

Regular Meeting, Wednesday, March 28, 2018, 7:00 p.m. Government Center, Verona, VA.

PRESENT: Gerald W. Garber, Chairman  
Carolyn S. Bragg-Vice Chairman  
Terry L. Kelley, Jr.  
Michael L. Shull  
Wendell L. Coleman  
Pam L. Carter  
Timothy K. Fitzgerald, County Administrator  
Jennifer M. Whetzel, Deputy County Administrator  
John Wilkinson, Director of Community Development  
Leslie Tate, Planner  
James R. Benkahla, County Attorney  
Angie Michael, Executive Assistant

ABSENT: Marshall W. Pattie

VIRGINIA: At a regular meeting of the Augusta County Board of Supervisors held on Wednesday, March 28, 2018, at 7:00 p.m., at the Government Center, Verona, Virginia, and in the 242<sup>nd</sup> year of the Commonwealth....

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Chairman Garber welcomed the citizens present.

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Wendell Coleman led the Board in the Pledge of Allegiance.

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Terry Kelley, Supervisor for the Beverley Manor District, delivered the invocation.

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NATIONAL COLORECTAL CANCER AWARENESS MONTH PROCLAMATION

Ms. Bragg moved, seconded by Mr. Shull that the Board adopt the following resolution:

WHEREAS, the county of Augusta, Virginia celebrates month of March as Colon Cancer Awareness to bring greater awareness to colon cancer; and

WHEREAS, colon cancer is the second leading cause of cancer death in the United States; and

WHEREAS, 1 in 20 people will develop colon cancer and every 10 minutes a life is lost to the disease; and

WHEREAS, this year alone, 142,000 new cases of colon and rectal cancer will be diagnosed in America and nearly 50,000 deaths are expected; and

WHEREAS, a simple screening test is recommended to individuals over age 50 and those with a family history to help combat the disease; and

WHEREAS, the county of Augusta, Virginia has joined with the Colon Cancer Alliance to increase screening and save lives in Augusta, Virginia and across the country; and

WHEREAS, education and increased awareness can help inform the public of methods of prevention and the early detection of colon cancer; and



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**AUGUSTA COUNTY CODE SECTION 25-77.4 – AMENDMENT (CONT'D)**

2. member of the immediate family of the grantor. For purposes of this subsection, a member of the immediate family is defined as any person who is a natural or legally defined offspring, stepchild, spouse, sibling, grandchild, grandparent, or parent of the grantor. Such lot may be conveyed by the grantor:
  - a. To a member of the immediate family of the grantor and the member's spouse, or
  - b. To a member of the immediate family of the grantor and another natural person, if the member of the immediate family owns at least a fifty percent (50%) interest in such lot.
2. No such family member exception lot shall be created for the purpose of the circumvention of chapter 21 of this Code.
3. The residual lot or tract of the grantor shall be no more than one contiguous tract or lot, and the foregoing notwithstanding, need not have the fifty feet (50') of frontage on a public street required by this section. Any new private rights-of-way or easements established to serve either the family member exception lot or the residual lot of the grantor must meet the requirements of § 21-11.B of this Code.
4. No grantee shall be the recipient of any portion of more than one (1) family member exception lot in Augusta County.
5. A family member exception lot created under this subsection shall be titled in the name of the member of the immediate family for whom the subdivision is made for a period of no less than three (3) years; provided, however, the foregoing restriction shall not apply in the following circumstances:
  - a. Where such lot is subject to an involuntary transfer such as a foreclosure, judicial or bankruptcy sale, or as a result of the condemnation of such lot or the death of the grantee; or:
  - b. Where such lot is conveyed by the grantee:
    - i. To the grantee and the grantee's spouse, or
    - ii. To the grantee and another natural person, if the grantee continues to own at least a fifty percent (50%) interest in such lot, in which event such lot shall remain subject to the foregoing restriction for the balance of the three-year period.
6. No grantor shall create and convey a family member exception lot to a person from whom the grantor has received any portion of a family member exception lot in Augusta County. For example, in the case of a lot owned by a husband and wife, the husband can convey a lot to the wife but she cannot then convey a lot to the husband.
7. The grantor and grantee shall submit to the subdivision agent an affidavit which describes the purpose of the creation of the family member exception lot, identifies the persons to receive such lot, including the member of the immediate family, and certifies compliance with this subsection.

(Ord. 11/21/06, eff. 1/1/07)

State law reference—Virginia Code § 15.2-2244.

The Chairman declared the public hearing open.

There being no speakers, the Chairman declared the public hearing closed.













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**AUGUSTA COUNTY CODE SECTION 25-68.7 & 25-68.8 – AMENDMENT (CONT'D)**

Ms. Tate stated that in the current Wireless Telecommunications ordinance, it requires complete removal of the telecommunications facility including the concrete pad. After speaking with members from the industry, the concrete pad could go very deep into the ground and complete removal would be difficult. Removing it to a depth of three feet would meet the intention that something else could be developed above it.

**AN ORDINANCE TO AMEND  
SECTION 25-68.7 and 25-68.8 OF THE  
AUGUSTA COUNTY CODE**

WHEREAS, the Augusta County Board of Supervisors has determined that removal of telecommunications facilities to a depth of at least three feet below grade is a sufficient and reasonable provision for the protection of public health, safety, and welfare.

NOW THEREFORE be it resolved by the Board of Supervisors for Augusta County that § 25-68.7 and 35.68-8 of the Augusta County Code is amended to read as follows:

**DIVISION A. IN GENERAL.**

**Article VI.B. Wireless telecommunication facilities.**

**§25-68.7. Bonding.**

Prior to the issuance of a building permit for a wireless telecommunications facility, the applicant shall:

- A. Submit to the Zoning Administrator an itemized cost estimate of the work to be done to completely remove the entire telecommunications facility including the concrete pad to a depth of at least three feet (3') below grade plus twenty-five percent (25%) of said estimated costs as a reasonable allowance for administrative costs, inflation, and potential damage to existing roads or utilities.
- B. Submit a bond, irrevocable Letter of Credit, or other appropriate surety acceptable to the County in the amount of the estimate as approved by the Zoning Administrator which shall:
  1. Secure the cost of removing the facility and restoring the site to its original condition to the extent reasonably possible.
  2. Include a mechanism for a Cost of Living Adjustment after ten (10) and fifteen (15) years.

C. The applicant will ensure the bond shall remain in effect until the Community Development Department has inspected the site and verified that the wireless telecommunications facility and equipment has been removed and the site restored. At which time the Community Development Department shall promptly release the bond.

**§25-68.8. Removal, maintenance and safety.**

A. The applicant shall maintain the wireless telecommunications facility in good condition. Such maintenance shall include, but not be limited to, painting, structural integrity of the foundation and tower or base station structure and security barrier (if applicable), and maintenance of the buffer areas and landscaping if present. The project owner shall be responsible for the cost of maintaining the wireless telecommunications facility and access road if present, unless accepted as a public way, and the cost of repairing any damage occurring as a result of operation and construction.

B. Any wireless telecommunications facility that is found to be unsafe by the building official shall be repaired by the owner to meet federal, state, and local safety standards or disassembled and completely removed, including the concrete pad to a depth of at least three feet (3') below grade, within one hundred eighty (180) days. Any wireless telecommunications facility that is not operated for a continuous period of twenty-four (24) months shall be considered abandoned and the owner of the system shall completely remove the wireless telecommunications facility within one hundred eighty (180) days of receipt of notice from the County instructing the owner to remove the facility.

C. The applicant shall notify the Augusta County Community Development Department within thirty (30) days of the



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**AUGUSTA COUNTY CODE SECTION 25-25-74.H – AMENDMENT (CONT'D)**

**§ 25-74. Uses permitted by special use permit.**

The uses listed in this section shall be permitted within General Agriculture Districts upon the issuance of a Special Use Permit by the board of zoning appeals pursuant to the provisions of ARTICLE LVIII of DIVISION I of this chapter.

**H. Public accommodation facilities.**

Public accommodation facilities, including but not necessarily limited to: hotels and motels, may be permitted by Special Use Permit provided:

1. The business and anticipated enlargements thereof will be appropriate for agriculture areas; and
2. The business, taking into account such things as its proposed size, parking facilities, setbacks, and landscaping, will not be out of character with neighboring properties; and
3. The permitting of the proposed business, when taking into account the presence of similar businesses in the neighborhood, will not result in such concentration or clustering of businesses as to create an institutional setting or business center or otherwise change the area's character and social structure; and
4. The business shall have frontage on a state maintained road or the expected traffic on a legal right of way can be accommodated by the intersection with the state maintained road per approval by the Virginia Department of Transportation; and
5. On-site traffic flow will adequately and safely accommodate all traffic to and from the public highways; and
6. Only pre-existing structures will be utilized unless the board of zoning appeals finds that proposed new construction will be compatible with neighboring properties; and
7. Reasonable limitations are imposed on the enlargement or expansion of the business. Business structures larger than four thousand (4,000) square feet or accumulated expansions by more than fifty percent (50%) shall not be permitted unless the board finds that a larger structure or expansion is compatible with neighboring properties; and
8. Evidence that the business will be connected to public sewer or that an onsite sewage disposal system can be approved for the business use by the Virginia Department of Health; and
9. There are adequate provisions set forth for the protection of fire, environmental and other hazards.

The Chairman declared the public hearing open.

Victor Meyer of 705 Knightly Lane, Mount Sidney stated that he would like clarification on the removal agricultural zoning, specifically Ag Tourism. Mr. Meyer may have his guest house rented out from time to time and would like to know if this precludes that rental.

Ms. Tate stated that the use of bed and breakfast is being removed from the accommodation category, but it is an additional use that is being added as a stand alone. It's currently not permitted by right in general agriculture but does require a Special Use Permit. It is being removed from this category and being put into a separate category.

There being no other speakers, the Chairman declared the public hearing closed.

Ms. Bragg moved, seconded by Mr. Shull, that the Board accept the ordinance amendment as presented.

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AUGUSTA COUNTY CODE SECTION 25-25-74.H – AMENDMENT (CONT'D)

Vote was as follows: Yeas: Garber, Bragg, Kelley, Shull, Coleman,  
and Carter

Nays: None

Absent: Pattie

Motion carried.

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AUGUSTA COUNTY CODE SECTION 25-74.I -- AMENDMENT

This being the day and time advertised to consider an ordinance to amend Section 25-74.I of the Augusta County Code to add restaurants and cafes to the list of limited business and industries permitted in agriculture zones by Special Use Permit, revise direct access condition, eliminate condition that the use be a substantial benefit to neighboring properties, and add reference to the Virginia Department of Health for sewer conditions. The Planning Commission recommends approval.

**AN ORDINANCE TO AMEND  
SECTION 25-74 OF THE  
AUGUSTA COUNTY CODE**

WHEREAS, the Augusta County Board of Supervisors has deemed it desirable to include restaurants and cafes as a use specified under the Special Use Permit provision for limited business and industries in agriculture zones; and

WHEREAS, the Augusta County Board of Supervisors has deemed it desirable to amend the condition for direct access so that either frontage on a state maintained road or the expected traffic on a legal right of way can be accommodated by the intersection with the state maintained road per approval by the Virginia Department of Transportation is sufficient to satisfy such condition; and

WHEREAS, the Augusta County Board of Supervisors has determined that the language requiring substantial benefit to neighboring properties as a condition should be removed; and

WHEREAS, the Augusta County Board of Supervisors has deemed it desirable to add reference to the Virginia Department of Health with regards to the sewer related condition.

NOW THEREFORE be it resolved by the Board of Supervisors for Augusta County that § 25-74 of the Augusta County Code is amended to read as follows:

**§ 25-74. Uses permitted by special use permit.**

The uses listed in this section shall be permitted within General Agriculture Districts upon the issuance of a Special Use Permit by the board of zoning appeals pursuant to the provisions of ARTICLE LVIII of DIVISION I of this chapter.

**I. Limited business and industries in agriculture zones.**

Limited businesses, professions, and other establishment for the sale of goods and services or for limited industrial activities, including, but no necessarily limited to: barber and beauty shops, pet grooming businesses, day care center and nursery schools, medical and dental clinics, veterinarian clinics, hardware stores, lawn and garden centers, motor vehicle service stations and convenience stores, restaurants and cafes, auction houses and flea markets, mini-warehouses, sale and storage of building materials, carpentry, electrical and plumbing sales and services, contractor’s offices and storage yards, and welding and machine shops, may be approved by Special Use Permit provided:

1. Where outside storage is not prohibited, all outside storage areas will be adequately shielding or screened from view; and



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**AUGUSTA COUNTY CODE– ORDINANCE TO ADD SECTION 25.74.R (CONT'D)**

more than 1 principal dwelling or part thereof, operating as such use per parcel; there shall be no more than 1 accessory unit operating as such use per parcel; the lot is at least 5 acres in area unless determined that a smaller acreage will be compatible with neighboring properties; the owner of record's primary residence is the principal dwelling or accessory; Building Inspection Department approval; Virginia Department of Health approval if not connected to public sewer; and all parking shall be accommodated on-site. The Planning Commission recommends approval.

**AN ORDINANCE TO AMEND  
SECTION 25-74 OF THE  
AUGUSTA COUNTY CODE**

WHEREAS, the Augusta County Board of Supervisors has deemed it desirable to include Short-term rentals, bed and breakfasts, and vacation rentals as a Special Use Permit category in General Agriculture districts with specific conditions; and

WHEREAS, the Augusta County Board of Supervisors has determined that such conditions create reasonable provisions related to the impacts associated with the use.

NOW THEREFORE be it resolved by the Board of Supervisors for Augusta County that § 25-74 of the Augusta County Code is amended to read as follows:

**§ 25-74. Uses permitted by special use permit.**

The uses listed in this section shall be permitted within General Agriculture Districts upon the issuance of a Special Use Permit by the board of zoning appeals pursuant to the provisions of ARTICLE LVIII of DIVISION I of this chapter.

**R. Short-term rentals, bed and breakfasts, and vacation rentals.**

Short-term rentals, bed and breakfasts, and vacation rentals, may be approved by Special Use Permit provided:

1. There shall be no more than one (1) principal dwelling, or part thereof, operating as a Bed and breakfast or Short-term rental per parcel; and
2. There shall be no more than one (1) detached accessory dwelling unit operating as a Bed and breakfast or Short-term rental per parcel; and
3. The lot is at least five (5) acres in area, unless the board of zoning appeals determines that operation of the use on a smaller acreage will be compatible with neighboring properties; and
4. The owner of record's primary residence is ~~personally resides in~~ the principal dwelling or accessory dwelling unit; and
5. The Building Inspection Department has indicated that either a Building Permit is not required, or a Building Permit can be issued for the use once the Special Use Permit has been approved; and
6. If the principal and/or detached accessory dwelling unit is not connected to public sewer, the Virginia Department of Health has confirmed that the sewage disposal system is adequate for the proposed use; and
7. All parking shall be accommodated on-site.

The Chairman declared the public hearing open.

There being no speakers, the Chairman declared the public hearing closed.







March 28, 2018, at 7:00 p.m.

**AUGUSTA COUNTY CODE – ORDINANCE TO ADD SECTION 25-74.T (CONT'D)**  
**AN ORDINANCE TO AMEND**  
**SECTION 25-74 OF THE**  
**AUGUSTA COUNTY CODE**

WHEREAS, the Augusta County Board of Supervisors has deemed it desirable to include Special event facilities and meeting places as a standalone Special Use Permit category in General Agriculture districts with specific conditions; and

WHEREAS, the Augusta County Board of Supervisors has determined that such conditions create reasonable provisions related to the impacts associated with the use.

NOW THEREFORE be it resolved by the Board of Supervisors for Augusta County that § 25-74 of the Augusta County Code is amended to read as follows:

**§ 25-74. Uses permitted by special use permit.**

The uses listed in this section shall be permitted within General Agriculture Districts upon the issuance of a Special Use Permit by the board of zoning appeals pursuant to the provisions of ARTICLE LVIII of DIVISION I of this chapter.

**T. Special event facilities and meeting places.**

Special event facilities and meeting places, including but not necessarily limited to: wedding venues, reunion venues, meeting places and other facilities of civic, community service and fraternal organizations, may be permitted by Special Use Permit provided:

1. The business and anticipated enlargements thereof will be appropriate for agriculture areas; and
2. The business, taking into account such things as its proposed size, parking facilities, setbacks, and landscaping, will not be out of character with neighboring properties; and
3. The permitting of the proposed business, when taking into account the presence of similar businesses in the neighborhood, will not result in such concentration or clustering of businesses as to create an institutional setting or business center or otherwise change the area's character and social structure; and
4. The business shall have frontage on a state maintained road or the expected traffic on a legal right of way easement can be accommodated by the intersection with the state maintained road per approval by the Virginia Department of Transportation; and
5. On-site traffic flow will adequately and safely accommodate all traffic to and from the public highways; and
6. Only pre-existing structures will be utilized unless the board of zoning appeals finds that proposed new construction will be compatible with neighboring properties; and
7. Reasonable limitations are imposed on the enlargement or expansion of the business. Business structures larger than four thousand (4,000) square feet or accumulated expansions by more than fifty percent (50%) shall not be permitted unless the board finds that a larger structure or expansion is compatible with neighboring properties; and
8. Evidence that the business will be connected to public sewer or that an onsite sewage disposal system can be approved for the business use by the Virginia Department of Health; and
9. There are adequate provisions set forth for the protection of fire, environmental and other hazards.



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March 28, 2018, at 7:00 p.m.

MATTERS TO BE PRESENTED BY THE PUBLIC

- 1) Nancy Sorrels of 3419 Cold Springs, Greenville, VA made the following statement:

Good evening, I am here tonight to talk very briefly about Dominion, but not specifically about the pipeline. This time I want to address Dominion and powerline projects, both past and future.

First the past: Remember last year when Dominion “replaced” its aging transmission lines through Augusta and Rockbridge? As you know, that “replacement” was a bait and switch. Dominion misrepresented the extent of the upgrade, thus denying the public and this board an opportunity to input. Overnight those smaller, brown towers were replaced with shiny lattice towers that were many feet higher and wider and scarred our beautiful valley landscape.

And you will also recall that, in the process, dominion’s subcontractors allowed massive erosion and sediment control issues to continue unchecked for long periods of time, blasting caused damage to foundations, gravel and runoff was allowed to enter trout streams in the Shenandoah National Park, and transmission line workers used residents’ fields and forests for their own private outdoor bathroom facilities.

When residents and leaders of Rockbridge and Augusta pushed back, Dominion agreed before the State Corporation Commission to darken the towers with a product called Natina. Now we are learning that Dominion is not going to follow through on that promise in Augusta.

We at Augusta County Alliance have learned that the SCC is meeting very soon to decide on whether or not they will require Dominion to follow through on its promise to darken the towers. We have urged people to send letters this week to the SCC on the subject. I think that the Rockbridge County attorney and or the County Administrator has been in touch with their counterparts in Augusta. I just wanted to keep you all in the loop of what Augusta’s citizens are doing. Therefore I am leaving you with a copy of the letter that I sent on behalf of the Augusta County Alliance. The second letter involves the proposed upgrade to the Dooms-Valley 500 kilovolt upgrade project. Dominion sent a letter to the Augusta County Historical Society asking for input and participation in the development of that project in regard to impact on historic resources.

It further asked us to forward the letter to other interested organizations and invited us to attend the July 13 meeting on the project.

We followed up with a letter that contained many questions and also attended the meeting at Fort Defiance. I am pleased to report that Dominion appears to be willing to learn from its mistakes and make this a more open and inclusive process as they work to complete this very essential upgrade. They seemed very willing at this point to include the historical society and others like the Valley Conservation Council, the Shenandoah Valley Battlefields Foundation, Friends of the Middle River, and the Shenandoah Valley Network into the discussion.

I am leaving you with a copy of the letter sent by the Society with the questions that we have raised. Again this is simply to keep you all in the loop and to let you know that we at the Historical Society and the other organizations are willing to help with our resources as discussions on this project continue.

As the Society noted in the letter: “While we realize the valuable infrastructure and safety needs that figure into this important upgrade to the power grid, we have unfortunately already witnessed some very negative visual impacts to historic and cultural resources and landscapes that have occurred in earlier power line upgrades. ...By working together and carefully examining the questions that we have posed, we think that this project can be a win for all by providing safe and efficient energy and protecting our valuable agricultural, scenic and cultural resources.”

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March 28, 2018, at 7:00 p.m.

MATTERS TO BE PRESENTED BY THE PUBLIC (CONT'D)

2) Victor Meyer of 705 Knightly Lane, Mt. Sidney, VA made the following statement:

Good evening Mr. Chairman and Members of the Board,

We are here tonight to request that the Board of Supervisors adopt a resolution opposing Dominion's current application before the SCC, and ask that the SCC require Dominion reduce the height of all towers to the current average tower height of 111 feet, and the towers have a patina applied to reduce the glare of the proposed galvanized steel. The SCC Doods Valley Staff Report submitted on 13 March 2018 concluded that "smaller towers could be employed while still allowing the same 500kv electrical load and transmission lines, and the 230kv underbuilt.

As follow-up to my letter to the Board of Supervisors of 13 March 2018, I wish to update you on recent events.

Specifically, the Department of Historical Resources (DHR) was offered the opportunity to comment on the Dominion Visual Effects Impact Assessment for the Doods Valley project. DHR did an assessment; however, due to an administrative oversight, DHR failed to transmit their funding to the Department of Environmental Quality (DEQ) or the SCC, as required. This oversight has been corrected with a DHR letter submitted to DEQ on March 15, which stated "Impacts to Belvidere Farm in Mount Sidney Historic District and the Piedmont Battlefield will likely be moderate and mitigation is warranted." Moderate impact is defined as view sheds with expansive views of the transmission line, more dramatic changes in the line and tower height, and/or an overall increase in the visibility of the route from the historic properties. The highest rating of Severe is for view sheds that do not have existing transmission lines. In their letter, DHR recommended "Avoidance, minimization, and/or mitigation of moderate to severe impacts to VLR/NRHP-eligible/listed resources by Dominion in consultation with DHR and other stakeholders. This recommendation has been posted to the SCC website. All this happened just two weeks ago due to my diligence and direct intervention.

The Visual Effect Assessment was limited to the Public Right of Way, not the Manor House, Schoolhouse, or barn where the farm's agriculture activities are taking place or where future business activities are planned. Of the five eligible sites impacted by the project, Belvidere Farm is by far worst affected visually, and is also the only site where there is significant business activity taking place.

The State Corporation Commission (SCC) has documents on the already completed Lexington to Doods Valley project leg that paint a troubling picture:

- Dominion misrepresented the true height of the proposed towers during the Public Hearing phase of the project approval process. They communicated that the average height would be 144' tall, but in point of fact the towers were always going to be 176' tall. The current average tower height is 111'. 2030-2034 timeframe, not an actual electrical demand study. This need is highly suspect in view of recently passed Virginia legislation making it easier for utilities to build renewable energy projects, in U.S. Code restricting or eliminating coal-fired plants. The Mount Storm West Virginia plant, which is the source of electrical power for the Transmission Lines, is coal-fired. This yet unknown growth in electrical demand is driven by industrial users in North Carolina – not Augusta County or the Shenandoah Valley.
- Dominion failed to disclose the use of aircraft balls during the Public Hearing phase.
- Dominion failed to apply a patina to the towers to diminish the glare of their galvanized steel finish; this was outlined in their proposal and communicated to the public during the Public Hearing phase; however they willfully violated an SCC order to make it right.
- Dominion has admitted to misleading the SCC and the public in documented statements.

Belvidere has a rich history and is a National Historic Landmark Eligible property. It is on the battlefield where the Battle of Piedmont was fought in 1864. It was occupied by both sides during the battle and served as a Confederate hospital in which at least one

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MATTERS TO BE PRESENTED BY THE PUBLIC (CONT'D)

soldier died, and as Union headquarters for General Hunter with hundreds of Union troops bivouacked in the front yard. According to Augusta County archives, 2<sup>nd</sup> Lt. William McKinley, later President of the United States, spared the barn from being burned during the Shenandoah Valley Campaign.

Ruth Bell Graham, wife of Billy Graham who recently passed away, was from the McCue-Bell family that built Belvidere and lived there for five generations. Ruth and Billy spent summer vacations at Belvidere for many years. Grandma Moses also occupied Belvidere in the early years before moving on to Kansas.

With Belvidere's rich history in mind, and the bad experience of the Lexington to Doods Valley project, we ask that the Augusta County Board of Supervisors adopt a resolution opposing Dominion's current application before the SCC, and ask that the SCC require Dominion reduce the height of all towers to the current average tower height of 111-feet, and the towers have a patina applied to reduce the glare of the proposed galvanized steel. The SCC Doods Valley Staff Report submitted on 13 March 2018 concluded that "smaller towers could be employed while still allowing the same 500kv electrical load and transmission lines, and the 230kv underbuild."

The growth and profits of Dominion Energy should not be balanced on the backs of farmers, landowners, and homeowners of Augusta County.

I will forward this statement to the SCC as part of the Public Hearing phase of the transmission line approval process and ask that it be included as an artefact in the official minutes of this proceeding.

Mr. Fitzgerald discussed with the Board the options of sending the letter concerning this issue. Staff could draft a letter for the Board's approval and the sent to SCC.

- 3) Chris Baumann of 700 Branch Lane, Raphine, stated that he has been involved in litigation with Dominion for the past three years regarding the Lexington-Doods line project. He provided comments to the BZA which spoke about the way Dominion has acted towards the residents of this County and the prior County Administrator. It is important to take the opportunity presented to address the Doods-Valley Tower project. The suggestions from Mr. Meyers and Ms. Sorrells are not taking a stance as to whether the powerline should be there. The project needs to be done, but do it in a manner that it doesn't harm the scenic beauty of the area and no environmental harm. Mr. Baumann assumed the SCC regulated the utilities. The SCC has been involved in several cases that has gone to the VA Supreme Court. One of those cases is Floyd County. In a transmission line situation when a utility company says they would like to rebuild a transmission line, the SCC would require environmental impact statements, confirmation from VDOT and DHR. In Floyd County, the SCC said they weren't responsible for asking questions or following up on anything from a DEQ report. The Supreme Court agreed with the SCC so now state agencies have to individually make recommendations that the SCC is not bound to follow, adopt or follow-up on. Therefore, if Dominion misrepresents what they will do to a state agency there is very little the SCC says it can do. Highland County also had a case that involved a wind facility. The County Board voted to approve permits for the wind facility and part of the vote, the words scenic impact was used. There is a statute that states if a local Board takes action, all SCC rights, obligations and ability to do anything about the process are waived. In the Highland County case, no one could look at the scenic impacts because the County Board had taken action. SCC has seeded its regulatory authority and walked away from obligations. As a result of this, the regulatory responsibility has been pushed to the Counties. While it is a burden and a resource issue, it's also an opportunity. The Augusta County Board is being given an opportunity, because of the way the SCC functions, to step up for the citizens because the SCC is not going to.





March 28, 2018, at 7:00 p.m.

RECREATION MATCHING GRANT REQUEST (CONT'D)

Vote was as follows: Yeas: Bragg, Kelley, Shull, Coleman,  
and Carter  
Nays: None  
Absent: Pattie  
Abstain: Garber

Motion carried.

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WATERSHED PROJECT CLOSEOUT

The Board considered the South River and Lower North River Watershed project closeouts.

Jennifer Whetzel, Deputy County Administrator, stated that in January the Board had discussed closing out the South River and the Lower North River Watershed agreements with NRCS. All of the area sponsors have agreed to close both out. The resolution reads:

Now, therefore, the Secretary of Agriculture through the NRCS and the Sponsors hereby agree upon the following modifications of the terms, conditions, and stipulations of said watershed agreement;

- (1) All flood control and land treatment measures planned for the Lower North River or the South River Watershed, but not installed, are hereby deleted from the planned works of improvement. This action closes out the project.

This is the official agreement the NRCS has sent. Mr. Fitzgerald will sign the agreement with the Board's approval and if any of the projects come up in the future a separate plan could be presented.

Ms. Bragg moved, seconded by Mr. Shull, that the Board accept the watershed project closeouts and authorize the County Administrator to sign the agreement.

Vote was as follows: Yeas: Garber, Bragg, Kelley, Shull, Coleman,  
and Carter  
Nays: None  
Absent: Pattie

Motion carried.

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WOODROW WILSON REHAB CENTER STUDY

The Board considered recommendations for the WWRC Small Area Study.

Leslie Tate, Planner, gave a brief overview of the Wilson Workforce Rehabilitation Small Area Study associated with relieving traffic congestion on Route 250 and Woodrow Wilson Avenue and creating the possibility for a secondary access.

Some of the existing conditions are the queues that back up to Barren Ridge Road during the school AM peak hour. The level of service is E with a delay of more than 75 seconds per vehicle. The southbound right turn lane from Woodrow Wilson to Route 250 queues extend back to the elementary school in both the AM and PM peak hours.

This blocks the left turn and through traffic. The movement fails at a level of service F with a delay of more than 90 seconds per vehicle on average. Also, there is no secondary or emergency access point.

There was a stakeholders meeting in March 2017 and an initial public meeting in June 2017. The transportation consultant did onsite observations in September once school



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WOODROW WILSON REHAB CENTER STUDY (CONT'D)

was back in session. This study has developed short and long term improvement options. The short term focusing on Route 250, Wilson Avenue, Lifecore Drive and the long term focusing on the secondary access point. A second public meeting was held in January 2018 and a final recommendations report will be accepted by the Staunton-Augusta-Waynesboro MPO at their next meeting.

The goal of the short term options is to alleviate congestion at the intersection, minimize delay and queues during the AM and PM peak hours and preserve the existing multi-use path and the pedestrian amenities. Short term options are a channelized, free-flow westbound right turn lane and associated northbound receiving lane, and separate southbound right turn lane and signal timing adjustments. Ms. Tate showed a map on the screen of the short term improvements. The additional lane could go to the elementary school and it could also run to the round-a-bout which is not a part of this study. The round-a-bout is an already approve Smart Scale Funding Project that was funded in the last round of Smart Scale. An additional turn lane going west on Route 250 has also been recommended. A high level planning cost estimate in 2018 dollars ranges from \$1.5 to \$1.8 million for those improvements.

The goals of the long term options are to alleviate congestion at the existing entrance and provide a secondary emergency access and provide access to adjacent undeveloped parcels. Ms. Tate showed a map on the screen pointing out the different options. Option A is approximately 3,700 feet long and provides direct access to the Wilson Workforce Rehabilitation Center, provides relief for the eastbound left in AM and southbound right AM and PM hours and provides access to adjacent undeveloped parcels and majority of the right-of-way is across state owned property. An intersection control on US 250 is still to be determined. Site distance on US 250 is somewhat limited by the vertical curve. Option A does not provide relief for the heavy westbound traffic in the AM peak hour, but the transportation consultant confirmed that if the short term improvements are made, the westbound traffic backup will be alleviated. A high level cost estimate in 2026 dollars is \$13.3 to \$16.1 million. Option B is approximately 3,900 feet long and provides access to the middle and high school, provides relief for the heavy westbound traffic in the AM peak hour, intersection control on US 250 because there is no existing signal, site distance on US 250 is limited by vertical curve, will require obtaining right-of-way on private property. High level cost estimate in 2026 dollars is \$13.3 to \$16.6 million. Option C is approximately 5,000 feet long. It utilizes an existing traffic signal at US 250/Barren Ridge Road/Mule Academy Road intersection. This option provides access to the middle and high school, and relief for the heavy westbound traffic. This is the longest option by more than 1,000 feet and has some significant topographical challenges. Right-of-way from private property will need to be obtained and is the most expensive. The high level cost estimate in 2026 dollars is \$19.7 to \$23.7 million.

At the public hearing meeting held in January, there was support of the short term recommendations. The community felt they would help alleviate some of the AM and PM peak hour backups. There was overwhelming support for Option A as a long term recommendation option.

James Earhart of 1426 Jefferson Highway, Fishersville, owns property on the corner of US 250. Option B and Option C will greatly affect his property. Mr. Earhart is in favor of Option A and it is the only option that makes sense. It's shorter, it's the cheapest of the three options and the land is already paid for. He would like it to go on record that he fully supports Option A.

George Gadette stated that his property adjoins the area of Option B and Option C. At the meeting that was held on January 31, there was unanimous support for anything other than Option B and C. Also, it has been discovered that the upgrades necessary to Barren Ridge was not mentioned in the budget given by Timmons Group.





