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Worksession, Wednesday, January 13, 2010 at 1:00 p.m. Government Center, Verona, VA.

PRESENT: Gerald W. Garber, Chairman  
Jeremy L. Shifflett, Vice-Chairman  
Larry C. Howdysshell  
David R. Beyeler  
Wendell L. Coleman  
Nancy Taylor Sorrells  
Patrick J. Coffield, County Administrator  
Patrick J. Morgan, County Attorney  
Dale L. Cobb, Director of Community Development  
Becky Earhart, Senior Planner  
Doug Wolfe, P.E., County Engineer  
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 Wednesday, January 13, 2010, at 1:00 p.m., at the Government Center, Verona, Virginia, and in the 234<sup>th</sup> year of the Commonwealth....

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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 Garber turned the meeting over to Dale Cobb to discuss the ordinance revisions.

Mr. Cobb stated the Board concurred at their December 15, 2009 worksession to defer discussion regarding the elimination of the Exclusive Agriculture District to today's worksession. He stated the Planning Commission has recommended keeping two (2) agriculture districts until a committee can be formed to further study the variables regarding the elimination of the Exclusive Agriculture District.

Chairman Garber stated the ordinance review committee has worked on the revisions for over a year. He stated the intent of eliminating the Exclusive Agriculture District is to allow farmers the ability to "stay on the land". In regards to the Planning Commission's recommendation on appointing a committee to study the district, Mr. Garber read the recommendation of the Ag Task Force. He stated of the seventeen hundred (1,700) farms in Augusta County, only fourteen percent (14%) grossed over one hundred thousand dollars (\$100,000). Chairman Garber asked what could be done to allow farmers to stay on their land and generate income. He referenced the pressures of development faced by Lancaster County. Chairman Garber stated Lancaster County has more farms today than ever before because the farmers also own small businesses on their properties that allow them to generate supplemental income. Chairman Garber stressed the importance of taking money out of the general economy and putting

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it back in farming in order to sustain the farmland. Chairman Garber referenced points from a presentation by Dr. Kohl, Virginia Tech, hosted by the Agriculture and Task Force. He commented Dr. Kohl discussed the fate of traditional family farms. Chairman Garber said Dr. Kohl stated the fate of these farms over the next several decades is being described as a 30-30-30-10 rule. He explained thirty percent (30%) of the farms will downsize, thirty percent (30%) will get out of the business, thirty percent (30%) will stay same size, and ten percent (10%) will grow. He stated Exclusive Agriculture is a "feel good place". Chairman Garber stated the Agricultural and Forestal Districts are already "feel good places" and property owners have that option if they wish to have that protection. Chairman Garber gave an example of a property owner that tried to supplement income as a poultry farmer, but did not have the ability to do so because they did not have the option of applying for a Special Use Permit given their property was zoned Exclusive Agriculture. He stated the County is not giving these property owners any opportunity to supplement their income and referenced the Economic Development Strategic Plan.

Mr. Beyeler stated he appreciates open space. He stated too many people have moved into the area and have purchased land with money not generated in Augusta County and now they want to control what Augusta County does with the farmland. He stated the Board needs to protect those residents that have lived here for a long period of time and give them the ability to make a living on their farms. He referenced several counties in Ohio that have been successful in allowing farmers the opportunity to conduct certain businesses on their farms. Mr. Beyeler stated allowing farmers to supplement their income brings jobs to the County and without jobs, the County has nothing.

Mr. Howdysshell stated the only opportunity farmers have of making money on their farms under today's standards is to break off small lots and sell them. He too referred to Lancaster County. He stated the County is very accommodating to agriculture with large nice farms and small businesses that blend very well on the properties. Mr. Howdysshell stated there are approximately twelve to fifteen hundred (1,200 – 1,500) small businesses in Lancaster County. He stated having these small businesses throughout that Lancaster County makes it convenient for all farmers. For those that believe the Exclusive Agriculture District is a means of protection, Mr. Howdysshell stated the Agricultural and Forestal District is in existence to those that feel they need the protection.

Ms. Sorrells stated the way the Exclusive Agriculture District is currently set up, patrons have a false sense of security. She stated the district does not protect against development. The way the district is currently drafted, Ms. Sorrells stated, there is little to no justification as to why certain parcels are zoned General Agriculture and certain parcels are zoned Exclusive Agriculture. Ms. Sorrells stated the only differences are setbacks for agriculture operations and the opportunity to conduct business on one's property; one would not have the ability to do so if the parcel is zoned Exclusive Agriculture. Ms. Sorrells explained during her time serving on the Board, there have been several instances where farmers had to request to rezone their property from Exclusive Agriculture to General Agriculture in order to apply for a Special Use Permit to supplement their income during the off season. She stated these farmers did not want to rezone their property as they have intensive operations, but it was necessary in order to supplement their income. Ms. Sorrells explained while the ability to have small businesses on farmland in order to keep the farmers on their farms seems to work well in other localities, she feels there needs to be some protection or standards set. She noted concern of people taking advantage of less expensive farmland in order to start their business. Ms. Sorrells asked if there was a way to establish a means to check on these operations to make sure the business is only supplemental to the farming operation. She also stated if the business is a

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nonconforming use coming into an agriculture area, she feels adjacent property owners should be notified regardless of the size of the operation. Ms. Sorrells stated if the business will not have public road frontage, neighbors should be notified as they could be sharing the same easement or right of way. She questioned a way to protect agricultural uses against nuisance complaints. Ms. Sorrells concluded by stating the move to eliminate the Exclusive Agriculture District is correct, but there still needs to be some "tweaking" and "polishing" and work done with the Ag Industry Board.

Mr. Coleman stated being located and representing an area located in an Urban Service Area slated for ninety percent (90%) of the County's growth he knows very little about farming, but he can support the recommendations of those members that are actual farmers. He stated he is educating himself more and more with agri-business and agri-tourism. Mr. Coleman stated he feels that the committee, he, and other board members have considered every comment that has been received. Mr. Coleman gave credit to those that make a living farming. He reiterated the intent of having one district is to keep farmers on their farmland. He stated he can support one district however he does not support forming another committee to study the districts. Mr. Coleman stated the Board needs to be bold and make a decision.

Mr. Shifflett stated farming is a business and with any business the business needs the ability to diversify. He stated farming has many costs and farmers need a way to supplement their income. Mr. Shifflett provided an example of a farmer that works during the day as a mechanic and farms in the evenings in order to supplement his income. He stated the County needs to make it easier for farmers to stay on their farm and be able to earn a living. He stated he supports having one agriculture district. Mr. Shifflett also noted he agrees with Ms. Sorrells. There needs to be some means to regulate a business so it is only supplementing a farm income and prevents business owners from taking advantage of low priced farmland.

The Board reached a consensus to eliminate the Exclusive Agriculture District.

Mr. Cobb stated under the Rural Home Business Permit, the applicant would be required to reside on the property. He explained if the applicant does not reside on the property, they would have to apply for a Special Use Permit in which case adjacent property owners would be notified and the request would be advertised accordingly.

Ms. Sorrells stated adjacent property owners should be notified of businesses in agricultural areas. She stated all businesses should be required to have a Special Use Permit in agriculture.

Mr. Beyeler recommended discussing the rural home business category at this time.

For the purpose of the worksession, the Board and staff referred to "Attachment H".

Mr. Cobb explained the concept of Rural Home Business. He explained the committee's recommendation and preference is to allow individuals to operate certain types of businesses on their property without having to apply for a Special Use Permit. He displayed a chart of site standards for the Rural Home Business based on acreage. The standards include number of employees, number of business vehicles and heavy equipment, size of accessory structures, and

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amount of storage. He explained the Planning Commission recommended the size of the sites to be increased to allow farmers on large pieces of property the ability to operate larger businesses without having to get a Special Use Permit, but being much more restrictive with smaller tracts of land.

Ms. Sorrells stated concern with employees coming to the business. She stated traffic would impact the community.

Ms. Earhart explained the permit does have certain standards. She stated visitors and customers coming to the site must have direct access off of a VDOT State maintained road. She explained if the applicant cannot meet that standard, they would have to apply for the Special Use Permit.

Ms. Sorrells asked about employees. She stated employee traffic would still impact the neighbors.

Ms. Earhart stated the operation must be incidental and subordinate to the agriculture and/or residential use of the property and the number of employees based on the size of the parcel.

Ms. Sorrells asked why not require a Special Use Permit for those types of businesses. She expressed concern of these businesses impacting the agricultural community.

Mr. Coleman asked Ms. Sorrells if her primary concern was whether or not the property owner had road frontage regardless of the amount of acreage of the parcel.

Mr. Cobb stated currently, the ordinance is written that if the property owner does not have public road frontage, they cannot apply for a Special Use Permit. He stated rural home business is a new category.

Ms. Sorrells asked the harm in requiring individuals to apply for a Special Use Permit.

Mr. Cobb stated that is the current requirement, but the committee recommended wanting to allow property owners the ability to conduct certain types of business by right.

Ms. Sorrells argued they are allowing someone to do something by right in an area that is not appropriate for business as designated in the Comprehensive Plan. She stated she is not against allowing business, but feels there needs to be checks and balances. She stated she does not want to "open the floodgate" for business development in areas where it is not appropriate.

Mr. Beyeler stated he does not feel allowing these businesses by right is opening the floodgate. He stated if a property owner has the required amount of acreage and wants to do business on their property, they should have the right without having to pay a large amount of money.

Ms. Sorrells stated if the business impacts adjoining neighbors, the property owner should be required to apply for a Special Use Permit. She stated allowing these businesses may be fixing something now but creating larger problems down the road.

Mr. Coleman asked if a property owner applies for a Rural Home Business and meets the requirements, can they conduct business on their property by right.

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Mr. Cobb answered yes.

Mr. Coleman stated concern if the property does not have public road frontage. He stated a property owner may have a right of way that gives them permission to travel the lane by right, but the County is now allowing a business on the lane, with increased traffic, heavy equipment, and customers. He stated that is a problem. Mr. Coleman stated a Special Use Permit would solve the problem this would create, if the property owner does not have public road frontage.

Ms. Earhart stated the standards can be modified. She explained language can be added if the property owner does not have access on a public road a Special Use Permit would be required.

Mr. Beyeler recommended requiring a Special Use Permit if the property is less than twenty (20) acres and does not have public road frontage.

Mr. Howdyshell stated he can support Mr. Beyeler's recommendation.

Mr. Wilkinson noted language will have to be modified. He explained the current language for Special Use Permits requires direct access to the public road. He stated the language can be modified if the Board wishes to allow the Board of Zoning Appeals to make the determination if the applicant can use a private lane for a business.

Chairman Garber noted the high number of Special Use Permits that are approved by the Board of Zoning Appeals. He noted the expense, staff's time, etc. of the 90% of applications that will be approved by the Board of Zoning Appeals.

Mr. Coleman responded to Chairman Garber's comment. He explained it is one thing to make something "by right" versus giving adjacent property owners an opportunity to hear the request and a chance to voice their opinion. He stated, yes, that may cost staff more time and money but that is money and time well spent.

Mr. Cobb explained the appearance of the site and the impact of adjacent property owners are the main factors in the Board of Zoning Appeals decision making.

Ms. Sorrells asked if the Exclusive Agriculture District is eliminated and there is the opportunity to join an Agricultural and Forestal District, should being within that district require a Special Use Permit for Rural Home Businesses.

Mr. Cobb answered when an Agricultural and Forestal District is formed, property owners write their own restrictions and uses.

Chairman Garber stated this type of business would not be permitted in any of the current Agricultural and Forestal Districts.

Ms. Sorrells asked how the County would handle an instance where a property owner wants to operate a certain business and is adjacent to an Agricultural and Forestal District.

Mr. Cobb answered currently, that is a factor that staff considers in their comments on staff reports.

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Ms. Sorrells stated, yes, but under the proposed ordinance the request would be done administratively and staff would not be given the opportunity to comment.

Mr. Cobb stated a standard could be added to require businesses to apply for a Special Use Permit if the property is adjacent to an Agricultural and Forestal District.

Mr. Beyeler stated he does not agree with requiring a Special Use Permit if the property is adjacent to an Agricultural and Forestal District. Mr. Beyeler stated those individuals who wish to be in those districts can chose what they want to do. He stated property owners should have some rights regarding what they can do on their property.

With regard to the Comprehensive Plan, Ms. Sorrells stated some of those rights are different and if the County allows a right that is not standard in an agricultural area, there should be some type of criteria.

With regard to rural home businesses, the Board concurs to permit one employee, no heavy equipment, and one business vehicle on lots less than twenty (20) acres (Attachment H: Rural Home Business Chart), and to require the property owner to apply for a Special Use Permit if the lot does not front on a state maintained road.

For the purpose of discussion the Board referred to "Attachment A", dated December 9, 2009.

§25.Article VIII. Public concern was expressed regarding the elimination of the Exclusive Agriculture District. Discussion regarding the district's elimination was at the beginning of this worksession, therefore no action was required.

§25-71. Ms. Earhart stated the request was made to add the language "right to practice forestry" to the "right to farm" statement in the purposes section of this section of General Agricultural. She stated the Planning Commission has recommended adding "to preserve the scenic, historic, and cultural resources in these areas", "wildlife areas", and the "right to practice forestry" under the Purposes Section of §25-71 in the General Agricultural Section.

Mr. Beyeler stated he has an issue with Item A, under the purposes section with regard to the added language "to preserve the scenic, historic, and cultural resources in these areas". He stated any change made to the area will have an impact.

Ms. Sorrells stated the language is included in the Comprehensive Plan. She recommended including the language in the ordinance.

Mr. Coleman stated he does not have a problem with the language, but it is in the "eye of the beholder".

Ms. Sorrells stated the language is a part of the County's identity, and where they want to be with regard to development.

Mr. Howdyshell stated the Comprehensive Plan provides the goals of the County, but the ordinance is what implements the goals of the Comprehensive Plan and what the County abides by.

Mr. Shifflett recommended removing the language "to preserve the scenic, historic, and cultural resources in these areas".

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There was consensus to remove “to preserve the scenic, historic, and cultural resources in these areas” and to remove “public” under Item A in §25-71.

There was consensus to add the language “right to practice forestry” to the “right to farm” statement in the Purposes Section of General Agricultural.

§25-72. Forestry as a use. Ms. Earhart stated staff inadvertently left the language out of the permitted uses. She stated staff and the Planning Commission have recommended adding forestry back to the list of permitted uses.

The Board concurs with the recommendation.

§25-73.L. and other attached accessory use sections. Ms. Earhart stated there was a request to change the standards for attached accessory dwelling units to allow them to be attached by only a single common wall. She stated the Planning Commission has recommended amending the language in sections for attached dwelling districts in each applicable zoning district to read: “It is attached by sharing one (1) common wall. In no case shall an enclosed or unenclosed breezeway be considered a common wall for the purposes of attaching an accessory dwelling unit to a dwelling”. It was further recommended the definition of an accessory building or use would read: “A building or use subordinate to the principal building or use on the same lot and serving a purpose naturally and normally incidental to the principal building or use. When an accessory building is attached to the principal building by a common wall, it shall be considered part of the principal building”.

The Board concurs with the Planning Commission’s recommendation.

§25-74 and all other Special Use Permit general sections and specific standards where the list of impacts was deleted. Ms. Earhart explained concern was raised regarding the deletion of the reference to “rural environment” and the list of matters to be considered when determining the impact on the surrounding neighborhood. She stated staff identified two alternatives to either leave the language as drafted, or to add the language back in the ordinance and give the Board of Zoning Appeals more to consider. She stated the Planning Commission has recommended leaving the language as drafted.

The Board concurs with the Planning Commission’s recommendation.

§25-74.C. Animal Care Facilities. Ms. Earhart stated there was a concern that there were more issues to consider than those that could be addressed by setbacks. She stated there are nine (9) standards for the Board of Zoning Appeals to consider and among them are lot size and setbacks. She stated the Planning Commission has recommended leaving the language as drafted.

The Board concurs with the Planning Commission’s recommendation.

§25-74.D. Uses away from developed areas. Concern was raised that more of these “uses away from developed areas” could be separated into their own categories since they are not agriculture related or necessarily beneficial to the rural area. Ms. Earhart stated the Commission has recommended leaving the language as drafted.

The Board concurs.

§25-74.E. Landing Strips. Ms. Earhart stated the request was made to allow

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landing strips to be used by family members, as well as the landowner. It was requested to not have a mandatory setback and to allow the Board of Zoning Appeals to decide based on comments. It was also requested that the impact that should be considered by the Board of Zoning Appeals is that of a residential area, not agriculture or commercial. She explained the Planning Commission has recommended the following changes to the standards: 1. The landing strip or heliport shall be for private aviation aircraft only, limited exclusively to the use of the landowner and his/her family members; commercial operations, including flight training, ground school, aircraft repair, and sales are prohibited; 2. Take-offs and landings are limited to daylight hours; 3. The neighboring area is not characterized by agriculture, residential, commercial, or industrial development which would be adversely impacted by the proposed use; 4. The landing strip or heliport is not located in close proximity to an existing airport and/or will not impact commercial flight paths.

The Board concurs with the Planning Commission's recommendation regarding the amended language.

§25-74.H. Public Accommodations. Ms. Earhart stated concern was raised that the proposed standards are too vague. She stated the Planning Commission recommended leaving the language as drafted.

Ms. Sorrells asked for an example of a public accommodation.

Ms. Earhart answered bed and breakfasts, cafes, restaurants, special events and meeting facilities, residential care facilities and boarding houses, etc.

The Board concurs with the Planning Commission's recommendation.

§25-74.I. (Limited Business and Industries), J (Vehicle repair shops), and K (Apartments in a pre-1980 structure). Ms. Earhart stated public comment was raised that these are good provisions that limit the scale of the operations and require compatibility and benefit to the community. No action was required.

§25-74.L. Active recreation. Ms. Earhart stated comment was made these standards are too vague. She explained the Commission has recommended rewording Standard 4 as follows: "The proposed size, the proposed recreational activities, the anticipated number of users, setbacks, parking facilities, lighting, hours of operation, and landscaping are appropriate for the area".

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

§25-74.M. Recreation attractions. Comment was made the section lacks criteria. Ms. Earhart stated with the eight (8) standards, the Planning Commission has recommended leaving the language as drafted.

The Board concurs with the recommendation.

§25-74.N. Campgrounds and RV parks. Ms. Earhart explained the concern was the section lacks the full range of potential impacts. She stated with the current thirteen (13) standards, the Planning Commission recommends leaving the language as drafted.

The Board concurs with the recommendation.

§25-77.1. Cluster Subdivisions. Ms. Earhart stated the Planning Commission has recommended revising the cluster provisions to §25-77.1.B. to allow the clusters only in Rural Conservation Areas and not allow them in the Agriculture



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Conservation Areas as designated on the County's Comprehensive Plan Policy Area Map. She stated the Planning Commission has further recommended looking at establishing a cluster option in Rural Residential or establish a new district that will allow cluster subdivisions through the rezoning process in other districts.

Mr. Beyeler voiced concern with the concept of cluster subdivisions and the impact on farmland.

Ms. Sorrells stated the importance of not allowing these developments to impact productive farmland. She supports allowing these types of subdivisions in the least likely way possible. She noted the difference between open space and working farmland.

Mr. Beyeler asked if the County had an option on whether or not to allow these types of developments.

Ms. Sorrells understands it has to be permitted, however she does not support a large amount of growth on usable farmland.

Ms. Earhart stated the Planning Commission realized the requirement had to be included by right and they felt that allowing these developments in Rural Conservation Areas where there is already rural residential development would have the least possible impact.

Mr. Morgan referenced Virginia State Code Section 15.2-2286.1. He explained based on the County's ten percent (10%) growth from the latest census, the provision would have to be applicable to at least forty percent (40%) of the County's total land area. He stated the recommendation by the Planning Commission would meet the criteria.

Ms. Earhart stated philosophically all subdivisions should be first approved by the Board, not required by right. However, since it is being required by the General Assembly, she feels it should be allowed in a policy area where it would be most appropriate.

Mr. Beyeler asked what percentage of the County's land is in Rural Conservation Areas.

Ms. Earhart answered ninety-three percent (93%) of the County's land is zoned Agriculture, and the forty percent (40%) threshold applies to the land zoned Agriculture. She explained she interprets the requirement as the locality not necessarily having to allow forty percent (40%) of the County to have these types of subdivisions permitted. She stated based on criteria established by the Board, maybe only a few parcels would actually meet the criteria.

The Board concurs with the Planning Commission's recommendation.

§25-77.3. Requiring a one hundred-fifty foot (150') lot width at all points. Ms. Earhart stated comment was received to not require it at all points, but to possibly begin the requirement a certain distance off the road. She stated the Planning Commission has recommended leaving the language as drafted. She noted requiring the one hundred-fifty foot (150') lot width at all points will limit the number of lots created in the agriculture districts.

Mr. Howdyshell stated concern with not allowing the creation of a three (3) sided

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lot.

Mr. Beyeler agrees with Mr. Howdysshell's concern.

It was advised that making the change would require advertisement for another public hearing as this would increase the density allowed in General Agriculture.

Mr. Beyeler does not wish to readvertise. He requested the provision be left as is for now, and to revisit the issue at a later date.

Mr. Cobb noted the request and stated figures and data will be provided to the Board regarding this discussion.

§25-78. Fifty foot (50') setback requirement from public roads. Ms. Earhart stated the Planning Commission recommended leaving the language as drafted.

The Board concurs.

§25-79. and other sections. Height requirement. Ms. Earhart stated there was a concern that height should be regulated by the Federal Aviation Administration (FAA) and not the County. Ms. Earhart stated height would be hard to administer as every parcel could possibly have a different height requirement. She explained the goal of the revisions is to be user friendly and allow the public to determine their regulations on the internet. Allowing the FAA to regulate these requirements would be going in the opposite direction, making it more difficult. She stated the Planning Commission has recommended leaving the language as drafted.

The Board concurs.

\*\*\* Chairman Garber called for a fifteen-minute recess at 3:05 p.m. \*\*\*

The Board discussed outstanding issues. For the purpose of this worksession the Board referred to "Outstanding Issues".

§25-32.A. Travel Lanes.

With regard to the travel lane requirement, Mr. Beyeler recommended leaving the requirement as proposed at eighteen feet (18') as it is "not a big deal".

The Board concurs.

§25-32.B. Parking Lots.

Mr. Cobb stated there was some confusion regarding the standards for access drives leading to parking spaces in residential districts needing to be exempt (i.e. alleyways accessing garages). Staff has recommended adding language that clearly exempts off-street parking facilities serving single and two-family dwellings and townhouses sold or offered for sale.

The Board concurs.

Loading spaces and the number of spaces waiver. Mr. Cobb explained the ordinance currently requires one loading space for every use unless the Zoning Administrator determines more or less spaces are needed. He stated the Planning Commission has recommended a waiver provision that would go before the Board of Zoning Appeals. Mr. Cobb explained the Board has suggested requiring one space for every use and to allow a waiver from the Board of Supervisors without a decision by the Zoning Administrator.

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Mr. Beyeler asked Mr. Wilkinson to explain the concept of “one space for every use”.

Mr. Wilkinson explained the proposed ordinance is requiring a loading space for every business or industrial building. He explained if there was a certain business that did not receive deliveries they would have the waiver provision to not require a loading space and it could be considered on a case by case basis.

Mr. Beyeler asked if the building’s use was to change and the new business would require a loading space, but there was no room for parking, would the building be able to be rented.

Mr. Wilkinson answered no. He stated if the new use were to require a loading space, the building could not be rented for that use.

Mr. Cobb stated that is the same requirement for Rockingham County.

Mr. Coleman voiced concern with a building changing use and then the use not being permitted because of the loading space requirements.

Ms. Bullerdick stated it was suggested to require the number of loading space be recorded with the deed so the new business would be made aware of those requirements.

Ms. Earhart explained the current ordinance allows the Zoning Administrator to determine if more or less spaces are needed. She stated the draft ordinance requires one space and then permits the Zoning Administrator to require more if necessary.

Ms. Sorrells stated she agrees with the Planning Commission’s recommendation in requiring a loading space, but to include a waiver provision. She further stated she supports requiring the loading space requirement to be recorded with the deed so future businesses coming to that site are aware of the requirements if there was a change of use.

Mr. Cobb explained if the waiver were to go before the Board of Zoning Appeals, it would be an item that could be requested approximately a week prior to the Board of Zoning Appeals’ monthly meeting, without having to be advertised.

Mr. Howdyshell stated he would be in favor of the waiver provision. He stated he agrees with Mr. Coleman’s concern regarding small businesses being able to operate without requiring a loading space and would hope the waiver provision would take that into consideration.

Mr. Coleman stated it is not “business friendly” to require a business to receive deliveries at a different location because of the loading space requirement simply because of a change of use. He stated the waiver provision would address that concern.

Mr. Cobb asked the Board to determine whether or not the ordinance is going to require a loading space, or to allow the Zoning Administrator to determine the requirement on a case by case basis.

There was discussion as to whether or not the waiver would be granted by the Board of Supervisors or the Board of Zoning Appeals.

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The Board concurred at this time to not require loading spaces for business or industrial uses.

§25-38. Interior landscaping in parking lots. Mr. Cobb explained this was discussed at the previous worksession regarding the Government Center and existing facilities. He explained the committee reviewed the requirement and discussed since the Board has already concurred to not require parking lots to be paved under §25-33.E would it be necessary to require landscaping islands. The Board was given a handout of examples from surrounding localities' requirements.

Ms. Sorrells stated if the landscaping islands are going to be required, the parking lot will be required to be paved.

Mr. Coleman noted businesses will not be apt to do landscape islands if there are no expectations.

Ms. Bullerdick read the Planning Commission's recommendation regarding landscaping. She provided a comparison of the proposed requirements to those of the Cities of Staunton and Waynesboro. She stated in most cases, the proposed requirement was only half of what the Cities of Staunton and Waynesboro required. Ms. Bullerdick provided examples of certain businesses in Verona and determined whether or not the business would meet the proposed requirement.

Mr. Shifflett stated the decision should be left up to the business owner. He stated they are the ones that pay the taxes and provide the jobs for the County. He stated the greatest use of land in the County is residential subdivisions. Mr. Shifflett suggested requiring landscaping around residential subdivision property lines.

Ms. Sorrells explained the "visioning session" that was held with the Board of Supervisors, Planning Commission, and Board of Zoning Appeals. She stated all members envisioned the County to have a certain "look". She stated if everyone prefers a certain look why not require a better environment for Augusta County. Ms. Sorrells stated if the look is left up to the business owner, they are going to take the cheapest route.

Mr. Coleman noted the appearance of other localities. He noted if a business such as Wal-Mart wants to open in a certain location, they are going to do so no matter what the requirements. He stated this landscaping requirement is not going to hurt the large business. He stated these businesses will adapt to the standards.

Mr. Cobb noted the proposed requirements are considerably less than the Cities of Staunton and Waynesboro.

Ms. Sorrells stated the County is no less than the Cities of Staunton or Waynesboro in fact the County is the entrance corridor to these Cities. She explained when industries look at locating to certain areas, they consider the look of the community and the standards and whether or not it is a good place to live and do business. She stated these standards may be a tipping point for a good business or industry to locate here.

Mr. Beyeler stated if a business or industry wishes to have these standards, they will include them in their plan.

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Mr. Shifflett stated the County should not dictate what a business owner can and cannot do with regards to landscaping.

Mr. Howdyshell stated he supports allowing the business owner to do what they wish with regards to landscaping.

Landscaping will not be an ordinance requirement by a majority decision.

§25-42. Sign height requirement. Mr. Cobb explained there were several issues regarding the ordinance not requiring a sign height. He provided requirements from surrounding localities. Mr. Cobb stated the City of Harrisonburg does have a height requirement for businesses located along an interstate.

Mr. Beyeler asked the concern for signs such as Shoney's, etc.

Ms. Sorrells stated they are horrible. She proposed adopting the same requirements with regards to height as the City of Harrisonburg and the County of Rockingham and provide additional sign square footage if the business or industry is located along an interstate.

Mr. Howdyshell noted height with regards to the lay of the land. He stated height is in the "eye of the beholder". He asked why change the requirements if there have not been any issues in the past.

Sign height with regard to Augusta Marketplace along Interstate 81 and Route 275 was discussed.

Mr. Shifflett stated the applicant proffered to limit sign height. He stated an ordinance requirement regarding sign height would not be an issue for most developers.

Ms. Earhart read the approved proffers submitted by the applicant for the rezoning of Augusta Marketplace.

Language regarding sign height is left as drafted on a split decision by the Board.

§25-42.F. Real Estate tract signs. Mr. Wilkinson stated concern was brought up as to why a real estate tract sign would have to be moved if the lot it is located on is sold. He explained the current definition defines a tract sign as being an on premises sign and would prohibit a developer from leaving a sign on a lot after the lot is sold, even with permission from the property owner. Mr. Wilkinson stated the Board had asked him to review the language. Mr. Wilkinson read the following modified definitions:

Real estate, lot sign; On-site signs advertising the sale, rent or lease of a single dwelling unit, building, or vacant lot containing one acre or less; provided that such signs shall be removed promptly after closing of the transaction. Mr. Wilkinson read the modified definition of a Real estate, tract sign: On-site advertising the sale, rent or lease of more than one acre of land or multiple lots within a subdivision; provided, that such signs shall be neatly painted, and maintained, and shall be removed promptly after closing of the transaction of all tracts or lots within the subdivision.

The Board concurs with the modified language.

§25-42. General Provisions. Mr. Wilkinson read the following modified language.

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“F. No freestanding advertising sign larger than four square feet (4 sq. ft.) shall be permitted within one hundred feet (100') of any lot line in a residential zoned district”.

The Board concurs with the modified language.

§25-54-1.N. Uses accessory to single family residences. Mr. Cobb stated the section deals with prohibiting commercial vehicles in residential neighborhoods. For the purpose of this worksession the Board referred to “Attachment F1” dated December 17, 2009. Mr. Cobb explained the purposed language states, “N. In residentially zoned districts, no more than one (1) commercial vehicle per dwelling 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 trucks and wreckers with an empty weight of twelve thousand pounds (12,000 lbs.) or more, or similar such vehicles or equipment shall be permitted; 2. Any commercial vehicles parked shall be owned and/or operated only by an occupant of the dwelling at which it is parked; and 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”.

Mr. Beyeler asked whether or not property owners that operate under the current ordinance would be “grandfathered”.

Mr. Cobb answered the grandfather provision would be included.

Mr. Shifflett questioned the weight of twelve thousand pounds (12,000 lbs.).

Mr. Wilkinson stated the weight was discussed, and he was asked by the Board to contact several trucking companies in order to get an average weight of these vehicles. He stated according to Truck Enterprises in Weyers Cave the average empty weight of a semi-tractor with sleeper is eighteen thousand pounds (18,000 lbs.) and the average weight of a tandem dump truck is fifteen thousand pounds (15,000 lbs.) depending on whether or not it is a steel or aluminum bed.

Mr. Howdyshell stated concern with allowing a tractor to be parked in residential areas, but not allowing dump trucks, which are basically the same weight. He stated if the ordinance allows for one type, it should allow for at least the dump trucks.

Mr. Cobb stated staff feels the ordinance should allow for dump trucks and wreckers.

Mr. Beyeler stated he agrees with Mr. Shifflett’s point regarding the weight limit of these trucks.

Mr. Shifflett stated he felt the Board agreed to a larger weight.

Mr. Beyeler recommended increasing the allowed weight limit to twenty thousand pounds (20,000 lbs.).

There was discussion on whether or not to remove dump trucks and wreckers from the list of prohibited uses.

The Board agreed to modify the weight limit to twenty thousand pounds (20,000 lbs.) and to indicate wreckers and dump trucks on the list of permitted uses.

§25-58. Administrative Permit Standards. Mr. Cobb explained four hundred-five (405) administrative permits were issued in 2009 and there are specific

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standards to be considered in each case. He stated the current draft reads, "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".

Ms. Earhart stated the Planning Commission recommended a second sentence be reinstated to that section to read, "Among matters to be considered in this connection, are traffic congestion, noise, lights, dust, odor, fumes, and vibration".

The Board concurs with the Planning Commission's recommendation.

§25-133. Accessory dwelling units. Ms. Earhart stated currently they are permitted in Agriculture and Rural Residential. She explained it is being proposed to allow the uses in Single Family Residential. She explained the accessory unit is allowed to be six hundred square feet (600 sq. ft.) or forty percent (40%) of the square footage of the dwelling, whichever is greater, but not to exceed nine hundred square feet (900 sq. ft.). She explained the unit will be required to be attached by a common wall with exterior entrances on the side or rear only and in order to get away from the "apartment style" housing, the owner of the property will be required to live in one of the two (2) dwellings. She stated if the owner does not live on premises there would be the Special Use Permit provision.

The Board concurs.

§25-302 and 383. Flex Space. With regard to business and industrial, Mr. Cobb stated it is proposed to allow more industrial uses in the General Business District and more business uses in the Industrial District with a Special Use Permit. He explained this would require readvertisement, however the subcommittee has met regarding this issue and is prepared to draft standards for the Special Use Permit to be considered at a later date.

Chairman Garber stated it is not that the Board is not in support of flex space, the matter is there is not enough information to support the concept at this time.

Ms. Sorrells stated she is in support of flex space, but it is a brand new concept and feels there needs to be more time allowed for review.

Mr. Cobb stated after reviewing the information with the committee, he feels everyone is on the "same page" that allowing flex space will require readvertisement, and the idea is something that needs to be evaluated further. He stated the committee recommended reviewing the concept of flex space at a later date.

Ms. Sorrells recommended at the time flex space is discussed to consider the concept with folks in the business community in order to get their input on the matter.

Mr. Beyeler stated that has already been done. He stated Frank Root was involved in the discussion.

Chairman Garber stated flex space will be beneficial to a lot of people.

Ms. Sorrells stated while flex space is being considered the committee should also consider the Planned Residential District. She stated it too is something that everyone wanted, but the way it is currently drafted, developers, staff, and the

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public are not satisfied.

Mr. Beyeler asked if there were any plans pending for Planned Residential Developments.

Mr. Cobb answered there has only been one (1) developer who has expressed any interest in the zoning, but no applications have been received.

Mr. Beyeler stated he feels the regulations are pretty close to where they need to be.

Ms. Sorrells stated the development in Crozet has been referenced, but the County is not there yet in terms of having a traditional neighborhood with recreation. She stated it would be beneficial to have recommendations from developers and consider at a later date.

Mr. Beyeler stated the committee has sat with down with developers, but he does not have a problem with removing Planned Residential Districts from the proposed draft.

§25-4. Definition of an animal unit. Mr. Cobb explained in the Rural Residential District, the definition of animal unit would remain the same as the current ordinance with the addition of several other species.

There was discussion on basing the animal unit comparison on a head of cattle.

Mr. Howdysshell recommended two (2) llamas would be equivalent to one (1) animal unit based on that comparison.

The modified definition would read. "Animal unit. The equivalent to one head of beef or slaughter cattle. For the purpose of this chapter, 1 dairy cow, 2 calves less than one year old, 1 buffalo, 2 llama, 1 horse, 3 miniature horses, 1 mule, 5 sheep, 5 goats, 2 deer, 3 ostriches, or 100 rabbits.

The Board concurs.

§25-304.B. Outside Storage. Mr. Cobb stated the need for this change was recognized due to an upcoming application before the Board of Zoning Appeals. He explained it was not the intention to eliminate the possibility of a business getting a Special Use Permit for outdoor storage if the storage cannot be shielded or screened from public view. He stated staff has recommended changing the criteria for a Special Use Permit for Item 6 for outdoor storage to read: "Items not displayed for sale or lease shall be fully shielded or screened from public view unless the Board of Zoning Appeals determines that fully shielding or screening is not necessary. Opaque screening, including fencing and landscaping shall be appropriate to ensure compatibility with neighboring properties, taking into account the proper location of aisle ways and gates and the compatibility of screening the materials with the materials utilized in the principal buildings on site. Fencing or screening shall be maintained in a good state of repair. Chain-link fencing with slats interested is not acceptable for this screening. Gates shall remain closed except when goods are moved to and from the enclosed area."

The Board concurs with the above recommendation regarding outside storage.

Subdivision and Stormwater Ordinances. Mr. Wolfe noted a correction from the information that was given to the Board at the previous worksession. He stated recent revisions to the Virginia SWM regulations authorize localities to permit use



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of the modified rational method for calculation of volumetric flows from watersheds of two hundred (200) acres or less. He explained several engineers have requested the County continue to allow use of the rational method.

No action required.

§21-9.1.A.3. Time limit on plats. Mr. Morgan explained a plat can remain valid for up to five (5) years after approval according to the State Code. He stated a question arose if there needed to be more time, what mechanism could be used to allow for additional time. He stated the State Code states the application can be approved by the approval authority for a longer period of time by either the Planning Commission or other agent at that particular time, or he stated the developer can ask for an extension of time from either the Planning Commission or appropriate agent prior to the expiration of the five (5) year period of time. He stated the request does not have to go before the Board of Supervisors. Mr. Morgan stated this language can be added to the ordinance.

Mr. Beyeler asked if the request can be heard by the Board.

Mr. Morgan answered the statute reads either the Planning Commission or agent.

Nuisances. Mr. Wilkinson explained currently the grass ordinance is located in the Augusta County Code under the Nuisances Section. He stated the draft ordinance is proposing to include grass and other foreign growth under the Zoning Ordinance as well as other clarifications and recommended changes since that is a matter enforced by the zoning staff. Mr. Wilkinson explained currently, the grass requirement only applies to agriculture lots on platted subdivisions. He explained the proposed language will require mowing of agriculture lots less than one (1) acre. With regard to Rural Residential lots, Mr. Wilkinson explained the current language requires the property owner to mow the 1/2 acre around the house. He stated the drafted language will require mowing for lots less than five (5) acres in size that are zoned Rural Residential.

The Board concurs with the changes.

§15-22.1. Enforcement. Mr. Wilkinson explained the revisions will establish an enforcement procedure in the ordinance, not just a Board of Supervisors' policy. Mr. Wilkinson explained the current policy requires three (3) violation notices with ten (10) days before each notice be sent before staff can abate the violation. He explained under the proposed ordinance, sending two (2) notices reduces the time required to abate the violation. Mr. Wilkinson further explained if the citizen is a repeat offender, only a Final Notice will be required to be sent, thus reducing the time to abate the violation even further.

The Board concurs with the above changes regarding enforcement.

Ms. Sorrells recommended making "Attachment A" with the Board's consensus regarding the ordinance revisions available to the public on the County's website.

The recommendation was noted.

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ADJOURNMENT

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

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Chairman

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County Administrator