

PRESENT: K. Shiflett, Chairman  
W.F. Hite, Vice Chairman  
S. Bridge  
T. Cole  
J. Curd  
E. Shipplett  
T.K. Fitzgerald, Director of Community Development  
R. L. Earhart, Senior Planner and Secretary

ABSENT: K. Leonard

VIRGINIA: At the Regular Meeting of the Augusta County Planning Commission held on Tuesday, June 8, 2010, at 7:00 p.m. in the Board of Supervisors' Conference Room, Augusta County Government Center, Verona, Virginia.

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**DETERMINATION OF A QUORUM**

Mrs. Shiflett stated as there were six (6) members present, there was a quorum.

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**MINUTES**

Mr. Curd moved to approve the minutes of the Called Worksession on December 8, 2009 and the Regular Meetings on December 8, 2009 and April 13, 2010 as mailed.

Mr. Bridge seconded the motion, which carried unanimously.

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**Urban Service Overlay District and Related Issues**

Mrs. Earhart explained the Commission heard the concerns and issues regarding the Urban Service Overlay District at a joint worksession held on May 24, 2010 with the Board of Supervisors and the Augusta County Service Authority Board. She explained the purpose of the meeting tonight is to discuss the issues and develop a set of recommendations for the Board of Supervisors.

Mrs. Earhart stated initially the Urban Service Overlay had three components. The first component she explained was a larger setback from property lines for new intensive agriculture facilities. She explained the idea was to restrict farmers from investing large sums of money in new intensive agricultural operations where there was going to be significant development pressure. Mrs. Earhart stated the second component was to restrict the number of entrances on the County's designated thoroughfares. The goal of the entrance provision was to protect the investment the public has already made in roads in these areas. The third component Mrs. Earhart explained was a mandatory connection to public water and sewer provision in these areas. This component was to protect the Service Authority's investment in these areas. Since that time, Mrs. Earhart explained changes have been made to the County's Zoning Ordinance and intensive agriculture operations have the same setback as any other agricultural facility, so large setbacks may not make sense. Access Management has taken the place of, and became even more restrictive than, the County's entrance requirements for the designated thoroughfares in that it covers more roads and requires more spacing. A benefit of the district, Mrs. Earhart explained, was that it provides expectations to developers wanting to develop in those areas. From a Comprehensive Plan standpoint, Mrs. Earhart stated the plan is very clear that residents in the urban areas help pay for the agriculture protection programs and the rural residents support the development in the urban areas. Mrs. Earhart explained the only way for the goals of the Comprehensive Plan to be successful is for the entire County to financially support these districts.

Mrs. Shiflett commented it is a disincentive for the County to expect the users of public water and sewer facilities to pay for all the water and sewer projects, as it is pricing those people out of the areas where the County wants to encourage growth.

Mrs. Earhart explained the big changes will be in areas where there are growth pressures. She stated the Service Authority estimates their Water and Sewer Master Plan to be completed by the end of June. When it is complete and is presented to the Planning Commission for review, she stated there may need to be some "tweaking" done to the Urban Service Overlay district boundaries, but the major growth pressures will be on the Route 340 Corridor between Waynesboro and Stuarts Draft and in Weyers Cave. Due to different solutions, she stated these issues should almost be discussed separately.

Mrs. Shiflett suggested the Commission go through the issues one by one.

Should there be a district? Mrs. Earhart explained several options. She explained the first option would be to keep the Urban Service Areas as they are and adopt an Urban Service Overlay District on the areas and "tweak" the regulations. A second option would be to keep the Urban Service Areas as they are, but to adopt an Urban Service Overlay District only in those areas where water and sewer already exist and make decisions on capacity and limitations. The third option would be to modify the Comprehensive Plan and retain the four policy areas but base them strictly on existing water and sewer service and to adopt the Urban Service Overlay District accordingly.

and review the regulations. If the parcel is not in an Urban Service Area, it will require a Comp Plan Amendment to be allowed to extend public water and/or sewer to the site. She also indicated there could be state funding implications based on the State's Urban Development Area designations. The last option would be to revert back to having Potential Urban Service Areas, as defined by the 1994 Comprehensive Plan. However, this option may also have funding implications and would allow the Route 340 corridor to develop on septic systems.

Mr. Shipplett stated concern for the financial viability of the Service Authority if it continues to be based strictly on the support of their customers. He explained development should not be limited because of public water and sewer availability. He noted the county should be encouraged to provide more funding to the Service Authority.

Mrs. Earhart explained at a time cost was not an issue with certain extension projects and developers were willing to pay to get the infrastructure to their sites. She stated times have changed and the private sector isn't willing to bear the costs on their own, so a public/private partnership is needed.

Mrs. Shiflett stated she agrees the County as a whole will have to help pay for infrastructure improvements; however the Comprehensive Plan is a long range plan. She stated due to costs, not all parcels in the County will have access to water and sewer immediately.

Mr. Bridge stated he agrees with Ms. Shiflett and while not all of these areas will have access to public water and sewer, he does not support reverting back to allowing septic systems in growth areas.

Mr. Fitzgerald stated the decision is whether or not the County wants to allow development on a septic system on a temporary basis and go ahead and let the Service Authority collect connection and capacity fees to allow the development to occur and then as the money accumulates, the improvements can be made. He gave the Route 340 Corridor as an example and explained in today's economy, the Board may be willing to allow limited development on a septic system, however he explained the question is how to guarantee the development will then connect to sewer once it becomes available.

Mrs. Shiflett stated the downside to temporary septic systems would be that the County would not achieve the desired densities in the urban areas.

Mr. Shipplett questioned how the County can deny an individual the right to install a septic system when it is permitted under the State Code.

Mr. Fitzgerald stated if the development was located in an Urban Service Overlay District and a mandatory connection policy was established, the County would have the

ability to deny the installation of a septic system in that particular district. Mr. Fitzgerald noted that is not the policy under the current ordinance.

Mr. Cole stated while the County cannot deny the installation of septic systems under today's ordinance within the Urban Service Areas, the County would have the ability to charge the developer if they are developing in these districts. He explained the money would then support funding for expansion of the sewer systems.

Mr. Shipplett noted for areas developed without public sewer, when public sewer becomes available, while it may be mandatory to "hook-up", this should be at a lower cost.

Mrs. Earhart noted a private homeowner and a developer may need to be treated differently. She gave the example of the residential neighborhood on Dodge and Hodge Streets in Stuarts Draft. Septic systems on those streets had begun to fail and there was no ability on the lots to repair the drainfields. The Service Authority invested money in extending sewer to houses on those streets. However, the homeowners are not "hooking-up" to public sewer until their individual systems fail due to costs, but the Service Authority has already made the investment in the extensions. Mrs. Earhart noted for new residential and commercial developments, is the County going to require these developers to proffer during the rezoning phase that the development will connect to public sewer once it becomes available. She noted another option may be for a developer to pre-pay a connection fee to eventually connect to public sewer when it becomes available.

Mr. Curd explained it has been the "norm" for municipalities to require developers to pay into a fund for certain infrastructures that are not currently in place with the understanding that they will be provided in the future. He explained the timeframe is now being challenged in court in terms of how long the locality has to provide the service they collected money for.

Mrs. Earhart explained as Mr. Fitzgerald stated, there is potential for development on the Route 340 Corridor closest to the City of Waynesboro, the question is how does the County wish to make it happen; with the Urban Service Overlay, without the Urban Service Overlay, with public funding, without public funding, on septic, not on septic, etc.

The Commission reached consensus there should be the Urban Service Overlay District as it is essential to the implementation of the Comprehensive Plan.

Mr. Bridge explained the public spent a great deal of time and effort developing the Plan and supports the growth management recommendations contained in it.

The Commission further supports the idea that the Overlay District is the implementation measure that ensures that development will occur in the right places at the right densities. The Commission does not support "short-term solutions" for allowing development to occur on private septic systems or similar alternatives. The Commission

is concerned that if development is allowed to occur in such a manner, the Service Authority and/or County will never have an incentive to run public lines to these areas and the existing development will have no incentive to hook-up if they have already expended large sums of money to provide a private sewage disposal system. In addition, the development pattern associated with development on septic systems is land consumptive and the County will lose the density in these areas due to "temporary" drainfields. Similarly, once a development pattern of 1-2 acre house lots on individual systems has been established, encouraging the more dense development pattern envisioned by the Plan will be much more difficult.

Mr. Fitzgerald asked the Commission whether or not they support the idea of incorporating all of the Urban Service Areas into the Urban Service Overlay Zoning District.

The Commission supports the adoption of the Urban Service Overlay District regulations on all parcels identified as being in the Urban Service Area in the Comprehensive Plan adopted in 2007. The consensus of the Commission is that anything short of applying the district regulations to all of the new land added to the Urban Service Areas goes against the Comprehensive Plan goal of targeting growth to these areas.

Next, the Commission discussed whether or not there should be a waiver process and if so, the process and what body should grant the waivers.

Mr. Fitzgerald explained the current waiver process for certain ordinance provisions to the Commission. He explained the request would go before the Board of Supervisors as an agenda item.

After discussion, the consensus of the Commission is not to recommend a waiver process and instead support the existing process of rezoning out of the Urban Service Overlay District. If the owner or developer of a specific parcel feels they cannot reasonably connect to public water and/or sewer for their specific development plans, they can request a rezoning out of the Urban Service Overlay district, as is the option now. The Commission supports the more deliberate rezoning process to let all potentially impacted parties consider the request prior to a decision being made.

The Commission discussed the need for an exemption process whereby some development would not be required to connect to public water and sewer. Ms. Earhart provided the Commission the example of Bloomakers which is moving its business to the intersection of Kindig Road and Route 340 in Stuarts Draft. She explained the property is zoned General Agriculture and requires a site plan, but is an agricultural use and therefore no Special Use Permit was required. Under the existing ordinance, Ms. Earhart explained, the location is acceptable because of the exemptions. However, if there are no exemptions, they could not operate at that location.

The consensus of the Planning Commission is that for some development, extension of public water and sewer may be too much of a burden to be feasible. The Commission supports requiring utilization of public water and sewer for all major subdivision plats and all site plans for uses in Business or Industrial districts. For all minor subdivision plats and all other site plans, the Commission supports requiring utilization of public water and sewer if it is available. They recommend changing the definition of availability to include only the existing D.1. and D.2. in the current ordinance:

1. A distribution or collection line of the Augusta County Service Authority is on the property to be served or on adjoining property under the same ownership or control as the property to be served.
2. A distribution or collection line of the Augusta County Service Authority is within two hundred feet (200') of a boundary line of the property to be served or within two hundred feet (200') of adjoining property under the same ownership or control as the property to be served.

Mr. Curd stated putting a monetary amount in an ordinance creates unfairness. He stated he supports either removing the monetary amount or creating a standard based on a percentage of the assessed value of the property.

The Commission recommended the third criteria be deleted from the ordinance:

3. Water and sewer service from the Augusta County Service Authority can be extended to the property to be served at a cost estimated by the Authority or by an engineer approved by the Authority to be less than \$100,000.

The Planning Commission further recommends that the requirements for mandatory connection in Chapter 24 be modified to reflect the same parameters as are set forth in Chapter 25.

There was discussion on whether or not the Commission supports there being a prohibition on using wells and/or septic for any purpose in an Urban Service Overlay District.

Mrs. Earhart explained this is somewhat of a "loop hole" or "gray area". She gave an example of an industry that would develop in the County and would be willing to utilize public water and sewer for the restroom facilities. She stated the Service Authority's concern is the industry would then drill a large well for other purposes.

The Planning Commission recommends that language be added to the Urban Service Overlay District that prohibits the use of wells and septic systems for any purpose for all uses within a Business or Industrial district. Again, if in a specific case, it is advantageous for the County to consider allowing an industry to use a well or septic system, that property can be rezoned and removed from the Urban Service Overlay District.

Should there be an Urban Service Overlay District for Community Development Areas? Ms. Earhart explained the mandatory connection policies in Chapter 24 would apply to those areas of the County that currently have water or sewer only but those areas are not bound by the provisions of the Urban Service Overlay District.

The consensus of the Planning Commission was not to establish an overlay district for the Community Development Areas. It was felt that the provisions of Chapter 24 would be sufficient for those areas.

The Commission considered allowing the use of septic systems on a temporary basis until public sewer becomes available. Discussion ensued about the viability of a “short term” fix.

Mr. Fitzgerald provided an example in Greenville when existing property owners had failing septic systems and used a pump and haul method while the treatment plant was being built. While the time frame for construction was known at the time, it is still a question as to how long is “temporary”.

The consensus of the Planning Commission is not to support development on individual sewage disposal systems (septic or otherwise) on the Route 340 Corridor south of Waynesboro. The Commission expressed concern that there would be no incentive to run public sewer lines if the development is already on septic systems.

Looking ahead, Mrs. Earhart predicted more water and sewer issues will need to be reviewed by the Commission when the Service Authority’s Master Water and Sewer Plan is completed. She explained the current ordinance only allows for public water and/or sewer or private wells and septic. She stated with some of the County’s villages, the county may want to consider community systems as an alternative with one system serving numerous houses.

The Commission also made policy recommendations to the Board of Supervisors. Specifically, the consensus of the Commission was to recommend the Board of Supervisors and Service Authority work together to provide the infrastructure to the County’s growth areas and specifically recommend funding the “sewer spine” in the Route 340 corridor area between Stuarts Draft and Waynesboro. They further encourage the County and Service Authority to work with the two cities to allow them to provide water and sewer services into the County when that is the most economical and feasible alternative. They encourage the County to be proactive in this funding effort to ensure that the infrastructure is in place to allow development to occur where it has been planned and at the densities that have been recommended in the Comprehensive Plan. The Commission recognizes that if development occurs in the Urban Service Areas of the County at the recommended densities, and not scattered throughout the County, all County residents win.

The Commission further recommends when a public water or sewer line is extended past existing development that those residents be given an opportunity to connect to the public services at a significantly reduced rate (the suggestion being cost of making the actual connection plus a small overhead percentage). They also recommend encouraging the abandonment of existing wells if the quantity of water remains a concern of the Service Authority and County. Finally, the Commission recommends that consideration be given to establishing a permit fee for wells and septic systems that would go to the Service Authority to help fund their projects.

Mr. Cole explained without the establishment of “disincentives” to building in the rural areas of the County, more and more development is going to occur in these areas as building in the urban areas served by public water and sewer becomes too expensive.

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**STAFF REPORTS**

A. CODE OF VIRGINIA – SECTION 15.2-2310

Mrs. Earhart reviewed with the Commission the requests coming before the BZA. Ms. Shiflett asked if there were any comments regarding the upcoming items on the BZA agenda.

The Planning Commission took no action on the BZA items.

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

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Chairman

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Secretary