



**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 *Leslie Tate*  
**DATE:** October 2, 2018  
**SUBJECT:** Regular Meeting

The regular meeting of the Augusta County Planning Commission will be held on **Tuesday, October 9, 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 **5:00 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 viewings. We will have dinner around 6:15 in the Community Development conference room.

Attached are the agenda and meeting materials for Tuesday's meeting and the minutes from the September meetings. If you have any questions about any of the material, please feel free to contact me. 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, October 9, 2018, 7:00 P.M.

1. CALL TO ORDER
2. DETERMINATION OF A QUORUM
3. MINUTES
  - A. Approval of the Called & Regular Meetings on September 11, 2018
4. PUBLIC HEARINGS
  - A. A request to rezone from General Agriculture to Rural Residential approx. 30.67 acres (TMP 069 64 and 069 64A) owned by Bradley Enterprises Inc. located directly south of Sandy Ridge (Rt. 621) approx. 0.2 miles southeast of the intersection of Gilbert Lane and Sandy Ridge (Rt. 621) in Dooms in the Wayne District.
  - B. A request to remove the following proffered condition: the minimum square footage for single family dwellings will be two thousand square feet, from approx. 7.4 acres (portion of TMP 069 80A) zoned Rural Residential owned by Bradley Enterprises Inc. located directly south of Sandy Ridge (Rt. 621) approx. 0.4 miles southeast of the intersection of Gilbert Lane and Sandy Ridge in Dooms in the Wayne District.
  - C. A request to amend the following proffered condition: The minimum square footage for single family dwellings will be ~~4,500~~ 1,200 square feet on approx. 57.665 acres (TMP 068 127B and a portion of 069 80A) zoned Single Family Residential owned by Bradley Enterprises, Inc. located east of the end of Wild Cat Cove and south of the end of Beagle Gap Run (Rt. 1621) in Beagle Gap Subdivision in Dooms in the Wayne District.
  - D. A request to renew the Crimora-Madrid Agricultural and Forestal District. The proposed district encompasses approximately 648 acres and is located in the Middle River District lying between Route 784 (Pine Bluff Road) and Route 865 (Rockfish Road) and south of Route 612 (New Hope and Crimora Road).
  - E. A request to renew the Middle River Agricultural and Forestal District. The proposed district encompasses approximately 5,695 acres of land located in the Middle River District lying east of Interstate 81; both east and west sides of Route 778 (Knightly Mill Road), Route 774 (Broad Run Road), Route 774 (Cline River Road), and Route 865 (Rockfish Road); both north and south sides of Route 608 (Battlefield Road), Route 775 (Buttermilk Road), and

Route 775 (Craig Shop Road); on the north side of Route 777 (Knightly Lane); both north and south sides of Route 728 (Patterson Mill Road); on the southwest side of Route 774 (Piedmont Road).

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  
L. Howdyshell  
K. Shiflett  
J. Wilkinson, Director of Community Development  
L. Tate, Planner II

ABSENT: G. Campbell  
K. Leonard

VIRGINIA: At the Called Meeting of the Augusta County Planning Commission held on Tuesday, September 11, 2018, at 6:30 p.m. in the Board Room, Augusta County Government Center, Verona, Virginia.

Mr. Curd called the meeting to order.

Mrs. Tate reviewed with the Commissioners the items coming before the BZA in September, sharing aerial maps of the properties and specifics of the application requests.

Mrs. Tate reviewed with the Planning Commission the rezoning requests to be considered at the Public Hearing both of which had been heard by the Commission at earlier times.

Mrs. Tate clarified that the **Kenneth Ray Bradley, Jr., Inc., - Rezoning** was being heard again because of the need to advertise the submitted proffer prior to the Planning Commission meeting.

Mrs. Tate clarified that the **Garland F., Jr. & Melony Easter and Garland F. & Evelyn B. Easter – Rezoning** was also being reheard because of the submission of a proffer, associated with traffic impacts. Mrs. Tate clarified that after consultation with the County Attorney, a proffer related to such traffic impacts could be accepted. Garland Easter, applicant of the rezoning, was present for the staff briefing.

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Chairman

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Secretary

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

ABSENT: G. Campbell  
K. Leonard

VIRGINIA: At the Regular Meeting of the Augusta County Planning Commission held on Tuesday, September 11, 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 five (5) members present, there was a quorum.

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**MINUTES**

Mr. Howdysshell moved to approve the minutes of the called and regular meetings held on August 14, 2018.

Mr. Bridge seconded the motion, which carried unanimously.

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## **PUBLIC HEARING**

### **Kenneth Ray Bradley, Jr., Inc.**

A request to rezone approximately 8.5 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.

Mrs. Tate explained this is the same request the applicant presented at the August meeting, however, because a proffer was presented after the August ad was published, the Commission voted to continue the Public Hearing to September in order to advertise the proffer. She reviewed the proffer with the Commission which states that development of the parcel shall not include the following uses: fast food restaurants, gasoline retail outlets, and car washes.

Ray Burkholder, of Balzer and Associates and agent for Mr. Bradley stated the proffer that was submitted alleviates VDOT concerns.

There being no 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.

Mrs. Tate explained the Comp Plan identifies the area surrounding the rezoning request as community mixed use. It would be likely that business development would be towards the front along Rt. 340. Not every parcel would have to have the mixture of development uses, but it is envisioned within the area.

Mrs. Shiflett stated she felt the proffer took care of VDOT concerns. She moved to recommend approval of the request.

Mr. Bridge seconded the motion, which carried unanimously.

### **Garland F. Jr., & Melony Easter**

A request to rezone from General Agriculture to Single Family Residential approximately 40 acres owned by Garland F Jr., or Melony Easter and Garland F. or Evelyn B Easter located on the east side of Old Goose Creek Road (Route 640), approximately 1.04 miles west of the intersection of Old Goose Creek Road and Lifecore Drive (Route 636) in Fishersville in the Wayne District.

Mrs. Tate explained the request as indicated on PowerPoint. She pointed out the property that is currently zoned as residential and the property that is currently zoned general agriculture. Originally the request was to rezone 12.6 acres, but because of an added proffer, all 40 acres are included as part of the rezoning. The property that is currently

zoned single-family could not be developed because there is no access to that property, therefore, the whole 40 acres are being included because the proffer will affect the whole 40 acres.

Mrs. Tate explained the proffer states that development is not expected to exceed 42 single-family detached residential units. Old Goose Creek Road will only be improved by providing intersection site distance as required by VDOT for the construction of those 42 units. If the development does exceed 42 units, then road improvements will include the following: pavement overlay on Old Goose Creek Road from the development's primary entrance to the intersection of Old Goose Creek Road and Route 250 and a signal analysis at the intersection of Rt. 250 and Old Goose Creek Road with the developer paying for the portion of any needed improvements, resulting from such analysis, and specifically attributable to the development.

Mrs. Tate stated while the proffer does not prevent more than 42 units from being developed, it does create a phased approach whereas, if the applicant was to exceed 42 units, there would be transportation improvements required as part of the rezoning. She explained the proffer does run with the land, so if the applicant was to sell the property at any time, the proffer would remain in effect. The applicant has met with adjoining property owners and they have signed letters of intent to say that the portion of Troxell Lane on Mr. Easter's property could be deeded to these individuals. This would be a private matter between Mr. Easter and the property owner.

Garland Easter stated he is attempting to rezone 12.6 acres for development.

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

Sara Splaun of 35 Troxell Lane, Staunton asked how the rezoning has gone from 12 acres to 40 acres.

Mrs. Tate indicated on the map on PowerPoint the portion of land that is already zoned single-family residential and the portion that is zoned general agriculture. There will only be 12 acres rezoned, but the added proffer will affect all 40 acres. The entire 40 acres is undeveloped and the rezoning of the approx. 12 acres is needed to permit development of the already zoned portion.

Mrs. Splaun stated she thought proffers were no longer allowed to be accepted.

Mrs. Tate stated proffer legislation changed in 2017 and did not completely forbid proffers from being allowed on residential property, but it does greatly restrict the County from accepting certain proffers. Proffers can only be accepted relating to transportation, schools, parks and public safety. The proffer for this rezoning is related to transportation. After consulting with the County Attorney it was determined that the whole 40 acres could be considered as new residential development.

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

Mr. Howdyshell asked of all the land being proposed for rezoning, it looks like there will only be three houses put on the parcel that is currently zoned general agriculture.

Mr. Easter stated that is just a preliminary plan. He would like to put more lots further down and less lots at the top.

Mrs. Tate explained this is just a concept plan and at this stage there is no requirement to be held to the concept plan.

Mr. Jennings stated the area is where the County desires single-family dwellings and there will be little impact on the schools in this district. He moved to recommend approval of the request.

Mr. Bridge seconded the motion, which carried 4-1 with Mr. Curd being opposed.

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**STAFF REPORTS**

A. CODE OF VIRGINIA – SECTION 15.2-2310

Mrs. Tate reviewed with the Commissioners the requests coming before the BZA at the September 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

\_\_\_\_\_  
Secretary



**COUNTY OF AUGUSTA  
STAFF REPORT  
BRADLEY ENTERPRISES, INC.  
(69-64 & 69-64A)  
October 9, 2018**

**SUMMARY OF REQUEST:** A request to rezone from General Agriculture to Rural Residential approx. 30.67 acres owned by Bradley Enterprises Inc. located directly south of Sandy Ridge (Rt. 621) approx. 0.2 miles southeast of the intersection of Gilbert Lane and Sandy Ridge (Rt. 621) in Dooms in the Wayne District. The proposed general usage of the property is a residential subdivision with a 2 acre minimum lot size. The general usage of the property stated in the Comprehensive Plan is Low Density Residential (1/2 – 1 single family unit per acre).

**PROPOSED PROFFER:** N/A

**VICINITY ZONING:** General Agriculture to the north, east, and west and Rural Residential zoning to the South.

**PREVIOUS ZONING:** General Agriculture

**COMPREHENSIVE PLAN PLANNING POLICY AREA/FUTURE LAND USE DESIGNATION:** Community Development Area/Low Density Residential

**SOILS:** According to the Commissioner of Revenue's Land Use Office, approximately 3.393 acres of the property are classified as having soils in Class I under the County's Land Use Program, 8.293 acres are Class II, 7 acres are Class III, 11 classified as woodland, and 1 acre is non-qualifying. Soils classified as Class I, II or Class III are considered to be the best for farming purposes in the County.

Tax Map #	069-64	069-64A
Acreage of Class 1- Green	1	2.393
Acreage of Class 2 - Yellow	.293	8
Acreage of Class 3 - Red	0	7
Acreage of Class 4 - Blue	0	0
Acreage of Class 6 - Orange	0	0
Acreage of Class 7 - Brown	0	0
Acreage of Woodland	0	11
Acreage of Non-Qualifying	1	0
Total Acreage	2.293	28.393

**COMMENTS FROM ENGINEER:** Most any development of the property will potentially increase stormwater discharge. Stormwater management must be addressed per the provisions of the Augusta County Stormwater Ordinance.

This subdivision in its entirety will be subject to Part 2.B of the VSMP (new regs). The earlier DEQ permit under the old regs was not transferred or renewed and earth disturbance did take place, therefore the plan is not eligible for grandfathering and has not had continuous permit coverage.

Earlier plans for development of the subdivision contained an "in-line" stormwater management facility; this facility is likely not to meet current permitting requirements. With respect to water quantity, all points of discharge must comply with the Adequate Channel provisions of 9VAC25-840-40 subdivision 19.

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 2016 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 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. For unique natural features such as caves, major karst features, critical habitats, etc., the Comprehensive Plan recommends to tie these features in with greenways, active and passive recreation areas and flood plain preservation areas.

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.

#### Natural Resources Recommendations from the Comprehensive Plan

##### In Urban Service Areas

The 2007 Augusta County Comprehensive Plan recommends performance standards to protect natural resources. For Urban Service Areas, a riparian buffer of 35 feet on either side of a stream is encouraged, and where feasible, stormwater should not be piped through in a manner to short-cut the buffer. Additionally, floodplain areas should

have no habitable structures, but should instead be utilized for greenways & recreation areas.

Portions of this property may contain slopes in excess of 25%. In Urban Service Areas, the Comprehensive Plan recommends avoidance of slopes >25%, especially associated with stream valleys.

For Wetland areas in the Urban Service Area, the Comprehensive Plan recommends provision of a 35 foot buffer from the edge of wetlands.

For unique natural features such as caves, major karst features, critical habitats, etc., the Comprehensive Plan recommends to tie these features in with greenways, active and passive recreation areas and flood plain preservation areas.

#### In Community Development Areas

The 2007 Augusta County Comprehensive Plan recommends performance standards to protect natural resources. For Community Development Areas, a riparian buffer of 35 feet on either side of a stream is encouraged, and stormwater should not be piped through in a manner to short-cut the buffer. Additionally, floodplain areas should have no habitable structures, but should instead be utilized for greenways & recreation areas.

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For unique natural features such as caves, major karst features, critical habitats, etc., the Comprehensive Plan recommends to tie these features in with greenways, active and passive recreation areas and flood plain preservation areas.

§21-9.1 Subsection B of the County Subdivision Ordinance addresses street layout and access to adjacent property. Development is required to connect to existing or planned streets and must also provide for access to adjacent property that is located with areas designated in the Comprehensive Plan as Urban Service or Community Development Areas. Connections shown in the plan submittals we've seen thus far meet this requirement, but the concept plan is not part of the rezoning application.

**COMMENTS FROM ZONING ADMINISTRATOR:** If the parcels containing approximately thirty (30) acres is rezoned to Rural Residential, the adjacent development to the south currently zoned Rural Residential should not be adversely affected by the change. The neighboring General Agriculture properties to the north, east, and west may be affected by the increase in residential development, although such development is of a relatively low density and could be compatible with the rural character of the neighboring agricultural properties.

**COMMENTS FROM ACSA:**

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://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.
4. There is any existing 6" waterline along Sandy Ridge Road. There is an existing 2: waterline along Sandy Ridge Road.

**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. The existing water tank for this area has no effective storage. Expansion of the public water system is not permissible without improvement to the water system to address the water system deficiencies.

5. There is no public sewer in the area of the subject property.

**Supplementary Note:** The Service Authority was working with the prior owner of this property in an effort to secure an easement needed for future water system improvements. The attached plat shows the location of the needed easement. The Service Authority would like to discuss this easement with the current landowner unless an alternate will be provided with the proposed development.

**COMMENTS FROM HEALTH DEPARTMENT:** The health department will need to approve sewage disposal systems on the property being rezoned to allow for subdivision.

**COMMENTS FROM FIRE-RESCUE:** With this being a residential subdivision, Fire-Rescue is concerned about the available fire flow in the area. This area does not have adequate fire flow. Fire-Rescue also wants to remind that the fire flow required is based off of the property setbacks.

<u>Distance:</u>	<u>Required Flow</u>
Building over 100' apart	500 gpm
30' to 99'	750 gpm
11' to 29.9'	1,000 gpm
10' or less	1,500 gpm

**TRAFFIC:**

**Rt. 621 Sandy Ridge Road**

AADT: 130 vpd (2016)  
Posted Speed Limit: 35/45 mph  
K-Factor: N/A; Dir. Factor: N/A  
Functional Class: Local

**Rt. 823 Beagle Gap Run (Rt. 340 to Wildcat)**

AADT: 690 (2016)  
Posted Speed Limit: 25 mph  
K. Factor: N/A; Dir. Factor: N/A  
Functional Class: Local

**Rt. 823 Wildcat Cove**

AADT: 130 vpd (2016)  
Posted Speed Limit: unposted  
K-Factor: N/A; Dir. Factor: N/A  
Functional Class: Local

**Rt. 1620 Whippoorwill Way**

AADT: 160 vpd (2010)  
Posted Speed Limited: unposted  
K. Factor: N/A; Dir. Factor: N/A  
Functional Class: Local

**Rt. 340 East Side Hwy.**

AADT: 8,600 vpd (2017)  
Posted Speed Limit: 40 mph  
K-Factor: 0.089; Dir. Factor: 0.557  
Functional Class: Minor Arterial

**COMMENTS FROM VDOT:**

1. The change in zoning appears to be adding approximately 12 lots (approximately 120 vehicles per day) that would likely primarily access Sandy Ridge Road (perhaps more or less depending on traffic splits to Beagle Gap Run). The rezoning does not appear to meet warrants for a traffic impact analysis.
2. Any access to a state maintained roadway must be designed and constructed in accordance with Appendix F of the VDOT Road Design Manual. Based on preliminary evaluation, it appears that sight distance is achievable at the proposed street intersection with Sandy Ridge Road.
3. All new streets modified from the original development or added by this rezoning must be designed and constructed in accordance with the Secondary Street Acceptance Requirements (SSAR) unless they meet the grandfathering requirements for the older Subdivision Street Requirements (SSR). The geometric standard is the GS-SSAR; however, if being extended from an existing road section, the previous geometric width of roadway must remain consistent, only changing at an intersection with another street. Design requirements for the streets can be found in Appendix B (SSR) and Appendix B(1) (SSAR) of the VDOT Road Design Manual.
4. The development must meet connectivity requirements of the SSAR and County Subdivision Ordinance; the more stringent requirement will govern.

**SCHOOL BOARD STAFF COMMENTS:** The request for a change of approximately 30 acres from General Agriculture to Rural Residential could have some impact on these three (3) schools:

The table below indicates the enrollment as of Sept. 17, 2018

School	Enrollment	Capacity
Cassell Elementary (CAES)	692	750
Wilson Middle (WMS)	663	750
Wilson High (WMHS)	794	900

**COMMUNITY DEVELOPMENT STAFF COMMENTS:**

**Pros:**

1. Request is in compliance with the Comprehensive Plan Future Land Use map which designates the parcel for low density residential development (1/2 to 1 unit per acre).
2. Request is in a Community Development Area where the County wants to encourage 10% of future residential growth.
3. Public water is available to serve the property, although the ordinance fire flow requirements cannot currently be met.
4. Request is compatible with Rural Residential zoning to the south.

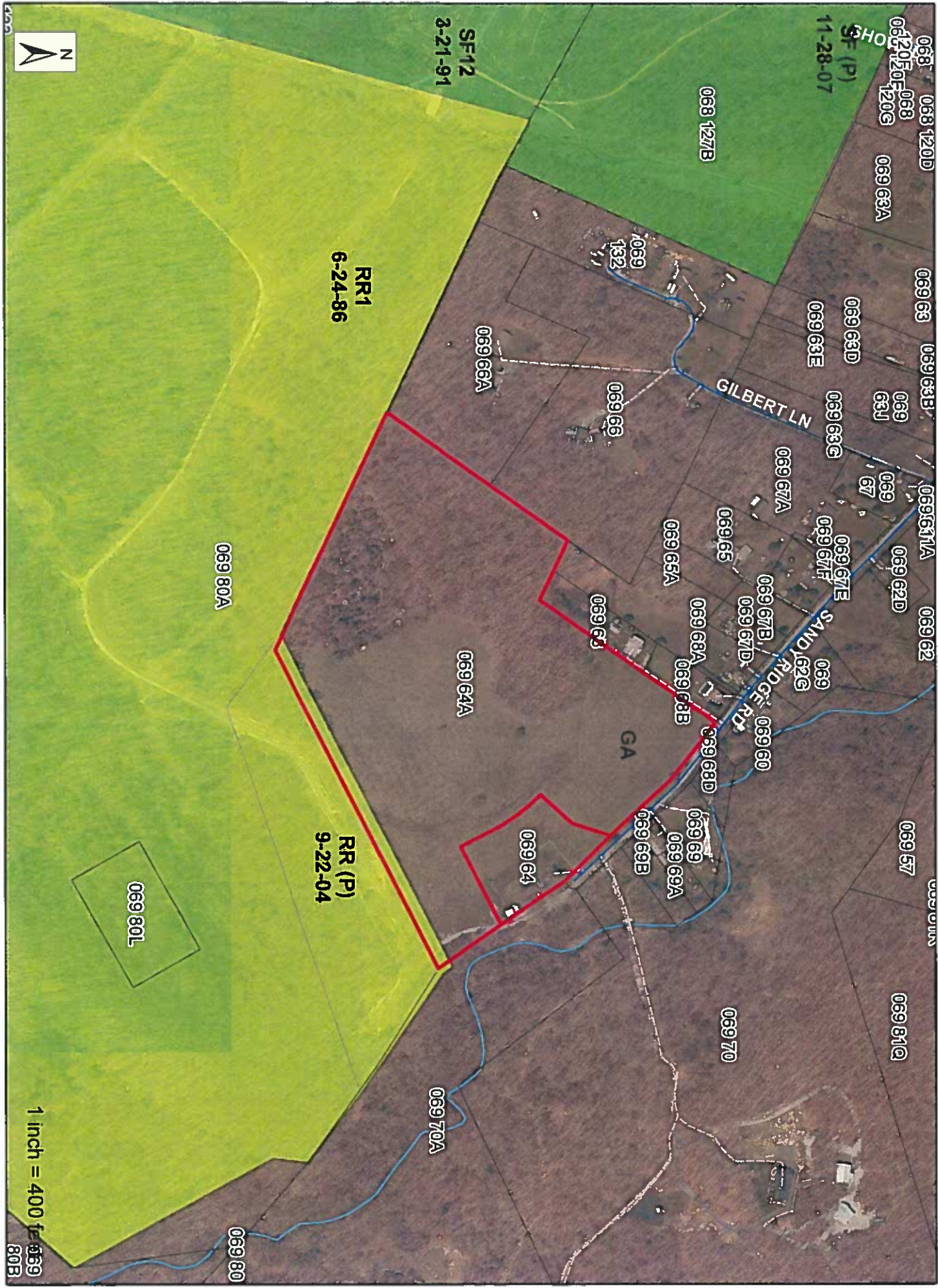
**Cons:**

1. At least one of the schools is nearing its program capacity, although development would not be able to exceed 15 lots at a 2 acre minimum lot size for this parcel of request. However, there is undeveloped already zoned Rural Residential and Single Family Residential zoning to the south.
2. Public sewer is not available to serve the property.

**COMMUNITY DEVELOPMENT STAFF RECOMMENDATION:** As noted in the Fire and Rescue and Augusta County Service Authority comments, these parcels, along with the already zoned, undeveloped Rural Residential and Single Family zoning to the south, have issues regarding adequate fire flow. The applicant is aware of the need for a water tank to provide the required fire flow to this development and surrounding area.

If the land is rezoned, it will not negate the requirement for the applicant to connect to public water and meet the fire flow requirements unless a waiver was granted by the Board of Supervisors.

While the request will have some impact on the school system, the schools are not at enrollment capacity. Furthermore, the Comprehensive Plan designates this parcel as a Community Development Area planned for Low Density Residential development. Staff recommends approval of the request.



SF12  
2-21-91

SF (P)  
11-28-07

RR1  
6-24-86

RR (P)  
9-22-04

068 127B

068 120E  
068 120G

069 63A

069 63

069 63D  
069 63E

069 63B  
069 63J

GILBERT LN

069 66A

069 632

069 66

069 67

069 63C

069 67A

069 67E

069 62D

069 80A

069 65A

069 67B

069 62G

069 64A

069 65

069 68A

069 67D

069 62

GA

069 68B

SANDY RIDGE RD

069 60

069 57

069 64

069 68D

069 60

069 70

069 69

069 69A

069 69B

069 81C

069 70

069 80L

069 70A

1 inch = 400 feet

450

80B

1 inch = 400 feet



**COUNTY OF AUGUSTA  
STAFF REPORT  
BRADLEY ENTERPRISES, INC.  
(69-80A – Portion)  
October 9, 2018**

**SUMMARY OF REQUEST:** A request to remove the following proffered condition: the minimum square footage for single family dwellings will be two thousand square feet, from approx. 7.4 acres (portion of TMP 069 80A) zoned Rural Residential owned by Bradley Enterprises Inc. located directly south of Sandy Ridge (Rt. 621) approx. 0.4 miles southeast of the intersection of Gilbert Lane and Sandy Ridge in Dooms in the Wayne District. The proposed general usage of the property is a residential subdivision with a 2 acre minimum lot size. The general usage of the property stated in the Comprehensive Plan is Low Density Residential (1/2 – 1 single family unit per acre).

**VICINITY ZONING:** General Agriculture to the north, east, and west and Rural Residential zoning to the south.

**PREVIOUS ZONING:** Rural Residential and Single Family Residential.

**COMPREHENSIVE PLAN PLANNING POLICY AREA/FUTURE LAND USE DESIGNATION:** Urban Service Area/Medium Density Residential (068-127B and portion of 069-80A) and Community Development Area/Low Density Residential (portion of 069-80A).

**SOILS:** Not applicable.

**COMMENTS FROM ENGINEER:** Most any development of the property will potentially increase stormwater discharge. Stormwater management must be addressed per the provisions of the Augusta County Stormwater Ordinance.

This subdivision in its entirety will be subject to Part 2.B of the VSMP (new regs). The earlier DEQ permit under the old regs was not transferred or renewed and earth disturbance did take place, therefore the plan is not eligible for grandfathering and has not had continuous permit coverage.

Earlier plans for development of the subdivision contained an "in-line" stormwater management facility; this facility is likely not to meet current permitting requirements. With respect to water quantity, all points of discharge must comply with the Adequate Channel provisions of 9VAC25-840-40 subdivision 19.



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 2016 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 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. For unique natural features such as caves, major karst features, critical habitats, etc., the Comprehensive Plan recommends to tie these features in with greenways, active and passive recreation areas and flood plain preservation areas.

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.

#### Natural Resources Recommendations from the Comprehensive Plan

##### In Urban Service Areas

The 2007 Augusta County Comprehensive Plan recommends performance standards to protect natural resources. For Urban Service Areas, a riparian buffer of 35 feet on either side of a stream is encouraged, and where feasible, stormwater should not be piped through in a manner to short-cut the buffer. Additionally, floodplain areas should have no habitable structures, but should instead be utilized for greenways & recreation areas.

Portions of this property may contain slopes in excess of 25%. In Urban Service Areas, the Comprehensive Plan recommends avoidance of slopes >25%, especially associated with stream valleys.

For Wetland areas in the Urban Service Area, the Comprehensive Plan recommends provision of a 35 foot buffer from the edge of wetlands.

For unique natural features such as caves, major karst features, critical habitats, etc., the Comprehensive Plan recommends to tie these features in with greenways, active and passive recreation areas and flood plain preservation areas.

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For unique natural features such as caves, major karst features, critical habitats, etc., the Comprehensive Plan recommends to tie these features in with greenways, active and passive recreation areas and flood plain preservation areas.

§21-9.1 Subsection B of the County Subdivision Ordinance addresses street layout and access to adjacent property. Development is required to connect to existing or planned streets and must also provide for access to adjacent property that is located with areas designated in the Comprehensive Plan as Urban Service or Community Development Areas. Connections shown in the plan submittals we've seen thus far meet this requirement, but the concept plan is not part of the rezoning application.

**COMMENTS FROM ZONING ADMINISTRATOR:** Removal of proffered conditions should have little to no impact on adjacent property owners. Adjacent property zoned General Agriculture is allowed a minimum dwelling size of 900 sq. ft.

**COMMENTS FROM ACSA:** The Service Authority has no comments as the single family dwelling size doesn't have any implications for ACSA.

**COMMENTS FROM HEALTH DEPARTMENT:** No comment.

**COMMENTS FROM FIRE-RESCUE:** With this being a residential subdivision, Fire-Rescue is concerned about the available fire flow in the area. This area does not have adequate fire flow. Fire-Rescue also wants to remind that the fire flow required is based off of the property setbacks.

<u>Distance:</u>	<u>Required Flow</u>
Building over 100' apart	500 gpm
30' to 99'	750 gpm
11' to 29.9'	1,000 gpm
10' or less	1,500 gpm

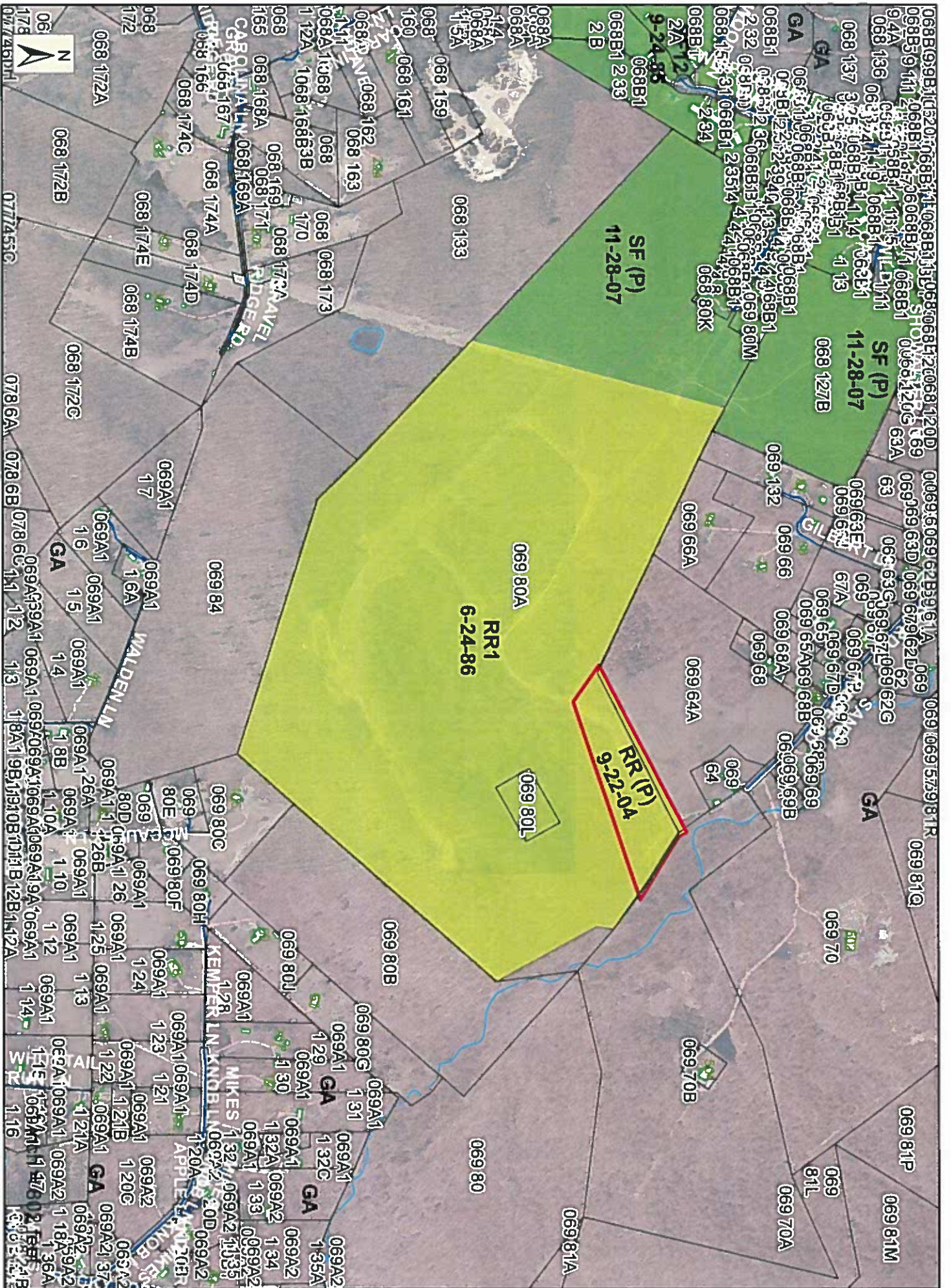
**COMMENTS FROM VDOT:** VDOT understands that the applicant is requesting to amend the existing proffered conditions for the 7.4 acre portion of the above referenced parcel by removing previous condition stating "The minimum square footage for single family dwellings will be two thousand square feet". VDOT has no objection to the proffer amendment.

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

**COMMUNITY DEVELOPMENT STAFF RECOMMENDATION:** The 7.4 acres was rezoned in 2004 from General Agriculture to Rural Residential with a proffered condition of 2,000 sq. ft. minimum dwelling size.

The rezoning file from 2004 states the following: "This property is going to be developed as part of Beagle Gap Subdivision. When the developer submitted the master plan for the remaining acreage in Beagle Gap Forest, it showed 3 General Agriculture lots. We requested that those 3 lots (7.4 acres) be rezoned to Rural Residential and they are no seeking that zoning change."

As the other portion of the parcel, zoned RR1, does not have any proffered conditions or requirements concerning dwelling house size, staff is of the opinion that removing the proffered condition will not have an adverse effect on neighboring properties and recommends approval of the proffered condition amendment.



1 inch = 802 feet

**COUNTY OF AUGUSTA  
STAFF REPORT  
BRADLEY ENTERPRISES, INC.  
(68-127B & 69-80A Portion)  
October 9, 2018**

**SUMMARY OF REQUEST:** A request to amend the following proffered condition: The minimum square footage for single family dwellings will be 4,500 1,200 square feet on approx. 57.665 acres (TMP 068 127B and a portion of 069 80A) zoned Single Family Residential owned by Bradley Enterprises, Inc. located east of the end of Wild Cat Cove and south of the end of Beagle Gap Run (Rt. 1621) in Beagle Gap Subdivision in Dooms in the Wayne District. The proposed general usage of the property is a residential subdivision with a 9,000 to 12,000 square ft. minimum lot size. The general usage of the property stated in the Comprehensive Plan is Low Density Residential (1/2-1 single family unit per acre) and Medium Density Residential (3-4 single family dwelling units per acre).

All other existing proffered conditions for the property shall remain (See #2-4 below).

**PROPOSED PROFFERS:**

1. The minimum square footage for single-family dwellings will be 1,200 square feet.
2. All lots will be served by public water and sewer.
3. No dwellings will be built on the 57.665 acres until the street connection has been made with Sandy Ridge Road (Rt. 621).
4. Prior to the issuance of the building permit for the 75<sup>th</sup> dwelling on this property, 2" of asphalt will be overlaid on Beagle Gap Run from Route 340 to its terminus and on the entire length of Wild Cat Cove.

**VICINITY ZONING:** General Agriculture to the north, east, and west and Rural Residential zoning to the south.

**PREVIOUS ZONING:** Rural Residential and Single Family Residential.

**COMPREHENSIVE PLAN PLANNING POLICY AREA/FUTURE LAND USE DESIGNATION:** Urban Service Area/Medium Density Residential (068-127B and portion of 069-80A) and Community Development Area/Low Density Residential (portion of 069-80A)

**SOILS:** Not applicable.

**COMMENTS FROM ENGINEER:** Most any development of the property will potentially increase stormwater discharge. Stormwater management must be addressed per the provisions of the Augusta County Stormwater Ordinance.

This subdivision in its entirety will be subject to Part 2.B of the VSMP (new regs). The earlier DEQ permit under the old regs was not transferred or renewed and earth disturbance did take place, therefore the plan is not eligible for grandfathering and has not had continuous permit coverage.

Earlier plans for development of the subdivision contained an "in-line" stormwater management facility; this facility is likely not to meet current permitting requirements. With respect to water quantity, all points of discharge must comply with the Adequate Channel provisions of 9VAC25-840-40 subdivision 19.

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 2016 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 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. For unique natural features such as caves, major karst features, critical habitats, etc., the Comprehensive Plan recommends to tie these features in with greenways, active and passive recreation areas and flood plain preservation areas.

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.

#### Natural Resources Recommendations from the Comprehensive Plan

##### In Urban Service Areas

The 2007 Augusta County Comprehensive Plan recommends performance standards to protect natural resources. For Urban Service Areas, a riparian buffer of 35 feet on either side of a stream is encouraged, and where feasible, stormwater should not be piped through in a manner to short-cut the buffer. Additionally,

floodplain areas should have no habitable structures, but should instead be utilized for greenways & recreation areas.

Portions of this property may contain slopes in excess of 25%. In Urban Service Areas, the Comprehensive Plan recommends avoidance of slopes >25%, especially associated with stream valleys.

For Wetland areas in the Urban Service Area, the Comprehensive Plan recommends provision of a 35 foot buffer from the edge of wetlands.

For unique natural features such as caves, major karst features, critical habitats, etc., the Comprehensive Plan recommends to tie these features in with greenways, active and passive recreation areas and flood plain preservation areas.

#### In Community Development Areas

The 2007 Augusta County Comprehensive Plan recommends performance standards to protect natural resources. For Community Development Areas, a riparian buffer of 35 feet on either side of a stream is encouraged, and stormwater should not be piped through in a manner to short-cut the buffer. Additionally, floodplain areas should have no habitable structures, but should instead be utilized for greenways & recreation areas.

Portions of this property may contain slopes in excess of 25%. In Community Development Areas, the Comprehensive Plan recommends avoidance of slopes >25%, especially associated with stream valleys.

For Wetland areas, the Comprehensive Plan recommends provision of a 35 foot buffer from the edge of wetlands.

For unique natural features such as caves, major karst features, critical habitats, etc., the Comprehensive Plan recommends to tie these features in with greenways, active and passive recreation areas and flood plain preservation areas.

§21-9.1 Subsection B of the County Subdivision Ordinance addresses street layout and access to adjacent property. Development is required to connect to existing or planned streets and must also provide for access to adjacent property that is located with areas designated in the Comprehensive Plan as Urban Service or Community Development Areas. Connections shown in the plan submittals we've seen thus far meet this requirement, but the concept plan is not part of the rezoning application.

**COMMENTS FROM ZONING ADMINISTRATOR:** Removal of proffered conditions should have little to no impact on adjacent property owners. Adjacent property zoned General Agriculture is allowed a minimum dwelling size of 900 sq. ft.

**COMMENTS FROM ACSA:** The Service Authority has no comments as the single family home square footage does not have any implications for ACSA.

**COMMENTS FROM HEALTH DEPARTMENT:** No comment. Property is served by public water and sewer.

**COMMENTS FROM FIRE-RESCUE:** Fire-Rescue sees little to no impact on service deliver from this request; however, the fire flow for this area is low and not sure if there is adequate fire flow for this subdivision. Not sure if there are plans to upgrade the water system for this area.

**COMMENTS FROM VDOT:** Based on the rezoning application and proffers, VDOT understands that the applicant is requesting to amend the proffers on the 57.665 acres of the referenced parcels to decrease the minimum dwelling square footage from 1,500 sf to 1,200 sf. VDOT has no objection to this proffer amendment.

**SCHOOL BOARD STAFF COMMENTS:** Impact: The request for a change in approximately 57.665 acres in Single Family Residential proffer to decrease the minimum square footage from 1,500 to 1,200 square feet. As I understand, lots for rural residential have a minimum of 2 acres per lot which would equal an additional 27 units no matter the size of the unit. Individually, this request will have little impact on these three (3) schools.

An unofficial count reveals that **1,900+** units have been approved since 2007 in the middle and high school attendance areas. All such housing units are considered to be located in an "active residential" development, which is noted by Augusta County's Community Development Department. One realizes that some are currently in the construction process, other units have recently become available for occupancy, and/or many have been rezoned and are waiting for future development.

The table below indicates the enrollment as of September 17, 2018.

School	Enrollment	Capacity
Cassell Elementary School	692	750
Wilson Middle School	663	750
Wilson High School	794	900

**COMMUNITY DEVELOPMENT STAFF RECOMMENDATION:** This request keeps all existing proffers from the approved 2007 rezoning but amends the proffered minimum dwelling size from 1,500 to 1,200 square feet.

In 2007, the owner at the time proffered a minimum dwelling size of 1,500 sq. ft. as a means of keeping house sizes compatible with the existing zoning of Beagle Gap, although the 1,500 sq. ft. minimum is greater than the surrounding zoning minimum.

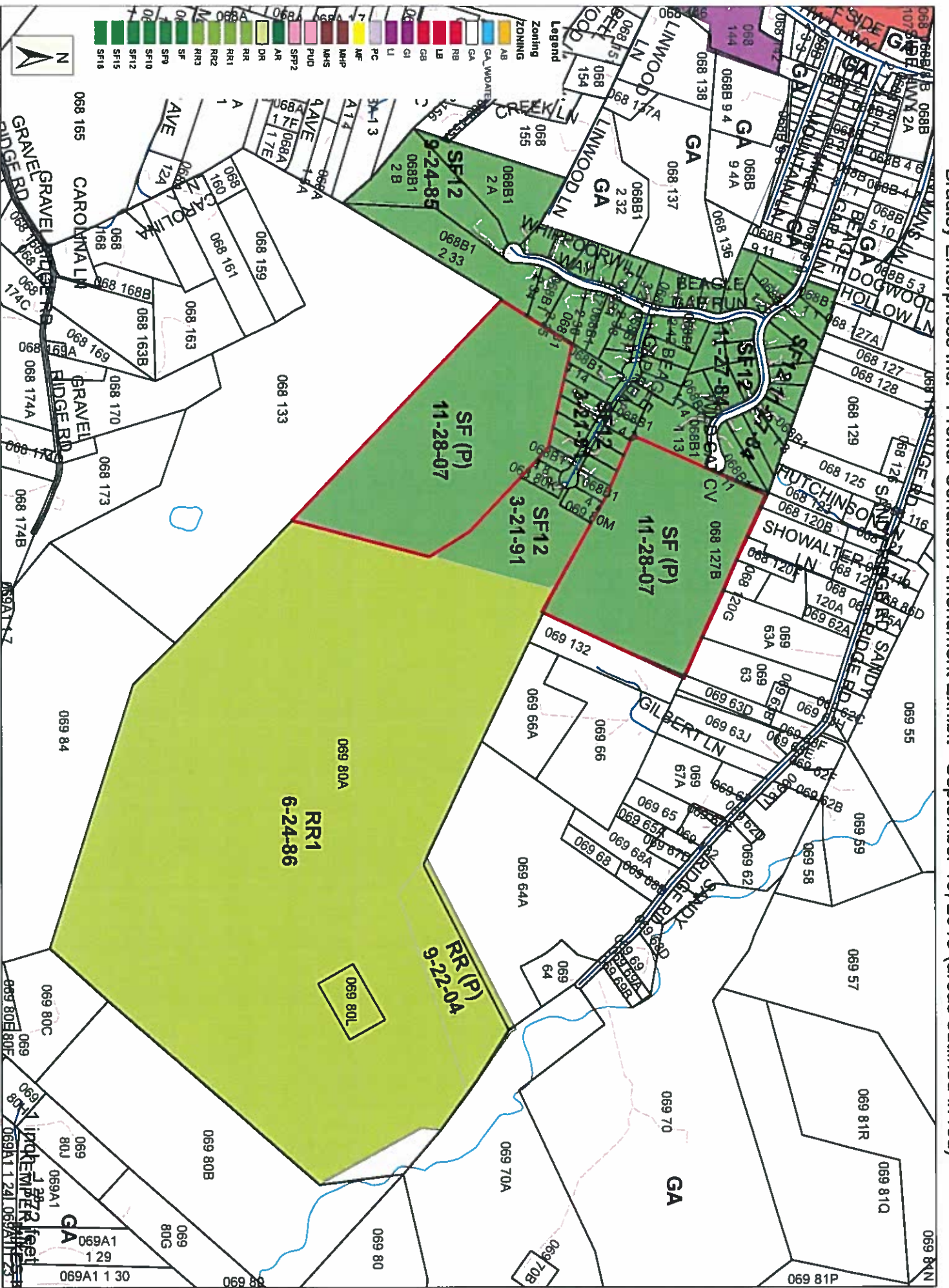


A new owner has purchased the property and would like to lower that minimum dwelling size to 1,200 sq. ft. The County used to have an SF12 zoning which required the minimum dwelling size be 1,200 sq. ft. SF12 zoning is located to the west and north and south (1984, 1985 and 1991) of the property of request. Staff is of the opinion that the proffer condition amendment maintains compatibility with the surrounding zoning to mitigate any impacts to adjacent property owners since current ordinance for Single Family Residential has a 900 square foot minimum lot size. Staff recommends approval of the request.

Bradley Enterprises Inc. - Proffer Condition Amendment Exhibit - September 19, 2018 (areas outlined in red)



Bradley Enterprises Inc. - Proffer Condition Amendment Exhibit - September 19, 2018 (areas outlined in red)



## MEMORANDUM

TO: Planning Commission

FROM: Michele L. Astarb, Subdivision Administrator

DATE: October 2, 2018

SUBJECT: Crimora-Madrid and Middle River Agricultural and Forestal Districts

This memo is in reference to the Crimora-Madrid and Middle River Agricultural and Forestal Districts. Both districts will expire on November 24, 2018. The Agricultural and Forestal District Advisory Committee met on Tuesday, August 26, 2008 and made the following recommendations:

- Both districts be effective for ten years
- Both districts include the following conditions:
  - A. Subdivision of land should only be permitted in accordance with the current zoning and subdivision ordinance provisions for family members. Only lots that are solely for the purpose of gift from a member or members of the immediate family of the grantee or grantees, as defined in such ordinance, shall be permitted.
  - B. No new non-agricultural or non-forestal buildings, and/or uses including dwellings, shall be permitted except that the construction of a dwelling for persons who earn a substantial part of their livelihood from agricultural or forestal operations on the same property, or for members of the immediate family of the owner is permitted.
  - C. All included tracts shall be shown as separate parcels on the County Real Estate records.

As of today, the Crimora-Madrid Agricultural and Forestal District has 648 acres and 438 acres are being added.

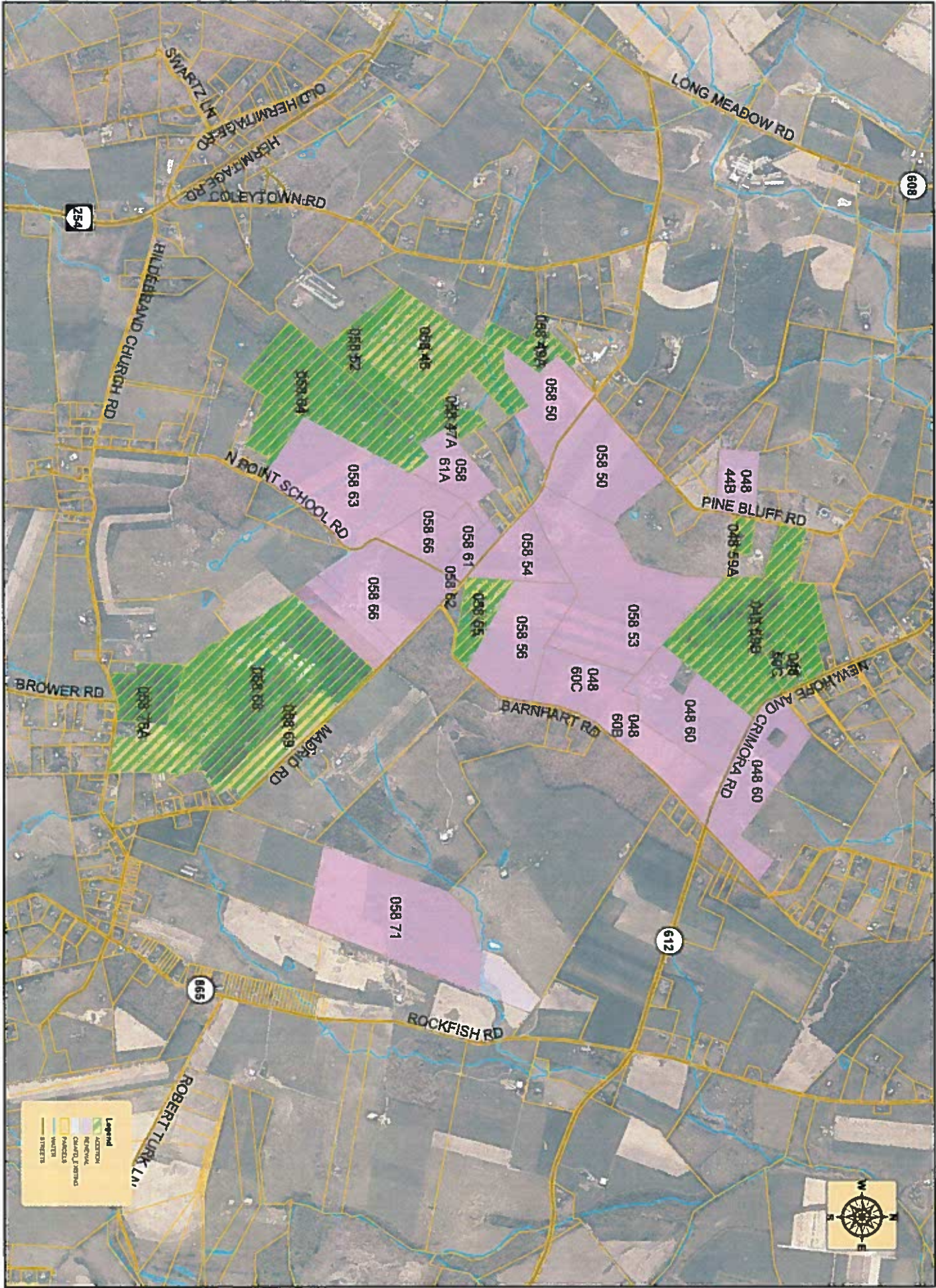
The Middle River Agricultural and Forestal District has 4,404.11 acres that are confirmed to be in the district, 546.234 acres withdrawn from the district, 1264.129 acres are being added to the district and 687.196 acres of land is still undecided.

The Planning Commission will hold a public hearing at the meeting Tuesday night and will need to make a recommendation on the renewal of the two districts to the Board of Supervisors. The Board will hold a public hearing on the district renewals on October 24, 2018.

If you have any questions, please do not hesitate to contact me.

/mla

# CRIMORA - MADRID AG FORESTAL DISTRICT - 2018 RENEWAL



0 1,000 2,000 4,000 6,000 8,000 Feet

**Legend**

- AGRICULTURAL
- RESIDENTIAL
- COMMERCIAL/INDUSTRIAL
- PASTURE
- FOREST
- STREETS

# MIDDLE RIVER AG FORESTAL DISTRICT - 2018 RENEWAL

