



**COUNTY OF AUGUSTA**  
COMMONWEALTH OF VIRGINIA  
DEPARTMENT OF COMMUNITY DEVELOPMENT  
P.O. BOX 590  
COUNTY GOVERNMENT CENTER  
VERONA, VA 24482-0590



**MEMORANDUM**

**TO:** Augusta County Planning Commission  
**FROM:** Leslie Tate  
**DATE:** August 7, 2018  
**SUBJECT:** Regular Meeting

The regular meeting of the Augusta County Planning Commission will be held on **Tuesday, August 14, 2018 at 7:00 p.m.**, at the Augusta County Government Center, in the Main Board Meeting Room, 18 Government Center Lane, Verona, Virginia.

The Planning Commission will meet beginning at **4:30 pm** in the **Board of Supervisors' Conference Room** (behind the Board Meeting Room) at the Augusta County Government Center for a staff briefing and to go on the viewing. We will have dinner in the Community Development Conference Room at 6:15.

Attached are the agenda and meeting materials for Tuesday's meeting and the minutes from the June meetings. If you have any questions about any of the material, please feel free to contact me. We are asking that you please arrive promptly in order to have time to discuss the ordinances and go on the viewing. If you won't be able to attend the meeting, please let Jean or me know as soon as possible.

LT/jm

ADVANCED  
AGENDA

Regular Meeting of the Augusta County Planning Commission

Tuesday, August 14, 2018, 7:00 P.M.

1. CALL TO ORDER
2. DETERMINATION OF A QUORUM
3. MINUTES
  - A. Approval of the Called & Regular Meetings on June 12, 2018
4. PUBLIC HEARINGS
  - A. A request to rezone approximately 8.5 acres from General Agriculture to General Business owned by Kenneth Ray Bradley, Jr., In c., and located on the east side of East Side Highway (Route 340), approximately .17 of a mile south of Dooks Crossing Road (Route 611) in the Wayne District.
  - B. **An ordinance to amend Section 25-77.4. Lot frontage in general. Exceptions.** Amendment creates a one-time "existing dwelling division lot" exception for the creation of a lot without road frontage for the sole purpose of separating an existing dwelling, built in or before the year 2000, and lot, from the original tract.
  - C. **An ordinance to amend Section 25-387. Buffer yards. D. Permitted structures in buffer area.** Amendment corrects a typo concerning privacy fence height in buffer yards in General Industrial districts. Amendment clarifies that the minimum height of an opaque privacy fence shall be 6' and if a combination of berm and fence is used than the combination of both together shall be a minimum of 6'.
  - D. **An ordinance to amend Chapter 25 Zoning. Division I. Permits and Procedures. Article LVIII. Special use permit procedures.** Amendment reserves the right for the Board of Supervisors to hear Special Use Permit requests as identified in the ordinance.
  - E. **An ordinance to amend Section 25-52. Accessory uses on undeveloped lots and other lots used for agricultural, residential, commercial, or industrial purposes.** Amendment changes "commercial" to "business" and increases the size of a utility shed permitted in any zoning district when accessory to an undeveloped lot or any lot not used for agricultural, residential, business or industrial use from 200 square feet to 256 square feet.
5. MATTERS TO BE PRESENTED BY THE PUBLIC

6. NEW BUSINESS
7. OLD BUSINESS
8. MATTERS TO BE PRESENTED BY THE COMMISSION
9. STAFF REPORTS
  - A. Information for Commission – Code of Virginia, Section 15.2-2310  
(Board of Zoning Appeals Items)
10. ADJOURNMENT

PRESENT: J. Curd, Chairman  
T. Jennings, Vice Chairman  
S. Bridge  
G. Campbell  
L. Howdyshell  
K. Shiflett  
J. Wilkinson, Director of Community Development

ABSENT: K. Leonard  
L. Tate, Planner II

VIRGINIA: At the Called Meeting of the Augusta County Planning Commission held on Tuesday, June 12, 2018, at 6:00 p.m. in the Board Room, Augusta County Government Center, Verona, Virginia.

Mr. Curd called the meeting to order.

Mr. Wilkinson reviewed with the Commissioners the items coming before the BZA in July.

Mr. Wilkinson reviewed with the Commissioners the ordinance changes which will be considered at the Public Hearing.

- 1. An ordinance to amend Section 25-303H. Apartments not on the ground floor of the Augusta County Code.**
- 2. An ordinance to amend Chapter 25 of the Augusta County Code to add Article VI.D. Solar energy systems.**

Mr. Wilkinson reviewed the recommendations made by the Commission in March in regards to the solar energy systems ordinance and the changes the Board of Supervisors recommended at their meeting also held in March.

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Chairman

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Director

PRESENT: J. Curd, Chairman  
T. Jennings, Vice Chairman  
S. Bridge  
G. Campbell  
L. Howdysshell  
K. Shiflett  
J. Wilkinson, Director of Community Development

ABSENT: K. Leonard  
L. Tate, Planner II

VIRGINIA: At the Regular Meeting of the Augusta County Planning Commission held on Tuesday, June 12, 2018, at 7:00 p.m. in the Board Room, Augusta County Government Center, Verona, Virginia.

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**DETERMINATION OF A QUORUM**

Mr. Curd stated as there were six (6) members present, there was a quorum.

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**MINUTES**

Mr. Jennings moved to approve the minutes of the called and regular meetings held on May 8, 2018.

Mr. Bridge seconded the motion, which carried unanimously.

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**NEW BUSINESS – Capital Improvement Plan**

Jennifer Whetzel, Deputy Administrator for Augusta County stated it is a requirement by the State that the Capital Improvement Plan (CIP) be presented annually to the Planning Commission regarding the five year plan. She stated the CIP offers a systematic

approach to planning and financing capital improvements. It correlates projects with community goals and financial capabilities, and facilitates opportunity for grants and regional efforts. It also facilitates private sector improvements consistent with the Comp Plan. She stated the CIP plan is a five year plan but is reviewed annually to determine what has changed within the community and what needs to be updated within the plan. Annually the Board of Supervisors is required to put a minimum amount into the CIP. Approximately \$1.7 million of the 2018 tax increase went into the plan. If the departments within the county do not spend all of the money in the general operating fund by the end of the year, the remaining balance is typically transferred into the Capital Improvements Fund and allocated to projects within the fund. County projects are also funded from state and federal grants. The Board of Supervisors approved the budget on April 25, 2018. Included in the budget was \$6.7 million in appropriations to the CIP fund, which comes from all revenue created in the capital budget.

Mr. Curd referred to page 10 regarding recreational facilities and asked if the increase in requests for the use of the facility was in reference to the Stuarts Draft recreation center.

Mrs. Whetzel stated it was in regard to the Stuarts Draft facility and the Fishersville gym.

Mr. Curd asked what the status is of the revised Master Plan.

Mrs. Whetzel stated it has been a work in progress and hopefully it will be completed in 2018.

Mr. Jennings asked if the School Board's Capital Improvement Plan is merged into the County's.

Mrs. Whetzel stated the School Board has their own CIP and separate allocations.

Mr. Jennings asked why the school board CIP is not merged with the County's since the School Board has no way to raise revenue.

Mrs. Whetzel stated the School Board's budget is appropriated along with the County's budget and that would include the CIP for the schools. There is very little revenue that goes into the school's account. Most of the schools projects, such as new schools and renovations, are debt funded and only comes up when there are major projects.

Mr. Jennings stated the purpose of the CIP is planning and he asked if the School Board budget is not part of the County's planning.

Mrs. Whetzel stated it is part of the County's planning and referred to the section that addresses the five phases of the CIP. The School Board is at the end of the five phases and they will have a new set come forward in the future. The only allocation within the CIP for schools is their year end fund balance which rolls into an account within the CIP and is used to fund the School Board's debt.

Mr. Howdysshell stated the tax ticket is now 9% more than in previous years and is causing a hardship on the general public. The County needs to be conscientious of what they are spending money on.

There being no further questions or comments from the Commissioners, Mrs. Shiflett moved to recommend approval of the Capital Improvement Plan. Mr. Bridge seconded the motion, which carried unanimously.

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## **PUBLIC HEARING**

- A. An ordinance to amend Section 25-303H of the Augusta County Code. Apartments not on the ground floor of the Augusta County Code. To clarify that no more than one (1) floor of apartments may be added above a business, and add that additional floors may be permitted only by a Special Use Permit approved by the Board of Supervisors.**

Mr. Wilkinson explained the amendment as presented on PowerPoint. He stated this is in the General Business section of the ordinance. Currently, by Administrative Permit, an apartment may be added above a business as long as there is a business on the ground floor. This amendment will continue to allow a one floor apartment through an Administrative Permit approved by staff and add additional floors by a Special Use Permit approved by the Board of Supervisors.

Mr. Jennings asked why this amendment is needed.

Mr. Wilkinson explained that it allows business owners to have additional apartments above a business with a Special Use Permit.

There being no further questions from the Commissioners, Mr. Curd opened the Public Hearing.

There being no one to speak in favor of or against the request, Mr. Curd closed the Public Hearing.

Mr. Bridge moved to recommend approval of the amendment. Mr. Howdysshell seconded the motion, which carried unanimously.

- B. An ordinance to amend Chapter 25 of the Augusta County Code to add Article VI.D. Solar energy systems. The proposed ordinance regulates solar energy systems operating as principal land uses.**

Mr. Wilkinson explained the request as presented on PowerPoint and focused on the main bullet points of the amendment which were previously heard and discussed at the February Planning Commission meeting. He referenced the changes suggested by the Board of Supervisors at their March meeting.

There being no questions from the Commissioners, Mr. Curd opened the Public Hearing.

Tom Anderson with Community Energy Solar in Radnor, PA stated he supports the ordinance but has some suggested provisions. He stated the recommended setbacks are not consistent with the setbacks that had been recommended previously by the Planning Commission. At the March 13<sup>th</sup> meeting the Commission recommended a 50' setback for the solar panels and he supported that recommendation. The 1000' setback now being recommended is extreme.

He stated he appreciates the County's desire to protect the groundwater environment, however, solar panels are planted in grasses and are a healthy use of land. DEQ reviews the applications for solar panels and have never required groundwater monitoring. He asked the Commission to consider removing the groundwater requirement from the ordinance.

He stated he has not seen a standard regarding topography like the one being proposed in the ordinance. He stated this is an area better defined between the project developer and the landowner.

Regarding the buffering of solar panels he stated certain buffering works with certain projects. Developers work with neighbors, landscape architects, and Staff during the site plan approval process to determine buffering requirements.

Mr. Anderson stated he supports owners of industrial properties to be allowed to have solar panels on their industrial zoned property.

Mrs. Shiflett asked how the solar panels are maintained and cleaned.

Mr. Anderson stated they are washed once a year with high pressure misting techniques.

Roger Willets of 9092 Old Turnpike Rd, Afton, VA stated he owns 44 acres on Johnson Drive in Stuarts Draft that is zoned as industrial. He referred to the March Planning Commission meeting and stated what the Commission recommended then is not what is being proposed now. His property has been taxed based on a land value of \$25,000 an acre for 12 years and does not qualify for land use. He is paying higher taxes because it is zoned industrial. He feels solar power generated systems are an industrial use and his property would be an ideal location. Solar farms are a passive use and would not affect the community.

James Kindig of 3546 Stuarts Draft Highway asked what the cost benefit analysis is for that is being proposed as part of the ordinance. He stated setbacks are greater than what

is normally required for residential and feels the setbacks should be decreased. He stated groundwater monitoring is not necessary as there is no additional runoff from what is currently there. He does not understand why the interconnection agreement would be required in the ordinance, as that would be required by the power company before the project could begin. He stated solar panels should be allowed in industrial districts, as there does not seem to be any other uses interested in industrial land currently.

Sam Hopkins of 1253 Old Windmill Circle, Harrisonburg stated he works for Paradise Energy Solutions. He is interested in the parcel size requirement for solar energy farms, particularly the one-half acre lot requirement.

Mr. Wilkinson stated this is a draft ordinance that was presented before the Planning Commission in March for recommendation and then was passed to the Board of Supervisors for a final decision. The Board sent it back to the Planning Commission with changes for further review and recommendations. The Board will make the final decision at the public hearing on June 27<sup>th</sup>. The half-acre was taken from ordinances of other localities and is open to the Commission for recommendations.

Mr. Hopkins stated if someone wants to use an unproductive area of a farm for solar energy use and that particular area is greater than one-half acre, it would be difficult for the owner to have solar energy as personal or agriculture use.

Mr. Wilkinson stated this ordinance does not address that type of use, as that would be an accessory use to the property being used by the property owner.

Wayne Nolde of 210 Cider Mill Road referred to Section 25-70.4B of the proposed ordinance and asked the why the County cares who buys the electricity.

Mr. Wilkinson stated they are trying to define an accessory use for personal use versus panels used to generate electricity for sale which would be considered business use.

Mr. Nolde asked what costs and benefits are being considered under the cost benefit analysis. Is it for economic cost benefit analysis or is it for the financial analysis the landowner is going through to decide if he can afford it. The cost benefit analysis is very vague and does not give much criteria. He is unclear why a decommissioning plan is necessary. Does the County have a decommissioning plan for other uses?

Mr. Wilkinson stated they have a similar decommissioning plan in place for cell towers because the property could be used later for other uses. If something happens that the company that owns the panels would go out of business, it should not be the tax payer's responsibility to pay to have the panels removed.

Mr. Nolde asked why the panels would need to be removed and why would it be any different from having a warehouse that that has been vacant for many years.

He stated groundwater monitoring is not necessary, as panels will not affect groundwater and DEQ should be the ones to regulate that.

There being no one further to speak in favor of or against the request, Mr. Curd closed the Public Hearing.

The Commissioner's agreed among themselves that the proposed ordinance was not welcoming or attractive. They also agreed a 50' setback would be more reasonable, with the Board of Supervisors having the ability to change as necessary. They agreed that solar energy farms should be allowed in industrial zoned districts, and that the Traffic Impact Analysis and Cost Benefit Analysis should not be included as a requirement. Groundwater monitoring and decommissioning of the panels should also be deleted from the ordinance.

Mr. Jennings asked why the County wants to have a Cost Benefit Analysis for solar panels.

Mr. Wilkinson stated it will be beneficial for the County in order to compare the cost benefit of solar panels versus the cost benefit of other uses.

Mrs. Shiflett moved to recommend the following changes to the proposed ordinance: Solar energy farms be allowed in industrial zoned districts; the setbacks have a 50' minimum from the property lines and right-of-way, with the Board of Supervisors having the ability to increase on a case by case basis; and the Cost Benefit Analysis, Traffic Impact Analysis, groundwater monitoring and community meeting regulations be removed. Restoration of topography of property, physical removal of below grade structures, and decompaction issues are to be agreed upon by the landowner and developer.

Mr. Bridge seconded the motion, which carried unanimously.

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## **STAFF REPORTS**

### **A. CODE OF VIRGINIA – SECTION 15.2-2310**

Mr. Wilkinson reviewed with the Commissioners the requests coming before the BZA at the July meeting.

The Planning Commission took no action on the BZA items.

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

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Chairman

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Director

**COUNTY OF AUGUSTA  
STAFF REPORT  
KENNETH RAY BRADLEY, JR., INC.  
August 14, 2018**

**SUMMARY OF REQUEST:** A request to rezone approximately 8.50 acres from General Agriculture to General Business owned by Kenneth Ray Bradley, Jr., Inc. and located on the east side of East Side Highway (Route 340), approximately .17 of a mile south of Dooms Crossing Road (Route 611) in the Wayne District. The proposed general usage of the property is business. The general usage stated in the Comprehensive Plan is Community Mixed Use with a proposed density of six to twelve dwelling units per acre and, on up to 40% of the total land area, retail and office uses and in some, but not all cases, industrial uses.

**PROPOSED PROFFER:** Development of Tax Map Parcel #68-52L shall not include the following uses: fast food restaurants, gasoline retail outlets, and car washes.

**VICINITY ZONING:** General Agriculture to the north, south, east and west. Public Use Overlay zoning for Eastside Speedway to the east.

**PREVIOUS ZONING:** General Agriculture

**COMPREHENSIVE PLAN PLANNING POLICY AREA/FUTURE LAND USE DESIGNATION:** Urban Service Area/Community Mixed Use.

**SOILS:** Not applicable.

**COMMENTS FROM ENGINEER:** A level of drainage analysis was performed for construction of the building and parking areas that currently exist on the site. Additional development will require analysis of any new improvements.

The applicant is advised to contact the U.S. Army Corps of Engineers and the Virginia Department of Environmental Quality for any requirements related to proposed work in wetland areas or adjacent to any streams.

This property drains to South River which is listed on the Virginia DEQ Draft 2014 Impaired Waters List. This impaired segment extends from the INVISTA discharge downstream to its confluence with Porterfield Run. The impaired uses are aquatic life, recreation and fish consumption, the specific impairments are violations of the general standard for benthics, E. coli, fecal coliform bacteria and mercury in fish tissue. The sources are municipal (Urbanized High Density Area) for the benthics impairment, agriculture, non-point sources and wildlife other than waterfowl for the bacterial impairments and contaminated sediment for the mercury impairment.

Numerous TMDLs have been approved for this segment for each of the impairments and must be considered by the applicant.

Additionally, the 2007 Augusta County Comprehensive Plan lists the South River – Porterfield Run watershed as a Priority Watershed for Groundwater Protection due to the presence of karst features and the location of Source Water Assessment Program zones.

This property lies outside of the Airport Overlay District (APO).

This property lies within Zone X on the FEMA FIRM and therefore is outside the Special Flood Hazard Area.

**COMMENTS FROM ZONING ADMINISTRATOR:** The property is currently surrounded by General Agriculture zoned properties. However, the adjoining parcel to the east contains an existing speedway. The parcel has an existing 7,200 square foot building permitted by Special Use Permit to have auctions. If the property is rezoned to General Business, the adjacent parcel to the north contains a single family dwelling and may be impacted by increased traffic, congestion, noise, lights, dust, odor, fumes, vibration, and visual impacts from additional permitted business uses.

Any new development would be subject to current setback regulations and a site plan meeting the requirements of **Section 25-673** is required to be approved prior to any business or industrial development on the property and any change or enlargement of existing structures or uses may require submittal of a revised site plan.

No development such as parking and vehicular passageways, or any other improvement other than open space and landscaping is permitted within twenty-five feet (25') of any side or rear lot line that joins property not zoned business. The area within the twenty-five foot area is also subject to the "buffer yard" requirements in section **25-387 and 25-308**. Outdoor lighting must meet all requirements of Article VI "Outdoor Lighting".

**COMMENTS FROM ACSA:** There is an existing 12" waterline along the front property line on East Side Highway. There is no public sewer available in the area of the subject property.

Water and Sewer Notes:

1. Water and sewer capacities are not reserved until system adequacy is determined (supply, treatment, transmission) and payment of the connection fees has been received in accordance with Service Authority Policy. Augusta County Service Authority Policies and Procedures can be found at <http://www.acsawater.com/oppm>.

2. Any engineering evaluations and upgrades or extensions would be the responsibility of the owner/developer and are subject to Service Authority review and approval.

3. Investigation of available fire flow is recommended to ensure that the system is capable of providing the needed fire flow to comply with Chapter 24 of the Augusta County Code requirements for the proposed use of the property. Any upgrades or extensions would be the responsibility of the owner/developer and are subject to Service Authority review and approval. **Important Note:** **The water system in this area is not capable of providing the needed fire flow to comply with Chapter 24 of the Augusta County Code requirements for the proposed use of the property. The owner is advised to discuss this with the County.**

**COMMENTS FROM HEALTH DEPARTMENT:** Health department records show that a sewage disposal system construction permit (107-15-0020) was issued to Kenneth Bradley on 02/02/2015 for a system to serve an auction house with 1 full time employee, 4 part time employees and up to 100 patrons a day. We show this permit as having expired with no verification that the system was installed.

The health department does not object to the rezoning, but the owner will need to obtain approval for any sewage disposal system needs at the property. Any change in usage from the original plans would require further review.

**COMMENTS FROM FIRE-RESCUE:** Fire-Rescue sees little to no impact on service delivery from this request. Fire-Rescue has no further comment; however, this area does not have adequate fire flow available.

**TRAFFIC: Rt. 340 East Side Highway**  
AADT: 8,600 vpd (2017)  
Post Speed Limit: 40 mph  
K-Factor: 0.089  
Dir. Factor: 0.616  
Functional Classification: Minor Arterial

**COMMENTS FROM VDOT:**

1. The development of 8.0 acres with uses permitted by General Business (not including those excluded by proffer) should not substantially affect transportation on the surrounding roadways; therefore, a VDOT Traffic Impact Analysis (TIA) is not recommended.
2. Any access to a state maintained roadway must be designed and constructed in accordance with Appendix F of the VDOT Road Design Manual. Each entrance must meet the Access Management spacing

requirements (470' for full access). Based on the property frontage, it appears that two entrances could be permitted to serve the development. The first is already constructed and currently serves the auction facility. A second could be constructed approximately midway between the first and Al Gore Lane, maintaining the 470' spacing to each entrance. Turn lane warrants will be reviewed at time of site plan. Similarly, depending on the severity of the traffic generated, additional intersection/entrance improvements may be required, such as a signal or alternative intersection, which would be reviewed at time of site plan.

3. Partial access entrances will not be permitted along the 5-lane section of roadway unless a physical median is constructed.
4. A VDOT land use permit will be required for any work needing to be performed on State right of way.

**SCHOOL BOARD STAFF COMMENTS:** This request will have no impact on Cassell Elementary School, Wilson Middle School, and Wilson High School.

**COMMUNITY DEVELOPMENT STAFF COMMENTS:**

**Pros:**

1. Proposed General Business zoning may be compatible with existing business use on this property (Special Use Permit for an auction house) and adjoining property to the east (Eastside Speedway).
2. Property is located in an Urban Service Area where the County wants to encourage future growth.
3. Property is located off Route 340, a designated thoroughfare.

**Cons:**

1. There is no public sewer available in the area. A septic system would require a waiver from the Board of Supervisors.
2. Water system in the area cannot provide the needed fire flow for compliance with Chapter 24 of the Augusta County Code, requiring a waiver from the Board of Supervisors.
3. Request may not be compatible with adjacent General Agriculture zoning.

**COMMUNITY DEVELOPMENT STAFF RECOMMENDATION:**

The Comprehensive Plan Future Land Use Map designates this parcel as Community Mixed Use with a proposed density of six to twelve dwelling units per acre and, on up to 40% of the total land area, retail and office uses and in some, but not all cases, industrial uses. While this request does not create a mixture of uses on the approx. 8.5 acre parcel of request, it does add General Business zoning to the much larger Community Mixed Use designated area to allow for the retail and office uses described in the Comprehensive Plan. In addition, it is likely

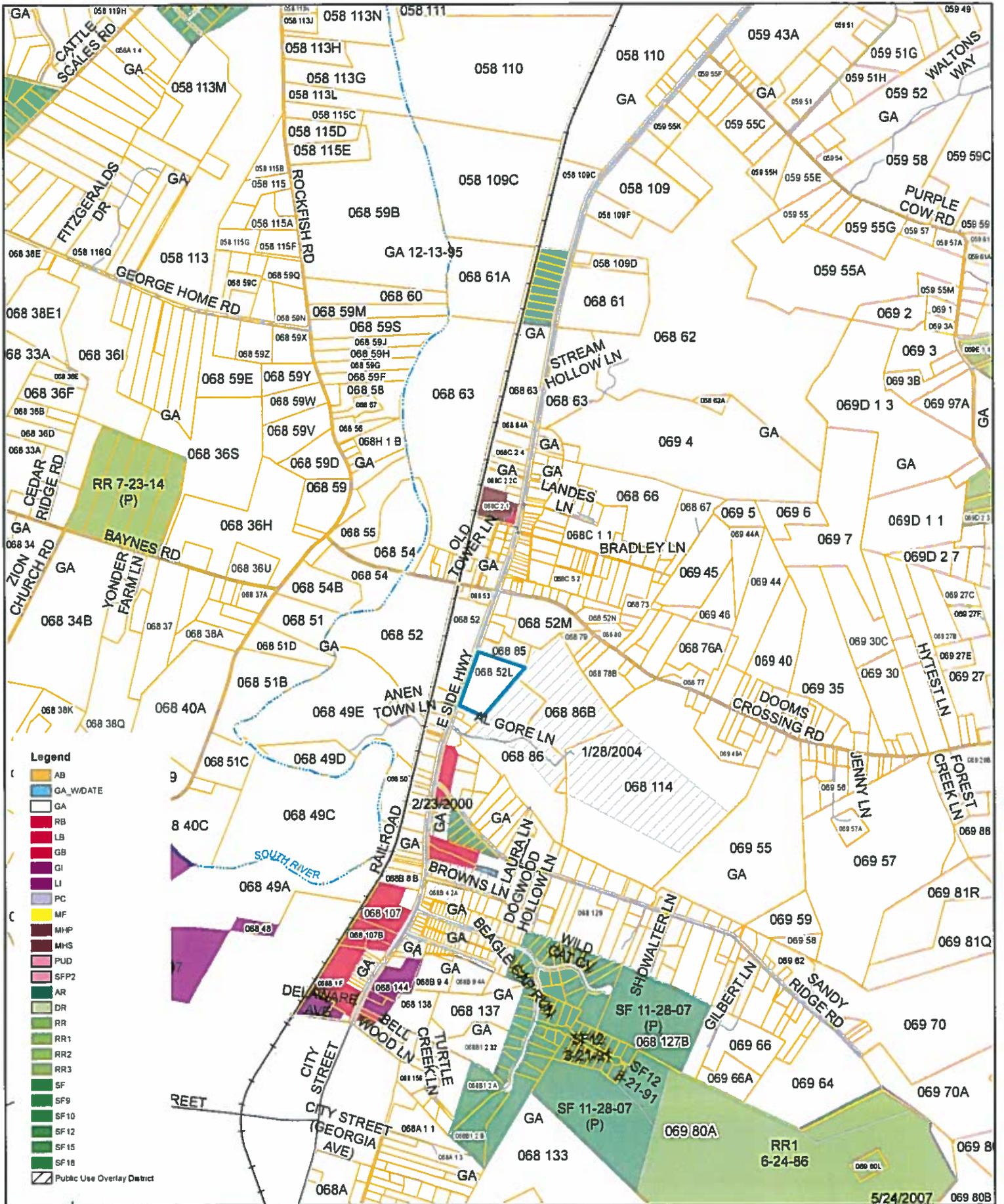
that the business portion of a future mixed use development would have frontage on Route 340.

Since the Comprehensive Plan envisions this parcel and surrounding area for mixed use development, staff feels that certain uses that are permitted in General Business, such as motor vehicle repair and machine shops, may not be compatible with potential future residential uses. However, the proffers do exclude fast food establishments, gasoline retail outlets, and car washes which eliminates some uses that may not be compatible with surrounding future mixed use development.

The Augusta County Service Authority has identified public water is available to serve the property although a waiver of the fire flow requirements from the Board would be needed. There is no public sewer available to serve the parcel. Since this parcel is in the Urban Service Area, the Board would also need to approve a waiver for a septic system.

This parcel is in a growth area where the County wants to encourage future development, but at this time sewer is not available. For compliance with the Comprehensive Plan, staff recommends that public sewer be extended to serve future business development on the parcel of request. While staff has pointed out some concerns with the wide range of business uses permitted in General Business zoning and the potential impacts to future adjacent residential development (Community Mixed Use), staff does recommend approval of the request with the proffers for the following reasons: 1) Business development along Route 340 is a likely land use. 2) The adjacent parcel to the east has a public use overlay for a racetrack which has operated at this location for many years. 3) The parcel is in an Urban Service area where the County wants to encourage future development and business zoning is one component of the future land use designation for this parcel and surrounding area.

# Kenneth Ray Bradley Jr., Inc. Property



# Kenneth Ray Bradley Jr., Inc. Property



**COUNTY OF AUGUSTA  
STAFF REPORT  
Ordinance Amendment  
Chapter 25 Division B. Article VII.  
Section 25-77.4. Lot frontage in general. Exceptions.  
August 14, 2018**

**PROPOSED ORDINANCE TEXT:**

**AN ORDINANCE TO AMEND CHAPTER 25 ZONING. DIVISION B. AGRICULTURE DISTRICTS. ARTICLE VII GENERAL AGRICULTURE DISTRICTS OF THE AUGUSTA COUNTY CODE**

WHEREAS, the Augusta County Board of Supervisors desires to create an additional exception to the lot frontage requirement in General Agriculture districts; and

WHEREAS, the Augusta County Board of Supervisors desires to create such exception for the sole purpose of separating an existing dwelling, built in or after the year 2000, and lot, from the original tract; and

WHEREAS, the Augusta County Board of Supervisors desires to limit such exception so that the original lot nor the created existing dwelling division lot, which contains the existing dwelling, can be further subdivided using such exception.

NOW THEREFORE be it resolved by the Board of Supervisors for Augusta County that Division B. Agriculture Districts. Article VII General Agriculture Districts. Section 25-77.4 Lot frontage in general. Exceptions. shall be amended to read as follows:

**CHAPTER 25. ZONING**

**DIVISION B. AGRICULTURE DISTRICTS.**

**ARTICLE VII. General Agriculture (GA) Districts.**

**§ 25-77.4. Lot frontage in general. Exceptions.**

A. In General Agriculture Districts, the following frontage requirements apply:

1. For cluster residential lots: Forty feet (40') of frontage on a private street.
2. For all other agriculture lots, with the exception of any "family member exception lot" (as described in subsection B below), **and a one time "existing dwelling division lot" (as described in subsection C below)** shall have at least fifty feet (50') of frontage on a public street.

For purposes of subsection C below, the “existing dwelling division lot,” shall be defined as the lot containing the existing dwelling after the division.

**C. In General Agriculture Districts, a lot known as an “existing dwelling division lot” may be created that does not have frontage on a public street, provided the following conditions are met:**

**1. Such “existing dwelling division lot” shall be permitted for the sole purpose of creating a lot to separate an existing dwelling constructed in or before the year 2000 from the original lot. Neither the original lot nor “existing dwelling division lot” shall be further subdivided using the exception detailed in this subsection.**

**2. No such “existing dwelling division lot” shall be created for the purpose of the circumvention of chapter 21 of this Code.**

**3. The original lot shall be no more than one contiguous tract or lot, and the foregoing notwithstanding, need not to 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 “existing dwelling division lot” or the original lot of the grantor must meet the requirements of § 21-11.B of this code.**

**COMMUNITY DEVELOPMENT STAFF COMMENTS:** This ordinance creates another exception, in addition to our family member exception, for creating lots without road frontage.

Staff believes that is it important to point out the following excerpt from the County’s Comprehensive Plan:

*Goal 2: Protect existing agricultural and forestry operations in the Rural Conservation and Agricultural Conservation Areas from conflicts with other land uses and from being converted to other land uses.*

*Objective B: Discourage encroachment of residential land uses into areas that have good prospects for long-term farming or forestry activities.*

*Policy 2: Lot Creation. Continue to explore and implement methods for reducing the number of lots created in agriculturally zoned areas through the minor subdivision process. New minimum or maximum lot sizes, limits on the family member exception, and restrictions on boundary line adjustments, as well as other available methods, should be considered. Regulations relating to the configuration of new lots should also be considered.*

This ordinance amendment will inevitably lead to more lots being created as it adds another exception process for creating lots without road frontage. However, staff believes that the amendment as written has provisions to create limitations while also giving landowners the ability to create a lot to separate an existing dwelling from an original tract that do not have the ability to utilize the family member exception.

**COUNTY OF AUGUSTA  
STAFF REPORT  
Ordinance Amendment  
Chapter 25. Division F. Article XXXVIII  
25-387 Buffer yards.  
August 14, 2018**

**PROPOSED ORDINANCE TEXT:**

**AN ORDINANCE TO AMEND CHAPTER 25 ZONING DIVISION F. INDUSTRIAL DISTRICTS. ARTICLE XXXVIII GENERAL INDUSTRIAL DISTRICTS. OF THE AUGUSTA COUNTY CODE**

WHEREAS, the Augusta County Board of Supervisors has deemed it desirable to correct an error in the buffer yard regulations for General Industrial Districts; and

WHEREAS, such correction clarifies that the minimum height for a combined opaque privacy fence and berm shall be six feet.

NOW THEREFORE be it resolved by the Board of Supervisors for Augusta County that Division F. Industrial Districts. Article XXXVIII General Industrial Districts. Section 25-387 Buffer yards. shall be amended to read as follows:

**CHAPTER 25. ZONING**

**DIVISION F. INDUSTRIAL DISTRICTS.**

**ARTICLE XXXVIII. General Industrial (GI) Districts.**

**25-387. Buffer yards.**

**D. Permitted structures in buffer area.**

**1. Where walls are placed within any required buffer area:**

a. No walls of exposed concrete block are permitted, whether painted or not.

b. The applicant shall be required to demonstrate provision for access and maintenance of landscaping and the wall structure at the time of site plan approval.

c. Breaks in the wall may be provided for pedestrian and vehicular connections to adjacent developments.

2. Where berms are placed within any required buffer area:

a. A berm or combination of materials such as a berm and a fence shall be a minimum six feet (6') in height.

b. Berms shall have slopes of not less than three feet (3') horizontal for each one foot (1') vertical.

c. Slopes in excess of three feet (3') horizontal for each one foot (1') vertical may be permitted if sufficient erosion control methods are taken and deemed by the Zoning Administrator to be maintainable.

3. Where opaque privacy fences are placed within any required buffer area:

a. No reduction in buffer width shall be provided based on the provision of a chain-link fence.

b. Fences shall be a minimum of six feet (6') in height unless paired with a berm and in such case the combination of berm and fence shall be a minimum of ~~three~~ six feet (6') in height.

c. Breaks in the fence may be provided for pedestrian and vehicular connections to adjacent developments.

d. Fences shall be maintained in a structurally safe and attractive condition and with finished faces located towards the adjacent property.

**COMMUNITY DEVELOPMENT STAFF RECOMMENDATION:** Staff recommends approval of the ordinance amendment.

**COUNTY OF AUGUSTA  
STAFF REPORT  
Ordinance Amendment  
Chapter 25 Division I. Permits and Procedures  
Article LVIII. Special use permit procedures  
August 14, 2018**

**PROPOSED ORDINANCE TEXT:**

**AN ORDINANCE TO AMEND CHAPTER 25 ZONING. DIVISION I. PERMITS AND PROCEDURES. ARTICLE LVIII SPECIAL USE PERMIT PROCEDURES OF THE AUGUSTA COUNTY CODE**

WHEREAS, the Augusta County Board of Supervisors desires to reserve the right to hear and make decisions on certain Special Use Permit applications as identified in the zoning ordinance.

NOW THEREFORE be it resolved by the Board of Supervisors for Augusta County that Division I. Permits and procedures. Article LVIII. Special use permit procedures. shall be amended to read as follows:

**CHAPTER 25. ZONING**

**DIVISION I. PERMITS AND AMENDMENTS**

**Article LVIII. Special Use Permit procedures**

- § 25-581. Purpose.
- § 25-582. Authority granted.
- § 25-583. Applications.
- § 25-584. Requirements of Special Use Permits.
- § 25-585. BZA or BOS review plans.
- § 25-586. Review of BZA or BOS review plans.
- § 25-587. Reserved.
- § 25-588. Reconsideration.
- § 25-589. Abandonment of Special Use Permits.
- § 25-590. Revocation of Special Use Permits.
- § 25-590.1. Withdrawal of application.

## CHAPTER 25. ZONING

### DIVISION I. PERMITS AND AMENDMENTS

#### Article LVIII. Special Use Permit procedures

##### § 25-581. Purpose.

The purpose of this article is to provide procedures for the granting by the board of zoning appeals **or the Board of Supervisors** of special exceptions, herein called Special Use Permits, under suitable regulations and safeguards.

State law reference--Virginia Code § 15.2-2286.

##### § 25-582. Authority granted.

The board of zoning appeals shall hear and decide applications for such Special Use Permits as may be authorized in this chapter, **unless the Board of Supervisors has reserved the authority to grant such Special Use Permits for specific uses as detailed in the ordinance.** They ~~it~~ may impose such conditions relating to the use for which a permit is granted as it may deem necessary in the public interest, including limiting the duration of a permit, and may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be complied with.

State law reference--Virginia Code § 15.2-2309.

##### § 25-583. Applications.

Applications for Special Use Permits shall be made on forms provided by the Department of Community Development and shall be signed by the owner of the property for which the Permit is sought. If the applicant is not the owner, the application shall be accompanied by the written consent of the owner.

##### § 25-584. Requirements of Special Use Permits.

A. A Special Use Permit shall not be issued until all pre-conditions, if any, imposed by the board of zoning appeals **or the Board of Supervisors** have been met. Commencement of a special use prior to the issuance of the permit shall be a violation of this chapter. Whenever the board of zoning appeals **or the Board of Supervisors** has required pre-conditions, the pre-conditions shall be established, constructed or diligently pursued within a reasonable time as determined by the board of zoning appeals **or the Board of Supervisors.** If, in the opinion of the Zoning Administrator, compliance with the pre-conditions is not diligently pursued within one year or other time as specified by the board of zoning appeals **or the Board of Supervisors**, the approval of such Special Use Permit shall automatically expire without notice and the Special Use Permit will not be issued.

B. Any BZA or Board of Supervisors review plan submitted to and approved by the board of zoning appeals or Board of Supervisors shall be followed.

C. Unless otherwise provided by the board of zoning appeals or the Board of Supervisors, the Special Use Permit shall be issued to the applicant and shall be non-transferable.

D. All Special Use Permits are subject to and conditioned upon compliance with any applicable federal, state, or local licensing or regulatory requirements, and may be revoked upon failure to so comply.

E. In cases where a minimum acreage is required, the minimum acreage shall mean the total acreage of the contiguous tracts that are wholly owned by the same person, firm, or corporation. However, the minimum acreage required for the permit must be retained in the same ownership for the permit to remain valid. In cases where a setback is required from a lot line, it shall be from a lot not wholly owned by the same person, firm, or corporation.

**§ 25-585. BZA or BOS review plans.**

A. Any application for a Special Use Permit shall be accompanied by a BZA or BOS review plan.

B. Each BZA or BOS review plan shall be drawn on 8½" by 11", 8½" by 14", or 11" by 17" paper.

C. For all new structures, each BZA or BOS review plan shall be drawn to scale. The scale shall be one inch (1") equals a stated number of feet. The number of feet shall be a multiple of ten (10). For example, the scale may be one inch (1") equals fifty feet (50') or one inch (1") equals one hundred feet (100').

D. Each BZA or BOS review plan shall contain or be accompanied by the following:

1. Reference to the tax map and parcel number, and when the tax map is inaccurate, an "insert map" showing the location of the tract or lot.

2. A scaled drawing of the tract or lot with dimensions indicated or, if available, a boundary survey of the tract or lot.

3. Names of owners of all adjoining property.

4. Location of all zoning districts, buildings, structures, boundary lines and other features from which minimum setbacks are required by this chapter.

5. Type of surfacing, size, design and dimension of all off-street parking spaces.
6. Location, design and dimensions of all vehicular entrances and exits to the site.
7. Location and dimensions, including height in feet, and the proposed general use of each building.
8. Any information required by the reviewing agencies referenced in §25-586 below.

**§ 25-586. Review of BZA or BOS review plans.**

A. The Zoning Administrator shall review the BZA or BOS review plan to ensure compliance with the requirements of this chapter and other applicable ordinances.

B. The Zoning Administrator may forward the BZA or BOS review plan to such other public officials or agencies as he may deem appropriate for further review.

**§ 25-587. Reserved.**

**§ 25-588. Reconsideration.**

The board of zoning appeals or Board of Supervisors shall not consider an application for a Special Use Permit within one year following the date of final action by the board on a prior application if such application seeks substantially the same Special Use Permit sought in the previous application for the same parcel of land.

**§ 25-589. Abandonment of Special Use Permits.**

A. The holder of a Special Use Permit may voluntarily abandon the permit by notifying the Zoning Administrator. Upon receipt of such notice of voluntary abandonment, the Zoning Administrator shall cancel the permit.

B. Unless otherwise provided by the board of zoning appeals or the Board of Supervisors, when the Zoning Administrator has determined that the use authorized by a Special Use Permit has ceased for two years or more, the Zoning Administrator shall endeavor to obtain the owner's consent to the cancellation of the Permit, and, if consent is obtained, shall cancel the Permit. If the Zoning Administrator is unable to obtain such consent, the Zoning Administrator shall seek revocation of the permit by the board of zoning appeals or the Board of Supervisors and, for that purpose, shall give notice and schedule a hearing as required by the Code of Virginia.

**§ 25-590. Revocation of Special Use Permits.**

If, in the opinion of the Zoning Administrator, the holder of a Special Use Permit has been unwilling or unable to comply with the operating conditions, if any, imposed by the board of zoning appeals **or the Board of Supervisors** in conjunction with said Special Use Permit, the Zoning Administrator shall seek revocation of the permit by the Board of Zoning Appeals **or the Board of Supervisors, whichever is applicable under the ordinance** and, for that purpose, shall give notice and schedule a hearing as required by the Code of Virginia.

**§ 25-590.1. Withdrawal of application.**

An application for a Special Use Permit may be withdrawn by the applicant at any time; provided, however, that there shall be no refund of any fee paid if the county has contracted for any advertising or notification as required by law. In no case shall more than one-half of the fee paid be refunded.

**COMMUNITY DEVELOPMENT STAFF RECOMMENDATION:** Staff recommends approval of the ordinance amendment.

**COUNTY OF AUGUSTA  
STAFF REPORT  
Ordinance Amendment  
Chapter 25 Division A. Article V.  
Section 25-52. Accessory uses on undeveloped lots and other lots used for  
agricultural, residential, commercial, or industrial purposes.  
August 14, 2018**

**PROPOSED ORDINANCE TEXT:**

**AN ORDINANCE TO AMEND CHAPTER 25 ZONING. DIVISION A. IN GENERAL.  
ARTICLE V ACCESSORY BUILDINGS AND USES OF THE AUGUSTA COUNTY  
CODE**

WHEREAS, the Augusta County Board of Supervisors desires to increase the size of utility shed and similar storage facilities for the storage of materials and equipment customarily associated with the maintenance of undeveloped lots which are permitted in any zoning district when accessory to an undeveloped lot or any lot not used for agricultural, residential, business, or industrial uses; and

WHEREAS, the Augusta County Board of Supervisors desires to increase the size of such accessory buildings from two hundred to two hundred and fifty-six square feet as a reflection of building code's foundation requirement; and

WHEREAS, the Augusta County Board of Supervisors desires to replace "commercial" with "business" to reflect the associated name of the zoning ordinance.

NOW THEREFORE be it resolved by the Board of Supervisors for Augusta County that Division A. In General. Article V Accessory building and uses. Section 25-52 shall be amended to read as follows:

**CHAPTER 25. ZONING**

**DIVISION A. IN GENERAL.**

**ARTICLE V. Accessory building and uses.**

**25-52. Accessory uses on undeveloped lots and other lots not used for  
agricultural, residential, ~~commercial~~ business or industrial purposes.**

The following uses are permitted in any zoning district when accessory to an undeveloped lot or any lot not used for agricultural, residential, ~~commercial~~ business or industrial use:

A. Utility sheds and similar storage facilities for the storage of materials and equipment customarily associated with the maintenance of undeveloped lots, provided

that the aggregate area of such buildings or structures on any lot does not exceed ~~two hundred (200 sq. ft.)~~ **two hundred fifty-six square feet (256 sq. ft.)**.

**COMMUNITY DEVELOPMENT STAFF RECOMMENDATION:** Staff recommends approval of the ordinance amendment.