

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

VIRGINIA: At the Regular Meeting of the Augusta County Planning Commission held on Tuesday, November 9, 2010, at 7:00 p.m. in the Board Room, Augusta County Government Center, Verona, Virginia.

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**DETERMINATION OF A QUORUM**

Mrs. Shiflett stated as there were seven (7) members present, there was a quorum.

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**MINUTES**

Mr. Curd moved to approve the minutes of the Regular Meeting on October 12, 2010 as received.

Mr. Hite seconded the motion, which carried unanimously.

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**NEW BUSINESS**

**Consideration of the Sourcewater Protection Overlay Ordinance**

Mrs. Earhart presented the Commission with a PowerPoint presentation overview of the ordinance. She explained the purpose of the ordinance is to protect public health, safety, and welfare by preventing contamination of water or loss of water in aquifers that serve as County groundwater supply sources, as well as to protect existing sources of drinking water to meet current and future public needs. Mrs. Earhart displayed a map titled "Overall Public Ground Water Sources for the Augusta County Service Authority, the City of Staunton, and the City of Waynesboro SWP Mapset – Map #1". Mrs. Earhart

explained Area 1 consists of a 1000' fixed radius around public groundwater supply sources. She stated currently, there are 33 sources identified for protection under the ordinance. Area 2 she explained is a defined area that contributes recharge to the groundwater supply source. At adoption, there will be four Areas 2s including Blue Hole, Dices Spring, Hurdis/ Hershey wells, and Lyndhurst. Mrs. Earhart also displayed a map titled, "Augusta County Service Authority Public Ground Water Facility Map Hurdis, Hershey, and Ridgeview Wells – SWP Map #12/13" that displayed an example of an Area 2 covered by the ordinance.

§25-515. Exempted Uses. Mrs. Earhart explained the following uses will be exempt from this ordinance: agricultural and forestry uses with Best Management Practices, normal on-site residential uses.

§25-516. Prohibited Uses in Area 1. Mrs. Earhart gave examples of uses that would be prohibited in Area 1 including class II injection wells, class V injection wells unless EPA permitted, junkyards and demolition facilities, chemical, electrical or electronic manufacturing, quarries and asphalt processing plants, facilities with underground petroleum storage tanks of over 660 gallons, storage of chemicals or petroleum products in structures for subsequent resale to distributors or retail dealers or outlets, machine shops, and vehicle service and repair shops.

§ 25-517. Prohibited Uses in Area 2. She explained class II injection wells, class V injection wells unless EPA permitted, and junkyards and demolition facilities are prohibited uses in Area 2.

§ 25-518. Special Administrative Permits. Mrs. Earhart stated these permits are to be issued by the Director of Community Development and can be appealed to Board of Supervisors if denied. She explained the use would be permitted administratively within thirty (30) days if the request is not expected to detrimentally affect groundwater quality, if sufficient recharge is not expected to be inhibited or prevented, and the use meets all other ordinance requirements.

Mrs. Earhart explained chemical, electrical or electronic manufacturing, electroplating or drycleaners with hazardous materials are permitted in Area 2s by Special Administrative Permit as long as the parcel is connected to public sewer, they have secondary containment and spill detection and control system for bulk storage of chemicals, as well as a spill containment and prevention plan, and the use is otherwise permitted or the necessary permits are obtained. She stated asphalt processing, quarries, facilities with petroleum tanks, fertilizer storage, machine shops, heavy equipment maintenance or fueling facilities, storage of chemicals or petroleum products for resale, and wood preserving facilities with hazardous materials are also permitted as long as a secondary containment and spill detection and control system for bulk storage of chemicals is provided, a spill containment and prevention plan is submitted, and the use is otherwise permitted or permits are obtained. Mrs. Earhart further stated funeral homes and photo processing labs with hazardous materials are permitted as long as the use is connected to public sewer and the use is otherwise permitted or permits obtained. She stated any

of the uses prohibited in Area 1 which do not involve the collection, handling, manufacture, use, storage, transfer or disposal of any hazardous materials are permitted provided the applicant certifies that no hazardous materials are involved and the use is otherwise permitted or permits obtained.

§ 25-519. Minimum lot size. Mrs. Earhart explained this applies only to Area 1. She explained no new on-site sewage systems are to be constructed within 500 feet of a public groundwater supply source and where any part of a new lot is located within Area 1, the minimum lot size is 2 acres.

§ 25-520. Prohibitions on buildings and structures. Mrs. Earhart stated no new buildings or structures shall be constructed within 250 feet of a supply source.

§ 25-521. Criteria for Utilities. With regard to utilities, Mrs. Earhart explained the Health Department will be requested to use the adopted maps prior to issuing permits for new on-site sewage disposal permits or well construction permits. For large water users (10,000 gallons per day/300,000 gallons per month) in Areas 1 and 2, the user must get a Special Administrative Permit from the County. Prior to approval of the permit, the user must also submit a map and narrative. Mrs. Earhart explained in order for the permits to be issued, the well must not be expected to affect the quality of public water supply, to cause a reduction in the volume of water, and sufficient recharge is not expected to be inhibited or prevented.

§ 25-522. Conditional Exemption. Mrs. Earhart explained an exemption is an option if the use or activity is prohibited. She stated the conditional exemption is only to be issued by the Board of Supervisors if there is good and sufficient cause and the use will not result in an unacceptable possibility of hazardous materials being discharged in the overlay district. Mrs. Earhart further explained the exemption should be the minimum required to provide relief from any hardship. The applicant must submit an Operations and Contingency Plan which includes the types of prohibited uses proposed for the site, the types and quantities of hazardous materials or wastes used or stored on the site, a means to contain or restrict any spillage, a means to contain or remediate spillage, and a means to notify appropriate parties. Mrs. Earhart further stated the plan must be evaluated by a professional engineer or geologist and determined that the use would minimize the risk of contamination. She further explained the application and plan will go to the Service Authority for comment. The Director of Community Development will either approve or deny the Operations and Contingency Plan. If approved, she stated the request for conditional exemption will go before the Board of Supervisors for approval. Mrs. Earhart stated if the plan is denied by the Director of Community Development, the plan and exemption request will then go to the Board of Supervisors for approval. She also noted the exemption, if issued, will be non-transferable.

Mrs. Earhart asked the Commission if they had any questions or needed any clarification on the items discussed. She noted the Commission has the opportunity to recommend any changes to the Board of Supervisors. With regard to the draft, she explained the ACSA will consider the draft at their November 18th meeting and the

Board will then consider the draft and any suggestions or recommendations at their November 22nd meeting with a public hearing for the Planning Commission tentatively set for January 11<sup>th</sup>, 2011, with an effective date of February 1, 2011.

The Planning Commission reached consensus to recommend to the Board of Supervisors that the ordinance go to public hearing with the suggestion to add sanctions to the ordinance to clearly spell out what happens if someone who gets a permit for a use contaminates the water anyway.

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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.

Mrs. 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