



**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, Planner II *LT*  
**DATE:** January 31, 2019  
**SUBJECT:** Regular Meeting

The regular meeting of the Augusta County Planning Commission will be held on **Tuesday, February 12, 2019 at 7:00 p.m.**, at the Augusta County Government Center, in the Main Board Meeting Room, 18 Government Center Lane, Verona, Virginia.

The Planning Commission will meet beginning at **5:00 pm** in the **Board of Supervisors' Conference Room** (behind the Board Meeting Room) at the Augusta County Government Center for a staff briefing. We will have dinner in the Community Development Conference Room at 6:15.

Attached are the agenda and meeting materials for Tuesday's meeting. I have included an overview map of the Augusta Solar LLC Special Use Permit request and staff reports related to the Virginia State Code 15.2-2232 substantial accord with the Comprehensive Plan review. The application submitted for the Augusta Solar LLC Special Use Permit contains a lot of information, including a conceptual site plan (showing proposed fence line setbacks and proposed buffering), an economic benefits package, and a fiscal contributions analysis, etc. Please let me know if you would like a copy of the full application. Application materials can also be found at the following link:

[https://www.dropbox.com/sh/mi4xsvufriogqg9f/AADDq0\\_IOn1R2i2Cs7PNYkorCa?dl=0](https://www.dropbox.com/sh/mi4xsvufriogqg9f/AADDq0_IOn1R2i2Cs7PNYkorCa?dl=0)

If you have any questions about any of the material, please feel free to contact me. If you won't be able to attend the meeting, please let Jean or me know as soon as possible.

LT/jm

ADVANCED  
AGENDA

Regular Meeting of the Augusta County Planning Commission

Tuesday, February 12, 2019 7:00 P.M.

1. CALL TO ORDER
2. DETERMINATION OF A QUORUM
3. MINUTES
  - A. Approval of the Called and Regular Meetings on December 11, 2018.
  - B. Approval of the Called and Regular Meetings on January 8, 2019.
4. PUBLIC HEARINGS
  - A. **An ordinance to amend Chapter 25. Zoning. Article IV. Signs, billboards and outdoor advertising structures.**  
Amendment eliminates definition of and removal timeframe reference of Agricultural and Forestal District signs; reduces the size of a single off-premise advertising signs from 800 sq. ft. to 200 sq. ft. in General Agriculture (allowing for a waiver along interstate highways) and reduces the size of a single on and off-premise advertising sign from 800 sq. ft. to 200 sq. ft. in Business, Industrial, and Public Use Overlay zoning districts (allowing for a waiver); and adds a prohibition on any sign that produces or emits sound.
  - B. **An ordinance to amend Chapter 25. Zoning. Article XII Rural Residential (RR) Districts. Section 25-123. Uses permitted by Administrative Permit.**  
Amendment creates a provision for an administrative permit process in Rural Residential zoning districts for the sale of guns for those holding a Type 1 or Type 3 Federal Firearms License. Conditions related to the permit do apply and can be viewed as is detailed below.
  - C. **An ordinance to amend Chapter 25. Zoning. Article VII General Agriculture (GA) Districts. Section 25-73. Uses permitted by Administrative Permit.**  
Amendment creates a provision for an administrative permit process in General Agriculture zoning districts for the sale of guns for those holding a Type 1 or Type 3 Federal Firearms License. Conditions related to the permit do apply and can be viewed as is detailed below.
  - D. **An ordinance to amend Chapter 25. Zoning. Article I General Provisions. Section 25-4. Definitions. Special Use Permit.**  
Amendment clarifies that a Special Use Permit can also be granted by the Board of Supervisors as is consistent with Article LVIII. Special Use Permit procedures.

**E. An ordinance to amend Chapter 25. Zoning. Article I General Provisions. Section 25-4. Definitions. Kennel.**

Amendment changes the age of an adult dog as is referenced in the definition from six months of age to four months of age to be consistent with state code.

**F. An ordinance to amend Chapter 25. Zoning. Article V Accessory Buildings and Uses. Section 25-54.1. Uses accessory to single-family residences.**

Amendment changes the age of an adult dog as is referenced in the provision for the keeping of dogs from six months of age to four months of age to be consistent with state code.

**G. An ordinance to amend Chapter 25. Zoning. Article V Accessory Buildings and Uses. Section 25-55. Uses accessory to multi-family residences.**

Amendment changes the age of an adult dog as is referenced in the provision for the keeping of dogs from six months of age to four months of age to be consistent with state code.

**H. An ordinance to amend Chapter 25. Zoning. Article VII. General Agriculture (GA) Districts. Section 25-72.1. Accessory buildings and uses.**

Amendment changes the age of an adult dog as is referenced in the provision for the keeping of dogs used for agricultural purposes from six months of age to four months of age to be consistent with state code.

**I. Augusta Solar LLC SUP – 15-2-2232 Review**

Review of the Augusta Solar LLC Special Use Permit request, as described below, for a substantial accord determination with the adopted Comprehensive Plan or part thereof (Virginia State Code Section 15.2-2232). Parcels included in this request are located in either Urban Service or Community Development Areas of the adopted Comprehensive Plan and include the following future land use designations: Industrial, Planned Residential (variety of residential uses at a density of four to eight dwelling units per acre), Low Density Residential (detached residential units at a density of between one-half and one dwelling unit per acre), Medium Density Residential (detached residential units at a density of between three and four dwelling units per acre), Neighborhood Mixed Use (a variety of residential uses at a density of four to eight dwelling units per acre and convenience retail and office uses on up to 20% of the total land area).

**5. MATTERS TO BE PRESENTED BY THE PUBLIC**

**6. NEW BUSINESS**

**7. OLD BUSINESS**

**8. MATTERS TO BE PRESENTED BY THE COMMISSION**

9. STAFF REPORTS

A. 2018 Annual Report

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

10. ADJOURNMENT

**PRESENT:**

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

**ABSENT:**

G. Campbell  
K. Leonard  
K. Shifflett

**VIRGINIA:** At the Regular Meeting of the Augusta County Planning Commission held on Tuesday, December 11, 2018, at 7:00 p.m. in the Board Room, Augusta County Government Center, Verona, Virginia.

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**DETERMINATION OF A QUORUM**

Mr. Curd stated as there were four (4) members present, there was a quorum.

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**MINUTES**

Mr. Bridge moved to approve the minutes of the called and regular meetings held on November 13, 2018.

Mr. Jennings seconded the motion, which carried unanimously.

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**NEW BUSINESS**

**Stuarts Draft Small Area Plan**

Mrs. Tate presented maps on PowerPoint which showed the entire County and the Comprehensive Plan's planning policy areas. She indicated where the Urban Service Areas, Community Development Areas, Rural Conservation Areas, Agriculture Conservations Areas, and Public Lands are located in the County. Currently there are

approx. 39,000 acres of land (6.4%) in the Urban Service Areas and approx. 34,000 acres of land (5.5%) in the Community Development Areas. The Rural Conservation Area contains approx. 13.4% of land in the county, Agriculture Conservation Areas contain approximately 40.1% of land, and Public Lands make up about 34.6%.

Mrs. Tate defined the Urban Service Area (USA) as areas which are appropriate locations for development of a full range of public and private land uses of an urban character on public water and sewer, in either the immediate or long term future. The Comprehensive Plan also identifies that infrastructure is not in place at this time to provide utility service to every parcel identified as being in the USA. However, as development occurs the expectation is that it will be on public water and sewer services. The Comp Plan indicates development in the USA will be compact, interconnected, pedestrian oriented, and remain sensitive to the context of the surrounding development and natural features. Due to the urban nature of the development planned for these areas, intensive agricultural operations would not be encouraged to locate or expand in these areas. USA's are priority locations for significant amounts of urban residential and employment growth, expansions of public water and sewer service, local and regional public facilities, most "one-of-a-kind" public facilities such as hospitals, most industrial development with adequate facilities and buffers, larger scale urban residential and business developments, and larger scale mixed use development where different combinations of residential, business, and industrial uses will be found. The County has set a target for 80% of future growth in the USA.

Mrs. Tate defined Community Development Areas (CDA) as local community settlements which have existing public water or public sewer systems, but not both, in place or which have relatively good potential for extensions of either of those utilities. These areas are appropriate locations for future low density, rural land uses based upon road access, the existing land use pattern, and proximity to existing public facilities and services, although they are planned to remain predominantly residential in character. The CDA priority locations are for moderate amounts of small scale residential and employment growth at marginally higher densities than in the Rural Conservation Areas, limited expansions of public water or sewer service, local public facilities, and small scale, low-intensity commercial and/or light industrial developments. The County has set a target of 10% of future growth in the Community Development Area.

The Stuarts Draft Small Area Plan (SDSAP) is a recommendation of the County's Comp Plan. The advisory committee for the SDSAP was appointed by the Board of Supervisors and had their first meeting in March of 2017. Representatives on the committee are from business communities and farming communities, and also residents and transportation advisors. The committee has met monthly to work on various components of the plan. Two public meetings have been held to date relating to the plan, in which property owners were notified of the meetings. Public comments that were received at the June 2017 meeting were taken back to the advisory committee for review. Timmons Group has been retained as a consultant to advise on pedestrian accommodations in the area. In March 2018 another public meeting was held and changes that were made since the June 2017 meeting were presented.

Mrs. Tate stated the current County future land use map was adopted in 2015. She indicated on PowerPoint where the boundary is for the SDSAP and where future land use designations are. She explained the different areas on the map and what they are slated for in the Comp Plan. She presented a draft of the Stuarts Draft Future Land Use Map and indicated the areas where the advisory committee has recommended potential change within the SDSAP and what those recommended changes are. The changes presented within the proposed map are for Future Land Use Designations only. The adoption of the proposed map recognizes the fact that it has been through the public comment process and will have to go through the public comment process again before it can be adopted into the Comp Plan, which will be done at a later Planning Commission meeting.

Mr. Howdysshell had the following questions and comments: He asked if the sewage treatment plant can handle the extra capacity if he plan is approved; he asked how much agriculture land is in the SDSAP; he stated if agriculture land is included in the SDSAP, it will limit owners of that land as to what they will be allowed to do.

Mrs. Tate stated the sewage treatment plant has been upgraded and is operating at one-fourth of its capacity. Not only will it meet the demands of this plan, but will also meet the requirements of the Chesapeake Bay Watershed Act. She stated she does not have the specific percentage of agriculture zoned land in the SDSAP, but zoned agricultural property will not be affected by the SDSAP. Properties will not be rezoned, so what is currently permitted will continue to be permitted. The future land use designates what properties are designated for in the future. This plan is planning the future development as it relates to the Comp Plan, but the property owner has all rights and regulations as to the underlying zoning.

Mr. Wilkinson stated the plan does not affect agriculture property. It is lessening projected future land uses and agriculture uses will not be restricted in any way.

Mr. Bridge asked if the changes the advisory committee made were minimal, with no major changes from what exists now.

Mrs. Tate stated the planning policy area was not changed. It did change some densities to higher or lower, depending on the vision for each area. It will affect individual landowner interest as it relates to future development.

Mr. Bridge asked if the Urban Service Area was expanded in any way.

Mrs. Tate stated it was not expanded in the proposed plan. The only thing that was changed in the Urban Service Area was future land use designations.

Mr. Bridge asked the overall opinion of Staff regarding the proposed plan.

Mrs. Tate stated the advisory committee input has been very well done. They meet frequently and are very involved. They have reached out to the public by sending letters

to keep the public updated on the process and upcoming meetings, however, as is common, there has been relatively little written feedback from the public, although a good turnout of people at the public meetings.

Mr. Curd stated in regard to the section north of Rt. 340, he agrees that area should be made medium density, which will reduce the number of units currently allowed with mixed use.

#### East Stuarts Draft Sewer Feasibility – Phase I

Mrs. Tate gave the background of the East Stuarts Draft Sewer Feasibility study. The study included areas east of Stuarts Draft (Mt. Vernon Road) and west and south of Waynesboro. The study includes drainage sheds north of Rt. 340 and bounded on the south side by the Norfolk Southern Railroad. The study area is approximately 8 square miles and is drained by the South River. Phase I of the study identifies collection alternatives for the study area. The Board of Supervisors directed Staff to present the study to the Planning Commission.

The study identifies system design challenges that arise in providing sewer services. Mrs. Tate reviewed the challenges as presented on PowerPoint.

Mrs. Tate discussed the recommendations made by the study and referred to maps produced by the results of the study, as presented on PowerPoint. The maps show areas recommended for public sewer improvements and areas not recommended for public sewer improvements. There are areas not recommended for future public sewer improvements due to floodplain, access, etc. and these areas are being evaluated for amendment to a Community Development Area.

Mr. Bridge asked why property in the floodplain would be changed to be used for development.

Mrs. Tate stated sewer sheds #4 and #8 on the map could be developed as residential because of the amount of land not in the floodplain in those areas.

Mrs. Tate stated they will need to consider how the Comp Plan will be affected by the Urban Service Areas not being recommended for sewer improvements and also how the recommendations from the study will overlap with the Augusta Solar LLC SUP application. She referred to maps that show the areas that are involved in the SUP request. She stated it is important to know how the recommendations will effect each area in relation to the SUP request, because the Planning Commission will need to make a determination that the application is in substantial accord with the Comp Plan.

Mr. Howdysshell expressed his concerns that there are areas in the floodplain where development will be allowed.

Mrs. Tate stated if development were to take place in the floodplain areas, the conditions set forth in the floodplain ordinance would be required to be met. The consultants for the



sewer study evaluated the floodplain barriers as it relates to future industrial development in sewer sheds #2, #8, #9, and the southern portion of #4, as shown on the maps. Staff will be recommending that these areas go from an Urban Service Area to a Community Development Area, and that the industrial future land use be changed to low density residential.

Mr. Jennings asked if the Commission will be making a recommendation on how the proposed comp plan amendment changes shall relate to the proposed solar project.

Mrs. Tate stated the changes to the Comp Plan will need to be made first before the solar project is approved, in order to meet State regulations as it applies to solar generation. It will be the role of the Commission to determine if the solar project would be a good fit in an Urban Service Area and if it is in accord with the Comp Plan.

Mr. Howdysshell asked if the County participated in the funding of the new sewer projects.

Mr. Wilkinson stated funding is done by the Service Authority and the Board of Supervisors supplies funding the Service Authority.

Mrs. Tate stated the Service Authority uses the County Comp Plan to determine where improvements and services will be made available. They have been involved in the study and discussions regarding the proposed changes.

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**STAFF REPORTS**

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

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

The Planning Commission took no action on the BZA items.

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

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Chairman

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Secretary

PRESENT: T. Jennings, Chairman

S. Bridge

J. Curd

L. Howdyshell

K. Leonard

K. Shifflett

J. Wilkinson, Director of Community Development

L. Tate, Planner II

ABSENT: G. Campbell, Vice Chairman

VIRGINIA:

At the Called Meeting of the Augusta County Planning Commission held on Tuesday, January 8, 2019, at 5:45 p.m. in the Board Room, Augusta County Government Center, Verona, Virginia.

\* \* \* \* \*

Mr. Jennings called the meeting to order.

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

Mrs. Tate reviewed with the Commissioners the Stuarts Draft Small Area Plan Future Lane Use Map Resolution and the Augusta County Comprehensive Plan Update 2014/2015 Planning Policy Area/Future Land Use Map Resolution that will come before the Commission for approval at the Public Hearing.

The Planning Commission reviewed the following rezoning request and proffer amendment request and traveled to the following site, which will be considered at the Public Hearing.

**EJ's LC**

Chairman

Secretary

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

ABSENT: G. Campbell, Vice Chairman

VIRGINIA: At the Regular Meeting of the Augusta County Planning Commission held on Tuesday, January 8, 2019, at 7:00 p.m. in the Board Room, Augusta County Government Center, Verona, Virginia.

**DETERMINATION OF A QUORUM**

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

\* \* \* \* \*

**EJ's LC**

A request to rezone from General Agriculture to General Business approximately 1.65 acres (TMP 075B 1 34, 35, 36, 38, and 39) owned by EJ's L.C. located on Stuarts Draft Highway (Rt. 340) between the intersections of Stuarts Draft Highway (Rt. 340) with Stone Drive and Locust Grove Lane in Stuarts Draft in the South River District.

Mrs. Tate explained the request as presented on PowerPoint. She explained the different zonings that surround the property which include Single-family Residential, Planned Unit Development, General Business and General Agriculture. She stated there is one lot (identified as Lot 37) owned by an individual that is zoned General Agriculture and is in the middle of the lots that are being requested to be rezoned.

Barry Lotts, surveyor and agent for EJ's LC stated the purpose of the request is to rezone the property to business. EJ's LC already owns the adjoining property currently zoned for business. There is a concern about the individual lot zoned General Agriculture. Staff recommended an eight foot privacy fence around the property to be rezoned to business as a buffer to Lot 37. The applicant feels an eight foot fence would be unattractive and he would like to wait to make a decision about the buffering during the site plan process.

Mr. Bridge asked in order to protect Lot 37, what other type of buffer would be considered.

Mr. Lotts stated on the Stuarts Draft side, the house on Lot 37 is only 10' off the property line and the owner's driveway crosses the applicant's property line. If they put a fence up, it will be against the house on Lot 37 and box it in. At the site plan stage, they will present something more attractive that would be acceptable to Staff. The first stage is to get the property rezoned in order to get to the interconnection VDOT wants from Rt. 340 to Fossil Drive.

Mr. Leonard asked if the proposed business will face Rt. 340 or Fossil Dr.

Mr. Lotts stated they are not sure right now. There will be one connector road off of Rt. 340 to Fossil Drive and all the businesses will be off of the connector road. The businesses could face Rt. 340, the new connector road and Fossil Dr. VDOT has given instruction of where the entrance off of Rt. 340 will be, and it will be right beside lot 37.

Mrs. Shifflett asked if there has been any discussion with the neighbor about his property that encroaches onto EJ's lot. That issue should be resolved before the rezoning could go forward. She also has concerns regarding the entrance off of Rt. 340 being up against Lot 37.

Mr. Lotts stated he did not know if the applicant has talked with the property owner of Lot 37 regarding the issue. The neighbor's property only encroaches a foot or so, but if they put a fence up, it will cause a bigger deficit to the neighbor. With the new entrance, there will be a 10 or 15 foot strip of property between EJ's and Lot 37 where they will be able to create a buffer.

Mr. Leonard asked if the entrance off of Rt. 340 will be on the Waynesboro side.

Mr. Lotts stated yes, it will be on the Waynesboro side.

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

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

Mr. Leonard stated he has concerns regarding Lot 37. Since the owner of Lot 37 did not attend the meeting, it would seem he does not have any issues with the rezoning.

Mr. Bridge asked what could be required for the buffering while waiting for the site plan to be submitted.

Mrs. Tate explained the applicant can say they desire to provide buffering, but because the ordinance does not require it, there is no recourse in making it happen at the site plan stage.

Mr. Bridge stated this is a difficult situation since there is no requirement for buffering, however, it does meet the Comp Plan designation. Given the fact that the owner of Lot 37 did not attend the meeting or express concerns about the rezoning, he moved to recommend approval of the request.

Mr. Howdysshell seconded the motion.

Mrs. Shifflett stated she has concerns about protection for Lot 37 from the business uses. There needs to be a more concrete plan for buffering.

Mr. Jennings stated absence of the owner of Lot 37 weighs on the decision to recommend approval.

The motion carried 4-2, with Mr. Curd and Mrs. Shifflett being opposed.

#### **EJ's LC**

A request to remove the following proffered conditions: a sign identifying business limited to 32 square feet – approx. 4' X 8', Business hours – 7 A.M. to 7 P.M. Monday thru Saturday – No Sunday hours, and no outside storage of equipment or supplies from approx. 0.803 acres (TMP 075B 1 32 and 33) owned by EJ's L.C. located on Stuarts Draft Highway (Rt. 340) approximately 500 ft. west of the intersection of Stuarts Draft Highway (Rt. 340) and Locust Grove Lane in Stuarts Draft in the South River District.

Mrs. Tate explained the request as presented on PowerPoint. She stated the lots are already zoned General Business with proffers and are beside the lots being proposed for rezoning in the first request. It would make sense to remove the proffers with the recommended approval of the previous proposed rezoning, in which no proffers were offered.

Mr. Lotts stated they are requesting the proffers to be removed so all the General Business zoned lots will be the same.

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

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

Mr. Bridge moved to recommend approval of the request.

Mr. Howdyshell seconded the motion.

Mr. Curd stated the recommendations by the Planning Commission are not always accepted by the Board of Supervisors. He thinks the motion should state that should the Board of Supervisors approve the rezoning, the proffers will be removed.

There was no discussion to amend the previous motion.

The motion carried 4-2 with Mrs. Shifflett and Mr. Curd being opposed.

#### **Stuarts Draft Small Area Future Land Use Plan**

A request to amend the Augusta County Comprehensive Plan 2014/2015 Update by adopting the Stuarts Draft Small Area Future Land Use Map. The proposed Stuarts Draft Small Area Future Land Use Map, in addition to multiple changes from one existing future land use designation to another, creates an additional future land use designation, Recreational Business, where business uses serving and/or compatible with outdoor recreation would be appropriate. The proposed Stuarts Draft Small Area Future Land Use

Map amends the County's Comprehensive Plan Future Land Use Map, specifically for the Stuarts Draft area.

Mrs. Tate referred to the current 2015 adopted map on PowerPoint and explained the different Comp Plan designation areas on the map. She stated Agriculture Conservation Areas, Rural Conservation Areas and Public Lands are the only areas that do not receive the future land use designation. She reviewed the Stuarts Draft Small Area Plan (SDSAP) on PowerPoint. She pointed out the Urban Service Areas (USA) and stated these areas currently have or will eventually have both public water and sewer services available. The Community Development Areas (CDA) either have public water or sewer available, but not both. Rural Conservation and Agriculture Conservation Areas do not have public utilities. With the amendment request being presented, none of the planning policy areas changed within the plan boundary. The Future Land Use Designations associated with the planning policy areas is what is being proposed to be changed. She referred to a map on PowerPoint that showed the Stuarts Draft Small Area Plan boundary and the future land uses that are currently adopted by the Comp Plan. She stated the Advisory Committee looked at each use and asked the public at two separate public meetings for ideas for improvements in each area. She referred to the draft map of the Stuarts Draft Future Land Use Map and explained the changes on the map that the committee and public worked on together. She indicated the areas where the committee thought density could be increased and where density could be decreased. She indicated the areas where industry is proposed to be changed to neighborhood mixed use. She explained the areas proposed for Recreational Business would consist of low density residential or low impact business compatible with or serving recreational uses.

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

June Cohron of 211 Draft Avenue stated she is a member of the Stuarts Draft Small Area Plan Advisory Committee. She stated the residents are pleased with what has been proposed for the plan. With the future land use maps, they are hoping to have development that is expected in an Urban Service Area, but also wish to maintain the pastoral views and attractiveness of the community.

David Fitzgerald of 147 Wayne Avenue thanked the County for the planning they are doing for Stuarts Draft. He is in support of the planning but has concerns about his property located next to the ballfields. If the land is designated to be industrial, he is concerned that real estate taxes will be increased. He asked if there has been a study done to have a bypass between Rt. 340 and Ridgeview Acres. When the County designates an area to be in a growth area there needs to be support for infrastructure to get the highways established.

Mrs. Tate stated the Future Land Use Designation does not affect taxes or any zoning on a property. It would affect the property only if the property was proposed to be rezoned.

Mr. Fitzgerald stated the location of his property may be better suited to develop into residential instead of waiting on industry to come in, which would require big highways.

Sherry Hockman Sumerlin owns property at 265 Draft Avenue and stated she did not receive any mailings regarding the SDSAP. She likes the idea of seeing Stuarts Draft grow, realizes the need for development, and agrees that the pastoral land needs to be preserved. While they need to see progress and growth, she does not want to see development such as multiple density residential.

Mrs. Tate indicated on the map the areas that are being proposed for lower density. What is being proposed is the adoption of the Future Land Use Map. The overall plan will be much bigger having chapters related to various public sectors and will also have goals, objectives, and policies. If the map is adopted by the Board of Supervisors, amendments to the Comp Plan can still be made after the adoption.

Mrs. Hockman asked for a time reference when the changes will take place.

Mrs. Tate stated the time frame of the plan is a 20 year horizon.

Mrs. Tate stated she received a letter submitted from Mr. Darrell Alexander who could not attend the meeting. He offers these comments with a recognition that all parties involved are coming with positive intent to solve some important issues for the future of our community:

*Dear Augusta County Planning Commission,*

*I hope all is well.*

*I received the letter with maps dated December 19, 2018 from Leslie Tate. Up until this time, I was not aware of potential changes to the Comprehensive Plan for Stuarts Draft. Candidly, I did not even know what a Comprehensive Plan was until I began to educate myself, mainly via online research, and discussions with County representatives and other citizens. I am still coming up to speed on the implications of all the planning work in progress, but wanted to weigh in with my initial thoughts in advance of the Planning Commission Public Hearing on January 8th.*

*I am deeply concerned with the process and disagree with the proposed Future Land Use designation for my property at 95 Edgewood Lane (~11 acres adjacent to the Stuarts Draft Park). The proposal is to have my land designated as Urban Open Space and is defined as "land permanently set aside for open space uses such as conservation easements and county recreation areas." I have multiple thoughts in this regard:*

- *I believe the Urban Open Space designation should be reserved for property already owned by Augusta County*
- *To specifically call out certain parcels owned by private land owners for future Park use simply seems wrong*
- *There are several properties adjacent to the Park and other recreation areas in Stuarts Draft and the County can pursue a purchase of any of these parcels, either developed or undeveloped, and turn them into a Park or recreation area if that is what is desired*
- *If anything, I think the Urban Open Space designation should be an overlay to a swath of property around existing recreation areas versus calling out specific, privately owned land. For example, a circumference of a half mile around all existing public use areas could be used*
- *As it relates to my property specifically, my concern is compounded by the fact that my deceased father, the previous owner of the property, invested to have public water and sewer available to the property*

*I am unable to attend the Public Hearing on January 8th due to a work commitment. I respectfully ask that my comments be read into and included in the official record of the Public Hearing. At this point, I plan to attend the Board of Supervisors Public Hearing on January 23rd.*

*I appreciate your consideration in this matter.*

Regards,

Darrell Alexander

James Kindig of 3546 Stuarts Draft Highway stated he has property in the Urban Service Area. He stated there is no way in 20 years that there will be water and sewer in parts of that property. They have access to water that runs along Rt. 340, but to take water to another location on the property would be financially prohibitive. On the north side of Rt. 340, VDOT has looked at the site distance required for different types of entrances and can see the possibility for entrances on that side of the road. On the rest of the property, it does not seem to fit into any of the Planning Policy Areas other than Agriculture Conservation Area. There are swaths of property that are CDA being included in the USA. The Comp Plan says with the density of housing allowed, these areas have to be in a CDA, not an USA. It does not make sense to put all these properties into an USA for long range planning. He would like to have his property out of the USA because it will have the future planning designation for multiple things. He feels there needs to be a closer look and more landowner input to make additions or amendments to the Comp Plan.

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

Mrs. Tate reminded the Commissioners that if they approve the Resolution for the proposed amendment, it would be for the specific map discussed during this hearing and will include the new Recreational Business Future Land Use Designation.

Mr. Jennings asked Mrs. Tate for clarification that the amendment does not change the zoning of any properties. Mrs. Tate stated the amendment does not change any zonings or planning policy areas. It will only change the future land use designations that are used as a guide as development requests come to the County.

Mr. Bridge stated the individual concerns can be brought before the Board of Supervisors at the hearing on January 23. The Committee has spent a good amount of time working on the plan and has gotten input from the individuals that attended the meetings. He moved to recommend approval of the amendment.

Mr. Leonard seconded the motion, which carried unanimously.

Mr. Howdysshell stated future planning is the key. The landowner has to decide what he wants to do with his property. He stated the County does not get the information out to the citizens and needs to have a plan to keep citizens better informed.

Mrs. Tate read the following Resolution for the Stuarts Draft Small Area Plan Future Land Use Map to be considered for adoption by the Commission:



**RESOLUTION IN SUPPORT OF THE  
STUARTS DRAFT SMALL AREA PLAN FUTURE LAND USE MAP AS AN AMENDMENT TO THE  
AUGUSTA COUNTY COMPREHENSIVE PLAN UPDATE 2014/2015 PLANNING POLICY  
AREA/FUTURE LAND USE MAP**

WHEREAS, Augusta County is in the process of reviewing and updating its Comprehensive Plan, specifically for the Stuarts Draft Area; and

WHEREAS, Stuarts Draft is one of Augusta County's Designated Growth Areas; and  
WHEREAS, the Board of Supervisors appointed an Advisory Committee for the Stuarts Draft Small Area Plan; and

WHEREAS, the Advisory Committee, in consultation with County staff, has prepared a draft Future Land Use Map for the Stuarts Draft Area which proposes some future land use designation amendments to the adopted Augusta County Comprehensive Plan 2014/2015 Update Planning Policy Area/Future Land Use Map; and

WHEREAS, two public meetings have been held to gather public input concerning draft components of the plan, including the draft future land use map, and public input from those meetings has been considered by the appointed Advisory Committee; and

WHEREAS, Virginia State Code Section 15.2-2228 provides that the Planning Commission may recommend parts of the comprehensive plan as work on the plan progresses as long as any such part covers one or more major sections or divisions of the locality or one or more functional matters; and

WHEREAS, the amended/updated future land use map is an important functional matter as it is used for the evaluation of land use applications; and

WHEREAS, a public hearing on the proposed amendments was held in accordance with Section 15.2-2204 of Virginia State Code.

NOW THEREFORE be it resolved that the Augusta County Planning Commission recommends approval of the amendments to the Augusta County Comprehensive Plan 2014/2015 Update Planning Policy Area/Future Land Use Map, as shown on the map entitled, "Stuarts Draft Future Land Use Map 2018," including the addition and description of Recreational Business as a Future Land Use category both of which are attached to this resolution.

Adopted: January 8, 2019 By: \_\_\_\_\_

E. Thomas Jennings, Jr., Chairman  
Augusta County Planning Commission

**Augusta County Comprehensive Plan 2014/2015 Planning Policy Area/ Future Land Use Map**

A request to amend the Augusta County Comprehensive Plan 2014/2015 Planning Policy Area/Future Land Use Map for land located east of Lipscomb Road, north of the railroad tracks, and north, south and west of the terminus of Benz Road. The proposed amendment changes this land from Urban Service Area with a future land use designation of industrial to Community Development Area with a future land use of low density residential.

Mrs. Tate reminded the Commissioner's that they reviewed the study done by Peed & Bortz at their December meeting, and the study was commissioned by the County and

Service Authority related to a backbone sewer collection service system. She indicated to a map on PowerPoint showing the area where the study was conducted. The consultant divided the area into 12 sewer basins based on how the system would drain. The consultant did not recommend sewer improvements for sewer sheds 2, 4, 8 and 9, which are in the Urban Service Area, and is an area where the plan identifies both water and sewer infrastructure being extended within the time frame of the plan. The study was presented to the Board of Supervisors on November 26, 2018 and the Board asked Staff to prepare an amendment for the Planning Commission to review and make a recommendation. Based on the study and input from the Board of Supervisors, the amendment would change areas from an Urban Service Area and designated for industrial development to a Community Development Area and designated for low density residential development. The proposed change also includes a minor revision to the open space area designated as urban open space. The parcel boundary for the urban open space follows a conservation easement, but the change will follow the parcel boundary instead.

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

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

Mr. Bridge stated based on the study, the area is not suitable for sewer and it is reasonable to get it out of the current designation. He moved to recommend approval of the amendment.

Mrs. Shiftlett seconded the motion, which carried unanimously.

Mrs. Tate read the following Resolution for the Augusta County Comprehensive Plan 2014/2015 Planning Policy Area/ Future Land Use Map to be considered for adoption by the Commission:

**RESOLUTION IN SUPPORT OF THE  
AUGUSTA COUNTY COMPREHENSIVE PLAN UPDATE 2014/2015 PLANNING POLICY  
AREA/FUTURE LAND USE MAP AMENDMENT FOR AREA EAST OF LIPSCOMP ROAD, NORTH OF  
THE RAILROAD TRACKS, AND NORTH, SOUTH, AND WEST OF BENZ ROAD**

WHEREAS, a study entitled, "East Stuarts Draft Sewer Feasibility Study Phase I," prepared by Peed & Bortz, L.L.C., dated November 12, 2018, presented recommendations for potential public sewer improvements within the study area; and

WHEREAS, the Augusta County Comprehensive Plan Planning Policy Urban Service Area is defined as having both water and sewer or planned to have extensions of both utilities within the timeframe of the plan; and

WHEREAS, the Augusta County Comprehensive Plan Planning Policy Community Development Area is defined as having either water or sewer or is planned to have extensions of one of those utilities within the timeframe of the plan; and

WHEREAS, the study did not recommend areas, currently designated as Urban Service Areas, for future public sewer improvements; and

WHEREAS, the results of such study were presented to the Augusta County Board of Supervisors at their meeting on November 26, 2018; and

WHEREAS, the Board of Supervisors directed staff to prepare an amendment to the Augusta County Comprehensive Plan Update 2014/2015 Planning Policy Area/Future Land Use Map for consideration by the Planning Commission, as it relates to the aforementioned sewer study and additional input from the Board of Supervisors; and

WHEREAS, a public hearing on the proposed amendments was held in accordance with Section 15.2-2204 of Virginia State Code.

NOW THEREFORE be it resolved that the Augusta County Planning Commission recommends approval of the amendments to the Augusta County Comprehensive Plan 2014/2015 Update Planning Policy Area/Future Land Use Map, as presented on the map entitled, "Augusta County Comprehensive Plan 2014/2015 Planning Policy Area/Future Land Use Map Proposed Amendments for land located east

of Lipscomb Road, north of the railroad tracks, and north, south and west of the terminus of Benz Road" and included as an attachment to this resolution.

Adopted: January 8, 2019 By: E. Thomas Jennings, Jr., Chairman  
Augusta County Planning Commission

Mr. Jennings thanked Staff and all those involved for their hard work on the plan.

\* \* \* \* \*

**STAFF REPORTS**

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

Mrs. Tate reviewed with the Commissioners the requests coming before the BZA at the February 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 \_\_\_\_\_

**AN ORDINANCE TO  
TO AMEND CHAPTER 25 ZONING  
DIVISION A. IN GENERAL  
ARTICLE IV. SIGNS, BILLBOARDS AND OUTDOOR ADVERTISING STRUCTURES  
OF THE AUGUSTA COUNTY CODE**

WHEREAS, the Augusta County Board of Supervisors has deemed it desirable to amend Article IV of the Augusta County Code so as to eliminate the definition of and removal timeframe reference of Agricultural and Forestal District signs, reduce the size of a single off-premise advertising sign in General Agriculture, and reduces the size of a single on and off-premise advertising sign in Business, Industrial, and Public Use Overlay zoning district; and

WHEREAS, the Augusta County Board of Supervisors has established a provision for a waiver of the individual sign maximum size; and

WHEREAS, the Augusta County Board of Supervisors has prohibited signs that produce or emit sound;

NOW THEREFORE be it resolved by the Board of Supervisors for Augusta County that Article IV of the Augusta County be amended as follows:

**CHAPTER 25. ZONING  
DIVISION A. IN GENERAL**

**ARTICLE IV. Signs, billboards and outdoor advertising structures**

**§ 25-40. Applicability.**

These regulations shall govern and control the erection, remodeling, enlarging, moving, maintenance and operation of all exterior signs within all zoning districts established by this article.



**§ 25-41. Definitions.**

Sign. Any exterior display of any letter, words, numerals, figures, devices, emblems, pictures, or any parts or combinations thereof, by any means whereby the same are made visible for the purpose of making anything known, whether such display be made on, attached to, or as part of a structure, surface or any other thing, including, but not limited to, vehicles, buildings, barns, the ground, any rock, tree, or other natural object, which display is visible beyond the boundaries of the parcel of land on which the same is located.

Sign area. The total copy area devoted to conveying a message including any border and trim, but excluding ornamental base or apron supports and other structural members. Where signs employ appurtenances such as "pop-ups" and "cut-outs" or objects that extend beyond the normal copy area, the area of such appurtenances shall be measured separately and included in the total sign area. The total sign area for a double faced sign or "V" type sign shall be measured on the largest face of the sign; however, advertising or other copy may be posted on both sides of such sign.

Advertising sign, off-premises. A sign which directs attention to a business, commodity, activity, service or product not conducted, sold or offered upon the premises where such sign is located. For the purposes of this section, billboards are considered to be off-premises advertising signs.

Advertising sign, on-premises. A sign which directs attention to a business, profession, commodity, service or entertainment sold or offered upon the premises where such sign is located or to which it is attached. Includes "coming soon" and "future home of" signs.

~~Agricultural and Forestal District sign. An on-premises sign announcing that property is currently in an Agricultural and Forestal District.~~

Banner sign. Any sign intended to be hung either with or without frames, possessing characters, letters, illustrations, or ornamentations applied to paper, plastic, or fabric of any kind. National flags, flags of political subdivisions and symbolic flags of any institution or business and decorative flags shall not be considered banners for the purpose of this article.

Construction sign. Any sign giving the name or names of principal contractors, architects, engineers, landscape architects, or other such professional persons, and lending institutions responsible for the lawful construction, alteration, remodeling or demolition on the site where the sign is placed. Such signs shall be limited to one listing for each person or organization involved, and such signs shall be removed within thirty (30) days after the issuance of the Certificate of Occupancy or within thirty (30) days of completion of a demolition project.

Directional sign. An off-premises sign, one end of which may be pointed or on which an arrow may be painted, indicating the direction and/or distance to a business, church, school, hospital, park, scenic or historic place or other places of acknowledged public interest, and containing no other advertising. Approval for such sign must be obtained from the Zoning Administrator in residential areas only, who will grant approval only upon the showing by the applicant that the applicant cannot otherwise reasonably direct customers to the location.

Directional sign, business. An on-premises sign, interior to the business development or complex, one end of which may be pointed, or on which an arrow may be painted, which states only the name and location of businesses or professions. This definition includes development in a Multi-family Residential District.



Farm sign. A sign displayed on any farm by the owner or other operator thereof for the purpose of identifying such farm.

Farm product sign. A sign or signs identifying the produce, crops, animals or poultry raised or quartered on the property.

Freestanding sign. Any sign which is supported by structures or supports in or upon the ground and independent of support from any building. Freestanding signs include but are not limited to pole, directory, pylon, and ground signs.

Government/ Public Use sign. Signs erected and maintained by or under the direction of local, state or federal governmental authorities, and any lawful road name and any number sign regardless of whether it is publicly or privately erected. Such signs may contain "danger" or "warning" messages required by governmental or other authorities.

Home occupation sign. A sign permitted in association with an occupation conducted on the premises within a dwelling unit that is clearly a secondary use of the property.

Identification Sign. A permanent sign announcing the name of a subdivision, group housing project, locality, church, school, park, or other public or quasi-public structure or facility located on the premises.

Political campaign sign. A sign used to advertise or promote a candidate for public office or referencing an issue on the ballot in a forth-coming election or primary provided that the sign will be removed within ten (10) days after the election.

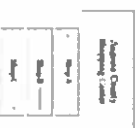
Portable sign. Any sign not permanently attached to the ground, a structure or any other sign. The sign area of portable signs count towards the total sign area allowed.

Public services sign. A sign advertising only the name, time and place of any bona fide fair, carnival, festival, bazaar, horse show or similar event, when conducted by a public agency or for the benefit of any civic, fraternal, religious or charitable cause provided that the sign will be removed within ten (10) days after the end of the event to which it refers.

Pylon/directory sign, on-premises. A sign on which the name of the development and the names and locations of occupants or the uses of a building or group of buildings is listed.

Pylon/directory sign, off-premises. A sign on which the name of the development and the names and locations of occupants or the uses of a building or group of buildings not located upon the premises where such sign is located is listed.

Real estate, lead-in sign. A directional sign used to provide directions to real estate for sale, lease or rent. No more than one (1) real estate lead-in sign shall be allowed at any road intersection. No such sign shall contain the name of any company or agent, only "homes for sale" and similar phrases.



Real estate, lot sign. On-site signs advertising the sale, rent or lease of a single dwelling unit, building, or vacant lot containing one acre or less; provided that such signs shall be removed promptly after closing of the transaction.

Real estate, tract sign. On-site signs advertising the sale, rent or lease of more than one acre of land or multiple lots within a subdivision; provided, that such signs shall be neatly painted and maintained, and shall be removed promptly after closing of the transaction of all tracts or lots within the subdivision.

Residential identification. A sign on the premises with a dwelling unit, announcing the name, owner, manager or location thereof.

Temporary sign. Any sign, banner, pennant or other advertising medium intended to be displayed for a short period of time (not to exceed sixty (60) days in any one year period) as required by the provisions of this article for permanent signs of the same type. This includes "going out of business" signs. (Ord. 09/28/11)

Yard sale sign. Any sign advertising a special sale by property owners. Such signs shall be removed within three (3) days after the yard sale has been conducted.

#### **§ 25-42. General provisions.**

The following restrictions shall apply to all signs in Augusta County:

- A. No sign shall be erected or maintained unless it is in compliance with the regulations of this article.
- B. There are no height limitations for signs.
- C. No sign shall be erected, constructed or maintained so as to obstruct or interfere with required traffic visibility or sight distance.
- D. All signs shall be maintained in good condition and appearance. After due notice, if a sign is not restored to good condition and/or appearance, the sign shall be removed at the owner's expense.
- E. Signs advertising an activity, business or service which is no longer active or available shall be removed within sixty (60) days of the date of closing or termination of the activity, business or service. ~~Agricultural and Forestal District signs shall be removed within sixty (60) days of the date the property on which the sign is located is removed from the district or the district expires.~~ All signs not removed after sixty (60) days of the date of closing, termination, removal, or expiration become illegal signs and shall not be considered nonconforming signs.



F. No freestanding advertising sign larger than four square feet shall be permitted within one hundred feet (100') of any lot line in a residential zoned district, unless a waiver is granted by the Board of Supervisors pursuant to the requirements set forth in § 25-42M of this Code. (Ord. 09/28/11)

G. No off-premises advertising sign shall be erected within three hundred feet (300') of a residential zoned district.

H. Along all ~~roadways, other than interstate highways, primary and secondary highways~~ no off-premises advertising sign shall be larger than ~~two~~ eight hundred square feet (200800 sq. ft.), ~~and in no case shall any off-premises advertising sign exceed eight hundred square feet (800 sq. ft.)~~

I. ~~Along all interstate highways, no off-premises advertising sign shall be larger than two hundred square feet (200 sq. ft.) and Along all interstate highways no off-premises advertising sign shall be erected closer to any other off-premises advertising sign than two thousand feet (2000') measured on the same side of the right-of-way unless a waiver is granted by the Board of Supervisors pursuant to the requirements set forth in § 25-42M of this Code.~~

J. Signs or attention-getting devices for adult businesses shall not contain any words or graphics depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined in §6-41 of this Code. (Ord. 04/23/08)

K. A Building Permit for the erection, alteration, or reconstruction of signs may be required.

L. The erection, alteration, or reconstruction of a sign may be subject to approval from the Virginia Department of Transportation.

M. ~~Waivers. The requirements of §25-42F, § 25-421, and § 25-47.C. (specifically for Advertising on-premises individual maximum sign size) may be modified or waived in an individual case if the Board of Supervisors finds that the granting of a modification or waiver will have no adverse impact and the sign is compatible with the neighborhood. In granting a modification or waiver, the Board of Supervisors may impose such conditions as deemed necessary to protect the public health, safety, or welfare. (Ord. 09/28/11)~~

#### § 25-43. Exempt Signs.

The following signs are exempt from the sign regulations:

- A. Gas pumps
- B. Menu boards



- C. Vending machines
- D. Ice Machines
- E. Warning signs such as “no parking, no fishing, and no trespassing”
- F. Park and ride
- G. Signs in ballparks and athletic facilities, including outfields and scoreboards
- H. Government/public use signs
- I. Political
- J. In and out signs at entrances

**§ 25-44. Prohibited signs in all districts.**

A. No sign, other than government/public use signs or signs erected and maintained by or under the direction of the Virginia Department of Transportation, shall be erected on any dedicated or publicly owned street or road right-of-way.

B. No signs shall be placed on vehicles or trailers which are parked or located for the primary purpose of using the vehicle or trailer as a sign (this does not apply to signs or letters on buses, taxis, or vehicles operating during the normal course of business).

**C. No sign shall produce or emit sound of any type.**

**§ 25-45. Nonconforming signs.**

A. No nonconforming sign erected before the effective date of this Chapter shall be enlarged, moved, replaced or repaired at a cost in excess of fifty percent (50%) of its fair market value, unless it shall be brought in compliance with the provisions of this article. All nonconforming signs in any district which are not maintained in a continuous state of good repair and all nonconforming signs which are abandoned for a continuous period of two (2) years shall be removed. For purpose of this Chapter, a sign shall be considered as abandoned if no copy or advertising matter is exhibited on the advertising face of the sign.

B. Should such sign structure be moved for any reason, it shall thereafter conform to the regulations for signs.

**§ 25-46. Setbacks.**

Signs, where permitted, are not required to meet the setback requirements for the district in which they are located except for the following:

A. No sign shall be so located as to interfere with sight distance for vehicles entering or leaving street intersections, driveways or entrances;

B. Off-premises advertising signs along interstate highways shall be set back a minimum of six hundred sixty feet (660') from the nearest edge of the right-of-way.

**§ 25-47. Maximum sign sizes and maximum number of signs.**

Unless the underlying use is not permitted in the zoning district, the following signs shall be permitted. In no case shall the following maximum individual sign sizes or maximum number of signs be exceeded.

**A. Residential Districts.**

Type Sign	Maximum Individual Sign Size (square feet)	Maximum Number of Signs
Advertising, off-premises	Not permitted	Not permitted.
Advertising, on-premises	4	One (1) sign per lot.
Banner	32	One (1) banner per lot.
Construction - one (1) sign per individual business	4	One (1) sign per business per lot.
Construction (multiple businesses listed on a single sign)	32	One (1) sign per lot.
Directional	4 Only with Zoning Administrator approval	Maximum of one (1) sign at any intersection.
Directional, business – (Interior to a business development and includes Multi-Family Residential District)	4 Only with Zoning Administrator Approval	Maximum of four (4) signs at any intersection.
Farm	4	One (1) sign per entrance.
Farm product	4	One (1) sign per lot.
Home occupation, "A" or "B"	4	One (1) sign per lot.
Home business, rural	N/A	N/A
Identification	32	Two (2) signs per entrance.
Public service	4	One (1) sign per lot or tract.
Pylon/Directory, on-premises	12	One (1) sign per entrance.
Pylon/Directory, off-premises	12	One (1) sign per entrance.
Real estate, lead-In	4	One (1) sign per intersection.

Agenda Item #4A  
February 12, 2019

Type Sign	Maximum Individual Sign Size (square feet)	Maximum Number of Signs
Real estate, lot	4	One (1) sign per real estate company.
Real estate, tract	32	One (1) sign per 500 feet of public road frontage.
Residential identification	2	Two (2) signs per dwelling.
Yard sale	4	One (1) sign per lot.

B. Agriculture Districts.

Type Sign	Maximum Individual Sign Size (Square feet)	Maximum Number of Signs
Advertising, off-Premises	2800 <u>For Waiver see § 25-421, and § 25-42M</u>	Two (2) signs per lot.
Advertising, on-Premises	32	Two (2) signs per lot.
Agricultural Forestal District	12	Six (6) per district.
Banner	32	One (1) sign per lot.
Construction- one (1) sign per individual business	4	One (1) sign per business per lot.
Construction (multiple businesses listed on a single sign)	32	One (1) sign per lot.
Directional	8	Four (4) signs at any intersection; no more than two (2) directional signs per business.
Directional, business (Interior to a business development)	8	Four (4) signs at any intersection; no more than two (2) directional signs per business.
Directional, Rural Home Business	8	Two (2) per business.
Farm	32	One (1) sign per entrance.
Farm product	32	No limit.
Home occupation, "A" or "B"	4	One (1) sign per lot.
Home business, rural	32	One (1) sign per lot.
Identification	32	Two (2) signs per entrance.
Public service	32	One (1) sign per lot or tract.
Pylon/Directory, on-premises	12	One (1) sign per entrance.
Pylon/Directory off-premises	12	One (1) sign per entrance.
Real estate, lead-In	4	One (1) sign per intersection.
Real estate, lot	4	One (1) sign per real estate company.
Real estate, tract	64	One (1) sign per 500 feet of public road frontage.
Residential identification	4	Two (2) signs per dwelling.
Yard sale	4	One (1) sign per lot.

C. Business, Industrial, and Public Use Overlay Districts.

The total combined sign area of all signs shall not exceed three (3) square feet of sign area for each linear foot of lot frontage, including frontage on public roads, private roads, inter-  
parcel travel ways, and interstate highways.

Type Sign	Maximum Individual Sign Size (Square feet)	Maximum Number of Signs
Advertising, off-premises	<u>200</u> <u>For Waiver see § 25-42L and § 25-42M 800</u>	Two (2) signs per lot.
Advertising, on-premises	<u>The Board of Supervisors may grant a modification or waiver under the provisions of § 25-42M No Limit</u>	No Limit.
Banner	32	No Limit.
Construction	No Limit	No Limit.
Directional	8	Maximum of four (4) signs at any intersection.
Directional, business (Interior to a business development)	12	No Limit.
Pylon/Directory, on-premises	No Limit	No Limit.
Pylon/Directory, off-premises	No Limit	No Limit.
Farm	32	One (1) sign per entrance.
Farm product	32	No limit.
Home occupation, "A" or "B"	4	One (1) per lot.
Home business, rural	32	Two (2) signs per lot.
Identification	No Limit	Two (2) signs per entrance.
Public service	32	No limit.
Real estate, lead-In	4	One (1) sign per intersection.
Real estate, lot	32	One (1) sign per real estate company.
Real estate, tract	64	One (1) sign per 500 feet of public road frontage.
Residential identification	4	Two (2) signs per dwelling.
Yard sale	4	One sign per lot.

(Ord. 2/22/12)

§ 25-48 through § 25-50. Reserved.

ARTICLE IV, Division A revised and readopted on 2/10/10, eff. 3/1/10

COUNTY OF AUGUSTA  
STAFF REPORT  
Ordinance Amendment  
Chapter 25 Article IV. Signs, billboards and  
outdoor advertising structures  
February 12, 2019

**An ordinance to amend Chapter 25. Zoning. Article IV. Signs, billboards and outdoor advertising structures.**

Amendment eliminates definition of and removal timeframe reference of Agricultural and Forestal District signs; reduces the size of a single off-premise advertising sign from 800 sq. ft. to 200 sq. ft. in General Agriculture (allowing for a waiver along interstate highways) and reduces the size of a single on and off-premise advertising sign from 800 sq. ft. to 200 sq. ft. in Business, Industrial, and Public Use Overlay zoning districts (allowing for a waiver); and adds a prohibition on any sign that produces or emits sound.

**PROPOSED ORDINANCE TEXT:**

**CHAPTER 25. ZONING**

**DIVISION A. IN GENERAL**

**ARTICLE IV. Signs, billboards and outdoor advertising structures**

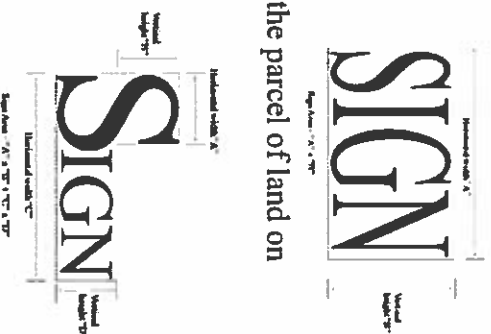
**§ 25-40. Applicability.**

These regulations shall govern and control the erection, remodeling, enlarging, moving, maintenance and operation of all exterior signs within all zoning districts established by this article.

**§ 25-41. Definitions.**

**Sign.** Any exterior display of any letter, words, numerals, figures, devices, emblems, pictures, or any parts or combinations thereof, by any means whereby the same are made visible for the purpose of making anything known, whether such display be made on, attached to, or as part of a structure, surface or any other thing, including, but not limited to, vehicles, buildings, barns, the ground, any rock, tree, or other natural object, which display is visible beyond the boundaries of the parcel of land on which the same is located.

**Sign area.** The total copy area devoted to conveying a message including any border and trim, but excluding ornamental base or apron supports and other structural members. Where signs employ



appurtenances such as "pop-ups" and "cut-outs" or objects that extend beyond the normal copy area, the area of such appurtenances shall be measured separately and included in the total sign area. The total sign area for a double faced sign or "V" type sign shall be measured on the largest face of the sign; however, advertising or other copy may be posted on both sides of such sign.

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Directional sign. An off-premises sign, one end of which may be pointed or on which an arrow may be painted, indicating the direction and/or distance to a business, church, school, hospital, park, scenic or historic place or other places of acknowledged public interest, and containing no other advertising. Approval for such sign must be obtained from the Zoning Administrator in residential areas only, who will grant approval only upon the showing by the applicant that the applicant cannot otherwise reasonably direct customers to the location.

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Portable sign. Any sign not permanently attached to the ground, a structure or any other sign. The sign area of portable signs count towards the total sign area allowed.

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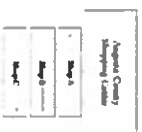
Pylon/directory sign, on-premises. A sign on which the name of the development and the names and locations of occupants or the uses of a building or group of buildings is listed.

Pylon/directory sign, off-premises. A sign on which the name of the development and the names and locations of occupants or the uses of a building or group of buildings not located upon the premises where such sign is located is listed.

Real estate, lead-in sign. A directional sign used to provide directions to real estate for sale, lease or rent. No more than one (1) real estate lead-in sign shall be allowed at any road intersection. No such sign shall contain the name of any company or agent, only "homes for sale" and similar phrases.

Real estate, lot sign. On-site signs advertising the sale, rent or lease of a single dwelling unit, building, or vacant lot containing one acre or less; provided that such signs shall be removed promptly after closing of the transaction.

Real estate, tract sign. On-site signs advertising the sale, rent or lease of more than one acre of land or multiple lots within a subdivision; provided, that such signs shall be neatly painted and maintained, and shall be removed promptly after closing of the transaction of all tracts or lots within the subdivision.



Assigned County
Step 1
Step 2
Step 3



Assigned County	Assigned Location	Assigned Date	Assigned Status



Residential identification. A sign on the premises with a dwelling unit, announcing the name, owner, manager or location thereof.

Temporary sign. Any sign, banner, pennant or other advertising medium intended to be displayed for a short period of time (not to exceed sixty (60) days in any one year period) as required by the provisions of this article for permanent signs of the same type. This includes "going out of business" signs. (Ord. 09/28/11)

Yard sale sign. Any sign advertising a special sale by property owners. Such signs shall be removed within three (3) days after the yard sale has been conducted.

**§ 25-42. General provisions.**

The following restrictions shall apply to all signs in Augusta County:

A. No sign shall be erected or maintained unless it is in compliance with the regulations of this article.

B. There are no height limitations for signs.

C. No sign shall be erected, constructed or maintained so as to obstruct or interfere with required traffic visibility or sight distance.

D. All signs shall be maintained in good condition and appearance. After due notice, if a sign is not restored to good condition and/or appearance, the sign shall be removed at the owner's expense.

E. Signs advertising an activity, business or service which is no longer active or available shall be removed within sixty (60) days of the date of closing or termination of the activity, business or service. All signs not removed after sixty (60) days of the date of closing, termination, removal, or expiration become illegal signs and shall not be considered nonconforming signs.

F. No freestanding advertising sign larger than four square feet shall be permitted within one hundred feet (100') of any lot line in a residential zoned district, unless a waiver is granted by the Board of Supervisors pursuant to the requirements set forth in § 25-42M of this Code. (Ord. 09/28/11)

G. No off-premises advertising sign shall be erected within three hundred feet (300') of a residential zoned district.

H. Along all roadways, other than interstate highways, no off-premises advertising sign shall be larger than two hundred square feet (200 sq. ft.),

I. Along all interstate highways, no off-premises advertising sign shall be larger than two hundred square feet (200 sq. ft.) and no off-premises advertising sign shall be erected closer to any other off-premises advertising sign than two thousand feet (2000') measured on the same

side of the right-of-way unless a waiver is granted by the Board of Supervisors pursuant to the requirements set forth in § 25-42M of this Code.

J. Signs or attention-getting devices for adult businesses shall not contain any words or graphics depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined in §6-41 of this Code. (Ord. 04/23/08)

K. A Building Permit for the erection, alteration, or reconstruction of signs may be required.

L. The erection, alteration, or reconstruction of a sign may be subject to approval from the Virginia Department of Transportation.

M. Waivers. The requirements of §25-42F, § 25-42I, and § 25-47.C: (specifically for Advertising, on-premises individual maximum sign size) may be modified or waived in an individual case if the Board of Supervisors finds that the granting of a modification or waiver will have no adverse impact and the sign is compatible with the neighborhood. In granting a modification or waiver, the Board of Supervisors may impose such conditions as deemed necessary to protect the public health, safety, or welfare. (Ord. 09/28/11)

#### **§ 25-43. Exempt Signs.**

The following signs are exempt from the sign regulations:

- A. Gas pumps
- B. Menu boards
- C. Vending machines
- D. Ice Machines
- E. Warning signs such as “no parking, no fishing, and no trespassing”
- F. Park and ride
- G. Signs in ballparks and athletic facilities, including outfields and scoreboards
- H. Government/public use signs
- I. Political
- J. In and out signs at entrances

#### **§ 25-44. Prohibited signs in all districts.**

A. No sign, other than government/public use signs or signs erected and maintained by or under the direction of the Virginia Department of Transportation, shall be erected on any dedicated or publicly owned street or road right-of-way.

B. No signs shall be placed on vehicles or trailers which are parked or located for the primary purpose of using the vehicle or trailer as a sign (this does not apply to signs or letters on buses, taxis, or vehicles operating during the normal course of business).

C. No sign shall produce or emit sound of any type.

**§ 25-45. Nonconforming signs.**

A. No nonconforming sign erected before the effective date of this Chapter shall be enlarged, moved, replaced or repaired at a cost in excess of fifty percent (50%) of its fair market value, unless it shall be brought in compliance with the provisions of this article. All nonconforming signs in any district which are not maintained in a continuous state of good repair and all nonconforming signs which are abandoned for a continuous period of two (2) years shall be removed. For purpose of this Chapter, a sign shall be considered as abandoned if no copy or advertising matter is exhibited on the advertising face of the sign.

B. Should such sign structure be moved for any reason, it shall thereafter conform to the regulations for signs.

**§ 25-46. Setbacks.**

Signs, where permitted, are not required to meet the setback requirements for the district in which they are located except for the following:

A. No sign shall be so located as to interfere with sight distance for vehicles entering or leaving street intersections, driveways or entrances;

B. Off-premises advertising signs along interstate highways shall be set back a minimum of six hundred sixty feet (660') from the nearest edge of the right-of-way.

**§ 25-47. Maximum sign sizes and maximum number of signs.**

Unless the underlying use is not permitted in the zoning district, the following signs shall be permitted. In no case shall the following maximum individual sign sizes or maximum number of signs be exceeded.

A. Residential Districts.

Type Sign	Maximum Individual Sign Size (square feet)	Maximum Number of Signs
Advertising, off-premises	Not permitted	Not permitted.
Advertising, on- premises	4	One (1) sign per lot.

Type Sign	Maximum Individual Sign Size (square feet)	Maximum Number of Signs
Banner	32	One (1) banner per lot.
Construction - one (1) sign per individual business	4	One (1) sign per business per lot.
Construction (multiple businesses listed on a single sign)	32	One (1) sign per lot.
Directional	4 Only with Zoning Administrator approval	Maximum of one (1) sign at any intersection.
Directional, business - (Interior to a business development and includes development located in a Multi-Family Residential District)	4 Only with Zoning Administrator Approval	Maximum of four (4) signs at any intersection.
Farm	4	One (1) sign per entrance.
Farm product	4	One (1) sign per lot.
Home occupation, "A" or "B"	4	One (1) sign per lot.
Home business, rural	N/A	N/A
Identification	32	Two (2) signs per entrance.
Public service	4	One (1) sign per lot or tract.
Pylon/Directory, on-premises	12	One (1) sign per entrance.
Pylon/Directory, off-premises	12	One (1) sign per entrance.
Real estate, lead-in	4	One (1) sign per intersection.
Real estate, lot	4	One (1) sign per real estate company.
Real estate, tract	32	One (1) sign per 500 feet of public road frontage.
Residential identification	2	Two (2) signs per dwelling.
Yard sale	4	One (1) sign per lot.

B. Agriculture Districts.

Type Sign	Maximum Individual Sign Size (Square feet)	Maximum Number of Signs
Advertising, off-Premises	200 For Waiver see § 25-421, and § 25-42M	Two (2) signs per lot.
Advertising, on-Premises	32	Two (2) signs per lot.
Agricultural Forestal District	12	Six (6) per district.
Banner	32	One (1) sign per lot.
Construction- one (1) sign per individual business	4	One (1) sign per business per lot.
Construction (multiple businesses listed on a single sign)	32	One (1) sign per lot.
Directional	8	Four (4) signs at any intersection; no more than two (2) directional signs per business.
Directional, business (Interior to a business development)	8	Four (4) signs at any intersection; no more than two (2) directional signs per business.
Directional, Rural Home Business	8	Two (2) per business.
Farm	32	One (1) sign per entrance.
Farm product	32	No limit.
Home occupation, "A" or "B"	4	One (1) sign per lot.
Home business, rural	32	One (1) sign per lot.
Identification	32	Two (2) signs per entrance.
Public service	32	One (1) sign per lot or tract.
Pylon/Directory, on-premises	12	One (1) sign per entrance.
Pylon/Directory off-premises	12	One (1) sign per entrance.
Real estate, lead-In	4	One (1) sign per intersection.
Real estate, lot	4	One (1) sign per real estate company.
Real estate, tract	64	One (1) sign per 500 feet of public road frontage.
Residential identification	4	Two (2) signs per dwelling.
Yard sale	4	One (1) sign per lot.

C. Business, Industrial, and Public Use Overlay Districts.

The total combined sign area of all signs shall not exceed three (3) square feet of sign area for each linear foot of lot frontage, including frontage on public roads, private roads, inter- parcel travel ways, and interstate highways.

Type Sign	Maximum Individual Sign Size (Square feet)	Maximum Number of Signs
Advertising, off-premises	200 For Waiver see § 25-42I, and § 25-42M	Two (2) signs per lot.
Advertising, on-premises	200 The Board of Supervisors may grant a modification or waiver under the provisions of § 25-42M	No Limit.
Banner	32	No Limit.
Construction	No Limit	No Limit.
Directional	8	Maximum of four (4) signs at any intersection.
Directional, business (Interior to a business development)	12	No Limit.
Pylon/Directory, on-premises	No Limit	No Limit.
Pylon/Directory, off-premises	No Limit	No Limit.
Farm	32	One (1) sign per entrance.
Farm product	32	No limit.
Home occupation, "A" or "B"	4	One (1) per lot.
Home business, rural	32	Two (2) signs per lot.
Identification	No Limit	Two (2) signs per entrance.
Public service	32	No limit.
Real estate, lead-in	4	One (1) sign per intersection.
Real estate, lot	32	One (1) sign per real estate company.
Real estate, tract	64	One (1) sign per 500 feet of public road frontage.
Residential identification	4	Two (2) signs per dwelling.
Yard sale	4	One sign per lot.

(Ord. 2/22/12)

§ 25-48 through § 25-50. Reserved.

ARTICLE IV, Division A revised and readopted on 2/10/10, eff. 3/1/10

Agenda Item #4A  
February 12, 2019

**COMMUNITY DEVELOPMENT STAFF COMMENTS:** Staff recommends approval of sign ordinance amendments so as to prevent the proliferation of "billboard" signs that are not compatible with the character of existing development.

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**AN ORDINANCE TO  
TO AMEND CHAPTER 25 ZONING  
DIVISION C: SINGLE RESIDENTIAL DWELLING DISTRICTS  
ARTICLE XII. RURAL RESIDENTIAL (RR) DISTRICTS.  
SECTION 25-123. USES PERMITTED BY ADMINISTRATIVE PERMIT.**

WHEREAS, the Augusta County Board of Supervisors has deemed it desirable to amend Section 25-123 of the Augusta County Code so as to permit by administrative permit, in Rural Residential zoning districts, the selling of firearms for individuals holding either a Type 1 or Type 3 Federal Firearms License ; and

WHEREAS, the Augusta County Board of Supervisors has established conditions as stated herein for such administrative permit.

NOW THEREFORE be it resolved by the Board of Supervisors for Augusta County that Section 25-123 of the Augusta County be amended as follows:

**§ 25-123. Uses permitted by administrative permit.**

**F. Firearms permits TYPE I or TYPE 3**

**Federal Firearms License (FFL) permits Type I or Type 3 for the purchase or sale of firearms may be permitted by Administrative Permit provided:**

- 1. The use of the dwelling for the business or activity shall be clearly incidental and subordinate to the use of the dwelling for residential purposes. There shall be no change in the outside appearance of the dwelling or lot, nor other visible evidence of the conduct of this business or activity; and**
- 2. No signs are permitted; and**
- 3. Such business or activity shall be engaged in only by the owner of record who personally resides in the dwelling and has a valid FFL license; and**
- 4. There shall be no employees; and**
- 5. This dwelling will be only location for firearms to be transferred to the new owner, unless the firearm is shipped directly to a business which holds a valid FFL License, and**
- 7. No display of products made shall be visible from the street; and**



8. No outside display or storage of materials, goods, supplies, or equipment in relation to the home occupation; and
9. No accessory building shall be used for such occupation; and
10. No other products or accessories shall be sold on the premises; and
11. There shall be no test firing on site; and
12. The occupation shall not generate more than five (5) vehicular trips in a day. A trip consists of one arrival and one departure; and
13. All parking associated with the business shall be off-street and not located in a required front yard, except within the existing driveway; and
14. Deliveries shall be limited to normal daily deliveries by public and private mail carriers, including USPS, Fed-Ex, UPS, and similar carriers.

**COUNTY OF AUGUSTA**  
**STAFF REPORT**  
**Ordinance Amendment**  
**Chapter 25 Article XII Rural Residential (RR) Districts**  
**February 12, 2019**

**An ordinance to amend Chapter 25. Zoning. Article XII Rural Residential (RR) Districts. Section 25-123. Uses permitted by Administrative Permit.**

Amendment creates a provision for an administrative permit process in Rural Residential zoning districts for the sale of guns for those holding a Type 1 or Type 3 Federal Firearms License. Conditions related to the permit do apply and can be viewed as is detailed below.

**PROPOSED ORDINANCE TEXT:**

**CHAPTER 25 ZONING**  
**DIVISION C. SINGLE RESIDENTIAL DWELLING DISTRICTS**  
**ARTICLE XII. Rural Residential (RR) Districts**

§ 25-123. Uses permitted by administrative permit.

F. Firearms permits TYPE I or TYPE 3

Federal Firearms License (FFL) permits Type I or Type 3 for the purchase or sale of firearms may be permitted by Administrative Permit provided:

1. The use of the dwelling for the business or activity shall be clearly incidental and subordinate to the use of the dwelling for residential purposes. There shall be no change in the outside appearance of the dwelling or lot, nor other visible evidence of the conduct of this business or activity; and
2. No signs are permitted; and
3. Such business or activity shall be engaged in only by the owner of record who personally resides in the dwelling and has a valid FFL license; and
4. There shall be no employees; and
5. This dwelling will be only location for firearms to be transferred to the new owner, unless the firearm is shipped directly to a business which holds a valid FFL License, and
7. No display of products made shall be visible from the street; and
8. No outside display or storage of materials, goods, supplies, or equipment in relation to the home occupation; and

9. No accessory building shall be used for such occupation; and
10. No other products or accessories shall be sold on the premises; and
11. There shall be no test firing on site; and
12. The occupation shall not generate more than five (5) vehicular trips in a day. A trip consists of one arrival and one departure; and
13. All parking associated with the business shall be off-street and not located in a required front yard, except within the existing driveway; and
14. Deliveries shall be limited to normal daily deliveries by public and private mail carriers, including USPS, Fed-Ex, UPS, and similar carriers.

**COMMUNITY DEVELOPMENT STAFF COMMENTS:** This provision for an administrative permit would authorize owners of a Type I or Type III Federal Firearms License to sell guns, bought at wholesale price, to customers. The Type I License is for a dealer in firearms (other than destructive devices) and a Type III license is for a collector of curio and relics. Other FFL licenses permit importing and manufacturing, and are not being permitted as a result of this amendment. Rural Residential zoning districts have a two acre lot minimum and there are Rural Residential zoned subdivisions with greater individual parcel acreages. Staff feels that the conditions established protect adjacent property and the character of existing neighborhoods, allowing for the selling of firearms out of an existing home, clearly incidental and subordinate to the use of the dwelling for residential purposes.

**AN ORDINANCE TO  
TO AMEND CHAPTER 25 ZONING  
DIVISION B. AGRICULTURE DISTRICTS  
ARTICLE VII. GENERAL AGRICULTURE (GA) DISTRICTS  
SECTION 25-73. USES PERMITTED BY ADMINISTRATIVE PERMIT.**

WHEREAS, the Augusta County Board of Supervisors has deemed it desirable to amend Section 25-73 of the Augusta County Code so as to permit by administrative permit, in General Agriculture zoning districts, the selling of firearms for individuals holding either a Type 1 or Type 3 Federal Firearms License ; and

WHEREAS, the Augusta County Board of Supervisors has established conditions as stated herein for such administrative permit.

NOW THEREFORE be it resolved by the Board of Supervisors for Augusta County that Section 25-73 of the Augusta County be amended as follows:

**§ 25-73. Uses permitted by administrative permit.**

**J. Firearms permits TYPE I or TYPE 3**

Federal Firearms License (FFL) permits Type I or Type 3 for the purchase or sale of firearms may be permitted by Administrative Permit provided:

1. The use of the dwelling for the business or activity shall be clearly incidental and subordinate to the use of the dwelling for residential purposes. There shall be no change in the outside appearance of the dwelling or lot, nor other visible evidence of the conduct of this business or activity; and
2. No signs are permitted; and
3. Such business or activity shall be engaged in only by the owner of record who personally resides in the dwelling and has a valid FFL license; and
4. There shall be no employees; and
5. This dwelling will be only location for firearms to be transferred to the new owner, unless the firearm is shipped directly to a business which holds a valid FFL License, and
7. No display of products made shall be visible from the street; and

8. No outside display or storage of materials, goods, supplies, or equipment in relation to the home occupation; and
9. No accessory building shall be used for such occupation; and
10. No other products or accessories shall be sold on the premises; and
11. There shall be no test firing on site; and
12. The occupation shall not generate more than five (5) vehicular trips in a day. A trip consists of one arrival and one departure; and
13. All parking associated with the business shall be off-street and not located in a required front yard, except within the existing driveway; and
14. Deliveries shall be limited to normal daily deliveries by public and private mail carriers, including USPS, Fed-Ex, UPS, and similar carriers.

**COUNTY OF AUGUSTA**  
**STAFF REPORT**  
**Ordinance Amendment**  
**Chapter 25 Article VII General Agriculture (GA) Districts**  
**February 12, 2019**

**An ordinance to amend Chapter 25. Zoning. Article VII General Agriculture (GA) Districts. Section 25-73. Uses permitted by Administrative Permit.**

Amendment creates a provision for an administrative permit process in General Agriculture zoning districts for the sale of guns for those holding a Type 1 or Type 3 Federal Firearms License. Conditions related to the permit do apply and can be viewed as is detailed below.

**PROPOSED ORDINANCE TEXT:**

**DIVISION B. AGRICULTURE DISTRICTS**  
**ARTICLE VII. General Agriculture (GA) Districts**

§ 25-73. Uses permitted by administrative permit.

1. Firearms permits TYPE 1 or TYPE 3

Federal Firearms License (FFL) permits Type 1 or Type 3 for the purchase or sale of firearms may be permitted by Administrative Permit provided:

1. The use of the dwelling for the business or activity shall be clearly incidental and subordinate to the use of the dwelling for residential purposes. There shall be no change in the outside appearance of the dwelling or lot, nor other visible evidence of the conduct of this business or activity; and
2. No signs are permitted; and
3. Such business or activity shall be engaged in only by the owner of record who personally resides in the dwelling and has a valid FFL license; and
4. There shall be no employees; and
5. This dwelling will be only location for firearms to be transferred to the new owner, unless the firearm is shipped directly to a business which holds a valid FFL License, and
7. No display of products made shall be visible from the street; and
8. No outside display or storage of materials, goods, supplies, or equipment in relation to the home occupation; and
9. No accessory building shall be used for such occupation; and

10. No other products or accessories shall be sold on the premises; and
11. There shall be no test firing on site; and
12. The occupation shall not generate more than five (5) vehicular trips in a day.  
A trip consists of one arrival and one departure; and
13. All parking associated with the business shall be off-street and not located in a required front yard, except within the existing driveway; and
14. Deliveries shall be limited to normal daily deliveries by public and private mail carriers, including USPS, Fed-Ex, UPS, and similar carriers.

**COMMUNITY DEVELOPMENT STAFF COMMENTS:** This provision for an administrative permit would authorize owners of a Type I or Type III Federal Firearms License to sell guns, bought at wholesale price, to customers. The Type I License is for a dealer in firearms (other than destructive devices) and a Type III license is for a collector of curio and relics. Other FFL licenses permit importing and manufacturing, and are not being permitted as a result of this amendment. Staff feels that the conditions established protect adjacent property and the character of existing neighborhoods, allowing for the selling of firearms out of an existing home, clearly incidental and subordinate to the use of the dwelling for residential purposes.

**AN ORDINANCE TO  
TO AMEND CHAPTER 25 ZONING  
DIVISION A. IN GENERAL  
ARTICLE I. GENERAL PROVISIONS  
SECTION 25-4. DEFINITIONS  
OF THE AUGUSTA COUNTY CODE**

WHEREAS, the Augusta County Board of Supervisors has deemed it desirable to amend Section 25-4 of the Augusta County Code for the Special Use Permit definition; and

WHEREAS, the Augusta County Board of Supervisors deems such amendment desirable for consistency with Article LVIII. Special Use Permit procedures of the Augusta County Code.

NOW THEREFORE be it resolved by the Board of Supervisors for Augusta County that Section 25-4 of the Augusta County be amended as follows:

**§ 25-4. Definitions.**

**Special Use Permit.** A special exception granted by the board of zoning appeals or the board of supervisors as determined under the provisions of this chapter.



**COUNTY OF AUGUSTA**  
**STAFF REPORT**  
**Ordinance Amendment**  
**Chapter 25 Article I. General Provisions.**  
**Section 25-4. Definitions. Special Use Permit**  
**February 12, 2019**

**An ordinance to amend Chapter 25. Zoning. Article I General Provisions. Section 25-4. Definitions. Special use Permit.**

Amendment clarifies that a Special Use Permit can also be granted by the Board of Supervisors as is consistent with Article LVIII. Special Use Permit procedures.

**PROPOSED ORDINANCE TEXT:**

**CHAPTER 25.**  
**ZONING DIVISION A. IN GENERAL**  
**ARTICLE I. General Provisions**

**§ 25-4. Definitions.**

**Special Use Permit.** A special exception granted by the board of zoning appeals or the board of supervisors as determined under the provisions of this chapter.

**COMMUNITY DEVELOPMENT STAFF COMMENTS:** Staff recommends approval of the Special Use Permit definition as it creates consistency with Article LVIII of the Augusta County Code.

**AN ORDINANCE TO  
TO AMEND CHAPTER 25 ZONING  
DIVISION A. IN GENERAL  
ARTICLE I. GENERAL PROVISIONS  
SECTION 25-4. DEFINITIONS  
OF THE AUGUSTA COUNTY CODE**

WHEREAS, the Augusta County Board of Supervisors has deemed it desirable to amend Section 25-4 of the Augusta County Code for the Kennel definition so as to amend the age of an adult dog from 6 months to 4 months; and

WHEREAS, the Augusta County Board of Supervisors deems such amendment desirable for consistency with Virginia State Code.

NOW THEREFORE be it resolved by the Board of Supervisors for Augusta County that Section 25-4 of the Augusta County be amended as follows:

**§ 25-4. Definitions.**

**Kennel.** Any structure or premises on which five (5) or more dogs over ~~six (6)~~ four (4) months of age are kept.

COUNTY OF AUGUSTA  
STAFF REPORT  
Ordinance Amendment  
Chapter 25 Article I. General Provisions,  
Section 25-4. Definitions. Kennel.  
February 12, 2019

**An ordinance to amend Chapter 25. Zoning. Article I General Provisions. Section 25-4. Definitions. Kennel.**

Amendment changes the age of an adult dog as is referenced in the definition from six months of age to four months of age to be consistent with state code.

**PROPOSED ORDINANCE TEXT:**

CHAPTER 25.  
ZONING DIVISION A. IN GENERAL  
ARTICLE I. General Provisions

**§ 25-4. Definitions.**

Kennel. Any structure or premises on which five (5) or more dogs over four (4) months of age are kept.

**COMMUNITY DEVELOPMENT STAFF COMMENTS:** Staff recommends approval of the amended Kennel definition as it creates consistency with state code.

**AN ORDINANCE TO  
TO AMEND CHAPTER 25 ZONING  
DIVISION A. IN GENERAL  
ARTICLE V. ACCESSORY BUILDINGS AND USES  
SECTION 25-54.1. USES ACCESSORY TO SINGLE-FAMILY RESIDENCES  
OF THE AUGUSTA COUNTY CODE**

WHEREAS, the Augusta County Board of Supervisors has deemed it desirable to amend Section 25-54.1. so as to change the age of an adult dog from 6 months to 4 months as is referenced in the provision for the keeping of dogs; and

WHEREAS, the Augusta County Board of Supervisors deems such amendment desirable for consistency with Virginia State Code.

NOW THEREFORE be it resolved by the Board of Supervisors for Augusta County that Section 25-54.1 of the Augusta County be amended as follows:

**§ 25-54.1. Uses accessory to single-family residences.**

The following uses are permitted in any zoning district when accessory to a single-family dwelling:

D. The keeping of dogs and cats, in the following numbers:

1. With respect to dogs, up to four (4) dogs over the age of ~~four~~ (4) months. Dog houses, pens and similar structures are permitted. The keeping of more than four (4) dogs over the age of ~~four~~ (4) months shall in every case be deemed a kennel for which a Special Use Permit is required when allowed by district regulations; and

**COUNTY OF AUGUSTA**  
**STAFF REPORT**  
Ordinance Amendment  
Chapter 25 Article V. Accessory Buildings and Uses.  
Section 25-54.1. Uses accessory to single-family residences  
February 12, 2019

**An ordinance to amend Chapter 25. Zoning. Article V. Accessory Buildings and Uses Section 25-54.1. Uses accessory to single-family residences**

Amendment changes the age of an adult dog as is referenced in the provision for the keeping of dogs from six months of age to four months of age to be consistent with state code.

**PROPOSED ORDINANCE TEXT:**

CHAPTER 25 ZONING  
DIVISION A. IN GENERAL  
ARTICLE V. Accessory Buildings and Uses.

**§ 25-54.1. Uses accessory to single-family residences.**

The following uses are permitted in any zoning district when accessory to a single-family dwelling:

D. The keeping of dogs and cats, in the following numbers:

1. With respect to dogs, up to four (4) dogs over the age of four (4) months. Dog houses, pens and similar structures are permitted. The keeping of more than four (4) dogs over the age of four (4) months shall in every case be deemed a kennel for which a Special Use Permit is required when allowed by district regulations; and

**COMMUNITY DEVELOPMENT STAFF COMMENTS:** Staff recommends approval of the amendment as it creates consistency with state code.

**AN ORDINANCE TO  
TO AMEND CHAPTER 25 ZONING  
DIVISION A. IN GENERAL  
ARTICLE V. ACCESSORY BUILDINGS AND USES  
SECTION 25-55. USES ACCESSORY TO MULTI-FAMILY RESIDENCES  
OF THE AUGUSTA COUNTY CODE**

WHEREAS, the Augusta County Board of Supervisors has deemed it desirable to amend Section 25-55, so as to change the age of an adult dog from 6 months to 4 months as is referenced in the provision for the keeping of dogs; and

WHEREAS, the Augusta County Board of Supervisors deems such amendment desirable for consistency with Virginia State Code.

NOW THEREFORE be it resolved by the Board of Supervisors for Augusta County that Section 25-55 of the Augusta County be amended as follows:

**§ 25-55. Uses accessory to multi-family residences.**

The following uses are permitted in any zoning district when accessory in multi-family dwelling developments:

- B. Uses accessory to individual dwelling units.
  - 1. The keeping of dogs and cats, in the following numbers:
    - a. With respect to dogs, up to four (4) dogs over the age of ~~four~~<sup>six</sup> (4~~6~~) months. Dog houses, pens and similar structures are permitted. The keeping of more than four (4) dogs over the age of ~~four~~<sup>six</sup> (4~~6~~) months shall in every case be deemed a kennel for which a Special Use Permit is required when allowed by district regulations; and

**COUNTY OF AUGUSTA**  
**STAFF REPORT**  
**Ordinance Amendment**  
**Chapter 25 Article V. Accessory Buildings and Uses.**  
**Section 25-55. Uses accessory to multi-family residences**  
**February 12, 2019**

**An ordinance to amend Chapter 25. Zoning. Article V. Accessory Buildings and Uses Section 25-55. Uses accessory to multi-family residences**

Amendment changes the age of an adult dog as is referenced in the provision for the keeping of dogs from six months of age to four months of age to be consistent with state code.

**PROPOSED ORDINANCE TEXT:**

CHAPTER 25 ZONING  
DIVISION A. IN GENERAL  
ARTICLE V. Accessory Buildings and Uses.

**§ 25-55. Uses accessory to multi-family residences.**

The following uses are permitted in any zoning district when accessory in multi-family dwelling developments:

- B. Uses accessory to individual dwelling units.
  - 1. The keeping of dogs and cats, in the following numbers:
    - a. With respect to dogs, up to four (4) dogs over the age of four (4) months. Dog houses, pens and similar structures are permitted. The keeping of more than four (4) dogs over the age of four (4) months shall in every case be deemed a kennel for which a Special Use Permit is required when allowed by district regulations; and

**COMMUNITY DEVELOPMENT STAFF COMMENTS:** Staff recommends approval of the amendment as it creates consistency with state code.

**AN ORDINANCE TO  
TO AMEND CHAPTER 25 ZONING  
DIVISION B. AGRICULTURE DISTRICTS  
ARTICLE VII. GENERAL AGRICULTURE (GA) DISTRICTS  
SECTION 25-72.1. ACCESSORY BUILDINGS AND USES  
OF THE AUGUSTA COUNTY CODE**

WHEREAS, the Augusta County Board of Supervisors has deemed it desirable to amend Section 25-72.1. so as to change the age of an adult dog from 6 months to 4 months as is referenced in the provision for the keeping of dogs used for agricultural purposes; and

WHEREAS, the Augusta County Board of Supervisors deems such amendment desirable for consistency with Virginia State Code.

NOW THEREFORE be it resolved by the Board of Supervisors for Augusta County that Section 25-72.1 of the Augusta County be amended as follows:

**§ 25-72.1. Accessory buildings and uses.**

G. The keeping of dogs used for agricultural purposes provided:

1. Up to six (6) dogs over the age of ~~four~~<sup>six</sup> months if used primarily for the maintenance, protection, or herding of livestock on a bona fide agricultural operation; and
2. The parcel contains a minimum of six (6) acres in area.

(Ord. 6/28/17)



**COUNTY OF AUGUSTA**  
**STAFF REPORT**  
**Ordinance Amendment**  
**Chapter 25 Article VII. General Agriculture (GA) Districts.**  
**Section 25-72.1. Accessory buildings and uses.**  
**February 12, 2019**

**An ordinance to amend Chapter 25. Zoning. Article VII. General Agriculture (GA) Districts. Section 25-72.1. Accessory buildings and uses.**

Amendment changes the age of an adult dog as is referenced in the provision for the keeping of dogs used for agricultural purposes from six months of age to four months of age to be consistent with state code.

**PROPOSED ORDINANCE TEXT:**

CHAPTER 25 ZONING  
DIVISION B. AGRICULTURE DISTRICTS  
ARTICLE VII. General Agriculture (GA) Districts)

**§ 25-72.1. Accessory buildings and uses.**

G. The keeping of dogs used for agricultural purposes provided:

1. Up to six (6) dogs over the age of four months if used primarily for the maintenance, protection, or herding of livestock on a bona fide agricultural operation; and
2. The parcel contains a minimum of six (6) acres in area.

(Ord. 6/28/17)

**COMMUNITY DEVELOPMENT STAFF COMMENTS:** Staff recommends approval of the amendment as it creates consistency with state code.

COUNTY OF AUGUSTA  
STAFF REPORT  
AUGUSTA SOLAR LLC  
15.2-2232 REVIEW  
February 12, 2019

## Comprehensive Plan Excerpts

### Potential Accord with Comprehensive Plan Excerpts

#### Economy

Page 21-

Goal 1: Promote business retention and attraction strategies that are complementary to both new and existing businesses.

Objective B: Attract industries and business which are compatible with and enhance the county's economic climate as well as its environmental, scenic, agricultural, and historic character.

Policy 1: Balanced Industry Base. The county should seek to attract businesses and industries that will help to maintain a balanced economy. The county should, in particular, respond to any loss of businesses and industries by attracting new businesses and industries that will help to regain that balance.

*Staff comment: As identified in the Augusta Solar Economic and Fiscal Contribution to Augusta County study, the solar facility will aid in diversification of Augusta County's economy, through a one-time pulse of job activity and on a more long-term horizon in the tax base as the land assessment changes from agricultural to a solar generating use.*

#### Land Use and Development

Page 41-45

Goal 1: Encourage a compact, orderly, and coordinated development pattern in the Urban Service and Community Development Areas.

Objective C: Prevent conflicts between residential, business, and industrial land uses as well as agricultural uses located in adjacent Rural Conservation and Agricultural Conservation Areas.

Policy 1: Buffers. The county should encourage that adequate buffers be provided on each site to provide protection and transition between uses of differing densities or intensities. Buffers should use existing topography and vegetation to the maximum extent possible but should provide additional buffer materials, such as walls, fences, berms, or additional landscaping, wherever necessary to provide adequate visual protection between adjacent properties.

*Staff comment: The applicant has provided a landscaped buffer plan for the proposed large solar energy facility to help mitigate the visual impact to adjacent property owners, although such a buffer is not intended to completely shield the use. A draft condition of the Special Use Permit encourages that existing vegetation remain, wherever possible, as is described in Policy #1 above.*

## **Natural Resources**

Page 56

Goal 3: Promote development layout that protects natural and scenic resources by design.

Objective B: Consider adopting performance standards that can be incorporated in to the zoning and subdivision ordinances, and which would apply to all development applications. Consider making the standards mandatory in the Rural Conservation and Agricultural Conservation Areas, while maintain flexibility in the Urban Service and Community Development Areas.

Policy 1: Performance Standards Table – identifies a 35 ft. buffer on either side of streams and wetlands in Urban Service Areas.

*Staff comment: Draft conditions for the Special Use Permit request include a 35 ft. buffer on either side of streams and wetlands as is consistent with Policy #1 above.*

## **Potential Conflicts with Comprehensive Plan Excerpts**

### **Agriculture**

Page 18 –

Goal 1: Enhance the economic strength of the county's agriculture and forestry industry.

Objective B: Provide a range of voluntary options for farmers and farmland owners for keeping their land in farming and open space land uses. Provide sufficient incentives and protections for agricultural land uses so as to reduce the number of new dwellings constructed in the Rural Conservation and Agricultural Conservation Areas over the next 20 years.

Policy 2: Conservation Easements. The county should support the placement of conservation easement on property located in the Rural Conservation and Agricultural Conservation Areas. Proposed easements in Urban Service Areas and Community Development Areas may be supported after review by the Board of Supervisors.

Page 20 –

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

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

*Staff comment: Enhancement of the agricultural economy is an important goal of the Comprehensive Plan; however, the plan determines to achieve that goal through an aggressive aim of locating 90% of future residential growth in Urban Service Areas (80%) and Community Development Areas (10%) so as to protect Rural and Agricultural Conservation areas from conflicting land uses.*

*The Augusta Solar, LLC Special Use Permit request, takes approximately 1,100 acres (under panel) and approximately 2,700 acres of total parcel area from available Urban Service and Community Development Areas of Stuarts Draft.*

## **Economy**

Page 24-

Goal 4: Identify key sites and ensure they have the physical infrastructure and site readiness necessary to be attractive to new business and industries.

Objective A: Provide adequate land and facilities for future business and industrial development.

Policy 1: Identify Sites. Identify the best economic development sites in varying sizes which are suitably located and which have adequate land, roads, and utilities to support business and industrial development. Ensure that economic development sites are served by adequate public facilities and infrastructure so as to offer "ready sites" that are competitively attractive for investment.

Policy 2: Major Employment and Investment Sites. Identify and preserve Major Employment and Investment Sites for regional growth and encourage the development of these sites for high tax revenue generating uses.

*Staff comment: Augusta County's Economic Development Department has identified the "Martin Site," which is included in the Augusta Solar LLC Special Use Permit request, as a key site for future industrial development. The site consists of approximately 800 acres of available land, and is served by the following utilities: Shenandoah Valley Electric Cooperative, Columbia Gas of Virginia, Augusta County Service Authority, and nTelos (fiber/broadband). The site is 5.2 miles from Interstate 64, 1.6 miles from a 4 lane arterial highway (Rt. 340), 29.2 miles from Waynesboro/Eagles Nest Airport, and served by Norfolk Southern rail. The site has relatively level topography, which makes it conducive to development for business/industrial use. The proposed use, after considering the amount of acreage utilized, does not constitute a "major employment site" and may not satisfy the Comprehensive Plan's vision for high tax revenue generating uses.*

## **General Government**

Page 31-

Goal 2: Manage the allocation of costs and benefits of public services in a fair and equitable manner.

Objective B: Ensure that all county residents equitably pay for resources that benefit all county residents.

Policy 1: Funding Increased Development in Urban Areas. The county should develop a strategy for ensuring that the infrastructure improvements that permit higher densities and promote economic growth in the Urban Service and Community Development Areas are funded by all county residents. Such a strategy should include considering making strategic investments in infrastructure, such as sewer trunk lines. To facilitate growth in key areas where there is a reasonable expectation for a return on the investment.

*Staff comment: The County has made significant investment in infrastructure in this area. See Memorandum from Phil Martin, Executive Director of the Augusta County Service Authority dated December 31, 2018 as it relates to lost potential revenue (Attached). The East Stuarts Draft Sewer Feasibility Study, of which Phase I is complete, analyzes a backbone sewer collection system in this area. Phase II provides for further exploration of economic impact and return on investment and should be completed in March of 2019.*

## **Housing**

Page 38-

Goal 2: Ensure that housing development occurs in a pattern which is efficient and affordable to the county taxpayers at large in terms of providing public facilities and services.

Objective A: Encourage housing developments to locate in areas where adequate water and/or wastewater service is available, roads and schools have adequate capacity, and emergency services have adequate coverage.

Goal 3: Ensure that new and existing residential areas are protected from conflicts with incompatible land uses and the county's agricultural and environmental resources are protected from conflicts with incompatible residential land uses.

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

Policy 1: Residential Dwellings. The county should examine the different methods available for restricting the number of new dwellings constructed in the Rural Conservation and Agricultural Conservation Area and if built, minimizing the impact on existing and potential agricultural operations and natural resources.

*Staff comment: The limited amount of Urban Service Area in Augusta County (6.4%) provides for a framework to guide housing into a pattern which is efficient and affordable to the county taxpayer. If housing developments were to sprawl throughout the County, the cost of providing public facilities and services would likely increase. While this request is not in and of itself creating housing development in Rural and Agricultural Conservation Areas, it proposes to occupy land planned for residential, business, and industrial development and having utility, road, and school investments as it relates to such a plan.*

## **Land Use and Development**

Goal 1: Encourage a compact, orderly, and coordinated development pattern in the Urban Service and Community Development Areas.

Objective A: Provide a convenient, safe, and efficient network of urban land uses.

Policy 8: Development in Areas with Limited Water and Sewer Capacity. The county recognizes that there are portions of the Urban Service and Community Development Areas where the capacities of the water and sewer systems are limited. Efforts should be made to maximize the development on the public services, utilizing the remaining capacities without making extensive investment in the expansion of the capacities of these systems have been reached the expected development densities will decrease reflecting the absence of the public services.

Objective B: Increase the percentage of new residential units locating in the Urban Service Areas to 80% of all new residential development. Increase the percentage of new residential units locating in the Community Development areas to 10%.

Policy 1: Urban Service Area Residential Densities. The density of developments in the Urban Service Area should be from three to sixteen units per acre.

Policy 2: Community Development Area Residential Densities. The density of development in the Community Development Areas should be limited to not more than one dwelling unit per net acre.

Objective C: Prevent conflicts between residential, business, and industrial land uses as well as agricultural uses located in adjacent Rural Conservation and Agricultural Conservation Areas.

Objective D: Enhance the character of the urban environment.

Policy 6: Urban Open Space. The county should encourage the use of open space preservation programs, such as conservation easements, in the Urban Service and Community Development Areas for recreational, open space, source water protection and natural resource preservation purposes. The utilization of any such programs in these areas would require approval by the Board of Supervisors and may require allowances for additions and improvements to water and wastewater lines, public roads, and other identified infrastructure needs.

Goal 2: Maintain the county's predominantly rural character, including the small towns and villages.

Objective A: Reduce the number and size of new residential lots being created in the Rural Conservation and Agricultural Conservation Areas. Reduce the percentage of residential lots in rural area from over 50% to less than 10% of all new residential lots.

Goal 3: Keep the cost of providing public services and facilities to a minimum.

Objective B: Water and Sewer: Public water and sewer facilities should not be provided or extended to the designated Rural Conservation or Agricultural Conservation Areas during the timeframe of this Plan, except when necessary to mitigate an imminent and severe public health hazard. At such time as that public water or sewer service is extended to these areas they should be re-designated Community Development Areas, unless the board decides otherwise.

*Staff comment: While the Comprehensive Plan did not envision or contemplate a large solar energy facility, the request is not representative of a "compact, orderly, and coordinated development pattern." The Comprehensive Plan, as a policy, desires to develop those Urban Service Areas with limited capacities until those capacities are met, but does not envision an expansion; therefore, guiding development to those areas where the capacity of public facilities and services is available. The Stuarts Draft wastewater treatment plant and the schools serving the Stuarts Draft area have capacity available, while some other Urban Service Areas of the county are more limited in one aspect or another (See school enrollment numbers in chart below). The request does not utilize the facilities and capacities that exist in Stuarts Draft, which may not be the best use of the land. The Urban Service Areas, designated for future residential development, envision densities of between 3 and 16 units an acre and in that regard is not in compliance with the Future Land Use Map for those areas. Other areas of the project are designated for future industrial development. The Comprehensive Plan also limits extensions of water and sewer infrastructure to Rural and Agricultural Conservation Areas which limits the density of development. The more land that is taken out of growth areas to be used for solar generation, the less available land to designate growth as it comes.*

Elementary School	Capacity	SY 18-19 Enrollment PK - 5	% Capacity
Cassell	834	704	84%
Churchville	592	395	67%
Clymore	834	782	94%
Craigsville	296	156	53%
North River	444	265	60%
Riverheads	834	711	85%
Stuarts Draft	834	607	73%
Stump	556	415	75%
Wilson	834	683	82%
<b>Middle School</b>		6th -8th	

Beverley Manor	800	729	91%
Stewart	720	593	82%
Stuarts Draft	960	545	57%
Wilson	820	597	73%
<b>High School</b>		9th -12th	
Buffalo Gap	740	490	66%
Fort DeFrance	960	758	79%
Riverheads	600	458	76%
Stuarts Draft	940	670	71%
Wilson Memorial	900	749	83%

## **Transportation**

Page 70-

Goal 1: Maintain and enhance a safe and efficient roadway network that supports the intended land uses and development patterns planned for Urban Service and Community Development Areas; that provides accessibility within communities and mobility between communities and around the region; and that supports economic development.

**Staff comment:** Road improvement projects reflect growth areas envisioned in the Comprehensive Plan.

*This request does not create a demand on the road network that is envisioned with the Urban Service Area of the Comprehensive Plan for Stuarts Draft.*

## **Utilities**

Page 79-

Goal 2: Ensure that public sewer and water facilities are provided in an efficient and cost-effective manner in terms of the size, location, design, and pattern of the systems.

Objective A: Coordinate the provision of public water and sewer with the location of development.

Policy 1: Urban Service Areas: It is recognized that not all Urban Service Areas currently have public water and sewer services to them, however the plan supports having both services to the area within the 20 year timeframe of the plan. Development occurring in these areas are expected to utilize public water and sewer and should develop at densities commensurate with those recommended in the Plan.

Policy 2: Community Development Areas: It is recognized that not all Community Development Areas currently have public water services to them, however the plan



supports having public water services to the area within the 20 year timeframe of the plan. Development occurring in these areas are expected to utilize public water and should develop at densities commensurate with those recommended in the Plan.

**Policy 3: Funding Infrastructure Improvements.** The county should consider making strategic investments in infrastructure, such as sewer trunk lines and water tanks, to facilitate growth in key areas where there is a reasonable expectation for a return on the investment. The county may provide direct financial assistance for infrastructure projects in combination with other sources such as state and federal grants or loans, the establishment of service districts, privilege fees, or other similar mechanisms aimed at keeping the fiscal impacts on the Augusta County Service Authority rate payers, as well as the county citizens at large, to a minimum.

**Policy 8: Linkage and Coordination of Water and Sewer Systems.** When feasible and consistent with the other policies of this Plan, additional utility linkages may be made in order to gain similar efficiencies and back-up capabilities. Board approval will be required when a line extension will have to cross a Rural Conservation or Agricultural Conservation Area.

***Staff comment: This use does not utilize public water AND sewer and is not consistent with Policy #1 above.***

COUNTY OF AUGUSTA  
STAFF REPORT  
AUGUSTA SOLAR LLC  
15.2-2232 REVIEW  
February 12, 2019

**Community Development Staff Comments:**

Augusta Solar LLC has proposed a 125 MW solar energy facility on approximately 2,700 acres of land in and around Stuarts Draft in the South River District, of which approximately 1,100 acres are proposed to be under solar panels.

The Code of Virginia requires the Planning Commission review solar energy facilities that are not shown on the Comprehensive Plan and are not allowed in a zoning district by-right to determine whether the **location, character, and extent** of the proposed use is substantially in accord with the Comprehensive Plan or part thereof. (Code of VA Section 15.2-2232). Location, character, and extent are three important elements that guide the structure of the following staff analysis.

A large solar energy system is a use permitted in the Augusta County Code by a Special Use Permit, to be granted by the Board of Supervisors, in the General Agriculture or General Business districts.

In summary, the proposed solar energy facility requires both an affirmative substantial accord review and an approved Special Use Permit with associated pre-conditions and operating conditions for authorization and subsequent operation.

The staff recommended conditions are essential in the evaluation of this request as it relates to Comprehensive Plan accord and impact to adjacent property owners and the public in general. Staff's review of the substantial accord determination is reflective of these recommended conditions as appropriate.

**LOCATION**

The Comprehensive Plan does not specifically reference renewable energy generation as a contemplated future, primary land use. However, the Comprehensive Plan does specify the expected growth pattern envisioned in the Urban Service Areas of the County as follows: "compact, interconnected, and pedestrian oriented while remaining sensitive to the context of the surrounding development as well as the surrounding natural features" (pg. 9). Staff is of the opinion that the proposed request does not reflect the type or pattern of development envisioned in the Urban Service Area.

In addition, the Comprehensive Plan states that 80% of future residential growth should locate within Urban Service Areas and 10% of future residential growth should locate in Community Development Areas. All of the proposed request is located either within an Urban Service Area or a Community Development Area of the Comprehensive Plan. While not all of the parcels of request are designated for future residential development, the proposed facility would be taking land out of potential residential development for at least the next 35 years.

Furthermore, the Comprehensive Plan, envisions development in the Urban Service Areas to be on public water and sewer, such as residential, business and industrial development. Although residential uses

require public services, and the proposed request does not, Urban Service Areas have received investment so as to expect such demand, while other areas of the county have not and would likely be more appropriate for a large solar generating use.

## **CHARACTER**

The surrounding character of the proposed request varies slightly based on the specific parcels involved. Two of the project's "pods" are adjacent to medium density residential development, existing Stone Valley, Seasons Ridge, and the Hamptons neighborhoods.

Other "pods" of the request are characterized by nearby business development, such as Broadmoor Plaza along Route 340.

Other "pods" of the request are characterized by adjacent industrial development of McKee and Target.

Other "pods" are adjacent to rural, low density residential development of Heston Farm Lane and Abner Lane.

Most all of the "pods," while having the above mentioned developed land adjacent or as a nearby use, are also characterized by an existing rural and/or farming landscape.

The proposed solar facility has frontage along the following public roads: Stuarts Draft Highway (Rt. 340), Mt. Vernon Road, Hall School Road, Shalom Road, Wayne Avenue, Patton Farm Road, and Lynnhurst Road. As identified above, the character of the majority of these roads, with the exception of parts of Stuarts Draft Highway, Mt. Vernon Road, Patton Farm Road, and Wayne Avenue, are representative of mostly rural landscapes and/or farming landscapes.

Effective setbacks and buffering, although not a complete screen of the project, may make the request more compatible with the surrounding rural landscape.

The proposed use, with regards to impacts, has two distinct phases. The construction phase and the ongoing operation phase. The construction phase, relatively short, will create a greater land use intensity than the ongoing operations. Staff recommended conditions aim to reduce the negative impacts during construction as well as the ongoing visual impacts once construction is complete.

While the use, with the staff recommended conditions, may be compatible with the existing rural landscape, the area, as described above, has also seen development of a residential, business and industrial nature as would be expected in a designated county growth area. As the Comprehensive Plan envisions, growth will continue in this growth area and such growth will likely not achieve the potential and character as described in the Comprehensive Plan amongst a large, spread out, solar generating use that does not create a walkable, interconnected, pattern of development.

## **EXTENT**

The proposed facility will be placed on approximately 2,700 total parcel acreage with a land disturbance footprint of approximately 1,100 acres. Substantial accord review as it relates to the extent of the request is somewhat challenging with a solar generating use as proposed. The evaluation of public facilities, i.e. parks, schools, etc., as it relates to extent, is mostly focused on the size of the facility in comparison to the service area.

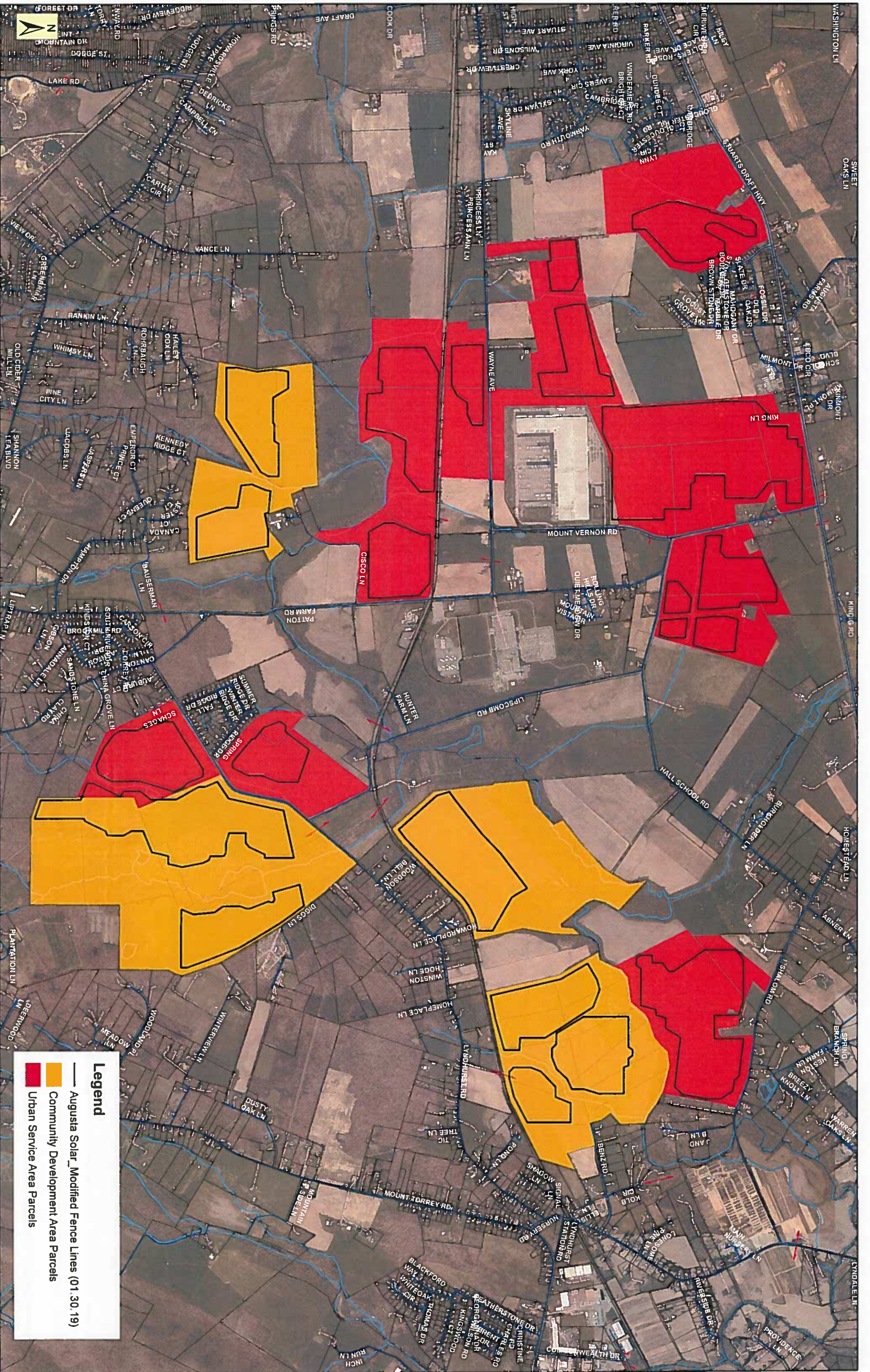
Comprehensive Plans, although a guide, are relied on heavily by many different governmental departments and sectors as it relates to future planning and investment needs. When a public facility or utility is reviewed for extent, the question becomes, does this proposed facility or utility meet the current, but more importantly, the future demand as is defined in the Comprehensive Plan? This proposed use is not filling a local or public service need, making the determination of extent problematic. The extent of the request is serving a corporate customer and we assume such extent is necessary to achieve that aim.

The Comprehensive Plan does not create a policy, limiting the scope of a single use, but as described above, the extent of such a use does not seem appropriate within an Urban Service Area.

### **SUMMARY**

While the Comprehensive Plan does not create a policy specific to the location of renewable energy generating uses, it does outline policies specific to Urban Service Areas by which the sprawled pattern of the request and absence of public water and sewer services needed are inconsistent. Based on the reasons above, staff can not recommend that the location, character, and extent of the proposed facility, especially those "pods" of the project located within Urban Service Areas, are in substantial accord with the Comprehensive Plan.

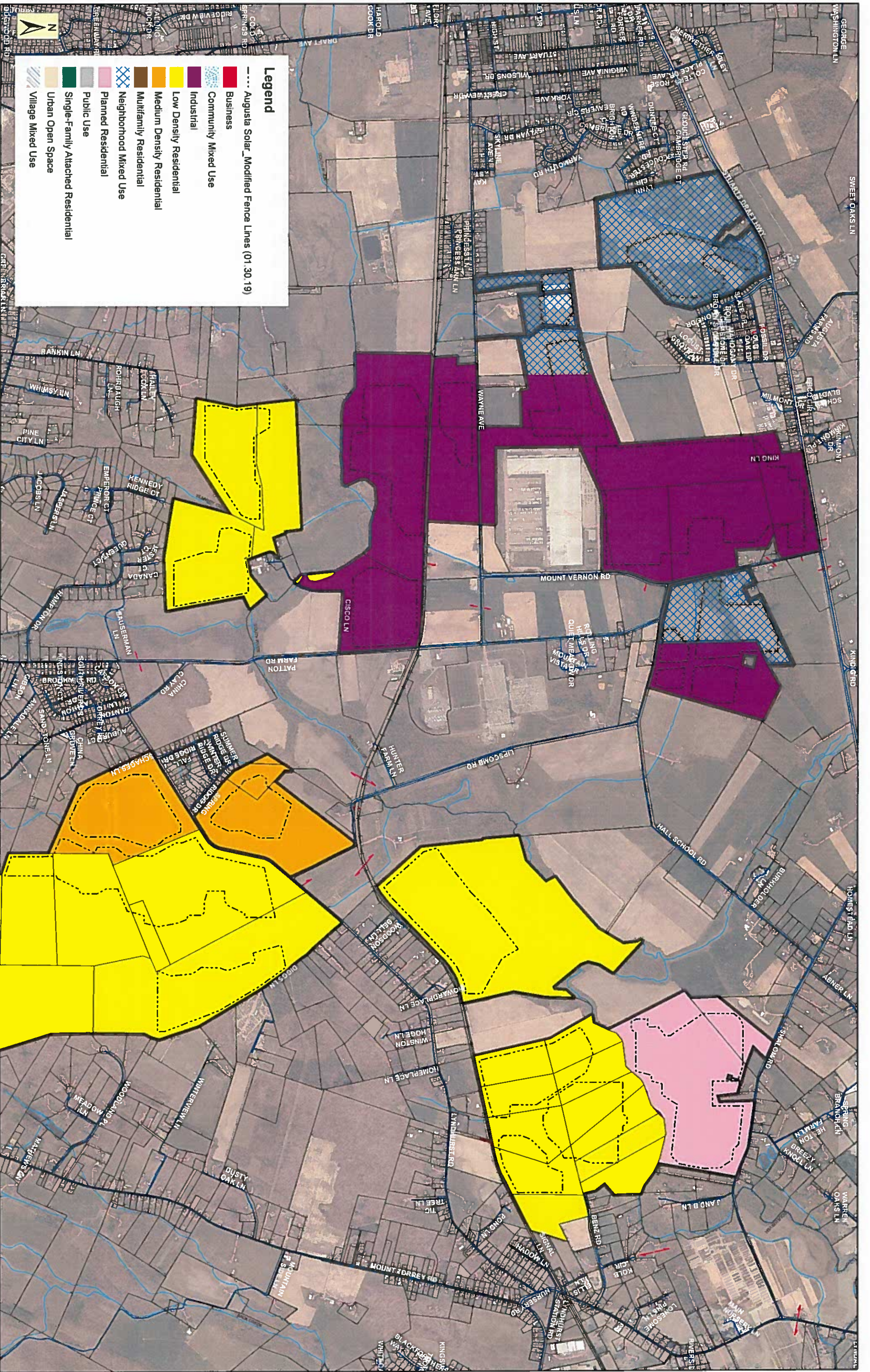




**Legend**

-  Augusta Solar Modified Fence Lines (01.30.19)
-  Community Development Area Parcels
-  Urban Service Area Parcels





**Legend**

- Augusta Solar Modified Fence Lines (01.30.19)
- Business
- Community Mixed Use
- Industrial
- Low Density Residential
- Medium Density Residential
- Multifamily Residential
- Neighborhood Mixed Use
- Planned Residential
- Public Use
- Single-Family Attached Residential
- Urban Open Space
- Village Mixed Use





**Augusta County Service Authority**  
**Department of Administration**  
*Memorandum*

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**To:** Augusta County Board of Supervisors, Augusta County  
Planning Commission  
**Cc:** Timothy Fitzgerald, Augusta County Administrator  
ACSA Board of Directors  
**From:** Phil Martin, Executive Director  
**Date:** December 31, 2018  
**Subject:** Impacts of Proposed Solar Farm on ACSA Rate Payers

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We are writing to offer comments on the Special Use Permits being requested by Augusta Solar, LLC to construct and operate a large solar energy system in the Stuarts Draft area. These Special Use Permits cover parcels totaling 3,037 acres. Part of these parcels (containing 1,780 acres) lie within the existing Urban Service Area.

As you may be aware, these proposed Special Use Permits could likely have an enormous long-term economic impact (e.g., up to \$25 million) to the rate-payers of the Augusta County Service Authority as outlined below. Over the past several months we have conducted an analysis of these potential impacts due to a possible reduction in available lands expected to connect to public water and sewer infrastructure. We have also, in partnership with Augusta County, authorized a Sewer Feasibility Study for the East Stuarts Draft area (hereafter referred to as "the study". Taking into account the findings of the study, we offer the following comments on, and quantifications of these impacts for your consideration:

1. The study identified 12 distinct sewer sheds within the study area. Some of those distinct sewer sheds have significant issues with access, an existing conservation easement, large sections that were already developed, and/or floodplains within their limits. We are aware of the successful ballot initiative this last November amending the Virginia Constitution concerning floodplains, but it is unclear whether this will have a significant effect on developing these floodplain areas. The study recommends that some of these specific sewer sheds not be considered for sewer extension due to some of these factors. We concur with that recommendation and request that the Planning Commission and Augusta County Board of Supervisors modify the Comprehensive Plan to reflect this (ie: revise the Urban Service Area boundary to exclude these areas).

2. The proposed development will remove approximately 344 acres of property that is currently designated as Urban Service Area, and for which public water and sewer is currently, or can readily be made available. ACSA's previous investments in making service available to these properties, in support of the County's Comprehensive Plan, were done with the expectation that water and sewer customers would locate on the properties, thereby providing a return on the rate-payers investment. We have analyzed a number of scenarios for possible development of these properties (including industrial and residential uses) with what we consider to be similar likelihoods of being realized in the next five years. The average present value (based on a 2% annual rate of return) of these scenarios is \$3,460,000 in lost revenue.
3. The proposed development will also remove approximately 1,200 additional acres of property that is currently designated as either Urban Service Area or Community Development Area, and which is within half a mile of both existing water and sewer lines. All these properties lie outside the limits of, and would not be impacted by recommendations from, the study. We have analyzed the projected return on investment for our rate payers if these properties are developed as residential housing (two single family units per acre) at a rate of 15 units per year, beginning in the next ten years. The present value of this scenario is \$2,200,000 in lost revenue.
4. The Stuarts Draft Wastewater Treatment Plant (WWTP) was upgraded and expanded in 2010 to provide 4,000,000 gallons per day of treatment capacity. The service area for this WWTP covers approximately 11,500 acres. This expansion was performed to support the County's Comprehensive Plan with the expectation that the area would develop and utilize that capacity, which included meeting Chesapeake Bay discharge requirements. It was also expected that this future development would provide ACSA rate-payers a return on that investment. The WWTP is currently valued (for insurance purposes only) at approximately \$27,100,000. The total parcel area inside the Stuarts Draft WWTP service area proposed to become solar farms is 1,780 acres, which represents roughly 16% of that service area. If 16% of the service area is effectively eliminated from the potential customer pool, this would render 16% of the plant capacity unnecessary. In financial terms, 16% of the WWTP's \$27,100,000 value is a lost value of \$4,340,000.
5. Similarly, water system source and treatment improvements valued at \$9,100,000 have been made to the South River Water System, covering a service area of 42,890 acres delineated as Urban Service or Community Development Areas. Removing 3,037 acres (7% of the service area) from



the potential customer pool for water service would result in a lost value of \$637,000.

6. Augusta County has four main areas designated for industrial/commercial/residential growth in Weyers Cave, Verona, Fishersville and Stuarts Draft. From a wastewater treatment standpoint, Weyers Cave is by far the most restricted of these areas. For any major industrial, commercial or residential development in Weyers Cave an expansion of at least \$17 million for the wastewater treatment plant would be required. A new water storage tank at an estimated cost of at least \$2.5 million and off-site piping of \$900,000 would also be required. Verona is the next most restricted area, with the Middle River WWTP which is jointly shared with the City of Staunton. In the Middle River WWTP, Augusta County has approximately 700,000 gallons per day in available capacity. The Fishersville area is less restricted, with the Fishersville WWTP having 1.81 million gallons per day of available capacity. Of the four areas, Stuarts Draft is the area with the largest available capacity. Importantly, this is available capacity ready to be used by prospective industrial users on the 344 acres discussed in Item 1. The Stuarts Draft WWTP currently has more than 2.03 million gallons per day of available capacity (available capacity as of December 31, 2017).

The main takeaway from our analysis is that the solar farm, as we understand it, would result in taking 3,037 acres off the market for 35 years of industrial/commercial/residential property. From the area best positioned to treat the additional wastewater. This would result in any future prospective development being pushed to areas less capable of handling the added wastewater flow, requiring expansions of those existing plants, especially at Weyers Cave. This scenario would require our rate payers to fund new debt for part of these expansions where the opportunity in Stuarts Draft for investment already made would be foregone.

7. Besides requiring additional cost to expand a WWTP, such as in Weyers Cave, the loss of the Urban Service Area property in Stuarts Draft could also serve as a barrier to economic development by needing to market areas which are not ready for immediate use. Expanding WWTPs is a multi-year process. ACSA has done as much as possible to reduce any delay by having the design for a Weyers Cave WWTP already done, but the bidding and construction time will still probably be at least two years. At the County's first Site Development Workshop held August 29<sup>th</sup>, panelists from the Virginia Economic Development Partnership listed the top concern for prospective economic development clients as "Speed to Market". The panelists commented that prospective clients want sites that are ready, or can be ready within 12 months. We believe that pushing

potential development to areas where expansions/improvements are necessary is a very real barrier to prospective development; however it is not possible for us to quantify the cost of this limitation.

Combining costs from paragraphs 2 through 6 gives a total negative economic impact to ACSA rate-payers of \$31,037,000. Even if it is assumed that part of the Weyers Cave expansion would be covered by grant funding (previous analysis at Weyers Cave projected grants of between \$4,730,000 and \$5,920,000) it would still place this total negative economic impact at greater than \$25,000,000.

Community Energy Solar (Augusta Solar, LLC) has approached us with an offer to compensate for some of the lost revenue, compared to what would be realized with an industrial user. Community Energy Solar has indicated that this offer is based solely on the 344 acre area mentioned in paragraph No. 1. The offer has two options, the greatest of which has a present value of less than 10% of the above estimated \$25,000,000 negative economic impact.

In its deliberations on the Special Use Permits requested by Augusta Solar, LLC, the Service Authority will appreciate the Augusta County Board of Supervisors considering the negative financial impacts to the rate-payers of the Augusta County Service Authority as identified in this memorandum.

Best regards

Code of Virginia

Title 15.2. Counties, Cities and Towns

Chapter 22. Planning, Subdivision of Land and Zoning

### **§ 15.2-2232. Legal status of plan**

A. Whenever a local planning commission recommends a comprehensive plan or part thereof for the locality and such plan has been approved and adopted by the governing body, it shall control the general or approximate location, character and extent of each feature shown on the plan. Thereafter, unless a feature is already shown on the adopted master plan or part thereof or is deemed so under subsection D, no street or connection to an existing street, park or other public area, public building or public structure, public utility facility or public service corporation facility other than a railroad facility or an underground natural gas or underground electric distribution facility of a public utility as defined in subdivision (b) of § 56-265.1 within its certificated service territory, whether publicly or privately owned, shall be constructed, established or authorized, unless and until the general location or approximate location, character, and extent thereof has been submitted to and approved by the commission as being substantially in accord with the adopted comprehensive plan or part thereof. In connection with any such determination, the commission may, and at the direction of the governing body shall, hold a public hearing, after notice as required by § 15.2-2204. Following the adoption of the Statewide Transportation Plan by the Commonwealth Transportation Board pursuant to § 53.2-353 and written notification to the affected local governments, each local government through which one or more of the designated corridors of statewide significance traverses, shall, at a minimum, note such corridor or corridors on the transportation plan map included in its comprehensive plan for information purposes at the next regular update of the transportation plan map. Prior to the next regular update of the transportation plan map, the local government shall acknowledge the existence of corridors of statewide significance within its boundaries.

B. The commission shall communicate its findings to the governing body, indicating its approval or disapproval with written reasons therefor. The governing body may overrule the action of the commission by a vote of a majority of its membership. Failure of the commission to act within 60 days of a submission, unless the time is extended by the governing body, shall be deemed approval. The owner or owners or their agents may appeal the decision of the commission to the governing body within 10 days after the decision of the commission. The appeal shall be by written petition to the governing body setting forth the reasons for the appeal. The appeal shall be heard and determined within 60 days from its filing. A majority vote of the governing body shall overrule the commission.

C. Widening, narrowing, extension, enlargement, vacation or change of use of streets or public areas shall likewise be submitted for approval, but paving, repair, reconstruction, improvement, drainage or similar work and normal service extensions of public utilities or public service corporations shall not require approval unless such work involves a change in location or extent of a street or public area.

D. Any public area, facility or use as set forth in subsection A which is identified within, but not the entire subject of, a submission under either § 15.2-2258 for subdivision or subdivision A 8 of § 15.2-2286 for development or both may be deemed a feature already shown on the adopted master plan, and, therefore, excepted from the requirement for submittal to and approval by the commission or the governing body; provided, that the governing body has by ordinance or

resolution defined standards governing the construction, establishment or authorization of such public area, facility or use or has approved it through acceptance of a proffer made pursuant to § 15.2-2303.

E. Approval and funding of a public telecommunications facility on or before July 1, 2012, by the Virginia Public Broadcasting Board pursuant to Article 12 (§ 2.2-2426 et seq.) of Chapter 24 of Title 2.2 or after July 1, 2012, by the Board of Education pursuant to § 22.1-20.1 shall be deemed to satisfy the requirements of this section and local zoning ordinances with respect to such facility with the exception of television and radio towers and structures not necessary to house electronic apparatus. The exemption provided for in this subsection shall not apply to facilities existing or approved by the Virginia Public Telecommunications Board prior to July 1, 1990. The Board of Education shall notify the governing body of the locality in advance of any meeting where approval of any such facility shall be acted upon.

F. On any application for a telecommunications facility, the commission's decision shall comply with the requirements of the Federal Telecommunications Act of 1996. Failure of the commission to act on any such application for a telecommunications facility under subsection A submitted on or after July 1, 1998, within 90 days of such submission shall be deemed approval of the application by the commission unless the governing body has authorized an extension of time for consideration or the applicant has agreed to an extension of time. The governing body may extend the time required for action by the local commission by no more than 60 additional days. If the commission has not acted on the application by the end of the extension, or by the end of such longer period as may be agreed to by the applicant, the application is deemed approved by the commission.

G. A proposed telecommunications tower or a facility constructed by an entity organized pursuant to Chapter 9.1 (§ 56-231.15 et seq.) of Title 56 shall be deemed to be substantially in accord with the comprehensive plan and commission approval shall not be required if the proposed telecommunications tower or facility is located in a zoning district that allows such telecommunications towers or facilities by right.

H. Asolar facility subject to subsection A shall be deemed to be substantially in accord with the comprehensive plan if (i) such proposed solar facility is located in a zoning district that allows such solar facilities by right or (ii) such proposed solar facility is designed to serve the electricity or thermal needs of the property upon which such facility is located, or will be owned or operated by an eligible customer-generator or eligible agricultural customer-generator under § 56-594 or by a small agricultural generator under § 56-594.2. All other solar facilities shall be reviewed for substantial accord with the comprehensive plan in accordance with this section. However, a locality may allow for a substantial accord review for such solar facilities to be advertised and approved concurrently in a public hearing process with a rezoning, special exception, or other approval process.

Code 1950, §§ 15-909, 15-923, 15-964.10; 1958, c. 389; 1960, c. 567; 1962, c. 407, § 15.1-456; 1964, c. 528; 1966, c. 596; 1968, c. 290; 1975, c. 641; 1976, c. 291; 1978, c. 584; 1982, c. 39; 1987, c. 312; 1989, c. 532; 1990, c. 633; 1997, cc. 587, 858; 1998, c. 685; 2007, c. 801; 2009, cc. 670, 690; 2012, cc. 803, 835; 2016, c. 613; 2018, cc. 175, 318.

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

# AUGUSTA COUNTY PLANNING COMMISSION



# ANNUAL REPORT 2018

# AUGUSTA COUNTY PLANNING COMMISSION 2018 ANNUAL REPORT

## MEMBERSHIP

The Augusta County Planning Commission 2018 commissioners were: James W. Curd, Chair; E. Thomas Jennings, Jr., Vice-Chair; Kitra A. Shifflett, Gordon Kyle Leonard, Jr.; Stephen Neil Bridge; Gregory W. Campbell; and Larry Howdysshell. Leslie C. Tate served as Secretary to the Commission.

## MEETINGS

In 2018, the Planning Commission held eleven (11) regular meetings. The Commission had strong attendance at all of their meetings with James Curd attending all eleven meetings. Steve Bridge, Kitra Shifflett and Larry Howdysshell missed only one meeting. The Commission continued their practice of meeting on the second Tuesday of each month and viewing the requests prior to the public hearings.

## WORKLOAD

The Commission had nine (9) rezoning requests come before them and two (2) requests to add the Public Use Overlay.

The Commission also considered seventeen (17) Zoning and Subdivision Ordinance amendments including: broadened the definition of "family member" for lot creation exemption without frontage on a public street, clarification of an agricultural operation as not including further processing of products, two housekeeping amendments to reference Chapter 9 of the County Code for design construction standards and site plan content requirements, clarification that public utility distribution and collection lines for the furnishing of utility services to the public are permitted in all districts, amendment related to removal of telecommunications facilities no longer in use to a depth of at least three feet below grade, 5 separate amendments to various Special Use Permit categories in General Agriculture, establish a Special Use Permit by the Board of Supervisors for more than 1 floor of apartments above business in General Business zoning, establishment of a solar energy system ordinance, amendment of the lot creation without frontage exemption to allow for a one-time "existing dwelling division lot," typographical correction of height requirement for combination berm and fence in General Industrial districts, amendment reserving right for Special Use Permits to be heard by the Board of Supervisors in certain cases, and revision of utility shed size as an accessory use to meet building code standard for not requiring a foundation.

The Commission, during a work session in March, reviewed the solar energy system ordinance. The Commission also reviewed the solar energy ordinance at a public hearing at their regular meeting in June.

The Commission, during their regular meeting in December, reviewed the results of the East Stuarts Draft Sewer Feasibility Study Phase I and the Stuarts Draft Small Area Plan Advisory Committee's recommendation for future land use changes. These two documents were reviewed and discussed as it relates to Comprehensive Plan amendments.

The Planning Commission also heard the renewal for the Crimora-Madrid and Middle River Agricultural and Forestal Districts, making a recommendation to the Board of Supervisors to renew for another 10 years with the same conditions.

REZONING OF LAND

Eight (8) of the nine (9) requests for rezoning were recommended to the Board to be approved, while a request to rezone from General Agriculture to Single Family Residential was recommended to the Board for denial but later recommended for approval after submission of proffered conditions. Table 1 shows a breakdown of the Planning Commission's actions on all the requests for rezoning by magisterial district.

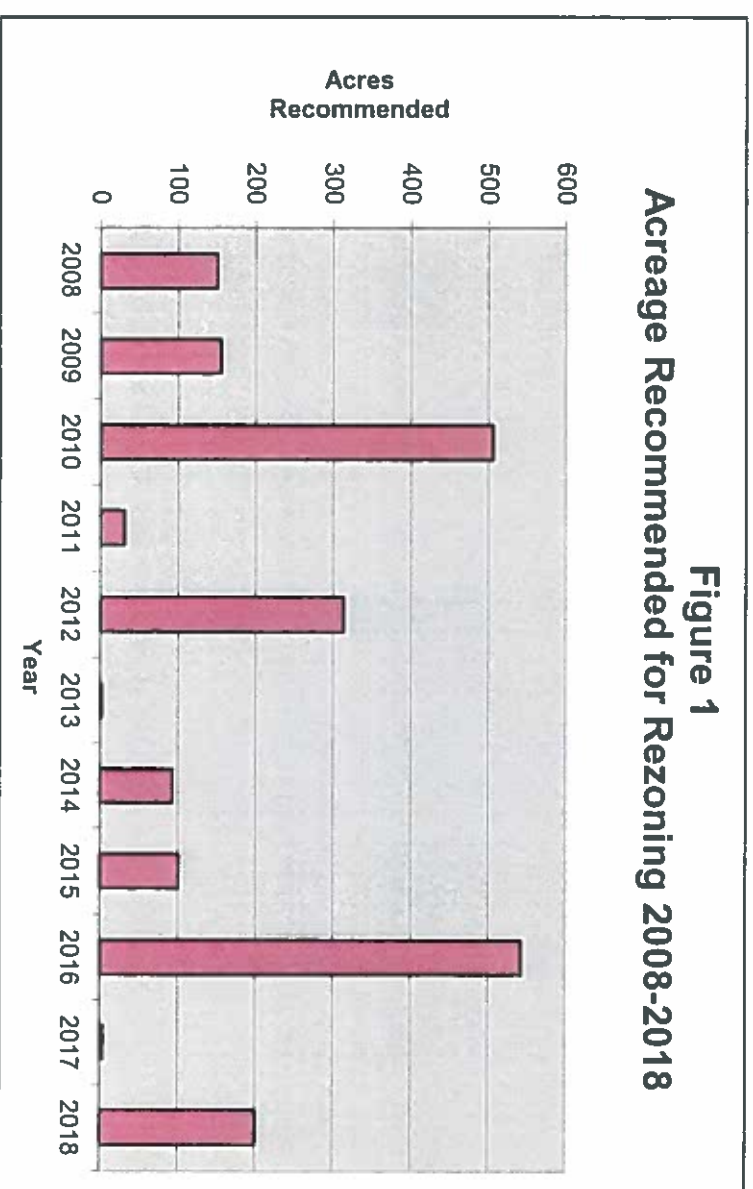
TABLE 1  
 RECOMMENDATIONS ON REQUESTS FOR REZONING  
 BY THE PLANNING COMMISSION  
 BY MAGISTERIAL DISTRICT

DISTRICT	RECOMMEND APPROVAL	RECOMMEND DENIAL	TABLED	TOTAL
Beverley Manor	0	0	0	0
Middle River	0	0	0	0
North River	1	0	0	1
Pastures	0	0	0	0
Riverheads	3	0	0	3
South River	0	0	0	0
Wayne	5	0	0	5
TOTAL	9	0	0	9

The number of rezoning requests in 2018, nine (9), was an increase from the three (3) requests heard in 2017. The number of requests coming before the Planning Commission in 2018 was also an increase from the six (6) requests heard in 2016. For the purposes of this report, only the rezoning requests will be considered, not the requests to add the Public Use Overlay, the review of the Agricultural and Forestal districts, or the proffer condition amendments. The Board of Supervisors followed the recommendations of the Planning Commission in all but two of the rezoning cases in 2018.



The acreage recommended for rezoning increased significantly compared to last year, from approximately 3.92 acres in 2017 to approximately 199.9 acres in 2018. Figure 1 below shows the acres recommended for rezoning from 2008 to 2018.



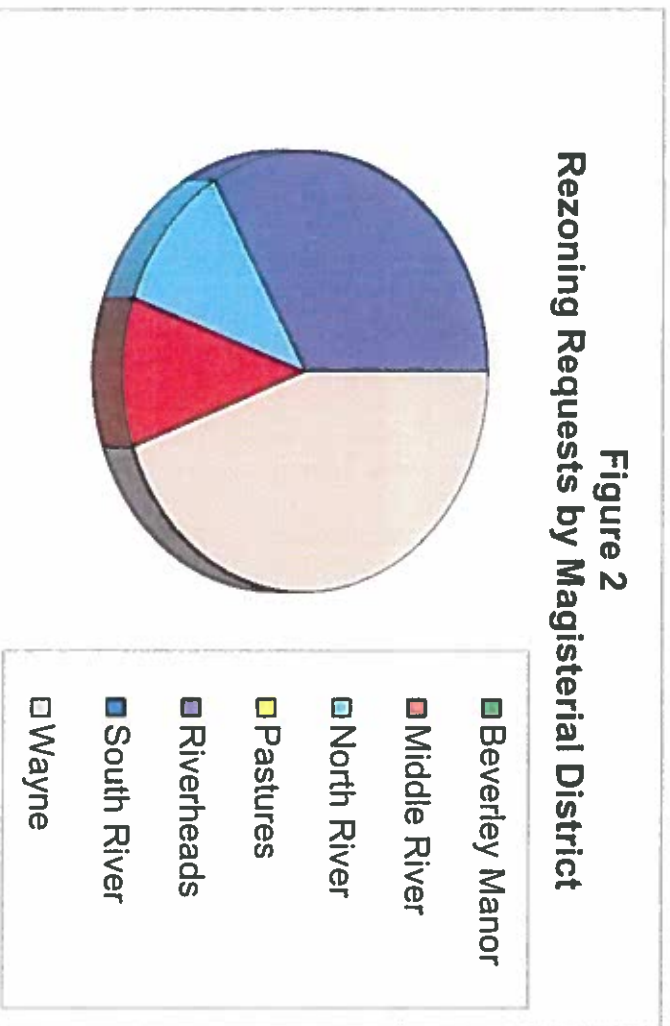
\* Note: This table does not include requests to add the Public Use Overlay or requests to add or amend and restate proffers.

As shown in Figure 1 above, the acreage recommended for rezoning in 2018 shows a significant rebound since 2013, despite 2016. It is important to note that the 2016 number is mostly attributable to one request to rezone approximately 515 acres from General Agriculture to General Industrial with a portion to Airport Business at the recommendation of the Board of Supervisors. Barring that unique example, it appears that we have seen a rebound in rezoning requests in the year 2018.

The rezoning requests in 2018 were distributed over four (4) of the seven (7) magisterial districts. The Wayne District had the most requests with four (4), second was Riverheads with three (3) requests and lastly was North River and Middle River each with one (1) request. There were no rezoning requests made in Beverley Manor, Pastures, Middle River or the South River Districts in 2018. Figure 2 below graphically depicts the number of rezoning requests by magisterial district.



**Figure 2**  
**Rezoning Requests by Magisterial District**



\* Note: This table does not include requests to add the Public Use Overlay.

Approximately 95% of the land recommended for rezoning in 2018 was from General Agriculture. In addition, 0.345 acres was recommended for rezoning from Multi-Family Residential to General Business and 9.7 acres was recommended for rezoning from General Business to Multi-Family Residential. Table 2 lists the acres recommended for rezoning by zoning classification and magisterial district.

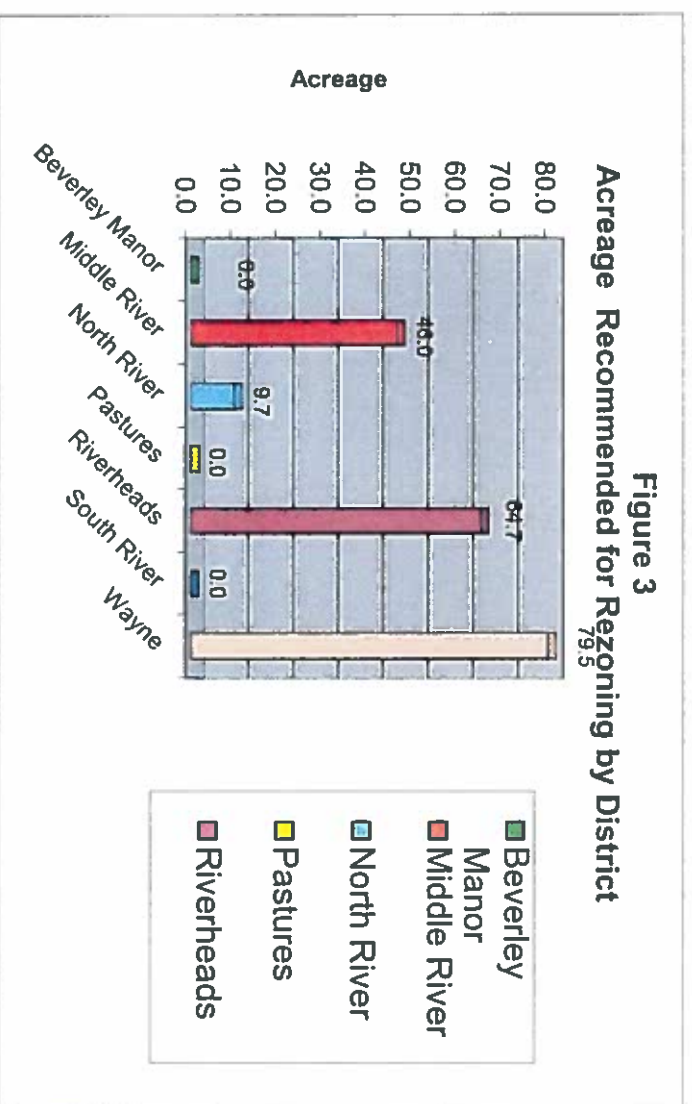
**TABLE 2**  
**ACREAGE RECOMMENDED FOR REZONING**  
**BY ZONING CLASSIFICATION AND MAGISTERIAL DISTRICT**

ZONE	Beverley Manor	Middle River	North River	Pastures	R'heads	South River	Wayne	TOTAL
General Agriculture	0	46	0	0	64.68	0	79.17	189.85
Rural Residential	0	0	0	0	0	0	0	0
Single-family Residential	0	0	0	0	0	0	0	
Attached Residential-Duplexes and Townhouses	0	0	0	0	0	0	0	0
Manufactured Home Park	0	0	0	0	0	0	0	0

ZONE	Beverley Manor	Middle River	North River	Pastures	R'heads	South River	Wayne	TOTAL
Multi-family Residential	0	0	0	0	0	0	0.345	0.345
Airport Business	0	0	0	0	0	0	0	0
Limited Business	0	0	0	0	0	0	0	0
General Business	0	0	9.7	0	0	0	0	9.7
Planned Commerce	0	0	0	0	0	0	0	0
General Industrial	0	0	0	0	0	0	0	0
Planned Unit Developments	0	0	0	0	0	0	0	0
TOTAL*	0	0	9.7	0	64.68	0	79.5	199.9

\* Note: This table does not include requests to add the Public Use Overlay.

Figure 3 graphically illustrates the geographic location of the acreage recommended for rezoning. The Wayne District had approximately 40% of the acres recommended for rezoning, while the Riverheads District had approximately 32%, the Middle River District has approximately 23%, and the North River District has approximately 5%.



\* Note: This table does not include requests to add the Public Use Overlay.

#### RELATIONSHIP TO THE COMPREHENSIVE PLAN

One of the goals of the Augusta County Comprehensive Plan Update 2014/2015 is to target the County's growth to those areas with the public services designed to accommodate the development. The Plan recommends that 80% of the County's future residential growth be located in the Urban Service Areas, while Community Development Areas are planned to accommodate up to 10% of the future residential growth. Rural Conservation Areas and Agricultural Conservation Areas are each expected to accommodate less than 5% of the future residential development, with Rural Conservation Areas expected to accommodate the majority of the rural residential development in the County.

One way to track how well the Comprehensive Plan is being implemented is to view the number of rezonings being sought by Comprehensive Plan Planning Policy Area. In 2018, all nine (9) requests for rezoning were in the Urban Service or Community Development Areas, totaling approximately 199.9 acres.

Of the land being recommended for rezoning out of General Agriculture, 171.92 acres was requested to be rezoned for residential development, including Single Family, Attached Residential, and Rural Residential and 17.93 acres was requested to be rezoned to facilitate new business development. The remaining approximately 10 acres was requested to be rezoned from either Multi-Family Residential to General Business or General Business to Multi-Family Residential. The majority of requests were in compliance with the Comprehensive Plan's Future Land Use Designation. Although, three of the requests differed slightly, in part, from the Comprehensive Plan Future Land Use Designation's.

#### ORDINANCE AMENDMENTS

In 2018, ordinance amendments were a significant portion of the Planning Commission's workload. The Commission considered seventeen (17) Zoning and Subdivision Ordinance amendments including: broadened the definition of "family member" for lot creation exemption without frontage on a public street, clarification of an agricultural operation as not including further processing of products, two housekeeping amendments to reference Chapter 9 of the County Code for design construction standards and site plan content requirements, clarification that public utility distribution and collection lines for the furnishing of utility services to the public are permitted in all districts, amendment related to removal of telecommunications facilities no longer in use to a depth of at least three feet below grade, 5 separate amendments to various Special Use Permit categories in General Agriculture, establish a Special Use Permit by the Board of Supervisors for more than 1 floor of apartments above business in General Business zoning, establishment of a solar energy system ordinance, amendment of the lot creation without frontage exemption to allow for a one-time "existing dwelling division lot," topographical correction of height requirement for combination berm and fence in General Industrial districts, amendment reserving right for Special Use Permits to be heard by the Board of

Supervisors in certain cases, and revision of utility shed size as an accessory use to meet building code standard for not requiring a foundation.

The Board of Supervisors approved most of the ordinance amendments listed above which were recommended for approval by the commission. The Board of Supervisors did not approve the recommendations from the Planning Commission for the solar energy system ordinance but instead passed an earlier version of the ordinance from the Ordinance Review Committee.

#### PUBLIC USE OVERLAYS

The commission heard two (2) requests to add the Public Use Overlay (PUO) in 2018. One was for a private school in the South River district and the other was for an expansion of an existing fire station in the Riverheads District. Both requests were recommended for approval.

#### LOT CREATION

There are two ways to create lots in Augusta County. The major subdivision process is the typical way lots get created in residential, business, or industrial zoning. In 2018, 38 lots were created through the major subdivision process. The other way lots can be created in the County is through the minor subdivision process. This process allows a single lot, zoned agriculture, to be created off a larger tract of land and approved administratively by the County Subdivision Agent. In most cases, these lots are created to be sold and houses to be built on them. Up to two lots zoned residential, industrial or business can also be created in this manner, although the minor subdivision process is most frequently used in the agricultural areas. In 2018, three (3) lots, zoned Single Family Residential, were created through the minor subdivision. All other lots created through the minor subdivision process were zoned General Agriculture.

To get a clearer picture of the number of residential lots being created in Augusta County in any given year, you must analyze both the minor and major subdivision plats being approved in the County (See Table 3). In 2018, 38 lots were created through the major subdivision process, two (2) of which were for General Business zoning and the remainder were for some type of attached, detached, multi-family or Planned Unit Development residential. In 2018, sixty-four (64) new lots were created through the minor subdivision process in General Agriculture and three (3) Single Family Residential lots were created through the minor subdivision process.

New lots created in the County are required to have frontage on a public road. One exception to that is in the General Agriculture districts where it is possible to create a lot without road frontage, but meeting all other lot requirements, and convey it to a family member. In 2018, twenty-five (25) of the sixty-four (64) lots (approximately 39%) created in General Agriculture districts were created using the Family Member Exception. An

ordinance amendment from 2018, created another exception for a one time subdivision without road frontage for the purpose of subdividing an existing dwelling. Two (2) lots were created using this new exception in 2018.

**TABLE 3**  
**LOTS CREATED IN 2018**

Zoning	Minor Subdivision Lots	Major Subdivision Lots	Total New Lots
Rural Residential	0	0	0
Single Family Residential	3	16	19
Attached Residential	0	4	4
Townhouse Residential	0	0	0
Master Planned Community (residential)	0	14	14
Multi-Family Residential	0	2	2
General Business	0	2	2
General Industrial	0	0	0
Planned Commerce	0	0	0
General Agriculture	64	0	64
<b>TOTAL</b>	<b>68</b>	<b>38</b>	<b>105</b>

Figure 5 (below) graphically presents the number of all lots created, both from major and minor subdivisions, from General Business zoning districts (1.8%), residential zoning districts (36.8%) and the General Agriculture zoning district (60.4%) in 2018.

