

PRESENT: J. Curd, Chairman
S.N. Bridge, Vice-Chairman
W. F. Hite
T. H. Byerly
K. A. Shiflett
J. Shomo
J. D. Tilghman
R. L. Earhart, Senior Planner and Secretary

VIRGINIA: At the Called Meeting of the Augusta County Planning Commission held on Tuesday, March 13, 2007, at 3:00 p.m. in the Board of Supervisors' Conference Room, Augusta County Government Center, Verona, Virginia.

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The Planning Commission assembled in the Augusta County Government Center to discuss the rezonings, Source Water Protection Ordinance and the upcoming items on the BZA agenda. The Planning Commission traveled to the following sites which will be considered by the Commission at their regular meeting:

1. The Bennett Realty, LLC – Rezoning
2. Mark E. and Jill S. Glick and Donald B. and Vada E. Cobb - Rezoning

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Chairman

Secretary

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W. F. Hite
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J. Shomo
J. D. Tilghman
D. L. Cobb, 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, March 13, 2007, at 7:00 p.m. in the Board Meeting Room, Augusta County Government Center, Verona, Virginia.

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DETERMINATION OF A QUORUM

Mr. Curd stated as there were seven (7) members present, there was a quorum.

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MINUTES

Mr. Byerly moved to approve the minutes of the Called and Regular meeting held on January 9, 2007, and the minutes from the Worksessions on November 1, 2006, November 30, 2006, January 4, 2007 and February 26, 2007. Ms. Shiflett seconded the motion, which carried unanimously.

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Mark E. and Jill S. Glick and Donald B. and Vada E. Cobb– Rezoning

A request to rezone from Exclusive Agriculture to General Agriculture approximately 51.7 acres owned by Mark E. and Jill S. Glick and Donald B. and Vada E. Cobb located on the east side of Bridgewater Road (Rt. 613) approximately 0.3 of a mile north of the intersection of Bridgewater Road (Rt. 613) and Mossy Creek Road (Rt. 747) in the North River District.

Mrs. Earhart explained the request.

Mark Glick, 151 Bridgewater Road, explained that he is requesting to rezone the property to General Agriculture so that he can then apply for a Special Use Permit to run an excavating business to supplement their farm income.

William J. Douchel, 187 Joseph Lane, which he stated is adjacent to the Glick's property. He stated that the Glicks have been very helpful to their community. He further stated that the property is well maintained and that they are in favor of the request and the business. He explained that this business would be very beneficial to the community, in that it could be a resource in case of an emergency.

Janet Joseph, 233 Mossy Creek Road, stated that her husband as co-owner of the adjoining property of the Glicks was not able to be present for the meeting. However, Ms. Joseph read the following letter that her husband had written,

“As a co-owner of the property that adjoins Mark and Jill Glicks’ and the Cobb family, we have no objection with the changing of the zoning to allow Mr. Glick to park equipment for his excavating business on the farm. Most families in the Valley need other means to supplement their income. I have spoken to my sisters Virginia Joseph and Jackie Driscoll, co-owners, and we all agree that the Board of Supervisors and Planning Commission need to support the Glick family on this request.”

Ms. Earhart read a letter written by Brian and Kristin Augustine and Robert and Carole VanHousen, which was submitted to the Community Development Department as follows:

Dear Ms. Earhart:

We, the undersigned are landowners adjacent to the 51.7 acres of land owned by Mark E. and Jill S. Glick that is currently under consideration by the Augusta County Department of Community Planning to be rezoned from Exclusive Agriculture (XA) to General Agriculture (GA). We would like to express our support for this proposed rezoning.

We purchased the land adjacent to the Glick farm two years ago with the intention of building a house in a rural community with a strong local history and an aesthetically attractive location. The Glick's have maintained an attractive and well-maintained working farm. We have no hesitation about building a residence adjacent to their farm. In our interactions with the Glick's, they deeply care about the rural character of the Mossy Creek area and the rezoning will simply enable them to continue their excavating business. This will in no way alter the fact that they want to maintain a clean, efficient family farming business and maintain the rural character of their property.

As further support of this proposal, converting from XA to GA zoning would not be out of character with the current zoning of all of the adjacent properties on Route 613.

In summary, we are very particular about the character of the neighborhood on Bridgewater Road, and if we felt that rezoning the Glick property was something to be concerned with, we would not hesitate to voice those concerns. The Glick's share the same desires for this neighborhood and should be given full consideration for the rezoning request by Augusta County.

If you require further information, please feel free to contact Brian and Kristin Augustine at 540.828.3394 or Bob and Carole VanHousen at 518.399.7268.

Sincerely,

Brian and Kristin Augustine, Bridgewater, VA
Robert and Carole VanHousen, Burn Hills, NY

Ms. Earhart read a second letter written by Howard "Mack" Wilson, Jr., which was submitted to the Community Development Department as follows:

Dear Commission Members,

Our property borders the Glick property and is zoned General Agriculture. I support the request of the Glicks and Cobbs to rezone their property from Exclusive Agriculture to General Agriculture.

I had hoped to appear at your March 13, 2007 Public Hearing to show support for this change. However Mossy Creek runs through our property and I needed to be at the Mossy Creek Targeted Watershed Public Meeting which is at the same time and same date as your Public Hearing.

It is my understanding that Becky Earhart will read my letter at your hearing and it will be given the same weight as my appearance.

It is worthwhile to note that with the granting of this rezoning request the Glick/Cobb property will have the identical zoning as all the property surrounding them that is east of Bridgewater Road (Rt. 613).

Your consideration will be appreciated,
Howard "Mack" Wilson, Jr.

Mr. Curd asked if there was anyone wishing to speak in opposition of the request.

There being no one desiring to speak, Mr. Curd declared the public hearing closed.

Mr. Byerly stated that he would like to comment on the request, in that he appreciates the work the applicants have made in regards to notifying their neighbors. He stated that this situation is rare for the Planning Commission to have so many in favor of the

request. He stated that he has no problem with the request and that he believes that it is compatible with the area. Mr. Byerly moved to recommend approval of the request.

Mr. Shomo seconded the motion, which carried unanimously.

Mr. Curd asked if there was any further discussion.

Ms. Shiflett stated that the only reservation that she would have with the request would be with the intensive agriculture operation on the property. She stated that she would hope that this would not cause a conflict. She further stated that since the neighbors do not seem to have a problem or conflict with the request, then she can support it.

Mr. Curd asked if there was any further discussion.

The motion carried unanimously.

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The Bennett Realty, LLC

A request to rezone from General Agriculture and General Business to General Business with proffers approximately 4.8 acres owned by The Bennett Realty, LLC located in the southeast quadrant of the intersection of Lee Highway (Rt. 11) and Weyers Cave Road (Rt. 256) in Weyers Cave in the North River District.

Ms. Earhart explained the request. She stated that the applicant has submitted the following proffers:

1. The minimum setback for any buildings shall be fifty feet (50') from the on ramp from State Route 256 to southbound Interstate 81. A restrictive covenant, in a form acceptable to the county, shall be recorded by the Applicant to evidence such restriction.
2. The applicant shall complete a boundary line adjustment with Simonetti's Antiques, Inc. to create the necessary entrance required by VDOT and to combine the property acquired from Simonetti's Antiques, Inc. with the property owned by the Bennett Realty, LLC. The property to be acquired from Simonetti's Antiques, Inc. is depicted on the survey prepared by David Lee Ingram, Land Surveyor, dated May 8, 2005.
3. Applicant shall dedicate for public street purposes a parcel of land containing 0.0615 acres designated as "right of way requested by VDOT 0.0615" on plat entitled "Signalized Entrance Sketch" prepared by Ingram-Hagen & Co., PLC dated July 27, 2005.
4. Applicant shall record a restriction on the property, in a form acceptable to the county, providing for the following items:

- a. The construction of the commercial entrance at the location shown on the plat entitled "Signalized Entrance Sketch" prepared by Ingram-Hagen & Co., PLC dated July 27, 2005 shall be at the cost of the owner of the property at the time of construction.
- b. The installation of a traffic signal at the commercial entrance shall be at the cost of the owner at the time of application for the commercial entrance permit from the Virginia Department of Transportation (VDOT). Prior to the approval of the entrance permit for the commercial entrance by VDOT, the owner shall:
 - i. Enter into VDOT's form "Signal Agreement" and post security acceptable to VDOT for installation of the signal in an amount to be determine at the time of the request.
 - ii. Enter into an agreement with VDOT agreeing to pay twenty-five percent (25%) for the cost of construction of a right turn lane from westbound State Route 256 to northbound Route 11 and post security for the estimated cost of construction as of the date of the agreement. The posted security shall remain in effect for a period of ten (10) years from the date of the agreement. If at the end of the ten (10) year period improvements have not been constructed, the posted security will be released by VDOT.
 - iii. Enter into an agreement with VDOT agreeing to pay twenty-five percent (25%) of the cost of installation of signalization at both I-81 ramp intersections with State Route 256. The posted security shall remain in effect for a period of ten (10) year from the date of the agreement. If at the end of the ten (10) years period improvements have not been installed, the posted security shall be released by VDOT.

Ms. Earhart stated that her husband's company owns property adjacent to the request and that she has filed a Declaration of Personal Interest form with Mr. Cobb.

Phil Miller, Attorney for Bennett Realty, 11 Terry Court, Staunton, explained that the property consists of four parcels, two being zoned General Business and two being zoned General Agriculture. He stated that the process for this rezoning began in December, 2003 and took until January of 2007 to meet the requests of VDOT. He stated that the proffers have been read and that the owners have agreed to do everything that VDOT has requested. Mr. Miller stated that the Staff Comments stated that the request be tabled until the County can review the issues with VDOT so that these issues do not become a problem for the County. He explained that the owner's appreciate the diligence of the County in seeing that the future owners of this property understand what is in store for them before the property is rezoned and resold. He

stated that the current owners were unaware of the time and costs involved in this rezoning. He stated that they would acquire the property from Rocky Simonetti thirty (30) days after the rezoning and the property would then be converted into a single parcel with only one access, adjacent to the property of Rocky Simonetti. Mr. Miller stated that he would answer any questions the Commissioners have.

Mr. Curd asked if there were any questions.

Mr. Byerly asked if VDOT gave reasonable explanation for justifying the percentage for a 4.8 acre tract in this decision.

Mr. Miller stated that he does agree the improvement costs are high. He further stated that the owner of the property wants to be able to proceed to sell the parcel and it can not be sold the way it is currently zoned. Mr. Miller stated that it is a great expense to acquire the land from Mr. Simonetti and that there are even greater costs involved in this parcel. He further stated that the future owner of the property needs to be aware of these costs. Mr. Miller explained that it is carefully worded in the proffers that the present owner is not responsible for these costs, that the responsibility is the person that owns the property at the time the entrance permit is requested and a site plan is submitted to the County.

Mr. Curd asked if there was anyone wishing to speak in favor of the request.

Mr. Curd asked if there was anyone wishing to speak in opposition to this request.

Harold Marshall, 42 Ridge Top Drive, Weyers Cave, stated that he opposes the request because the intersection is already congested. He stated that the traffic comes from Blue Ridge Community College, Virginia Truck Center and the gas stations. He explained that there are families with children who catch the school bus in that area and that he does not believe the rezoning should be granted because of the already congested intersection.

Don Myers, 173 Ridge Top Drive, Weyers Cave, stated that his biggest concern is the congestion and traffic at that intersection. He stated that on his way to work he has to deal with Blue Ridge Community College traffic and the police academy traffic. He stated that sometimes it is impossible to yield on green at that intersection because of all the congestion and traffic. He concluded that he does not know the answer, but he does not believe that more traffic would be the solution and that is why he is opposed to the request.

Robert Rank, 154 Ridge Top Drive, Weyers Cave, stated that he wanted to reiterate what his neighbors have said. He explained that there is a residential road on the west side of the intersection and two larger roads coming in on the sides. He stated that he does not know what the solution is, but more businesses would create greater traffic problems for that area unless a creative solution is achieved.

Mr. Curd asked if there was anyone else wishing to speak in opposition to this request.

There being no one desiring to speak, Mr. Curd declared the public hearing closed.

Ms. Shiflett stated that there are unresolved issues with VDOT. She explained that she understands the long process that the applicant has gone through. She believes some of the items can be handled as part of the permitting process with VDOT, without involving the County. Ms. Shiflett concluded that there needs to be more work done before the request can be recommended by the Planning Commission.

Ms. Tilghman explained that she believes the County and VDOT need an opportunity to discuss these issues. She stated that she agrees with the traffic and safety concerns of the citizens who oppose the request. Ms. Tilghman further stated that the restrictions VDOT has put on the property such as making the owners partially pay for a traffic light at the interstate necessitates that the property will have a high intensity use and create a tremendous number of patrons to justify the costs that will be incurred. Ms. Tilghman further stated that these businesses will not be businesses such as a doctor's office, but rather businesses that will create a high traffic count to justify the costs. She further stated that the problem with congestion already exists. She asked who will pay the other 75% of the expenses. The traffic light at the property owner's own entrance she stated is necessary. Ms. Tilghman concluded by stating that she believes the County should not accept proffers that they are not able to enforce.

Mr. Byerly stated that he is not convinced the requests by VDOT are the solution. He explained that in previous situations similar to this request, outside consultants have studied the situation and made recommendations. Mr. Byerly further stated that he believes the County needs to be certain that the owners of this property are going to be agreeable to these proffers. He stated that his concern is whether or not this is the right solution. He added that there is a large amount of acreage around that intersection that is going to continue to develop, resulting in an increase in traffic at that intersection. He stated he believes that the County needs to study that area more and not make the same mistakes that have been made in the past at other locations.

Mr. Bridge added that he agrees with Mr. Byerly. He stated that it is obvious that the citizens are concerned with the amount of traffic that will be brought to that intersection with future developments and stated that the proffers offered do not alleviate that problem. Mr. Bridge also added that he does not want to get into another situation like we have at Augusta Medical Center where there is a lot of traffic and numerous complaints and safety issues.

Mr. Byerly stated he was concerned we are "choking down" the intersection, where the intersection eventually chokes itself and this is not good for the businesses who have invested money in that particular area.

Mr. Bridge added that this will also "choke down" the residents of that area who have to go to school and work.

Mr. Hite commented that County Staff has not had enough time to go over VDOT's requests. He moved the request be tabled for thirty days to allow time for staff to go over the request with VDOT and try to come up with a better solution for the potential traffic issues.

Mr. Byerly seconded the motion.

Mr. Bridge asked Mr. Byerly if he was suggesting a traffic count or analysis.

Mr. Byerly stated that he believes there should be an engineering study. He stated that he does not know what the solution is, but he wants to be comfortable with the situation before he votes. He wants to know if there is a solution to this problem and the safety issues.

Mr. Curd stated the motion has been made, properly seconded, to table the request for thirty (30) days. The motion carried on a 6 to 1 vote with Mr. Shomo opposed. Mr. Shomo indicated later in the meeting he voted to oppose the tabling of the request because he thought it should be denied due to the traffic concerns.

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Thomas I. Shields, Sr. and Christopher T. Shields

A request to rezone from General Industrial to Multi-Family Residential with proffers approximately 25.7 acres owned by Thomas I. Shields, Sr. and Christopher T. Shields located approximately 0.2 of a mile west of the intersection of Saint Ives Drive and Ladd Road (Rt. 631) in Fishersville in the South River District.

Ms. Earhart explained the request. She stated that the applicant has submitted the following proffers:

1. Building permits for no more than 36 units shall be applied for until a second access from a state maintained road to the multi-family development, in compliance with the requirements of the County Code, is constructed or bonded.
2. The entrance and turn lanes to be located at Ladd Road and Ashtree Drive, as shown on "Master Plan Ivy Ridge" prepared by Lotts, Austin, and Associates and last revised May 6, 2005 shall be constructed, or bonded, to meet the Virginia Department of Transportation requirements prior to the issuance of building permits for residential units on the 25.7 acre tract.
3. No development shall be permitted within the area shown as "Limits of SWM Basin Easement" on the "Master Plan Ivy Ridge" prepared by Lotts, Austin, and Associates and last revised May 6, 2005.

4. Water quality treatment, in accordance with the Virginia Stormwater Management Handbook, will be provided for all stormwater discharged into the quarry from this site.
5. A gravity outlet shall be constructed to drain water from the quarry in a manner approved by the County Engineer, prior to the issuance of any certificates of occupancy (temporary or final) for any residential units.
6. The finished floor elevation of all structures shall be a minimum of one (1) foot above the 100 year water surface elevation of the gravity outlet to be constructed to drain water from the quarry.
7. Security fencing around the quarry shall be installed, as required by the Planning Commission as part of the Plan of Development for the multi-family development. All fencing shall be installed and perpetually maintained around the entire perimeter of the quarry. The fencing must be installed prior to the issuance of any certificates of occupancy (temporary or final) for any residential units.
8. A 6' wide asphalt walking trail shall be constructed and perpetually maintained around the quarry. The walking trail must be installed prior to the issuance of any certificates of occupancy (temporary or final) for any residential units.

Barry Lotts, Surveyor, stated that he is representing the Shields. Mr. Lotts stated that he was before the Planning Commission several months ago with a request to rezone adjacent property to industrial and now he would like to rezone land around the quarry to residential. He stated that he has met with staff to work out the proffers. Mr. Lotts explained that the pump station has been sized for ninety six (96) more units, which is the maximum number of units to be added.

Mr. Curd asked if there were any questions.

Ms. Shiflett stated that the ownership of the quarry was deleted from the proffers. She asked Mr. Lotts if he had an idea of the ownership.

Mr. Lotts stated that he does not know who will own the quarry and the walking trail at this time and won't until they decide how they are going to develop the property. He stated that they would like to see a Property Owners Association maintain and be responsible for the property, and at this time that is the greatest possibility.

Ms. Shiflett stated there needs to be someone to insure the maintenance of the trail and fence and that there is liability insurance.

Mr. Lotts stated that it would have to be written up in the agreement.

Ms. Shiflett asked if he foresees that as being a Homeowners Association.

Mr. Lotts answered most likely. However, he stated that he does not see this property being developed for a couple more years.

Ms. Tilghman asked if there would be a Homeowners Association of the lots surrounding the quarry.

Mr. Lotts stated that this has been discussed many times and that the townhouses and residential lots presently being built may all be included in the Association, so that they all have access to the quarry and walking trail.

Ms. Tilghman asked if they had to make a decision at this point, because of the cost issue.

Mr. Lotts stated that he does not have an answer to that question. He stated that he is going on memory alone, but he believes that there is a Homeowners Association set up for the townhouses, and it is written in the agreement that they will have access to the walking trail once it has been provided.

Thomas Shields, Jr., 3184 Village Drive, Waynesboro, Virginia, stated that residents who do not live in that particular area would have less of an interest in the surrounding area. Therefore, it would be most beneficial to set up an organization with the residents who actually live in that particular area and will be encouraged to keep their property values up. Mr. Shields explained that once the townhouse development reaches a certain number of units, their Homeowners Association will take over ownership of the assets and have their own officers and in most cases, they will make the decisions. Mr. Shields stated that he envisions an association either through the town homes or an association that would be set up with just the multi-family. In speaking with residents, he stated that they are very interested in the walking trail.

Mr. Curd asked if there was anyone wishing to speak in favor of the request.

Mr. Curd asked if there was anyone wishing to speak in opposition of the request.

There being no one desiring to speak, Mr. Curd declared the public hearing closed.

Ms. Shiflett stated that it looks like the applicant has done a considerable amount of work with the County in addressing any concerns. She stated that she feels there is a good plan in place. Ms. Shiflett moved to recommend approval of the request with proffers.

Ms. Tilghman seconded the motion.

Mr. Curd stated the motion has been made, properly seconded, to recommend approval with proffers.

Mr. Curd asked if there was any further discussion.

Mr. Byerly asked if it was a corporation who is responsible for the quarry, or does the County have any responsibility as far as liability, fencing, etc.?

Mr. Cobb stated that the County has no enforcement over the quarry. He stated that this has been discussed with the County Attorney. Mr. Cobb added that a Homeowners Association would be the best vehicle for maintenance and ownership of the quarry.

Mr. Curd stated the motion has been made, properly seconded, to recommend approval with proffers. The motion carried unanimously.

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AN ORDINANCE TO AMEND THE CODE OF AUGUSTA COUNTY, VIRGINIA, TO MODIFY REQUIREMENTS FOR YARD AND SETBACK REQUIREMENTS IN PLANNED UNIT DEVELOPMENTS

“An Ordinance to Amend The Code of Augusta County, Virginia, to Modify Yard and Setback Requirements in Planned Unit Developments,” which amends the Zoning Ordinance of Augusta County, to establish more flexible yard and setback requirements in Planned Unit Development (PUD) Districts. The proposed ordinance (a) establishes a setback of 25 feet from the perimeter boundary of a development, (b) limits accessory structures in a development to an area of 700 square feet and a height of 15', unless location and dimensions are shown on an approved master plan, and (c) otherwise allows an applicant to establish yard and setback requirements applicable in a development in an ordinance to be adopted by the Board of Supervisors of Augusta County, Virginia.

Mrs. Earhart explained the ordinance amendment.

Mr. Curd asked if there was anyone wishing to speak in favor to this amendment.

Mr. Curd asked if there was anyone wishing to speak in opposition to this amendment.

Phil Miller asked the Planning Commission why the County wants to get involved in the size and height of an accessory structure.

Ms. Earhart answered this is only if the Planned Unit Development Ordinance does not speak to it at all.

Mr. Miller stated that he lives in the city and recently put in a detached garage. He stated that if someone wanted to put a detached three-car garage in, then they cannot do it and meet the size and height requirements.

Mr. Cobb explained to Mr. Miller that several years ago, subdivisions had much larger lots. Now, he explained the lots are much smaller and someone for example could build a 1,200 square foot house with a 3,000 square foot garage that will then end up as an automobile mechanic shop. With these situations happening numerous times, the Board decided that they wanted to put a square footage limitation and a height restriction on the detached buildings. He stated that with smaller lots becoming a reality, the Board of Supervisors have asked the County as part of the Zoning Ordinance amendments, to revisit the accessory use size and height requirements.

Mr. Miller stated that this should be a developer's issue and not a County issue, especially in a Planned Unit Development.

Mr. Curd asked if there was anyone else wishing to speak in opposition to this request.

There being no one desiring to speak, Mr. Curd declared the public hearing closed.

Mr. Bridge stated that he would trust the County's hard work and judgment on this issue. He moved to recommend approval of the ordinance amendment as written.

Ms. Shiflett seconded the motion.

Mr. Curd stated the motion has been made, properly seconded, to recommend the ordinance amendment as written.

Mr. Curd asked if there was any further discussion.

The motion carried unanimously.

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New Business

Source Water Protection Ordinance

Pertaining to the worksession earlier in the evening, Ms. Earhart stated that the Service Authority has asked for comments and consideration to six (6) questions/issues. The Planning Commission took the following action:

Question: Currently the Ordinance only applies to groundwater. Should it also apply to surface water?

Alternatives:

- A. Do not include surface water. Then the following recharge areas will not be protected:
 - Coles Run (ACSA source)
 - Middle River (Staunton source)
 - Elkhorn Dam (Staunton source)
- B. Include surface waters. Zone 2 for surface water is 5-mile upstream radius from an intake within the drainage basin.
- C. Leave current ordinance as only groundwater and adopt it as a Groundwater Ordinance. Then include surface water protection as a separate Surface Water Ordinance upon adoption of the Groundwater Ordinance. It will be prepared once the current ordinance is adopted.

Augusta County Service Authority (ACSA) Staff's recommendation: Alternative C. Even though the number of parcels increases by including surface water, surface water is just as important to protect as groundwater. A significant amount of water is provided to the County by the City of Staunton. Staff recommends including surface water in a separate surface water ordinance.

Ms. Shiflett moved to recommend Alternative C.

Mr. Bridge seconded the motion.

Mr. Curd stated the motion has been made, properly seconded, to recommend Alternative C.

The motion carried unanimously.

Question: Should new on-site alternative sewage systems be prohibited in all of Zone 1 (1000 ft of source)?

Current Draft Ordinance

- Zero to 250' - No new sewage systems
- 250' to 1000' – New conventional or alternative systems allowed

Alternatives:

- A. Prohibit all new sewage systems within 250' of source. Allow both conventional and alternative within 1000'. (Current draft)
- B. Prohibit all new sewage systems within 250' of source. Prohibit new alternative sewage systems within 1000'. (Consultant's recommendation)

ACSA Staff's Recommendation: Alternate B. Staff concurs with the consultant, EGGI, that any alternative sewage system is a threat to the drinking water supply and should not be allowed within 1000' of a source.

Mr. Bridge moved to recommend Alternative B.

Mr. Byerly seconded the motion.

Mr. Curd asked if there was any further discussion.

Mr. Curd stated the motion has been made, properly seconded, to recommend Alternative B.

The motion carried unanimously.

Question: Should Additional Overburden for On-Site Sewage Disposal Systems be Required in Zone 1?

Alternatives:

A. Leave overburden at 3'.

B. Increase overburden to 5'.

"An on-site sewage system designed by the Health Department as a Type I sewage disposal system shall be installed only at locations where the thickness of the unconsolidated overburden overlying the bedrock surface is a minimum of five feet. Confirmation of this shall be provided by the Health Dept. prior to approval of the sewage disposal system."

ACSA Staff's recommendation: Alternate B. ASCA staff concurs with consultant recommendation that more overburden simply improves the level of protection for the groundwater. However, there have been no scientific studies but is believed to be a good practice requiring minimal additional work.

Mr. Bridge asked if this would apply to both the conventional and alternative systems.

Ms. Earhart answered that if one goes with the previous motion and not allow alternative systems, then this would only apply to the conventional systems and the ones that are built would require the extra two feet of soil.

Mr. Shomo asked if this was the particular issue that the Board of Supervisors did not want to do.

Ms. Earhart answered that there was some discussion at the November meeting regarding the fact that there was no scientific evidence to support the additional two feet requirement.

Mr. Cobb asked what the Health Department said on this issue.

Ms. Earhart stated that she does not believe that this was discussed in the committee meeting.

Mr. Hite asked if the County has a restriction on the footage that is more restrictive than the State.

Ms. Earhart answered that the County can go over the amount required by the State, but not under.

Ms. Tilghman explained that she has mixed emotions on this issue. She moved to recommend Alternative A: Leave the overburden at three feet, because she did not want to think this ordinance would be jeopardized by an issue she believes in the future will be seen as a "hot item".

Mr. Shomo seconded the motion.

Mr. Byerly questioned the fact that there has been no scientific evidence to support these findings.

Mr. Curd stated the motion has been made, properly seconded, to recommend Alternative A, to leave the overburden at three feet.

The motion carried unanimously.

Question: Blasting operations can disrupt the groundwater pathways and can contaminate aquifers. Should the County Implement a Local Blasting Permit Under the Virginia Statewide Fire Prevention Code?

Alternatives:

- A. Do not include blasting in the Ordinance.
- B. Include the requirement to obtain a blasting permit in the ordinance. This would also require Augusta County to adopt the VA Fire Prevention Code.

ACSA Staff's recommendation: Alternate B. Staff concurs with the consultant's recommendation from a water supply standpoint. However, the adoption of the Fire Prevention Code may have more implications.

Ms. Tilghman stated that she concurs that the County does need a blasting permit, but is concerned about it being a part of the Fire Prevention Code. She questioned what the fire department is going to know about blasting and protecting the water supply.

Mr. Cobb suggested that if one is concerned with the requirements of obtaining a blasting permit, then add that sentence to the ordinance and then decide later whether or not this would also require Augusta County to adopt the Fire Prevention Code.

Ms. Earhart added that this issue arose from previous discussions, and that the County Attorney has not yet decided whether or not the County will be required to adopt the Fire Prevention Code in order to require blasting permits.

Mr. Shomo asked who will add the language of responsibility if this is added to the Ordinance.

Mr. Cobb added that this would be worked on with the County Attorney as far as the process.

Ms. Earhart added that there will be worksessions on the Ordinance before it goes to public hearing.

Mr. Byerly asked if the blasting permits would be for the entire County or just sourcewater zones.

Ms. Earhart stated that this would be left up to the County Attorney to decide what authority the County has to regulate this issue.

Mr. Cobb added that if a Fire Prevention Code was adopted it would be for the entire County.

Mr. Shomo questioned how one would know if they were in the correct zone to obtain this type of permit.

Ms. Shiflett stated she is concerned with the expertise of how one would know whether or not blasting is going to do damage. She stated that she believes that there are real issues that need to be worked out with adopting the VA Fire Prevention Code before it can be decided.

Mr. Bridge moved to agree with the intent of Alternative B, but voiced concern with the implementation of a code provision.

Mr. Byerly seconded the motion.

Mr. Curd stated the motion has been made, properly seconded, that the Commission agrees with the intent of the ordinance. However, there is concern with the implementation.

The motion carried unanimously.

Question: Should groundwater withdrawals be restricted if over 10,000 gpd maximum or over 300,000 gallons per month in Zone 1? Should groundwater withdrawals be restricted if over 100,000 gpd maximum in Zone 2?

Alternatives:

- A. Restrict groundwater withdrawals if over 10,000 gpd maximum or over 300,000 gallons per month in Zone 1?

Proposed language would read:

“Any proposed groundwater withdrawal that intends to utilize more than a maximum of 10,000 gallons per day (or up to 300,000 gallons per month) for any purpose shall have a hydrogeologic study prepared that assesses the potential for such groundwater supply system being protected by this Source Water Protection Overlay District. The study must be submitted to the Augusta County Service Authority and approved prior to such groundwater withdrawals.”

- B. Restrict groundwater withdrawals if over 100,000 gpd maximum in Zone 2 with similar language above.

- C. No. Leave ordinance written as is with no restrictions.

ACSA Staff’s recommendation: Staff concurs with the consultant that a large withdrawal may impact the quality and the quantity of the public source. There is a precedence for the withdrawal restrictions in Loudoun, Fauquier and Amelia Counties. The recommendation is Alternates A and B.

Mr. Bridge added that he agrees with the intent of the aforementioned recommendation. However, he is unaware of the burden that would be placing on property owners who needed to withdraw that amount of water.

Ms. Earhart stated that she believes there could be unintended consequences.

Mr. Cobb added that there is a concern with the water source. He gave an example of Seawright Springs, where there are large trucks coming in and hauling the water out to bottling companies. According to the current Ordinance, there is not a whole lot the County can do to restrict these actions.

Ms. Shiflett moved to recommend that the Commission supports the intent of the recommendation, but is concerned about the implementation of the ordinance provision.

Ms. Tilghman seconded the motion.

Mr. Curd stated the motion has been made, properly seconded, that the Commission agrees with the intent of the ordinance, but questions the implementation.

The motion carried unanimously.

Question: Public Sewer required for certain uses.

Alternatives:

- Previously, the ordinance did not allow uses listed in Section 25-516 in Zone 1. It allowed them in Zone 2 only if they are connected to public sewer. However, many areas in Zone 2 do not have public sewer available, or there may be insufficient capacity at the plant if line extensions were made. In addition, the Comprehensive Plan does not designate all these areas as being in the Urban Service Area which prevents the installation of both water and sewer services without a Comprehensive Plan amendment.
- Revisions were made by the consultant to those uses under § 25-516. Only the following are being recommended to be required to connect to public sewer if they are in Zone 2:
 - Dry cleaners
 - Electrical or electronic manufacturing, disposal or recycling facilities
 - Metal electroplating, finishing and fabricating facilities
 - Chemical processing or storage facilities
 - Car washes
 - Funeral homes and mortuaries
 - Barber and beauty shops
 - Taxidermy shops
 - Photo processing facilities
 - Food processing or manufacturing facilities
- The other uses listed in § 25-516 of the ordinance may be allowed in Zone 2 with either secondary containment or a spill prevention plan.

ACSA Staff's Recommendation: Staff concurs with the consultant's revision and recommends approving the change to the draft ordinance.

Ms. Earhart explained that there were uses that were to be allowed in Zones 1 and 2 only if connected to public sewer. She stated that the consultants have come back with revisions and stated that these uses are still going to be prohibited within 1,000 feet of the source. However, in Zone 2 there are types of business the consultants think they may be able to let go which are listed on the handout (i.e. dry cleaners, electrical manufacturing, car washes, barber and beauty shops). Ms. Earhart also added that there are other uses listed in §25-516 of the Ordinance that may be allowed in Zone 2 with either secondary containment or a spill prevention plan.

Mr. Cobb stated that he can understand why some types of business such as food processing facilities and recycling centers would have an impact on the water supply. He questioned why barber and beauty shops would have the same amount of impact and why would they have the same restrictions. He also voiced concern about the difficulty in regulating hairdressers operating out of their basements without a permit.

Ms. Tilghman stated this may be because of the toxicity of the dyes and chemicals that are used in beauty shops.

Ms. Earhart stated that an option the Service Authority had discussed was the need for public awareness on protecting the water supply.

Mr. Shomo asked if the monitoring of alternative systems was addressed in the Comprehensive Plan.

Mr. Cobb explained that the County adopted the alternative systems. However, in residential areas, the applicants have to have approval from the Board of Supervisors prior to being issued a building permit to use the alternative systems.

Mr. Shomo asked how this was to be monitored.

Mr. Cobb discussed the maintenance requirements, and this was to be tracked by the Health Department.

Mr. Byerly asked in regards to the list of business in these zones, if they have to be grandfathered in.

Mr. Cobb stated that this part of the ordinance has not yet been discussed. Mr. Cobb added that he would recommend before any decisions are made, to question the consultants as to why these types of businesses are to be prohibited.

Ms. Tilghman stated that realistically, the public needs to know how dangerous these types of businesses are to the County's water supply. She also stressed the importance of a public campaign, if it is decided these types of businesses are dangerous to the water supply.

Mr. Cobb stated that if the ordinance gets passed, then it may prevent people from doing some types of businesses on their property.

Ms. Shiflett added that these issues could be the deal breaker for whether or not the ordinance will get passed.

Ms. Earhart brought up the issue of how many of these properties are already zoned General Business. She added that if these properties were already zoned General Business, then the ordinance is certainly putting restrictions on these businesses. However, if they are General Agriculture, then uses by Special Use Permit are not guaranteed.

Ms. Shiflett moved the Planning Commission needs a presentation by the consultants on why these types of businesses are on the list and how much of a danger do they present to the County's water supply and what might be safe "limited uses".

Mr. Shomo seconded the motion.

Mr. Curd stated the motion has been made, properly seconded, that the Commission requests more information and reasoning regarding this list of uses before a recommendation can be made.

The motion carried unanimously.

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STAFF REPORTS

A. CODE OF VIRGINIA – SECTION 15.2-2310

Mr. Curd asked if there were any comments regarding the upcoming items on the BZA agenda. The Commission took the following action:

SUP 07-24 Martha L. or Kenneth W. Campbell

Ms. Tilghman moved to recommend that the request be denied due to the location of the business in a Community Development Area and that the type of business use proposed is not appropriate for a low density residential area.

Mr. Bridge seconded the motion, which carried unanimously.

B. ANNUAL REPORT 2006

Ms. Earhart summarized the report. She stated that more property was rezoned in 2006 than in 2005. However, Ms. Earhart explained that most of the rezonings were to Agriculture and did not facilitate a lot of development. She explained that there were eighteen rezonings, a Planned Unit Development Amendment, a request for the first time to remove a property from the Urban Service Overlay, two Public Use Overlays, a Parking Ordinance amendment, changes to the Subdivision Ordinance and five Master Plans. Ms. Earhart added that there were not a lot of new lots created on Master Plans. She stated that there were more new lots created in agriculture districts in 2006 than in previous years. However, this was not the case in residential districts. Ms. Earhart noted that there were only sixty lots created in residential areas compared to 331 in agriculture districts.

Mr. Cobb stated that he believes this trend will continue for as long as there are requirements for fire flow and infrastructure improvements in the residential districts. He stated these restrictions in residential areas have caused developers to want to develop in the agriculture zoned districts.

Ms. Earhart added at the current rate, there are not going to be any drastic changes in the near future. She added that there are some projects in the works in terms of Planned Unit Developments. However, people will not be building in these developments any time in the near future.

Ms. Tilghman stated that she agrees with Mr. Cobb, that if the County wants to slow growth in the agriculture areas, then there needs to be more incentives in developing in the residential areas.

Mr. Curd added that disincentives could be added for developing in the agriculture areas.

Ms. Shiflett stated that for example, well and septic permits should be just as expensive as public water and sewer.

Mr. Cobb added that with the alternate systems, the County is making it easier for land to perk and allow further development in the rural and agriculture areas rather than the residential areas.

Ms. Earhart reminded the Commission that there were no denials of rezonings. She stated that it is the expense of developing in the Urban Service Areas that is keeping applicants from applying.

Mr. Byerly added that the County has driven the costs out of the market. He added that developers can go to surrounding counties and build at a cheaper cost.

Ms. Shiflett stated that mixed use areas seem to allow for more density and diversity.

Ms. Tilghman explained that beautiful homes are put on farmland because they are more affordable. She stated that subdivisions need to be affordable and accessible to the average homebuyer.

Ms. Earhart stated that the mixed use districts can provide affordable housing with a diverse amount of square feet. She concluded that the County will have the consultants look at these concerns as part of the Ordinance Review process.

Mr. Bridge moved to approve the Annual Report and recommend as approved to the Board of Supervisors.

Ms. Tilghman seconded the motion which carried unanimously.

C. Comprehensive Plan

Ms. Earhart reminded the Commission of the Public Hearing on March 21, 2007. She explained that it has been decided they will also receive public comments in writing, due

no later than Monday, March 26, 2007. She added that the earliest staff would be ready for a worksession will be April 3, 2007. If more time is needed, depending on the amount of public comments received, Ms. Earhart added that a second worksession on April 5, 2007 will be added. The Commission agreed to a worksession on the Comprehensive Plan beginning at 4:00 pm on April 3, 2007. She added that all comments from the Planning Commission need to be submitted and ready for a recommendation to the Board of Supervisors at their meeting on April 10, 2007.

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

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Chairman

Secretary