

September 3, 2009

PRESENT: J. W. Callison, Jr., Vice Chairman
D. A. Brown
G. A. Coyner, II
C. E. Swortzel
J. R. Wilkinson, Zoning Administrator & Secretary
S. K. Shiflett, Zoning Technician I

ABSENT: S. F. Shreckhise, Chairman

VIRGINIA: At the Called Meeting of the Augusta County Board of Zoning Appeals held on Thursday, September 3, 2009, at 10:00 A.M., in the County Government Center, Verona, Virginia.

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VIEWINGS

The members of the Board of Zoning Appeals assembled at the Government Center and went as a group to view the following:

- **Silvana Gladys Scotto Lavina - Special Use Permit**
- **Charles E. Neff, Jr., agent for Valley Aerospace Team - Special Use Permit**
- **Julian Moffett, Jr. - Special Use Permit**

At each location, the Board observed the site and the premises to be utilized. The Board also viewed the development and the character of the surrounding area.

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Vice Chairman

Secretary

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PRESENT: J. W. Callison, Jr., Vice Chairman
D. A. Brown
G. A. Coyner, II
C. E. Swortzel
J. R. Wilkinson, Zoning Administrator & Secretary
S. K. Shiflett, Zoning Technician I
B.B. Cardellicchio-Weber, Administrative Secretary

Absent: S. F. Shreckhise, Chairman
Pat Morgan, County Attorney

VIRGINIA: At the Regular Meeting of the Augusta County Board of Zoning Appeals held on Thursday, September 3, 2009, at 1:30 P.M., in the County Government Center, Verona, Virginia....

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MINUTES

Mr. Swortzel moved that the minutes from the August 6, 2009 meeting be approved.

Mr. Coyner seconded the motion, which carried unanimously.

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SILVANA GLADYS SCOTTO LAVINA - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Silvana Gladys Scotto Lavina, for a Special Use Permit to have a restaurant in the existing building on property owned by William W. Little, located in the northeast quadrant of the intersection of Dry Branch Road (Route 720) and Whiskey Creek Road (Route 723) in the Pastures District.

Mr. Leonel Fuentes, 614 E. 25th Street, Buena Vista, stated that he is representing the owner of the restaurant. He stated that this request will serve the Churchville community. He stated that they will provide fresh food and delivery services.

Mr. Wilkinson stated that they would like to have a restaurant in the old convenience store.

Mr. Swortzel asked if there would be grocery type items or restaurant food?

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Mr. Fuentes stated that it will be pretty much a restaurant and they may have some convenience store items. He stated that mainly they will be delivering pizza to the surrounding area.

Ms. Brown asked if they will also have dinner food available?

Mr. Fuentes stated yes. He stated that he will have seating for about forty (40) people. He stated that Mr. Little plans on expanding the sewer system for this request.

Mr. Wilkinson stated that he received a call from the Health Department that the septic system will need to be upgraded. He stated that Mr. Little has already started the process with the health department.

Vice Chairman Callison asked if there was anyone wishing to speak in favor, or in opposition to the request?

There being none, Vice Chairman Callison declared the public hearing closed.

Mr. Swortzel stated that this request would be an ideal use of the site. He moved that the request be approved with the following conditions:

Pre-Conditions:

1. Obtain Health Department approval and provide a copy to Community Development.
2. Obtain letter of approval from Building Inspection Department and provide a copy to Community Development.

Operating Conditions:

1. Hours of operation be 11:00 a.m. to 10:00 p.m.
2. Be limited to four (4) employees.
3. Any new outdoor lights require site plan submittal and must meet ordinance requirements.
4. Site be kept neat and orderly.

Ms. Brown seconded the motion, which carried unanimously.

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SCOTT SWATS - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Scott Swats, for a Special Use Permit to have a landscape and garden center on property owned by James W. Sizemore Family L.P., located in the northern quadrant of the intersection of Lee Jackson Highway (Route 11) and Rosebud Lane in the Riverheads District.

Mr. Scott Swats stated that he would like to expand the landscaping company. He stated that he would like to grow his own shrubs and have his own products on site. He stated that he would like to eliminate the middle man. He would like to have wholesale and public sales in the future.

Vice Chairman Callison asked if he intended to use this site as a retail outlet?

Mr. Swats stated no.

Mr. Swortzel asked if this would be a large enough lot to raise a volume of plants?

Mr. Swats stated that the fenced in lot is 100' x 150'. He stated that he can hold thousands of starter seeds in his greenhouses. He stated that he would like to grow plants and shrubs in the two (2) greenhouses instead of buying them.

Mr. Coyner stated that there is a concern about the VDOT entrance permit.

Mr. Swats stated that he contacted them and he has not gotten a reply back from VDOT. Mr. Wilkinson stated that VDOT had an issue with the sight distance on the entrance that was proposed. He stated that perhaps the applicant needs to speak with VDOT about using the joint entrance that the garage uses. He stated that the Board can table the request until the applicant gets an answer from VDOT.

Mr. Coyner stated that it is difficult for the Board to make a decision without the applicant being able to obtain the entrance permit from VDOT.

Vice Chairman Callison asked if there was anyone wishing to speak in favor, or in opposition to the request?

There being none, Vice Chairman Callison declared the public hearing closed.

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Mr. Coyner stated that there has been a lot of activity at this site over the years. He stated that there has never been a problem with getting an entrance from VDOT in the past. He moved that the request be tabled for sixty (60) days.

Ms. Brown seconded the motion, which carried unanimously.

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AMY M. BERRY - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Amy M. Berry, for a Special Use Permit to have a pet grooming business on property she owns, located on the north side of Twin Hill Road (Route 653), just east of the intersection of Twin Hill Road (Route 653) and Old White Hill Road (Route 831) in the Riverheads District.

Ms. Amy Berry stated that her husband contacted VDOT and setup a time for them to come to the site. She stated that they may be able to use an alternate entrance. She stated that she contacted an engineer regarding the septic. She stated that she may have to use special hair traps and other special drainfields for the water intake. She requested that the Board table the request in order for them to come up with a solution.

Mr. Swortzel asked if she would like thirty (30) or sixty (60) days?

Ms. Berry stated that she would like the request tabled for thirty (30) days if possible. She stated that they may have to clear the property and put the parking lot in the front so that customers can see either side of the hill.

Mr. Wilkinson asked if the customers bring their dogs to her home in order to be groomed?

Ms. Berry stated yes.

Mr. Wilkinson asked if the dog pens will be kept inside or outside?

Ms. Berry stated they will be inside. She stated that she will only take the dogs out on a leash in order for them to go to the bathroom. She stated that the owners will drop off the dogs and when they are ready to be picked up she would contact the owners.

Mr. Coyner asked if dogs will be kept at the site at night?

Ms. Berry stated no.

Mr. Coyner asked how many dogs will there be on site at one time?

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Ms. Berry stated that this business will be very low key. She stated that she will not have any more than five (5) dogs per day at the site. She stated that this would be a part-time business. She stated that she may have more clients during Thanksgiving and Christmas. She stated that she would expect to have eight (8) to ten (10) dogs per day during the holiday time.

Mr. Coyner asked if the applicant will be operating the business herself?

Ms. Berry stated yes.

Vice Chairman Callison asked if there was anyone wishing to speak in favor, or in opposition to the request?

Mr. Marshall Snead, 109 Twin Hill Road, Stuarts Draft, stated that he lives directly across the road from the site. He stated that he has no problem with the grooming business. He stated that there are some issues with the road conditions at the top of the hill. She stated that if the customers park along the driveway it makes it a little dangerous for the traffic. He stated that the traffic picked up from the last couple of years. He stated that he spoke with VDOT and Nancy Sorrells on getting the speed limit reduced.

Vice Chairman Callison asked if there was anyone else wishing to speak in favor, or in opposition to the request?

There being none, Vice Chairman Callison declared the public hearing closed. He stated that it seems like VDOT needs to look at the conditions of this property for an entrance.

Mr. Swortzel moved that the request be tabled for thirty (30) days in order to see what VDOT's response is regarding the entrance.

Ms. Brown seconded the motion, which carried unanimously.

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ROBERT NORDHAUSEN - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Robert Nordhausen, for a Special Use Permit to have a kennel on property he owns, located on the south side of Fauberitaville Lane, approximately .9 of a mile southwest of the intersection of Fauberitaville Lane and Lee Jackson Highway (Route 11) in the Riverheads District.

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Mr. Robert Nordhausen stated that he has received a letter from his veterinarian stating that he is a responsible pet owner. He stated that this is not going to be a kennel for a major business. He stated that at the moment he has five (5) dogs. He stated that he plans on breeding one (1) of the dogs which is a German Shepherd. He stated that after she has two (2) litters she will be fixed. He stated that all of the other dogs are fixed. He stated that over the years they have found twelve (12) dogs and have found homes for ten (10) of them. He stated that one (1) of their dogs has medical problems so they decided to keep him and another one (1) that they fell in love with. He stated that they have gotten licenses for the three (3) that they did not have licenses for as per Animal Control's letter.

Vice Chairman Callison asked if there was anyone wishing to speak in favor, or in opposition to the request?

There being none, Vice Chairman Callison declared the public hearing closed. He stated that this site is an unusually good site to operate a kennel.

Mr. Coyner stated that dog kennels were the subject of the news lately in the County. He stated that many people do a good job running the kennels. He stated that the Board has had a learning process to regulate the total number of dogs on a site. He moved that the request be approved with the following conditions:

Operating Conditions:

1. The 200' x 200' fenced exercise area be constructed within six (6) months.
2. Maximum of twenty (20) total dogs to be kept at this site at any time.
3. Dogs be kept inside from 10:00 p.m. until 6:00 a.m.
4. Applicant must reside on premises.
5. Site be kept neat and orderly.
6. No off premise advertising signs associated with the business.
7. Animal Control to inspect the site every six (6) months.

Mr. Swortzel seconded the motion, which carried unanimously.

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RICKY L., CINDY B., BRANDON, JOSHUA, AND CODY CAMPBELL - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Ricky L., Cindy B., Brandon, Joshua, and Cody Campbell, for a Special Use Permit to construct a building in order to have a construction business with outdoor storage on property owned by Ricky L. and Cindy B. Campbell, located in the southern quadrant of the intersection of Solstice Springs Lane and Guthrie Road (Route 652) in the Riverheads District.

Mr. Ricky Campbell stated that he is presently operating his construction business since 1985 at Guthrie Road which he has a Special Use Permit for. He stated that he would like to move his business to this site. He stated that he also lives on site. He would like to operate out of the 30' x 40' building and he would anticipate building another building in the future at the second location. He stated that they are selling the location where he has his current Special Use Permit. He stated that he complied with all of the pre-conditions at his existing facility. He stated that the areas of storage will have natural buffers. He stated that he has a commercial entrance for the site. He stated that he would like to have at least five (5) employees that come to the site over and above family members. He stated that he does expect to build another building at some point in the future, therefore, he would ask that the Board remove the operating condition regarding the expansion of the building. He stated that he would ask the Board to allow him up to 4,000 square feet which is permitted by County ordinance. He stated that he does not have any problems with the other operating conditions that staff is recommending. He stated that they have a list of equipment and vehicles that they will be using for the business. He stated that they have cattle on site. He stated that this site is approximately fifty (50) acres and it is all well maintained. He stated that they would be good neighbors to the adjoining property owners.

Mr. Coyner stated that if the permit is approved the natural buffer would need to be retained. He stated that the trees must not be cut down.

Mr. Wilkinson asked if the applicant would be moving their entire operation to this site?

Mr. Campbell stated yes.

Ms. Brown asked if the applicant lives on site?

Mr. Campbell stated yes.

Vice Chairman Callison asked if there was anyone wishing to speak in favor, or in opposition to the request?

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Mr. Robert Glenn, 185 Guthrie Road, stated that he is not in favor or in opposition to the request. He stated that he would prefer that the buffer remain in place so that the equipment is not visible from his house. He stated that he has another Special Use Permit request in between his house and Mr. Campbell's house that has not been maintained. He stated that they have not had good luck with Special Use Permits in the past.

Vice Chairman Callison asked if there was anyone else wishing to speak regarding the request?

There being none, Vice Chairman Callison asked if the applicant would like to speak in rebuttal. He stated that Mr. Campbell already stated that he would keep the natural buffers in place at the site.

Mr. Campbell stated that Mr. Glenn should not see anything from his property.

Vice Chairman Callison declared the public hearing closed. He stated that Mr. Campbell has operated at the other site for many years and the Board has never had any problems with his Special Use Permit.

Ms. Brown moved that the request be approved with the following conditions:

Pre-Condition:

1. Submit site plan meeting the requirements of Section 25-673 "Site Plan Contents" of the Augusta County Zoning Ordinance to be approved by all appropriate departments and/or agencies.

Operating Conditions:

1. All equipment, machinery, and materials for the business be kept inside the 30' x 40' building, the 100' x 150' storage area, or the 150' x 150' storage area shown on the plan.
2. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
3. Site be kept neat and orderly.
4. Be limited to five (5) employees other than family members who come to the site.
5. Hours of operation be 7:00 a.m. to 7:00 p.m. Monday – Saturday.

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- 6. No Sunday work.
- 7. The only sign to be permitted for this business is one (1) on premise business sign not to exceed twelve (12) square feet.
- 8. No off premise advertising signs associated with the business.
- 9. Applicant must reside on premises.
- 10. All trees and natural vegetation to remain as a buffer to screen storage areas.

Mr. Swortzel seconded the motion, which carried unanimously.

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JULIAN MOFFETT, JR. - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Julian Moffett, Jr., for a Special Use Permit to have a landing strip for a powered parachute on property owned by Ellen L. Moffett, located on the north side of Long Meadow Road (Route 608) just north of the intersection of Long Meadow Road (Route 608) and Westminister Drive in the Wayne District.

Mr. Julian Moffett, Jr. stated that he resides on the family farm. He stated that he would like to take off and land his powered parachute on the property. He stated that the device is a three (3) wheeled go-kart with a fan or propeller and a parachute over top of it. He stated that he has some pictures for the Board. He stated that it weighs approximately 250 pounds and it goes up to 25 mph depending on the wind conditions. He stated that it can stay in flight about an hour and a half and has a maximum range of fifteen (15) to eighteen (18) miles on five (5) gallons of gas. He stated that he would like to take off and land on his property because of the convenience. He stated that he will be using this solely as recreation, only in optimal weather conditions, and the usage will be sporadic based on his busy schedule. He stated that this must only be operated in daylight hours as per FAR code 103. He stated that as a civil engineer with training and airport runway designs he believes he has a safe area to construct the landing strip. He stated that he will mow the grass shorter in the landing strip area. He stated that the landing strip would not be paved. He stated that it will be located behind his house where he has 1,800' from property line to property line. He stated that the landing strip is centered from fence line to fence line. He stated that it gives him 650' from the end of the runway until you get to the property line on each side and 270' to the closest property line to the west. He stated that it only takes one hundred (100') feet to take off with the powered parachute and it can be landed in less than fifty (50') feet. He stated that the wind generally blows from the southwest straight down

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the proposed runway, therefore, his takeoffs will be heading in the southwest direction into the wind and will start from the northeast end. He stated that once airborne his intention is to make a left hand bank prior to reaching the property and head out over the pasture fields to the east that have no houses on them. He stated that for landing he plans on using the unpopulated creek line as the base line before banking right over his property on final approach. He stated that there is plenty of property to perform these maneuvers safely and space is not a problem. He stated that powered parachutes are extremely safe because of the parachute wing design. He stated most accidents happen on the ground. He stated that safety is his utmost concern. He stated that this is a recreational use as a hobby for his personal enjoyment and he has no reason to risk his property or the property of others if conditions are not ideal for flying. He stated that weather and wind in general is an important factor in safely flying the powered parachute. He stated that he will be purchasing and installing a weather station to monitor the weather conditions at the time when he goes out to fly. He stated that as for the noise issue the 52 horsepower engine is the same engine that is found in many jet skis and the noise would be comparable to a lawn mower when it is fired up at full throttle. He stated that the closest house would be 400'. He stated that the noise will only last for a couple of minutes because he will fly up and be elevated out of the area whereas a lawn mower stays in place the entire time it is being used. He stated that he will not be invading anyone's privacy. He stated that he spoke with all of the neighbors regarding his plans and intentions for the permit. He stated that every person who owns property adjacent to him has signed a petition in support of the request. He stated that he has not spoken within anyone who had an objection. He stated that many of the neighbors were interested about him flying and they all appreciated him coming by to speak to the neighbors but how could they possibly object to what he was doing on his own property. He stated that the Board received a letter of support from one of his neighbors. He stated that safety of others and his own is his number one priority. He stated that this is his hobby and will not affect the neighbors in the community. He is only asking to use the property for his enjoyment. He stated that his property is one of the few remaining farms in the district. He would ask that the Board change operating condition #1 to allow his friends or family members that become interested in it to operate the landing strip. He stated that this is a fairly intricate piece of equipment and it is sensitive to weather and he intends to keep it inside but if he wants to leave something outside on his property he should be able to.

Ms. Brown asked if it would be used on the 34 acres of property?

Mr. Moffett stated yes.

Ms. Brown asked if once the applicant gets up in the air are you not over other people's property?

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Mr. Moffett stated that is correct but at that point he would be regulated by the FAA guidelines.

Ms. Brown asked how high will the powered parachute go up?

Mr. Moffett stated the sky is the limit. He stated the world record is up to 15,000'. He stated that he has no intention to compete with that. He stated that he would stay within 300' to 500'. He stated that the FAA does not set elevation requirements. He stated that they do have minimum requirements.

Ms. Brown asked how long can the applicant fly with five (5) gallons of gas?

Mr. Moffett stated a maximum of eighteen (18) miles.

Ms. Brown asked where does the applicant fly?

Mr. Moffett stated that currently he flies out of southwest Virginia but his intent would be to fly around a ten (10) to twelve (12) mile area from his house.

Ms. Brown asked if the device is a one (1) or two (2) seater?

Mr. Moffett stated that there are both but he is looking at a one (1) seater for his use. He stated that he has had an instructor train him. He stated that he has had training in the air with his instructor, ground training, and solo training with the instructor being on the runway communicating with him while he is in the air.

Ms. Brown asked if it is noisy?

Mr. Moffett stated no noisier than a lawn mower. He stated that his closest neighbor is 400' away.

Ms. Brown asked if the applicant will be flying over the neighborhood?

Mr. Moffett stated that he can fly over or around it. He stated that he would probably fly around it because that would be a fairly tight turn. He stated that it is his intention to be a good neighbor. He stated that he will not be coming low over people's houses and causing a problem. He stated that he has a petition showing his neighbors' support.

Ms. Brown asked if there is a school and a library in the area?

Mr. Moffett stated yes.

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Mr. Coyner asked if this would be a hobby?

Mr. Moffett stated yes. He stated that this is something that he would like to do in the evenings when the wind conditions are at their best. He stated that he would like to have this use close to home so that he can use it. He stated that if he needs to take this to another facility he would have to unload the equipment which will take additional time. He stated that he will not fly every evening. He stated that he probably will fly more at first and less later on.

Mr. Coyner asked what type of maintenance is done after each flight?

Mr. Moffett stated that the aircraft is fairly maintenance free. He stated that once a year or one hundred (100) hours he would have to change the plugs and oil.

Mr. Coyner asked if the applicant would have one (1) takeoff? He stated that he should not take off ten (10) times in one evening.

Mr. Moffett stated that he would only take off one (1) time per evening.

Vice Chairman Callison asked if there was anyone wishing to speak in favor, or in opposition to the request?

Ms. Ellen Moffett, 171 Annandale Farm Lane, Staunton, stated that she is the property owner. She stated that she is the applicant's mother. She has traveled to Gretna and saw him with his parachute in the sky. She stated that she watched him take off and land and she was very impressed. She spoke with his instructor and he was very impressed with him. She is in favor of him operating the powered parachute on her property. She stated that she has a note from his wife, Kimberly Moffett, who wrote a note to the Board which included that he is a very considerate person and he is careful with the safety of others. She stated that he understands the importance of the safety of the neighbors and will have good neighborly relationships. She also requested that the Board approve this request.

Mr. Jeremy Pultz, 404 Glebe School Road, Swoope, stated that he has logged over three hundred (300) hours of aircraft time. He stated that this is one of the safest forms of flying. He stated that there has never really been any fatalities with this type of equipment in this area. He stated that mostly they land in some power lines which are due to the operator not paying attention. He stated that he sees no problem with this request as long as it is kept over the pasture. He stated that this sounds just like a lawn mower.

Ms. Brown asked where do you take off?

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Mr. Pultz stated that he sold his. He stated that he was involved with the Rockingham County search and rescue which is a great tool in order to help find people in the community.

Ms. Brown asked why did the applicant sell the aircraft?

Mr. Pultz stated that he does not have time to fly any more. He stated that he regrets selling it.

Vice Chairman Callison asked if there was anyone else wishing to speak in favor, or in opposition to the request?

There being none, Vice Chairman Callison declared the public hearing closed. He stated that the Board visited the site this morning. He stated that this type of use is new to him. He stated that he is not familiar with it.

Mr. Swortzel stated that there is no one in opposition to the use. He stated that this is a large piece of property. He stated that he is not opposed to the request.

Mr. Coyner stated that this is important that it remains a family project. He stated that there is a large size subdivision nearby. He stated that the aircraft would need to be kept inside.

Ms. Brown stated she has seen this type of aircraft hovering over the neighborhood and circling over the top of the homes. She stated that it will be very noisy. She stated that she would like to include no hovering around the neighborhood.

Mr. Coyner stated that he feels that the applicant will be considerate of the neighbors. He stated that the applicant has a vested interest in this aircraft. He stated that he does not know how the Board can regulate the hovering over neighborhoods. He stated that he feels the applicant will be a good neighbor. He moved that the request be approved with the following conditions:

Operating Conditions:

1. The landing strip to be used only by the applicant and his family.
2. No aircraft, equipment, or parts of aircraft or equipment be kept outside.
3. The equipment be kept in the hanger in the barn.
4. No expansion of the permit.

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5. Applicant must reside on premises.

Mr. Swortzel seconded the motion, which carried with a 3-1 vote with Ms. Brown being in opposition to the motion.

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CHARLES E. NEFF, JR., AGENT FOR VALLEY AEROSPACE TEAM - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Charles E. Neff, Jr., agent for Valley Aerospace Team, for a Special Use Permit to have active recreation events including rocket launching, overnight camping, and monthly meetings on property owned by the Estate of Daniel K. Croft ½ and French Moore ½, located in the western quadrant of the intersection of Livick Road (Route 707) and Glebe School Road (Route 708) in the Riverheads District.

Mr. Charles Neff stated that he is the President of the Valley Aerospace Team. He stated that in 2005 he founded the club. He stated that they have been holding organized events at various locations in the County. He stated that they did not know that they needed a Special Use Permit. He stated that since starting the organization they have had thirty (30) events at three (3) different locations. He stated that they introduced rocketry to over four hundred (400) youths. He stated that many students attended the launches. He stated that he has taught classes through the Parks and Recreation Department. He stated that the club has forty-five (45) members but not all of them are active members. He stated they would like to have twelve (12) events per year. He stated that not all of the members will attend the events at the same time. He stated that they did not understand the opposition to the request. He stated that the Planning Commission commented that these activities have no affects on current or future land use. He stated that their activities do not involve on-site construction, excavation, interference with water courses, or anything that would jeopardize the agricultural nature of the property. He stated that they have always been good stewards of the land. He stated that they also stated that they are concerned about the safety of the public. He stated that if the Planning Commission has the data to provide this information he would like to know. He stated that based on the data from the National Association of Rocketry there has been few reported injuries as a result of organized hobby rocketry over the last fifty (50) years and there has never been a death reported of a rocket hitting someone at a launch site or an adjacent property. He stated that they have liability insurance through both of the sanctioning organizations. He stated that the hours of operation they are requesting are 10:00 a.m. to 6:00 p.m. and 10:00 a.m. to 4:00 p.m. in the winter and the night launches always have ended by 11:00 p.m. He stated that this property has 483 acres. He stated that small number of rockets have

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drifted onto adjacent properties that have done so as a result of higher than expected upper level winds which they really do not have any way of measuring. He stated that all of the rockets have parachutes which they are required to maintain. He stated that they had over 410 flights at the Croft field. He stated that the number that drifted off the property has been less than 2.5%. He stated that all launches are on Saturday and Sunday. He stated that they have been launching at the site for the previous fourteen (14) months. He stated that the statement regarding the rockets having no guidance system is not only factually incorrect but obviously intended to imply that there is a lack of control of the rockets flight. He stated that by law the rockets may not contain an active guidance system but they must by definition be stable in flight or have passive guidance by way of fins, etc. He stated that they are not free roaming sticks. He stated that each rocket needs to be inspected before it is launched regardless of size. He stated that every rocket is brought up to a table before it is allowed to be brought to the launch pads. He stated that they feel the size of a fourteen (14') foot rocket has little relevance with this request. He stated that staff has put an emphasis on this fact which is intended to convey a perceived fear that such rockets present a safety risk to the public. He stated that it is understood that the large size of the hobby rockets can be surprising to those unfamiliar with the hobby and is likely responsible for the staff's misconceptions. He stated that they need to get clearance from the FAA in order to launch their rockets. He stated that they have to be sure that the air traffic is clear. He stated that the FAA reviewed and approved this site to ensure that it had adequate setback from the roads, buildings, and adjacent properties. He stated that this has resulted in five (5) instances in which individuals crossed onto adjacent parcels to retrieve their rockets without the knowledge of or prior permission to landowners. He stated that this was an error on their part. He stated they were no more criminal in intent than a passing motorist entering someone's property to retrieve a wheel cover. He stated that steps have already been taken to rectify the participants retrieving rockets on adjacent property in the future. He stated that they did not find anything specific regarding them having some of the participants camp on the property at the events. He stated that they could only find a code or ordinance pertaining to commercial entities or permanent recreational areas. He stated that these codes would not pertain to some invited guests that have stayed on the property. He stated that the largest group that has spent the night at the site has been seven (7). He stated that more typically it has been one (1) to three (3) people and only occurs during the warmer months. He stated that a rocket has never left the Croft farm at night. He stated that they reduce the altitudes that a rocket has at night, they have model lighting requirements, and daytime flight qualifications. He stated that the additional precautions increase safety measures. He stated that they performed a variety of site specific evaluations in order to establish safety regulations. He stated that the evaluations used highly conservative assumptions in order to present worse case scenarios while keeping things as simple as possible. He read some statistics to the Board regarding the launching of rockets. He stated that he does not understand why staff disapproves this permit. He stated that the staff believes that the neighboring properties will be impacted by the noise of the large rockets, however, there is no stated basis or replicable data provided

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by staff for their concern. He stated that the noise levels associated with the launches are negligible when compared to normal background noise in a rural environment. He stated that the nearest road is 1,400' and the nearest house is 1,800' which is currently vacant. He stated that the sound level along Livick Road is 87.9 decibels which is equal to a diesel pickup truck. He stated that the sound levels along Glebe School Road is 77.5 decibels which is equivalent to a passenger car. He stated that the sound level along Cattleman Road is 61.9 which is equivalent to conversational speech. He stated that the rockets only produce significant noise during the power boost phase of the rockets flight which lasts an average of two (2) to three (3) seconds per launch. He stated that the noise will not have an impact on the area. He stated that this use of the site does not pose any significant risk. He stated that the club provides an opportunity for club members and the community to enjoy the hobby of rocketry at a safe, organized event operated by an experienced nationally sanctioned organization. He stated that all of the events are organized. He stated that the participants learn about science, engineering, math, and farming. He stated that it would be very unfortunate if the County took this opportunity away. He stated that they are currently working with VDOT. He stated that they would like to have at least twelve (12) events per year. He stated that they are at the mercy of the weather. He stated that he would like staff to provide data and or reasonable rational that support the abolition of night launches. He stated that he did not know how staff came up with twenty-five (25) people launching rockets per event. He requested staff to provide reasonable rational. He stated that there would be a plan for adequate parking, crowd, and traffic control. He stated that the launch site is surrounded by hills on over 400 acres and is an open pasture. He stated that there are large areas available for parking as well as rocket preparation and range operation. He stated that if the Board places a limit to the number of people they ask that it would be based on an objective method for determining density. He stated as it stands twenty-five (25) people is one (1) person per nineteen (19) acres which seems to be extremely low. He stated that they request reasonable justification regarding the no overnight camping. He stated that this property will be consistent with the hours of operation and the uses of the surrounding properties in the area which is farming. He stated that farming is done twenty-four (24) hours a day. He stated that day launches are regulated by the FAA from sunrise to sunset and nighttime from sunset to midnight. He stated that they are further regulated to adhere to the FAA restriction and the County's noise ordinance. He stated that the porta-john is by no means visible with the naked eye. He stated that they do not know why they need to screen the porta-john. He stated that there are only two (2) short sections of roadway where it can be seen. He stated that there is one along Livick Road and one along Glebe. He stated that both locations are more than 1,400' distance so the 3' x 7' porta-john is only visible if someone stops and looks at it with binoculars. He stated that staff used a telephoto lens in order to take the picture and it is by no means what an accurate representation of what is visible with the naked eye. He stated that they use strict safety NFPA codes 11-22 and 11-27. He stated that altitudes have been determined by the FAA. He stated that steps have been to minimize the drift of rockets, however, there are rare occurrences when rockets drift beyond the confines of

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launch sites. He stated that significant effort has been taken to demonstrate to the Board that when rockets do drift down the property line they do not pose a hazard to public safety.

He stated that he agrees with operating condition #9 and if the permit is approved all appropriate permission will be obtained before any launches take place. He stated that in the report that the Agricultural Task Force did in 2005, Choices Report of 2008, and the Economic Development Strategic Plan of 2009 all state that agri-tourism should be expanded in the County. He stated that the participants will spend money in the local hotels and restaurants. He stated that this would make a beautiful launch site in the County and this will bring people back to the area.

Vice Chairman Callison stated that this type of use is new to him. He asked if there was another launch site in the region that is used?

Mr. Neff stated that there is one in northern Virginia (forty-five minutes south of Washington DC) on a farm where horses are kept and in the eastern part of Virginia. He stated that people come from all over the country because it is hard to find launch sites that have not been encroached on development. He stated that they have been at the site for the past fourteen (14) months. He stated that until this past weekend they did not know that people were opposed to it.

Vice Chairman Callison stated that many people were not aware of what was going on. He stated that this property is close to property where he owns and he knew nothing about it because the use is very infrequent, however, the matter has been quite active now. He stated that the disappointing part is that some of these rockets have been retrieved off of property where people have not been made aware of what was going on.

Mr. Neff stated that they greatly apologize for that.

Ms. Brown asked if the insurance coverage covers Augusta County?

Mr. Neff stated that it covers all of their activities specific to their club. He stated that the national organizations provide the insurance to them.

Ms. Brown asked what is the dollar amount?

Mr. Neff stated that NAR is one million dollars per occurrence and Tripoli is two million dollars per occurrence. He stated that the insurance has been used very little if any.

Ms. Brown asked what was the tallest rocket used in Augusta County?

Mr. Neff stated approximately fifteen (15') feet which is his rocket. He stated that no one has brought a larger rocket to the launches.

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Vice Chairman Callison asked if there is a maximum height of a rocket?

Mr. Neff stated that it depends on how it is constructed. He stated that it depends on the FAA. He stated that FAA has cleared them to 20,000' but they have not even come close to that.

Mr. Swortzel asked if there was a fire risk of the rockets?

Mr. Neff stated that per their safety codes they clear the ground of any combustible materials. He stated that they have a water sprayer that they soak the ground with to prevent fires. He stated that the Swoope Fire Department is on hand during dry months. He stated that they have never had a fire issue at the site but they do take the steps to prepare for it.

Mr. Swortzel asked what is the closest house to the site?

Mr. Neff stated 1,800' away and it is unoccupied.

Mr. Swortzel asked what is the closest occupied home?

Mr. Neff stated it would be Mr. Miller's house and it is approximately 3,000' away.

Vice Chairman Callison asked if the rockets are put on the ground and then shot up?

Mr. Neff stated that they have launch pads so they are not directly off the ground. He stated that they also have blast deflectors so that the blast does not go straight to the ground. He stated that they spray the ground during the dry months. He stated that they setup the launch pads right off of the creek so that they have plenty of access to water.

Mr. Wilkinson asked if Mr. Neff's rocket was the largest one?

Mr. Neff stated yes. He stated that it is the largest one to launch at their site so far.

Mr. Wilkinson asked if the largest rockets obtain the greatest height?

Mr. Neff stated that it depends on the motor that is in the rocket. He stated that he has had three (3) flights on his rocket. He stated that he only had one (1) launch at the Croft site. He stated that he had one go up to 7,000', 6,000', and lastly the Croft site launch was a little over 4,000'.

Mr. Wilkinson asked what is the burn time?

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Mr. Neff stated two and a half (2 ½) seconds burn time.

Ms. Brown asked what is the trail of smoke when the rocket is launched?

Mr. Neff stated that the smoke is used to visibly follow the rocket. He stated that the actual fire that you see is on average two (2) to three (3) seconds.

Ms. Brown asked what the launch pad is made of?

Mr. Neff stated that it is made of tubular steel and some are aluminum. He stated that the smaller rockets are on the PVC stand with launch rods.

Ms. Brown asked how heavy is a fourteen (14') foot rocket?

Mr. Neff stated loaded on the pad ready to fly it is eighty-five (85) pounds.

Ms. Brown asked what is the purpose of flying the rockets at night?

Mr. Neff stated sheer enjoyment. He stated that all of the rockets are all required to have lights or strobes so that they are visible throughout the flight.

Ms. Brown asked if the youth can fly the rockets and order the motors?

Mr. Neff stated they can buy all the rockets they want but they cannot order the motors. He stated that their goal is to provide a safe environment in order to launch the rockets. He stated that any injuries that has taken place with this hobby has been as a result of individuals going out and not knowing what they are doing. He stated that they provide the opportunity to teach them how to do it safely.

Ms. Brown asked if a remote control is used to send the rockets off and how far back do they stand from it?

Mr. Neff stated yes a remote is used. He stated that different motors require different sizes. He stated that the smaller rockets are only required for you to be fifteen (15') feet away. He stated that they require a minimum of fifty (50') feet for the smaller ones. He stated that the biggest motor that they have launched they required a five hundred (500') foot distance.

Ms. Brown asked how often will the rockets be launching?

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Mr. Neff stated that they usually have approximately one hundred (100) rockets which is twelve and a half (12 ½) rockets an hour which is approximately one (1) rocket every five (5) minutes. He stated that they may have a lull where they do not launch any for thirty (30) minutes because people are getting them prepped and ready to fly. He stated that they wait until one lands safely before going to the next one. He stated that they keep a sight on the rockets at all times.

Ms. Brown asked if the rocket is laid down and then flipped over when it is being prepared to launch?

Mr. Neff stated that the bigger launch pads have a mechanism to tilt and load the rocket.

Ms. Brown asked if they used ladders?

Mr. Neff stated no.

Mr. Swortzel asked where does the applicant work as a day job?

Mr. Neff stated that he works for the National Radio Astronomy Observatory in Charlottesville as a mechanical designer. He stated that he used to work for a civil engineering firm in Staunton.

Mr. Swortzel stated that the applicant is very knowledgeable and passionate on what the group is doing. He stated that he wished the applicant approached the neighbors about going onto their property and told them what the group was doing in the area. He stated that that may have set a totally different tone regarding the request.

Mr. Neff stated that he did go and speak to the property owner where the rocket landed. He stated that they did apologize to the neighbor. He stated that he did not make the exact boundaries clear to the participants. He stated that they were not aware that they were going on someone else's property.

Mr. Swortzel stated that there were many letters of support but they were not from local citizens. He stated that Augusta County does not appear to have a lot of people involved with this hobby so that is why he can see why the applicant has less local support because it is very limited. He stated that it does sound like it would be a lot of fun to watch. He stated that they did receive many letters in opposition from the neighbors in the area.

Mr. Neff stated that he invites anyone to come out and watch. He stated that this hobby was posted on the Virginia for Lovers site and they had people from Rhode Island come just to watch.

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Mr. Swortzel asked how many people at most will be at the site at one time?

Mr. Neff stated at most probably fifty (50) people at one time. He stated that slightly over half will be spectators. He stated that the people will come and go. He stated that they know exactly how many flyers they have had at each launch but he has not been able to figure out how many spectators there have been at each launch. He stated that the most flyers they have had in a weekend is nineteen (19).

Mr. Swortzel asked the property owner if the area is cleaned up when the group is finished launching at the site?

Mr. Croft stated yes.

Vice Chairman Callison stated that at the previous sites that Mr. Neff used, the property owner has spoken very highly of him and the organization and the way he conducted these affairs. He stated that the applicant does have a lot of support from out of the area although that does not impact the Board very much. He stated that there is some support from some in the County which he has a very high regard for and their support does mean something as far as his thoughts on this matter. He stated that the applicant does have a pretty good reputation.

Mr. Coyner asked about the camping portion of the request?

Mr. Neff stated that because they have people coming in from long distances to launch gas money becomes an issue. He stated that to save a few dollars they would like to camp onsite. He stated that they are not trying to open a campground. He stated that they do not advertise it as a campsite. He stated that sometimes there are people who would like to save a few dollars and camp onsite. He stated that they have a porta-john and it is serviced regularly and the Health Department does not have a problem with it.

Mr. Coyner asked if the participants enter the site near the dairy barn at the road?

Mr. Neff stated that they come in off Livick Road which is the gravel road. He stated that they use the gravel road.

Mr. Coyner asked how big of a rocket was the one that they needed to get five hundred (500') feet away from when it was being launched?

Mr. Neff stated that was his rocket.

Mr. Coyner asked if he wanted to bring his twenty-four (24') foot rocket would he be allowed to launch it?

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Mr. Neff stated that it depends on the motor in the rocket. He stated that not anybody can come in and fly the bigger rockets. He stated that as part of the organization and to fly bigger motors you would have to be certified. He stated that they have a certification team. He stated that he is one of the people on that team. He stated that the motors are ranked as A, B, C, and D, etc. He stated that A is the smallest motor. He stated that B is twice as powerful as A. He stated that C is twice as powerful as B and so on. He stated that anyone can fly up to G and below. He stated that you have to be over eighteen (18) to purchase G motors. He stated that to fly H and I motors you have to be Level 1 Certified. He stated that you cannot buy that size motor if you are not certified. He stated that Level II Certified would be J, K, and L. He stated that Level III Certified would be M and above. He stated that he is Level III certified. He stated that it all depends on the weight of the rocket as to how far it will go. He stated that just a few months ago there was a gentleman in Maryland to commemorate the 40th anniversary of the moon landing he built a 36' tall Saturn five and it weighed 1,600 pounds. He stated that person is in their organization. He stated that rocket flew a little over 4,000'. He stated that it depends on what you put in the rocket.

Mr. Coyner asked if they reserve the air space for the entire day?

Mr. Neff stated that they have a written waiver filed with the FAA. He stated that a few hours before the launch starts he calls them and gives them the hours of operation and they show it as active. He stated that they call the Washington center and give them the hours. He stated that the day before they file a Notice to Airman with the automated system to notify pilots of the activity going on in this area. He stated that they do not take for granted that just because they have a waiver that it will keep planes out. He stated that they are always vigilant at keeping an eye out.

Mr. Swortzel asked if someone in the Waynesboro airport will notify pilots not to fly over this area?

Mr. Neff stated that he is not sure how the FAA handles that part. He stated that they tell them what to do and they do their part. He stated that he is not sure what happens from there. He stated that if they hear something that sounds like a plane they scan the skies to try to locate it before launching.

Vice Chairman Callison asked if there was anyone wishing to speak in favor to the request?

Mr. Phillip DePauk, PO Box 90, Mint Spring, stated that he is not a member but he is in support of the request. He stated that he is not a neighbor of the property, however, he has been to two (2) of the rocket launches. He stated that his stepdaughter and her family

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have two (2) children ages five (5) and three (3) and they have gotten into model rocketry and participated. He stated that he is a retired engineer and he did develop and test helicopters. He stated that the people who were launching at the site were professionals and very safety conscious. He stated that they considered this area as one of the best areas for this type of hobby. He stated that this is an educational and inspirational activity. He stated his stepdaughter's husband is a safety specialist and reviews everything from a safety aspect. He stated that he will let his children go to these events. He stated that the only issue that he observed is the egress on and off the property. He stated that he looks forward to seeing launches in the future.

Mr. Jeremy Pultz, 404 Glebe School Road, Swoope, stated that he is a member of the group. He stated that he is a volunteer fire fighter for Swoope Fire Department and an EMT. He stated that after getting involved in the launches he was really impressed with the safety side of it. He stated that they have water sprayers onsite. He stated that several children launch rockets. He stated that they even had a brush truck onsite. He stated that issue is very well under control. He stated that if he sees that the grass is dry he will go to Mr. Neff and tell him to stop the event because it is too dry. He stated that if a rocket goes out of their site he tries to make sure that everything is ok. He stated that as a pilot he looks around the area because the airspace in Augusta County is pretty intense. He stated that this site is a great location due to the great visibility. He stated that you can see the aircraft long before there is a problem. He stated that he carried his handheld Unicom and he will let them know if there is anything in the air. He stated that he as a pilot called the Shenandoah Valley Regional Airport as well as Eagles Nest to let them know that they are having rocket launches at the site just to be a little safer.

Mr. Larry Neff, 702 Braley Pond Road, West Augusta, stated that part of his curriculum at the school was to build a smaller rocket and launch it behind the school which generated a lot of enthusiasm from students. He stated that this is an opportunity to allow young people to get a chance to see the rockets flying. He stated that the applicant is doing a good thing and he would like to see it continue.

Mr. Derek Hanger, 765 Jerusalem Chapel Road, Churchville, stated that he would like to speak in favor of the permit on the grounds that he has been hosting an after school rocket club for six (6) years. He stated that Mr. Neff has gotten him started into this. He stated that the applicant has participated in five (5) national competitions. He stated that he has a number of students that are pursuing engineering careers in high school as well as graduates who are pursuing engineering in college. He stated that this is a wonderful thing that Mr. Neff is doing. He stated that it is hard to find a place as open as this. He stated that they participate in the monthly launches. He stated that there are not many activities that students can do after they leave high school. He stated that this is a good thing to continue so that they can use this site to test their rockets.

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Mr. Harry Shiflett, 17 East Johnson Street, Staunton, stated that he is the owner of the hobby shop in Staunton. He stated that he has been supplying Augusta County Schools with various rocketry materials, engines, and kits. He stated that rocketry is very active in Augusta County but it is also very quiet. He stated that you do not hear much about it in the County. He stated that they provide the kids with good instruction, professional equipment, and professional training so that they can pursue their hobby in a safe manner. He hoped that the Board would see their launch and see how safe it is. He stated that many kids will miss out if the launch site is no longer available. He stated that it is hard to find a good launch site. He stated that he travels 112 miles each month in order to launch at another site. He stated that the kids are missing out on that because they cannot drive far.

Mr. Bernard Chesshir, 804 St. James Road, Fishersville, stated that he is retired but has been teaching for about thirty-five (35) years. He stated that students remember the rockets from their physics class in high school. He stated that they do not remember the items from the book. He stated that this is a good activity which should continue. He stated that they are not going to be able to continue to launch the rockets behind the school even though the rockets are very small. He stated that they are going to need sites like Mr. Neff has in order to launch. He stated that Mr. Hanger and he started this group many years ago. He stated that the applicant spent many days with them converting them from Wal-Mart type rockets to real rockets with parachutes, etc. He stated that he has been members of many clubs and there is always going to be somebody that is rowdy in the groups and he would not want to take small children to these groups. He stated that in this group he has never seen anything like that. He stated that this is a family organization and safe place to take your child. He stated that if they are not allowed to operate at this site rocket launching will not be possible anymore. He stated that he does not know any other place where he could go with a small child and be assured of not seeing the wrong thing.

Ms. Gail McBride, 465 Round Hill Drive, Stuarts Draft, stated that this is a great family outing. She showed the Board two different types of rockets. She stated that her granddaughter can participate in the events and it is exciting. She stated that there is nothing that compares to watching the rockets go up. She stated that this hobby gets the kids asking questions about the rockets. She stated that the kids are learning with this hobby.

Mr. Charles Ellsworth Neff, Sr., 37 Freelance Lane, Mt. Crawford, stated that the applicant is his son. He stated that his two (2) brothers and he started this years ago. He stated that they did not have supervision like the kids have now with setting off the rockets. He stated that one of things that is threatening rocketry is lack of space. He stated that as the rocketry grows the sites available to launch rockets are diminishing because of the loss of farmland. He stated that he has been doing this for fifty (50) years. He stated that his son

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got very interested in this and formed this organization. He stated that he is a licensed airplane and helicopter pilot and one of the things that is the responsibility of the pilot is to check the route of where they are flying to make sure there is no Notice to Airman. He stated that this is where you get a clearance from the FAA and it states what is going on and times that could be a threat to you if you fly in that area. He stated that if the airplane pilot does not check it, yes they can be in danger. He stated that it is the pilot's responsibility to check for these notices just like checking the weather. He stated that there are people at the rocket launch who are constantly scanning the skies. He stated that the events are very organized and everyone has their own responsibilities. He stated that those in opposition or those who do not understand are those who are afraid of the rockets. He stated that if they actually knew what went on and the high level of competency or efforts to keep everyone safe they would be very impressed.

Mr. Mike Schooley, 128 Dove Hill Lane, stated that his brother and he farm the property that is shown on the map. He stated that they makes hay and has cattle on the property. He stated that originally he was skeptical about them shooting off rockets, he was actually opposed to it but he let it go on and he has made two (2) surprise visits to the site. He stated that a lot of what he has observed has changed his mind and now he is in favor of them continuing the rocket launches on the property he farms. He stated that the group was very safety conscious and there were a lot of rules. He stated that they had ropes to keep people from going out into the launch area. He stated that they make observations to make sure that there is no aircraft in the area. He stated that they do a count down over a loudspeaker so that everyone knows what is going on. He stated that he was amazed at all the safety precautions that the group uses. He stated that the noise was another item that he was surprised at. He stated that the noise should not be a factor. He stated that it would be equivalent to his mother's sneeze which would last two (2) or three (3) seconds. He stated that some of the teachers require the students to make measurements on the rockets in order to do a scientific study which is very educational. He stated that it is more than just shooting rockets. He stated that this is an extra curricular activity. He hopes the Board can find some way to work out the differences between the people in favor and the people in opposition.

Mr. Bill Croft, 404 Glebe School Road, Swoope, stated that he is the landowner and the person responsible for the property that they are having the launches on. He stated that the fun thing is that it is keeping a lot of young people interested in things that they normally would not get interested in. He stated that he has three (3) youths in his family interested in rockets. He stated that the applicant came to him and guaranteed his responsibility. He stated that he spoke with his lawyer and insurance company to make sure that they were covered. He stated that they laid verbal restrictions which he conveyed to Mr. Neff as far as the safety part of it. He stated that they are not getting compensated for them to be on his property. He stated that this is an organization that will enhance the youth and adults with a program that is going to encourage other people to grow up and be something. He

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stated that not all children will be in the little league. He stated that some kids will go out and spend a weekend learning science and seeing things happen that they would normally not be able to see in a video game or in school. He stated that the applicant asked him about the overnight stay. He told him that he is not looking at making his property a campground. He stated that he informed him that he wanted just a couple of people to stay on the property. He stated that the Schooley cattle and their cattle in the field will be within 100' to 300' the entire time and when the rockets go up the cattle look up and then go back to eating grass. He stated that the first couple of times that they blasted off he would go to the site and he could not find trash or anywhere where the grass was burnt. He stated that as far as he is concerned they can continue this process within reason. He stated that they do not want Saturn five rockets going off on the bottom of the field or building a concrete launch pad. He stated that they have a porta-john and a trailer on site. He stated that very seldom do they have any inconvenience with them whatsoever. He stated that they contact him before every launch because if they were in the process of moving cattle they would not want them to be on the property. He stated that they will also ask the weather conditions in the winter time. He stated that they have been very respectful and he does not have a bad thing to say about them. He stated that the entrance on the dirt road is a farm gate and it has been there for his entire lifetime. He stated that it is a sixteen (16') foot gate on a dirt road. He stated that he would suggest that the Board grant them permission but set some standards where they would need to go to the neighbors for permission to go onto the property in order to retrieve the rockets. He stated that they observed some of the rockets on the back of the farm that were lost.

Mr. Swortzel asked if there is a traffic issue on the road during the events?

Mr. Croft stated that it is very seldom that you have over a couple cars at a time. He stated that traffic is not an issue. He stated that he cannot see the need for the commercial entrance. He stated that when you come out the gate you can see several hundred yards in every direction. He stated that they should have done a better job of communicating with the neighbors but they have done a good job of communicating with him.

Vice Chairman Callison asked if there was anyone else wishing to speak in favor to the request?

There being none, Vice Chairman Callison asked if there was anyone wishing to speak in opposition to the request?

Ms. Betty Olson, 706 Mish Barn Road, Swoope, stated that she would like to commend the folks for the excellent presentation that they did. She stated that this activity is a good thing for young people to be involved in. She stated that she was involved in this when she was in high school because it was something that she was interested in. She stated that she does not live near the property that is in question today, however, she does live adjacent to

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a property that is owned by Bobby Arehart's Estate where a group of rocket launchers formerly launched their rockets. She stated that these folks description of what they do on their outings is very similar to what she observed when they were launching rockets next to her property. She stated that she does not know if it was the same group but this sounds awfully familiar. She stated that the property that she is talking about is on Mish Barn Road near Middlebrook. She stated that the first summer they came out on weekends on occasion. She stated that there was a handful of people. She stated that it is exciting and enjoyable to see the rockets go up. She stated that they have not been asked about whether or not the group can come in and do this on the neighboring property. She stated that the second summer they came a porta-john was brought in and setup along the fence line boundary and stayed there the entire summer until late fall. She stated that you can see it from the road. She stated that Friday afternoon cars and trucks would begin flowing into the farm. She stated that approximately thirty (30) or forty (40) vehicles might accumulate over the weekend. She stated that campers were setup on the property. She stated that the rocket launching would begin on Friday and last until Sunday afternoon. She stated that people camped out at the site where the rockets were launched. She stated that they conducted them in the manner that this group is speaking of today. She stated that the only thing that she heard was the rockets going off. She stated that the rockets would be launched all through the day and night. She stated that they would even go off after 11:00 p.m. She stated that when people are trying to sleep after a hard day of work this use is aggravating and annoying. She stated that people climbed over the fences and came over onto the property. She stated that at one point the rockets got on the power lines and she saw the Shenandoah Valley Electric crew had to come out to take the rocket off the power lines. She stated that she brought a rocket to the meeting today and it was one that they set off and never retrieved. She stated that it did not come down on adjacent property but it did go down on the fourth removed adjacent property. She stated that the Board needs to have a clear understanding of what is going on. She stated that they are talking about a land use issue. She stated that this is not an agriculture use. She stated that until her cows can build a rocket and set one off themselves, this is not an agricultural use. She stated that she was on the Agricultural Task Force and she was a part of the group that wrote the information about agri-tourism. She stated that when they said they wanted agri-tourism they meant it, not agri-terrorism. She stated that means hay rides, corn mazes, apple picking, pumpkin picking, farm petting zoo, etc. She stated that they talked about agri-tourism to make the farmers more money off of the land. She stated that these people need a Special Use Permit to do this in agricultural land. She stated that this use is not compatible with agricultural land. She stated that the Board will be setting a precedent if they approve the request. She stated that there are so many encroachments on agricultural land right now. She stated that she cannot endorse this from a farmer perspective. She stated that this will be a nuisance or an aggravation and it is not a use that is allowed in General or Exclusive Agriculture.

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Mr. Clay Hewitt, 725 Hewitt Road, Swoope, stated that he has three major concerns with this use. He stated that he and his brother own land joining the Croft property for about $\frac{3}{4}$ of a mile and they have livestock there. He stated that they already have experience with the rockets landing on the land. He stated that the group climbed the wire fence to retrieve them which does not help the wire fence. He stated that Livick Road is designed for local people to get from one point to another. He stated that it is a one-lane road and 50% of the road is non-passable with another vehicle. He stated that there are a lot of blind spots on that road. He stated that most of the local people know that road and they drive 10 mph so that they can stop and if they do not do that it will be a head-on collision. He stated that they are talking about bringing people from everywhere around the country and they will not know the current road conditions. He stated that when you open it up to overnight camping and active recreation it is an open invitation to alcohol and drugs. He would request that the Board deny this request due to the three reasons he stated.

Mr. Frank Henderson, 135 Cattleman Road, Swoope, stated when he first bought this farm he was told that Swoope had a tradition of not operating farm tractors on Sunday because of the noise. He stated that this new project the Board is considering is totally opposite of that. He stated that he as a landowner does not like the noise. He stated that there is a constant danger of fire. He stated that he understands that there was a call to the fire department involving one incident. He asked who in this group will control the power and distance of these rockets. He stated that he has been listening that the property consists of 473 acres. He stated that last Sunday he was sitting on his front porch and he sees an explosion and a big puff of smoke far off the 473 acres and he later found out what it was. He asked what is the possible danger to crops, land, and cattle. He stated that Mr. Hewitt mentioned some just a moment ago. He stated that the neighbors went through this about four (4) years ago regarding camping. He stated that to date it seems like people who do not own land want to use the land of others for their own purposes. He stated that a lot of these purposes do not benefit the landowners. He stated that he is more concerned about the number of people that will attend the site. He stated that they do not have adequate roads for the number of attendees coming to the site. He suggested that the group has a wonderful program but they should ask the federal government for land rather than using local Swoope farmland.

Ms. Jeanne Hoffman, 120 Trimble Mill Road, Swoope, stated that she lives 1 $\frac{1}{2}$ miles from the site. She stated that she has one hundred (100) names which 99% are all from Swoope that are against the Board granting the permit. She stated that this is not agri-tourism and has nothing to do with agriculture at all other than Swoope has the land. She stated that no one talked to the neighbors. She stated that Swoope is quiet. She stated that her husband and her were taking the horses from her farm to her mother's farm along Livick Road. She stated that the rockets went off and her husband's horse came unglued. She stated that no one asked them. She stated that this started years ago very small when Mr. Croft was in it. She stated that there were two (2) cars, a couple of people, and

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small rockets. She stated that now it has escalated to some national rocket club. She stated that it is great that kids are getting involved but this is not farming. She stated that one of the first things that is on their website advises the organization to get licenses from all government entities. She stated that these people did nothing. She stated the rest of the farmers are not here because they are doing agricultural work. She left the signatures that she collected with the Board.

Mr. Hubert Grim, Jr., 513 Cattleman Road, Swoope, stated that he adjoins the land in question at two (2) different spots. He stated that when they allow different things to come to the community you have to think long and hard on the affects. He stated that the entire length of Glebe School Road has power lines on it. He stated that Mr. Miller sent the Board a letter which stated that the rockets came down and have overshot the power lines. He stated that there is no guarantee what the future will bring if the Board approves this request. He stated that people from out of state will be attending the events and enjoying the Swoope land. He hopes the Board denies the request.

Mr. Dan Layman, 355 Livick Road, Swoope, stated that they have owned this property for about two (2) weeks. He stated that this is the closest house from the launch site. He stated that from their house they clearly see beyond the launch site. He stated that he is quite certain they will be subject to the launches from sunrise to sunset. He stated that people do not come for the entire event but his wife and him will not have a choice unless they go in the basement or leave the property. He stated that Livick Road has very delicate shoulders. He stated that for one car to pass another they have to pull off onto the shoulder. He stated that he is concerned about the condition of Livick Road and it was not designed for heavy traffic. He stated that he would oppose this request at this time.

Ms. Jean Hoffman, 68 Glebe School Road, Staunton, stated that she is referring to the remark that was made by Mr. Neff that they have been good stewards of the land. She stated that for approximately eighteen (18) months she has watched this group move from one part of that field where they rutted the field to going around Livick Road and entering beside of an impaired creek. She stated that at one time she was driving down Livick Road and she nearly jumped out of the car because she heard a loud explosion. She stated that there was fog and smoke drifting towards the creek. She stated that this could be an environmental impact due to the increase usage of the property. She stated that this area is the most aesthetic area of the County because it is undisturbed land that has cattle, horses, corn, and hay.

Mr. Brian Harvick, 92 Helen Lane, Mt. Sidney, stated that he has just built his dream house on the property. He stated that the first time he heard from this group was three (3) weeks ago. He stated that this is the kind of thing he loves but it has no place here in Swoope. He stated that the applicants do not want any limits on the number of users, no limits of time of operation, and no limits on the size or altitudes of the rockets. He stated that they could

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have retired anyplace they would have wanted but they chose this area of the County to live in. He stated that the Board cannot let the crown jewel of the County be subject to this. He would request that the permit be denied but if the Board grants this request he would suggest that they put severe limitations on the permit because this area is beautiful agricultural land.

Mr. Michael Godfrey, 304 Cattleman Road, stated that he is .45 miles from the center of the site where the rockets are launched. He understands the benefits that this will have on the youth and the recreational benefits for the people who set off the rockets but this is not the issue of the agricultural community of Swoope. He stated that he is concerned about the noise issue. He stated that he operates a cow calf farm. He stated that he has seen his cattle be startled as a result of the rocket launching. He stated that he has seen Mr. Hewitt's cattle do the same. He stated that site is surrounded by people who have cattle operations in one form or another. He stated that cows with calves are extremely nervous especially when they are young. He stated that he is concerned about a rocket falling on someone. He stated that this use is inappropriate for the Swoope area. He requested that the permit not be granted.

Vice Chairman Callison asked if there was anyone else wishing to speak in opposition to the request?

There being none, Vice Chairman Callison asked the applicant to speak in rebuttal.

Mr. Neff stated that they did launch at the Middlebrook property from April 2007 to December 2007. He stated that they started out smaller because it was a colder time of year. He stated that by December there were three (3) of them there. He stated that they have never held a launch on Fridays. He stated that the launches have either been on Saturday and/or Sunday. He stated that the only thing that ever happened on a Friday night was him going out there to setup the canopy. He stated that they are the ones who called and paid the bill for the rocket landing on the power line. He read all of the activities listed in the agri-tourism activities from the Agricultural Task Force report. He stated that weddings and music festivals do not have anything to do with agriculture either. He stated that he feels that was not their intent to only include agricultural uses on that list. He stated that they compared their activities to some of the activities on the list and felt that rocket launching just as easily fit on the list. He stated they list the directions on the website and it states that this is a narrow road so please drive carefully and they have taken some steps to alleviate that issue. He stated that they never had a fire at the site. He stated that they have not had a launch at this site since last month. He stated that all of the rockets are required to have parachutes and they do not explode. He stated missiles explode and that is not what his group is launching. He stated that they did not know that a permit was required for this use. He stated that there is nothing on the Augusta County website that states if you do this then you will need a Special Use Permit. He stated that it appeared to

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him that they were a non-conforming use. He stated that would be a good thing to add to the facts portion of the website which he mentioned to Mr. Wilkinson. He stated that had they known that they needed a Special Use Permit they would have applied for one. He stated that they asked the Ms. Hoffman to use their property but she was not interested in rocket launching. He stated that was something that they did not want on their farm so they were the ones who sent his group to the Croft property. He stated that he does not know about the rocket that Ms. Olson brought with her today. He stated that when you get something of that size it is not cheap. He stated that nobody likes to loose their rockets. He stated they will make every effort to retrieve all of the rockets that are on the Croft property.

Mr. Mike Ficco, 8140 Cumberland Gap Road, New Castle, stated that he is a geologist specializing in hazardous waste site assessment and remediation. He stated that the smoke that comes out is not much different than what comes out of an exhaust pipe on a vehicle except it is more visible because of aluminum oxide that is very reflective. He stated that environmentally there is nothing that comes out of the rocket that would negatively impact the environment, stream, or ground.

Mr. Mark Miller, 7210 Richland Drive, Lynchburg, stated that he has been a member of the club for two (2) years. He stated that they should have contacted all of the surrounding landowners before operating this use on the property and crossing property lines. He stated that if they were granted permission they would speak with all of the neighbors. He stated that the cows look up when a rocket is launched and then start eating the grass again. He stated that the cows on the Croft field are not disturbed from the rockets. He stated that he is puzzled why the cows that are thousands of feet away would be startled and the ones in the field would not be. He stated that this site is a beautiful place to be and the group leaves the site as they found it. He stated that they do not do anything to harm the land. He stated that the Crofts check up on them from time to time to make sure that is the case. He stated that what the group does is beneficial because there are so few family activities. He stated that this use gets the kids involved and it gives them positive and responsible influences. He stated that they need to find a way to continue their operations. He would like to find a way to mend any bad relations with the neighbors and apologized for crossing onto other people's land.

Mr. Neff stated that they moved the launch site several times accordingly in order to get the best wind conditions. He stated that the ruts in the land happened in February when there was a thaw in the land. He stated that they used to enter from Glebe and Livick through a gate. He stated that was the reason for them moving to the other spot because that was a much shorter and flatter drive.

Vice Chairman Callison declared the public hearing closed. He stated that this is totally a new venture in the County. He stated that there are a lot of positives and negatives to this

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request which will make this a very difficult decision. He stated that he respects the fact that the group takes good care of the property. He stated that he does not live within site of this request.

Mr. Coyner stated that this is unlike other activities. He stated that there are good reasons to have the rocket launching at this site and there are not good reasons to have the launches at this site. He stated that Swoope is true agriculture land. He feels that this is not a good place for the rocket launching.

Mr. Swortzel stated that the group needs a particular place to operate this use. He stated that this area provides the adequate amount of space in order to operate the rocket launching. He stated that he is concerned about the communication with the adjacent landowners. He stated that the attitudes might have been different if the neighbors were asked. He stated that this will present a great value to the youth and provide education to them as well. He stated that these are quality people doing the right things. He questioned where is the right area to do this.

Mr. Coyner stated that this is certainly not the only spot suitable for this use in the state of Virginia.

Ms. Brown stated that the roads are not adequate for this traffic. She stated that the Board visited the site today and they got behind some farm equipment. She stated that the farm equipment was so big that they could not get around it. She stated that she likes what the group is doing but she does think that there should be another area where the rockets could be launched. She stated that the group can check with the government to see if the club could use government land or an area in the National Forest where it would be an educational for the kids and the rocket club.

Mr. Swortzel stated that the applicant may not be able to use government land due to all of the trees.

Mr. Coyner stated that this site is not a proper place for the rocket launching use. He moved that the request be denied.

Ms. Brown seconded the motion, which carried with a 3-1 vote with Mr. Swortzel being in opposition to the motion.

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**GREG CAMPBELL, AGENT FOR SHENANDOAH VALLEY JOINT AIRPORT
COMMISSION - VARIANCE**

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This being the date and time advertised to consider a request by Greg Campbell, agent for Shenandoah Valley Joint Airport Commission, for a Variance from the height limitation in order to construct a hanger on property owned by Shenandoah Valley Joint Airport Commission, located on the south side of Airport Road just west of the intersection of Aviation Circle and Airport Road in the Middle River District.

Mr. Greg Campbell stated that the Airport Commission recently developed the north corporate hanger area at the airport and it will allow the airport to continue to develop corporate hangers for business and corporate aircraft. He stated that currently the height restriction in the Zoning Ordinance will not be adequate to develop the next hanger. He stated that the Commission does support the Variance subject to proper review and approval prior to construction by the Federal Aviation Administration for this Variance.

Mr. Coyner stated that the applicant needs sixty-five (65') feet.

Mr. Campbell stated yes.

Mr. Coyner stated that this would be a valuable thing for the County.

Ms. Brown asked if this would be available for passengers to ride?

Mr. Campbell stated that this would house business and corporate type aircrafts.

Ms. Brown asked what is the hardship?

Mr. Campbell stated that they would not be able to build a facility adequate in size and the aircraft would have to be based somewhere else and grow their business somewhere other than Augusta County. He stated that this is one (1) of three (3) pad sites that were approved.

Ms. Brown asked how many planes would be coming in and out every day?

Mr. Campbell stated approximately seventy (70) operations per day.

Ms. Brown asked if the Variance is obtained how much will the usage be increased?

Mr. Campbell stated ten (10) to fifteen (15) planes a day. He stated that this use is in keeping with the Airport Overlay Zoning. He stated that the Variance is just for the height. He stated that they have not yet had the need to build something of this size.

Vice Chairman Callison asked if there was anyone wishing to speak in favor, or in opposition to the request?

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Mr. Brian Harvick, 92 Helen Lane, Mt Sidney, stated that this use will help the Shenandoah Valley. He stated that he has heard from two (2) companies that say they wish they could come to the valley and because of the size of the plane they cannot.

Vice Chairman Callison asked if there was anyone else wishing to speak in favor, or in opposition to the request?

There being none, Vice Chairman Callison declared the public hearing closed.

Mr. Coyner stated that many companies would use the hanger. He stated that this use would enhance public transportation service for the area. He moved that the Variance be approved with the following condition:

Operating Condition:

1. The applicant will complete all studies as required by the Federal Aviation Administration (FAA) to demonstrate that the structure will not encroach upon any airport safety zone.

Mr. Swortzel seconded the motion, which carried unanimously.

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Mr. Wilkinson passed out the court cases for the Board to review.

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

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Vice Chairman

Secretary