



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: October 25, 2018

SUBJECT: Regular Meeting and Viewing

The Regular Meeting of the Augusta County Board of Zoning Appeals will be held on **Thursday, November 1, 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 **Country Cookin 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, November 1, 2018, 1:30 P.M.

1. CALL TO ORDER

2. DETERMINATION OF A QUORUM

3. MINUTES

Approval of the Called and Regular Meeting of October 4, 2018

4. PUBLIC HEARINGS

- A. A request by Mike and Karen Shaffren, for a Special Use Permit to have a personal dog kennel on property owned by Lenwood or Ida B. Johnson, located at 75 Brushy Knob Lane, Staunton in the Beverley Manor District.
- B. A request by Jerry A. or Shirley Colvin, for a Special Use Permit to construct a 1,200 square foot building exceeding the 1,200 square foot total aggregate allowed on property they own, located at 69 Oak Grove Church Road, Waynesboro in the Wayne District.
- C. A request by David Miller, agent for Milmont Greenhouses, Inc., for a Special Use Permit to enlarge a non-conforming dwelling on property they own, located at 3337 Stuarts Draft Highway, Waynesboro in the South 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 AND OCTOBER 4, 2018 MEETINGS**

6. MATTERS TO BE PRESENTED BY THE PUBLIC

7. MATTERS TO BE PRESENTED BY THE ZONING ADMINISTRATOR

- A. A request by Lester P. and Mary A. Witmer, for a Special Use Permit to construct a new building and use a portion of it for a concrete pumping business on property they own, located at 188 Coffman Road, Weyers Cave, in the North River District. – **ONE YEAR EXTENSION OF TIME REQUEST**

8. STAFF REPORT

| | |
|------|--------------------------------|
| 18-1 | GL Eavers, LLC |
| 18-2 | Harry Baldwin & Life Estate |
| 18-3 | Cecil L. or Phyllis J. Eavers |
| 18-4 | John R. and Margaret W. Kane |
| 18-5 | Stanley Sheets – Denied |
| 18-6 | Abner N. Johnston, IV |
| 18-7 | Milmont Greenhouses, Inc. |

9. ADJOURNMENT

AGENDA ITEM # 4A

Date 11/1/18

PROPERTY OWNER:

Lenwood or Ida B. Johnson

APPLICANT:

Mike and Karen Shaffren

LOCATION OF PROPERTY:

75 Brushy Knob Lane, Staunton in the Beverley Manor District

SIZE OF PROPERTY:

14.548 acres

VICINITY ZONING:

General Agriculture surrounds the entire parcel

PREVIOUS ZONING OR S.U.P.:

12/95 Zoned General Agriculture

LAND USE MAPS:

Rural Conservation Area

UTILITIES:

Private well and septic

APPLICANT'S JUSTIFICATION:

To have a personal dog kennel

PLANNING COMMISSION'S COMMENTS:

No comments.

BUILDING INSPECTOR'S COMMENTS:

No conditions.

HEALTH DEPARTMENT'S COMMENTS:

Health Department has no issues with personal kennel.

HIGHWAY DEPARTMENT'S COMMENTS:

The existing entrance of Brushy Knob Lane (Private) to Hildebrand Circle (Rt. 923) is adequate for the addition of a private dog kennel at the property indicated.

SERVICE AUTHORITY'S COMMENTS:

The residence listed (75 Brushy Knob Lane) is not a Service Authority customer. Therefore, the Service Authority has no comment.

ENGINEERING'S COMMENTS:

Less than 10,000 square feet. No Erosion and Sediment Control/Stormwater required.

ANIMAL CONTROL'S COMMENTS:

Animal Control recommends the permit be for ten (10) dogs.

SECTION 25-74C - ANIMAL CARE FACILITIES

There is an adequate plan to keep the facility neat and clean, free of dirt, fecal accumulation, odors, and parasite infestation.

The outside kennel area is cleaned daily. The small breeds are kept inside and taken out for bathroom breaks.

Adequate facilities will be constructed to ensure good ventilation and the maintenance of proper temperatures within healthful and comfortable limits for the animals.

The outside kennel structure has windows for ventilation and is heated in the winter.

Fencing will be sturdy and well maintained and will be of sufficient strength and height to safely secure the animals.

Approximately two (2) acres is fenced with invisible fencing to safely secure all animals.

Exercise areas will provide adequate shelter from wind, rain, snow, and direct sunlight.

The dogs have access to the kennel structure and attached covered exercise area at all times.

There is an adequate plan to address safety from fire and other hazards, including alarm systems and suppression equipment when appropriate.

There are fire extinguishers onsite.

Both the inside and outside facilities will be of proper size to accommodate the anticipated breeds and numbers of animals.

The five (5) small breed dogs are kept inside the dwelling and the five (5) mixed hounds are kept inside the 8' x 12' structure and attached 6' x 6' covered fenced area, which should accommodate all breeds onsite.

The site contains a minimum of five (5) acres. The minimum acreage required for the permit must be retained in the same ownership for the permit to remain valid. Nothing herein shall be deemed to limit the ability of the board of zoning appeals to require a larger site when necessary to protect the neighboring properties and to accommodate the anticipated breeds and numbers of animals.

The property contains 14.548 acres.

The animals shall be confined within an enclosed building from 10 p.m. to 6 a.m. unless the board of zoning appeals is satisfied that keeping the anticipated animals outside during such hours will not be a nuisance to neighboring properties.

The small dogs are kept in the dwelling and the larger dogs are confined within the 8' x 12' structure from 10:00 p.m. to 6:00 a.m.

No structure occupied by animals, other than the principal dwelling of the owner/operator shall be closer than two hundred feet (200') from any lot line. No outside run or other outdoor area occupied by animals more than two (2) hours in any 24 hour period shall be nearer than five hundred feet (500') to any lot line. Nothing herein shall be deemed to limit the ability of the board of zoning appeals to require larger setbacks when necessary to accommodate the anticipated breeds and numbers of animals or to better protect neighboring properties.

The kennel structure and exercise area is at least two hundred (200') feet from all property lines.

STAFF RECOMMENDATIONS

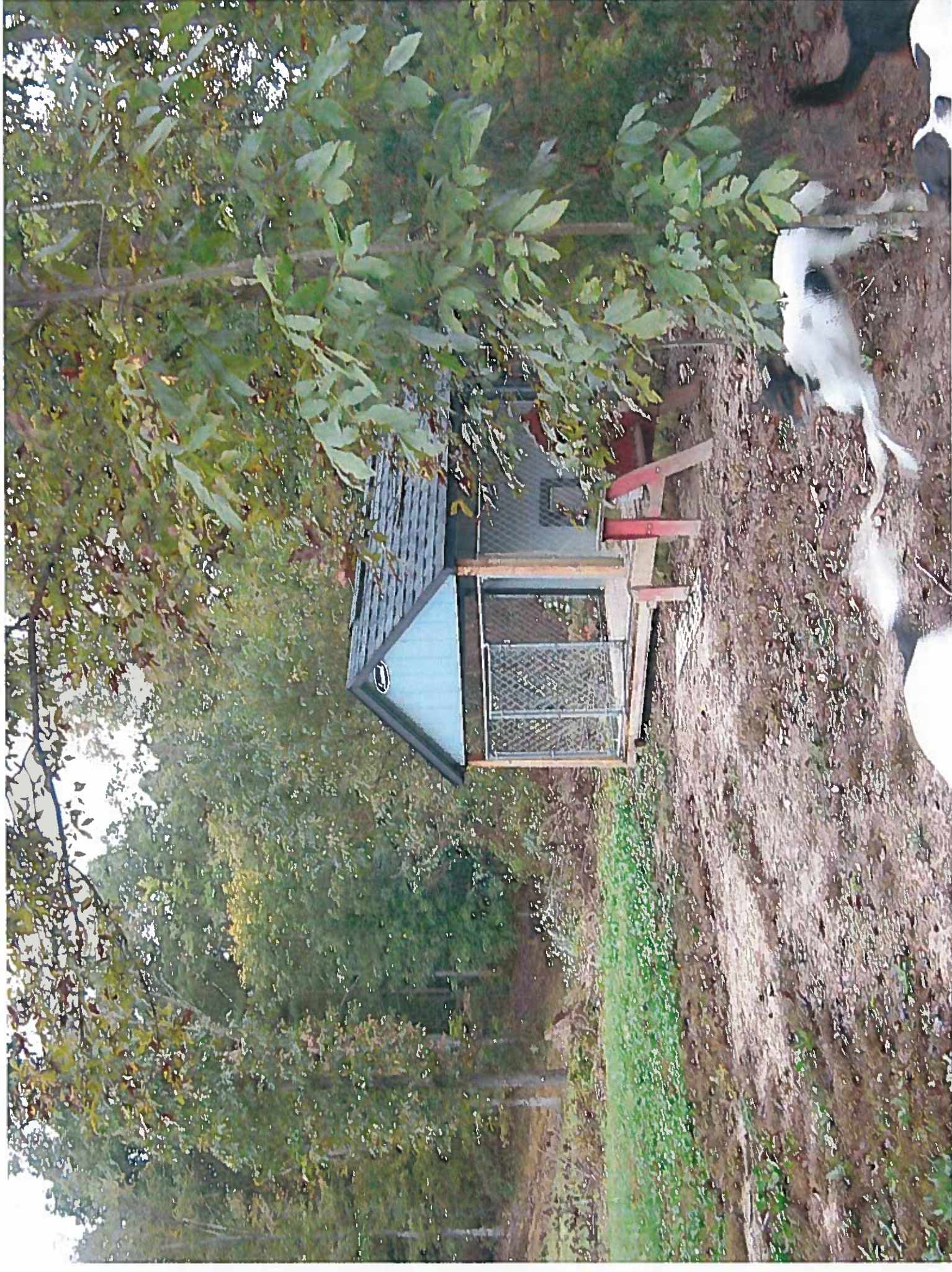
The applicants are requesting to have ten (10) personal dogs onsite. They currently have five (5) small breed dogs that stay inside the home and five (5) larger mixed breed dogs that are kept in the 8' x 12' structure with a covered 6' x 6' covered fenced area and approximately two (2) acres of the property is fenced with invisible fencing to allow adequate exercise. The applicants will not be breeding the dogs. These are personal dogs, and they were not aware that a Special Use Permit was needed for more than four (4) dogs in the County. Staff has not received any complaints and Animal Control inspected the property and is recommending approval. If the Board feels that the request would be compatible and desires to approve the request, staff would recommend the following conditions:

Pre-Conditions:

None

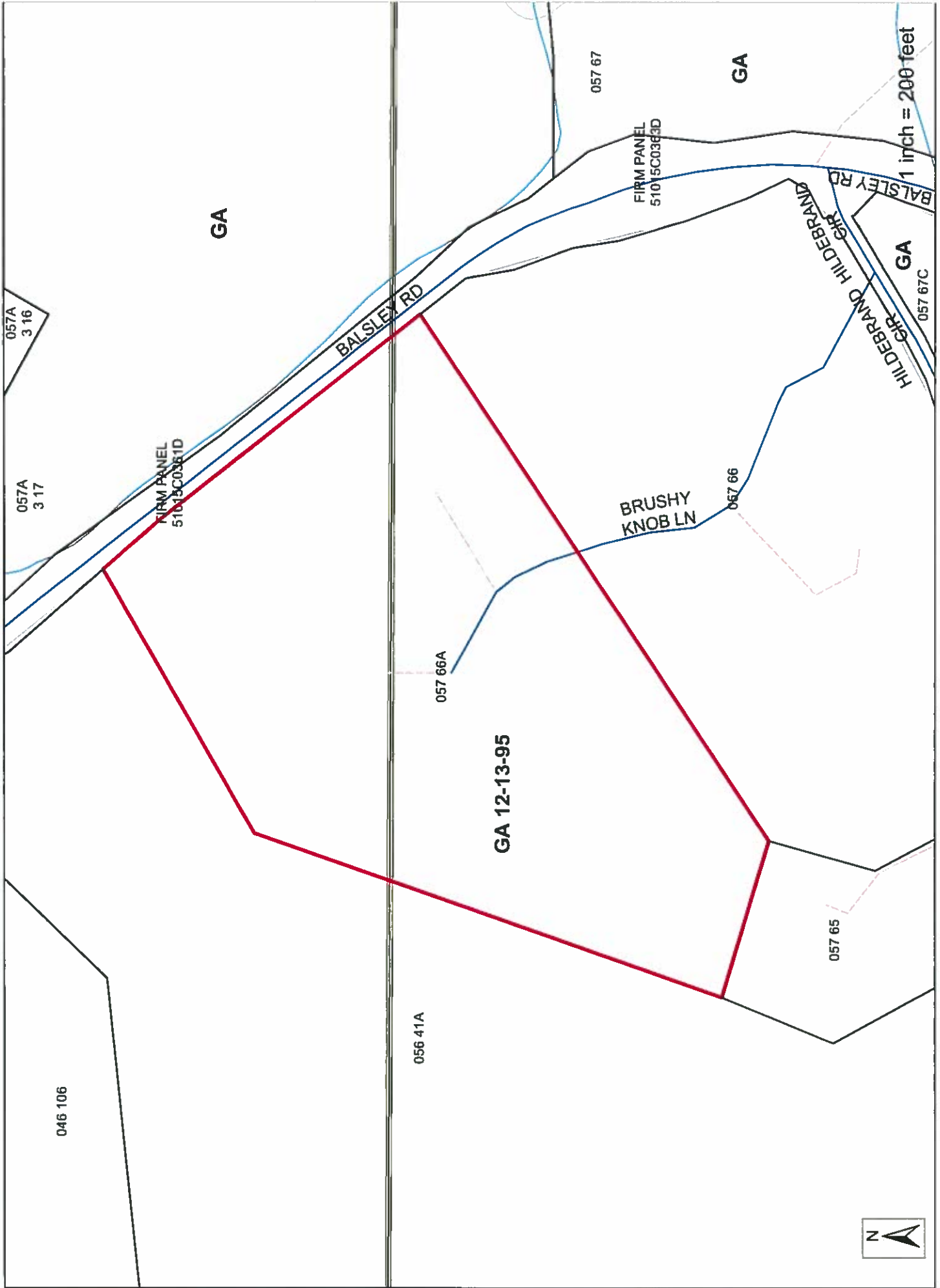
Operating Conditions:

1. Maximum of ten (10) adult dogs kept at this site at any time.
2. Dogs be kept inside from 10:00 p.m. until 6:00 a.m.
3. All outside dogs be confined within the two (2) acre fenced exercise area or inside the structure at all times.
4. Animal Control to inspect the site **yearly**.
5. Site be kept neat and orderly.

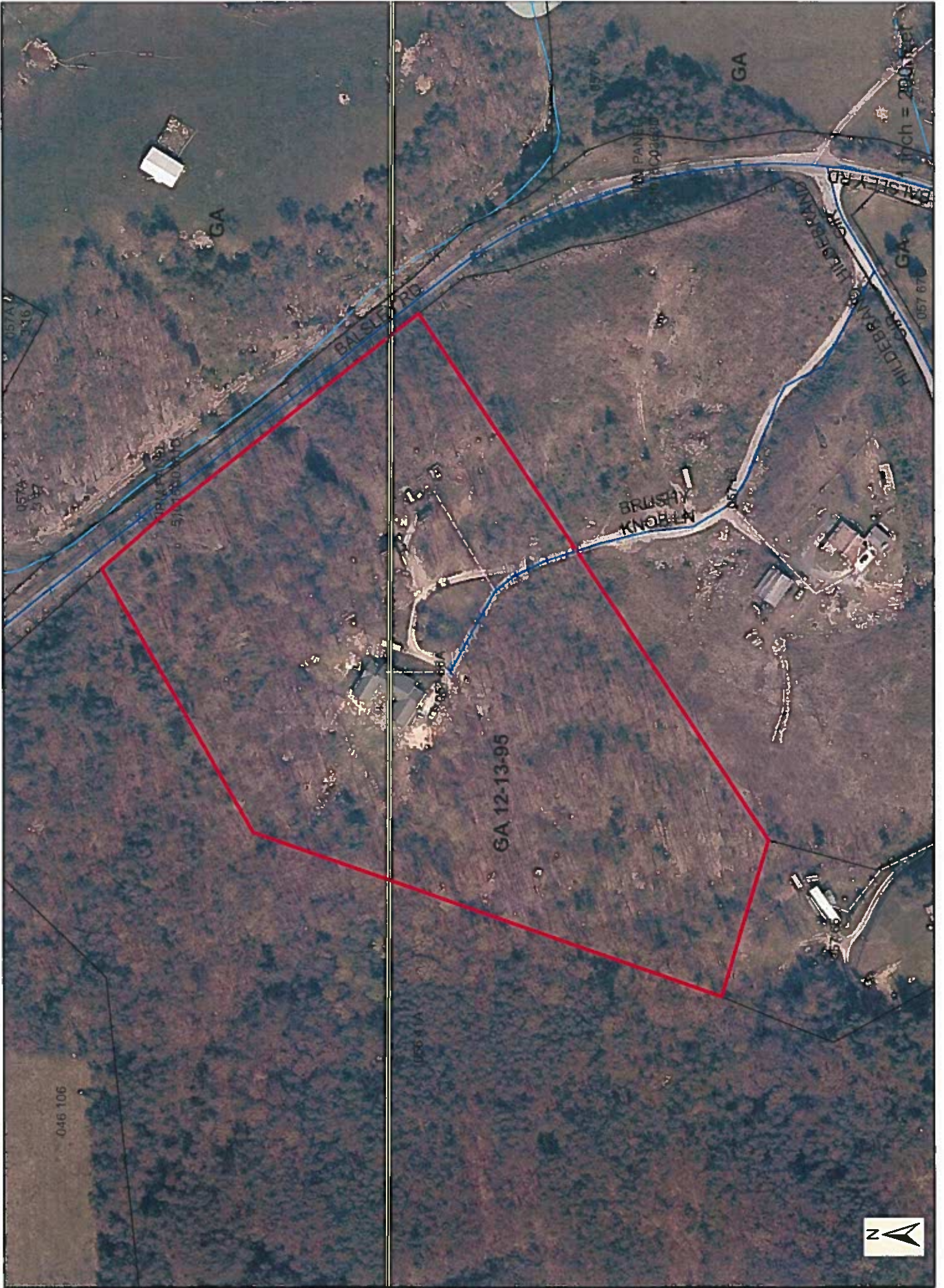


Johnson

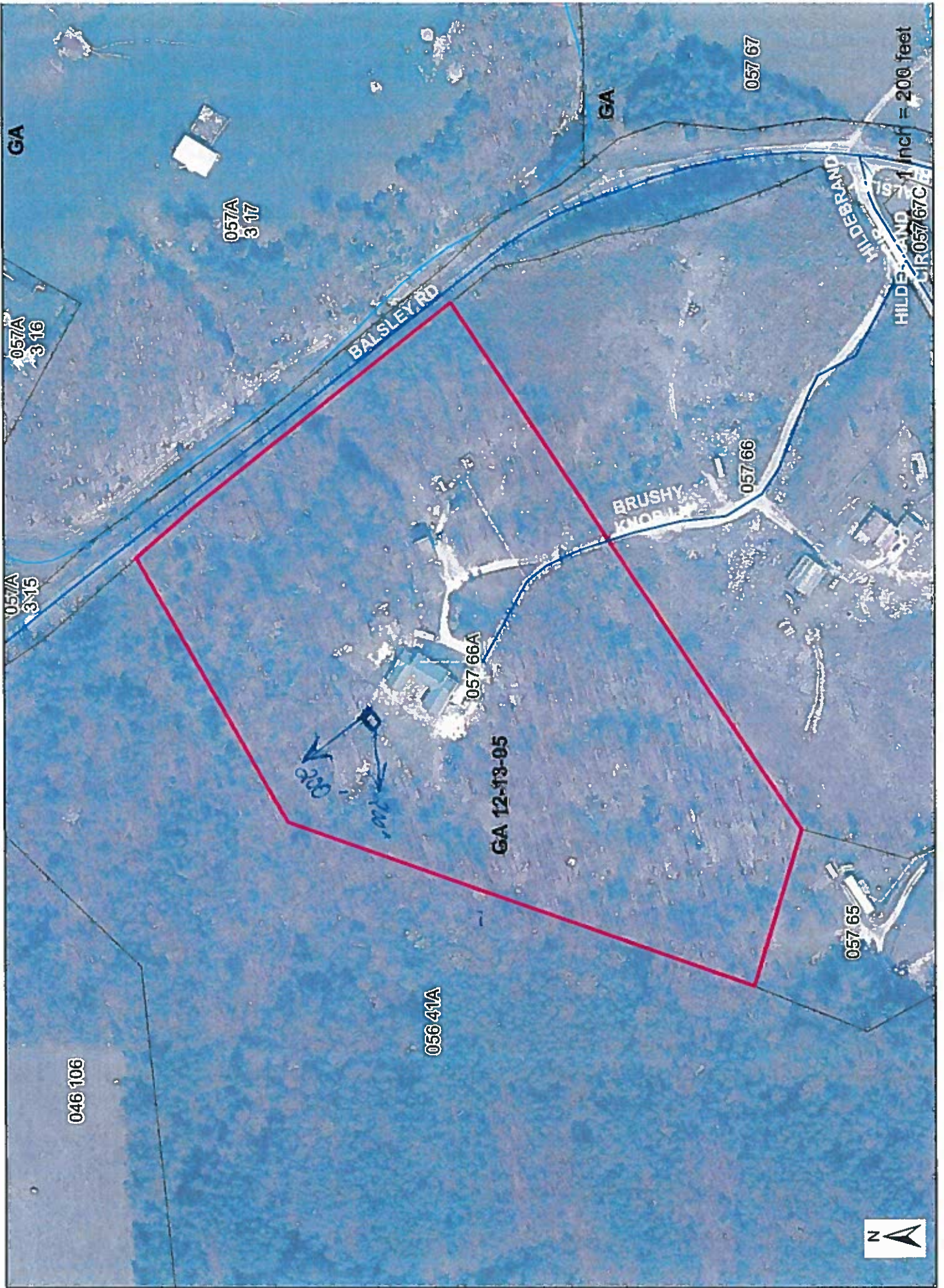
Johnson



Johnson



Johnson



AGENDA ITEM # 4B

Date 11/1/18

PROPERTY OWNER:

Jerry A. or Shirley Colvin

APPLICANT:

Same

LOCATION OF PROPERTY:

69 Oak Grove Church Road, Waynesboro in the Wayne District

SIZE OF PROPERTY:

3.069 acres

VICINITY ZONING:

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

PREVIOUS ZONING OR S.U.P.:

12/90 Zoned Rural Residential

LAND USE MAPS:

Rural Conservation Area

UTILITIES:

Private well and septic

APPLICANT'S JUSTIFICATION:

To construct a 1,200 square foot building exceeding the 1,200 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 Virginia Uniform Statewide Building Code.

HEALTH DEPARTMENT'S COMMENTS:

Owner is advised to keep building 10' from septic system. It is advised to keep the building 50'+ from existing well if the foundation will be termite treated.

HIGHWAY DEPARTMENT'S COMMENTS:

It is VDOT's understanding that the building is for the use of personal RV storage. The entrance is adequate for the requested use.

SERVICE AUTHORITY'S COMMENTS:

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

ENGINEERING'S COMMENTS:

Less than 10,000 square feet. No Erosion and Sediment Control/Stormwater required.

SECTION 25-122.1C – ACCESSORY BUILDINGS NOT MEETING 25-122.1A & B

The accessory building or structure would not be out of character with the neighborhood or disproportionately large in relation to the size, location and character of other buildings and uses on the lot on which it is to be located and on adjoining and surrounding properties. For purposes of this section, “disproportionately large” shall mean so large as to: (i) be larger than a principal building to which it is accessory; or (ii) appear out of character with surrounding properties.

There are large accessory buildings within close proximity and the dwelling is 1,631 square feet.

Accessory buildings and structures shall meet the applicable side and rear yard requirements of § 25-128.

The site sketch shows them meeting all setback requirements.

STAFF RECOMMENDATIONS

The applicant is requesting to construct a twelve hundred (1,200) square foot accessory building to store his motor home and utility trailer. The property contains 3.069 acres, which limits the total aggregate size of accessory buildings to be no more than twelve hundred (1,200) square feet. If the property contains five (5) acres or more, there are no limits to the size of accessory buildings.

The applicant currently has two (2) small accessory structures that he would like to keep for storage. The construction of the new building will exceed the total aggregate allowed on a parcel less than five (5) acres.

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 exceeding the required limit if it was determined the larger building would not be out of character with the neighborhood and not disproportionately larger than other structures in the area.

Staff visited the property and found there are large buildings within close proximity. 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-Conditions:

None

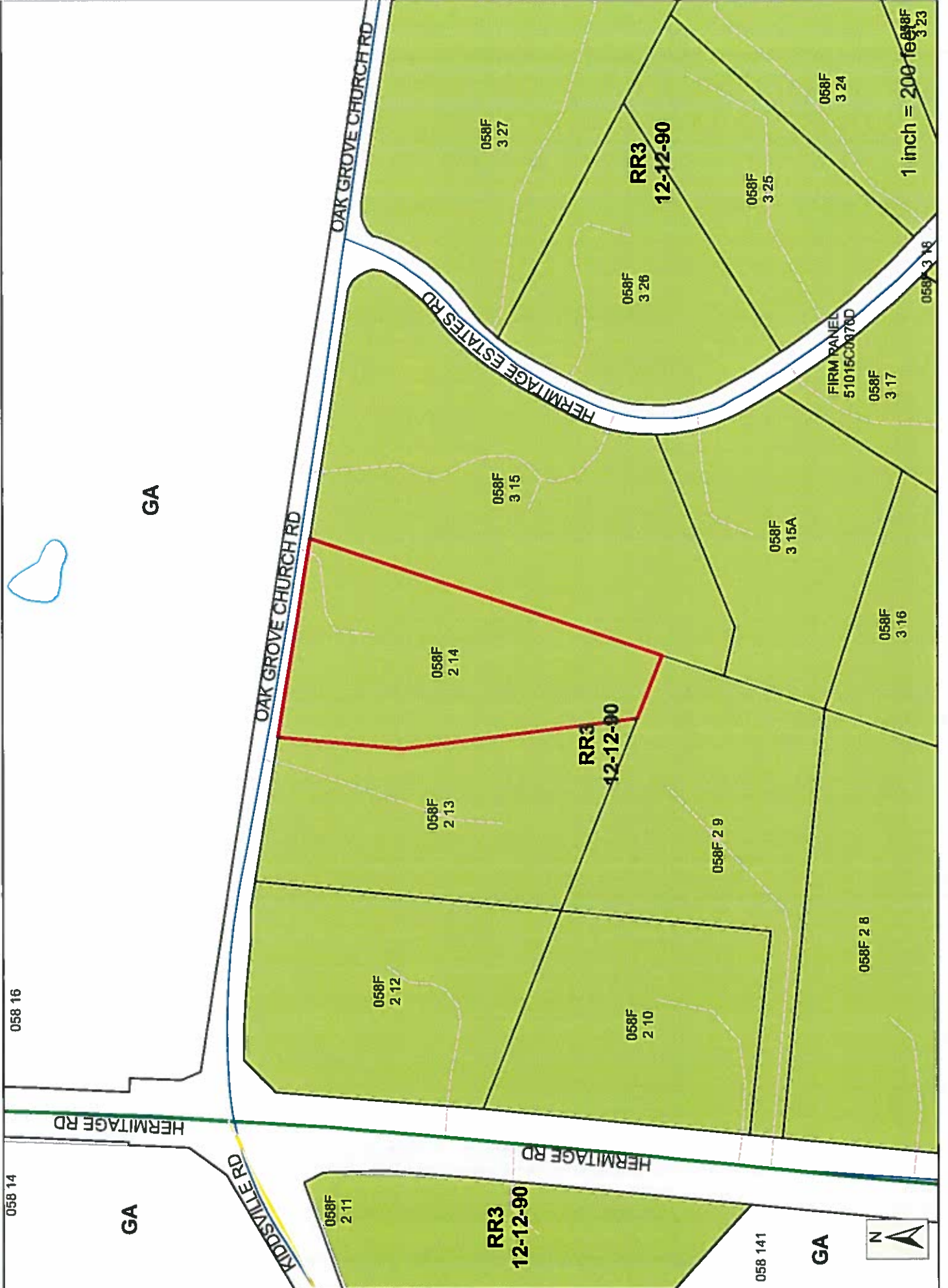
Operating Conditions:

1. Applicant be permitted to construct a twelve hundred (1,200) square foot accessory building.
2. Applicant obtain building permit and provide a copy to Community Development.
3. No junk or inoperable vehicles to be kept outside.
4. Site be kept neat and orderly.
5. No further expansion.



Colvin

Colvin

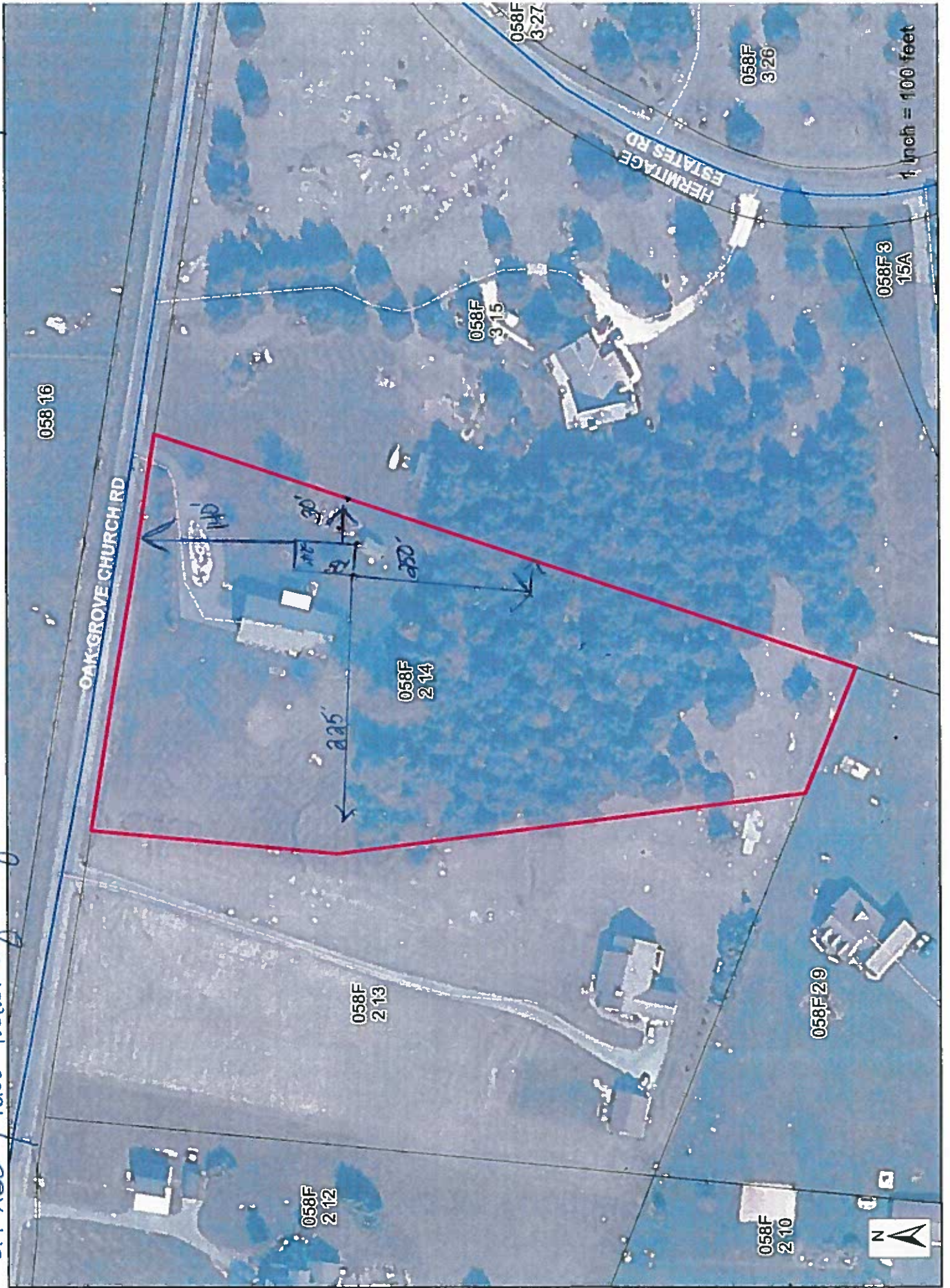


Colvin



24' x 50' / 1200 total square feet

Colvin



AGENDA ITEM # 4C

Date 11/1/18

PROPERTY OWNER:
Milmont Greenhouses, Inc.

APPLICANT:
David Miller, agent for Milmont Greenhouses, Inc.

LOCATION OF PROPERTY:
3337 Stuarts Draft Highway, Waynesboro in the South River District

SIZE OF PROPERTY:
0.379 acres

VICINITY ZONING:
General Agriculture surrounds the entire parcel

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

LAND USE MAPS:
Urban Service Area – Business

UTILITIES:
Public water and sewer

APPLICANT'S JUSTIFICATION:
To enlarge a non-conforming dwelling

PLANNING COMMISSION'S COMMENTS:
No comments.

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

HEALTH DEPARTMENT'S COMMENTS:
Health Department has no comment. Public water and sewer to serve.

HIGHWAY DEPARTMENT'S COMMENTS:
The existing private entrance is adequate for the request. VDOT does not anticipate additional impacts to the adjacent roadways. During construction, ensure all efforts are made to not track mud and/or debris from construction onto Rt. 340.

SERVICE AUTHORITY'S COMMENTS:
3337 Stuarts Draft Highway (TM # 75B-(1)-11) is currently a Service Authority water and sewer customer. The SUP notes only minor residential modifications. Therefore, the ACSA has no comments regarding this request.

Note: An 8" public sewer main is located immediately adjacent to the subject property, along the south side of Stuarts Draft Highway. Questions regarding a connection may be directed to the ACSA Customer Service Department at (540) 245 – 5681.

ENGINEERING'S COMMENTS:

Less than 10,000 square feet. No Erosion and Sediment Control/Stormwater required.

STAFF RECOMMENDATIONS:

The Board approved a Special Use Permit to construct a 6' x 38' addition to the existing non-conforming dwelling at the January 2018 meeting. The applicants are now requesting to construct a 16' x 16' deck addition to the existing dwelling. The dwelling was constructed in 1941 prior to any setback requirements.

The current zoning requires a twenty (20') foot setback from the side yard adjacent to Milmont Drive due to the fact the lot is less than one hundred fifty (150') feet wide. The proposed deck will be no closer than the existing dwelling.

Staff feels that a deck attached to the existing non-conforming dwelling no closer to the road would be compatible with other dwellings in the neighboring area and recommends approval with the following conditions:

Pre-Conditions:

None

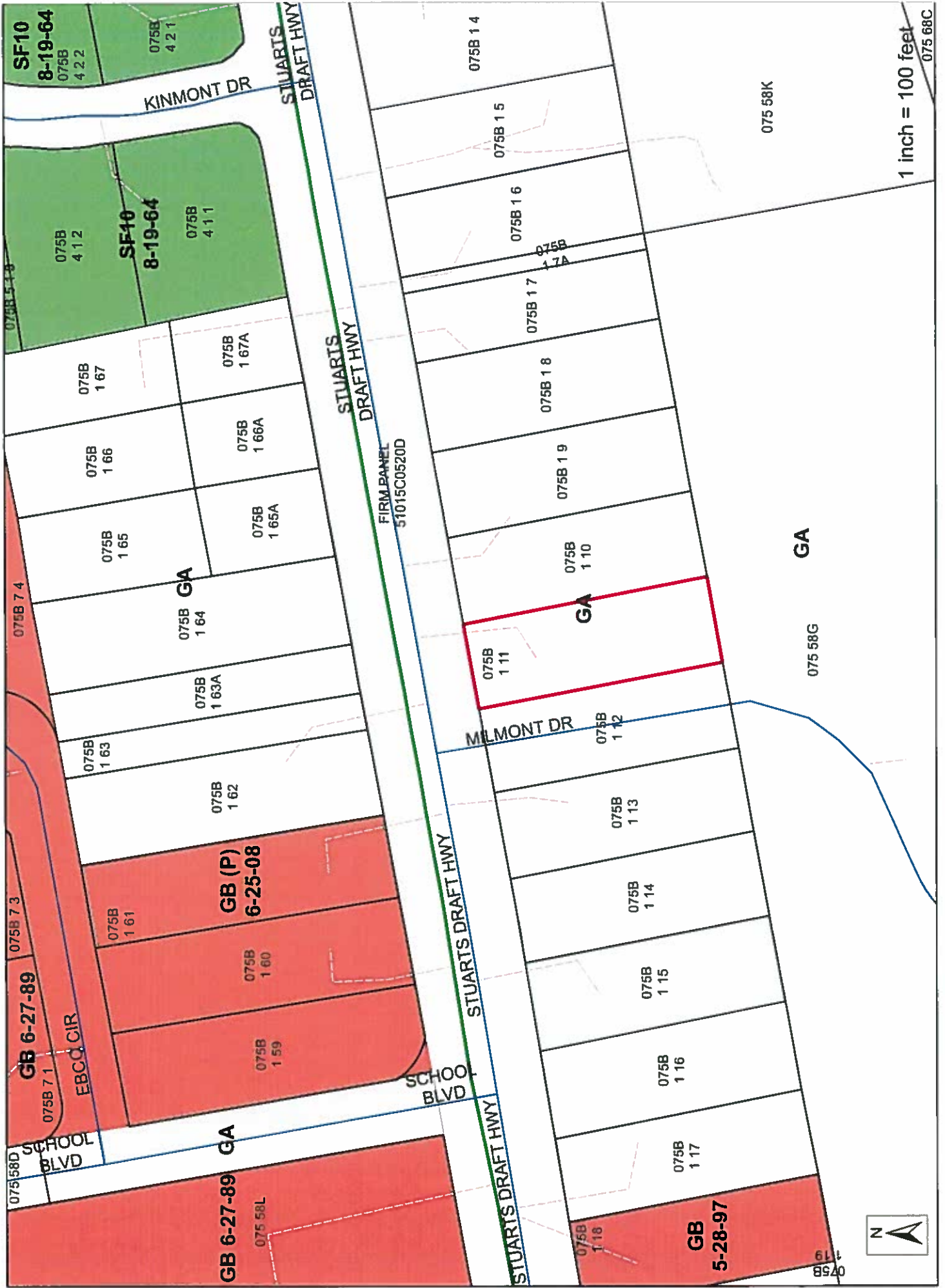
Operating Conditions:

1. Be permitted to construct the 16' x 16' deck no closer to the side yard adjacent to the street.
2. Applicant obtain Building Permit.
3. Applicant submit Foundation Survey.



Milmont Greenhouse

Milmont Greenhouses, Inc.



1 inch = 100 feet



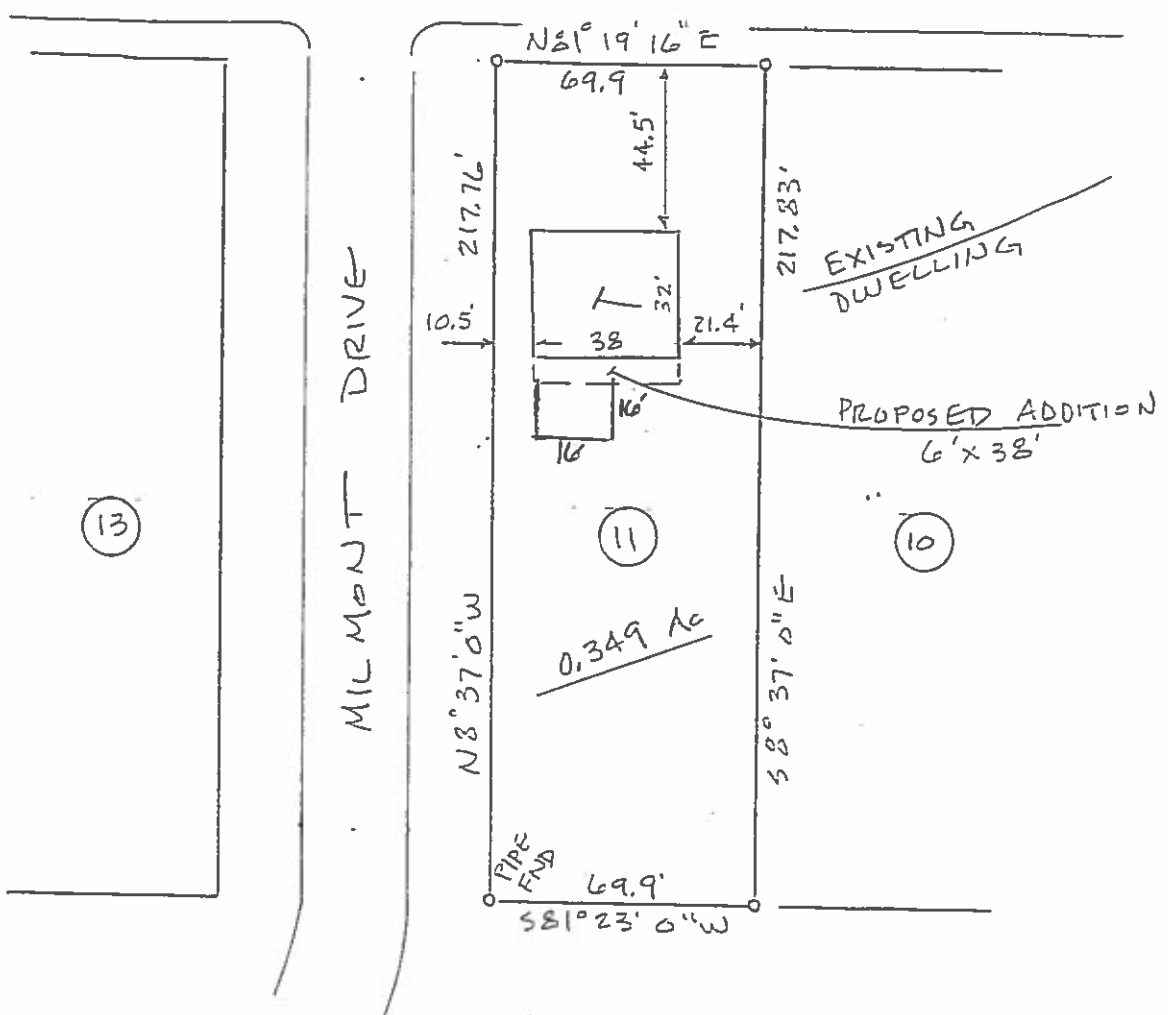
611
8520

Milmont Greenhouses, Inc.



16' X 16' proposed decl addition - E
ROUTE 340 STUARTS DRAFT HWY 80' R/W

NORTH



SKETCH PLAN FOR

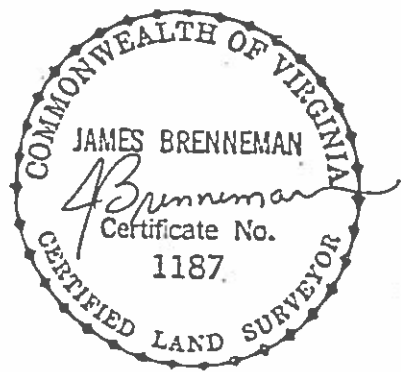
Milmont Greenhouses, Inc
3337 STUARTS DRAFT HWY
LOT 11
WAYNE HEIGHTS.

SOUTH RIVER DIST AUGUSTA CO.
VIRGINIA

SCALE 1" = 50' DEC 12, 2017

BRENNEMAN ENGINEERING
STUARTS DRAFT, VA

3857



TABLED

Date 11/1/18

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 1 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.

NOVEMBER 1, 2018 COMMENTS:

The applicant requested that the Board table their request at the October 4, 2018 regular meeting so that all members of the Board could be present.

Attached are packets Dominion provided to further clarify questions raised during the October 4, 2018 meeting regarding permit approvals, gravel disposal, concrete coating, and how many miles of pipeline the laydown yard will serve.

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. A copy of the approved spill prevention containment plan be submitted to Community Development.
5. The storage area be screened by a minimum six (6') foot high opaque privacy fence and must be maintained at all times.
6. Submit reclamation plan and \$1 million reclamation 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. Community Development to be notified as soon as the storage yard is no longer in operation.
9. Removal of gravel be completed within thirty (30) days of the date the yard is no longer in operation.

AGENDA ITEM # 7A

Date 11/1/18

EXTENSION OF TIME REQUEST

PROPERTY OWNER:

Lester P. and Mary A. Witmer

APPLICANT:

Same

LOCATION OF PROPERTY:

188 Coffman Road, Weyers Cave, in the North River District

SIZE OF PROPERTY:

50.480 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

UTILITIES:

Private well and septic

APPLICANT'S JUSTIFICATION:

To construct a new building and use a portion of it for a concrete pumping business

The applicant is requesting a one (1) year Extension of Time.

NOVEMBER 2016 STAFF COMMENTS:

The applicant recently finished constructing the dwelling and would like to be allowed to wait until Spring to start constructing the new shop. Staff recommends approval.

The applicant is requesting another one (1) year Extension of Time.

The applicant has not started constructing the new building due to funding. Staff recommends approval.

NOVEMBER 2018 STAFF COMMENTS:

The applicant is requesting a one (1) year extension of time to construct the new building for the concrete pumping business. The Board approved an extension of time November 2, 2017, however, the applicant was involved in a farming accident in January, 2018, which resulted in losing his lower left leg. He was unable to work for 10 months; therefore, could not construct the building within the year granted.

OCT 05 2018

Rocky Top Farms, LLC
Kevin and Lindsey Birt
1124 Mossy Creek Road
Bridgewater, VA 22812
770-876-9548
lindseybirt.sales@gmail.com

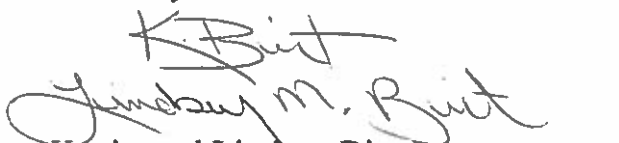
Dear: Board of Zoning
Attention: Chairman Steve F. Shreckhise

Rocky Top Farms would like to request, Augusta County to rescind the vote made at the public hearing held on October 4, 2018 for a Special Use Permit. This vote was regarding the property at 1124 Mossy Creek Road in Bridgewater and its special use proposal to be used as a small rental venue. The SUP was denied as presented.

If rescinded, we plan to hire an engineer to work with VDOT and the County to find an amicable solution that works for all parties. We intend to provide all documentation from the above-mentioned collaboration, along with letters of approval and support from bordering neighbors. It is our desire to present at the November 1st Zoning Board Meeting.

We thank you for your attention to this matter.

Sincerely,


Kevin and Lindsey Birt
Owner/Agent Rocky Top Farms, LLC