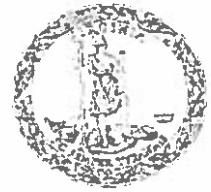




COUNTY OF AUGUSTA
COMMONWEALTH OF VIRGINIA
DEPARTMENT OF COMMUNITY DEVELOPMENT
P.O. BOX 590
COUNTY GOVERNMENT CENTER
VERONA, VA 24482-0590



MEMORANDUM

TO: Augusta County Board of Zoning Appeals
FROM: Sandra K. Bunch, Zoning Administrator
DATE: September 27, 2018
SUBJECT: Regular Meeting and Viewing

The Regular Meeting of the Augusta County Board of Zoning Appeals will be held on **Thursday, October 4, 2018, at 1:30 P.M.**, in the Board Meeting Room, Augusta County Government Center, 18 Government Center Lane, Verona, Virginia.

Please meet in the Board of Supervisors Conference Room at the Augusta County Government Center in Verona at **9:00 A.M., Thursday**, for the Staff Briefing prior to going out to view the items on the agenda. Lunch will follow at **Massaki Japanese Steakhouse & Sushi at noon**.

Enclosed are the minutes of last month's meeting, the agenda for **Thursday's** meeting, staff reports and site plans on each of the requests.

If you cannot attend this meeting, please notify this office as soon as possible.

SKB/bcw

Enclosures

**ADVANCED
AGENDA**

Regular Meeting of the Augusta County Board of Zoning Appeals

Thursday, October 4, 2018, 1:30 P.M.

1. CALL TO ORDER

2. DETERMINATION OF A QUORUM

3. MINUTES

Approval of the Called and Regular Meeting of September 6, 2018

4. PUBLIC HEARINGS

- A. A request by Jason McCall, agent for Mossy Creek Brewing Co., LLC, for a Special Use Permit to have outdoor storage of a food truck on property they own, located at 414 Parkersburg Turnpike, Staunton in the Pastures District.
- B. A request by Gary J. Smith, for a Special Use Permit to add a 378 square foot accessory building exceeding the 900 square foot total aggregate allowed on property he owns, located at 1170 Stuarts Draft Highway, Staunton in the Riverheads District.
- C. A request by Lindsay Birt, agent for Rocky Top Farms, LLC and Kevin J. Birt, for a Special Use Permit to have weddings and special events and to provide overnight accommodations for short term rental on property they own, located at 1124 Mossy Creek Road, Bridgewater in the North River District.

5. OLD BUSINESS

- A. A request by Atlantic Coast Pipeline, LLC, for a Special Use Permit to have a contractor storage yard and outdoor storage of food trucks on property owned by Scotland Land Company, LLC, located on the north side of West Augusta Road, east of the intersection of West Augusta Road and Deerfield Valley Road, West Augusta in the Pastures District. – **TABLED AT THE SEPTEMBER 6, 2018 MEETING**

6. MATTERS TO BE PRESENTED BY THE PUBLIC

7. MATTERS TO BE PRESENTED BY THE ZONING ADMINISTRATOR

8. STAFF REPORT

17-59	Patricia S. Shulman
17-60	Darci D. Oberly
17-61	Shenandoah Shiloh Christian Center
17-62	Lick Run Dairy, LLC

9. ADJOURNMENT

AGENDA ITEM # 4A

Date 10/4/18

PROPERTY OWNER:

Mossy Creek Brewing Co., LLC

APPLICANT:

Jason McCall, agent for Mossy Creek Brewing Co., LLC

LOCATION OF PROPERTY:

414 Parkersburg Turnpike, Staunton in the Pastures District

SIZE OF PROPERTY:

0.275 and 1.511 acres

VICINITY ZONING:

Single Family Residential to the south, east and west; General Agriculture to the north

PREVIOUS ZONING OR S.U.P.:

09/92 Zoned General Business

11/06 Zoned General Business with Proffers

LAND USE MAPS:

Urban Service Area – Medium Density Residential

UTILITIES:

Public water and sewer

APPLICANT'S JUSTIFICATION:

To have outdoor storage of a food truck

PLANNING COMMISSION'S COMMENTS:

No comments.

BUILDING INSPECTOR'S COMMENTS:

After review, our office has no conditions.

HEALTH DEPARTMENT'S COMMENTS:

Property is served by public water and sewer. The food will need to be permitted and inspected by the Health Department.

HIGHWAY DEPARTMENT'S COMMENTS:

VDOT considered the possibility of a food truck when reviewing, and approving, the site plan earlier this year.

SERVICE AUTHORITY'S COMMENTS:

The storage of a food truck on the property has no impact on the public water and sewer facilities. The Service Authority has no comments.

ENGINEERING'S COMMENTS:

Less than 10,000 square feet. Ok.

SECTION 25-304B - GENERAL OUTDOOR STORAGE

A site plan is filed meeting the requirements of division J article LXVII "Site Plan Review", approved and followed which clearly delineates the areas intended for outdoor storage and complies with the requirements of this chapter.

Site plan on file with storage area shown.

On-site traffic flow will adequately and safely accommodate all traffic to and from the public highways. Aisleways will be appropriate for the anticipated vehicular and pedestrian traffic.

The existing entrance and approved parking facility should adequately and safely accommodate all traffic to and from the public highways.

Outdoor storage areas will not interfere with convenient, easily accessible parking for the public. Areas delineated on the site plan for parking or aisleways may not be used for outdoor storage.

The food truck will be located in a grassy area behind the buildings outside of parking or aisleways.

Outdoor storage areas will be proportionately appropriate in size and scope to the nature of the business. Financial considerations alone will not justify the failure to use inside storage.

Applicant is proposing one (1) food truck to provide food to customers of the brewery. The requested food truck should be appropriate to the nature of the business.

Setbacks for proposed structures and facilities will be sufficient to protect neighboring properties.

The food truck will be placed behind the buildings and should not have a negative affect on neighboring properties.

Items not displayed for sale or lease shall be fully shielded or screened from view unless the board of zoning appeals determines that fully shielding or screening is not necessary. Opaque screening, including fencing and landscaping, shall be appropriate to ensure compatibility with neighboring properties, taking into account the proper location of aisleways and gates and the compatibility of screening materials with the materials utilized in the principal buildings on site. Fencing or screening shall be maintained in a good state of repair. Chain-link fencing with slats inserted is not acceptable for this screening. Gates shall remain closed except when goods are moved to and from the enclosed area.

The food truck will be located behind the building. Food trucks are normally kept outside.

There is an adequate plan for outdoor lighting showing the location of lights and shielding devices or other equipment to prevent unreasonable glow beyond the site. Any such outdoor lighting shall otherwise comply with the provisions of article VI of division I of this chapter.

No new lighting is proposed.

Items to be stored outside may not be items normally and customarily kept inside.

Food trucks are normally kept outside.

STAFF RECOMMENDATIONS

The applicants are currently remodeling the existing buildings to have a brewery and tasting room. The applicants are requesting to have outdoor storage of one (1) food truck in order to offer food to their brewery customers. The food truck will be kept in a grassy area behind the beer production facility. Staff feels the food service truck would provide a needed service to the customers and the neighboring area, and would recommend approval with the following conditions:

Pre-Conditions:

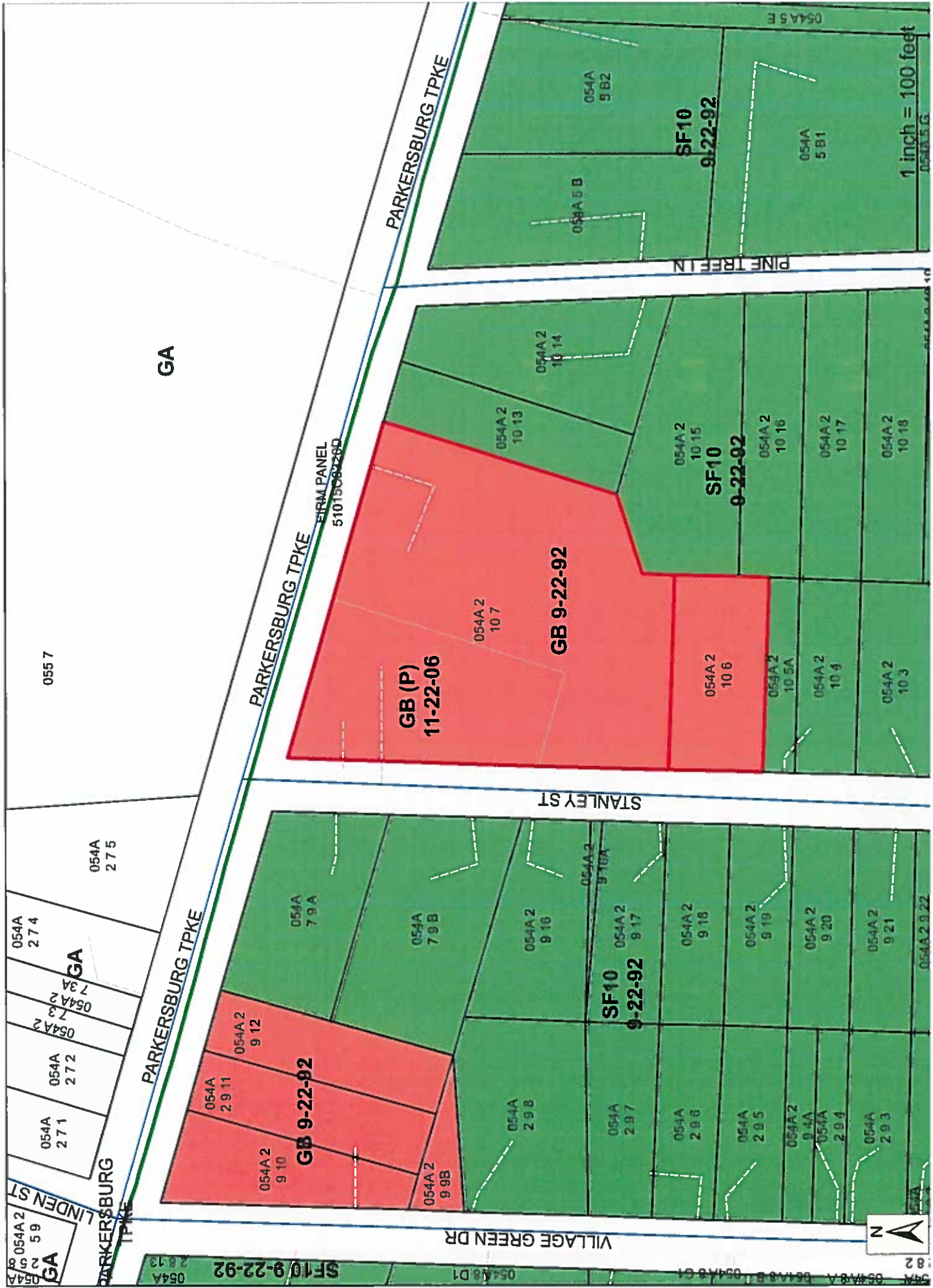
None

Operating Conditions:

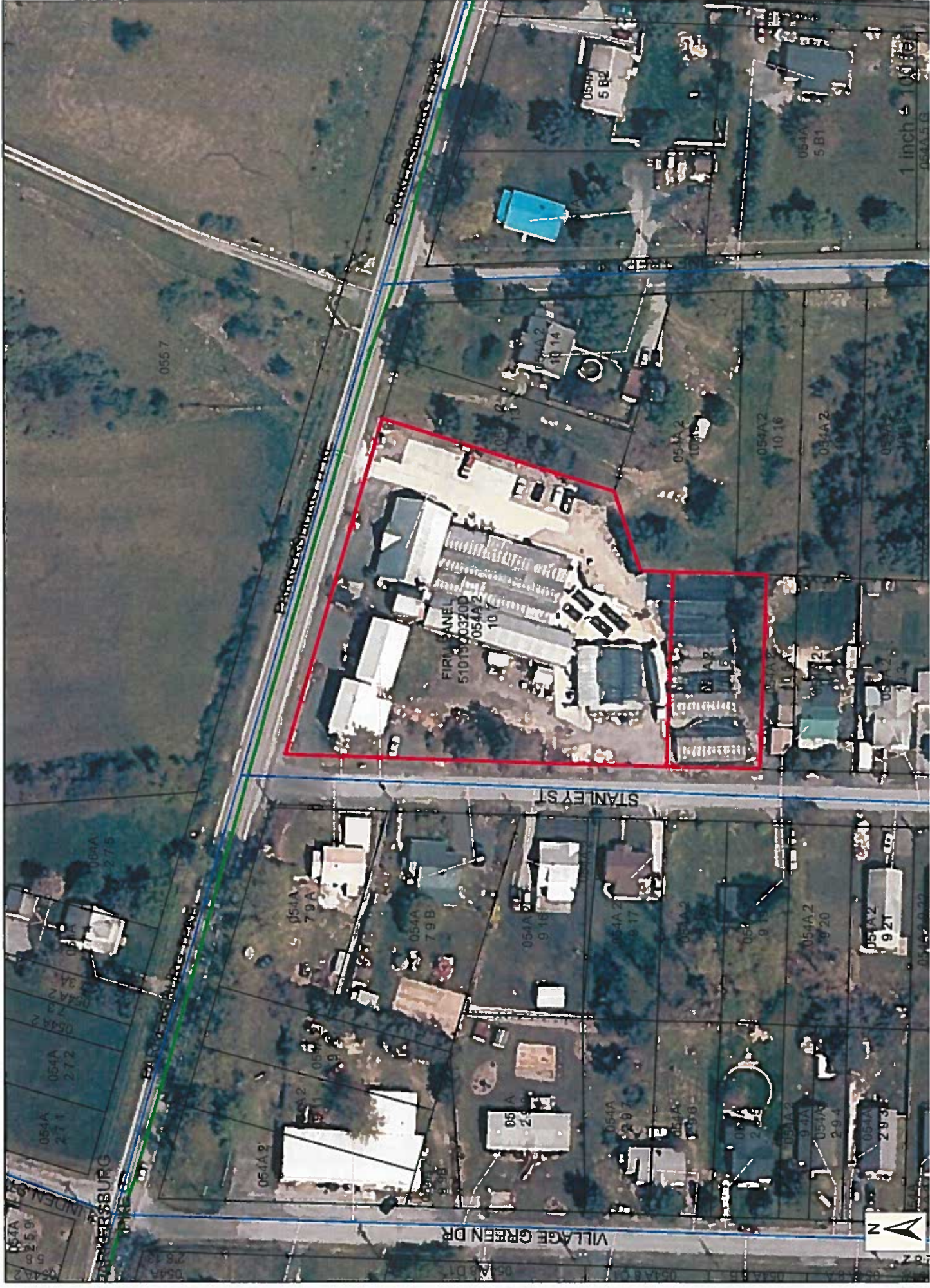
1. Be permitted to have one (1) food service truck outside, and it be kept in the designated area shown on the plan.
2. Site be kept neat and orderly.



Mossy Creek Brewing Co., LLC



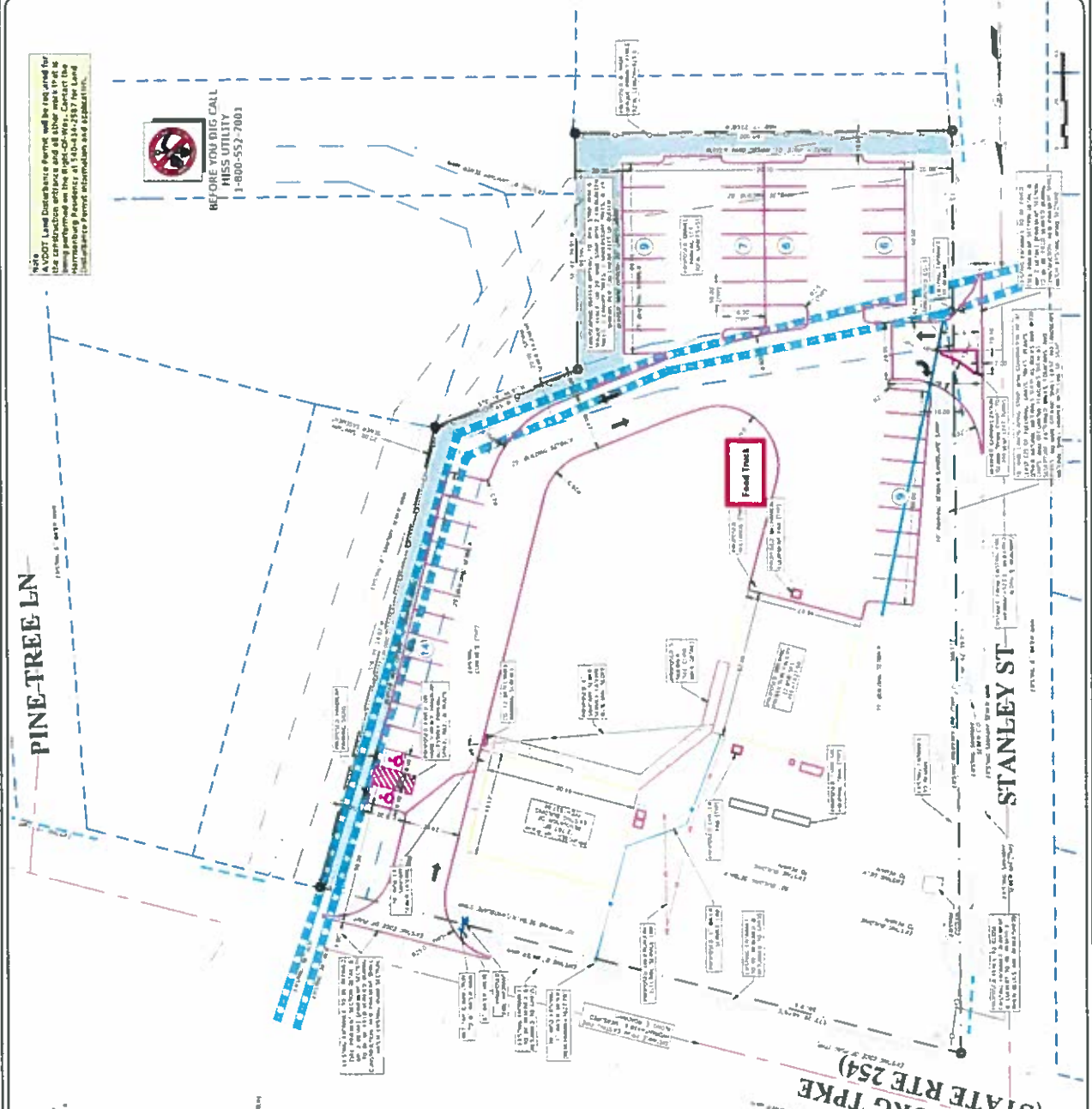
Mossy Creek Brewing Co., LLC



NOTE: A VDOT Land Disturbance Permit will be required for the construction activities and all other work to be performed on the site. The permit application must be submitted to VDOT at least 10 business days prior to the start of construction and a final report submitted to VDOT at the end of the project.

BEFORE YOU Dig, CALL 811 FOR NEAREST UTILITIES.
 1-800-552-7000

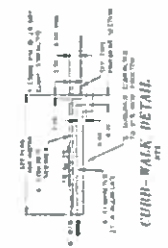
PROJECT NO.: C2210100 SHEET NO.: C2	COLMAN ENGINEERING, PLLC 1138 MARKET ST., SUITE 200 BALTIMORE, MD 21202 TEL: 410-541-4400 FAX: 410-541-4401 WWW.COLMANENGINEERING.COM	MOSSY CREEK BREWING COMPANY 4121 BRIDGES RD., SUITE 100 BALTIMORE, MD 21234 TEL: 410-321-1000	SITE LAYOUT
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LEGEND

	CURVED UTILITIES
	STREET
	EASEMENT
	PROPOSED DRIVEWAY
	EXISTING DRIVEWAY
	PROPOSED PARKING
	EXISTING PARKING
	TREE
	STRUCTURE
	UTILITY MARKERS
	SURVEY POINTS

NO.	AREA	AREA (SQ. FT.)	SOILS	PLANTING	CONCRETE
1	PARKING	1,500	ASPH/CON	10	1
2	DRIVEWAY	2,000	CONC	5	1
3	FLOOR	2,000	CONC	5	1
4	WALKWAYS	1,000	CONC	5	1



1. SEE PLAN FOR ALL DIMENSIONS AND NOTES.
 2. SEE SPECIFICATIONS FOR ALL MATERIALS AND METHODS.
 3. SEE SPECIFICATIONS FOR ALL UTILITIES AND MARKERS.
 4. SEE PLAN FOR ALL DIMENSIONS AND NOTES.
 5. SEE SPECIFICATIONS FOR ALL MATERIALS AND METHODS.
 6. SEE SPECIFICATIONS FOR ALL UTILITIES AND MARKERS.

AGENDA ITEM # 4B

Date 10/4/18

PROPERTY OWNER:

Gary J. Smith

APPLICANT:

Same

LOCATION OF PROPERTY:

1170 Stuarts Draft Highway, Staunton in the Riverheads District

SIZE OF PROPERTY:

0.980 acres

VICINITY ZONING:

General Agriculture to the north, east, and west. Single Family Residential and General Agriculture to the south

PREVIOUS ZONING OR S.U.P.:

12/95 Zoned General Agriculture

LAND USE MAPS:

Community Development Area – Low Density Residential

UTILITIES:

Private well and septic

APPLICANT'S JUSTIFICATION:

To add a 378 square foot accessory building exceeding the 900 square foot total aggregate allowed

PLANNING COMMISSION'S COMMENTS:

No comments.

BUILDING INSPECTOR'S COMMENTS:

Obtain all necessary permits and inspections in accordance with the Uniform Statewide Building Code.

HEALTH DEPARTMENT'S COMMENTS:

The Health Department has no issues with the size of the outbuilding. It is advised to locate the septic tank and drainfield prior to installing the building to ensure the building is not placed on top of or within 10' of the drainfield.

HIGHWAY DEPARTMENT'S COMMENTS:

VDOT has no objection to enlarging the accessory building for private use. The building will not affect access or parking at the residence.

SERVICE AUTHORITY'S COMMENTS:

The addition of the accessory building on the property has no impact on the public water and sewer facilities. The Service Authority has no comments.

ENGINEERING'S COMMENTS:

Less than 10,000 square feet. Ok.

STAFF COMMENTS

The applicant is requesting to construct a three hundred seventy-eight (378) square foot accessory building for personal storage. Because his property contains **less than one acre, 0.98 acre**, the ordinance change **effective on March 1, 2010, limits the total aggregate size** of accessory buildings to be **no more than 900 square feet**. If he has over one (1) acre, there are no limits on the buildings. Prior to March 1, 2010, there was **no limit** on the size or number of accessory buildings in Agriculture Districts.

The applicant currently has an existing garage approximately eight hundred forty-five (845) square feet, leaving him only fifty-five (55) square feet for enlargements or another building. The construction of the new building will bring the total aggregate to one thousand two hundred twenty-three (1,223) square feet which far exceeds the total aggregate allowed.

In 2014, the Board of Supervisors amended the Ordinance to establish an option to apply for a Special Use Permit to have larger accessory buildings if it was determined the larger buildings would not be out of character with the neighborhood and not disproportionately larger than other structures in the area.

The applicant feels the building would be compatible with the neighboring properties. However, staff visited the area and found the adjoining lots have small buildings that do not appear to have a total aggregate over 900 square feet.

If the Board feels the request would be compatible and not be disproportionately larger than other structures in the area and desires to approve the request, staff would recommend the following conditions:

Pre-Condition:

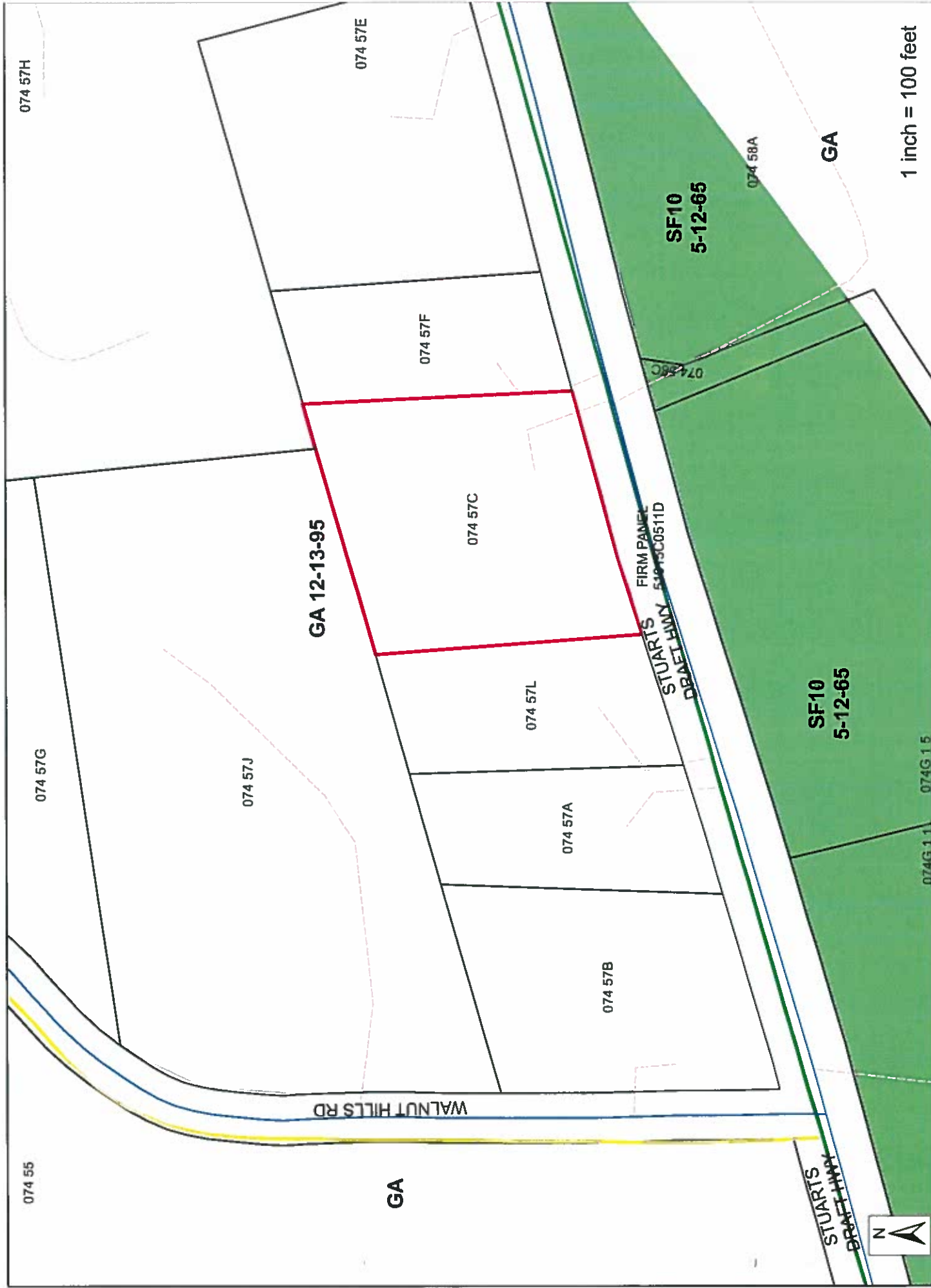
1. Applicant obtain a Building Permit.

Operating Conditions:

1. Be permitted to construct a three hundred seventy-eight (378) square foot building.
2. No further expansions.
3. Site be kept neat and orderly.



Smith



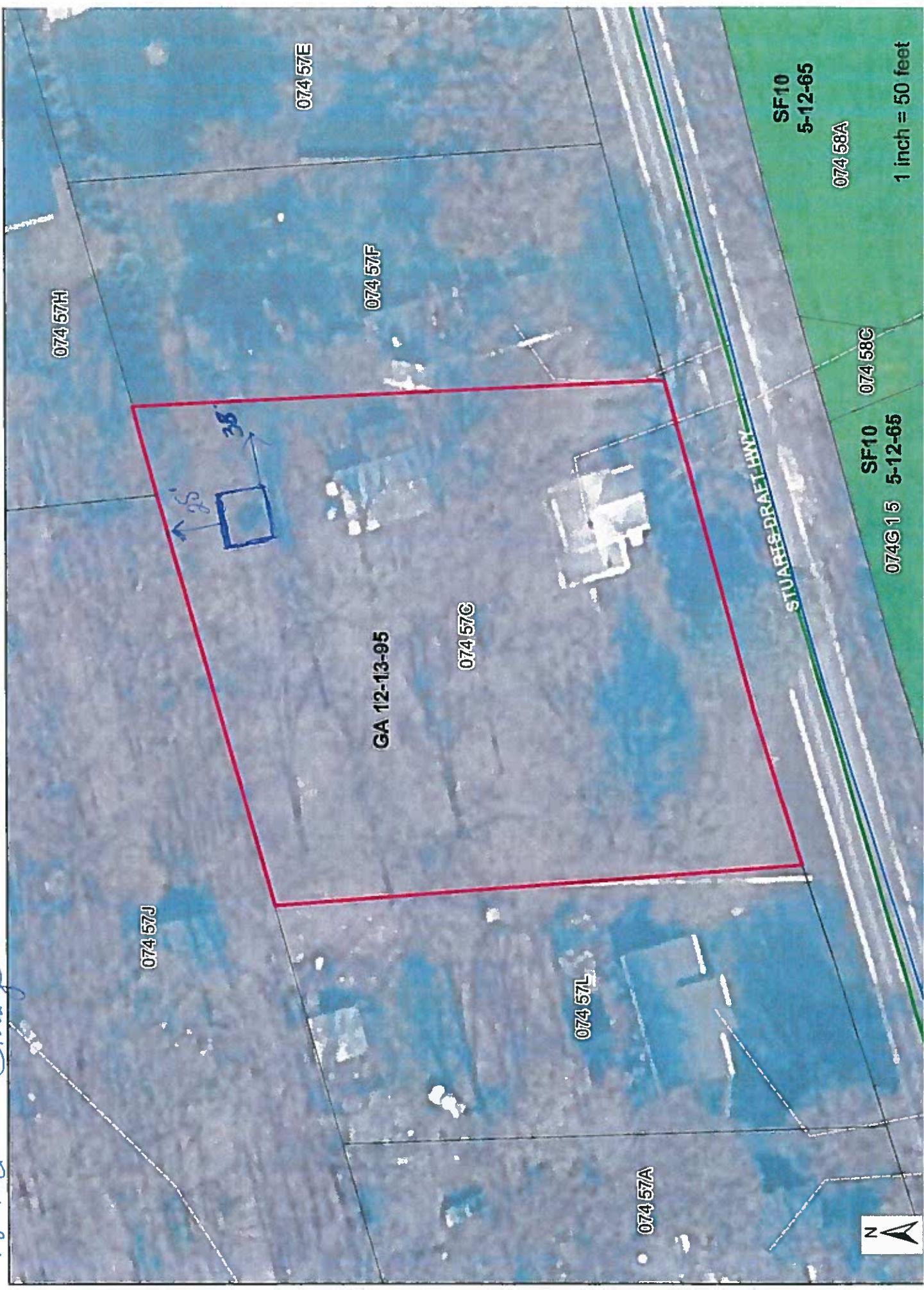
1 inch = 100 feet

Smith



Smith

18' x 21' - Storage



SF10
5-12-65
074 58A
1 inch = 50 feet

SF10
074 58C
074G 15 5-12-65



AGENDA ITEM # 4C

Date 10/4/18

PROPERTY OWNER:

Rocky Top Farms, LLC and Kevin J. Birt

APPLICANT:

Lindsay Birt, agent for Rocky Top Farms, LLC and Kevin J. Birt

LOCATION OF PROPERTY:

1124 Mossy Creek Road, Bridgewater in the North River District

SIZE OF PROPERTY:

15.497 acres

VICINITY ZONING:

General Agriculture surrounds the entire parcel

PREVIOUS ZONING OR S.U.P.:

12/95 Zoned General Agriculture

LAND USE MAPS:

Agriculture Conservation Area

UTILITIES:

Private well and septic

APPLICANT'S JUSTIFICATION:

To have weddings and special events and to provide overnight accommodations for short term rental

PLANNING COMMISSION'S COMMENTS:

No comments.

BUILDING INSPECTOR'S COMMENTS:

After review, our office has no conditions.

HEALTH DEPARTMENT'S COMMENTS:

The barn has no running water and no flush toilets are to be installed in the barn. The applicant is proposing to have 10 events per year with portable toilets to serve. The Health Department recommends 1 portable toilet per 100 guests. I would like to note that no sewage disposal records could be found for the house and/or the garage apartment thus no determination is able to be made on how many people the drainfield is able to support for the overnight rental.

HIGHWAY DEPARTMENT'S COMMENTS:

The site was evaluated by VDOT for a similar use in 2013. The comments are as follows:

1. It is expected that the venue will hold a maximum of ten (10) events in a calendar year.
2. The site is served by two existing entrances. Neither entrance meets the sight distance requirements for an event venue (nor does it appear any location along the frontage). If approved, traffic control for the event must be handled by certified flaggers and/or uniformed police officers that are employed by or contracted with the Owner. The flagging operation shall be in accordance with the Virginia Work Area Protection Manual, TTC-23.1. An "Event Traffic Ahead" sign should be substituted for the "Road Work Ahead" sign. A minimum of two flaggers are required during the flagging operation. Traffic cannot be held for more than five minutes in a single direction.
3. A Preconstruction meeting will be required with the owner, VDOT, and the provider of the certified flaggers before flagging for the first event. A subsequent meeting will be required if the service provider changes or if requested by VDOT.
4. Only one entrance should be used at a time. The existing paved entrance in front of the house should be used for egress traffic. Any entrance wishing to be used must meet VDOT requirements for a Moderate Volume Commercial Entrance (i.e., paved, 18' throat width, 25' radii). If an alternate off-site entrance location is pursued by the applicant, VDOT would consider allowing a grace period of up to one year for which the existing entrances can be used without modification.
5. Neither existing entrance is adequate for uncontrolled use as a short term rental. However, VDOT would not object to the overnight rental being occupied by the wedding party the night of an event.

SERVICE AUTHORITY'S COMMENTS:

There is no public water or sewer available in the area of the subject parcels.

ENGINEERING'S COMMENTS:

Less than 10,000 square feet. Ok.

25-74T. SPECIAL EVENT FACILITIES AND MEETING PLACES AND SECTION 25-74R – SHORT-TERM RENTALS, BED AND BREAKFASTS, AND VACATION RENTALS

The business and anticipated enlargements thereof will be appropriate for agriculture areas.

A small scale special event venue should be compatible with the neighboring properties.

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.

The applicants are proposing ten (10) events per year with up to two hundred (200) attendees which could impact other homes in the area.

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.

The permitting of a wedding or special event facility should not result in a clustering of similar businesses in the area.

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.

The property has frontage on Mossy Creek Road which is state maintained.

On-site traffic flow will adequately and safely accommodate all traffic to and from the public highways.

The combined 15.497 acres should adequately and safely accommodate all traffic to and from the public highways.

Only pre-existing structures will be utilized unless the board of zoning appeals finds that proposed new construction will be compatible with neighboring properties.

The applicants will be using an existing barn on the property.

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.

No expansions are requested.

There is no more than one principal dwelling, or part thereof, operating as a bed and breakfast or short-term rental per parcel.

The applicant will be using an apartment above the garage for short term rentals for the wedding party if needed.

There is no more than one detached accessory dwelling unit operating as a bed and breakfast or short-term rental per parcel.

There are no detached accessory dwellings on the property.

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.

The apartment is located on the 3.763 acre tract. Both combined lots contain 15.497 acres.

The owner of record's primary residence is the principal dwelling or accessory dwelling unit.

The owner resides in the principal dwelling.

The Building Inspection Department has indicated that either a Building permit is not required, or can be issued for the use once the Special Use Permit has been approved.

No new construction is proposed. The apartment is existing.

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.

There is an existing septic system onsite.

All parking shall be accommodated on-site.

All parking will be onsite.

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.

There is an existing septic system onsite.

There are adequate provisions set forth for the protection of fire, environmental and other hazards.

There are fire extinguishers inside the barn and smoke alarms in the dwelling.

STAFF RECOMMENDATIONS

The applicant is requesting to host up to ten (10) events per year with a maximum of two hundred (200) attendees. They are also requesting to rent the existing one (1) bedroom apartment above the attached garage to the wedding party for overnight stays or to provide a dressing area for the wedding party prior to the ceremony. The applicant resides on the property in the principal dwelling and will be onsite during all events. The applicants are proposing to use the existing barn on the adjacent property for receptions, special events, and parking. The applicants will not be providing food for any events. The barn does have an area that will be designated as a prep area during events. There are no restrooms in the barn and the applicants are requesting to use portable restroom facilities for the events.

Staff feels that weddings and special events in a rural setting would not be out of character if the number of events are limited. The Board has been consistent in requiring septic systems for similar event facilities in rural areas, therefore, staff would recommend approval of the request with the following conditions:

Pre-Condition:

1. Obtain VDOT approval and provide a copy to Community Development.

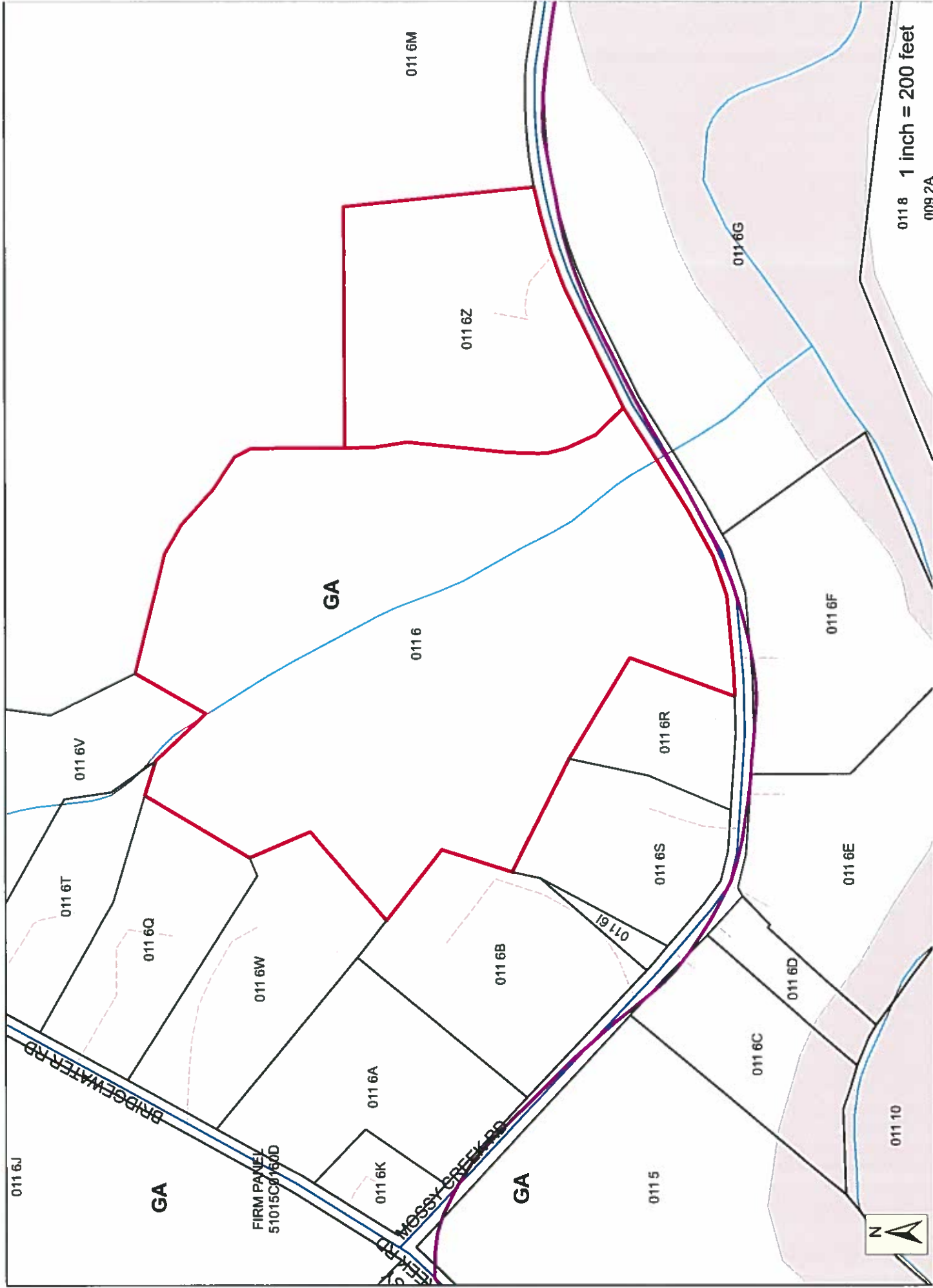
Operating Conditions:

1. Be permitted to lease the one (1) bedroom apartment on the property for up to two (2) persons, unless the Health Department determines the existing septic is adequate for additional persons.
2. Applicant install a sewage treatment system approved by the Health Department within **two (2) years**.
3. Be permitted to operate **two (2) years** using portable restroom facilities until the septic system is installed.
4. Be limited to ten (10) events per year, but no more than two (2) per month.
5. Be limited to a maximum of two hundred (200) people per event.
6. No outdoor amplified music.
7. Events to cease by 10:00 p.m. and all persons off the property by 11:00 p.m. except for those leasing the apartment.
8. Applicants reside on premise.
9. Applicant or a representative be present during events.
10. Site be kept neat and orderly.
11. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
12. Any new outdoor lights over 3,000 lumens require site plan submittal and must meet the ordinance requirements of Article VI.A Outdoor Lighting.

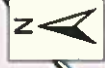




Rocky Top Farms, LLC & Kevin J. Birt



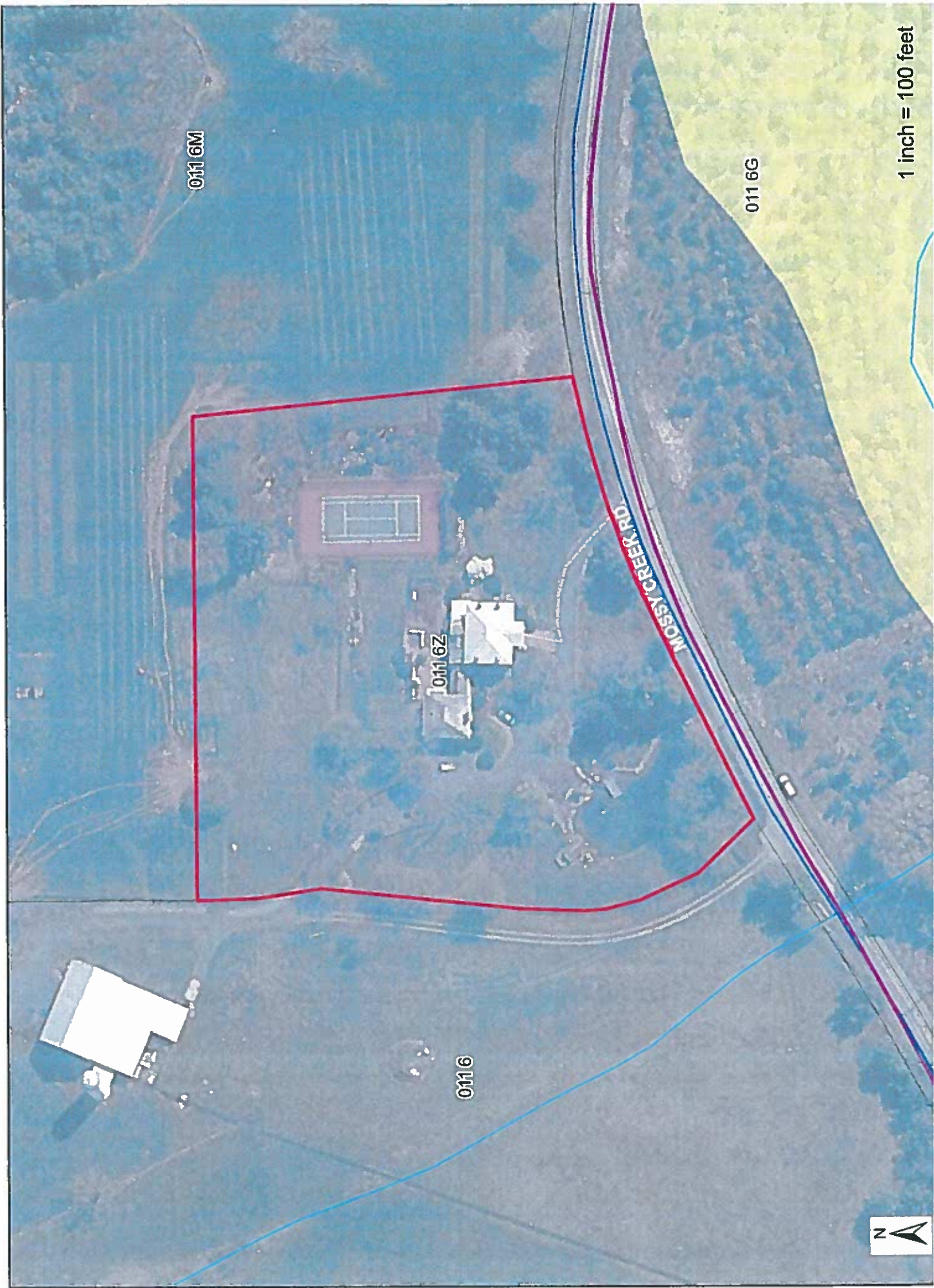
011 8 1 inch = 200 feet
009 2A



Rocky Top Farms, LLC & Kevin J. Birt



RockyTop Farms



1 inch = 100 feet

TABLED

PROPERTY OWNER:
Scotland Land Company, LLC

APPLICANT:
Atlantic Coast Pipeline, LLC

LOCATION OF PROPERTY:
On the north side of West Augusta Road, east of the intersection of West Augusta Road and Deerfield Valley Road, West Augusta in the Pastures District.

SIZE OF PROPERTY:
58.61 acre portion of approx. 581 acres

VICINITY ZONING:
General Agriculture surrounds the entire parcel

PREVIOUS ZONING OR S.U.P.:
12/95 Zoned General Agriculture

LAND USE MAPS:
Agricultural Conservation Area

UTILITIES:
None

APPLICANT'S JUSTIFICATION:
To have a contractor storage yard and outdoor storage of food trucks

PLANNING COMMISSION'S COMMENTS:
No comments.

BUILDING INSPECTOR'S COMMENTS:
Obtain all necessary permits and inspections in accordance with the Uniform Statewide Building Code.

HEALTH DEPARTMENT'S COMMENTS:
Portable toilets to serve the storage yard. Health Department has no issues with the storage of the food trucks on the property. I would like to note that all food trucks are required to be permitted by the Health Department. Also, the food trucks will need to dispose of waste water at an approved dump station and obtain water from an approved source. This is discussed with the food truck owner as part of the permitting process.

HIGHWAY DEPARTMENT'S COMMENTS:

The proposed storage yard, much like the rest of the pipeline construction, is expected to have an impact on traffic (See Traffic Impact Analysis). Three paved entrances are proposed to serve the laydown site. Each entrance is capable of achieving intersection sight distance after removal of brush and/or fences as applicable, all within the property for which the special use permit is being considered. A maintenance of traffic plan will be required prior to VDOT permit issuance. Based on the TIA provided, turn lanes are not expected to be required by VDOT unless it is deemed prudent as part of the maintenance of the traffic plan. These comments do not constitute approval of the project drawings accompanying the application; the site plan will be reviewed in detail if SUP is approved.

The food trucks are expected to serve existing traffic on-site. VDOT understands that they will not be available to the general public, so the food trucks are not expected to generate any additional traffic to the site.

SERVICE AUTHORITY'S COMMENTS:

There is no public water or sewer in the area of the subject parcels.

ENGINEERING'S COMMENTS:

Requires a full Erosion and Sediment Control and Stormwater Management Plan. Post construction Stormwater will be required to be maintained for the duration of the project, then may be removed.

SECTION 25-74I - LIMITED BUSINESSES AND INDUSTRIES IN AGRICULTURE ZONES

Where outside storage is not prohibited, all outside storage areas will be adequately shielded or screened from view.

The applicants are proposing a privacy fence along Deerfield Valley Road and West Augusta Road for screening.

The operator will be a resident on the premises unless the board of zoning appeals determines that such residency is not appropriate in the specific case, taking into account the nature of the business and the character of the neighboring properties.

The operator does not reside on premise but there will be twenty-four (24) hour security onsite.

The business and anticipated enlargements thereof will be appropriate for agriculture areas.

The request would not be appropriate in a residentially zoned area and there are no large industrial zoned parcels in the vicinity. Laydown yards are sometimes needed in an agriculture area for construction projects on a short term basis.

The business shall have direct access on to a state maintained road and approval by the Virginia Department of Transportation or the expected traffic on a private road or easement can be accommodated by the access proposed.

The property has direct access to West Augusta Road and Deerfield Valley Road which are both State maintained roads.

On-site traffic flow will adequately and safely accommodate all traffic to and from the public highways.

The fifty-eight (58) acre portion of the property proposed for the laydown yard should safely and adequately accommodate all traffic onsite. The applicant is proposing three (3) entrances to be determined by VDOT.

Only pre-existing structures will be utilized unless the board of zoning appeals finds that proposed new construction will be not only compatible with neighboring properties, but will also be a substantial benefit to neighboring properties.

The applicant will be utilizing office trailers and food trailers. The site will be a material storage yard which is not recognized as a structure.

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 not only compatible with neighboring properties, but will also be a substantial benefit to neighboring properties.

No structures are requested. This will be a fifty-eight (58) acre temporary storage yard for two (2) years.

Evidence that the business will be connected to public sewer or that an onsite sewage disposal system can be approved for the business use.

No connections are required for construction laydown yards. Public sewer is not available to this site. The applicant will be using portable toilets onsite.

There are adequate provisions set forth for the protection of fire, environmental and other hazards.

The vehicles and trailers will be equipped with fire extinguishers and the applicant has DEQ permits.

All items displayed for sale or stored on site shall be set back at least twenty-five feet (25') from the edge of the pavement of any adjoining roads, and in no case shall a display or storage area be within the right-of-way of any road.

The storage areas and office trailers will be setback at least fifty (50') feet from Deerfield Valley Road and West Augusta Road.

STAFF RECOMMENDATIONS

The applicants are proposing to utilize approximately 58.61 acres of the combined 581 acres to have a laydown storage yard for equipment, pipe, office trailers, and materials to be used in the construction of the Atlantic Coast Pipeline Project. The applicants are also requesting to have two (2) food trucks onsite to provide food for the workers when they are at the site. The site will be a temporary storage yard for approximately two (2) years. The applicants are proposing a privacy fence along Deerfield Valley Road and West Augusta Road to screen the storage areas and all natural vegetation will remain. The material storage and office trailers will be setback at least fifty (50') feet from the roads bordering the site. If the Board feels the request is compatible and desires to approve the Special Use Permit, staff would recommend the following conditions:

Pre-Conditions:

1. Submit site plan meeting the requirements of Section 25-673 "Site Plan Contents" of the Augusta County Zoning Ordinance to be approved by all appropriate departments and/or agencies.
2. The storage area be screened by a six (6') foot high opaque privacy fence and must be maintained at all times.
3. Submit reclamation plan and bond.

Operating Conditions:

1. Applicant obtain Placement permits for the office trailers and provide a copy to Community Development.
2. Be allowed to keep two (2) food trailers onsite.
3. All equipment, machinery, pipe, and trailers be kept in the designated areas as shown on the site plan.
4. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
5. Site be kept neat and orderly.
6. Any new outdoor lights over 3,000 lumens require site plan submittal and must meet the ordinance requirements of Article VI.A Outdoor Lighting.
7. Permit be issued for **two (2) years**.

October 4, 2018 Comments:

The Board tabled the request at their September 6, 2018 regular meeting to allow the applicant time to answer additional questions and concerns regarding the gravel removal, bonding, dust, and permit approvals for the pipeline. The applicant has provided the requested information as follows:

Q: Bond amount for the removal of the gravel.

A: Atlantic Coast Pipeline will bond the restoration of the site including the removal of the gravel for one-million dollars with the county. Similar to the one submitted for the Churchville site.

Q: Date for the complete removal of the gravel from Scotland's property.

A: Atlantic Coast Pipeline anticipates a start date for work on the yard of March 2019, pending the approval of the Special Use Permit and all other applicable State and Federal permits. This anticipated start date would put the date of removal for the gravel two years later. Unless other documentation is provided to the Board, the gravel must be removed from the site prior to Atlantic closing out state and federal permits applicable to the site, so it is in Atlantic's best interest to have the gravel removed soon after usage of the yard has ceased.

Q: Estimated date Dominion will have all permits in place.

A: Atlantic Coast Pipeline anticipates a start date for work on the yard of March 2019. Atlantic needs the Special Use Permit in place prior to applying for all applicable State and Federal permits. Atlantic has suggested that the Augusta County Board of Zoning Appeals make it a condition of the Special Use Permit that Atlantic shall have all necessary permits in place and provide proof of such to the Board of Zoning Appeals prior to the commencement of work on the yard.

Q: How they will provide water to keep dust down at the laydown yard.

A: Water for dust control will be withdrawn from a municipal water source(s) and will be applied by water trucks.

Q: How will the damaged roads be taken care of?

A: State roads that Atlantic Coast Pipeline intends to use have been identified, videotaped, and are bonded. Atlantic has an agreement in place with Virginia Department of Transportation that outlines the process for studying and filming roads that Atlantic intends to use and the corrective measures that shall be taken if it is determined that Atlantic has negatively impacted said roadways during the construction process.

Q: How will you address pollution run-off into the water/streams?

A: Pollution run-off will be addressed by preventative measures. The yard will have an erosion and sediment control plan approved by the Virginia Department of Environmental Quality. The yard will also have a Spill Prevention, Control and Countermeasures Plan designed to prevent the discharge of petroleum products into streams and prevent contamination of the soil or groundwater. Secondary containment will be used for fueling areas and storage tanks. Stream buffers of at least 50 feet will be maintained for any stream on or near the property. Erosion and sediment controls will remain in place until the property is restored and stabilized with vegetation. These measures are enforceable by DEQ and FERC. Dominion Energy Transmission Inc. (DETI) is responsible for administering, implementing and complying with the Annual Standards and Specifications for Erosion and Sediment Control (ESC) and Stormwater Management (SWM) for Gas Transmission Facility Development. In accordance with Va. Code §§ 62.1-44.15:54.E and 62.1-44.15:27.F, this document serves as the annual submittal to the Virginia Department of Environmental Quality (DEQ) of standards and specifications developed so that DETI can continue to operate under Annual Standards and Specifications for ESC and SWM. This document addresses stormwater management and ESC and establishes general specifications for the control of erosion and sedimentation and stormwater runoff management as a result of land-disturbing activities performed during the construction, operation and maintenance of natural gas pipelines. **Section 3.2.1 states that DEQ has exclusive authority for pipeline projects, access road, staging areas, temporary pipe yards, contractor yards, and construction right-of-way**, however, our agreement with DEQ states that Augusta County may accompany DEQ on inspections. Should any violations occur Dominion will implement all corrective actions recommended by DEQ and FERC.

Q: Will the laydown yard be here more than 2 years?

A: Atlantic Coast Pipeline currently plans to utilize the contractor yard on the Scotland Land Company property for a term of two years. Atlantic has suggested that the Special Use Permit be conditioned for a two-year term, from the time that Atlantic begins development of the yard. If it is deemed necessary by Atlantic that the contractor yard be used longer than the initial two year term, Atlantic will apply for an extension of the Special Use Permit from the Augusta County Board of Zoning Appeals.

Q: What is the Atlantic Coast Pipeline's current permit status?

A: The Fish & Wildlife Service and National Park Service have addressed the issues raised by the Fourth Circuit Court of Appeals and FERC's Stop Work Order. The agencies have reaffirmed that the project does not threaten any federally protected species and is consistent with the public use of the Blue Ridge Parkway. FERC has removed its stop work order which allows ACP to begin the hand felling of trees where easements have been obtained in Virginia. Once the Virginia DEQ completes its review

of the ACP Erosion and Sediment Control Plans actual construction can begin. Earlier this week, the Fourth Circuit Court of Appeals imposed a temporary stay on the project's U.S. Forest Service permits to cross approximately 20 miles through two national forests. While Dominion respectfully disagrees with the Court's ruling, it should not have any significant impact on our overall construction schedule or plans. The Forest Service's approval impacts only 20 miles of the 600-mile route, or roughly 3 percent of the total project.

Dominion states they fully stand behind the Forest Service's approval, and they will vigorously defend it in oral arguments before the court later this week. The Forest Service conducted a thorough and rigorous review of the project for more than three years and built a strong public record in support of its decision. In consultation with the agency, Dominion has made significant improvements to the project to minimize its impacts on the forests. After hearing input from agencies and communities, for example, they changed the pipeline's route by almost 100 miles to avoid two sensitive wildlife habitats and reduce the total mileage in the forests by more than one-third. In close consultation with the Forest Service, Dominion states they also developed one of the strongest and most protective programs for steep slope construction ever used by the industry.

Staff asked Mr. Toms to provide documentation regarding the gravel being allowed to stay on site.

A: Atlantic Coast Pipeline is not aware of any provisions within the FERC Plans and Procedures that would prevent Atlantic from allowing the landowner to take this material. However, Atlantic will continue to communicate with FERC on this approach.

Dominion was advised to tell the property owner that an E & S plan will be required in order to store the gravel on their property, and a Special Use Permit will be required if the gravel remains on site and sold for commercial purposes.

The Board also requested some additional information from Staff regarding the Rural Rustic Road Resolution.

Staff has attached the resolution and minutes from the Board of Supervisors approval for West Augusta Road (Rt. 716) to be hard surfaced under the Rural Rustic Road Program. As part of the Board's decision to approve any road for the Rural Rustic Road Program, the Board determines that they are **"unaware of pending development that will significantly affect the existing traffic on this road."** The Board of Supervisors placed no specific restrictions for West Augusta Road in their resolution. Again, Staff feels that this request is for a temporary contractor storage yard for a specific project that will be bonded and reclaimed. Staff would not consider this use a permanent development of the property.

If the Board feels the request is compatible and desires to approve the Special Use Permit, staff would recommend the following conditions:

Pre-Conditions:

1. Obtain all State and Federal permits and approvals and provide a copy to the Community Development Department.
2. No land disturbance shall be started, nor shall any equipment and materials be brought to the site until all State, Federal, and local permits and approvals have been obtained and provided to Community Development.
3. Submit site plan meeting the requirements of Section 25-673 "Site Plan Contents" of the Augusta County Zoning Ordinance to be approved by all appropriate departments and/or agencies.
4. The storage area be screened by a minimum six (6') foot high opaque privacy fence and must be maintained at all times.
5. Submit reclamation plan and bond.

Operating Conditions:

1. Applicant obtain Placement permits for the office trailers and provide a copy to Community Development.
2. Be allowed to keep three (3) food trailers onsite.
3. All equipment, machinery, pipe, and trailers be kept in the designated areas as shown on the site plan.
4. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
5. Site be kept neat and orderly.
6. Any new outdoor lights over 3,000 lumens require site plan submittal and must meet the ordinance requirements of Article VI.A Outdoor Lighting.
7. Permit be issued for **two (2) years**. The two (2) years will start from the time any permitted activity begins on the site.
8. Copy of the approved spill prevention containment plan be submitted to Community Development.
9. Removal of gravel be completed within thirty (30) days.