

PRESENT: K. Leonard, Chairman
T. Cole, Vice Chairman
J. Curd
W. Hite
K. Shiflett
E. Shipplett
R.L. Earhart, Senior Planner and Secretary

ABSENT: W. Garvey
T. Fitzgerald, Director of Community Development
K. Hull, Associate Planner

VIRGINIA: At the Worksession Meeting of the Augusta County Planning Commission held on Tuesday, March 12, 2013, at 4:00 p.m. in the Smith's Transfer Meeting Room West, Augusta County Government Center, Verona, Virginia.

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The Planning Commission assembled in the Smith's Transfer Meeting Room West to discuss the rezoning. The Planning Commission traveled to the following site which will be considered by the Commission:

1. Kim H. and Judy C. Stone; Wallace or Lori Back; and Walter Hale or Linda Hallatt Wade.

Mrs. Earhart also reviewed with the Commission the upcoming items on the BZA agenda.

Upon returning from the viewing the Planning Commission reconvened for a presentation on the Natural Resources section of the Comprehensive Plan.

Doug Wolfe, P.E. County Engineer, stated there have been significant changes in the Natural Resources area at the State and County levels since 2007. When there is a potential rezoning a report is prepared that indicates what stream a property may drain to and whether or not that stream is impaired and if it is on the 303 (D) list. The 303 (D) list is a list of impaired waters and is produced by the State every two years. He indicated on PowerPoint the different streams within the County, the different stream categories, and the streams that are being monitored.

Mr. Wolfe stated that all the streams in Augusta County are not in the testing program. There are criteria to test based on size and population. Category five waters are waters that have not attained Water Quality Standards. This could mean that there is an issue

with the water temperature, an issue with bacteria in the water, or an issue with benthics which means bugs can't grow.

Mr. Shipplett asked how water testing was done.

Mr. Wolfe explained that there are some continuously operated monitoring systems that can be moved to different locations, but it is a very expensive system to use. Most testing is done using grab samples.

Mrs. Earhart stated that some of the watershed or "friends of" groups are doing water testing, and as long as they meet the standards, they can report it.

Mr. Wolfe confirmed and stated that as long as they follow procedure, keep the samples at the proper temperature, deliver the sample to the lab within the required time and if the lab is following approved protocol, the sample can be certified and become part of the official record.

Mr. Cole asked if the Calf Pasture River was a category 5A or 5C.

Mr. Wolfe stated it is 5A.

Mr. Cole asked if the Calf Pasture was currently on the list as working on the TMDL.

Mr. Wolfe stated it should be on the list that needs a TMDL.

Mr. Cole asked if category 5C WQS Not Attained, Suspected Natural Conditions was the same as 4C Impaired or Threatened, Natural Conditions.

Mr. Wolfe explained that waters in the 4C category are waters that are confirmed impaired due to natural conditions. Waters in the 5C category are only suspected impaired due to natural conditions.

Mr. Cole asked for confirmation that the statistics in Mr. Wolfe's report were from the 2010 303 (D) list and that improvements to Calf Pasture would show on the 2012 report.

Mr. Wolfe confirmed that was correct. He also stated that the draft of the 2012 303 (D) list shows some new impairments. Naked Creek is on the impaired list although it is covered by a TMDL. Back Creek and South River from Moore's Creek to Irish Creek are all impaired due to E. Coli.

Mr. Wolfe presented a map on PowerPoint that was produced by the State and showed a section of the Middle River as being fully restored in the 2012 report. He does not have an explanation for the State's findings. North River was partially delisted for Ph not because there was any improvement in the water quality, but because the State changed the Water Quality Standards. The maps are produced every cycle to show the streams that are delisted. In the testing program the State has had over the last 20 years, progress is being seen. More streams are being added to the impaired list because more streams are being tested and more tests are being performed on each

stream. However, significant improvements have been made in stream bacteria in most of the watersheds. Only one watershed is being shown as having no improvements.

Mr. Cole asked if the improvements of the streams could be directly related to the TMDL program.

Mr. Wolfe said that he does not know if that conclusion can be made. There have been a number of programs doing fence-outs and cost shares for many years that could possibly credit responsibility for improvements.

Mrs. Earhart stated that TMDL's have not been in place long enough to recognize any changes.

Mr. Wolfe explained that TMDL, Total Maximum Daily Load, is just a study. It basically says how much waste can be thrown into a stream and it not become impaired. Once the TMDL has been approved, then the Watershed Implementation Plan is put into place. The WIP sets the targets by completing the bacterial source tracking and determining what is causing stream impairments. After all assessments are completed, the WIP determines how improvements will be made.

Mr. Wolfe brought to the Commission's attention the following Federal and State actions that have been taken since the Comp Plan was last updated in 2007: Tributary Strategies were put into place to help eliminate the pollution problems in the Bay; based on the TMDL the State had to have an implementation plan which was broken up into two phases. Phase II was completed last year; the State also gave consideration to the Nutrient Credit Trading and Resource Management Plan regulations; Stormwater Management regulations were revised and adopted by the State; in 2010 and 2012, 303 (D) Impaired Waters Listings were released; and State adoption of the Non-Conventional Sewage Disposal Regulations.

Mr. Wolfe stated that the TMDL relies heavily on Storm Water Management (SWM) regulations. SWM regulations were revised to include Best Management Practices (BMP) that need to be in place for new development in order to help meet the Chesapeake Bay TMDL. Legislation began in the 2012 session to help support the Watershed Implementation Plan. There are target dates set by TMDL and if 60% of the production goals are not met by 2017, then EPA Backstops are put into place.

Regarding the Nutrient Credit Trading Mr. Wolfe stated that different states monitor credit trading in different ways. Virginia has a baseline that requires five of the Best Management Practices be implemented before credits can be earned. In Virginia, the only way to receive credit is to convert agriculture land into forest. There are concerns about turning land that can be used for production into forest land. New regulations are being looked at to permit management activities. Voluntary Resource Management Plans are being considered for agriculture land. The regulations for RMP have not yet been finalized. The program would allow farmers to voluntarily do a RMP. As long as the RMP is met, the farmers would be locked in for ten years. If Chesapeake Bay TMDL would come up with a new requirement, the farmer would be locked in for ten years under the original RMP.

Mr. Wolfe stated that significant changes have been made to the Virginia Stormwater Management Program. Water quality is a big component of the run-off reduction method. This method is a way to get more water to run into the ground and carry contaminants where they would get treated in the ground. Another treatment method is the Treatment Train approach. This is where water runoff would go into a grass swale, infiltration area, or amended soils area that have been aerated. From there it could go into a bio retention facility and be treated. Clean water would be the result of the Treatment Train approach. If this approach doesn't take care of flooding, then a larger basin could be installed. The VSMP does require recorded maintenance agreements. The County requires a recorded maintenance agreement for developers that are building large storm water management facilities. Under the Urban Nutrient Management program the State is implementing a phosphorous fertilizer ban that will take effect December 31, 2013. It will also be illegal to sell deicing agents that contain Urea. A nutrient management plan will also be required for golf courses by July 2017.

Mr. Shipplett asked why golf courses would not be required to implement the plan in 2013.

Mr. Wolfe stated he did not know the reason for the four year span.

The County passed an ordinance several years ago to regulate non-conventional sewage disposal systems. A recorded maintenance agreement was required as well as a maintenance contract for the system to be annually inspected and certified. Since then, the State has started regulating these systems. The State regulations include a 50% reduction in delivered nitrogen (compared to traditional drainfields) for all new small alternative onsite systems in the Chesapeake Bay watershed. In a conventional drainfield, nitrogen gets very little treatment, so it goes directly into the groundwater streams. Under the non-conventional system, nitrogen will be reduced.

Mr. Leonard asked how the nitrogen will be reduced.

Mr. Wolfe stated there are advanced treatment systems available. He has not researched them and doesn't know exactly what system is being used.

Mr. Wolfe addressed Phase II of the Watershed Implementation Contingencies for the Chesapeake Bay TMDL. The State passed a group of legislation and these are the published backstops if the targets aren't met in 2017. For Ag, the State may require BMPs for Land Use Taxation eligibility. For Urban Stormwater, site hydrology will be restored, post load will be less than pre load, and impervious cover limits or open space with enhanced vegetation will be imposed.

Mr. Wolfe explained some actions the County has taken since the 2007 Comprehensive Plan. Cluster provisions have been added in the General Agriculture and Rural Conservation Districts. Clustering developments is recommended to reduce potential impacts to waterways. The Source Water Protection Ordinance was adopted. The County has been working with NRCS to map the Inundation Zones downstream of regulated dams. Six of the 16 publically owned flood control dams have been mapped.

Revisions were made to the Stormwater Management Ordinance and the Floodplain Ordinance.

Mr. Wolfe stated there have been many state of the science updates since 2007. GIS resources are more readily available and changes are updated immediately.

Mrs. Earhart referred to the suggested changes to the Natural Resources section of the Comp Plan and opened up the floor to any questions or comments from the Commissioners.

Mr. Cole asked if the changes to the Natural Resources section of the Comp Plan were the recommendations made by Staff.

Mrs. Earhart stated that was correct.

Mr. Cole expressed concern about the lack of specificity and consistency of the wording within the Comp Plan. It does not make clear what agency is charged with the implementation of some of the policies.

Mr. Leonard noted that many policies within the Comp Plan are handled by other agencies. He asked why it was the responsibility of the Planning Commission to review the Plan and not the other agencies.

Mrs. Earhart stated that the reason the charge isn't specific is because it was not clear at the time as to who the charge would be specific to.

Mr. Wolfe stated that other agencies do have a hand in the responsibility of the Comp Plan and there is an effort being made to combine responsibilities. He also stated that the implementation plans are guides without borders and do not specify a certain agency that the plans are applicable to.

Mr. Cole referred again to the use of words such as *adopt* and *consider* in the same paragraph and asked about the inconsistency of the wording.

Mr. Earhart explained that the Comp Plan is to be a guide only. It was not intended to command or be specific. That is why words such as *consider*, *should*, *should establish*, *may*, and *recommends* are frequently used. She also stated that implementations should be left in the Comp Plan because when regulations are put into place, it is important to say that the Comp Plan is accomplishing the goals set forth.

Mr. Leonard stated that some of the items in the Comp Plan that the Planning Commission want to consider are being pushed forward by other agencies and wondered whether or not it was the County's responsibility to take care of some of the items.

Mr. Wolfe stated that many of the changes to the Comp Plan will need to be made at the State level, however, there are many things that can be changed at the County

level. He stated there are goals in the Natural Resources section of the Comp Plan that have already been met by the County.

Mrs. Shiflett asked if the goals that have already been met are in the narrative of the Comp Plan.

Mrs. Earhart stated that it would be noted within the Comp Plan the goals that have already been met.

Mrs. Earhart referred to Policy 2 – Tax Conflicts and stated there are some issues with the value of a piece of property under consideration for easement, if the property is in an Ag Forestal District. The policy does have implications and implies that State authorized incentives should be investigated. This is not a County issue, but does acknowledge the fact that there are some issues that need to be looked at and how the standard language is done for the Ag Forestal District.

Mr. Wolfe referred to page 7, Objective B – Ag and Forestry Operations. He stated that Policy 1 talks about Agriculture Best Management Practices. He explained that Mr. Fitzgerald suggested that the language be revised to state that *the County would assist in the implementation of resource management plan regulations, should they be adopted*. Headwaters will be the agency to possibly develop the plans and they will certainly review the plans. The County will not implement, but will assist with the implementation of the plans. He stated that these are all voluntary regulations at this point. He referred to Page 8 and stated that the Source Water Protection Overlay was adopted and that the County would continue to work with ACSA to make sure that all water supplies are protected.

Mr. Wolfe referred to Goal 6 which addresses flood damage and flood control dams. The County will continue to support Headwaters and will add inundation zones to the tax maps. The State passed regulations requiring inundation zones to be mapped. He referred to Objective C which is a new objective that he is recommending to add for participation in the FEMA program. There are several FEMA programs and one is now being considered for Back Creek. Several grants have been obtained and a detailed study is being done to remap that particular flood plain for better accuracy. He referred to the Community Rating System and said it was a good program. This program will help reduce the overall insurance rates for everyone that pays flood insurance in Augusta County if the County has public outreach programs and public involvement.

There being no further discussion, the meeting was adjourned.

Chairman

Secretary