

PRESENT: K. A. Shiflett, Chairman
J. D. Tilghman, Vice-Chairman
S. N. Bridge
T.H. Byerly
J. Curd
W. F. Hite
J. Shomo
D. L. Cobb, Director of Community Development
R. L. Earhart, Senior Planner and Secretary

VIRGINIA: At the Called Meeting of the Augusta County Planning Commission held on Tuesday, January 11, 2005, at 2:30 p.m. in the Board of Supervisors' Conference Room, Augusta County Government Center, Verona, Virginia.

The Planning Commission assembled in the Augusta County Government Center to discuss the rezonings, two master plans, and the upcoming items on the BZA agenda. The Planning Commission traveled to the following sites which will be considered by the Commission at their regular meeting:

1. Imperial Developers, L.L.C. – Rezoning
2. Sandra H. McGinnis, Trustee, and Chinquapin Homeowners Association – Rezoning
3. PTM, L.P. – Rezoning
4. A. W. Heatwole & Company – Rezoning
5. Stonewall Jackson Area Council, Boy Scouts of America – Rezoning

Chairman

Secretary

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VIRGINIA: At the Regular Meeting of the Augusta County
Planning Commission held on Tuesday,
January 11, 2005, at 7:00 p.m. in the Board
Meeting Room, Augusta County Government
Center, Verona, Virginia.

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ELECTION OF OFFICERS

Ms. Shiflett asked Mr. Cobb to present the nominating committee report.

Mr. Cobb placed into nomination the names of Justine Tilghman as Chairman, Wayne Hite as Vice Chairman, and Becky Earhart as Secretary.

Mr. Shomo moved the nominations cease.

Mr. Bridge seconded the motion which carried unanimously.

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DETERMINATION OF A QUORUM

Ms. Tilghman stated as there were seven (7) members present, there was a quorum.

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MINUTES

Mr. Shomo made a motion to approve the minutes of the Called and Regular meeting held on November 9, 2004, the Called meetings of October 13, 2004, November 10, 2004 and December 6, 2004. Mr. Byerly seconded the motion, which carried unanimously.

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Imperial Developers, L.L.C. – Rezoning

A request to rezone from Multi-Family Residential to General Business 1.055 acres owned by Imperial Developers, L.L.C., located on the east side of Imperial Drive (Route 1334) just north of the intersection of Imperial Drive (Route 1334) and Jefferson Highway (Route 250) in the Wayne District.

Mrs. Earhart explained the request.

Julian Moffett, 171 Annandale Farm Lane, stated he was a general partner of the Imperial Developers. He indicated the road frontage was not conducive to Multi-Family zoning. He also indicated the retention pond behind it was sized to handle the stormwater detention for that land.

There being no one desiring to speak in favor of, or in opposition to, the request Ms. Tilghman declared the public hearing closed.

Mr. Byerly stated he thought this was a reasonable request and he made a motion to recommend approval of the request.

Mr. Shomo seconded the motion.

Mr. Curd stated he would like to have confirmation on the fire flow adequacy.

Mrs. Earhart stated adequacy of the fire flow is part of the standard comments and will be addressed at the site plan stage.

The motion carried unanimously.

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Sandra H. McGinnis, Trustee, and Chinquapin Homeowners Association – Rezoning

A request to rezone 0.14 acres from Single Family Residential (15) to General Agriculture owned by Sandra H. McGinnis, Trustee and 0.14 acres from General Agriculture to Single Family Residential owned by the Chinquapin Homeowners Association. The properties are located on the west side of Chinquapin Drive (Route 1040) just west of the intersection of Chinquapin Drive (Route 1040) and Stoneyridge Lane in the South River District.

Mrs. Earhart explained the request.

Thomas E. Shumate, Sr., 409 12th St., Waynesboro, VA, 22980, stated he was representing the McGinnis' in correcting a setback problem with their residence. In order to do this a boundary line adjustment needs to be done. He indicated the Homeowners Association lot is zoned General Agriculture and the McGinnis' property is zoned Single Family Residential (15). He stated they could not leave the split zoning. They do not have any plans to build on the property. They only plan to use it as open space or for walking/nature trails.

Mr. Curd asked how many acres total was the McGinnis lot.

Mr. Shumate indicated it was 7.4 acres and the Homeowners' lot is 7 acres.

Mr. Curd asked how the house was built so close to the property line.

Mr. Shumate stated he could only give hearsay information. He stated the developer and the real estate agent showed the property owner the wrong property lines. This is why the house was built only one foot from the property line.

Ms. Tilghman asked if there was a reason the Homeowners Association lot needs to remain General Agriculture.

Mr. Shumate indicated this was the wish of the property owners.

Rick Downs, stated he was head of the Homeowners Association. He indicated their Board members were in favor of this request.

Ms. Tilghman asked Mr. Downs why they wanted to keep the Homeowners Association property zoned General Agriculture.

Mr. Downs stated the Board felt very strongly that they wanted to keep the property zoned General Agriculture.

Mr. Curd asked how the property was being used.

Mr. Downs indicated it was being used as a park.

Mr. Curd asked what the future plans would be for this property.

Mr. Downs indicated it would remain a park and open space forever.

Mr. Curd asked if the Homeowners Association owned any more land.

Mr. Downs indicated they did not.

There being no one desiring to speak in favor of, or in opposition to, the request, Ms. Tilghman declared the public hearing closed.

Ms. Shiflett indicated it didn't make sense to her to leave the land zoned agriculture. She stated it would look a lot cleaner if all the property was zoned Single Family Residential.

Mr. Curd stated he would say why not rezone the entire Homeowners Association parcel to Single Family Residential and keep all the McGinnis property Single Family Residential, but with both parties in agreement, maybe that's not the way to go. Mr. Curd made a motion to recommend approval of the request.

Mr. Bridge seconded the motion.

The motion carried with a six (6) to one (1) vote with Ms. Shiflett opposed.

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PTM, L.P. – Rezoning

A request to amend and restate the proffers on 2.019 acres owned by PTM, L. P., located in the southeast quadrant of the intersection of Tinkling Spring Road (Route 285) and Interstate 64 in Fishersville in the South River District.

Mrs. Earhart explained the request and stated the following proffers had been submitted:

1. Except as provided in number 2 below, ingress to, and egress from, the parcel shall be limited to the new Route 631, which has been relocated and is aligned with the intersection of Expo Road, Route 931, and Route 285.

2. Subject to approval by the Virginia Department of Transportation and the abandonment/closure of the old State Route 631, ingress to, and egress from, Parcel 75H (5) 3 containing 2.019 acres shall be further permitted by means of a single right turn in, and right turn out, and associated improvements to State Route 285 between new State Route 631 and Interstate 64, as shown on the plan "Master Plan Amendment Exhibit" showing improvements on Tinkling Spring Road and Ladd Road for Sheetz, Inc. dated November 15, 2004 and prepared by LE&D Professionals, P.C.
3. Additional prohibited uses will include:
 - Travel plazas and truck stops
 - Wholesale businesses, warehouses, and distribution centers

Mrs. Earhart also stated that although she did not have a specific conflict of interest, because of her husband's business interests she has refrained from any involvement on this request.

Victor Santos, 12 North New St., Staunton, VA, 24401, stated he was representing Sheetz. He gave some background information on this request. When the site plan was originally prepared and the right turn lane was established, it was intended be two (2) lanes there. VDOT was determined that because it involved a right-of-way on federal property, approval of that was just not going to happen. Not because they would be turned down, but because of the amount of paperwork and the lack of interest by the Federal government. VDOT has actually abandoned that request that there be two (2) lanes for right turn out from Sheetz. He stated the problem has been the right turn lane out is not designed for tractor trailer traffic, but they are using it. This has caused damage to the guardrail and the median. He stated Sheetz is willing to work in any way to correct this with VDOT. VDOT has proposed a number of ideas that they are going to implement. He stated he understood staff's desire for tabling the request for six (6) months. They need this proffer to be accepted by the Planning Commission. His suggested instead of tabling the request for six (6) months, let them get with VDOT and come back to the Commission when they have VDOT's approval. Their request would be to not table it for six (6) months. He asked the Commission to only table it for 30 or 60 days.

Mr. Shomo asked if they would prefer 30 or 60 days.

Mr. Santos indicated realistically it would have to be 60 days.

Mr. Bridge asked if VDOT has abandoned the extra turn lane for sure.

Mr. Santos stated Jerry VanLear, VDOT, indicated it had been abandoned.

Ms. Tilghman asked if it was because VDOT doesn't think they can get it or is it because they don't want to go through the process.

Mr. Santos stated it was because of the paperwork and the Federal government is not interested in doing it. He also stated VDOT has limited resources.

Ms. Tilghman stated the concept is very good. It would save a lot of accidents.

Mr. Santos stated regardless of how many lanes there are, the cars coming out of Sheetz have to yield the right-of-way. It would have eliminated tractor trailers not being able to make that turn and striking the guardrail. He indicated Sheetz is prepared to build it if VDOT gets permission.

Mr. Hite asked if there was enough room to move the guardrail.

Mr. Santos indicated according to VDOT there is.

Ms. Shiflett asked if he had a copy of the County memo on the traffic count.

Mr. Santos stated he received it just before the meeting.

Ms. Shiflett stated the Commission was originally told it would be impossible to make U-turns there.

Mr. Santos stated he didn't know if that was a problem or not.

Mr. Byerly asked if the business would be impacted negatively if they prohibited the tractor trailers from using this exit.

Mr. Santos stated trucks making deliveries have been told not to use it.

There being no one desiring to speak in favor of, or in opposition to, the request, Ms. Tilghman declared the public hearing closed.

Mr. Curd stated this was one of the concerns the Commission had originally and he thought this would just be putting a small band-aid on a larger problem. He stated he didn't know if it was prudent to abandon the two (2) lanes. He stated there have been personnel changes at VDOT and he didn't feel like the two (2) lanes should be abandoned.

Mr. Bridge stated he agreed with Mr. Curd. He stated until we know for sure nothing is going to be done that seems to be something that would be very helpful to alleviate some of the problems.

Mr. Curd made a motion to table the request for 90 days to see if we can get VDOT to move on the original plans.

Mr. Bridge seconded the motion.

Ms. Shiflett agreed we needed to keep trying and we also need to get the items done to try and mitigate the problems as much as possible in the mean time.

Mr. Byerly asked for clarification if the motion was for six (6) months or for 90 days.

Mr. Curd stated it was 90 days.

Mr. Byerly stated he didn't know if the County could get VDOT to pursue this. He indicated that lane onto I-64 is important. He hoped they could get it approved.

Ms. Tilghman stated this is a very important road issue. She stated she realized Sheetz has done their part, but we need to encourage VDOT not to give up. She stated they may not like the paperwork but they need to give it another try.

The motion carried unanimously.

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A. W. Heatwole & Company – Rezoning

A request to rezone from General Agriculture to Single Family Residential approximately 54 acres owned by A. W. Heatwole & Company located west of Red Top Orchard Road (Route 1726) and adjacent to Panorama Estates Subdivision near Waynesboro in the Wayne District.

Mrs. Earhart explained the request and stated the following proffers had been submitted:

1. The minimum square footage for single family dwellings will be:
 - 1500 square feet for 1 story dwellings
 - 1800 square feet for 1 ½ story or split level dwellings
 - 2000 square feet for 2 story dwellings
2. No more than 67 single family dwelling lots will be created out of the 54 acre parcel and as generally described on the concept drawing entitled "Panaroma Estates" prepared by Hamrick Engineering and dated December 21, 2004.
3. Developer will provide a connection to the adjacent properties identified as the Terrell and Gray properties and as generally described on the concept drawing entitled "Panaroma Estates" prepared by Hamrick Engineering and dated December 21, 2004.

4. All principal buildings will be setback from the western property boundary a variable distance of one hundred fifty feet (150') to three hundred fifty feet (350') as generally described on the concept drawing entitled "Panorama Estates" prepared by Hamrick Engineering and dated December 21, 2004.

Brasil Hamrick, Hamrick Engineering, 156 Laurel Hill Rd., Verona, VA, 24482, stated this development was started in 1992. He stated the developer has done a good job with the original 30 lots. Everything the developer has done was done with Phase II in mind. He indicated the water tower has water lines stubbed to serve the development. He stated there would be additional traffic and some may think this is too much. He also stated Waynesboro has done a traffic study for this and the Lowe's development. This study states Red Top Orchard Road is adequate to serve the additional 67 lots. He asked the Commission to allow them to be able to continue with this development.

Ms. Shiflett asked Mr. Hamrick if the Commission and staff had copies of the traffic studies.

Mr. Hamrick indicated they did not.

Ms. Shiflett asked what the level of service on Red Top Orchard Road was.

Mr. Hamrick indicated it was a Level C.

Ms. Tilghman asked what Level C meant.

Mr. Hamrick indicated most intersections function at a Level of C. If the level is dropped below Level C, a traffic light is needed.

Ms. Tilghman asked if the Lowe's entrance would be off of Red Top Orchard Road.

Mr. Hamrick indicated it would not. He stated there would be some out parcels that could potentially have an entrance.

Mr. Bridge asked if the traffic count included the out parcels.

Mr. Hamrick indicated it did.

Mr. Curd if Mr. Hamrick knew why this parcel was not rezoned in 1992.

Mr. Hamrick stated he did not know. He indicated the developers are farmers by nature and it could have something to do with the increase in taxes.

Mr. Curd asked how the property was being used now. He also asked if they farm the land.

Mr. Hamrick indicated they did farm the land only because they feel like they need to be good stewards of the land. He indicated it was not a money making thing.

Mr. Curd asked how many lots could be created by right.

Mr. Hamrick stated he didn't know right off the top of his head but it would be a fair amount because they could use the family member exemption rule. He indicated the three (3) sisters that own the property did not want to do it that way.

Ms. Shiflett asked if Mr. Hamrick saw the safety issue with homes and businesses if there happens to be an accident. She stated we try to have two (2) entrances with that number of homes.

Mr. Hamrick stated the magic number has always been 100 but it depends on how far you want to take. He stated he thought it would be a very rare instance where you wouldn't be able to get around it.

Mr. Hite asked if there was a possibility of having a second access.

Mr. Hamrick stated not without additional land.

Mr. Hite stated he agreed with Ms. Shiflett. Mr. Hite also stated the part of the road that is in the County is fairly wide but the part of it that is in the City is very narrow. He indicated it wouldn't take too much of an accident to tie the road up.

Robert Gray, 1430 Red Top Orchard Road, Waynesboro, VA, 22980, stated he was an adjacent property owner and he had been annexed by the City of Waynesboro. The concern he has is Red Top Orchard Road. He stated the agreement in the annexation was the road was going to be widened and this has never happened. He stated there have been instances where the road has been blocked for a period of time. Until the road is widened he stated he didn't think Augusta County could really do anymore there.

Humes Franklin, III, 32 Pen-Y-Bryn Lane, Fishersville, VA, 22939, stated he would like to submit a petition that is signed by numerous homeowners that would be affected by this request. He indicated the individuals that have signed the petition are homeowners that either touch the land that would be rezoned or individuals that live within the City of Waynesboro accessing their home by Red Top Orchard Road. He stated if planning isn't adequately done, traffic could be a problem. He stated if 67 homes were added to what was there currently; the numbers would easily exceed 100 homes that would be using Red Top Orchard Road. He indicated there were Waynesboro residents that did not receive the notification that he received as an Augusta County resident. His second issue was the impact on the schools. He indicated he spoke with Dr. McQuain, Superintendent of Augusta County Schools, about this request and he indicated to Mr. Franklin that typically staff asks the School Board for comments when determining how to vote on these

requests. Dr. McQuain indicated to Mr. Franklin he had not received a request for comments on this rezoning. Mr. Franklin stated Dr. McQuain indicated the schools in this area were strained, especially in the Wayne and South River Districts. He stated there have also been issues recently in the area with runoff and flooding. He stated his final issue was the water. He and his family use a well that feeds their property and exists on the Heatwole's property. He would like assurance that their water rights would not be damaged. He would also like to see a proffer keeping the western lots zoned General Agriculture in order to preserve their well rights.

Mr. Hamrick stated the City Engineer has deemed the level of service on Red Top Orchard Road would not be degraded as a result of this development. He indicated they would follow and comply with all the appropriate rules and regulations regarding stormwater management. As far as the private well issue, that well has been deemed unfit for human consumption and not been used for 10 years. Mr. Hamrick indicated they had no problems with Mr. Franklin reactivating the well.

There being no one else desiring to speak in favor of, or in opposition to, the request, Ms. Tilghman declared the public hearing closed.

Mr. Curd stated he had several concerns. The impact this would have on fire-rescue and the schools could not be ignored. He stated he had his doubts about this impacting the level of service on Red Top Orchard Road and for the City to say otherwise would mean they may need to do some work to improve that road. He doesn't see how it could not negatively impact the road. He commented Waynesboro says they see it as a traffic calming device, he stated he sees it as a traffic danger without it having a second access. He stated the Terrell and Gray properties are contingent and may or may not ever be developed. He indicated to approve this request would be irresponsible.

Mr. Bridge stated it was hard to fathom that you could add this much traffic without negatively impacting the road. He stated he had a real problem with adding that much traffic on such a narrow road.

Mr. Curd stated what the property owners have done out there so far is nice but a lot has changed since 1992.

Ms. Shiflett stated she agreed with the concerns that have been expressed. She indicated she thought there were a lot of negatives at the moment. Another access is needed for that many homes. She stated she didn't think it would take much to block the road. The issues with fire-rescue and the schools don't lend themselves to rezone the property at this time. Ms. Shiflett made a motion to recommend denial of this request.

Mr. Shomo seconded the motion.

Mr. Byerly stated this was a wonderful subdivision. He stated the County did good planning with the 60' street. He also stated it looked like it was incumbent on Waynesboro to make improvements to the road. He indicated he had a real problem with the safety issue without another access.

The motion carried unanimously.

Mrs. Earhart clarified we do receive comments routinely from other agencies and we did receive comments from the School Board. They did not come from Dr. McQuain, but we received them from his staff. She also stated we do notify individuals even if you live in the City of Waynesboro if you are actually adjacent to the request. She indicated regardless of location we do notify all the adjacent property owners as well as notification in the newspaper.

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Stonewall Jackson Area Council, Boy Scouts of America – Rezoning

A request to rezone from Exclusive Agriculture to General Agriculture approximately 159 acres owned by the Stonewall Jackson Area Council, Boy Scouts of America located on the north side of Boy Scout Lane (Route 806) approximately 0.35 of a mile west of the intersection of Boy Scout Lane (Route 806) and Trimble Mill Road (Route 707) in the Pastures District.

Mrs. Earhart explained the request and stated the following proffers had been submitted:

1. Uses of the property shall be limited to instructional, educational, and other program activities of the Boy Scouts of America.
2. Permanent improvements to the property in support of such program activities shall be limited to: shower facilities, tent camp sites, wash stands and latrines, pole shelters for campsites, administration building and parking lot, service roads, and hiking trails. No improvements shall be established without a Special Use Permit.
3. Within one year of rezoning approval, the owner shall develop and implement plans which comply with the USDA Conservation Reserve Enhancement Program (C.R.E.P.) and Wildlife Habitat Improvement Program (W.H.I.P). No less than 80% of the property shall be maintained permanently in woodlands, grass, and other vegetative plantings.
4. The minimum setback for structures or improvements on the property (including, without limitation, hiking trails and camping sites) from side and rear property lines common with property not owned by the Boy Scouts of

America shall be 100 feet, with the exception of the eastern most property line, where the minimum setback shall be 50 feet.

5. The property shall not be subdivided into more than two parcels.

David Deering, 79 Willow Lane, stated he was a volunteer member on the Board of Directors for the Boy Scouts. He gave a description of who is served by Camp Shenandoah. He also gave some objectives and information on what the rezoning would allow them to do. He stated they had no intention of clear cutting the timber along this boundary line. They may do some selective cutting upon recommendation of the Forest Service to help that area be healthy. The only thing he could foresee for clear cutting the timber would be if it were to become bug infested. He stated if the rezoning was granted they would then apply for a Special Use Permit for the following. They would improve their hiking trails and nature trails on their new property. They would use this property as their "nature classroom". They would be constructing three (3) groupings of 10 tent pads and a shelter for the cub scout/family camping. The only accommodation they would provide would be a bathhouse. He indicated they would also like to construct a single-story, 3,000 square foot administrative training building. This building would be very low profile and they would apply appropriate screening for the building. This building would be supported by a 100 car gravel parking lot. If there would be any lighting, it would be low to the ground and shielded to show the perimeter and walkway. He stated in the wooded areas they would construct a new Boy Scouts troop site that will have a pole shelter, seasonal wash stands and latrines, very similar to all of the 13 sites that are currently in place. Again, these would be in a wooded area and not visible from other areas of the camp. He stated possibly the largest issue is the traffic. He stated they are presently funded to meet their operational needs and go into the future. They are not funded for any type of construction projects. The development of the family cub area and the administrative building are all projects that are yet to be funded. He stated they think it would be at least three (3) years before they would have the funding to start the cub/family camping area. He stated the maximum increase in the traffic in three (3) years would be 30 cars on five weekends in May and June and 30 cars on two (2) weekends in September and October. He stated the maximum increase in traffic in 10 years would be 65 cars each on Sunday, Wednesday, and Saturday the fourth week of July. He stated these are narrow, windy roads. He also stated the roads are problematic from Mr. Riley's farm on to the camp. He indicated this is the primary concern the neighbors have had. They have tried to focus on causing the traffic coming to Camp Shenandoah to slow down, drive as the conditions indicate and to be respectful of the neighbors. They have sent out fliers to their campers, had discussions at leader meetings and have addressed this issue in the summer camp guide book for two (2) years. He stated this has caused some improvements, but they are still missing the mark. Several proposals have been recently brought up. These proposals are the possibility of using alternate routes; distribute the traffic to two (2) to three (3) different routes, human signs which would be adult leaders to slow

traffic down; and form a community advisory group to help us implement this idea. They have also done some investigation into a shuttle service. This would be expensive and some thought has been given to using retired school buses. This is something they are willing to work on. He stated a much longer range proposal is the feasibility of an access road off of Route 42 over Little North Mountain. He stated they would also be willing to consider this. He stated another thing they have heard about is conservation easements. He referred to their proffer that states they would be willing to put 80% of the land into conservation programs. He stated they felt that was a good commitment on their part. It was suggested they could do better. He again stated they were very willing to work with appropriate agencies to explore an easement to prevent future development. He explained the Boy Scouts will continue to try to do their best and asked for the opportunity to expand their facilities. He asked everyone that was present in favor of the request to stand. Approximately 150 people stood. In closing he commented on proffer number five. He indicated they would be willing to not subdivide the property.

Ms. Shiflett asked how many cars were in their current parking facility.

Mr. Deering stated during summer camp there would be anywhere from 50 to 55 cars. He stated it was very crowded.

Ms. Shiflett asked if the 100 car parking lot would be sufficient.

Mr. Deering stated it would be. Half of the 65 would stay and the others would leave.

Mr. Curd asked when did the decision to expand the camp originate, before or after they purchased the property.

Mr. Deering stated they have had this need prior to purchasing the property. They also purchased that property to protect the watershed to their lake, but it was also to expand the camp. Based on their prior experience with rezoning, they did not expect any opposition to their current request.

Mr. Curd asked why they couldn't do this on land already zoned General Agriculture.

Mr. Deering stated the current property is for the Boy Scouts. Boy Scouts and Cub Scouts need to be in a separate location. Experience has shown them this works better. This property would offer different opportunities to the scouts. The current zoning will not permit an organized hike through that area.

Mr. Curd asked if they have given any thought to what they will do if the property is not rezoned.

Mr. Deering stated they wouldn't be able to do anything beyond further development of the W.H.I.P. and C.R.E.P. programs.

Mr. Curd asked how big the bath house would be.

Mr. Deering indicated it was 25' x 35' in size.

Mr. Curd asked what the administrative building was used for.

Mr. Deering stated it would be their summer office building and it could be used for training during off seasons.

Mr. Curd asked if it would be rented out to other non Boy Scout functions.

Mr. Deering indicated originally part of the plan for being a good neighbor was to make that building available to local folks, churches and fire departments, but proffers restrict them from doing that. If this restriction wasn't in place they would be willing to.

Mr. Curd asked if they would be willing to proffer the entire property be put into a conservation easement.

Mr. Deering stated they would need to take that to their Board of Directors.

Mr. Curd asked if they would be willing to give a 300' setback along the ridge line as a proffer.

Mr. Deering thought their current proffer was 250'.

Mr. Curd indicated it was.

Mrs. Earhart explained it was currently 100', but there had been some discussion that it would be increased to provide more of a buffer.

Mr. Deering stated conceptually they would be willing to do the 250' and would be willing to not subdivide the property at all.

Ms. Tilghman asked how many scouts they had using the facility over the summer.

Mr. Deering indicated it was 1500 Boy Scouts, 350 Cub Scouts and staff of another 50.

Ms. Tilghman asked how many scouts and leaders are you all adding.

Harold Tate, Boy Scouts of America, stated they currently serve two sessions of approximately 270 10 year old Cub Scouts.

Ms. Tilghman asked if they had any families that come and stay as a family.

Mr. Tate stated their Webloe program has a required ratio of one (1) adult per four (4) boys. Some families do come out.

Ms. Tilghman asked what the ratio was for Boy Scouts.

Mr. Tate indicated it was one (1) to eight (8) boys.

Dr. Eric Jones, 114 Hermitage Estates Road, stated normally he would not use his title but in this case it is relative since his doctorate is in ecology and he has spent the last 18 years studying wild flowers in Augusta County. He stated he was in favor of the request. He stated this property is giving Augusta County the opportunity to maintain some of its open space.

Dr. R. A. Miller, 522 Glebe School Rd., stated he is on the main artery into the camp and he knows about the traffic problem. He understands it would be an increase in traffic. He stated some people drive too fast, like his neighbors. He indicated he sees the increased traffic on the road, but he doesn't really see a problem with increasing it 165 cars. He also indicated the scouts have been good neighbors over the last 33 years. He stated he didn't see all of the problems. He asked the Commission to let them do what they wanted to do limiting any Special Use Permits to only the Boy Scouts. He would recommend approval of the request. He stated we knew they were there when we bought the farm.

Al Bourgeois, 786 Union Church Rd., Churchville, VA, 24421, stated he worked with the Virginia Department of Game and Inland Fisheries. He also stated he is in favor of the request. He stated he has worked closely with them on their habitat plan and thinks this is an excellent opportunity to train and show people how you can manage wildlife habitat and do it correctly.

Julian Moffett, Moffett Paving and Excavating, 171 Annandale Farm Lane, Staunton, VA, 24401, stated he has been a scout for well over 50 years. He has spent all of those 50 years at Camp Shenandoah. His son is an Eagle Scout and has also been with Camp Shenandoah. Mr. Moffett indicated as a member of the Council for the Stonewall Jackson Boy Scouts he worked very hard in 1999 to purchase the 159 acres. They purchased this land with several goals. One, to create an area to put Webloe Scouts. The second to be a training facility which they have a Special Use Permit to construct today if they had the money on the original campground. They wanted to move that training area over to the new property across the road. They also felt this property was important to the ecology of the entire camp. The main focal point for this camp is the lake. He respectfully requested the Planning Commission recommend a favorable decision on the request.

Charles Carpenter, 2951 Weyers Cave Rd., Grottoes, VA 24441, stated he has been involved with the scouts for 40 years. He started in the scouts because his son wanted to get involved. He stated he has two (2) grandsons that are Eagle Scouts. He also stated he has been Chaplain at the camp for five (5) years. He indicated he was proud to be a volunteer in the council. He asked the Commission to give them the opportunity to continue to serve the community.

Mark Bartosik, 523 Niswander Road, Staunton, VA 24401, stated he didn't think rezoning the land from Exclusive Agriculture to General Agriculture is a real conflict. He stated this facility is teaching the children values and self respect. It also makes them self reliant.

Wayne Swisher, 1476 Stover School Road, Greenville, VA 24440, stated Camp Shenandoah meant a lot to them as a family. He stated it takes a lot to be a scout leader. He stated they have to take a lot of leadership training. He stated they do a lot of volunteer work. He indicated it would be an asset to have the extra land. He commented if they left the land zoned Exclusive Agriculture they could put poultry houses or a livestock feed lot on it, but all they want to do is turn young boys into young men. As it is now they can't even use the property legally for hiking.

Mark Poe, 136 Newton Lane, stated when he drives the road he doesn't see a problem. For the past three (3) years the scouts have done trail work at Elliotts Knob. They have also worked on another trail that goes behind Camp Shenandoah up to Elliotts Knob. He stated he noticed when they had the forest fire out there that the trail was used a lot for a fire break. He stated the scouts do a lot of service projects that would benefit the County.

Steven Pascavitch, Stuarts Draft, VA, 24477, stated the Boy Scouts want this land to give the children visiting Camp Shenandoah a memorable experience. He stated they would use the land in an environmentally friendly way. He didn't see how rezoning this land would harm anyone or anything.

Robert Clemmer, stated he has been a summer camp counselor for the last three (3) years. He stated the Boy Scouts help build character, teach the boys how to be self sufficient and how to help others.

Elizabeth Hash, 92 Dam Town Road, Fort Defiance, VA, 24437, stated she has been a club scout leader since 1987. She has two (2) boys that have spent many summers at Camp Shenandoah. She stated there are many regulations in effect on how to deal with the Boy Scouts. She stated the Cub Scouts area is very important to them. She indicated their education and maturity levels are different and this is why this land is needed.

Mike Hanna, 18 Taylor St., Staunton, VA 24401, stated he was a landowner of a farm adjacent to the Boy Scouts. He stated his right-of-way runs through the Boy Scouts property. He has owned this property for 33 years. He stated he was a Boy

Scout at Camp Shenandoah back in the 50's. He also stated he was a firm supporter of their activities. He asked the people opposed to the request to please stand. He asked if this use was a compatible use. He stated the neighbors have made long term arrangements for land preservation in the Swoope area which is unique in its pristine character. He commented it wouldn't take much to turn this area into an area like Weyers Cave and Stuarts Draft. He respectfully requested the Commission honor their commitment to the people adjoining the property and maintain the current zoning.

Nan Brown, stated she lives in Swoope. Her husband's family has owned a farm there for 250 years. She stated the road there is narrow and is not as adequate as they would like it to be. She indicated the people in the area know the roads and they know where the problem spots are. When someone comes in as a visitor they are not used to the roads and are not as respectful of the roads. They feel like this one lane road is for them. She stated she couldn't help but be concerned about future traffic increases. She also indicated this area is one of the most remote areas of Swoope and not easily accessible. She indicated she was not against the Boy Scouts, but she thought this would pose a threat to the community's ability to farm.

Tom Nelson, stated he has worked with the scouts and he thanked the Boy Scouts for their efforts. He stated he was concerned about conservation easements. There is about 300 acres surrounding the property that are in conservation easements. Much of this land is zoned Exclusive Agriculture. He stated he thought downgrading the zoning to General Agriculture is going to give it more uses. He stated he was not saying they can't do anything. He also stated the Comprehensive Plan is the tool the Commission should use in their decision making. He asked how the County could effectively and fairly protect the agricultural land base from excessive conversion to non agriculture uses. He stated this was the question asked in 1999 to the public. The public's comments were more strict zoning regulations, limited density, tighter regulations on manufactured homes, tighter regulations on agriculture conservation areas, purchase of development rights, etc. Leaving the land zoned XA would support those goals. He recommended leaving the land as it is. He stated the only thing that would not be allowed would be the new building.

Michael Godfrey, stated he thought that staff's recommendation of approval is a naïve suggestion. He stated this request is not compatible with the Comprehensive Plan. He also stated the roads cannot handle even the present burden of the Scouts' traffic. He indicated this would threaten the safety of the users of the roads. He also indicated the proper place to stop the threat is now. If the Commission takes the alternative of recommending approval to the Board of Supervisors the Commission would be downgrading the protection of farmland from a policy matter to an administrative matter. He asked the Commission not to pass the buck on to the Board of Zoning Appeals to be addressed piecemeal as a series of Special Use

Permit applications which are almost certain to be approved because they will then conform to the sanctioned uses under General Agriculture.

Jeanne Hoffman, 120 Trimbles Mill Road, Swoope, VA, 24479, stated most of the traffic goes by her house. She also stated the roads are narrow and most of the people coming to the camp have little regard for the land. She indicated the Boy Scouts are not good neighbors. She stated Swoope is one of the last remaining farm communities in the valley. She asked the Commission to not approve this request.

Wendy Higginson, 21 Boy Scout Lane, stated she gets all the traffic, the noise from the rifle range and the general commotion of the camp. She stated there are four (4) reasons this rezoning should not be approved. First, it goes against our wise and far sighted Comprehensive Plan. Second, the roads are narrow. Third, the neighbors do not want it. Finally, the Boy Scouts are maxed out. She stated she thought this would negatively affect the land. In closing she stated this is not about the Boy Scouts. It's about whether or not this is the correct thing to do for the land and the neighborhood.

John Sills, 524 Waldrop Road, Swoope, VA, 24479, stated he has lived here for 27 years. He also stated he does not have a scouting connection. He thought this was a tough issue and a hard decision for the Commission. He stated the result is clear. With the exception of Dr. Miller, the Swoope community seems to be fairly united in their opposition to this rezoning. He indicated he had his own take on the traffic issue. He thought the numbers from the Boy Scouts representatives were moving targets. He didn't think any of the numbers take into account the organic growth of the program and it isn't changing. Swoope is unique in that it isn't seeing development and growth. He stated he thought the proffers were just window dressing and they do not address the concerns of the neighbors. Their proffers just say this is what they will do. Proffer four (4) was the one he was most interested in. He stated the 250' setback would be a great benefit potentially to the Hannas. Mr. Sills passed out a copy of the deed to the camp site. He stated on page two (2) in paragraph one (1) it creates a 100' setback along the eastern, northern and western boundary of the property. So they are in fact proffering a lesser setback than what they're legally obligated to maintain. He stated the proffer regarding this would be meaningless because their deed obligates them to more. He stated Jake Smith, the Hewitts, Crofts, Rileys, Drumhellers, Wilsons, Browns, and Hoffmans have all had family representation that have lived there for generations. More recently the Godfreys have done what they can to protect the land by putting their land into a voluntary conservation easement. He stated the Boy Scouts are trying to expand a nonconforming use that is not compatible with the area. He stated this goes against everything Swoope is about. He asked the Commission to not recommend approval of the request.

Robert Riley, stated he was owner/operator of Riley dairy. He stated he has a 12' haybine that barely fits on the 12' wide road. His biggest piece of equipment is 18'.

He asked where the cars would go when they meet his equipment on the road. He indicated his great grandfather started their farm. He stated the biggest concern is safety.

Mr. Deering responded to the issues that were brought up. He stated they would have a 100' setback if that is what their deed requires. He indicated their traffic estimates are their best efforts and their parking lot is drawn to scale. He indicated they would be committed to pursuing a conservation easement if that would make their property more compatible with the area. He stated he didn't envy the Commission's decision. He stated they understand the traffic problem and they don't care for it any more than the neighbors. He understands their roads are insufficient, but they don't want them changed either. They want to keep the land as it is as much as possible. They would really like to be able to use their property in a way that is consistent and that enhances what happens out there.

Mr. Cobb stated passive recreation is permitted in Exclusive Agriculture. He indicated the Zoning Administrator has met with the Boy Scouts and told them if they were going to have formal organized hiking this would require a Special Use Permit.

Ms. Tilghman asked what limitations are on conservation easements and where were they allowed.

Mr. Cobb stated they would be allowed on any property.

Ms. Tilghman asked if it could be General or Exclusive Agriculture.

Mr. Cobb indicated that was correct.

There being no one else desiring to speak in favor of, or in opposition to, the request, Ms. Tilghman declared the public hearing closed.

Mr. Curd stated if he lived there he would rather see a Boy Scout camp than an intensive poultry operation. He indicated that would be a possibility. He stated it needs to be questioned as to whether they really want the Exclusive Agriculture or do the property owners just not want the Boy Scout camp. He stated he was not unsympathetic to the concerns of the neighbors, but there are a lot worse things that could go out there that would create more dust, more odors and allow larger equipment in there. He asked if we don't put this use here, where would a better place be. He thought this request would serve the greater public interest.

Mr. Shomo asked when the new Comprehensive Plan would be available.

Mrs. Earhart stated it would be Spring/Summer 2006.

Mr. Shomo stated he disagreed with some of Mr. Curd's conclusions. He stated they are already there, they are already operating. He stated he had no objections to them bringing in children from local areas, but he did object to them bringing in children from other areas at the expense of the community. He stated he doesn't object to the scouts, but we have got to consider the wishes of the community and the directives of the Comprehensive Plan. He stated if we don't follow the current plan, let's not spend more money on a new plan. He stated he did feel we could be best served by delaying a decision on this matter until the new Comprehensive Plan is in place and follow it. He indicated we are not putting the Boy Scouts out of business or taking any of their land away from them. Mr. Shomo made a motion to deny the request until the new Comprehensive Plan is in place and we know where we are going with it.

Ms. Shiflett seconded the motion. She stated there are a lot of conflicts. She also stated she thinks the Boy Scouts do a wonderful job. She stated she does have a problem with taking land out of Exclusive Agriculture for a non agriculture use. She stated she wished there was a way to do a Special Use Permit within the Exclusive Agriculture for some of their programs. She stated she could not support the request at this time.

Mr. Byerly stated he appreciated the way everyone conducted themselves. He also stated he agreed with Mr. Curd. He indicated he tries to put himself in the Swoope community's shoes and to him the benefits far overshadow any of the negatives. He stated he was very much concerned about safety. He stated he saw this as a youth training lab. He again stated the benefits overshadow the negatives. He indicated he would like to see in the proffers a conservation easement if at all possible. He also indicated he could not support the motion.

Mr. Bridge stated when there are strong feelings and good feelings from everyone, it is hard to come to a decision. He stated he thought his decision lies with Ms. Shiflett's. He has a hard time rezoning from Exclusive to General Agriculture. He stated he would probably support this motion.

Mr. Hite stated he agreed with Mr. Curd. There are a lot worse things that could be put out there with the property being zoned Exclusive Agriculture. He indicated he thought a better use of the property would be for the scouting program.

Ms. Tilghman stated there is not a good answer, everyone supports scouting. She also stated no one wants to downgrade what they have. She stated the most important thing to her was changing the zoning from Exclusive Agriculture to General Agriculture. She indicated she looks at that particular area of the County as being the most pristine in the whole County. She stated there was no reason to improve the roads because there is not a lot of development. It's an area that the people are dedicated to keeping the land as it is and this is why the scouts like being there. She stated she could not support the downgrading of the land for this

reason. She also stated this is truly the heart of agriculture in the County. There aren't any other areas in the County that are as isolated.

The motion to recommend denial passed with a four (4) to three (3) vote with Mr. Byerly, Mr. Hite and Mr. Curd opposed.

Gateway Business and Professional Park – Master Plan Amendment

Gateway Business and Professional Park containing 11 lots zoned General Business located at the intersection of Route 285 and Route 636 in Fishersville in the Wayne District.

Mrs. Earhart explained the master plan and stated the plan met the technical requirements of the Ordinance.

Brasil Hamrick, Hamrick Engineering, 156 Laurel Hill Rd., Verona, VA, 24482, stated he would answer any questions anyone may have.

Mr. Curd made a motion to recommend approval of the plan.

Mr. Bridge seconded the motion which carried unanimously.

Ruby Estates Subdivision – Master Plan Amendment

Ruby Estates Subdivision containing 7 lots zoned General Business; 102 lots zoned Townhouse Residential; 74 lots zoned Single Family Residential; and 5 lots zoned Rural Residential located east of the intersection of Route 640 and Route 285 in Fishersville in the Wayne District.

Mrs. Earhart explained the master plan and stated the plan met the technical requirements of the Ordinance.

Jeff Gentry, Robert E. Funk & Associates, 15 Terry St., Staunton, VA, 24401, stated he would be glad to answer any questions anyone may have.

Mr. Curd asked if there was going to be any buffer between the business part and townhouses.

Mr. Gentry stated there would be a 25' buffer area, which is just basically open space.

Mr. Bridge made a motion to recommend approval of the plan.

Mr. Byerly seconded the motion, which carried unanimously.

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STAFF REPORTS

A. CODE OF VIRGINIA – SECTION 15.2-2310

Ms. Tilghman asked if there were any comments regarding the upcoming items on the BZA agenda. The Commission took the following action:

05-5 Bill V. Neff, Sr.

Ms. Shiflett made a motion, seconded by Mr. Byerly, they did not want to see an entrance to the site from Route 608. They stated the entrance must be off of Westminister Drive. The Commission expressed concern that when the Route 641/608 intersection was reworked any entrance proposed off of Route 608 would more than likely be in the right turn lane which would impede traffic. The Commission would like to see more screening and full cutoff luminary lighting. They would also like to see the fronts of all the mini warehouses facing Westminister Drive developed like the example used in the “Better Models for Development” presentation. The Commission also expressed concern regarding the proposed intense usage of the property. Motion carried unanimously.

B. ANNUAL REPORT

Mrs. Earhart presented the Planning Commission’s 2004 Annual Report for consideration by the Planning Commission. She reviewed the highlights with the Commission.

Mr. Byerly made a motion to approve the 2004 Annual Report, which was seconded by Mr. Hite. The motion was unanimous to approve the 2004 Annual Report and forward it to the Board of Supervisors for their consideration.

C. Better Models for Development

Mrs. Earhart reminded the Commission of the worksession scheduled for the end of the month. The plan is to meet on January 24th 2005.

D. Lighting Ordinance

Mr. Cobb stated they were looking to amend the County Ordinances regarding lighting. This proposal is tailored after Albemarle County which is pretty general in nature. We would be regulating lighting in commercial areas but not for residential and agricultural uses.

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

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Chairman

Secretary