

Worksession, Tuesday, December 15, 2009, at 1:30 p.m. Government Center, Verona, VA.

PRESENT: Larry C. Howdysshell, Chairman
Gerald W. Garber, Vice-Chairman
David R. Beyeler
Wendell L. Coleman
Jeremy L. Shifflett
Nancy Taylor Sorrells
Patrick J. Coffield, County Administrator
John McGehee, Assistant County Administrator
Patrick J. Morgan, County Attorney
Dennis Burnett, Economic Development Director
Dale L. Cobb, Director of Community Development
Becky Earhart, Senior Planner
John Wilkinson, Zoning Administrator
Kim Bullerdick, Associate Planner
Jessica Staples, Administrative Secretary

ABSENT: Tracy C. Pyles

VIRGINIA: At a worksession of the Augusta County Board of Supervisors held on Tuesday, December 15, 2009, at 1:00 p.m., at the Government Center, Verona, Virginia, and in the 234th year of the Commonwealth....

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CLOSED SESSION

On motion of Mr. Beyeler, seconded by Ms. Sorrells, the Board went into closed session pursuant to:

(1) the legal counsel exemption under Virginia Code § 2.2-3711(A)(7)
[consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel, as permitted under subsection (A) (7)]:

- (A) Reassessment
- (B) Greenville Fire Department

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On motion of Mr. Beyeler, seconded by Mr. Shifflett, the Board came out of closed Session.

Vote was as follows: Yeas: Howdysshell, Sorrells, Garber, Beyeler, Shifflett and Coleman

Nays: None

Absent: Pyles

Motion carried.

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MATTERS TO BE PRESENTED BY THE BOARD

The Board discussed the following issues:

Mr. Coleman: Informed Board of the City of Waynesboro and Augusta County mutual financial aid discussion regarding fire and rescue at staff level.

Chairman Howdyshell: Augusta Health – Stated he met with Augusta Health Corporation regarding the Vascular/Cardiac Care Unit. Augusta Health has requested a letter of support from the Board.

Mr. Beyeler moved, seconded by Ms. Sorrells, that the Board authorize Mr. Coffield to draft a letter of support for the Vascular/Cardiac Unit at Augusta Health.

Vote was as follows: Yeas: Howdyshell, Sorrells, Garber, Beyeler, Shifflett and Coleman

Nays: None

Absent: Pyles

Motion carried.

ZONING ORDINANCE – ORDINANCE AMENDMENT

Discuss Planning Commission recommendations, public comments received at the October 26, 2009 Public Hearing as well as written comments received after the public hearing regarding ordinance to amend Chapter 25 of the Code of Augusta County, Virginia, including the modification of floodplain district boundaries and the adoption of new urban service overlay district boundaries.

Chairman Howdyshell stated this is a typical worksession for the Board however he would allow a member to call upon someone in the audience for their expertise concerning these matters. He then turned the meeting over to Dale Cobb to present the review of the County’s Zoning Ordinance.

Mr. Cobb explained the Federal Emergency Management Agency (FEMA) has revised a map dated January 6, 2010. By adopting the proposed amendment, Mr. Cobb explained this revision will correct a map error by FEMA during the 2007 map revision. Under the Flood Plain Overlay District, he explained floodpool areas upstream of flood control and water supply dams will be added to the regulations. Highlights of the Floodplain Overlay District were reviewed. Mr. Cobb stated staff has not received any public comments regarding the changes to the Flood Plain Overlay District.

Chairman Howdyshell stated amendment to the Flood Plain Ordinance can be acted on today.

Mr. Beyeler moved, seconded by Ms. Sorrells, that the Board adopt the following ordinance:

CHAPTER 25. ZONING.

DIVISION H. OVERLAY DISTRICTS.

Article XLVII. Floodplain Overlay (FPO) Districts.

- § 25-471. Purposes, applicability, liability and penalties.
- § 25-472. Definitions
- § 25-473. Floodplain Overlay Districts.

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| § 25-474. | Development prohibited in Floodplain Overlay Districts. |
| § 25-475. | Development in or near Floodplain Overlay Districts. |
| § 25-476. | Other prohibited structures and uses in Floodplain Overlay Districts. |
| § 25-477. | Existing structures in Floodplain Overlay Districts. |
| § 25-478. | Limitations on variances in Floodplain Overlay Districts. |

CHAPTER 25. ZONING.

DIVISION H. OVERLAY DISTRICTS.

Article XLVII. Floodplain Overlay (FPO) Districts.

§ 25-471. Purposes, applicability, liability and penalties.

A. Purposes. The purpose of the Floodplain Overlay District is to prevent the loss of life and property, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, the impairment of the tax base, and to qualify Augusta County properties for the National Flood Insurance Program by:

1. Regulating uses, activities, and development which, alone or in combination with other existing or future uses, activities, and development, will cause unacceptable increases in flood heights, velocities, and frequencies.
2. Restricting or prohibiting certain uses, activities, and development from locating within areas subject to flooding.
3. Requiring all those uses, activities, and developments that do occur in flood-prone areas to be flood proofed against flooding and flood damage.
4. Protecting individuals from buying lands and structures which are unsuited for intended purposes because of flood hazards.

B. Applicability. This article shall apply to all lands within the County of Augusta which are identified as being in, or within one hundred feet (100') of, the Floodplain Overlay Districts as established in § 25-472 of this article.

C. Compliance and liability.

1. No land shall be developed and no structure shall be located, relocated, constructed, reconstructed, enlarged, or structurally altered in, or within one hundred feet (100') of, the Floodplain Overlay Districts as established in this article except in full compliance with the terms and provisions of this article and any other applicable laws and regulations.
2. The degree of flood protection sought by the provisions of this article is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This does not imply that areas outside the floodplain districts or that land uses permitted within such districts will be free from flooding or flood damages.
3. Records of actions associated with administering this ordinance shall be kept on file and maintained by the Zoning Administrator.
4. This article shall not create liability on the part of the County of Augusta or any officer or employee thereof for any flood damages that result from reliance on this article or any administrative decision lawfully made thereunder.

D. Penalty for violations. Any person who fails to comply with any of the requirements or provisions of this article or directions of the Zoning Administrator shall be subject to the penalties listed in division J of this chapter.

In addition to the above penalties, all other actions are hereby reserved, including an action in equity for the proper enforcement of this article. The imposition of a fine or penalty for any violation of, or noncompliance with, this article shall not excuse the violation or noncompliance or permit it to continue; and all such persons shall be required to correct or remedy such violations or noncompliances within a reasonable time. Any structure constructed, reconstructed, enlarged, altered or relocated in noncompliance with this article may be declared by the county to be a public nuisance and abatable as such. Flood insurance may be withheld from structures constructed in violation of this article.

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§25-472. Definitions

Unless the context otherwise requires, the following definitions shall be used in the interpretation and construction of this Article. Words used in the present tense include the future; the singular number shall include the plural, and the plural the singular; the word "building" shall include the word "structure"; the word "used" shall include arranged, designed, constructed, altered, converted, rented, leased or intended to be used; the word "person" shall include person, firm, corporation; the word "shall" is mandatory and not advisory; the word "approve" shall mean disapprove when appropriate.

Base Flood (One Hundred Year Flood). A flood that, on the average, is likely to occur once every 100 years (i.e., that has a one percent (1%) chance of occurring in any given year).

Base Flood Elevation (BFE). The Federal Emergency Management Agency designated 100 year water surface elevation, (i.e., the elevation of the water surface during the anticipated base flood).

Basement. Any area of the building having its floor subgrade (below ground level) on all sides.

Channelization. The straightening and deepening of channels and/or the surfacing thereof to permit water to move rapidly and/or directly.

Development. For purposes of this article only, the term "development" shall have the following meaning: Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, picnic structures, docks, decks or other recreational items, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Dredging. A method for deepening streams, swamps or coastal waters by removing solids from the bottom.

Encroachment. The advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain. (Ord. 9/26/07, eff. 9/28/07)

Fair market value. The price of a building or land that would be agreed upon voluntarily in fair negotiations between a knowledgeable owner willing, but not forced, to sell and a knowledgeable buyer willing, but not forced, to buy. For the purposes of this Article, the price shall be that value assigned to the improvement by the county at the date of the last assessment for tax purposes, or in the case of Manufactured Homes, the value assigned by the county for the purpose of personal property taxation.

Flood or flooding.

1. A general and temporary condition of partial or complete inundation of normally dry land areas from:

a. The overflow of inland or tidal waters.

b. The unusual and rapid accumulation or runoff of surface waters from any source.

c. Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (a)(2) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

2. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a)(1) of this definition. (Ord. 5/17/90)

Flood, base flood elevation. See "Base flood elevation"

Flood fringe area. That area of the floodplain not included in the floodway. (5/17/90)

Flood insurance rate map (FIRM). The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Floodplain or flood-prone area. Any land area susceptible to being inundated by water from any flooding source. (5/17/90)

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Floodproofing. A combination of structural provisions and changes or adjustments to properties and structures subject to flooding for the reduction or elimination of flood damage to properties, water and sanitary facilities, and other utilities, structures, and the contents of buildings.

Floodway. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot (1') at any point. (5/17/90)

Historic structure. Any structure that is (1) listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register of Historic Places; (2) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (3) individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (4) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either (a) by an approved state program as determined by the Secretary of the Interior, or (b) directly by the Secretary of the Interior in states without approved programs. (Ord. 9/26/07, eff. 9/28/07)

Lowest Floor. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of the code of Federal Regulations, 44 CFR §60.3.

Manufactured home. A structure, transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.

National flood insurance program. A federal program that provides for flood insurance.

New construction. For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial Flood Insurance Rate Map or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, new construction means structures for which start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures. (Ord. 9/26/07, eff. 9/28/07)

One hundred year flood. See "Base Flood".

Recreational vehicle. For the purposes of this article only, a vehicle which is:

1. Built on a single chassis;
2. Four hundred square feet (400 sq. ft.) or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel, or seasonal use.

(Augusta County Code 1969, § 25-115Q; Ord. 9/26/07, eff. 9/28/07)

Start of construction. The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of the construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building. (Ord. 9/26/07, eff. 9/28/07)

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Substantial Damage. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement. Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage" regardless of the actual repair work performed. The term does not, however, include either: (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or (2) any alteration of a "historic structure", provided that the alteration will not preclude the structures continued designation as a "historic structure".

Watercourse. A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur. (Ord. 9/26/07, eff. 9/28/07)

§ 25-473. Floodplain Overlay Districts.

A. **Basis of Floodplain Overlay Districts.** Floodplain Overlay Districts shall include areas subject to inundation by waters of a one hundred (100) year flood. The basis for the delineation of these districts shall be the Augusta County Floodpool Maps and the Flood Insurance Study and associated FIRM for the County of Augusta prepared by the Federal Emergency Management Agency, Federal Insurance Administration, dated September 28, 2007 and revised January 6, 2010, as amended. Floodplain Overlay Districts include areas identified as Floodway Districts, Flood-Fringe and Approximated Floodplain Districts. (Augusta County Code 1969, § 25-115O, Ord. 9/26/07, eff. 9/28/07)

1. The Floodway District is delineated, for purposes of this ordinance, using the criterion that certain areas within the floodplain must be capable of carrying the waters of the one hundred (100) year flood without increasing the water surface elevation of that flood more than one foot (1') at any point. Such areas are shown as Zone AE with Floodway on the FIRMs accompanying the Flood Insurance Study. The areas included in this District are specifically defined in Table 4 of the above-referenced Flood Insurance Study and shown on the accompanying Flood Insurance Rate Map.

2. The Flood-Fringe District shall be that area of the one hundred (100) year floodplain not included in the Floodway District. Such areas are shown as Zone AE on the FIRMs accompanying the Flood Insurance Study. The basis for the outermost boundary of the District shall be the one hundred (100) year flood elevations contained in the flood profiles of the above-referenced Flood Insurance Study and as shown on the accompanying Flood Insurance Rate Map.

3. The Approximated Floodplain District shall be that floodplain area for which no detailed flood profiles or elevations are provided, but where a one hundred (100) year floodplain boundary has been approximated. Such areas are shown as Zone A on the FIRMs accompanying the Flood Insurance Study. For these areas, the one hundred (100) year flood elevations and floodway information from federal, state, and other acceptable sources shall be used, when available. Where the specific one hundred (100) year flood elevation cannot be determined for this area using other sources of data, such as the U. S. Army Corps of Engineers Floodplain Information Reports, U. S. Geological Survey Flood- Prone Quadrangles, etc., then the applicant for the proposed use, development and/or activity shall determine this elevation in accordance with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently-accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough review by the County of Augusta.

4. The Floodpool District shall be that area upstream of publicly owned or maintained flood control or water supply structures that are at or below the elevation of the top of the dam, i.e., the area that will be inundated when the structure is completely full. For the purposes of this district, the BFE shall be defined as the elevation of the top of the dam.

B. **Official map.** The boundaries of the Floodplain Overlay Districts are established as shown on the Augusta County Floodpool Maps and the Flood Insurance Rate Map (FIRM) for Augusta County, Virginia, which is declared to be a part of this ordinance and which shall be kept on file in the offices of the Department of Community Development. (Code of Augusta County 1969, § 25-115R)

C. **District boundary changes.** The boundaries of any of the Floodplain Overlay Districts may be revised by the County Engineer, as agent for the board of supervisors, where natural or man-made changes have occurred, where more detailed studies have been conducted or undertaken by the U.S.

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Army Corps of Engineers or other qualified agency, or an individual documents the need for such change. No such change shall take effect until approval is obtained from the Federal Emergency Management Agency.

D. Interpretation of district boundaries. Initial interpretations of the boundaries of the Floodplain Overlay Districts shall be made by the Zoning Administrator with the advice and assistance of the County Engineer. Should a dispute arise concerning the boundaries of any district, the board of zoning appeals shall make the necessary determination upon appeal as provided by law. The party appealing the decision shall be given a reasonable opportunity to present his case to the board of zoning appeals and to submit his own technical evidence, if any.

§ 25-474. Development prohibited in Floodplain Overlay Districts.

Development, as defined in § 25-472 of this article, is prohibited in Floodplain Overlay Districts in Augusta County unless one (1) or more of the following exceptions applies:

A. Exception A. The lot or parcel on which the development is to occur meets all of the following criteria:

1. The lot or parcel was created prior to January 1, 2010. For the purposes of this section, when a lot is subdivided, all of the lots, including any residue, are deemed to have been created as of the date of recordation of the plat creating such lots.

2. No portion of the lot or parcel lying outside the Floodplain Overlay District either:
 a. contains at least nine thousand square feet (9,000 sq. ft.) or,
 b. if less than nine thousand square feet (9,000 sq. ft.), is otherwise appropriate for the proposed development which is permitted by the regulations of the underlying zoning classification, and

3. The requirements of § 25-475 of this article are met.

B. Exception B. The development is one (1) which by its nature is normally and customarily located within a floodplain, including, but not necessarily limited to, sewage treatment plants, flood control structures, stream restoration projects, picnic structures, docks, decks or other recreational items and mills, and the requirements of § 25-475 of this article are met.

C. Exception C. The purpose of the development is to provide or improve either (a) a public street constructed by the Commonwealth of Virginia, or a political subdivision of the Commonwealth, or (b) a public or private street or driveway providing access to property where:

1. No other reasonable access exists, or

2. Connectivity of the street system is being provided in accordance with the county and/or state requirements, and

3. The requirements of §25-475 of this article are met.

Development permitted under this exception shall be undertaken in such a manner to impact as little floodplain as possible when considering any site specific restraints and shall be done in accordance with the requirements set forth in §25-475 below and all other sections of this Article.

§ 25-475. Development in or near Floodplain Overlay Districts.

If development is permitted under one (1) of the exceptions provided in §25-474 above, the following submittal and approval process is required.

A. Step One, determination of whether an application for development shall include certain additional information.

1. All applications for a Land Disturbing Permit or a Building Permit are required to submit a "sketch plan" showing the location of the proposed development, including any access roadways in relation to the floodplain. The sketch plan will be examined by the Zoning Administrator to determine whether it appears that the proposed development may be in or within one hundred feet (100') of a Floodplain Overlay District.

2. If determined that no part of the proposed development will be in or within one hundred feet (100') of any Floodplain Overlay District, the permit for the development may be issued,

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provided the development otherwise qualifies for the permit under the applicable provisions of the County Code.

3. If determined that all or part of the proposed development may be in or within one hundred feet (100') of a Floodplain Overlay District, the applicant shall be required to supply the information required by "Step Two" in §25-475 subparagraph B below, unless a waiver is obtained as provided by item 5 below.

4. If determined that all or part of the proposed development may be within one hundred feet (100') of but not in a Floodplain Overlay District, the applicant shall be required to supply the information required by §25-475 subparagraph B below, unless a waiver is obtained as provided by item 5 below.

5. Where permitted in items 3 & 4 above, the required additional information under subparagraph B below may be waived by the consent of the Zoning Administrator, with the advice and assistance of the County Engineer, if he is satisfied that there is no way any portion of the proposed development will be within the Floodplain Overlay District.

B. Step Two, determination of applicability of district regulations.

1. If the property is confirmed to be in, or within one hundred feet (100') of the Floodplain Overlay District through "Step One" (§25-475 A) above, the applicant shall file a floodplain development plan prepared and sealed by a professional engineer or land surveyor showing:

- a. The proposed development including any access roadways,
- b. Existing and final contours at one foot (1') intervals,
- c. The elevation of the one hundred (100) year flood, both before and after the proposed development, and
- d. The boundaries of the lot or parcel within one hundred feet (100') of the one hundred (100) year flood elevation.
- e. Applicable setbacks

2. If the floodplain development plan shows that no portion of the proposed development will be in or within one hundred feet (100') of the Floodplain Overlay District, then the permit for the development may be issued, provided the development otherwise qualifies for the permit under the applicable provisions of the County Code.

3. If the floodplain development plan shows that all or part of the proposed development will be within one hundred feet (100') of, but not in, the Floodplain Overlay District, the permit for development may be issued provided the development otherwise qualifies for the permit under the applicable provisions of the County Code, and further provided that the boundary of the one hundred (100) year flood elevation shall be deemed an exterior boundary of the lot or parcel for the purpose of measuring minimum setbacks (not including setbacks greater than one hundred feet (100') under the applicable regulations of the underlying zoning district.

4. If the floodplain development plan shows that all or part of the proposed development will be in the Floodplain Overlay District, the permit for development may be issued provided the development otherwise qualifies for the permit under the applicable provisions of the County Code, and further provided that the lot or parcel qualifies for exemption under § 25-474 of this article, and the requirements of "Step Three" under § 25-475 subparagraph C below are met

C. Step Three, requirements before development allowed within Floodplain Overlay District.

If the development meets the requirements of § 25-474 of this chapter and is determined to be within the Floodplain Overlay District by § 25-475 A & B, a zoning permit may be issued subject to the following requirements

1. Permit Requirement. All uses, activities, and development occurring within any Floodplain District shall be undertaken only upon the issuance of a zoning permit. Such development shall be undertaken only in strict compliance with the provisions of the Ordinance and with all other applicable codes and ordinances, such as the Virginia Uniform Statewide Building Code and the Augusta County Subdivision Regulations. Prior to the issuance of any such permit, the Zoning Administrator shall require all applications to include compliance with all applicable state and federal laws. Under no

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circumstances shall any use, activity, and/or development adversely affect the capacity of the channels or floodway of any watercourse, drainage ditch, or any other drainage facility or system.

2. Alteration or Relocation of Watercourse. Prior to any proposed alteration or relocation of any channels or of any watercourse or stream, within this jurisdiction a permit shall be obtained from:

- a. Division of Dam Safety and Floodplain Management, Virginia Department of Conservation and Recreation;
- b. U.S. Army Corps of Engineers;
- c. Virginia Department of Environmental Quality; and
- d. Virginia Marine Resources Commission.

Furthermore, notification of the proposal shall be given by the applicant to all affected adjacent jurisdictions, the Division of Soil and Water Conservation (Department of Conservation and Recreation), and the Federal Insurance Administration. Any alteration or relocation shall not reduce flood carrying capacities.

3. Stormwater Management Facilities. All storm drainage lines or channels shall be in compliance with Chapters 9 and 18 of the County Code, and shall be designed and constructed to convey the flow of surface waters without damage to persons or property. The systems shall ensure drainage away from buildings and waste disposal sites. Drainage plans shall be consistent with local and regional drainage plans. The facilities shall be designed and constructed to prevent the discharge of excess runoff onto adjacent properties.

4. Utilities.

a. Sanitary sewer. All new or replacement sanitary sewer facilities and private package sewage treatment plants (including all pumping stations and collector systems) shall be designed and constructed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into the flood waters. In addition, they shall be located and constructed to minimize or eliminate flood damage and impairment.

b. Water facilities. All new or replacement water facilities shall be designed and constructed to minimize or eliminate infiltration of flood waters into the system and be located and constructed to minimize or eliminate flood damages.

c. All other utility lines, such as gas lines, electrical and telephone systems, being placed in flood-prone areas shall be located, elevated, or constructed to minimize the chance of impairment during a flooding occurrence.

d. Streets and sidewalks. Streets and sidewalks shall be designed and constructed to minimize their potential for increasing and aggravating the levels of flood flow. Drainage openings shall be required to sufficiently discharge flood flows without unduly increasing flood heights.

5. Manufactured homes. All manufactured homes placed or substantially improved, on individual lots or parcels, in existing or in expansions to existing manufactured home parks or subdivisions, in a new manufactured home park or subdivision, or in an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as the result of a flood, must be designed such that:

a. The lowest floor of the manufactured home is elevated no lower than one foot (1') above the base flood elevation;

b. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least an equivalent strength, of no less than 36 inches in height above the grade; and

c. The manufactured home is securely anchored to the adequately anchored foundation system to resist flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state anchoring requirements for resisting wind forces.

6. Site plans and permit applications. All applications for development in the floodplain overlay district and all building permits issued for the floodplain shall be accompanied by a floodplain

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development plan and elevation certificate prepared and sealed by a professional engineer or land surveyor showing the following information:

- a. All existing and proposed structures,
- b. For structures to be elevated, the elevation of the lowest floor, including basement (The finished floor elevation shall be at least one foot (1') above Flood Plain Elevation.),
- c. For structures to be flood-proofed (non-residential only), the elevation to which the structure will be flood-proofed, and documentation demonstrating strict adherence to the flood-proofing requirements of the Virginia Uniform Statewide Building Code.
- d. The elevation of the one hundred (100) year flood, both before and after development,
- e. Topographic information showing existing and proposed ground elevations at one foot (1') intervals, and
- f. The location of the cross-sections shown in the floodplain analysis from the Flood Insurance Study.

7. Compensatory Storage required. When development is permitted in any floodplain overlay district and the development involves construction below the base flood elevation, placement of fill or otherwise reduces flood storage, compensatory storage shall be provided at a hydraulically equivalent site, either on the same parcel, or on an immediately adjacent parcel, which may be under the same or different ownership. When provided on an adjacent parcel, either under the same or different ownership, an easement shall be provided.

8. Development in floodways. Within a Floodway, no encroachments, including fill, new construction, substantial improvements, or other development or use shall be permitted unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in the base flood elevation, and no buildings are permitted within the limits of the floodway.

9. Development in flood fringe and approximated floodplain areas. Within flood fringe and approximated floodplain areas, development and use of land shall be permitted in accordance with the regulations of the underlying district provided that all such development and use shall be undertaken in strict compliance with the elevation, floodproofing and related provisions contained in the current edition of the Virginia Uniform Statewide Building Code and all other applicable codes and ordinances.

Within the flood fringe and approximated floodplain areas, all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or five (5) acres, whichever is the lesser, shall include within such proposals base flood elevation data. The applicant shall also delineate a floodway area based on the requirement that all existing and future development not increase the one hundred (100) year flood elevation more than one foot (1') at any one (1) point. The engineering principle, equal reduction of conveyance, shall be used to make the determination of increased flood height. Within the floodway area delineated by the applicant, the provisions of § 25-475 subparagraph C, number 8 above shall apply.

10. Development in floodpool areas:

Within floodpool areas, development and use of land shall be permitted in accordance with the regulations of the underlying district provided that all such development and use shall be undertaken in strict compliance with the elevation, floodproofing and related provisions contained in the current edition of the Virginia Uniform Statewide Building Code and all other applicable codes and ordinances. The Base Flood Elevation used in applying these codes and ordinances shall be the Base Flood Elevation established for the floodpool area.

§ 25-476. Other prohibited structures and uses in Floodplain Overlay Districts.

The following structures and uses are prohibited in Floodplain Overlay Districts:

- A. Landfills, junkyards, outdoor storage of vehicles or materials.
- B. The keeping of recreational vehicles which are not fully licensed and ready for highway use, or the keeping of any recreational vehicle for a period of more than 180 days.

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C. Utility sheds and other similar structures, whether or not requiring a building permit, unless properly anchored as provided in subsection E below.

D. Damming or relocation of any watercourse that will result in any downstream increase in flood levels during the base flood.

E. The construction, placement or storage of any object subject to flotation or movement during flooding. Such objects may be constructed, placed or stored if properly anchored in accordance with a plan prepared by a professional engineer and approved by the County Engineer.

§ 25-477. Existing structures in Floodplain Overlay Districts.

A structure or use of a structure or premises which lawfully existed before the enactment of the Floodplain Overlay District provisions, but which is not in conformity with such provisions, may be continued subject to the following conditions:

A. An existing structure, development or other use located in the Floodplain Overlay District shall not be expanded or enlarged unless the adverse effect of the proposed expansion or enlargement on flood heights is fully offset by accompanying improvements.

B. Any modification, alteration, repair, reconstruction, or improvement of any kind to a development or use located in any Floodplain Overlay District to an extent or amount of less than fifty percent (50%) of its fair market value at the date of the last assessment for tax purposes shall be elevated or flood proofed to the greatest extent possible.

C. The repair or reconstruction of a structure which suffers substantial damage, or the substantial improvement of any structure, shall require full compliance of the entire structure with the provisions of the Virginia Uniform Statewide Building Code and the National Flood Insurance Program, as applicable.

D. The modification, alteration, repair, reconstruction, or improvement of any kind to a development or use, regardless of its location in a Floodplain Overlay District, to an extent or amount of fifty percent (50%) or more of its fair market value at the date of the last assessment for tax purposes shall be undertaken only if the entire development or use is brought into full compliance with the provisions of the Virginia Uniform Statewide Building Code.

E. The modification, alteration, repair, reconstruction, or improvement of any kind to a development or use, regardless of its location in a Floodplain Overlay District, to an extent or amount of seventy-five percent (75%) or more of its fair market value at the date of the last assessment for tax purposes may not be undertaken within the Floodplain Overlay District if there is sufficient area within the lot or parcel to reconstruct or remove the development to an area outside the Floodplain Overlay District. If there is insufficient area to move the development outside the Floodplain Overlay District, then the modification, alteration, repair, reconstruction, or improvement may be undertaken within the Floodplain Overlay District only if the steps specified in § 25-475 above are followed and the requirements of that section are met.

§ 25-478. Limitations on variances in Floodplain Overlay Districts.

A. In considering applications for variances affecting property within Floodplain Overlay Districts, the board of zoning appeals shall consider the following:

1. The danger to life and property due to increased flood heights or velocities caused by encroachments. No variance shall be granted for any proposed use, development, or activity within the Floodway District that will cause any increase in the one hundred (100) year flood elevation.

2. The danger that materials may be swept on to other lands or downstream to the injury of others.

3. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.

4. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.

5. The importance of the services provided by the proposed facility to the community.

6. The requirements of the facility for a waterfront location.

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- 7. The availability of alternative locations not subject to flooding for the proposed use.
- 8. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
- 9. The relationship of the proposed use to the Comprehensive Plan and floodplain management program for the area.
- 10. The safety of access by ordinary and emergency vehicles to the property in time of flood.
- 11. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.
- 12. The repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- 13. Such other factors which are relevant to the purposes of Article XLVII, "Floodplain Overlay (FPO) Districts," of this chapter.

B. The board of zoning appeals may refer any application and accompanying documentation pertaining to any request for a variance to any engineer or other qualified person or agency for technical assistance in evaluating the proposed project in relation to flood heights and velocities, and the adequacy of the plans for flood protection and other related matters.

C. Variances shall be issued only after the board of zoning appeals has determined that there is good and sufficient cause and that the granting of such variance will not result in (i) unacceptable or prohibited increases in flood heights, (ii) additional threats to public safety, or (iii) extraordinary public expense, and will not (i) create nuisances, (ii) cause fraud or victimization of the public, or (iii) conflict with local laws or ordinances.

D. Such variance shall be issued only after the board of zoning appeals has determined that the variance will be the minimum required to provide relief from any hardship to the applicant.

E. Upon application for such variance, the Zoning Administrator shall advise the applicant, in writing, that the approval of a variance to construct a structure below the one hundred (100) year flood elevation (a) may increase the risks to life and property and (b) may result in increased premium rates for flood insurance.

F. A record shall be maintained of the above notification as well as all variance actions, including justification for the issuance of variances. Any such variance which is approved shall be noted in the annual or biennial report submitted to the Federal Insurance Administrator.

Sections 25-479 through 25-480 reserved.

Vote was as follows: Yeas: Howdysshell, Sorrells, Garber, Beyeler, Shifflett, and Coleman

Nays: None

Absent: Pyles

Motion carried.

§25-4. The Board agreed to discuss the definition of an animal unit separately from the Zoning Ordinance pertaining to the agriculture districts. For the purpose of the worksession the Board refers to "Attachment A".

Public concern expressed was that weights for animal units provided in the drafted ordinance were not equivalent, there was opposition to limiting agriculture based on lot

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size, the limited agriculture should be based on the fenced in portion of the parcel, and it was requested to add "miniatures" as types of animals. The Planning Commission recommended the Board consider the definition of limited agriculture as part of the overall discussion on the Agriculture District revisions which should be discussed holistically at a later date. If that is not the desire of the Board, then they recommended that the existing definition be retained as drafted with the addition of additional species and an "or similar animals" clause.

Vice-chairman Garber provided the Board with photographs of a small agricultural lot with a large number of horses. He noted the date on the photograph was not accurate, which would rule out the recommendation of the "grandfather clause" that a photograph would not be sufficient proof to support the argument that the animals were on the lot prior to the adoption of this ordinance. Vice-chairman Garber stated a large number of agriculture animals on small lots is a real problem, however, if the Board were to adopt an ordinance allowing only limited agriculture on lots zoned agriculture, it would have a negative impact on at least eighty-five percent (85%) of the County that do have small lots, but do not have issues with the welfare of agricultural animals on these lots. He stated he does not support limiting agriculture on small lots that are zoned agriculture as the County does not have the ability to monitor all the violations regarding the animals' welfare. Vice-chairman Garber stated however, if this does become an issue in the future, it can be addressed.

Ms. Sorrells appreciates Mr. Garber's opposition. However, she stated the problem is there are subdivisions that are zoned agriculture or adjacent to agriculture land. Ms. Sorrells stated problems are created when the animals break out from the fencing on the small agriculture lots in search of food because there is not an adequate food source on the small lots. Ms. Sorrells also noted the problem with large numbers of animals on small lots as the lots become worn to mud and in turn create a problem with erosion. She noted a particular case in the Riverheads District where the parcel is approximately four (4) acres, but the portion that is fenced in consists of only an acre. Ms. Sorrells stated limited agriculture would not be effective in this particular situation, because the entire parcel is what is measured, not the fenced in portion. Ms. Sorrells further stated the grandfather clause should only be effective until the animals are gone and the property owner should then be required to be in compliance with the current ordinance.

Mr. Shifflett suggested enforcing limited agriculture on a case by case basis and for the Board to consider the condition of the property and the animals that are on the parcel.

Mr. Beyeler stated if a parcel is zoned agriculture the property owner should have the right to have agriculture animals. He stated it is not healthy to have too many agriculture animals on a small parcel, but the property owner is only hurting themselves. He stated he does not support limiting agriculture as it would create more problems than it would solve.

Mr. Coleman stated he agrees with Mr. Beyeler

Chairman Howdyshell stated he does not support limiting agriculture as it will have a negative impact on the agriculture industry. He stated by limiting agriculture, it would be more harmful than beneficial.

The Board reached a consensus on not limiting agriculture on lots zoned agriculture that are less than five (5) acres.

Mr. Beyeler noted there are several people in attendance at today's worksession that he will call on if they have any questions or comments regarding the discussion.

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§25-4. Dwellings. Mr. Cobb stated there was a public suggestion to add a definition of "age restricted" under the definitions section of dwellings. He stated age restricted is not a dwelling type. Therefore, he stated the Planning Commission recommended not adding the definition.

The Board of Supervisors supports the recommendation made by the Planning Commission.

§25-4. Townhouses. Mr. Cobb explained the request was to modify the definition of townhouse. He stated the modified definition of townhouse will read as follows, "*Dwelling, townhouse. A one-family dwelling in a row of at least three (3) such units in which each unit has its own front and rear or side access to the outside, no unit is located over another, and each unit is separated from any other unit by one or more vertical common fire-resistant walls*".

The Board of Supervisors supports the modified definition of a townhouse.

§25-4 and §25-129 regarding building height. Mr. Cobb stated staff has displayed an example of height measurement under the current ordinance definition, the advertised draft ordinance, and height measurement based on the recommendation from the Planning Commission.

Mr. Wilkinson explained the display. He stated under the current ordinance, height is measuring from the lowest finished grade to the average distance between the peak and eave of the roof. He stated the current means of measurement is sometimes difficult for the public to determine and therefore staff often assists the public at the counter. He stated the recommendation from the ordinance review committee, and the advertised draft ordinance, would measure the height of the building by taking the average height of the four (4) sides of the building and the average of the peak of the roof. Mr. Wilkinson further explained the drawing of the Planning Commission's recommendation which is based on the definition from the Uniform Statewide Building Code (USBC) definition.

Mr. Cobb stated the Planning Commission has recommended to retain the advertised height limits and to use the USBC definitions to avoid confusion. He stated the modified definition of building height would read as follows, "*Building Height: the vertical distance from the grade plane to the average height of the highest roof surface*". Mr. Cobb further stated the definition of grade plane will be defined as follows, "*Grade plane: A reference plane representing the average of finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line, or where the lot line is more than 6 feet from the building, between the building and a point 6 feet from the building*".

Mr. Beyeler asked Mr. Morgan if accepting the recommendation of the Planning Commission would require the ordinance revision to be re-advertised.

Mr. Morgan explained the change will not require the ordinance to be re-advertised. He stated a change that would increase the density would require the ordinance to be re-advertised. Mr. Morgan stated he would inform the Board if any decisions or changes to the ordinance would require the ordinance to be re-advertised.

The Board supports the Planning Commission's recommendation regarding the measurement of building height.

§25-4. Modify definition of shopping center. Mr. Cobb stated the Planning Commission has recommended the amended definition of a shopping center to read, "*Any group of*

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two or more commercial uses which (a) are designed as a single commercial group, whether or not located on the same lot; (b) are under common ownership or are subject to reciprocal parking and ingress and egress agreements or easements; (c) are connected by party walls, partitions, canopies or other structural members to form one continuous structure, or if located on separate buildings, are interconnected by common parking areas, travel lanes, walkways, or accessways designed to facilitate customer interchange between the uses on site; (d) share common points of vehicular access; and (e) otherwise present the appearance of one continuous commercial use. For the purpose of this Ordinance, a grouping of predominantly office uses which meet the characteristics specified herein shall not be deemed to be a shopping center". Mr. Cobb stated the definition of shopping center was recommended by the developers of Augusta Marketplace.

The Board of Supervisor's supports the recommendation of the Planning Commission regarding the definition of a shopping center.

§25-4. Add definition of a parking facility. Mr. Cobb stated the Planning Commission recommended amending the definition of parking area and use it instead as the definition of parking facility. He stated it was recommended all references to parking area should be changed to parking facility. Mr. Cobb stated the Commission recommended the following definition. *"Parking facility. Any public or private area, under or outside of a building or structure, designed and used for parking motor vehicles including parking lots (including aisle ways and travel lanes), garages, and private driveways, but not including access drives."*

The Board supports the recommendation of the Planning Commission.

§25-22 and §25-23. Sketch plans. For the purpose of the worksession, the Board referred to "Attachment C". Mr. Cobb stated the committee suggested requiring the plans to be submitted at the time the permit was received by the Department of Community Development.

Mr. Wilkinson explained "Attachment C". He stated the suggested modifications are based on Rockingham County's ordinance and require a foundation survey if the building is located within 5' of a side or rear yard requirement or 20' of the front setback.

The Planning Commission recommended changes to "Attachment C".

Mr. Beyeler supports the requirement of sketch plans.

Mr. Cobb stated the Board of Zoning Appeals has requested these changes for approximately five (5) years. He explained the Board of Zoning Appeals does not have much flexibility when it comes to issuing variances. He stated requiring sketch plans during the beginning stages of the permitting process will prevent problems down the road.

The Board supports the recommendation regarding sketch plans.

§25-31.F. Parking requirement. Mr. Cobb stated staff has recommended that any time a parking facility is increased by fifty percent (50%) or more, the lot will be required to be brought up to ordinance standards (i.e. paving, landscape, etc.).

Mr. Beyeler stated he has concern with the landscaping requirement and feels this requirement will "trigger" the landscaping requirement for existing lots.

Mr. Cobb stated this requirement would "trigger" additional parking spaces, landscaping, etc. However, if the Board does not support the landscaping requirement, this requirement would not have much effect.

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Vice-chairman Garber stated the concerns with the parking and landscaping requirements are "interconnected". He moved to defer discussion on the parking requirement and address the concerns when landscaping requirements are discussed.

The Board concurs with the recommendation.

§25-32.A and §25-32.B. Mr. Cobb stated public suggestion was to reduce the size of the travel lane from eighteen feet (18') to fifteen feet (15') or less when there is no vehicle parking adjacent to the lane. He stated it was also suggested to be able to design to VDOT Minimum Standards for channelized entrances (right-in and/or right-out only). Mr. Cobb stated staff has met with the Fire Chief of Augusta County who has indicated that the County needs the eighteen feet (18') travel lane in case fire or emergency vehicles need to get behind buildings. He further stated if the occupants of a building change and the new occupants need access, the building cannot be used if it cannot meet the standards. Mr. Cobb stated staff recommended retaining the eighteen feet (18') requirement. He stated the Planning Commission has recommended leaving the language as drafted.

Mr. Beyeler stated public suggestion and what staff has suggested is only three feet (3'). He stated in most cases fifteen feet (15') will be adequate, and the requirement of three (3) additional feet would be more of an expense to developers.

Mr. Cobb stated the requirement is based on the size of the fire trucks.

Mr. Beyeler moved to defer the discussion until the Board considers the next comments regarding the parking ordinance.

The Board concurs.

§25-32.A and §25-32.B. Mr. Cobb explained the proposed ordinance requires the width of the travel lane to be no less than eighteen feet (18'). He explained a suggestion was made from the public hearing to reduce the required width of the travel lane to less than eighteen feet (18') especially in instances where there is a divided entrance or right-in, right-out situation with a median or pork chop in between the travel lanes. Mr. Cobb stated VDOT permits as little as sixteen feet (16') width for channelized entrances. He stated there may be instances where this would be permissible if there are other full width entrances to the site for truck traffic and fire access. He stated staff could draft language to allow for these limited circumstances. Mr. Cobb explained the Planning Commission discussed staff's recommendation, and stated in most the requirement is only two (2) feet more than what was suggested during the Partnering Session. Therefore, they have recommended leaving the requirement as drafted. He explained a diagram of how a lane would appear if the requirement were reduced to less than eighteen feet (18').

Mr. Beyeler asked why the county requires a greater lane width than VDOT.

Mr. Coleman stated the language is requiring the primary entrance to be eighteen feet (18'). He stated if the lane were reduced, there would be the possibility of emergency vehicles tearing up the entrance if there happened to be an emergency. He stated while there is concern with the cost of the additional footage for developers up front, there would also be cost if the curb were torn up because it was not enough room for trucks and emergency vehicles to make the turn.

Mr. Beyeler stated he does not disagree with Mr. Coleman however he does not understand why the ordinance requires more width on the straight road than what VDOT requires on the curb entrance.

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Chairman Howdysshell asked why more width is required.

Mr. Cobb answered the ordinance requires what the Fire Chief has suggested with regards to safety.

Mr. Beyeler questioned why the county would not require what the state requires.

Ms. Sorrells commented at whatever width is decided, the county can only regulate the width of the secondary entrance.

Mr. Cobb stated staff will discuss the requirement with the fire chief and provide a recommendation at the next Board of Supervisors' worksession.

§25-32.B. Mr. Cobb stated there was a request for access drives leading to parking spaces in residential districts be exempt (i.e. alleys accessing garages) from the standards. He stated alleys accessing parking lots, or parking for other than single family, two-family, or townhouses for sale, would need to meet the access drive standard (§25-32B), otherwise, the standard twelve foot (12') alley is the minimum requirement. Mr. Cobb stated the Planning Commission has recommended leaving the language as drafted.

The Board agrees with the Planning Commission's recommendation.

§25-33.B. Sidewalks. Mr. Cobb stated public suggestion was to be able to use wider sidewalks as opposed to bumper guards which become a maintenance issue. It was suggested a five foot (5') sidewalk could replace the need for the bumper guard since even if the car goes over into the sidewalk, there would still be room to walk on the sidewalk. He explained the goal of this requirement is to have clearly delineated spaces. Mr. Cobb stated the Planning Commission recommended the section be modified to read, "*B. All pedestrian walkways which are adjacent to vehicles parked in an orientation other than parallel to the walkway and are either: (1) not grade separated by a standard curb; or (2) are less than five feet (5') in width: shall be protected with wheel stops located in each space to prevent vehicles from overhanging into the pedestrian walkway. Wheel stops shall be defined as concrete parking blocks, landscape timbers, railroad ties, or similar devices*".

Mr. Beyeler asked for the purpose of the ordinance, if railroad ties were considered to be the same as landscape timbers.

Mr. Cobb stated yes and explained the goal staff had in revising the ordinance was to make it as "user friendly" as possible so the general public would be aware of exactly what the county requires and therefore used both terms in this section.

The Board concurs with the Planning Commission's recommendation.

§25-33.C. Parking spaces. Mr. Cobb stated it was requested to have smaller spaces for parallel parking. He stated the Planning Commission has agreed with staff's recommendation to decrease the size of parallel parking spaces from 10' x 20' to 8' x 20'.

The Board concurs with this recommendation.

§25-33.E. Required paved parking. Mr. Cobb stated one issue that was brought up by the committee is the difficulty in marking one way traffic and traffic patterns in many configurations without the lots being paved. Mr. Cobb explained staff has reviewed site plans which have required parking from three (3) previous years. He stated of the nineteen (19) commercial sites that were reviewed, fifteen (15) of the sites' parking lots

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were paved. He stated the Planning Commission has recommended leaving the paving requirement as drafted with the clarification to §25-33.E. to read: *E. Surfacing. All required parking and aisle ways in a business and industrial zoned district for a business or industrial use and in a multi-family zoned district for a multi-family use shall be paved with asphalt, concrete, or brick pavers except for areas used for overflow, special events, and peak parking.*

Ms. Sorrells asked the zonings of required paving.

Mr. Cobb answered the paving requirement would only apply to business, industrial, and multi-family zoned districts and would only be for required parking.

Ms. Sorrells stated this requirement may have an impact on small businesses.

Chairman Howdysshell stated paving should be the decision of the business owner.

Mr. Beyeler stated in most cases business owners will pave the lots since it makes good business sense.

With regard to the difficulty of marking the parking lots that are not paved, Mr. Coleman asked if the committee was aware if such difficulty has presented any problems with regard to increased accidents, etc.

Mr. Cobb stated with the price of land, many developers maximize their site. He stated the department is reviewing more sites with one-way traffic that is difficult to mark.

Mr. Coleman stated he does not support requiring the parking lots to be paved. He stated paving the parking lot should be a decision by the business owner.

Mr. Shifflett agrees with Mr. Coleman's recommendation.

Ms. Sorrells stated if the business owners practice good business they will pave the parking lot without having to be required. She also stated the requirement could prevent small businesses from opening.

The Board reached a consensus to not require the paving of parking lots.

The Chairman called for a fifteen (15) minute recess at 3:15 pm.

§25-35.C. Loading spaces. Mr. Cobb stated concern was expressed that business owners should decide how many loading spaces are required. He stated the Planning Commission has recommended requiring one loading space for all business and industrial uses with the option of a waiver to the Board of Zoning Appeals, which could be considered at their next meeting without having to advertise. The Commission has suggested language be added to the ordinance that clearly states the need for a loading space will be reevaluated when there is a change in the use of the property. In addition, making it clear that existing buildings without loading spaces will be required to provide one if the use of the building changes and a loading space is required.

Mr. Beyeler questioned the authority of the Board of Zoning Appeals. He asked why the Board of Supervisors cannot have the authority to grant a waiver.

Mr. Morgan stated appeals to decisions made by the Zoning Administrator are heard by the Board of Zoning Appeals.

Mr. Beyeler stated concern with the authority of the Zoning Administrator and concern in

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allowing an appointed board to have more authority than an elected board. He stated he feels the decisions should go before the Board of Supervisors.

Chairman Howdyshell asked if there would be any fees associated with the waiver if it were to go before the Board of Zoning Appeals.

Mr. Cobb answered no. He stated there would be a waiver provision included in the revised ordinance that explains there would be no charge for the waiver and it would have to be submitted to the department before the meeting in order to allow staff time to review.

Chairman Howdyshell asked what problems there are with the current process with regard to the Zoning Administrator's interpretation of the Zoning Ordinance.

Mr. Beyeler stated the proposed ordinance allows the Zoning Administrator more authority than the current ordinance. He stated the goal of the revision is to make Augusta County more "user friendly" and have developers want to do business in the county. Mr. Beyeler stated allowing the Zoning Administrator this authority is not being "user friendly".

Chairman Howdyshell stated it seems more difficult to have the developer/business owner come before the Board of Supervisors rather than to simply get a waiver granted by the Zoning Administrator as it is currently written.

Mr. Beyeler stated he is suggesting if someone does not agree with the decision made by the Zoning Administrator, they would have the ability to appeal that decision to the Board of Supervisors.

Ms. Earhart explained concern was that too much power is being granted to the Zoning Administrator. She explained the recommendation is anytime an ordinance requirement cannot be met for whatever reason, the request can be heard by the Board of Zoning Appeals through the waiver provision as explained by Mr. Cobb.

Mr. Beyeler stated he wants the waiver request to be heard by the Board of Supervisors, not the Board of Zoning Appeals. He stated the Board of Supervisors meets twice a month and that body needs to be making these decisions.

Mr. Coleman asked what problems are being created with the way the current ordinance is written regard to the loading space requirement.

Mr. Cobb explained the problem is the delivery method to businesses. He stated larger delivery trucks are making deliveries on smaller lots. He explained this creates nuisances and hazards, including blocking sight distances on many of these small lots.

Ms. Earhart stated under the current ordinance there is a requirement for loading spaces unless a waiver is granted by the Zoning Administrator. However, she explained concerns were raised that too much power is being vested in a staff member.

Mr. Coleman stated there have been instances where certain issues are required to go before the Board and the Board ends up approving almost all the requests and it is then recommended to have these items handled administratively. However, he explained he does understand issues with vesting all the authority in one person. He stated the Board of Zoning Appeals is doing a fine job with handling these requests.

Mr. Beyeler stated it was originally proposed to allow the Zoning Administrator to make certain decisions, but if the decision were to be appealed, it would go before the Board of Supervisors at their next meeting.

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Ms. Sorrells stated based on staff's figures within the last three (3) years, there were nineteen (19) business sites, and of those nineteen (19) business sites, five (5) required loading spaces. Therefore, a waiver was granted by the Zoning Administrator for fourteen (14) of the nineteen (19) sites. She stated a waiver was granted for the majority of the sites therefore she feels it does not seem to be an issue.

Mr. Beyeler stated however, the same philosophy does not carry through all issues. Mr. Beyeler stated with regard to cell towers for example, the language specifically states the request would go before the Board of Zoning Appeals through the Special Use Permit process. Mr. Beyeler stated for items that would require a waiver, he is suggesting the request would go before the Board of Supervisors. With regard to the waiver process, if a waiver is not granted by the Zoning Administrator, the decision can be appealed to the Board of Supervisors.

The Board asked Mr. Morgan to research the ability of the Board to waive the loading space requirement if the request to the Zoning Administrator has been denied. The Board deferred this topic until the next worksession.

§25-35. Off-street parking. Mr. Cobb stated a request was made to receive credit for providing on-street parking by reducing (10-20%) the amount of off-street parking required. It was requested to reduce the number of spaces per unit for multi-family based on the number of bedrooms. He stated it was asked if a waiver would be applicable to the number of spaces provisions. Mr. Cobb stated the Planning Commission recommended no change to be made to this section. However, it was recommended to add a provision for a waiver of the number of spaces by the Board of Zoning Appeals, similar to the provisions for a waiver of the loading spaces. The Planning Commission also suggested the waiver be granted upon consideration of a parking study by the Board of Zoning Appeals, rather than the Zoning Administrator, which could be considered at their next meeting without advertisement. It was also recommended to add a section that clearly states if there is a change in use of the building, and there is not enough existing parking on the site, either additional parking must be provided, or a waiver must be obtained from the Board of Zoning Appeals, and another article needs to be added to the ordinance to provide for the waiver process by the Board of Zoning Appeals.

Mr. Beyeler raised concern with existing buildings such as those located in Mount Sidney, where all or most of the parking is located along the street.

Mr. Cobb stated the way the ordinance is drafted, off-street parking is required.

Mr. Beyeler stated he agrees with the requirement of off-street parking for new construction. However, he stated this requirement would be very difficult for villages.

Ms. Earhart explained parking is allowed within four hundred feet (400'), but there is also a provision to consider the parking requirement on a case by case basis.

Mr. Cobb explained the old ordinance required additional parking be provided if the change in use or expansion resulted in the need for an increase of five (5) or more parking spaces. The way the ordinance is written, with regard to retail, one parking space is required for every two hundred square feet (200 sq. ft.), and this is proposed to be increased to one for every two hundred-fifty square feet (250 sq. ft.), so many uses will be able to expand without having to require any additional parking.

Ms. Sorrells stated in the villages, if business owners can determine their own parking needs, the county should not have any involvement as they have to jump through so many hoops anyway when opening a business in the historic villages. She stated if they

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can meet VDOT requirements, the parking should be allowed anywhere.

Mr. Cobb explained with the new requirement, the county will allow parking across streets, and VDOT will not be involved.

The Board of Supervisors supports the Planning Commission's recommendation with the modification that the waiver process go before the Board of Supervisors rather than the Board of Zoning Appeals.

§25-38. Landscaping requirements. Mr. Cobb stated the Planning Commission has recommended to require landscaping of parking lots containing twenty-five (25) spaces or more with the addition to the following language: B. Off-street parking areas containing twenty-five (25) spaces or more shall provide interior landscaping equal to fifteen square feet (15 sq. ft.) for every required parking space. Interior landscape area shall be the area located within the boundaries of a parking facility. Perimeter landscaping may not substitute for interior landscaping; however, perimeter landscaping may be counted toward required interior landscaping in some cases. 1. In order to receive credit, individual landscape areas shall be a minimum of four feet (4') in width and no individual landscape area shall be less than seventy square feet (70 sq. ft.). 2. Perimeter landscaping extending five feet (5') from the boundary of a parking facility may be counted toward interior landscaping. However, no more than fifty percent (50%) of perimeter landscaping may be counted toward the required area for interior landscaping. 3. Landscaping placed in any interior corner of a parking facility shall be considered perimeter landscaping. 4. Landscape area shall be dispersed throughout the parking facility to divide the expanse of parking lot, placed to facilitate the safe and efficient movement of traffic and shall help distinguish vehicular and pedestrian areas. 5. Each landscape area must contain a combination of at least two (2) of the following: grass, trees, plants, and other natural materials, such as rock and wood chips, and decorative features, including sculpture, patterned walks, fountains, and pools. No bare ground shall exist. 6. No area of a required landscape strip or required screening may be considered interior landscaping. 7. Landscaping located adjacent to a building, unless also parallel to a parking space, may not be counted toward interior landscaping. 8. No landscape material shall be installed which will hamper the line of sight for drivers of vehicles entering or exiting parking areas. 9. Interior landscape areas are not required for overflow parking or gravel lots.

For the purpose of this worksession, the Board referred to "Attachment D".

Kim Bullerdick explained a diagram of required landscaping on a parking facility.

Mr. Beyeler asked if the Augusta County Government Center would be in compliance with required landscaping under the drafted ordinance.

Ms. Bullerdick stated the Government Center is a special circumstance because Government Center Lane became a public street after development of the office complex.

Mr. Beyeler stated many of the businesses in Verona would not be in compliance with these proposed requirements. Mr. Beyeler stated he feels the parking lot of the Government Center would not be in compliance with these proposed requirements. He stated he feels the county should lead by example and not enforce requirements that their own building cannot meet.

Ms. Sorrells raised the point the landscaping around the Government Center was "cutting edge" at the time it was constructed in the 1980's, but it is not "cutting edge" now. She stated all the boards are aware of the Better Models for Development study in terms of what types of design look better and increase property values. She stated this requirement would be a positive step for the county.

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Chairman Howdyshell appreciated Ms. Sorrells' comment, but stated, "parking is one thing, doing business and making money is something else". He stated he feels landscaping should be left up to the discretion of the developer.

Mr. Beyeler referred to Martin's grocery store in the City of Waynesboro. With the amount of landscaping in the parking lot of the store, he stated he feels they would not even be in compliance with these proposed requirements.

Ms. Sorrells asked how the proposed landscaping requirements compare with the Cities of Staunton and Waynesboro.

Ms. Bullerdick stated for the City of Waynesboro, if the lot is fifteen (15) spaces or more, no less than five percent (5%) of the paved parking and vehicular circulation area shall be landscaped. She stated Waynesboro also requires street trees if the lot fronts on a street. Ms. Bullerdick explained for new development the City of Staunton requires five percent (5%) of the parking and patron vehicular circulation area to be landscaped if the parking lot is five (5) spaces or more, as well as street trees. Ms. Bullerdick stated the proposed landscaping requirements are less than what both the City of Waynesboro and the City of Staunton require.

Mr. Beyeler stated he enjoys landscaping, but the county needs to encourage business growth not discourage it with these restrictions. Mr. Beyeler noted disadvantages to having trees in parking lots.

Ms. Bullerdick noted that trees are not the only option available to meet the landscaping requirement. She stated grass and shrubs would also be applicable.

Ms. Sorrells stated landscaping not only would provide shade to vehicles in the warm months, but be beneficial for stormwater management.

Mr. Shifflett asked how the proposed landscaping requirement would apply if paving was not going to be required.

Ms. Bullerdick responded landscaping is not required for overflow or gravel parking lots.

Ms. Sorrells added if a business is growing large enough to require that many spaces to meet the landscaping requirement they are going to have to do so as part of a business plan. She stated the business will need to take the requirements into account at the time of expansion. She stated this requirement is needed in order to enhance the community.

Mr. Beyeler asked staff to inspect existing businesses in the surrounding area and determine whether or not they would be in compliance with the proposed requirements. He asked staff to prepare these figures for discussion at the next Board of Supervisors' Worksession.

Mr. Coleman referred to the Government Center. He stated while it was agreed this type of landscaping was acceptable at the time it was developed, it is not up to today's standards. He noted there are going to be a lot of businesses that do not meet these standards. He stated he does feel that some landscaping should be required, however it can be too costly to implement, especially in today's economy. Mr. Coleman stated while figures from staff might be useful he does not feel like landscaping parking lots is something that will be implemented at this time and questioned the need for staff to do a lot of research on this matter.

Mr. Cobb stated Augusta County is proposing to require less than the Cities of

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Waynesboro and Staunton, but he will have staff prepare figures to be presented at the next worksession.

Mr. Beyeler stated he is not concerned with requiring two (2) different types of landscaping, but he is concerned with the amount that is required.

§25.38. F. County oversight of maintenance of required landscaping. Mr. Cobb stated if the proposed ordinance is not requiring any landscaping, this item will not be an issue. He stated decision on the above item will be postponed until the January 6th Worksession.

§25-41. Suggestions for rewording definition of sign. Mr. Wilkerson stated a suggestion was received to change the definition of a sign. He stated the Planning Commission has recommended the modified definition to read: "*Sign. Any exterior display of any letter, words, numerals, figures, devices, emblems, pictures, or any parts or combinations thereof, by any means whereby the same are made visible for the purpose of making anything known, whether such display be made on, attached to, or as part of a structure, surface or any other thing, including, but not limited to, vehicles, buildings, barns, the ground, any rock, tree, or other natural object, which display is primarily intended for visibility beyond the boundaries of the parcel of land on which the same is located*".

§25-42. Mr. Wilkinson explained another comment expressed concern that a height limit was not established in the sign ordinance. He stated a limit could be established, but by raising the allowable heights in business districts to seventy-five feet (75') and considering the cost of signs, staff is not convinced a height limit would have a significant impact. He stated the Planning Commission has recommended not establishing a height limit for signs.

§25-42F and G. With regard to prohibiting freestanding signs within one hundred feet (100') of residential lots, Mr. Wilkinson explained the proposed ordinance states real estate tract signs are permitted "on premise" and would need to be moved to a lot that is still owned by the developer if the front lots are sold. He stated the Planning Commission has recommended leaving the language as drafted.

§25-42K. Mr. Wilkinson stated it was suggested the proposed ordinance specifically state which signs require a building permit. He stated the intention was to alert people (especially companies utilizing the county's website) of the need to check with the Building Inspection Department to determine the requirements. If the requirements are included in the Zoning Ordinance, the ordinance will need to be changed every time the requirements change.

§25-43H. Mr. Wilkinson stated public concern was why government is exempt from regulations under this section of the ordinance. He explained the ordinance should read, "Government and public use signs" under the exemption category. He stated street name and railroad crossing signs will not be regulated. Mr. Wilkinson stated the Planning Commission has recommended modifying the language to read, "*Government and public use signs*" are exempt.

§25-47.A. Banners and temporary signs in residential subdivisions. Mr. Wilkinson stated it was requested to include banners and temporary signs larger than four square feet (4 sq. ft.) to be allowed in residential subdivisions. He stated staff has determined that Staunton permits these types of signs for a period of thirty (30) days. He explained the City of Waynesboro restricts the signs to no more than thirty-two square feet (32 sq. ft.) and can be up to no more than thirty (30) days in any six (6) month time period. He stated the proposed definition of temporary signs includes banners and they can be displayed for up to sixty (60) days. He stated staff has recommended clarifying the chart to indicate banners are a temporary sign and are permitted in residential districts with

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those limitations. Mr. Wilkinson stated the Planning Commission recommended the following changes to the sign ordinance:

In residential districts:

1. Allow banners as long as they do not exceed thirty-two square feet (32 sq. ft.) and no more than one per lot is allowed.
2. Reduce the number of directional signs from four (4) to one (1) at any intersection.

In Agriculture districts:

1. Clarify that no more than two (2) directional and two (2) business directional signs are allowed per business.
2. Add a category for Rural Home Business Directional and allow only two (2) per business and no more than eight square feet (8 sq. ft.) per sign.
3. Reduce the number of Rural Home Business signs from two (2) to one (1).

Ms. Sorrells noted before this revision, if a farm had a sign, it did not meet the Code however, under the new ordinance the sign would be in compliance. Ms. Sorrells also questioned whether or not signs could be posted designating the agricultural and forestal districts in the county.

Mr. Cobb stated a provision was added to the ordinance that will allow for signs to designate agricultural and forestal districts. He stated there will be a limit on the number of signs.

Ms. Sorrells questioned sign height. She stated she does not agree with limiting the height to the same as building height. She noted Cracker Barrel as an example and stated she did not feel that high of a sign is necessary. Ms. Sorrells stated she would prefer to have a height limit on signs.

Mr. Beyeler stated a business would not go through the expense and trouble in constructing a large sign if they did not feel it was necessary.

Ms. Sorrells stated communities that have height requirements on signs appear much more pleasing.

Mr. Beyeler stated in many new subdivisions large signs are placed on a particular lot. He asked why the sign would have to be removed if the new owner of the lot did not object to the sign.

Mr. Cobb stated the developer would be permitted to have a subdivision identification sign at the entrance to the development, but they could not have a sign on a privately owned lot, identifying lots for sale, etc.

Mr. Beyeler referred to Glen Burnie Subdivision. He explained in many instances, there is a sign on a lot near the road indicating the subdivision and a diagram of the lots. He explained if the sign was on a lot owned by the developer, and the lot was built on and sold, the current language states the sign would have to be removed. He stated he does not support the county being involved with removing the sign, if the new property owner does not oppose the sign being there. Mr. Beyeler also noted many of these signs would be grandfathered in these developments.

Ms. Sorrells asked if the sign could remain on that site until a certain percentage of the lots have been sold.

Mr. Beyeler, referring to height of signs, explained the main reason why the committee did not support having a height requirement, was because of the signs that are

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displayed along the interstate. He stated one sign may be at interstate level and the other may be much higher if it is placed at a higher grade.

With regard to the height requirement for signs, Ms. Sorrells stated the appearance of Augusta County should not be driven by the appearance of signs along the interstate.

Mr. Coleman noted the developer of Augusta Marketplace limited the height of signs in the development as part of his proffers in the rezoning. He explained that may not always be the case.

Messrs. Coleman, Garber and Howdyshell felt that there should be a height limit.

Mr. Beyeler asked for those that feel there should be a limit, what that limit should be. He commented on the development along Route 262. He stated the height of the signs along the interstate were higher than the buildings.

Mr. Shifflett stated while the sign may only be thirty-five feet (35') in height, it can be placed on a berm along the interstate, making it seventy-five feet (75') in height.

Ms. Sorrells asked if surrounding localities had any height requirements on signs along the interstates. She stated there should be a higher regulation on shared signs.

Staff will research requirements in surrounding localities with regard to height restrictions of freestanding signs along interstate.

§25-54.A.2 and §55.A.5. Modify language in accessory use section which requires a one hundred foot (100') perimeter setback for recreation facilities in subdivisions. Mr. Cobb noted that, as drafted, the proposed ordinance would not allow walking trails around the edge of the subdivision. He stated it was not the intent to require a trail to have a one hundred foot (100') setback from the edge of the subdivision. Mr. Cobb stated the Planning Commission has recommended the language to read:

The following uses are permitted when accessory to a platted residential subdivision:

- A. *Recreation facilities such as swimming pools, tennis courts, basketball courts, gymnasiums, community centers, gazebos, skateboard ramps, private boat docks, piers or boathouses, provided the use of such facilities shall be limited to the occupants of the subdivision and guests for whom no admission or membership fees are charged, and/or no donations accepted, provided:*
 1. *The location of such facilities was identified on the Preliminary Plat.*
 2. *The location of such facilities is situated so that they are accessible and usable by persons living in the project area. For all active recreational facilities, either a one hundred foot (100') perimeter setback or opaque screening from all exterior property lines of the subdivision is required.*
 3. *There is no limit to the size of such facilities and they will be considered to be accessory uses to the subdivision, but principal uses of the lot on which they are located and therefore not regulated by accessory building size or setback regulations.*

Mr. Cobb also noted the Planning Commission has recommended adding add a #3 to that section to stated, "Maintenance buildings less than nine hundred square feet (900 sq. ft.)".

In §25-55, the accessory use section for multi-family dwelling developments, Mr. Cobb stated the language should be revised to clarify that the uses would be considered to be a principal use on the lot and not be restricted by the size limitations or setbacks for

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accessory buildings.

The Board concurs with the recommendation of the Planning Commission regarding the modification of the language regarding the setback for accessory uses in subdivisions.

§25-54.1.C. Regulating race cars, demolition derby cars, pulling trucks, or mud bog vehicles as inoperable motor vehicles. Mr. Cobb stated staff has recommended they be considered the same as an inoperable motor vehicle and fall under the same regulations. He stated the Planning Commission has recommended leaving the language as drafted.

The Board concurs with the Planning Commission's recommendation.

§25-54.1.N. Prohibition on tractor/trailers in a residentially zoned district. Mr. Cobb stated the Planning Commission has recommended in residentially zoned districts to have no more than one (1) commercial vehicle per dwelling and they shall be allowed with the following limitations:

1. No semi-trailer of a tractor-trailer truck, solid waste collection vehicle, construction equipment, cement-mixer truck, or dump truck or wrecker with a gross weight of 12,000 pounds or more, or similar such vehicles or equipment shall be permitted.
2. Any commercial vehicle parked shall be owned and/or operated only by an occupant of the dwelling at which it is parked.
3. The commercial vehicle may not be parked or stored on a public street or right-of-way or in front yards except on the driveway.

Chairman Howdyshell questioned the difference between a semi-tractor and a dump truck. He stated they both have the same empty weight; one is allowed but not the other. He noted that the length of a tractor-trailer is the same length as a dump truck.

Mr. Coleman stated at this point based on public comment and concern he has received, he is against allowing any of the commercial vehicles in the residentially zoned districts.

Mr. Shifflett stated based on comments he has received, his constituents do not care about the commercial vehicles in residential neighborhoods, as long as they are parked off the street. He stated the problem is safety and visibility. He stated he can support commercial vehicles in residential neighborhoods as long as they are parked off the street.

Mr. Garber noted there is no right or wrong answer to resolving this issue.

Mr. Coleman stated the streets in these neighborhoods are built to residential design standards. He stated heavy trucks are damaging the streets and asked who is responsible for that damage.

Mr. Beyeler agreed there should be more restrictions in residential subdivisions however the property owner should be able to bring home their vehicle as long as it is parked off the street. Mr. Beyeler stated there should be a limit to no more than one (1) heavy vehicle on the property and the operator of the vehicle needs to live on site. He stated he agrees with Chairman Howdyshell that the weight limit on these commercial vehicles needs to be modified.

Chairman Howdyshell commented on the amount of revenue tractor trailer and other commercial trucking business operators bring to the county.

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The Board supports the following concepts: vehicles are limited to 1 per dwelling, the operator must live on the premises, parking must be off-street. Mr. Wilkinson is to check with Truck Enterprises to determine the empty weights of vehicles and report back at the next worksession.

Ms. Sorrells asked if those commercial vehicles parking on the street in residentially zoned neighborhoods are grandfathered, or if time needs to be given to these residents to be in compliance.

Mr. Morgan stated that yes, they would be grandfathered if owners could provide proof that the vehicles were parked legally prior to the effective date of the ordinance.

Mr. Coffield noted Timothy Fitzgerald has indicated that VDOT prohibits certain vehicles from being parked along the street if they are a safety hazard, etc.

Ms. Sorrells noted Mr. Coffield mentioned that another ordinance is being considered regarding unsafe parking that could also apply with some of the issues that will be grandfathered in if the parking of these commercial vehicles is deemed unsafe.

§25.58. Administrative Permit. Mr. Cobb stated objection was received to Zoning Administrator determining if a use will have “an undue adverse impact” on the surrounding neighborhood. He stated the Planning Commission has recommended the language needs to be inserted in each of the Administrative Permit sections that specifies the impacts to be considered when issuing a permit. The sections would be modified to read, “*Administrative Permits are to be issued only for uses where the applicant can demonstrate that the proposal meets the standards required by this chapter and the uses will not have an undue adverse impact on the surrounding neighborhood. Among matters to be considered in this connection are traffic congestion, noise, lights, dust, odor, fumes and vibration*”.

Ms. Sorrells stated the Administrative Permit process takes away the right to a public hearing on a use that is non-conforming to the area based on the Comprehensive Plan. For example, she stated for people residing in an Agriculture Conservation Area if there is going to be a business use adjacent to their property that isn't compatible with agriculture, the neighbors should have the right to be notified and to provide their input on certain issues rather than it being handled administratively.

With regard to adding the reference to the Comprehensive Plan and the impact of the neighborhood, Mr. Beyeler stated there is not one thing that can be done to a parcel that is not going to increase noise, lights, traffic congestion, or dust.

Ms. Sorrells stated the language states those things are items to be considered.

Mr. Morgan stated that the standards need to be identified because the impact could be significant. He stated it gave the County more to stand on if a matter does to court.

Mr. Beyeler stated the language should be removed because anything that is done on the property will increase these things and it will give the Board of Zoning Appeals “one more thing to hang their hat on”.

Ms. Earhart stated items that are proposed to be permitted in General Agriculture by Administrative Permits are off-site sale of seasonal items; greenhouse, nurseries and tree farms where products not grown on the premises are sold to the public; single-family dwellings that are less than nine hundred (900 sq. ft.); mobile homes built prior to 1976; off-site office trailers, buildings, parking lots, and equipment or materials storage areas or facilities in connection with temporary construction; trailers used other than recreational vehicles; home occupations, class A and B; daycare occupations; rural home businesses; temporary use of a manufactured home as a dwelling during a

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construction of a dwelling; attached accessory dwelling units; detached accessory dwelling units; and cemeteries. Ms. Earhart stated the above mentioned uses are uses that Ms. Sorrells is stating may be more appropriate for Special Use Permits.

Ms. Sorrells stated some of the above uses are being permitted now by Administrative Permit. She asked how many of the uses are being added.

Ms. Earhart stated rural home business and home occupations Class B are being added.

Ms. Sorrells stated she feels the rural home business is going to cause problems. She asked those items that have been added to be considered separately at a later date.

Discussion on Rural Home Business Permits and Class A and Class B Home Occupation Permits was deferred to a later date.

§25-67. Lighting ordinance eliminating certification by lighting engineer and leaving that to staff to certify. Comment received was in support of the change in the lighting ordinance. Mr. Cobb stated no change was necessary.

§25-68. Amateur radio operators. Mr. Cobb stated the comment was to be sure the ordinance does not restrict amateur radio operators. He explained the ordinance clearly exempts amateur radio from regulations therefore no change was necessary.

§25-68. Wireless communications. Mr. Cobb stated there was some concern regarding allowing wireless facilities by Administrative Permit, but appreciation of the standard if objection is received by the neighbors, then the request is required to go before the Board of Zoning Appeals. Mr. Cobb stated it is a policy decision, some can be allowed by Administrative Permit, or require all requests to apply for a Special Use Permit as it is now written. He stated the Planning Commission has recommended leaving the language as drafted.

Ms. Sorrells asked under what stipulation a Special Use Permit would be required under the proposed language.

Mr. Wilkinson stated if the tower is unlighted and less than 199' in height or if the request is for a co-location on an existing tower the request may be approved administratively. Mr. Wilkinson stated standard language has been added under the Administrative Permit that would require adjacent property owners to be notified of the request. He stated if the tower is taller than 199' or is lighted a Special Use Permit would be required.

The Board concurs with the recommendation made by the Planning Commission.

§25-Article VIII. Elimination of Exclusive Agriculture District. The Planning Commission has recommended retaining the two (2) existing agriculture districts and look at the issue of agricultural zoning holistically utilizing a committee approach.

Ms. Sorrells stated she agrees with the Planning Commission's recommendation. She stated ninety percent (90%) of the land in the county will be impacted and a decision needs to be carefully considered.

Chairman Howdyshell noted in order to have agriculture viable, the farmers need to have money.

The Board consensus was to defer discussion on the elimination of the Exclusive

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Agriculture District to the next worksession.

The next Worksession is scheduled for January 6th, 2010 at 1:00 p.m.

* * * * *

ADJOURNMENT

Mr. Beyeler moved, seconded by Ms. Sorrells that the worksession be adjourned. The motion passed.

Chairman

County Administrator