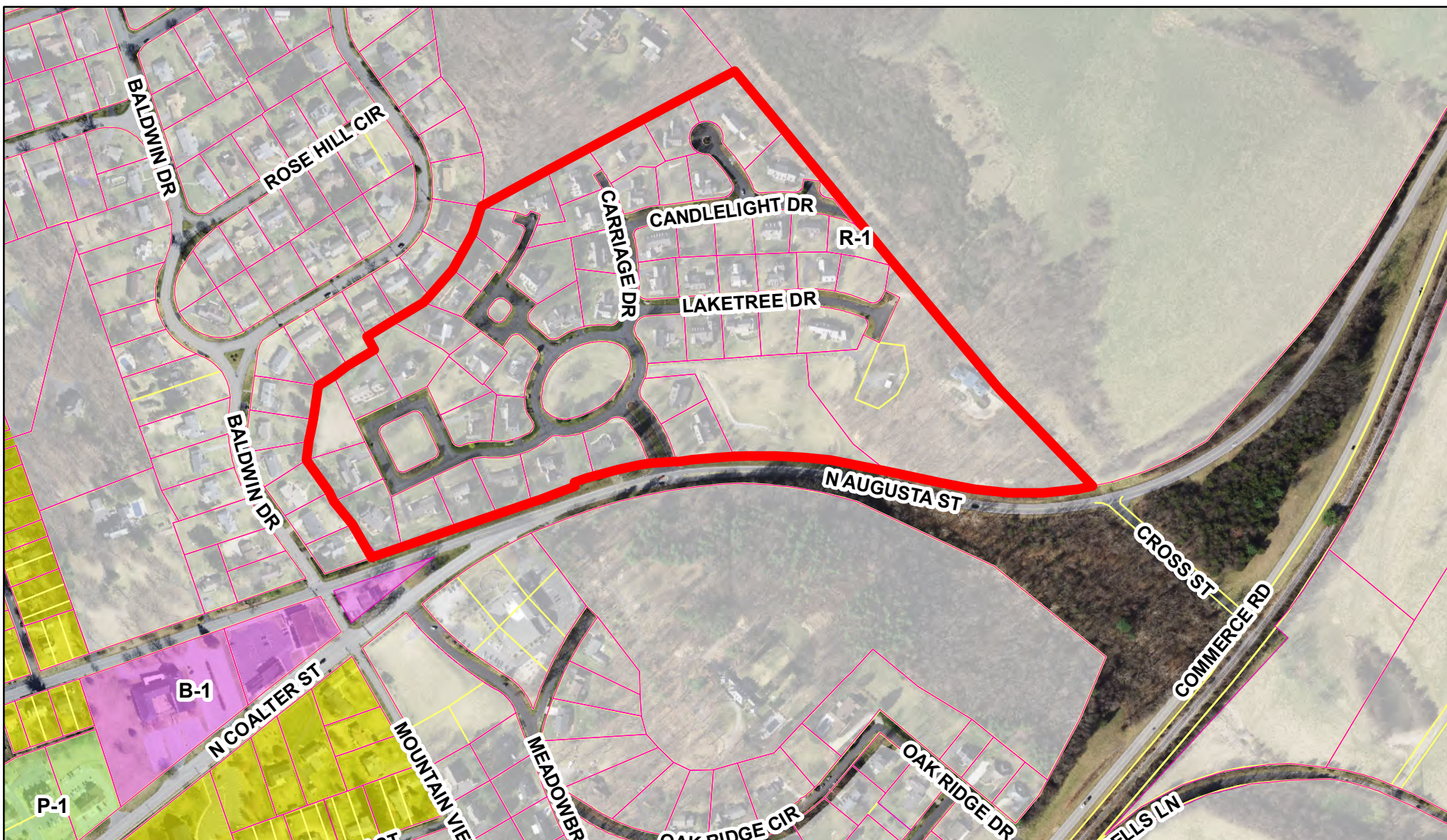
Vicinity Map of Baldwin Place

Attachment 3



Current Zoning of Baldwin Place

Attachment 4



Zoning

B-1	B-3
B-1(conditional)	B-5
B-2	HE-1
B-2(conditional)	I-1

B-3	B-5
B-5	HE-1
HE-1	I-1
I-1	

I-1(conditional)	I-2
I-2(conditional)	I-3(conditional)
I-3(conditional)	P-1
P-1	

P-1(conditional)	R-1
R-1	R-2
R-2	R-2(conditional)
R-2(conditional)	R-3

R-3(conditional)	R-4
R-4	R-4(conditional)
R-4(conditional)	

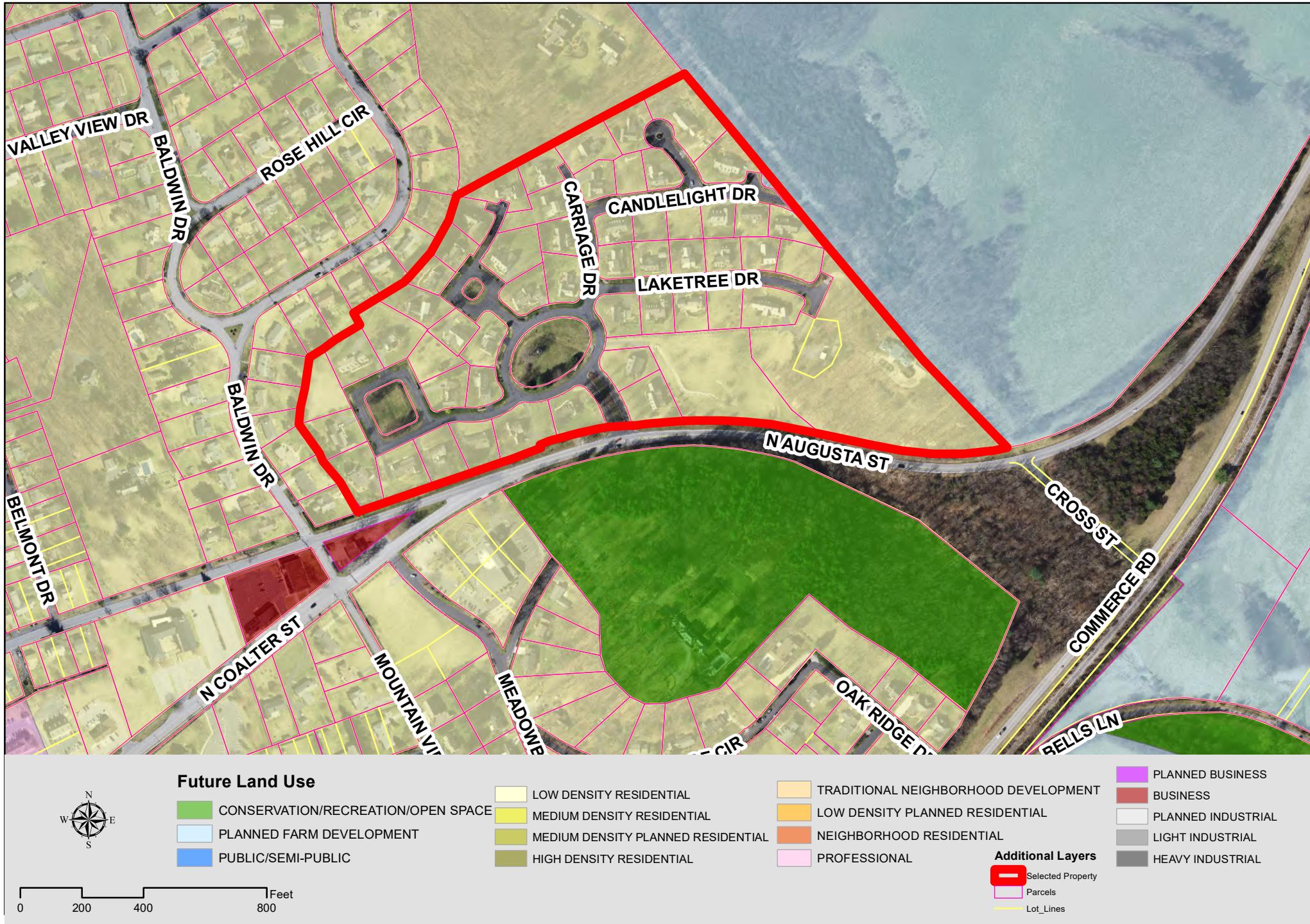
Additional Layers

Selected Property
Parcels
Lot_Lines



0 200 400 800 Feet

Future Land Use Map - Baldwin Place Attachment 5



**RESOLUTION
OF THE
COUNCIL OF THE CITY OF STAUNTON, VIRGINIA
GRANTING A SPECIAL USE PERMIT FOR BALDWIN PLACE PLANNED
RESIDENTIAL DEVELOPMENT**

A. Baldwin Place Home Owners Association (Applicant), representing the property owners of the Planned Residential Development known as Baldwin Place (Owner), is requesting a Special Use Permit to amend the restrictive covenants for the Baldwin Place (Property);

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Introduced:
Adopted:
Effective:

Stephen W. Claffey, Mayor

Attest: _____
Kiley A. Kesecker, Clerk of Council

DRAFT

BALDWIN PLACE HOMEOWNERS' ASSOCIATION PROPOSAL OPPOSITION STATEMENT

TO: CITY OF STAUNTON PLANNING COMMISSION

FROM: HELEN WILLARD, RESIDENT – BALDWIN PLACE

DATE: APRIL 27, 2023

I rise to speak in opposition to the proposal submitted by the Baldwin Place HOA.

Background Information

The Covenants state “In order to maintain the integrity of Baldwin Place as a Williamsburg style community, the following criteria shall be used in establishing the location, design, and landscaping for each new home. (f) All roofs shall be of cedar shakes” (Article X Architectural Control, Section 3 Specifications, Item (f). Second Amended and Restated Declaration of Covenants, Conditions, and Restrictions of Baldwin Place, 12 December, 1995). The developer knew that cedar shake roofs were a critical part of his vision for a Williamsburg style community so he **placed this requirement in the Covenants to require 100% compliance**. This meant that only cedar shakes could be used for roofing material – no exceptions.

In 2022 the Board of Directors (BODs) presented information to the residents that recommended amending the Covenants and the By-Laws by removing the cedar shake roofing requirement from the Covenants. One of the rationales given by the BODs was that by having the roof requirement in the By-Laws, the City of Staunton would no longer be involved in the development's business. The leadership also indicated that a cedar shake roof was expensive and that homeowners should have another option. It should be noted that when someone purchases a home in this community, they are well aware that a cedar shake roof is a requirement.

Many residents opposed this plan and argued that the Covenants offered a safer place for the roof requirement in that any decision-making, in terms of choosing a roofing alternative, was eliminated. The developer knew that the cedar shake roofs were one of the most important aspects of his vision for a Williamsburg style community – thus the requirement was placed in the Covenants where individuals could not use another material without changing the Covenants and securing the approval of the City Planning Commission and the City Council, the government agencies tasked with oversight since the Homeowners' Association is a corporation.

Voting Rights and Rights to Notice

Residents received materials prior to the scheduled February 11, 2023 special homeowners' meeting. A ballot and a letter with instructions requested residents to vote by mail or at the meeting on the following: (1) to remove the cedar shake requirement from the Covenants; and (2) to vote on multiple alternative roofing materials. The ballot did **not** have the choice of adding the alternative to the Covenants, even though residents requested this numerous times.

At the February 11, 2023 meeting a Point of Order was presented that terminated the meeting and delayed the vote. The points emphasized were the timing of the meeting notice and that members must be present or represented by proxy to vote.

"Except as otherwise provided herein or in the Articles, written notice of any meeting called for the purpose of taking any action authorized under these By-Laws shall be sent by first class mail to all members not less than ten (10) days nor more than sixty (60) days in advance of a meeting, **except that notice of a members' meeting to act on an amendment of the Articles**, a plan of merger, a proposed sale of asserts other than sales not in the ordinary course of business or the dissolution of the corporation **shall be given no less than twenty-five (25) days nor more than sixty (60) days prior to the meeting**. By way of information, sales of individuals in Baldwin Place shall be considered sales in the ordinary course of business. The **presence** of members or **proxies** entitled to cast one-tenth (1/10) of all votes shall constitute a quorum" (Article 3 Voting Rights and Rights to Notice. Section 2. Amended By-Laws of Baldwin Place Homeowners Association, Inc. 24 August 1997).

The By-Laws of this Association do **NOT** allow mail in ballots for any issue except the election of the BODs (Article 3 Voting Rights and Rights to Notice. Section 3. Amended By-Laws of Baldwin Place Homeowners Association, Inc., 24 August 1997) and **DO** require the presence or proxy of voting members (Article 3 Voting Rights and Rights to Notice. Section 2. Amended By-Laws of Baldwin Place Homeowners Association, Inc. 24 August 1997).

The By-Laws of this Association also require that amendments to the By-Laws be in **proper form**. "Amendments to, or repeal of, any of the By-Laws may be proposed by any member. Such will be placed in **proper form** and context by the By-Laws Committee, and will be presented for consideration at the next meeting of the Association. Any amendment must be approved by a majority of all members" (Article 11 Amendments. Section 1. Amended By-Laws of Baldwin Place Homeowners Association, Inc. 24 August, 1997). The proposed amendments to the Covenants and the By-Laws were **NOT** placed before the residents in the proper form; therefore, there could be no amendments to the proposal at the scheduled meeting. The fact that the proposal was in ballot form meant that this was a done deal!

On February 17, 2023 the Bylaws Committee invited residents to attend a meeting to express any concerns. The following items summarize the primary concerns: (1) the proposed amendments to the Covenants and the By-Laws weren't presented in the proper form which eliminated residents from making any changes through amendments from the floor; (2) the By-Laws do not allow mail in ballots except for the election of the BODs; (3) the residents should have the option of voting to place an alternative roofing material in the Covenants; and (4) asphalt shingles should not be an option in that they do not mimic cedar shakes and over time the asphalt will bleed, which is extremely unsightly.

All of these concerns were ignored by the association's leadership. On March 14, 2023 the president of the Association sent an email with information provided by a lawyer to justify having another vote that same month.

"Notice for meetings is governed by Article 3, section 2 of the Bylaws. In general, ten days notice is sufficient, but twenty-five days notice is required for "an Amendment of the Articles." In making my ruling, I believed that amending the Covenants was an amendment of the Articles. However, the Covenants are defined in our Bylaws, in Article I, Section 5, as the Declaration. The "Articles," as defined in Article 1, Section 1, are the Articles of Incorporation. The Articles of Incorporation, our lawyer informs me, are a three page document separate from the Covenants. So, according to our attorney, since we are amending the Declaration, not the Articles, we need only give ten days notice for our March 25 meeting."

Based on the attorney's interpretation another ballot was mailed for a March 25, 2023 meeting with residents having the option to mail in a completed ballot. Once again, the leadership of this Association violated the By-Laws by (1) sending out a ballot; (2) sending out a proposal that was not in proper form; and (3) allowing residents to send in completed ballots via mail.

When an amendment proposal is presented at a meeting and in proper form, as soon as the proposal is ready for a vote, the chair appoints a teller's committee to collect, count and announce the vote after which the chair announces that the vote is accepted. After the announcement of the vote the chair has in his hands an official report of the voting with the signatures of the tellers. This confirms and accepts the report that is then filed with the minutes. **NONE OF THIS HAPPENED.** On March 29, 2023 the president of the Association sent out an email that stated all items passed and only provided the positive votes. A copy of this email is attached. A request was made for a copy of the teller's report. One of the tellers' indicated that there wasn't an official signed report but that she had no problem in providing one. A week later, the association president sent out a copy of the report (attached). What has just been described is rudimentary procedure for any meeting; however, the BODs did none of this which denied the residents due process to amend all or some of the proposal and allowed all votes to be counted off the premises by two tellers without supervision.

Final Thoughts

The leadership disenfranchised those who opposed the removal of the cedar shake requirement from the Covenants by infringing on their due process rights as outlined by the By-Laws. The following mandates of the By-Laws were violated to secure the desired outcome:

- (1) The proposed amendments were not presented in the proper form; which violated the rights of residents to offer amendments to the proposal.
- (2) The By-Laws do not allow mail in ballots for anything except for the BODs.
- (3) The By-Laws require voting to be in person or by proxy except for the BODs.

Most of the residents agree that an alternate roofing option is needed; however, the option must be something that mimics cedar shakes and *the option needs to be added to the Covenants* where compliance is mandatory.

Removing the roofing requirements from the Covenants removes the checks and balances that the City Planning Commission and the City Council provide to ensure the preservation of the historic aspects of Baldwin Place. Putting roofing options in the By-Laws gives the Architectural Review Board (ARB) the power to select or reject options that will eliminate the checks and balances provided by the Covenants, City Planning Commission and the City Council. The BODs indicated that the ARB could also approve *additional* roofing alternatives which would be added to the list of options. The introduction of multiple types of roofs will destroy the primary Williamsburg feature, cedar shake roofs, and will begin to contribute to the decline in the aesthetic uniqueness of the development and the market value of the homes.

The Commission is urged to reject the proposal and require the leadership to pursue this proposal by adhering to the By-Laws.

Attachments:

- (1) Second Amended and Restated Declaration of Covenants, Conditions, and Restrictions of Baldwin Place, 12 December, 1995 (Judith Wiegand only))
- (2) Amended By-Laws of Baldwin Place Homeowners Association, Inc. 24 August, 1997 (Judith Wiegand only)
- (3) Baldwin Place Homeowners Association 2023 Amendment of Covenants and By-Laws by Mail, March, 2023
- (4) Voting Results email sent by Louis Lobenhofer, 29 March 2023
- (5) Abbreviated Opposition Statement presented ____ May, 2023

The News Leader

Attachment 8

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

Customer: STAUNTON CITY OF
Address: 116 W BEVERLEY ST
STAUNTON VA 24401
USA

Ad No.: 0005728426
Pymt Method Invoice
Net Amount \$1,043.44

Run Times: 2

No. of Affidavits: 1

Run Dates: 06/08/23, 06/15/23

Text of Ad:

NOTICE OF PUBLIC HEARINGS

Staunton City Council will conduct the following Public Hearings at **7:00 p.m. on Thursday, June 22, 2023**. The hearings will be held in Rita S. Wilson Council Chambers located on the first floor of City Hall, 116 W Beverley Street.

• *Public Hearing and Consideration of a Request by the City of Staunton to Vacate, Discontinue and Abandon that Portion of a Developed Public Right-of-Way Identified as .009 Acres, Northeast of Parcel ID 12155, Owned by Building 26 LLC, Lying in an Area on Village Drive in the City of Staunton, Virginia, Which is a Portion of the Variable Width Right-of-Way as Previously Dedicated to the City of Staunton, as Shown on Instrument 070003845, Recorded in the Clerk's Office of the Circuit Court of the City of Staunton.*

• *Public Hearing and Consideration of a Request by Baldwin Place Home Owners Association, Inc, for a Special Use Permit Under the Provisions of SCC 18.20.030(8) to Make Changes to the Covenants of the Planned Residential Development to Allow More Options for Roofing Materials. The Property is Zoned R-1, Low Density Residential District and is an Existing Planned Residential Development Allowed by Special Use Permit.*

• *Public Hearing and Consideration of a Request by Staunton PV-UT LLC, and Staunton PV-CS LLC, on behalf of Oikos Solar Systems Inc, and Flying Rock Property LLC, for a Special Use Permit Under the Provisions of SCC 18.75.040(1), Uses Permitted on Review, of the I-1, Light Industrial District, of Title 18 Zoning, of the Staunton City Code. The Purpose of the Special Use Permit is to Allow a Solar Energy Facility at 801 Commerce Road. The Property is Identified on the City's Real Estate Records as Parcel Identification Number 10413 and is Zoned I-1, Light Industrial District.*

• *Public Hearing and Consideration of 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 City of Staunton Planning Commission conducted public hearings for the street vacation and the special Use Permit at its May 18, 2023 meeting and has recommended approval of the both requests.

The City of Staunton Planning Commission conducted a public hearing

for the Haile Street vacation at its September 15, 2022 meeting and has recommended approval of the request.

If interested, you are invited to attend the meeting and share your views with Council. Additional information on these items can be obtained by contacting the Community Development Department, Planning and Zoning Division (540) 332-3862. The City Code may be accessed online at: <http://www.codepublishing.com/VA/Staunton/>.

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: www.ci.staunton.va.us/council. Participants are reminded that the Public Hearing and Matters from the Public portions of the meeting are a time for Council to simply listen to your comments. 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).

Deaf and hard of hearing 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.

Tim Hartless
City Planner

0005728426-01

CITY COUNCIL



AGENDA BRIEFING

Staunton, Virginia

Meeting Date:	June 22, 2023	Staff Member: Rodney Rhodes
Item #	E	
Department:	Community Development— Planning and Zoning	
Alignment with Staunton Plan (Value/Strategic Area):	Value: Environmentally Conscious Strategic Areas: Infrastructure	
Subject:	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:

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. At City Council's May 25, 2023 meeting, Council approved the removal of the property (801 Commerce Road) from the Bell's Lane Agricultural-Forestal District. At the same meeting, City Council conducted a public hearing on the Special Use Permit (SUP) application to develop the property with a solar energy facility. During the public hearing, twelve people spoke in opposition to the application and nine spoke in support of the proposal. At the conclusion of the public hearing, City Council unanimously voted to table (postpone) the matter and the subsequent item on the agenda (Solar Siting Agreement) until the June 22, 2023 meeting. Council noted that this would "allow members of the community additional time to educate themselves on the proposal and get their questions answered." Mayor Claffey noted that there was a wealth of information in the agenda packet and recommended that the residents review the material. (The May 25, 2023

briefing and agenda packet materials on the SUP application are included as Attachment - 2.)

In the days following the public hearing, Councilmembers suggested that staff:

- Provide Councilmembers an opportunity to visit the site,
- Provide Councilmembers an opportunity to visit a similar solar energy facility site, and
- Consider having a “solar expert” such as Dr. Lee Daniels, of VT, attend the June 22, 2023 meeting.

City staff extended an offer to tour the site with Councilmembers.

Staff also encouraged Councilmembers to visit a solar energy facility in Mount Jackson, at their convenience. The Mount Jackson solar energy facility has several similarities with the proposed facility on Commerce Road. The facility has a 22 MW capacity, was developed with similar fixed panels, and is also on rolling terrain.

City Environmental Staff reviewed reports prepared by Dr. Lee Daniels. His study and concerns pertain mainly to the use of farm land after decommissioning of a solar site. Soil compaction is an important aspect to consider in proper stormwater management and his recommendations are relevant to any land disturbance and stormwater management associated with the land disturbance and construction of a solar energy facility. These measures will be considered during the site plan review process; however, the property under consideration for the SUP is zoned I-1, Light Industrial District, and as such, compaction issues after decommissioning are not as relevant for this situation. The property will not be used for agricultural purposes unless the property owner applies for, and receives approval from City Council, to return the property back into the Agricultural-Forestal overlay district.

Timeline for Solar Energy Facility Request

One of the concerns raised by the public at Council’s May 25 meeting was there appeared to be “a rush to review and approve” the solar energy facility. Attachment 1 includes a timeline of significant events in the review of the project. The applicant’s initial discussion with staff on the proposal was in the fall of 2021. In the subsequent 20 months, there have been over a dozen meetings and 100s of hours devoted by staff, committee members, Planning Commissioners and City Councilmembers on the matter. Those members of City Council that were serving in 2022 became aware of the proposal by June of 2022. The applicant has conducted two public meetings about the proposal and the Planning Commission and City Council have conducted public hearings on the matter with an additional public hearing scheduled for the Council’s June 22, 2023 meeting. Staff would note that the standard review time for a Special Use Permit is three months.

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.

Staff did not receive any additional questions from the public on the SUP application over the past three weeks.

Recommendations:

Based on the findings contained in the May 25, 2023 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 anticleimbing 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 public hearing on 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 Special Use Permit with the twenty conditions noted above.

Attachments:

Attachment 1—Timeline for Solar Energy Facility Request

Attachment 2—May 25, 2023 Briefing on the Solar Energy Facility request and all attachments related to the Special Use Permit Application

Attachment 3—Notice of Public Hearing

Suggested Motion for Special Use Permit Request (to be made after the combined public hearing on the SUP application and the Solar Siting Agreement is conducted): I move that Council adopt the proposed resolution, and approve the Special Use Permit with the conditions, as recommended by the Planning Commission as presented.

City Manager: Leslie Beauregard

Timeline for Solar Energy Facility Request

October/November 2021 – Daniel Chung (current Applicant for the SUP) contacts City staff to discuss the possibility and process to develop the property (now addressed as 801 Commerce Road) with a solar energy facility.

March 2022 – Applicant's attorney contacts City staff about initiating the Zoning Text Amendment process.

March 17, 2022 – Planning Commission, on a 5-0 vote, authorizes staff to work with the Applicant on a Zoning Text Amendment to permit solar energy facilities by Special Use Permit.

May 5, 2022 – City receives application for Zoning Text Amendments to define a solar energy facility and to permit them in industrial districts with a Special Use Permit. The application includes specific reference to the proposed location for the facility.

June 16, 2022 – Planning Commission meeting and public hearing on the Zoning Text Amendments to allow solar energy facilities in I-1, Light Industrial and I-2, Heavy Industrial districts with a Special Use Permit. On a 4-0 vote, the Commission unanimously votes to recommend approval of the zoning text amendments.

July 28, 2022 – City Council consideration and public hearing on the Zoning Text Amendments to allow solar facilities in I-1 and I-2 Districts with a Special Use Permit. The applicant discusses the property upon which they will make application for a Special Use Permit for a solar energy facility. On a 7-0 vote, Council unanimously votes to approve the zoning text amendments.

November 16, 2022 – Applicant attends a Development Review Team meeting to discuss the Special Use Permit application and the site plan process. (The Development Review Team is a group of City employees involved in the development process that regularly meets with individuals to discuss potential development proposals within the City of Staunton.)

November 28, 2022 – City receives formal request to withdraw the property from the Bells Lane Agricultural-Forestal District.

December 14, 2022 – Applicant and his attorney meet with City staff to discuss Special Use Permit process and timing. Applicant concurs with staff's recommendation to delay the public hearings until after the adoption of the City Budget by Council.

January 13, 2023 – City receives Special Use Permit application for a solar energy facility at 801 Commerce Road.

February 6, 2023 – Application is considered at the first Agricultural-Forestal Advisory Committee meeting.

February 10, 2023 – Agricultural Forestal Advisory Committee fieldtrip to the site. Staff (Rodney Rhodes, Tim Hartless, and Charley Haney) attended but no committee members were able to attend. Members visited the site on their own at other times.

February 22, 2023 – Oikos holds first public information meeting in City Hall. Oikos sent notice of the meeting to Planning staff, Planning Commissioners, City Council, and all property owners within ¼ mile of the property.

February 24, 2023 – Second Agricultural-Forestal Advisory Committee meeting on the application. On a 3-2 vote, the committee recommended to the Planning Commission that the property be removed from the Bells Lane Agricultural-Forestal District.

March 14, 2023 – Planning Commission conducts a field trip to 801 Commerce Road and views surrounding properties from the highest point of the site.

April 5, 2023 – Oikos holds second public information meeting in City Hall. Oikos sent notice of the meeting to Planning staff, Planning Commissioners, City Council, and all property owners within ¼ mile of the property.

April 18, 2023 – During Planning Commission's monthly site visits, Commissioners view the site from Commerce Road, New Hope Road, and various elevated areas in the vicinity.

April 20, 2023 – Planning Commission conducts public hearings on Bells Lane Agricultural-Forestal withdrawal and Special Use Permit for 801 Commerce Road. On 4-1 votes, the Commission voted to recommend withdrawal of the property from the Agricultural-Forestal District and approval of the Special Use Permit.

May 25, 2023 – City Council meeting to consider the Bells Lane Agricultural-Forestal withdrawal and public hearing on the Special Use Permit. Council votes 5-1 to remove the property from the Agricultural-Forestal District and 7-0 to table consideration of the Special Use Permit until the June 22, 2023 Council meeting.

June 22, 2023 – Second City Council meeting and public hearing to consider the Special Use Permit.

Attachment 2

**Packet from the May 25, 2023
City Council Meeting**

**Not Including
Attachments 2 and 3 and Exhibit 2**

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:

Open Space/Environment

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.

Public Services 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.

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.

Shared Solar Subscription

"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-Forestral 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 – **Not Included for June 22 Meeting**

Attachment 3—Report of the Agricultural and Forestal Advisory Committee – **Not Included for June 22 Meeting**

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 – **Not Included for June 22 Meeting**

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



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 ☒ NO ☐ SITE PLAN PROVIDED: YES ☒ NO ☐

FEE PAID: YES ☒ 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: _____

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 storage¹; and
2. A 5 MW community solar facility²

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

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](https://www.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

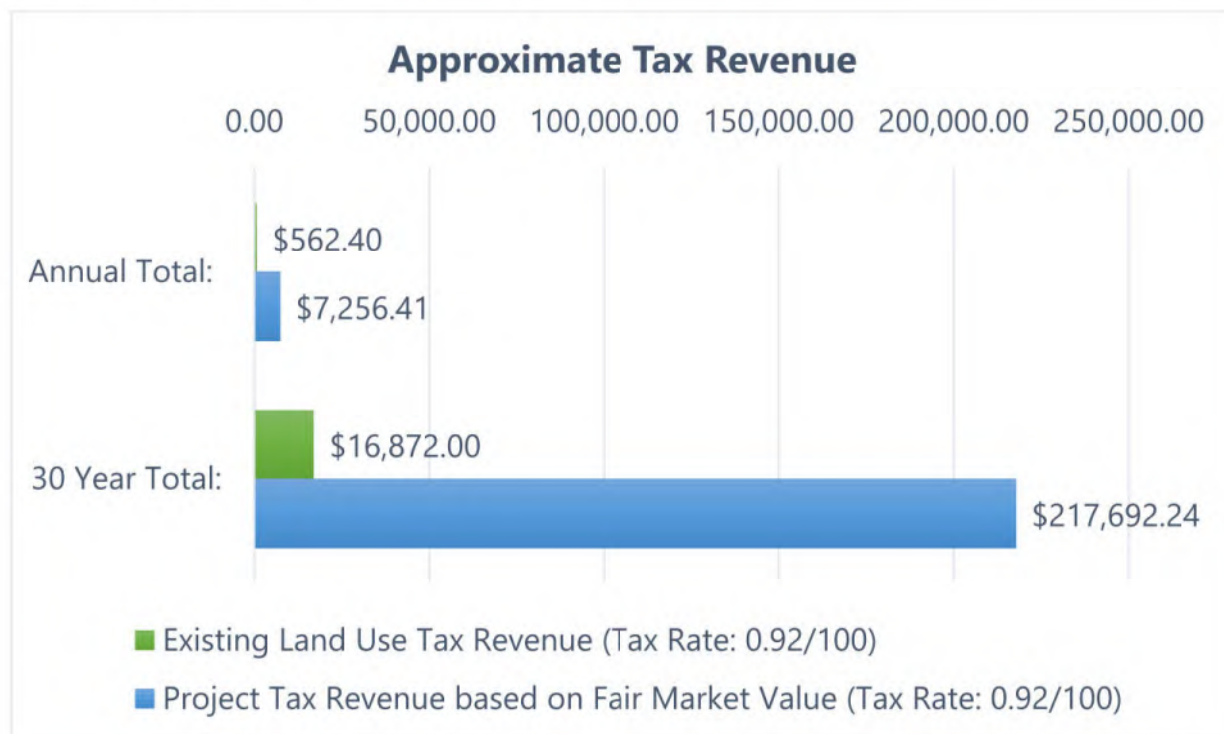
The City will benefit directly from the Project in the form of increased tax revenue, both from real property tax and from personal property taxation. In addition to direct revenue from taxes, there are other economic benefits to consider. The largest of these is jobs directly attributable through the 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.

POTENTIAL IMPACTS OF THE PROPOSED PROJECT

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 away 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 E. 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)

OIKOS SOLAR SYSTEM, INC.
9415 GLAZEBROOK AVENUE
RICHMOND, VA 23228

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	
DATE/REV	DESCRIPTION
2017/02/01	Removal of Safety Storage
2017/02/01	Method: Indentation; data added w/ PCR facilities removed

COVER SHEET

100

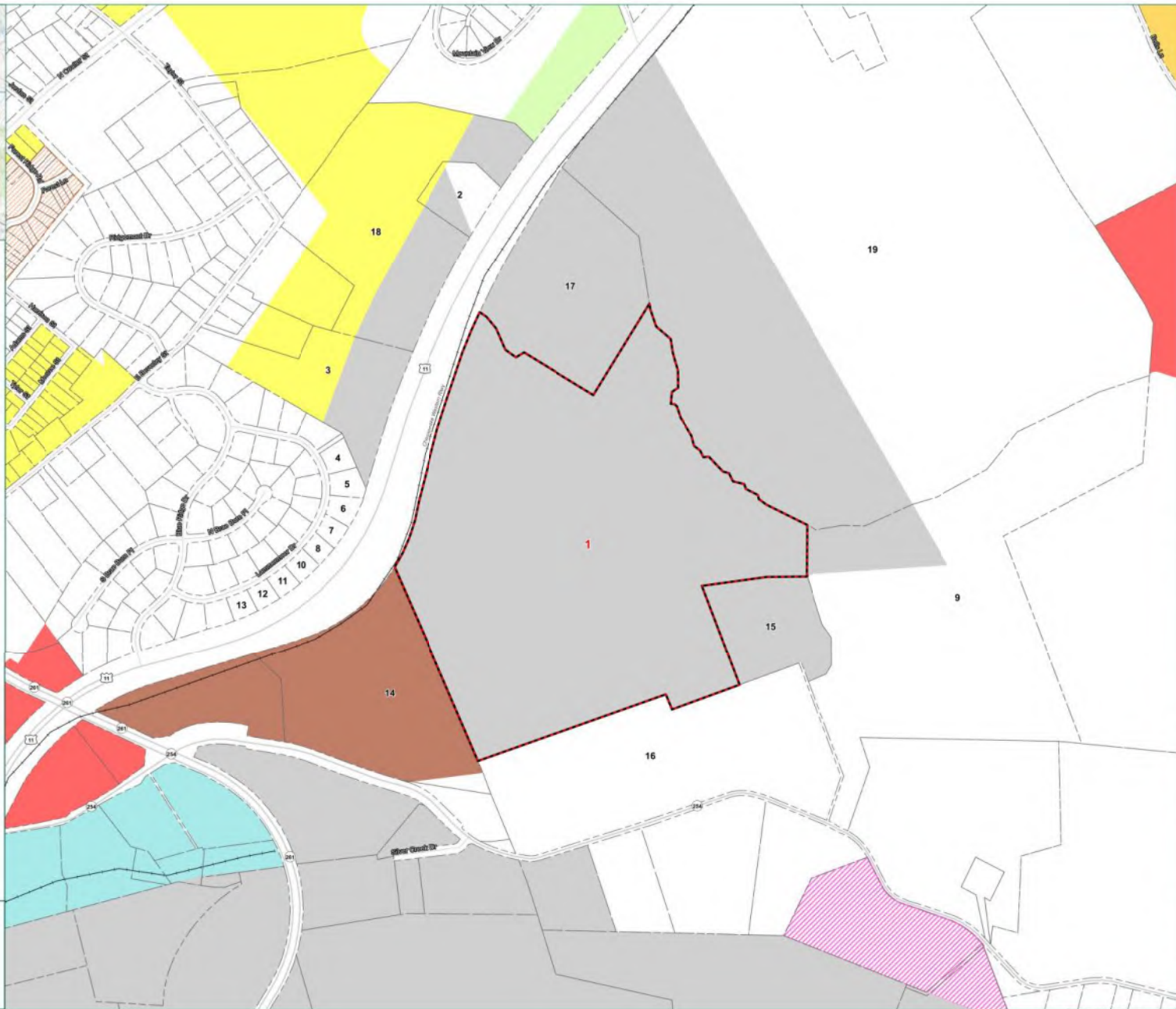
SCALE	SHEET NUMBER
	C1.0

MAY 16, 2023



Staunton Solar Project Parcels	
Map Identifier	Parcel Identifier
1	10413
Staunton Solar Adjacent Parcels	
Map Identifier	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.





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RICHMOND, VA 23220
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OKIOS SOLAR SYSTEM, INC.

8416 GLAZEBOROUGH AVENUE
RICHMOND, VA 23228

STAUTON SOLAR PROJECT

STAUNTON, VIRGINIA

PROJECT NAME & LOCATION

DATE: 01/06/2023

PROJECT NUMBER: 40054.004

PROJECT NAME: STAUTON SOLAR PROJECT

CLIENT: W. HART

DRAWN:

REVISIONS

NO.	DESCRIPTION	DATE

PROJECT DESCRIPTION:

PARCEL & ZONING MAP



SCALE (FEET)

0 300 600

H 1" = 330' C2.0





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10000 Westpark Drive, Suite 200
Richmond, VA 23230
Tel: 804.771.1000
www.timmons.com

OKIOS SOLAR SYSTEM, INC.
8425 CLAZBROOK AVENUE
RICHMOND, VA 23228

STAUNTON SOLAR PROJECT

STAUNTON, VIRGINIA

DATE

05/16/2023

PROJECT NUMBER

69534.004

PROJECT NAME

STAUNTON SOLAR PROJECT

DESIGNED BY

JOHN P. L. WHEELER

NOTES

REVISIONS

NO.	REVISION	DATE

PROJECT DESCRIPTION

CONCEPT PLAN



SCALE (FEET)

0
150
3

H 1" = 150'
3.0



- 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 DURING THE 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 PINNALS. SOIL STOCKPILES WILL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH SWCS-846-40.
4. PERMANENT OR TEMPORARY SOIL STABILIZATION 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 STABILIZED OR PROTECTED WITH SEDIMENT TRAPPING MEASURES. THE APPLICANT IS RESPONSIBLE FOR THE TEMPORARY PROTECTION AND PERMANENT STABILIZATION OF ALL SOIL STOCKPILES ON SITE AS WELL AS BORROW AREAS AND SOIL INTENTIONALLY TRANSPORTED FROM THE PROJECT SITE.



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1001 RICHMOND PARKWAY, SUITE 300
RICHMOND, VA 23220
703.355.0000
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OKOS SOLAR SYSTEM, LLC
8400 GLASSBORO AVENUE
RICHMOND, VA 23228

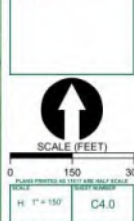
STAUNTON SOLAR PROJECT
STAUNTON, VIRGINIA

DATE 05/16/2023
PROJECT NUMBER #0034-004
PROJECT NAME STAUNTON SOLAR PROJECT
DESIGNED BY L. WHEELER

REVISIONS
1. Initial Design
2. Final Design
3. Final Design
4. Final Design
5. Final Design
6. Final Design
7. Final Design
8. Final Design
9. Final Design
10. Final Design

REVISIONS
1. Initial Design
2. Final Design
3. Final Design
4. Final Design
5. Final Design
6. Final Design
7. Final Design
8. Final Design
9. Final Design
10. Final Design

PROJECT INFORMATION
AERIAL TOPOGRAPHY MAP

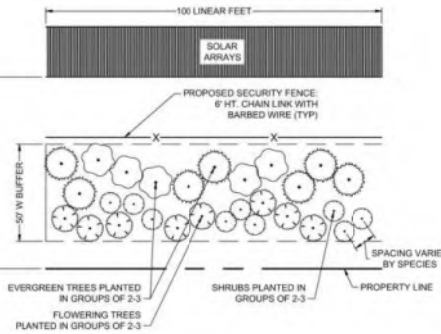


Y:\8524\0034-004-Staunton_Solar\GIS\Staunton_Solar\Staunton_Solar.aprx

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 DISTRICTS 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
ILEX OPACA / AMERICAN HOLLY
CHIONANTHUS VIRGINIANUS / FRINGE TREE
AMELANCHIER CANADENSIS / SERVICEBERRY

GROUND COVER 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, FORBS, 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 GROUND COVER 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 MGRATORY 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 43"-47" AND HIGH MOWING (MINIMUM PLANT HEIGHT 46"-48")
 - 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

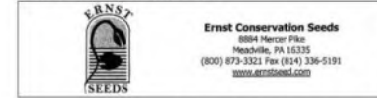
- WINTER
 - REVIEW AND REVISE MANAGEMENT PLANS FOR THE UPCOMING YEAR BASED ON OBSERVATIONS FROM THE PRIOR YEAR.
 - PRUNE AS NECESSARY AND SEASONALLY APPROPRIATE.
 - DURING THE ESTABLISHMENT PERIOD, YEARS 1, 2, AND 3: DURING LATE WINTER OR EARLY SPRING, MOW SEEDING AREAS WHEN VEGETATION GROWS TO 18 INCHES 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 SEEDING 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 SEEDING AREAS WHEN VEGETATION GROWS TO 18 INCHES BENEATH THE PANELS OR 2 TO 2.5 FEET ELSEWHERE. MOW TO A HEIGHT OF 12 INCHES. THE SECOND OR LAST MOWING SHOULD BE IN OCTOBER.
 - REMOVE AND DISPOSE OF DISEASED AND DAMAGED PLANT MATERIAL, PARTICULARLY THAT WHICH CONTAINS OR COULD CONTAIN PESTS.
 - LEAVE GROUND COVER 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 GROUND COVER SEED MIXES

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



Botanical Name	Common Name
45.00 % <i>Festuca rubra</i>	Crested Red Fescue
15.00 % <i>Festuca ovina</i> var. <i>durandiana</i> , 'Jelly'	Hard Fescue, 'Jelly'
15.00 % <i>Festuca ovina</i> var. <i>durandiana</i> , 'Gladstone'	Hard Fescue, 'Gladstone'
10.00 % <i>Festuca rubra</i> var. <i>commutata</i>	Crested Red Fescue
5.00 % <i>Poa pratensis</i> , 'Jelly'	Kentucky Bluegrass, 'Jelly'
5.00 % <i>Poa pratensis</i> , 'Haven'	Kentucky Bluegrass, 'Haven'
4.00 % <i>Trifolium repens</i> , 'Jelly'	White Clover, 'Jelly'

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) 336-5191, (800) 873-3321, Fax: (814) 336-5191
www.ernstseeds.com, info@ernstseeds.com

BILL TO:
Timmons Group
1001 Boulder's Parkway
Suite 300
Richmond, VA 23225
Phone: 804-200-6500
Fax: 804-560-1048
Email: tom.lugan@timmons.com

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

QUOTE
Quote Number: 0247897
Quote Date: 7/26/2021
Page Number: 1 of 1

Customer POC	Customer ID	Shipping Method	LPS Shipped #	Terms	Subcontractor ID	
EM 079321 KS	TKM0402	LPS GROUND		Credit Card		
Sub Qty	PLS Qty	UOM	Item Number	Description	Unit Price	Est. Price
0.000	0.000	BAG	NATIVE SEED MIX		\$0.0000	\$0.00
2.343	2.178	LB/PL	PN04010	Roundleaf Podagraceae	\$10.0000	\$69.70
1.491	1.217	LB/PL	PN04010	Roundleaf Podagraceae	\$10.0000	\$12.17
1.275	4.358	LB/PL	PN04010	Roundleaf Podagraceae	\$10.0000	\$55.70
0.000	0.000	EA	TOTAL	NAT MIXES	\$0.0000	\$0.00

\$21.38 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.ernstseeds.com for current pricing when placing orders.

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

Botanical Name	Common Name
30.00 % <i>Panicum virgatum</i> , 'AZ Ecotype'	Switchgrass, 'AZ Ecotype'
20.00 % <i>Elymus virginicus</i> , 'PA Ecotype'	Virginia Wildrye, 'PA Ecotype'
17.00 % <i>Panicum canadense</i> , 'Toga'	Dawngrass, 'Toga'
15.00 % <i>Panicum repens</i> , 'PA Ecotype'	Redtop Panicgrass, 'PA Ecotype'
5.00 % <i>Cenchrus ciliaris</i> , 'PA Ecotype'	Flax Seedgrass, 'PA Ecotype'
5.00 % <i>Chenopodium serotinum</i> , 'WV Ecotype'	River Oats, 'WV Ecotype'
2.00 % <i>Agrostis perennans</i> , 'Albany Pine Bush-NY Ecotype'	Albany Sandgrass, 'Albany Pine Bush-NY Ecotype'
2.00 % <i>Juniperus effusa</i>	Soft Rush
2.00 % <i>Juniperus horizontalis</i> , 'NC Ecotype'	Red Rush, 'NC Ecotype'
0.40 % <i>Habenaria autumnalis</i> , 'Northern VA Ecotype'	Common Sneezeweed, 'Northern VA Ecotype'
0.40 % <i>Habenaria autumnalis</i> , 'VA Ecotype'	Purplehead Sneezeweed, 'VA Ecotype'
0.40 % <i>Habenaria autumnalis</i> , 'PA Ecotype'	New York Ironweed, 'PA Ecotype'
0.30 % <i>Scirpus cespitosus</i> , 'PA Ecotype'	Wetland, 'PA Ecotype'

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

Botanical Name	Common Name
20.00 % <i>Panicum virgatum</i> , 'AZ Ecotype'	Switchgrass, 'AZ Ecotype'
20.00 % <i>Elymus virginicus</i> , 'PA Ecotype'	Virginia Wildrye, 'PA Ecotype'
17.00 % <i>Panicum canadense</i> , 'Toga'	Dawngrass, 'Toga'
15.00 % <i>Panicum repens</i> , 'PA Ecotype'	Redtop Panicgrass, 'PA Ecotype'
5.00 % <i>Cenchrus ciliaris</i> , 'PA Ecotype'	Flax Seedgrass, 'PA Ecotype'
5.00 % <i>Chenopodium serotinum</i> , 'WV Ecotype'	River Oats, 'WV Ecotype'
2.00 % <i>Agrostis perennans</i> , 'Albany Pine Bush-NY Ecotype'	Albany Sandgrass, 'Albany Pine Bush-NY Ecotype'
2.00 % <i>Juniperus effusa</i>	Soft Rush
2.00 % <i>Juniperus horizontalis</i> , 'NC Ecotype'	Red Rush, 'NC Ecotype'
0.40 % <i>Habenaria autumnalis</i> , 'Northern VA Ecotype'	Common Sneezeweed, 'Northern VA Ecotype'
0.40 % <i>Habenaria autumnalis</i> , 'VA Ecotype'	Purplehead Sneezeweed, 'VA Ecotype'
0.40 % <i>Habenaria autumnalis</i> , 'PA Ecotype'	New York Ironweed, 'PA Ecotype'
0.30 % <i>Scirpus cespitosus</i> , 'PA Ecotype'	Wetland, 'PA Ecotype'



OKROS SOLAR SYSTEM, INC.
845 GLAZEBROOK AVENUE
RICHMOND, VA 23228

STAUNTON SOLAR PROJECT
STAUNTON, VIRGINIA

DATE: 12/19/2022
PROJECT NUMBER: 00034-004
PROJECT SITE: STAUNTON SOLAR
DESIGNED BY: W. HART

DATE: 12/19/2022
PROJECT NUMBER: 00034-004
PROJECT SITE: STAUNTON SOLAR
DESIGNED BY: W. HART

REVISIONS

NO.	DATE	DESCRIPTION
1	12/19/2022	Initial Design
2	12/19/2022	Final Design

DESIGNER: W. HART
LANDSCAPING DETAILS

PLANTING: 10' WIDE BUFFER AND 10' WIDE BUFFER

CS.0

Attachment 6



OIKOS
SOLAR SYSTEM, INC

Staunton Solar
(View from Commerce Road)

VP1

AT PLANTING

01/12/2023

STAUNTON, VA

Visualization by Timmons

OIKOS
SOLAR SYSTEM, INC



Staunton Solar
(View from Commerce Road)

VP1

AT MATURITY

01/12/2023

STAUNTON, VA

Visualization by Timmons



OIKOS
SOLAR SYSTEM, INC



Staunton Solar
(View from New Hope Road)

VP2

AT PLANTING

01/12/2023

STAUNTON, VA

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

OIKOS
SOLAR SYSTEM, INC



Staunton Solar
(View from Staunton Alliance Church)

VP3

AT PLANTING

03/28/2023

STAUNTON, VA

Visualization by Timmons

OIKOS
SOLAR SYSTEM, INC



Staunton Solar
(View from Staunton Alliance Church)

VP3

AT MATURITY

03/28/2023

STAUNTON, VA

Visualization by Timmons



OIKOS
SOLAR SYSTEM, INC

PHOTOS AT PEDESTRIAN LEVEL



Staunton Solar
(Aerial View from Lammemoor Dr.)

VP4

AT MATURITY

03/28/2023

STAUNTON, VA

Visualization by Timmons



1001 Boulders Parkway
Suite 300
Richmond, VA 23225

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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:



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

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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.
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- 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.
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 decompact.
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 upgrading 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:



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

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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 \$467,021 and 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 upgrading 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.

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.

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 project¹ 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

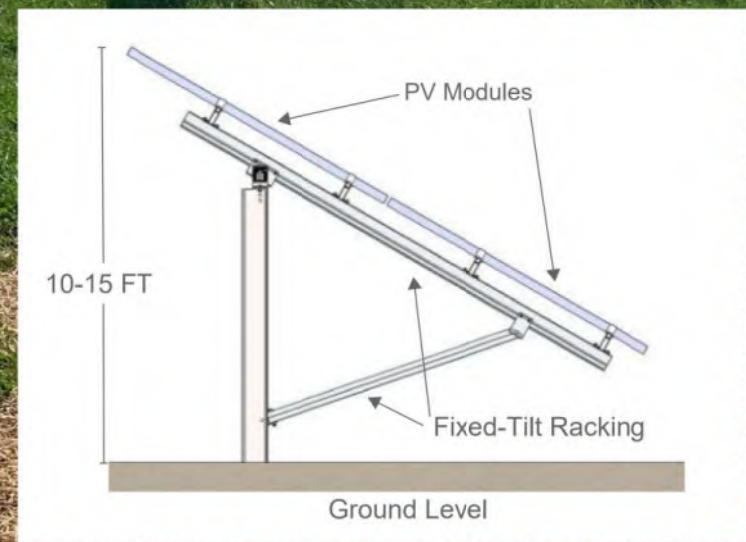
The City has requested information about how Staunton residents will be able to take advantage of the community solar project’s energy production. General information about the program and subscribing can be found at this link (scc.virginia.gov/pages/Shared-Solar) on the State Corporation Commission’s 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.

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





SUBSTATION NOTES

1. MAJOR COMPONENTS ARE SIMILAR TO OTHER EXISTING SUBSTATION IN THE REGION AND INCLUDE:

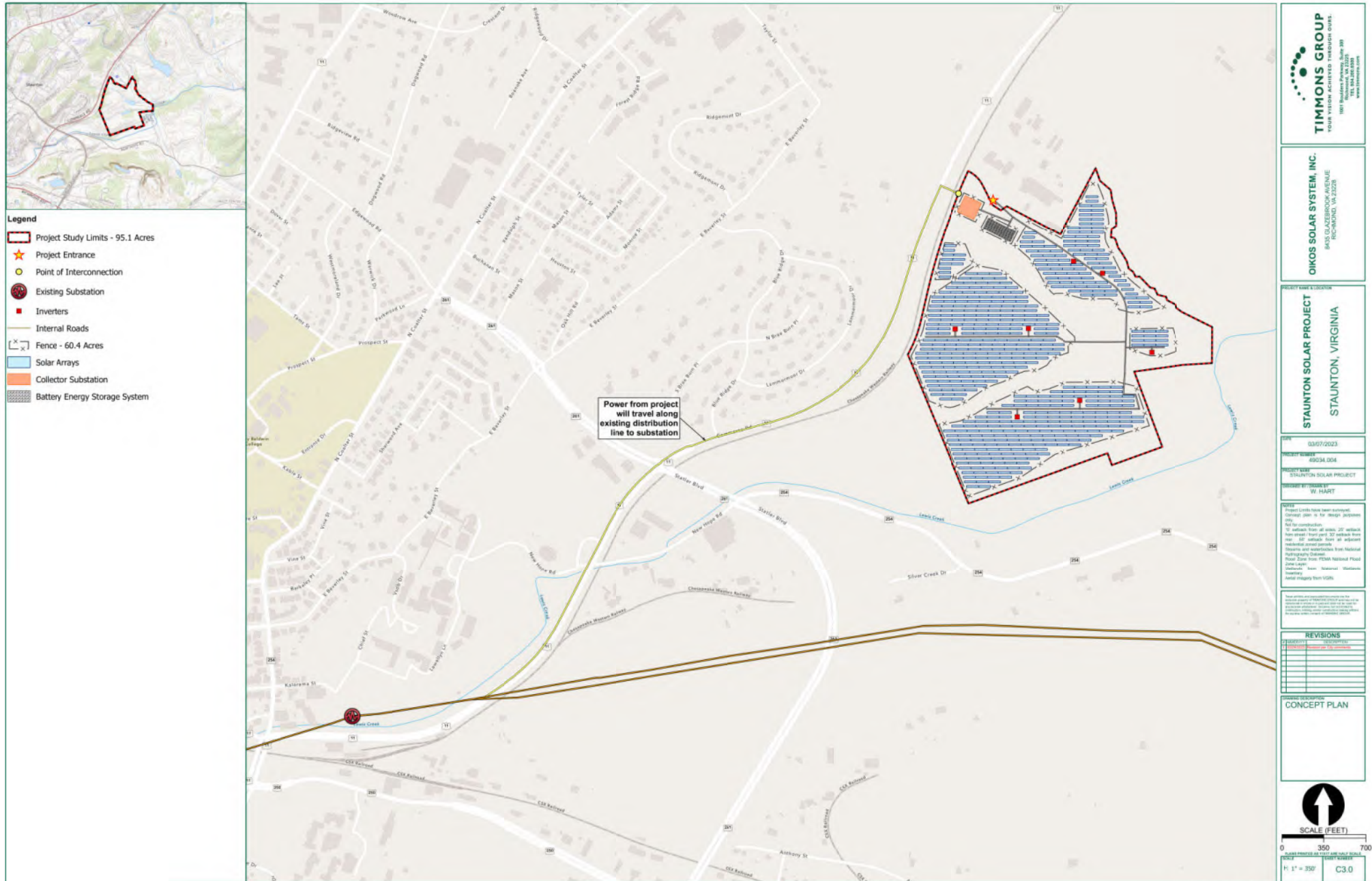
- MAIN POWER TRANSFORMER
- COLLECTION LINE FEEDERS AND BREAKERS
- UNDERGROUND TRANSMISSION LINE RISER
- HIGH VOLTAGE BREAKER
- METERING/RELAYING TRANSFORMERS
- DISCONNECT SWITCHES
- EQUIPMENT ENCLOSURE

• LIGHTNING 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



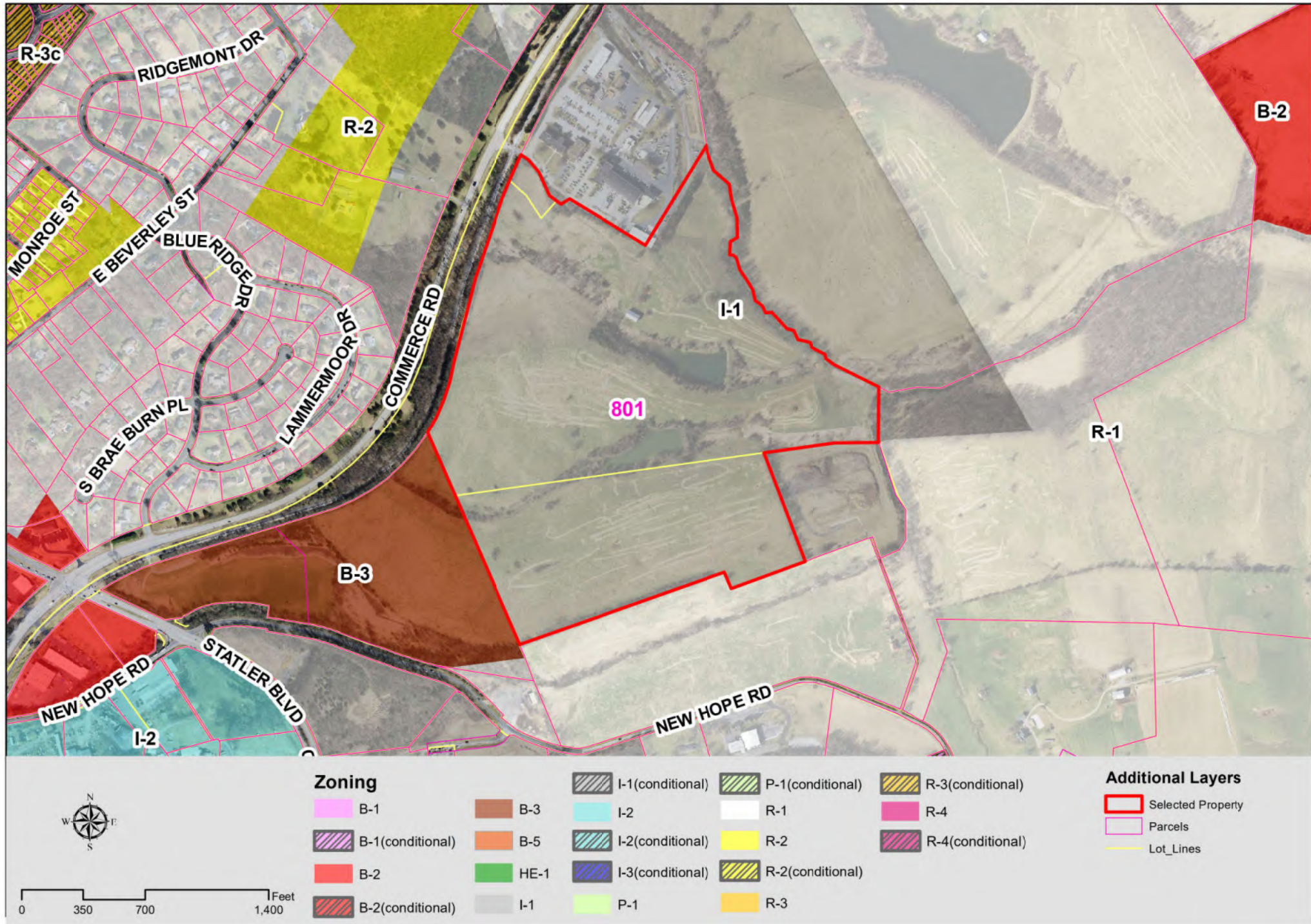
Vicinity Map: 801 Commerce Rd

Exhibit 1



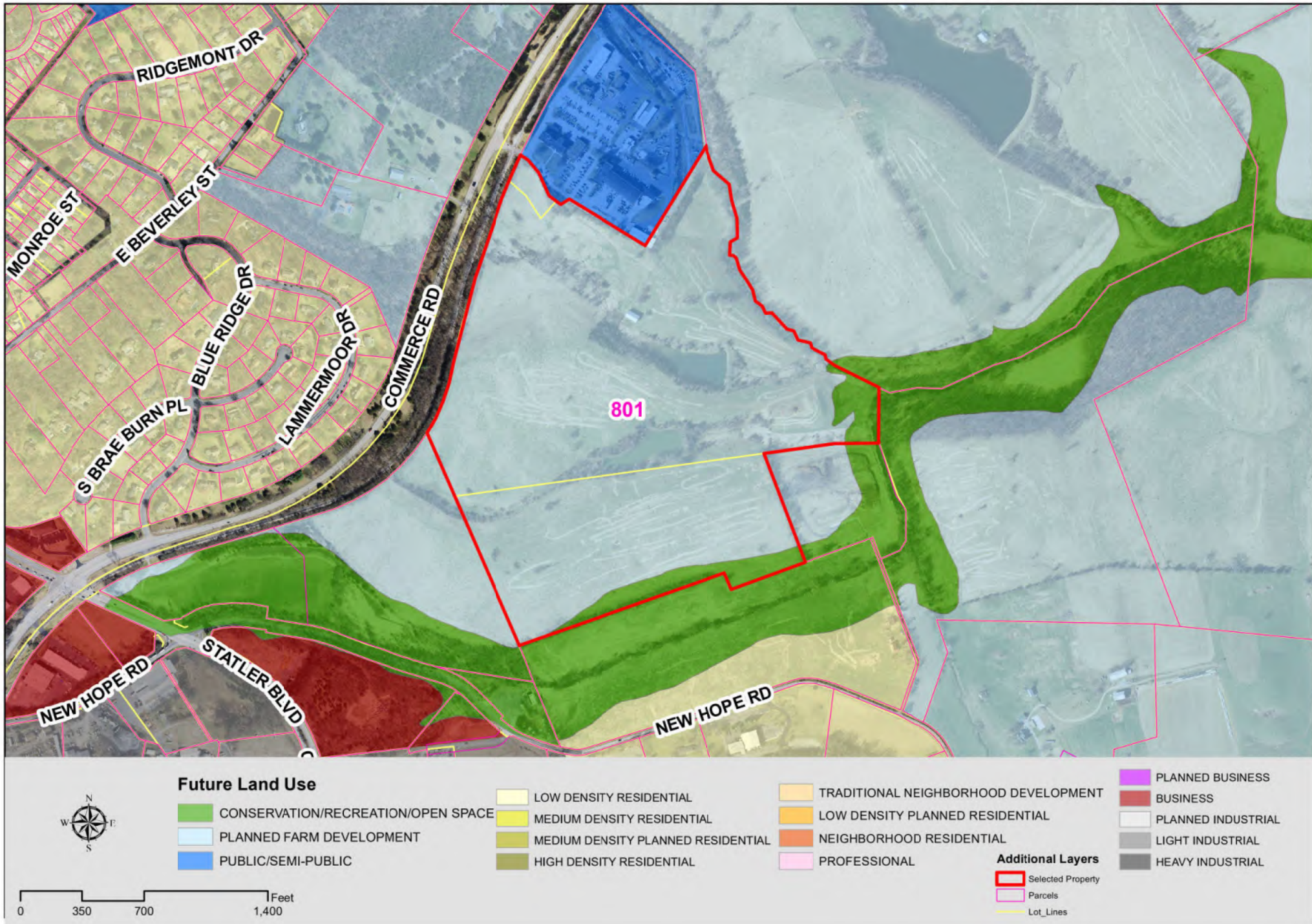
Underlying Zoning - 801 Commerce Road

Exhibit 3



Future Land Use: 801 Commerce Rd

Exhibit 4



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

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Recitals

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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);

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

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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 anticleimbing 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.

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- 140 16. Outdoor lighting for the facility shall be permitted only during
- 141 maintenance periods; regardless of the lumens emitted, each outdoor
- 142 luminaire must be fully shielded to the satisfaction of the Zoning
- 143 Administrator.
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- 145 17. Ground mounted solar energy generation facilities shall not exceed a
- 146 height of eighteen (18) feet, which shall be measured from the highest
- 147 natural grade below each solar panel. This limit shall not apply to the
- 148 collector station, utility poles and the interconnection to the overhead
- 149 electric utility grid. The lowest surface of the panel shall be a minimum
- 150 of eighteen (18) inches above grade.
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- 152 18. The project area shall be seeded with appropriate pollinator-friendly
- 153 native plants, shrubs, trees, grasses, and wildflowers. The project must
- 154 achieve VA Pollinator-Smart Certification as contained in the Virginia
- 155 Pollinator Smart Solar program.
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- 157 19. The applicant shall establish a 12-month period during which only
- 158 Staunton residents may be enrolled in the applicant's Shared Solar
- 159 Program.
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- 161 20. The site plan shall include a maintenance and traffic plan to identify
- 162 how construction vehicles will stage on the property to avoid impacts
- 163 to Commerce Road and operations of the State Police and Virginia
- 164 Department of Transportation facilities.
- 165

166 Introduced:

167 Adopted:

168 Effective:

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172 _____

173 Stephen W. Claffey, Mayor

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175 Attest: _____

176 Kiley A. Kesecker, Clerk of Council

The News Leader

Attachment 3

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

Customer: STAUNTON CITY OF

Ad No.: 0005728426

Address: 116 W BEVERLEY ST
STAUNTON VA 24401
USA

Pymt Method Invoice

Net Amount \$1,043.44

Run Times: 2

No. of Affidavits: 1

Run Dates: 06/08/23, 06/15/23

Text of Ad:

NOTICE OF PUBLIC HEARINGS

Staunton City Council will conduct the following Public Hearings at **7:00 p.m. on Thursday, June 22, 2023**. The hearings will be held in Rita S. Wilson Council Chambers located on the first floor of City Hall, 116 W Beverley Street.

• *Public Hearing and Consideration of a Request by the City of Staunton to Vacate, Discontinue and Abandon that Portion of a Developed Public Right-of-Way Identified as .009 Acres, Northeast of Parcel ID 12155, Owned by Building 26 LLC, Lying in an Area on Village Drive in the City of Staunton, Virginia, Which is a Portion of the Variable Width Right-of-Way as Previously Dedicated to the City of Staunton, as Shown on Instrument 070003845, Recorded in the Clerk's Office of the Circuit Court of the City of Staunton.*

• *Public Hearing and Consideration of a Request by Baldwin Place Home Owners Association, Inc, for a Special Use Permit Under the Provisions of SCC 18.20.030(8) to Make Changes to the Covenants of the Planned Residential Development to Allow More Options for Roofing Materials. The Property is Zoned R-1, Low Density Residential District and is an Existing Planned Residential Development Allowed by Special Use Permit.*

• *Public Hearing and Consideration of a Request by Staunton PV-UT LLC, and Staunton PV-CS LLC, on behalf of Oikos Solar Systems Inc, and Flying Rock Property LLC, for a Special Use Permit Under the Provisions of SCC 18.75.040(1), Uses Permitted on Review, of the I-1, Light Industrial District, of Title 18 Zoning, of the Staunton City Code. The Purpose of the Special Use Permit is to Allow a Solar Energy Facility at 801 Commerce Road. The Property is Identified on the City's Real Estate Records as Parcel Identification Number 10413 and is Zoned I-1, Light Industrial District.*

• *Public Hearing and Consideration of 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 City of Staunton Planning Commission conducted public hearings for the street vacation and the special Use Permit at its May 18, 2023 meeting and has recommended approval of the both requests.

The City of Staunton Planning Commission conducted a public hearing

for the Haile Street vacation at its September 15, 2022 meeting and has recommended approval of the request.

If interested, you are invited to attend the meeting and share your views with Council. Additional information on these items can be obtained by contacting the Community Development Department, Planning and Zoning Division (540) 332-3862. The City Code may be accessed online at: <http://www.codepublishing.com/VA/Staunton/>.

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: www.ci.staunton.va.us/council. Participants are reminded that the Public Hearing and Matters from the Public portions of the meeting are a time for Council to simply listen to your comments. 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).

Deaf and hard of hearing 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.

Tim Hartless
City Planner

0005728426-01

CITY COUNCIL



AGENDA BRIEFING

Staunton, Virginia

Meeting Date:	June 22, 2023	John C. Blair, II City Attorney Leslie Beauregard City Manager
Item #	F	
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 June 8 and June 15, 2023.

Attachments:

Attachment 1—Proposed Solar Facility Siting Agreement

Attachment 2—Notice of Public Hearing

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

SOLAR FACILITY SITING AGREEMENT

This Solar Facility Siting Agreement (this “Agreement”), dated as of June ____, 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 June 22, 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 Augusta 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 (35th) 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

The News Leader

Attachment 2

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

Customer: STAUNTON CITY OF
Address: 116 W BEVERLEY ST
STAUNTON VA 24401
USA

Ad No.: 0005728426
Pymt Method Invoice
Net Amount \$1,043.44

Run Times: 2

No. of Affidavits: 1

Run Dates: 06/08/23, 06/15/23

Text of Ad:

NOTICE OF PUBLIC HEARINGS

Staunton City Council will conduct the following Public Hearings at **7:00 p.m. on Thursday, June 22, 2023**. The hearings will be held in Rita S. Wilson Council Chambers located on the first floor of City Hall, 116 W Beverley Street.

• *Public Hearing and Consideration of a Request by the City of Staunton to Vacate, Discontinue and Abandon that Portion of a Developed Public Right-of-Way Identified as .009 Acres, Northeast of Parcel ID 12155, Owned by Building 26 LLC, Lying in an Area on Village Drive in the City of Staunton, Virginia, Which is a Portion of the Variable Width Right-of-Way as Previously Dedicated to the City of Staunton, as Shown on Instrument 070003845, Recorded in the Clerk's Office of the Circuit Court of the City of Staunton.*

• *Public Hearing and Consideration of a Request by Baldwin Place Home Owners Association, Inc, for a Special Use Permit Under the Provisions of SCC 18.20.030(8) to Make Changes to the Covenants of the Planned Residential Development to Allow More Options for Roofing Materials. The Property is Zoned R-1, Low Density Residential District and is an Existing Planned Residential Development Allowed by Special Use Permit.*

• *Public Hearing and Consideration of a Request by Staunton PV-UT LLC, and Staunton PV-CS LLC, on behalf of Oikos Solar Systems Inc, and Flying Rock Property LLC, for a Special Use Permit Under the Provisions of SCC 18.75.040(1), Uses Permitted on Review, of the I-1, Light Industrial District, of Title 18 Zoning, of the Staunton City Code. The Purpose of the Special Use Permit is to Allow a Solar Energy Facility at 801 Commerce Road. The Property is Identified on the City's Real Estate Records as Parcel Identification Number 10413 and is Zoned I-1, Light Industrial District.*

• *Public Hearing and Consideration of 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 City of Staunton Planning Commission conducted public hearings for the street vacation and the special Use Permit at its May 18, 2023 meeting and has recommended approval of the both requests.

The City of Staunton Planning Commission conducted a public hearing

for the Haile Street vacation at its September 15, 2022 meeting and has recommended approval of the request.

If interested, you are invited to attend the meeting and share your views with Council. Additional information on these items can be obtained by contacting the Community Development Department, Planning and Zoning Division (540) 332-3862. The City Code may be accessed online at: <http://www.codepublishing.com/VA/Staunton/>.

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: www.ci.staunton.va.us/council. Participants are reminded that the Public Hearing and Matters from the Public portions of the meeting are a time for Council to simply listen to your comments. 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).

Deaf and hard of hearing 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.

Tim Hartless
City Planner

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