



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 *LT*
DATE: December 4, 2018
SUBJECT: Regular Meeting

The regular meeting of the Augusta County Planning Commission will be held on **Tuesday, December 11, 2018 at 7:00 p.m.**, at the Augusta County Government Center, in the Main Board Meeting Room, 18 Government Center Lane, Verona, Virginia.

There are no scheduled public hearings. The Augusta County Board of Supervisors, at their Staff Briefing on November 26, 2018, directed staff to present Phase I of the East Stuarts Draft Feasibility Study to the Planning Commission and review Comprehensive Plan amendments as it relates to the results of the sewer study and the Stuarts Draft Small Area Plan Future Land Use Map. During the regular meeting time at 7 PM, the Planning Commission will have a worksession to discuss the matters identified above.

Attached are the agenda and meeting materials for Tuesday's meeting and the minutes from the November 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.

L T/jim

Staunton (540) 245-5700

TOLL FREE NUMBERS
FAX (540) 245-5086

Waynesboro (540) 942-5113

A G E N D A

Regular Meeting of the Augusta County Planning Commission

Tuesday, December 11, 2018 7:00 P.M.

1. CALL TO ORDER
2. DETERMINATION OF A QUORUM
3. MINUTES

Approval of the Called and Regular Meetings on November 13, 2018.

4. MATTERS TO BE PRESENTED BY THE PUBLIC

5. NEW BUSINESS

- A. Stuarts Draft Small Area Plan
- B. East Stuarts Draft Sewer Feasibility Study

6. OLD BUSINESS

7. MATTERS TO BE PRESENTED BY THE COMMISSION

8. STAFF REPORTS

- A. Information for Commission – Code of Virginia, Section 15.2-2310
(Board of Zoning Appeals Items)

9. ADJOURNMENT

PRESENT:

J. Curd, Chairman
T. Jennings, Vice Chairman
S. Bridge
G. Campbell
L. Howdyshell
K. Leonard
K. Shifflett
J. Wilkinson, Director of Community Development
L. Tate, Planner II

VIRGINIA: At the Called Meeting of the Augusta County Planning Commission held on Tuesday, November 13, 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 December, sharing aerial maps of the properties and specifics of the application requests.

The Planning Commission reviewed the following rezoning request that will be considered at the Public Hearing. There was not a site visit for the request.

Crescent Development Group, LLC & Myers Corner Partners, LC

Chairman _____

Secretary _____

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

VIRGINIA: At the Regular Meeting of the Augusta County Planning Commission held on Tuesday, November 13, 2018, at 7:00 p.m. in the Board Room, Augusta County Government Center, Verona, Virginia.

DETERMINATION OF A QUORUM

Mr. Curd stated as there were seven (7) members present, there was a quorum.

MINUTES

Mr. Howdysshell moved to approve the minutes of the called and regular meetings held on October 9, 2018.

Mr. Bridge seconded the motion, which carried unanimously.

PUBLIC HEARING

Crescent Development Group, LLC & Myers Corner Partners, LC

A request to rezone from Multi-Family Residential to General Business approximately 0.345 acres (portion of TMP 066C1-8-1 and portion of TMP 066C-8-11) owned by Crescent Development Group, LLC and Myers Corner Partners, LC located in the

southwest quadrant of the intersection of Jefferson Highway (Route 250) and Myers Corner Drive in Fishersville in the Wayne District.

Scott Williams, representative of Crescent Development Group, LLC & Myers Corner Partners, LC and whose address is P.O. Box 1046 Fishersville, stated the purpose of the request is to clean up the awkward strip of land between two projects. The property can be easily added to the back of the commercial project and will allow for the general business property to be fully developed. It will also allow for a second access or cross connection to a future road and would allow for interconnectivity.

Mr. Jennings asked for clarification on the proffers stated in the Staff Comments.

Mrs. Tate stated there are no proffers on the existing area of the rezoning request and there are none being proposed. The proffers that were listed on the Staff Report are from a rezoning in 2012 of the larger Myers Corner development. Ms. Tate clarified that the proffers from the 2012 rezoning did not specifically relate to the parcels to which the land area of this rezoning request belong. Therefore, they were not included on the strip of land related to this request.

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

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

Mr. Jennings moved to recommend approval of the request.

Mr. Campbell seconded the motion, which carried unanimously.

* * * * *

New Business

Election of officers

Mr. Curd presented the nominating committee report. He placed into nomination the names of E. Thomas Jennings, Jr., as Chairman, Gregory W. Campbell as Vice Chairman, and Leslie Tate as Secretary to serve as officers in 2019.

There being no further nominations, Mr. Howdysshell moved to close the nomination and moved to elect the slate by acclamation.

Mrs. Shifflett seconded the motions, which carried unanimously.

Regular Meeting and Inclement Weather Resolution

Ms. Tate reviewed the Regular Meeting and Inclement Weather Resolution as was included in the commissioners packets. She stated that the only change from last year's resolution was a clarification that they Planning Commission "may" rather than "shall" go on a site visit of the rezoning request prior to the public hearing for that request.

Mr. Bridge moved to recommend approval of the following ordinance:

**AUGUSTA COUNTY PLANNING COMMISSION REGULAR MEETING SCHEDULE
AND INCLEMENT WEATHER RESOLUTION 2019**

WHEREAS, § 15.2-2214 of the Code of Virginia (1950), as amended, authorizes the Augusta County Planning Commission to fix a schedule of regular meetings and fix the day or days to which any meeting shall be continued due to inclement weather.

WHEREAS, the Planning Commission now desires to establish its schedule for regular meetings during calendar year 2019.

BE IT RESOLVED BY THE AUGUSTA COUNTY PLANNING COMMISSION:

1. The Planning Commission shall hold regular meetings during calendar year 2019, in the Board Meeting Room at the Augusta County Government Center, on the dates and at the times set forth below:

January 8, 2019	7:00 p.m.
February 12, 2019	7:00 p.m.
March 12, 2019	7:00 p.m.
April 9, 2019	7:00 p.m.
May 14, 2019	7:00 p.m.
June 11, 2019	7:00 p.m.
July 9, 2019	7:00 p.m.
August 13, 2019	7:00 p.m.
September 10, 2019	7:00 p.m.
October 8, 2019	7:00 p.m.
November 12, 2019	7:00 p.m.

2. Prior to the regular meeting listed above, the Planning Commission may make a site visit of any rezoning application site being heard at the public hearing/regular meeting. Such visits are open to the public and shall be advertised in accordance with 2.2-3707 of the Code of Virginia.
3. Prior to the regular meeting listed above, the Planning Commission may meet for a staff briefing related to proposed ordinance amendments to be heard by the Planning Commission at their regular meeting. Such briefings are open to

the public and shall be advertised in accordance with 2.2-3707 of the Code of Virginia.

4. The Planning Commission may also hold worksessions throughout the year on an as needed basis. The scheduling of such worksessions shall be in accordance with 15.2-2214 of the Code of Virginia. Worksessions are open to the public and shall be advertised in accordance with 2.2-3707 of the Code of Virginia.

5. In the event the Chairman of the Planning Commission, of the Vice Chairman of the Planning Commission, if the Chairman is unable to act, finds and declares that weather or other conditions are such that it is hazardous for members of the Planning Commission to attend a meeting, such meeting shall be continued to the next Tuesday. Such finding and declaration shall be communicated to the members of the Planning Commission and the media as promptly as possible. All hearings and other matters previously advertised shall be conducted at the continued meeting and no further advertisement is required.

BE IT FURTHER RESOLVED, that this resolution be adopted by the Commission, recorded in its minutes, and inserted in a newspaper having general circulation in the County at least seven days prior to the first meeting held pursuant to the adopted schedule.

STAFF REPORTS

A. CODE OF VIRGINIA – SECTION 15.2-2310

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

The Planning Commission took no action on the BZA items.

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

Chairman

Secretary

Agricultural Conservation Areas

Agricultural Conservation Areas are areas which have mainly farm or forest uses and have generally the lowest overall density of residential uses, have no public water or sewer service, and have most of the county's intensive agricultural operations. These areas are planned to remain in predominantly agricultural and forestal uses with very little additional residential development.

Any development taking place in the Agricultural Conservation Areas would be expected to be sensitive to the context of the surrounding agricultural areas as well as the surrounding natural features. Such development would primarily be in the form of new dwellings on minor subdivision lots as well as business uses related to agriculture. Clustered developments would not be encouraged in these areas.

Agricultural Conservation Areas are priority locations for:

- Minimal, incremental amounts of very low density rural residential development on individual wells and septic fields
- A full range of long term agricultural, forestry and natural resource industry activities, including intensive agricultural operations.

Rural Communities (Overlay)

The designated Rural Communities include many of those existing local community settlements which function as cultural, historic, social or economic focal points for surrounding rural areas. While most do not have public water or sewer service, and are therefore located in the Rural Conservation or Agricultural Conservation Areas, a few do have public services and are located in a Community Development Area.

The Rural Communities are generally appropriate locations for some amount of future rural development in accord with the generally limited road access, facilities and services. Any future development in these areas should conform to the established development pattern in the community. These areas are seen as potential locations for future small scale, business activity serving local needs. These areas are designated with a Rural Community Overlay on the Planning Policy Area/Future Land Use Map.

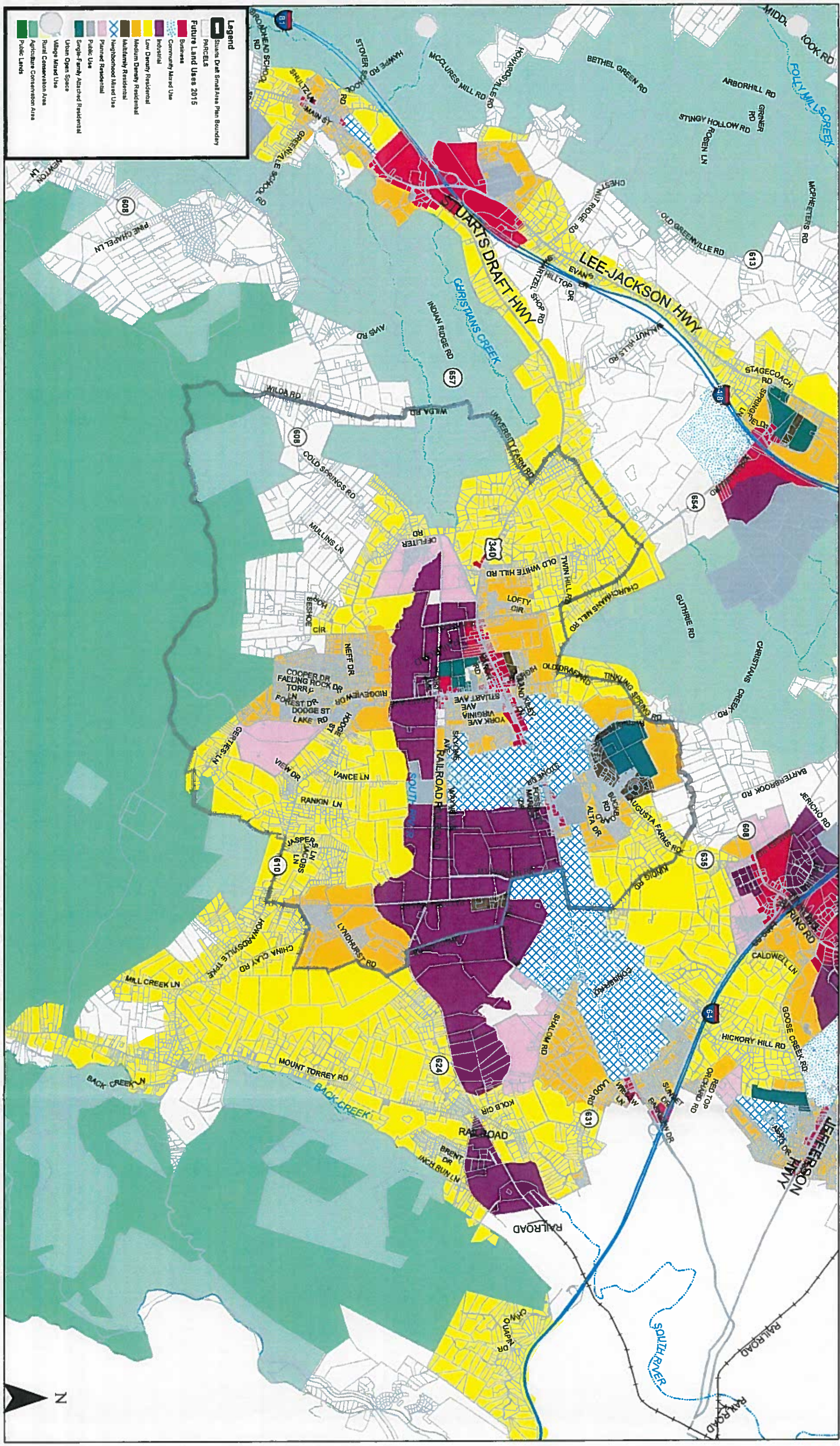
B. Future Land Use Categories

The future land use categories function within the geographic areas defined by the Urban Service and Community Development Areas. They serve to identify the specific use and density that is proposed for a parcel. There are twelve future land use categories identified by the Planning Policy Area/Future Land Use Map. Those areas include:

- Industrial, where industrial uses of varying scale and scope would be appropriate

Stuarts Draft Future Land Use Map 2015 Adopted

Agenda Item #5A
December 11, 2018



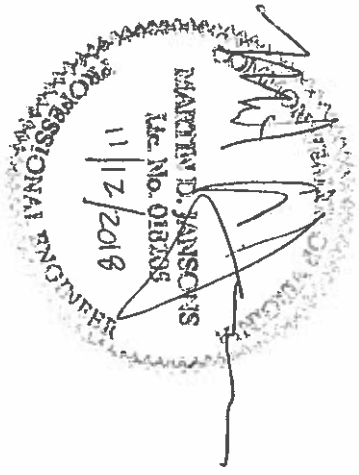
EAST STUARTS DRAFT SEWER FEASIBILITY STUDY

PHASE 1

November 12, 2018

Prepared for:

Augusta County Service Authority



PEED & BORTZ, L.L.C.
Civil/Environmental Engineers

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Table of Contents

I.	INTRODUCTION	2
II.	STUDY AREA AND COLLECTION SYSTEM DESIGN CHALLENGES	2
III.	PROGRESSIVE GROWTH MODEL	3
IV.	PREVIOUS STUDIES	3
V.	SEWER SHED EVALUATION	4
VI.	DOWNSTREAM CAPACITY	9
VII.	LYNDHURST COMMUNITY	10
VIII.	SUMMARY	11

Exhibits

Exhibit 1	Vicinity Map & Comprehensive Plan
Exhibit 2	Post-Development and Unavailable Lands
Exhibit 3	Marketed Lands
Exhibit 4	Sewer Sheds
Exhibit 5	Proposed Improvements

Appendix

Conservation Easement

I. INTRODUCTION

The area of focus for this study is the unincorporated area of Augusta County generally east of Stuarts Draft and west and south of Waynesboro. The area includes drainage sheds north of Rt. 340, and is bounded on the south side by the Norfolk Southern Railroad (NSRR). The study area totals approximately eight square miles. Included is the Lyndhurst Community, with its industrial areas, subdivisions, and residential and minor commercial development along the main roads. The entire study area is drained by the South River, which flows generally from southwest to northeast. Refer to Exhibit 1 – Vicinity Map & Comprehensive Plan. The current Augusta County Comprehensive Plan land use designation for the study area is also shown.

Treatment capacity is available at the ACSA Stuarts Draft wastewater treatment plant (WWTP), located on the South River approximately one mile west of the study area western extent. The eastern extent of the existing Stuarts Draft WWTP gravity collection system is on Patton Farm Road near NSRR. All alternatives evaluated include ultimate connection to the existing Stuarts Draft WWTP gravity collection system.

This narrative constitutes Phase 1 of the study, which generally identifies collection alternatives. Phase 2 will consist of financial evaluations of alternatives identified in Phase 1.

II. STUDY AREA AND COLLECTION SYSTEM DESIGN CHALLENGES

Portions of the study area have been previously developed. These include the Grandview Subdivision, the residential area east of Ladd Road and south of Rt. 340, the residential area east of Shalom Road and west of the South River, residential and industrial areas in the Lyndhurst Community, and scattered development along Rt. 340. Of these, only the Grandview Subdivision is currently served with sewer collection (by City of Waynesboro). Though the noted developed areas yet unserved may be in need of sewer collection, the intent of this study is to evaluate the economics of a conceptual plan for a backbone, or core sewer collection system, and not to identify the specific network of improvements needed to serve all existing and potential users in these areas. It is also noted there are areas unavailable for development, including the Conservation Easement south and east of Hall School Road, and the FEMA 100-year flood plain. Refer to Exhibit 2 – Post Development and Unavailable Lands.

Due to the fact that the study area is downstream of the existing collection and treatment infrastructure, combined with the relatively vast expanse of largely undeveloped land, significant pumping and associated force main pipe will be needed to serve the study area using the existing treatment capacity at the Stuarts Draft WWTP. This presents economic challenges in that pumped systems typically have higher capital and operations and maintenance costs than gravity systems. Additionally, low initial usage of a pumped sewer system will create design challenges and will increase costs due to the requirement to maintain an adequate force main flushing velocity in what may, at a later date, require a larger capacity (diameter) pipe.

Septic conditions can arise in systems involving high wetwell and pipe detention times. This can occur over long pumped distances, particularly where the pipe has been oversized to accommodate higher future flows. Septicity, specifically the hydrogen sulfide component, can cause serious odor and corrosion issues in both the new and existing systems downstream. The design solution for this condition would likely involve additional treatment processes and higher capital and operational costs, including labor.

III. PROGRESSIVE GROWTH MODEL

Typical wastewater collection design utilizes gravity flow, to the greatest extent possible, to transport flow to a central collection point – be it a treatment facility or pump station.

Exhibit 3 – Marketed Lands, depicts current tracts west of the study area currently marketed by Augusta County for economic development, and how such tracts could be served by gravity utilizing the existing Stuarts Draft collection system. Gravity sewer pipes serving Target and McKee, both large industrial facilities, are also depicted on Exhibit 3.

For the study area, similarly it is logical that each successive phase of sewer infrastructure progressively expand on the existing network. This speaks to the high capital, and operations and maintenance investment in extensive collection system expansions that may not begin to produce significant payback for many years. Perhaps equally important is that the progressive approach tends to moderate the pipe sizing and odor/corrosion challenges noted above.

IV. PREVIOUS STUDIES

Numerous studies of all or portions of the study area have been prepared. They are briefly summarized as follows:

“Feasibility Study – Regionalization of Waynesboro/Authority Sewer Systems”
CDM, 1999

This Report evaluates a regional sewer treatment approach involving Waynesboro and ACSA. For a portion of the study area, the Report envisions a pump station on South River, transferring flow to the Fishersville WWTP.

“Waynesboro Sewer Service Area Study”
Anderson & Associates, 2006

Prepared for ACSA

This Report includes examination of alternatives to serve portions of the Lyndhurst area and includes options to use the Stuarts Draft WWTP, and the Fishersville WWTP via pumping to Goose Creek Interceptor.

“Inter-Local Sewer Service Evaluation”
Thompson & Litton, 2011

Prepared for City of Waynesboro

This Report examines the connection to Waynesboro of nine identified sewer service areas in Augusta County, including two in the Lyndhurst area. Gravity connections are envisioned, although at that time excess collection system capacity was not available.

12 alternative evaluations were prepared by ACSA staff from September 2013 through March 2016. All alternatives involve pump stations and ultimate connection to the existing Stuarts Draft WWTP collection system.

V. SEWER SHED EVALUATION

Identifying drainage basins or “sewer sheds” is a preliminary step in configuration of collection system components. Exhibit 4 – Sewer Sheds, identifies the primary drainage basins in the study area. A black circle indicates the lowest point within each shed.

Following are discussions of each of the 12 sewer sheds shown on Exhibit 4. Collection components are depicted on Exhibit 5 – Proposed Improvements.

Sewer Shed 1

Description: This shed extends north and west from South River, encompassing portions of Hall School Road, Lipscomb Road, and Mt. Vernon Road. The far western portion extends into the Marketed Lands shown on Exhibit 3. Public water is available along Mt. Vernon Road, with 4 user accounts. Current usage is primarily agricultural.

Collection Components: From its western end, Shed 1 would be served by a gravity pipe extending east and south. From Hall School Road the line would turn southwest, following grade until connecting with the existing 15” gravity main southeast of Target.

Comments: With current usage primarily agricultural, initial usage of Shed 1 improvements at this time appears to be minimal. However, as noted later in this study, the portion of gravity pipe below Hall School Road is a critical link to convey flow from sewer sheds to the east.

Sewer Shed 2

Description: This shed is located just east of the Lipscomb Road bridge over South River. Shed 2 is mostly flood plain, and access to portions is hampered by South River and NSRR. Additionally Lipscomb Road does not meet secondary highway standards which would likely further hinder development in this area.

Comments: At this time no sewer improvements are recommended for consideration in Sewer Shed 2.

Sewer Shed 3

Description: Shed 3 extends from South River northwest and west into the Rt. 340 corridor. North of Rt. 340 the shed encompasses a portion of Kindig Road. Public water is available on Rt. 340 and Kindig Road, with 50 user accounts in the shed. Shed 3 below and southeast of Hall School Road to South River is on the Conservation Easement, which significantly limits development there. A copy of the Conservation Easement is included as an Appendix to this Study.

Collection Components: The shed core system would consist of a gravity main extending along the drainage to a pump station located near Hall School Road. The pumped line from the station would discharge to the gravity main in Shed 1. Refer to Exhibit 5.

Comments: Current usage is primarily agricultural, with minimal development. Initial usage is expected to be light, though some interest has been noted, and proximity to Rt. 340 may be a factor enhancing growth. Shed 3 improvements would not function alone - in accord with the Progressive Grow Model discussed above, downstream improvements in Shed 1 would need to be implemented prior to or concurrent with these improvements.

Sewer Shed 4

Description: Shed 4 extends from NSRR at the southern end, north to a small section northwest of Hall School Road. It includes a swath of flood plain along South River and a portion of the Conservation Easement. Access to the southern portion of Shed 4 is hampered by the river and NSRR.

Comments: At this time no sewer improvements are recommended for consideration in Sewer Shed 4.

Sewer Shed 5

Description: This shed extends from near Abner Lane into the Rt. 340 corridor and approximately one mile north of the corridor to the Study Area Boundary. Public water is available on Rt. 340 and parts of Conner Road, with 25 user accounts in this shed. This portion of the Rt. 340 corridor is home to several agricultural establishments, and some residences. North of Rt. 340 land use is primarily agricultural.

Collection Components: The core system for this shed would consist of a gravity pipe extending from just north of Rt. 340 and terminating in Sewer Shed 6. Refer to Exhibit 5.

Comments: Development potential in this shed appears to be moderate. Sewer improvements in this shed would be dependent on funding commitment and, in accord with the Progressive Growth Model, in-place downstream facilities.

Optimal pipe alignment could be complicated due to the established residential component along Abner Lane. By placing the southeastern section of the gravity main serving this shed 15-20 feet deep it is possible to cross the basin divide to connect with Shed 6. It is noted that gravity sewer line is typically not installed at this depth, and such installations carry increased construction and maintenance costs.

Sewer Shed 6

Description: This shed extends from east of Abner Lane, north into the Rt. 340 corridor and several thousand feet north of the corridor. It also extends east across Ladd Road to the City line. Public water is available on Rt. 340, Ladd Road, and Willow Lane, with 33 user accounts. On the northern side this shed abuts several residences west of Ladd Road, and the Wayne Hills Baptist Church. Little development has occurred along most of the Rt. 340 corridor in this shed, although east of Ladd Road is home to several commercial/light industry establishments and residences.

Collection Components: The core system for this shed would consist of a gravity pipe along the drainage extending from just north of Rt. 340 and terminating in Sewer Shed 7. Refer to Exhibit 5.

Comments: Adjoining Shed 6, the Grandview Subdivision sewer flow is directed to the Waynesboro system. Redirection of this flow to Shed 6 would involve construction of a new additional pump station and force main pipe, the cost of which would need to be justified. The southeastern portion of Grandview is served by an existing pump station that could be redirected to Shed 6.

Based on prior interest as related by County Staff, development potential in this shed appears to be moderate to high. Sewer improvements in this shed would be dependent on both funding commitment and, in accord with the Progressive Growth Model, in-place downstream facilities.

Sewer Shed 7

Description: Shed 7 consists almost entirely of medium density residential development, including Abner Lane, Shalom Road, Heston Farm Lane, Breezy Knoll Lane, Warren Oaks Lane, and Ladd Road. Public water is available on Ladd Road and Warren Oaks Lane, with 28 user accounts.

Collection Components: This shed would be served by gravity pipe terminating at a pump station near Shalom Road. The pumped line would terminate at a gravity line near the intersection of Shalom Road and Hall School Road. Refer to Exhibit 5.

Comments: This section of line could also carry flow from Shed 5 and Shed 6. Based on the established nature of the development in this area it is questionable if any sewer demand is or would be present in Shed 7. Availability of easement access here is also questionable due to an existing large lot residential development that would not likely benefit from public sewer. Sewer improvements in this shed would be dependent on in-place downstream facilities.

Sewer Shed 8

Description: Shed 8 is bounded to the south by NSRR, to the west by the Conservation Easement, and to the north by Shalom Road. Land use is almost exclusively agricultural. Public water is available only on Benz Road, with 5 user accounts. A significant portion of this shed is Conservation Easement and Flood Plain. Access to the southern portion of Shed 8 is hampered by the river and NSRR, with the only existing access being Benz Road.

Collection Components: The core system for this shed would consist of a gravity pipe extending from the pump station near Shalom Road. Refer to Exhibit 5.

Comments: To the north, Shalom Road does not meet secondary highway standards and would likely hinder development in this area. Access from the east would involve the complicated road network near the Lyndhurst Road railway crossing, and Benz Road has numerous residential tracts and one church. Based on access and zoning considerations, development potential in the southern portion appears to be minimal.

Sewer improvements in this shed would be dependent on both funding commitment and, in accord with the Progressive Growth Model, in-place downstream facilities.

Sewer Shed 9

Description: Shed 9 is a smaller area bounded to the south by NSRR and to the north by South River. Access to this shed is hampered similar to the southern portion of Shed 8. Land use is almost exclusively agricultural. Public water is available on Benz Road, with 1 user account.

Comments: At this time no sewer improvements are recommended for consideration in Sewer Shed 9.

Sewer Shed 10

Description: Shed 10 can be generally described as the western section of the Lyndhurst Community. It is bounded to the north and south by the Study Area Boundary. Public water availability is widespread along existing roadways, with 201 existing accounts. A significant portion of this shed has existing development as shown on Exhibit 2, including residential and industrial components. This shed is quite flat and as such, drainage issues, including flood plain, are present.

Collection Components: This shed would be served by a pump station to the north near South River. The core system would include a short gravity pipe extending to just above Lyndhurst Road. Refer to Exhibit 5.

Comments: The Virginia Department of Health (VDH) was consulted regarding onsite wastewater treatment and disposal issues in this area, and reports that Lyndhurst Road, from the “triangle” intersection to China Clay Road, often has a shallow hard pan soil with a perched water table. As a consequence many of the newer houses require engineered septic systems. Many of the older lots are small and difficult and/or expensive to repair under current regulations.

It is possible that improvements needed to provide collection services to the existing development in this shed could be feasible, given the core system outlined above. However the core improvements would be dependent on in-place downstream facilities, which, at this distance from existing facilities, would be extensive.

Sewer Shed 11

Description: Shed 11 is generally described as the eastern section of the Lyndhurst Community. A larger industrial component is present here, including existing and potential sites east of the flood plain. Public water availability is widespread along existing roadways, with 176 user accounts. Like Shed 10, a significant portion of this shed has existing development, including the Featherstone Manor Subdivision. Shed 11 contains widespread flood plain.

Collection Components: This shed would be served by a pump station to the north near Back Creek. The core system would include a short gravity pipe extending to just south of NSRR. The gravity line would be sufficiently deep enough to accept flow from Featherstone and the industrial lands to the east. Refer to Exhibit 5.

Comments: VDH reports that over the past few years several septic/drainfield system repairs in the Featherstone Subdivision have been permitted. Most of the systems in this area were built in the 1950s – 1970s and at this stage are likely not functioning optimally. Small lot sizes also contribute to such problems.

Like shed 10, it is possible that improvements needed to provide collection services to the existing development in this shed could be feasible, given the core system outlined above. However the core improvements, in turn, would be dependent on in-place downstream facilities.

Sewer Shed 12

Description: This shed is the southwestern end of the Providence Lane Subdivision, across South River from both Sheds 10 and 11.

Comments: Due to the disconnected setting and previous development, no sewer improvements are recommended for consideration in this Sewer Shed.

VI. DOWNSTREAM CAPACITY

The ultimate discharge location assumed for the improvements noted herein is the existing 15" sewer main southeast of the Target Distribution Center. This main connects to the Stuarts Draft WWTP. At minimum slope, capacity in this line is approximately 1.5 MGD. Conveyance greater than this rate of flow will involve improvements outside the scope of this study.

VII. LYNDBURST COMMUNITY

A separate task outlined in the project assignment is to estimate the ultimate wastewater flow from the Lyndhurst Community. This information could be used to supplement study of a future onsite or conventional wastewater treatment facility.

For the purpose of the study the boundary of the Lyndhurst Community is as shown on Exhibit 1. Following is the land use breakdown for the bounded area:

Area – Total	1,295 Acres
Area – Flood Zone	175 Acres
Area – Previously Developed	601 Acres (not incl. flood zone)
Area – Developable	519 Acres
Existing Residences	368
Existing Commercial/Industrial	24

Estimated flow at build-out is calculated as follows:

Future Flow	= 519 Acres @ 500 GPD/Acre = 260,000 GPD
Existing Flow	= 100,000 GPD (billing records @ 150%)
Total	= 260,000 + 100,000 = 0.36 MGD

A wastewater treatment system of this magnitude is no small undertaking. An onsite approach would be highly land intensive and would require suitable soils, which may not be present. A conventional treatment plant, likely on the South River, would involve extended study. A conceptual level cost estimate for a conventional plant is \$6 - \$8 million. Further study would be the topic of a separate evaluation, outside the scope of this assignment.

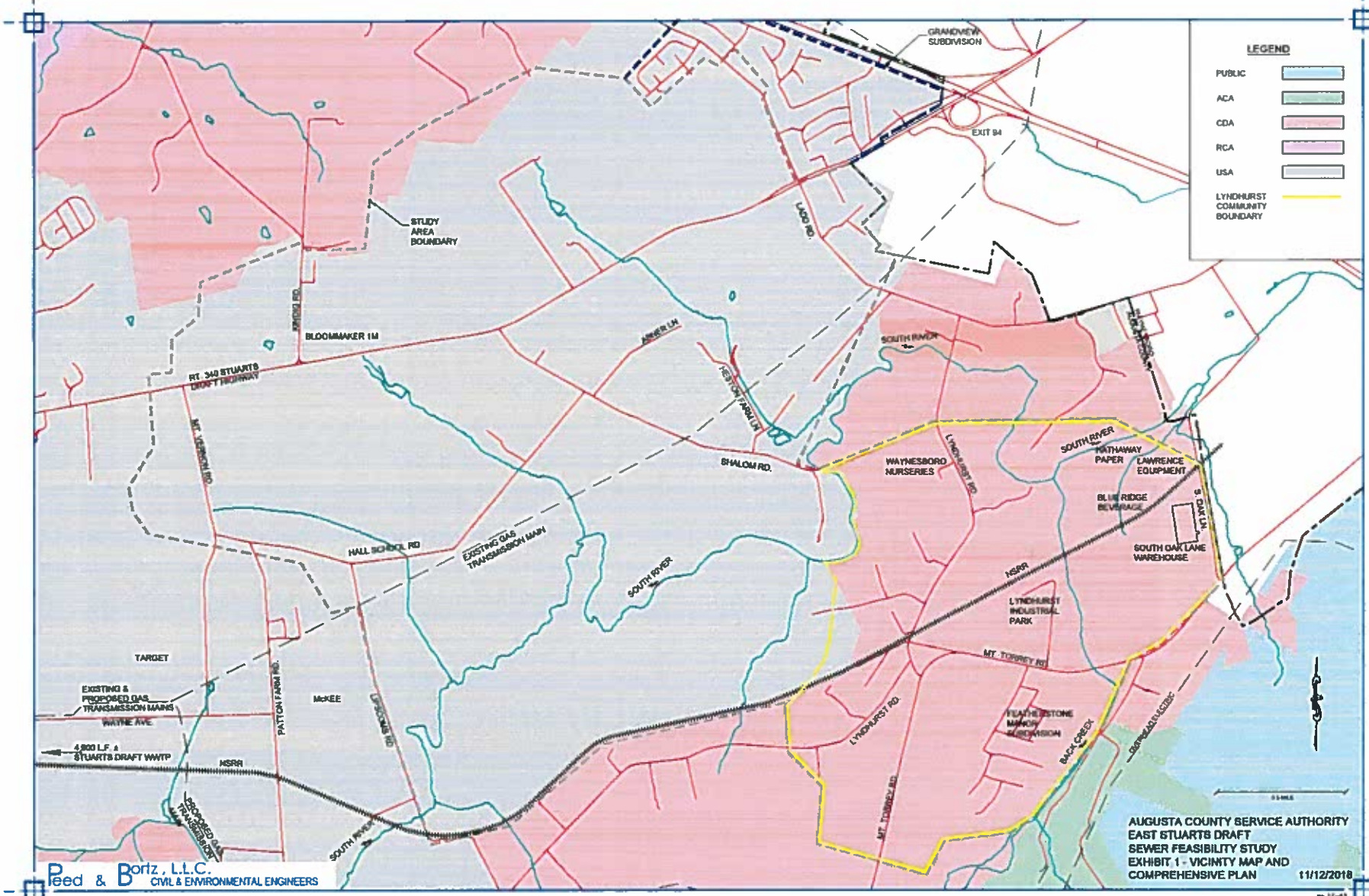
VIII. SUMMARY

This study has been commissioned to evaluate the economics of a conceptual plan for a backbone, or core sewer collection system for the unincorporated area of Augusta County generally east of Stuarts Draft and west and south of Waynesboro.

The study area is downstream of the existing Stuarts Draft WWTP collection and treatment infrastructure, and includes relatively vast expanses of largely undeveloped land. Barriers to development include Norfolk Southern Railway, the South River and its flood plain, and a 141-acre Conservation Easement. For these reasons, significant pumping and associated force main pipe will be necessary. Sewer conveyance by this method, particularly during low flow conditions, will require special pumping and treatment processes due to pipe sizing/flushing and odor/corrosion issues. Relative to a conventional gravity collection system and/or larger flows, higher capital, operations, and maintenance costs will result.

For the study area it is therefore recommended that each successive phase of sewer infrastructure progressively expand on the existing network. To do so will address the high capital and O&M investment in extensive collection system expansions that may not begin to produce significant payback for many years. The progressive approach would also tend to moderate the flushing, odor/corrosion, and associated higher operations and maintenance cost issues noted above. The significance of this approach will be explored in depth in Phase 2 of the study, when economic analyses are prepared.

EXHIBITS

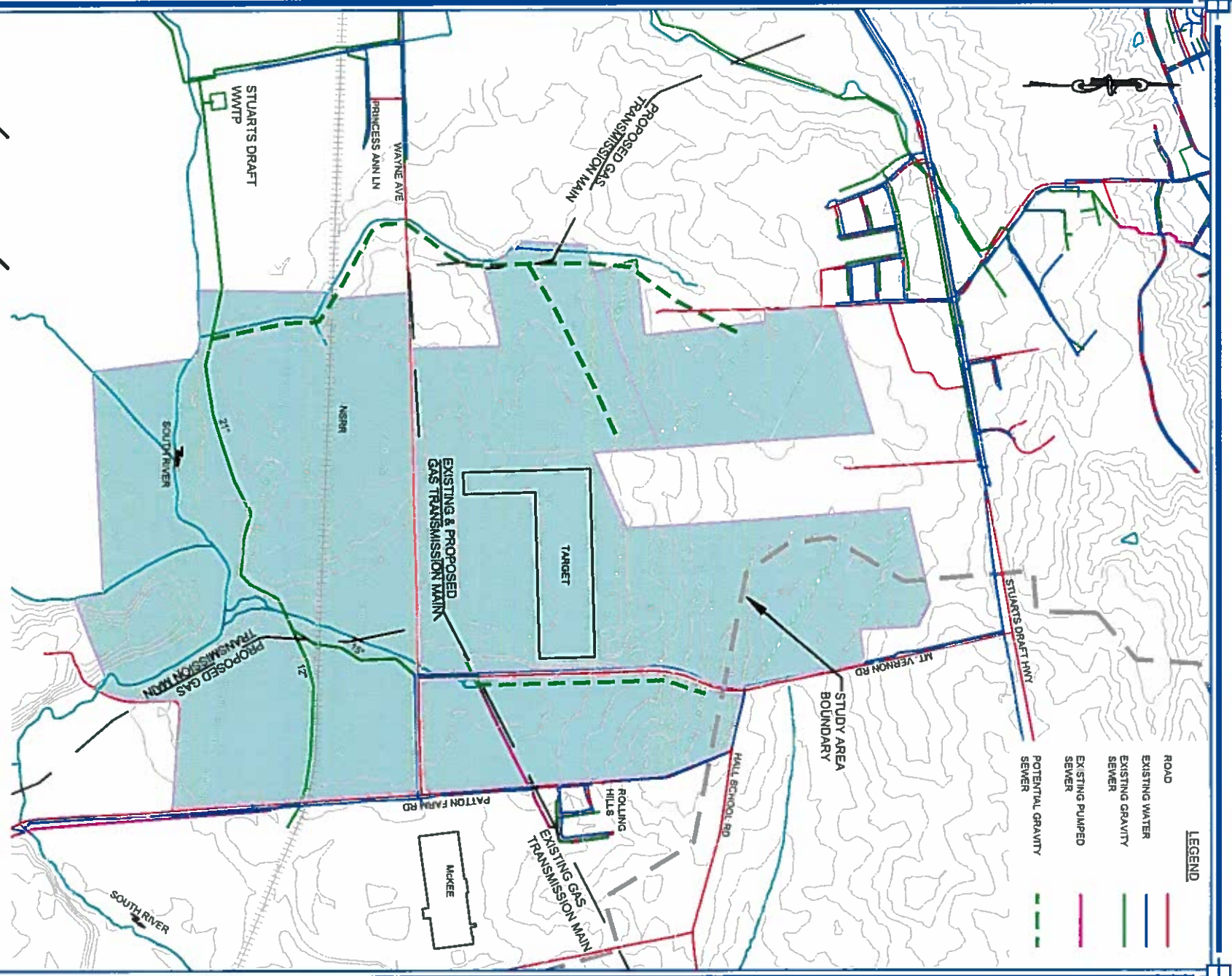


LEGEND

PUBLIC	[Light Blue Box]
ACA	[Light Green Box]
CDA	[Light Red Box]
RCA	[Light Purple Box]
USA	[Light Grey Box]
LYNDURST COMMUNITY BOUNDARY	[Yellow Line]

AUGUSTA COUNTY SERVICE AUTHORITY
 EAST STUARTS DRAFT
 SEWER FEASIBILITY STUDY
 EXHIBIT 1 - VICINITY MAP AND
 COMPREHENSIVE PLAN 11/12/2018

Reed & Bortz, L.L.C.
 CIVIL & ENVIRONMENTAL ENGINEERS



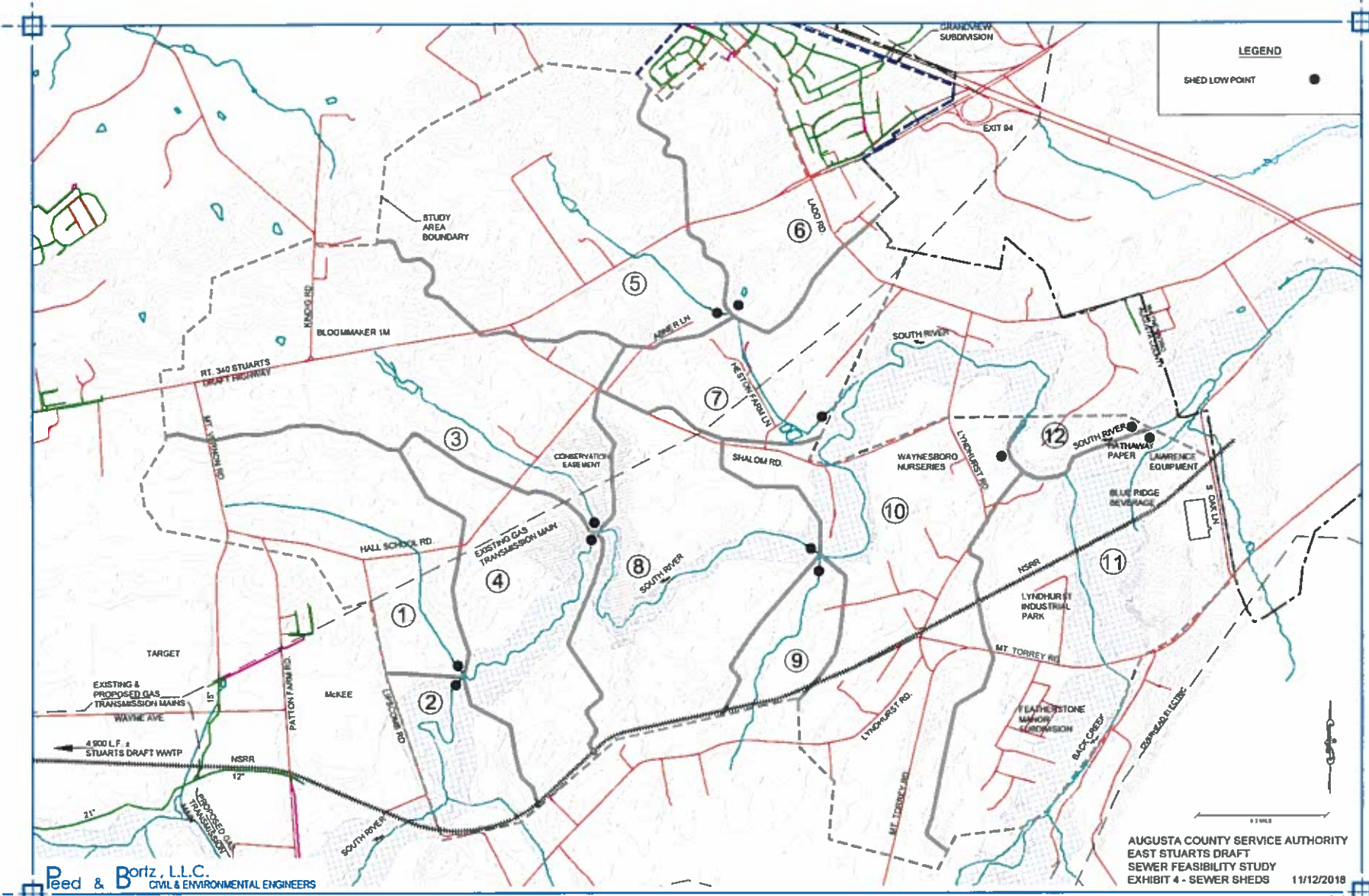
LEGEND

- ROAD
- EXISTING WATER
- EXISTING GRAVITY SEWER
- EXISTING PUMPED SEWER
- POTENTIAL GRAVITY SEWER

1500'

Reed & Bortz, L.L.C.
CIVIL & ENVIRONMENTAL ENGINEERS

AUGUSTA COUNTY SERVICE AUTHORITY
EAST STUARTS DRAFT SEWER FEASIBILITY STUDY
EXHIBIT 3 - MARKETED LANDS
11/12/2018



LEGEND

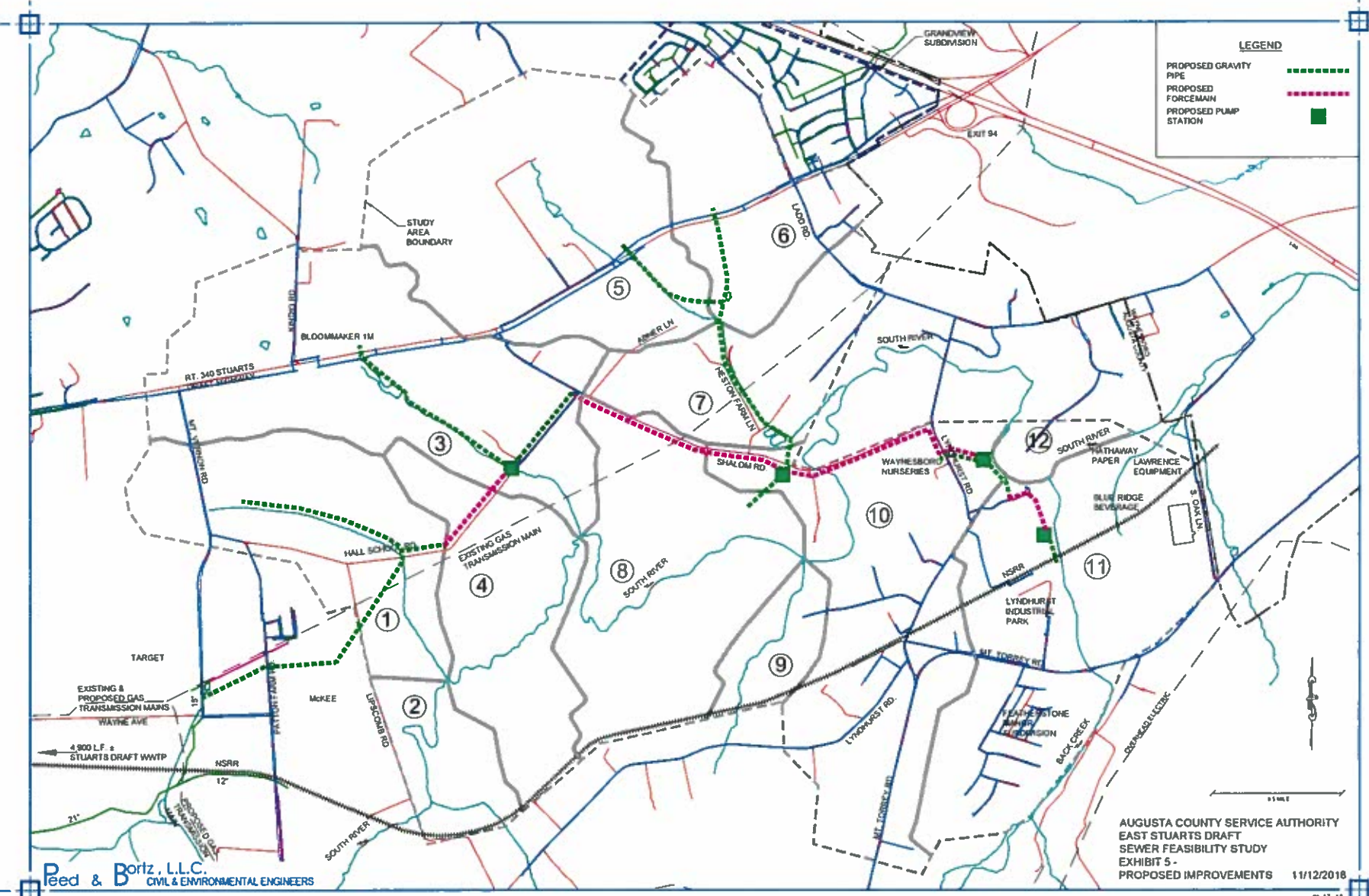
SHED LOW POINT ●

AUGUSTA COUNTY SERVICE AUTHORITY
 EAST STUARTS DRAFT
 SEWER FEASIBILITY STUDY
 EXHIBIT 4 - SEWER SHEDS
 11/12/2018

Peed & Bortz, L.L.C.
 CIVIL & ENVIRONMENTAL ENGINEERS

LEGEND

- PROPOSED GRAVITY PIPE ———
- PROPOSED FORCEMAIN ———
- PROPOSED PUMP STATION ■



AUGUSTA COUNTY SERVICE AUTHORITY
 EAST STUARTS DRAFT
 SEWER FEASIBILITY STUDY
 EXHIBIT 5 -
 PROPOSED IMPROVEMENTS 11/12/2018

Reed & Bortz, L.L.C.
 CIVIL & ENVIRONMENTAL ENGINEERS

APPENDIX
Conservation Easement

Prepared by: **John R. Hooe, III, Attorney**

TAX MAP NO.: 76-43 (portion)

Exempted from recordation tax
under the Code of Virginia (1950), as amended,
Sections 58.1-811 (A) (3), 58.1-811 (D) and 10.1-1803
and from Circuit Court Clerk's fee under Section 17.1-266

THIS DEED OF GIFT OF EASEMENT, made this 16th day of November, 2006, between **BRADLEY M. TIPLER** and **DEANA H. TIPLER**, husband and wife, herein called together the "Grantor"; the **VIRGINIA OUTDOORS FOUNDATION**, herein called the "VOF", an agency of the **COMMONWEALTH OF VIRGINIA**, herein called the "Grantee", whose address is, 203 Governor Street, Suite 302, Richmond, Virginia 23219, and **FARM CREDIT OF THE VIRGINIAS, A.C.A.**, herein called "the Bank", and **WAYNE P. MCALLISTER, TRUSTEE**, herein called "Trustee", **ROY LEONARD O'BRYAN** and **LYNDA KATHLEEN O'BRYAN, TRUSTEES** under the **O'BRYAN FAMILY TRUST** dated September 2, 2004, and **FREDERICK WAYNE POWELL, JR.** and **KIMBERLY O. POWELL**, husband and wife, parties in a Right of First Refusal described herein.

WITNESSETH:

WHEREAS, the Open Space Land Act of 1966, Chapter 461 of the 1966 Acts of the Assembly, (Chapter 17, Title 10.1, §§10.1-1700 to 10.1-1705 of the Code of Virginia, as amended) declares that the preservation of open-space land serves a public purpose by promoting the health and welfare of the citizens of the Commonwealth by curbing urban sprawl and encouraging more desirable and economical development of natural resources, and authorizes the use of easements in gross to maintain the character of open-space land; and

WHEREAS, Chapter 18, Title 10.1 of the Code of Virginia (§§ 10.1-1800 to 10.1-1804, as amended) declares it to be the public policy of the Commonwealth to encourage preservation of open-space land and authorizes the Virginia Outdoors Foundation to hold real property or any estate or interest therein for the purpose of preserving the natural, scenic, historical, scientific, open-space and recreational lands of the Commonwealth; and

WHEREAS, the Grantor is the owner in fee simple of the real property hereinafter described (the "Property"); and

WHEREAS, the Property possesses significant natural, scenic, and open-space values as described in the following paragraphs (the "Open-Space Values"), the preservation of which will benefit the citizens of the Commonwealth; and

WHEREAS, the Property is located in a predominantly agricultural and forested area, is substantially undeveloped and used primarily for agricultural, and forestry purposes, and provides general open-space and scenic benefits to the local community; and

WHEREAS, the Property contains highly visible road frontage along State Route 970 (Hall School Road), providing scenic enjoyment for the driving public; and

WHEREAS, the Property contains more than a mile of frontage on the South River, a major tributary of the Shenandoah/Potomac watershed and the Property in its substantially undeveloped condition provides important protection to the water quality in said watershed; and

WHEREAS, as required under §10.1-1701 of the Open-Space Act, the use of the Property for open-space land conforms to the County of Augusta Comprehensive Plan 1994-2014 (the "Plan"); and

WHEREAS, the Property is zoned General Agriculture and said zoning supports the Plan's goals "to maintain the county's rural character and agricultural land uses." The Comprehensive Plan promotes conservation easements because they provide meaningful and lasting conservation benefits while keeping the land in private ownership; and

WHEREAS, this easement is intended to constitute (i) a "qualified conservation contribution" as that term is defined in §170(h)(1) of the Internal Revenue Code (references to the Internal Revenue Code in this easement shall be to the United States Internal Revenue Code of 1986, as amended, or the corresponding provision of any subsequent Federal tax laws, and the applicable regulations and rulings issued thereunder) (the "IRC"), as more particularly explained below, and (ii) a qualifying "interest in land" under the Virginia Land Conservation Incentives Act of 1999 (§58.1-510 *et seq.* of the Code of Virginia (1950), as amended); and

WHEREAS, this easement is intended to constitute "a restriction (granted in perpetuity) on the use which may be made of real property, which is "a qualified real property interest" under IRC §170(h)(2)(C); and

WHEREAS, Grantee is a "qualified organization" as defined in IRC §170(h)(3), and Grantee is a qualified public body under the Open-Space Act; and

WHEREAS, this easement is granted "exclusively for conservation purposes" under IRC §170(h)(1)(C) because it effects the "preservation of certain open space (including farmland and forest land)"; specifically, the preservation of open space on the property (i) is pursuant to clearly delineated state and local governmental conservation policies that indicate the type of property identified by representatives of the general public as worthy of preservation and (ii) will yield a significant public benefit; and

WHEREAS, the preservation of the Open-Space Values as provided in this easement is pursuant to clearly delineated governmental conservation policies as follows:

The preservation of the Open-Space Values is pursuant to the Open-Space Act, the VOF Statutes, and the Comprehensive Plan, all as more particularly described above; and

The Grantee has engaged in rigorous review, considered and evaluated the benefits provided by this easement to the general public, and concluded that the protection afforded the open-space character of the Property by this easement will yield a significant public benefit and further the conservation objectives of the Grantee and the Commonwealth of Virginia; the Grantor believes that such review and acceptance of this easement by the Grantee, a government agency, tends to establish a clearly delineated governmental policy; and

Augusta County has specifically recognized the importance of the continued preservation of the Property as open-space, agricultural, and forest land by providing special assessment of the Property real property tax purposes under the Augusta County Code, which provides for the special assessment of real estate devoted to agricultural use and the preservation of the open-space character of the Property will further Augusta County's clearly-delineated conservation policy as expressed in such special assessment of the Property; and

WHEREAS, preservation of the Open-Space Values as provided in this easement will yield the following significant public benefits, taking into consideration factors suggested in Treas. Reg. §1.70A-14(d)(4)(iv)(A):

Preserving the open-space character of the Property prevents its development, offsetting the threat that development poses to the scenic, natural and historic character of the area;

The preservation of the open-space character of the Property will protect the highly visible road frontage along State Route 970, which provides opportunities for the driving public to appreciate the Property's scenic values;

The preservation of the open-space character of the Property helps to preserve the scenic local and regional landscape in general, which attracts tourism and commerce to the area and enhances the quality of life for area residents;

The preservation of the open-space character of the Property prevents excessive development, soil disturbance, and pollution on the Property, thus enhancing water quality as well as aquatic and riparian habitat in the South River and waters downstream; and

WHEREAS, the Grantor and the Grantee desire to protect in perpetuity the Open-Space Values herein specified; and

WHEREAS, the Grantor and the Grantee intend to accomplish such protection by restricting the use of the Property as hereinafter set forth; and

WHEREAS, the Grantee has determined that the restrictions hereinafter set forth (the "Restrictions") will preserve and protect in perpetuity the "Open-Space Values" of the Property, which values are reflected in the preceding paragraphs, the Grantee's evaluation of the Property, and the documentation of the condition of the Property as contained in its files and records; and

WHEREAS, the conservation purpose of this easement is to preserve and protect in the perpetuity the Open-Space Values of the Property; and

WHEREAS, the Grantee has determined that the Restrictions will limit the uses of the Property to those uses consistent with, and not adversely affecting the Open-Space Values of the Property, or the governmental conservation policies furthered by this easement.

NOW THEREFORE, in recognition of the foregoing and in consideration of the mutual covenants herein and the acceptance hereof by the Grantee, the Grantor does hereby give, grant and convey to the Grantee an open-space easement in gross over, and the right in perpetuity to restrict the use of, the real estate consisting of 140,967 acres described below, located in South River Magisterial District, Augusta County, Virginia, near Stuarts Draft, fronting on State Route 970 (Hall School Road), and herein referred to as the "Property:"

All of that certain tract with improvements thereon and appurtenance thereto containing 140,967 acres as more particularly shown and described on the "Plat for Bradley M. & Deana H. Tipler", dated May 25, 2006, revised September 13, 2006, made by James Brenneman, C.L.S., a copy of which is recorded with this instrument.

The above-described tract is shown as Tax Map and parcel number: 76-43 (portion) among the land records of Augusta County and totals 140,967 acres in the aggregate. The Property shall be considered to be one parcel for the purposes of this easement, and the restrictions and covenants of this easement shall apply to the Property as a whole.

AND SUBJECT, HOWEVER, to the restriction that the Grantee may not transfer or convey the open-space easement herein conveyed to the Grantee unless the Grantee conditions such transfer or conveyance on the requirement that all restrictions and conservation purposes set forth in the conveyance accomplished by this deed are to be eligible donee as defined by section 170(h)(3) of the Internal Revenue Code of 1986, as amended, and the applicable Treasury Regulations promulgated thereunder.

AND SUBJECT HOWEVER, to the following:

1. Grantor reserves a right-of-way over and across the said 140,967 acre parcel for ingress and egress from Route 970 (Hall School Road) to a portion of the residue of Grantor's property adjoining the said 140,967 acre parcel on the south and southwest, with the said right-of-way being 30' in width and running from Route 970 (Hall School Road) along the

common boundary line between the said 140.967 acre parcel and the "Boxley" tract and then to the said residue of Grantors property, all as shown on the attached plat.

2. Grantor reserves a right-of-way over and across the said 140.967 acre parcel for ingress and egress from Route 970 (Hall School Road) to a portion of the residue of Grantor's property with the said portion of the residue being located on Route 970 (Hall School Road) and situated between the Springdale Mennonite Church parcel and the 140.967 acre parcel, with the said right-of-way being 30' in width and running from Route 970 (Hall School Road) over and across the existing road which serves the said portion of the residue of Grantor's property, all as shown on the attached plat.
3. Right-of-Way Agreement dated January 27, 2006 for the benefit of NTELOS Telephone Inc. of record as Instrument No. 060001504.
4. Right-of-Way Agreement dated January 12, 2006 for the benefit of Virginia Electric and Power Company of record as Instrument No. 060001276.
5. Drainfield Easement benefitting the 1.374 acre parcel set out in Instrument No. 040015102.
6. Drainfield Easement benefitting the 1.00 acre parcel set out in Instrument No. 050010133.
7. Access Easement appurtenant to the 12.743 acres set out in Instrument No. 060001827.
8. Right of First Refusal set out in Instrument No. 060001827.
9. Any matters that would be shown by an up-to-date physical survey of the premises.
10. Rights or claims of parties in possession not shown by the public records.
11. Encroachments, overlaps, boundary line disputes, or other matters which would be disclosed by an accurate survey or inspection of the premises.
12. Any lien, or right to a lien for services, labor or materials heretofore or hereafter furnished, imposed by law and not shown by the public records.

13. Easements, or claims of easements, not shown by the public records.

Restrictions are hereby imposed on use of the Property pursuant to the public policies set forth above. The acts that the Grantor covenants to do and not to do upon the Property, and the Restrictions that the grantee is hereby entitled to enforce, are and shall be as follows:

1. **TRASH.** Accumulation or dumping of trash, refuse, or junk is not permitted on the Property. This restriction shall not prevent generally accepted agricultural or wildlife management practices, such as creation of brush piles, composting, or the storage of farm machinery, organic matter, agricultural products or agricultural byproducts on the Property, as long as such practices are conducted in accordance with applicable laws and regulations.
2. **SIGNS.** Display of billboards, signs, or other advertisements that are visible from outside the Property is not permitted on or over the Property except to: (i) state the name and/or address of the owners or Property, (ii) advertise the sale or lease of the Property, (iii) advertise the sale of goods or services produced incidentally to a permitted use of the Property, (iv) provide notice necessary for the protection of the Property, (v) give directions to visitors, or (vi) recognize historic status or participation in a conservation program. No such sign shall exceed nine square feet in size.
3. **DIVISION.** The Property shall not be divided or subdivided into, or separately conveyed as more than two (2) parcels.
4. **MANAGEMENT OF FOREST.** Commercial timber harvesting shall be in accord with a forest stewardship plan approved by the Grantee. Best Management Practices, as defined by the Virginia Department of Forestry, shall be used to control erosion and protect water quality when commercial forestry activity is undertaken. A pre-harvest plan consistent with the forest stewardship plan shall be submitted to VOF at least 30 days prior to beginning such commercial timber harvesting.
 - 4a. **RIPARIAN BUFFER.** A forested or naturally vegetated buffer extending a minimum of 30 feet from the top of each bank of the South River shall be maintained on the Property. This buffer shall be protected from degradation by livestock. Removal of non-native invasive species and minimal harvest of trees is permitted, provided that the function of the buffer to protect water quality is not impaired. Notwithstanding the above, the Grantor reserves the right to maintain one grass picnic area within the buffer.
5. **GRADING, BLASTING MINING.** Grading, blasting or earth removal shall not materially alter the topography of the Property except for dam construction to create private ponds, or as required in the construction of permitted buildings, structures, connecting private roads, and utilities as described in Paragraph 6. Generally accepted agricultural activities shall not constitute any such material alteration. Best Management Practices, in accordance with the Virginia Erosion and Sediment Control Law, shall be used to control erosion and protect water quality in the construction of permitted buildings and private roads. Notwithstanding the foregoing, no grading, blasting, or earth removal is permitted on the Property if it will

materially diminish or impair the Open-Space Values of the Property. Mining on the Property by surface mining or any other method is prohibited.

6. BUILDINGS AND STRUCTURES. No permanent or temporary building or structure may be built or maintained on the Property other than:

- (i) two (2) single family dwellings not to exceed 4,500 square feet each of enclosed above-ground space, and non-residential outbuildings or structures commonly and appropriately incidental thereto,
- (ii) Farm buildings or structures, except that a farm building or structure exceeding 4,500 square feet in ground area may not be constructed on the Property nor shall farm buildings collectively exceed 8,000 square feet in ground area unless prior written approval for the building or structure is obtained from the Grantee, which approval shall be limited to consideration of the impact of the size, height and siting of the proposed structure on the Open-Space Values of the Property; for the purposes of this subparagraph a farm building or structure shall mean a building or structure originally constructed and used for the activities specified in paragraph 7(i).

Private roads and utilities that serve permitted buildings or structures in this Paragraph 6 and unpaved roads used to access and manage the farm may be constructed.

In the event of subdivision of the Property as provided in Paragraph 3 above, permitted dwellings shall be allocated between the two parcels in the instrument creating the subdivision, and private roads and utilities may be constructed on each parcel.

7. INDUSTRIAL OR COMMERCIAL ACTIVITIES. Industrial or commercial activities other than the following are prohibited: (i) agriculture, viticulture, aquaculture, silviculture, horticulture, and equine activities, (ii) temporary or seasonal outdoor activities that do not permanently alter the physical appearance of the Property, and that do not diminish the conservation values herein protected, and (iii) activities that can be and in fact are conducted within permitted buildings without material alteration to the external appearance thereof. Temporary outdoor activities involving 100 or more people shall not exceed seven days in duration unless approved by the Grantee in advance in writing. Notwithstanding any other provision of this easement, no commercial recreational use (except for *de minimis* commercial recreational uses) shall be allowed on the Property.

8. ENFORCEMENT. Representatives of the Grantee may enter the Property from time to time for purposes of inspection and enforcement of the terms of this easement after permission from or reasonable notice to the owner or the owner's representative. The Grantee has the right to bring an action at law or in equity to enforce the Restrictions contained herein. This right specifically includes the right to require restoration of the Property to a condition of compliance with the terms of this easement as existed on the date of the gift of the easement except to the extent such condition thereafter changed in a manner consistent with the Restrictions; to recover any damages arising from non-compliance, and to enjoin non-compliance by *ex parte* temporary or permanent injunction. If the court determines that the

Grantor failed to comply with this easement, the Grantor shall reimburse the Grantee for any reasonable costs of enforcement, including costs of restoration, court costs and reasonable attorney's fees, in addition to any other payments ordered by such court. The Grantee does not waive or forfeit the right to take action as may be necessary to insure compliance with this easement by any prior failure to act and the Grantor hereby waives any defenses of waiver, estoppel or laches with respect to any failure to act by the Grantee.

9. NOTICES TO GRANTEE. The Grantor shall notify the Grantee in writing at, or prior to, closing on any *inter vivos* transfer or sale of the Property. This deed of easement shall be referenced by deed book and page number, or instrument number, in any deed conveying any interest in the Property.

10. EXTINGUISHMENT. The Grantor shall notify the Grantee that this easement be perpetual and not be extinguished, and extinguishment of this easement is not permitted under the Open-Space Land Act, Virginia Code Section 10.1-1700 *et seq.* Restrictions set forth in the easement can be extinguished only by judicial proceeding and only if such extinguishment also complies with the requirements of section 10.1-1704 of the Virginia Code. In any sale or exchange of the Property subsequent to such extinguishment, the Grantee shall be entitled to a portion of the proceeds at least equal to the proportionate value of the perpetual conservation restriction computed as set forth below, but not to be less than the proportionate value that the perpetual conservation restriction at the time of the extinguishment bears to the then value of the Property as a whole. The Grantor agrees that the donation of the perpetual conservation restriction in this easement gives rise to a property right, immediately vested in the Grantee, with a fair market value that is at least equal to the proportionate value that the perpetual conservation restriction at the time of the gift bears to the value of the Property as a whole at that time. The Grantee shall use all its share of the proceeds from the sale of the Property in a manner consistent with the conservation purposes of this easement and of the Open-Space Land Act. No part of the Property may be converted or diverted from open space uses as herein defined except in accordance with Virginia Code Section 10.1-1704.

11. DOCUMENTATION. Documentation retained in the offices of the Grantee describes the condition and character of the Property at the time of the gift. The Documentation may be used to determine compliance with the enforcement of the terms of the easement; however, the parties are not precluded from using other relevant evidence or information to assist in that determination.

12. SUCCESSORS IN INTEREST. The covenants, terms, conditions and restrictions contained in this easement shall be binding upon, and inure to the benefit of, the parties hereto and their respective personal representatives, heirs, successors, and assigns and shall continue as a servitude running in perpetuity with the Property.

13. ENTIRE AGREEMENT. This instrument sets forth the entire agreement of the parties with respect to the easement and supersedes all prior discussions, negotiations, understandings or agreements relating to the easement. This easement shall not be construed to permit any use of the Property which is otherwise prohibited by federal, state, or local law or regulation.

If any provision of this deed or its application to any person or circumstance is determined by a court of competent jurisdiction to be invalid, the remaining provisions of this easement shall not be affected thereby.

Farm Credit of the Virginias, A.C.A., herein, the Bank, is the Noteholder under two certain Deeds of Trust, the first dated June 20, 2005 and recorded in the Clerk's Office of the Circuit Court of Augusta County, Virginia as Instrument Number 050008427, and the second dated November 16, 2006 and recorded in the said Clerk's Office as Instrument No. 060015265, which Deeds of Trust subject the Property to the Bank's liens. The Bank hereby consents to the terms and intent of this easement, and agrees that the liens represented by said Deeds of Trust shall be held subject to this Deed of Gift of Easement and joins in the Deed to reflect its discretion to the Trustee to execute this Deed to give effect to the subordination of such Deeds of Trust to this Deed of Easement.

Roy Leonard O'Bryan and Lynnda Kathleen O'Bryan, Trustees under the O'Bryan Family Trust dated September 2, 2004 and Frederick Wayne Powell, Jr. and Kimberly O. Powell, husband and wife, hereby consent to the terms and intent of this easement and agree that the access easement and the right of first refusal granted to them by that certain deed dated February 2, 2006 of record in the Clerk's Office of the Circuit Court of Augusta County as Instrument Number 060001827 shall be subject to and conditioned upon the terms of this easement.

Although this easement in gross will benefit the public as described above, nothing herein shall be construed to convey to the public a right to access to, or use of the Property. The Grantor retains the exclusive right to such access and use, subject to the terms hereof.

The parties hereto agree and understand that any value of this easement for tax purposes as a charitable gift must be fully and accurately substantiated by an appraisal from a qualified appraiser as defined in IRS regulations (see section 1.170A-13(c)(5)), and that the appraisal is subject to review, audit and challenge by all appropriate tax authorities. The Virginia Outdoors Foundation makes no express or implied warranties that any tax benefits will be available to Grantor from donation of this easement, or that any such tax benefits might be transferable, or that there will be any market for any tax benefits that might be transferable. The parties hereto intend that the easement conveyed herein shall be a qualified conservation contribution within the meaning of Section 170(h) of the Internal Revenue Code of 1986, as amended, and the restrictions and other provisions of this instrument shall be construed and applied in a manner that will not prevent this easement from being a qualified conservation contribution. By its execution hereof, the Grantee acknowledges and confirms receipt of the Easement and further acknowledges that the Grantee has not provided any goods or services to the Grantor in consideration of the grant of the Easement.

Acceptance of this conveyance by the Grantee is authorized by section 10.1-1801 of the Code of Virginia and is evidenced by the signature of its Deputy Director hereto.

WITNESS the following signatures and seals.


Bradley M. Tipler, Grantor

STATE OF VIRGINIA, AT LARGE
CITY/COUNTY OF Staunton, to-wit:

The foregoing Deed was acknowledged before me this 16th day of November, 2006, by Bradley M. Tipler, Grantor.

My Commission Expires: 8-31-2009

Ray Harts
Notary Public

Deana H. Tipler
Deana H. Tipler, Grantor

STATE OF VIRGINIA, AT LARGE
CITY/COUNTY OF Staunton, to-wit:

The foregoing Deed was acknowledged before me this 16th day of November, 2006, by Deana H. Tipler, Grantor.

My Commission Expires: 8-31-2009

Ray Harts
Notary Public (SEAL)

Farm Credit of the Virginias, A.C.A.

By: Wayne P. McAllister

STATE OF VIRGINIA, AT LARGE
CITY/COUNTY OF Staunton, to-wit:

The foregoing Deed was acknowledged before me this 16th day of November, 2006, by Wayne P. McAllister, Officer of Farm Credit of the Virginias, A.C.A.

My Commission Expires: 8-31-2009

Ray Harts
Notary Public (SEAL)

PG0370 DEC-4 2006
Wayne P. McAllister
Wayne P. McAllister, Trustee

STATE OF VIRGINIA, AT LARGE
CITY/COUNTY OF Shenandoah, to-wit:

The foregoing Deed was acknowledged before me this 16th day of November, 2006, by Wayne P. McAllister, Trustee.

My Commission Expires: 8-31-2009

Greg Hunt
Notary Public (SEAL)

ACCEPTED: Virginia Outdoors Foundation

By: Tamara A. Vance
Tamara A. Vance, Deputy Director

STATE OF VIRGINIA, AT LARGE
CITY/COUNTY OF Montgomery, to-wit:

The foregoing Deed was acknowledged before me this 1st day of December, 2006, by Tamara A. Vance, Deputy Director of Virginia Outdoors Foundation.

My Commission Expires: 31 OCT 2007

[Signature]
Notary Public (SEAL)

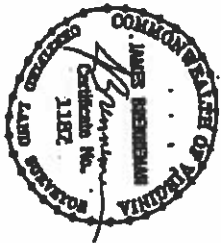
[Signature]
Roy Leonard O'Bryan, Trustee

STATE OF VIRGINIA, AT LARGE
CITY/COUNTY OF Fayette, to-wit:

The foregoing Deed was acknowledged before me this 24th day of November, 2006, by Roy Leonard O'Bryan, Trustee.

My Commission Expires: October 31, 2007

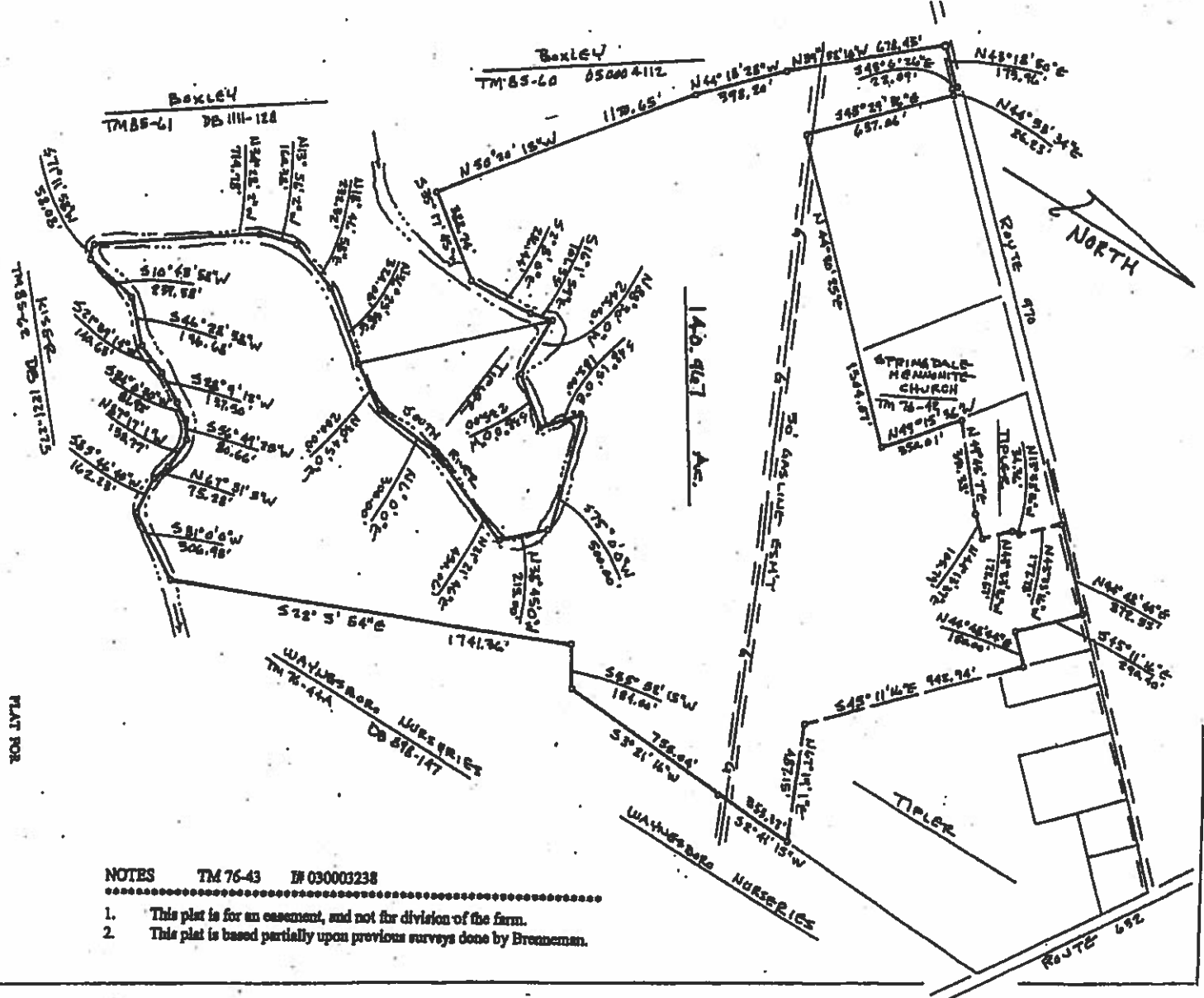
Michelle A. Bullock
Notary Public (SEAL)



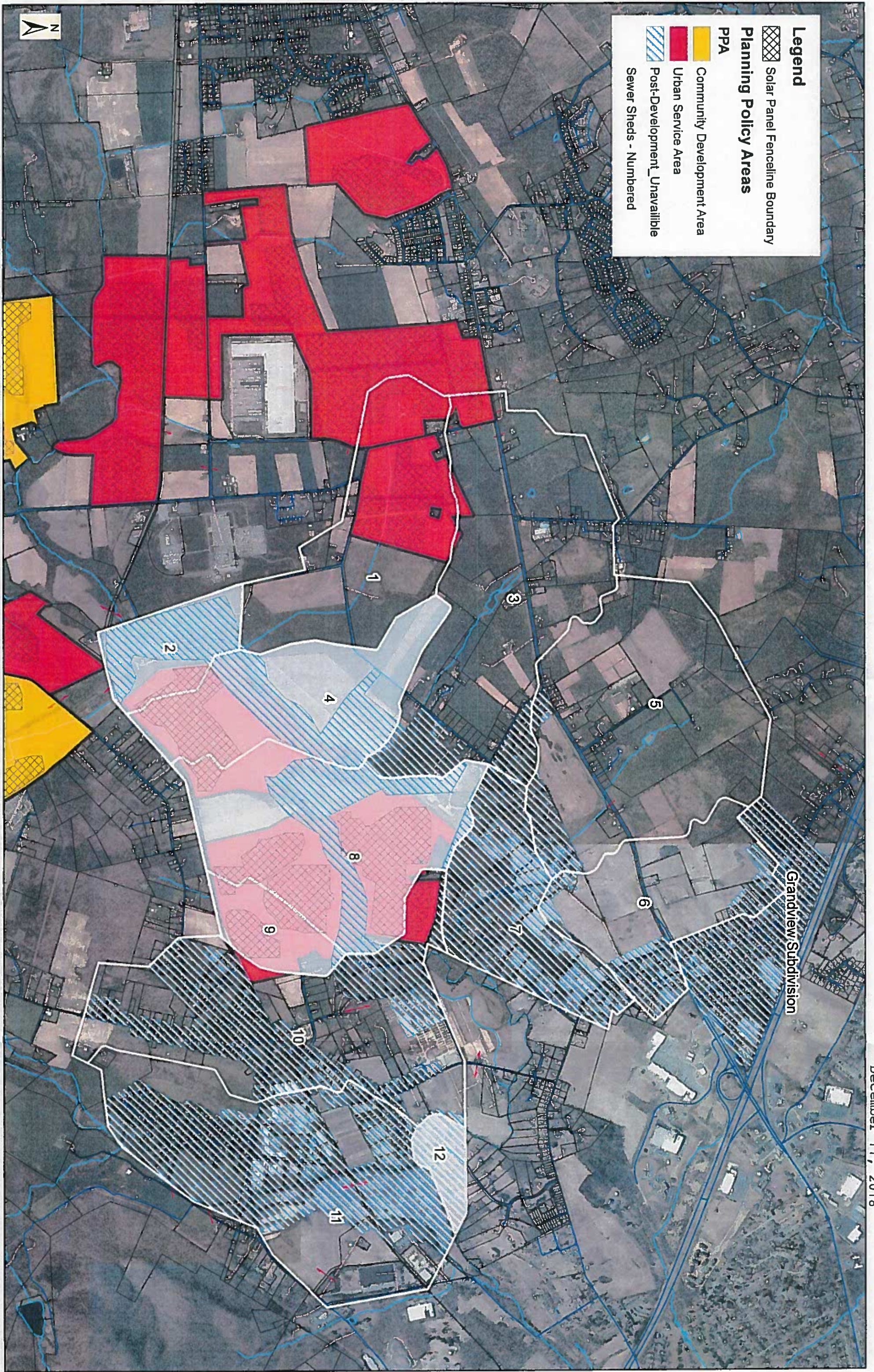
BRANNEMAN ENGINEERING
STUARTS DRAFT, VA
DWG BR29
MAY 25, 2006
REV 9-13-06

Bradley M. & Deana H. Tipler
SOUTH RIVER DIST AUGUSTA CO.
VIRGINIA


PLAT FOR



- NOTES TM 76-43 IF 030003238
1. This plat is for an easement, and not for division of the farm.
 2. This plat is based partially upon previous surveys done by Branneman.




Legend


 Solar Panel Fenceline Boundary

Planning Policy Areas

PPA

 Community Development Area

 Urban Service Area

 Post-Development_Unavailable

 Sewer Sheds - Numbered

Grandview Subdivision

