

COUNTY OF AUGUSTA
STAFF REPORT
Ordinance Amendment
Chapter 25. Zoning. Division B. Agriculture Districts.
Article VII. General Agriculture (GA) Districts.
Section 25-74. Uses permitted by Special Use Permit.
January 9, 2024

**An ordinance to amend Chapter 25. Zoning. Division B. Agriculture Districts.
Article VII. General Agriculture Districts. Section 25-74. Uses permitted by Special
Use Permit.**

REDLINED:

§ 25-74. Uses permitted by Special Use Permit.

D. Uses away from developed areas.

Uses customarily found in areas away from developed areas, including but not necessarily limited to: batching plants, including asphalt and portland cement, storage of bulk fuel, explosives, ammunition and fireworks, outdoor shooting ranges and preserves, and extraction of minerals, rock, dirt, gravel, sand, oil or natural gas and similar materials but not to include extraction of such materials by means of enhanced recovery, hydraulic fracturing, and/or horizontal drilling, may be permitted by Special Use Permit, provided:

1. The neighboring area is not characterized by residential, commercial, or industrial development which would be adversely impacted by the proposed use; and
2. A technical transportation study shall be submitted that assesses the potential physical and operational impacts to the transportation assets (roads, bridges, right-of-way, etc.) which are anticipated to provide service to the subject parcel or parcels; and
3. On-site traffic flow will adequately and safely accommodate all traffic to and from the public highways; and
4. The business shall have direct access to a state-maintained road; and
5. The business and anticipated enlargements thereof will be appropriate for agriculture areas and is not more properly placed in an available industrial zone; and

6. All buildings, structures, and operations will be set back at least ~~two~~ five -hundred feet (~~200'500'~~) from all property lines and at least one thousand feet (1000') from any residentially zoned property unless the board of zoning appeals determines that greater setbacks are necessary to adequately protect neighboring properties; and
7. The board of zoning appeals may reduce or eliminate the ~~two~~ five hundred foot (~~200'500'~~) set back between adjoining properties where similar industrial uses are ongoing, ~~and the adjoining property owners agree that such a reduction is mutually beneficial.~~
8. All uses involving the extraction of oil or natural gas shall conform to applicable state and federal regulations concerning noise and vibration. The Zoning Administrator may require the submission of a copy of data submitted to state or federal agencies pertaining to these performance standards with the required site plan.
9. All mining operators shall submit to the Zoning Administrator a copy of the operations plan required by state agencies with the required site plan.

**AN ORDINANCE TO AMEND
SECTION 25-74
OF THE AUGUSTA COUNTY CODE**

WHEREAS, the Augusta County Board of Supervisors has deemed it desirable to update the requirement for the Section 25-74;

NOW THEREFORE be it resolved by the Board of Supervisors for Augusta County that items 6 and 7 of Section 25-74. D. of the Augusta County Code are amended to read as follows:

D. Uses away from developed areas.

Uses customarily found in areas away from developed areas, including but not necessarily limited to: batching plants, including asphalt and portland cement, storage of bulk fuel, explosives, ammunition and fireworks, outdoor shooting ranges and preserves, and extraction of minerals, rock, dirt, gravel, sand, oil or natural gas and similar materials but not to include extraction of such materials by means of enhanced recovery, hydraulic fracturing, and/or horizontal drilling, may be permitted by Special Use Permit, provided:

1. The neighboring area is not characterized by residential, commercial, or industrial development which would be adversely impacted by the proposed use; and

2. A technical transportation study shall be submitted that assesses the potential physical and operational impacts to the transportation assets (roads, bridges, right-of-way, etc.) which are anticipated to provide service to the subject parcel or parcels; and
3. On-site traffic flow will adequately and safely accommodate all traffic to and from the public highways; and
4. The business shall have direct access to a state-maintained road; and
5. The business and anticipated enlargements thereof will be appropriate for agriculture areas and is not more properly placed in an available industrial zone; and
6. All buildings, structures, and operations will be set back at least five hundred feet (500') from all property lines and at least one thousand feet (1000') from any residentially zoned property unless the board of zoning appeals determines that greater setbacks are necessary to adequately protect neighboring properties; and
7. The board of zoning appeals may reduce or eliminate the five hundred foot (500') set back between adjoining properties where similar industrial uses are ongoing, and
8. All uses involving the extraction of oil or natural gas shall conform to applicable state and federal regulations concerning noise and vibration. The Zoning Administrator may require the submission of a copy of data submitted to state or federal agencies pertaining to these performance standards with the required site plan.
9. All mining operators shall submit to the Zoning Administrator a copy of the operations plan required by state agencies with the required site plan.

COUNTY ATTORNEYS' STAFF COMMENTS: The County Attorneys have reviewed and approved this language.

COMMUNITY DEVELOPMENT STAFF COMMENTS: Amendment increases the minimum setback for mining/quarry operations from 200' to 500' from all property lines and increases the minimum setback the Board of Zoning Appeals may reduce or eliminate from 200' to 500'. Amendment also removes the clause under item 7, "and the adjoining property owners agree that such a reduction is mutually beneficial."