

COMMENTS FROM HEALTH DEPARTMENT: No Comment. Public water and public sewer are proposed to serve the project.

COMMENTS FROM FIRE-RESCUE: This request will have little to no impact on service delivery for this area.

TRAFFIC:

Jefferson Highway (Rt. 250)

-AADT: 15,000 vpd (2014)

-Posted Speed Limit: 45 mph

-Functional Classification: Minor Arterial

-k=0.1, Dir.=0.552

Lifecore Drive (Rt. 636)

-AADT: Unknown

-Posted Speed Limit: 40 mph

-Functional Class: Major Collector

COMMENTS FROM VDOT:

1. The net change in potential traffic generation is expected to be minimal and would therefore not have a significant measurable impact on the surrounding roadways.
2. All public streets proposed for VDOT acceptance must be designed and constructed according to the Secondary Street Acceptance Requirements (SSAR), which includes the GS-SSAR design standard.

SCHOOLS IMPACTED (data as of 9/02/15):

School	Program Capacity	Current Enrollment
Wilson Elementary School	750	692
Wilson Middle School	520*	613
Wilson High School	900	760

SCHOOL BOARD STAFF COMMENTS: The requests of 6.348 acres to change to General Business and 46.213 acres to Single Family Residential will decrease the potential for enrollment in this area. The 8.024 acres changing to Attached Residential will not make up the difference in projected enrollment from the previous changes. Therefore, we believe the changes will decrease the potential for overcrowding at these three (3) sites.

*It is noted that WMS is already overcrowded with additional space being built in the near future to bring the capacity of this school to 750. WES is presently operating at 93% capacity. Although this property change may have less student enrollment for these three schools, the rezoning request in Tax Map 66-71L and 66F(11)1 and 3, if approved, will offset the decrease in projected enrollment.

COMMUNITY DEVELOPMENT STAFF COMMENTS:

PROS

1. Request is in compliance with the Comprehensive Plan Land Use Map.
2. Request is compatible with adjacent zoning.
3. Public water and sewer are available to serve the property.
4. Property is located in an Urban Service Area where the County wants to encourage its future residential and business growth.
5. Request is for a decrease in proposed density.

CONS

1. This property was rezoned in 2008 and modified in 2010, and 2013. Little has changed since 2013 to warrant another change to the development.

COMMUNITY DEVELOPMENT STAFF RECOMMENDATION: This mixed use development has evolved since it was first rezoned in 2008, with modifications in 2010 and 2013. With the completion of Lifecore Drive and an improvement in the housing market, the developers are seeking approval of changes to their development. The residential changes involve the switching of some land between Single Family Residential and Attached Residential zoning which will result in no more residential units than is currently allowed, but they feel a better layout of the community. The change from Multi-Family Residential to General Business will allow for some additional business lots to complement the existing business development and to support the planned residential development in the area. (The developer is also seeking an amendment of proffers on an adjacent tract to move the multi-family residential density from this tract to the tract adjacent to Murphy Deming.) All proffers will remain the same. Staff recommends approval of the request with the proffers.

PLANNING COMMISSION RECOMMENDATION: Recommends approval of the rezoning with the revised proffers.

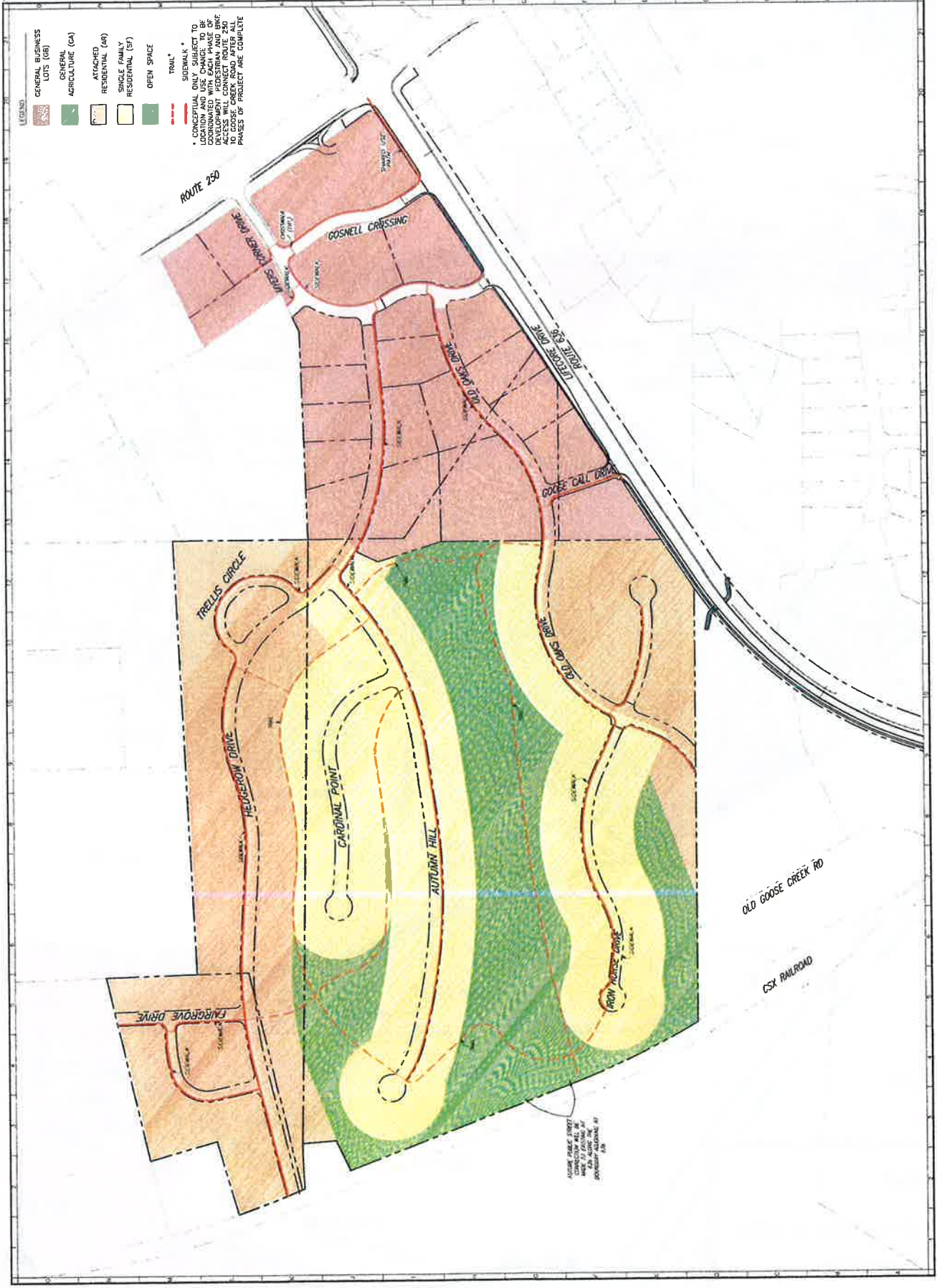


www.balazs.com
 100 Commerce Road
 Virginia, VA 24462
 Phone: 804-328-2279
 Fax: 804-328-3271

MYERS CORNER
 CONCEPTUAL PLAN
 WAYNE DISTRICT
 AUGUSTA COUNTY, VIRGINIA

DESIGNED BY
 CHECKED BY
 DATE 08-18-2016
 SCALE 1"=150'
 REVISIONS

SHEET NO 1
 JOB NO S0400026



ORDINANCE

A REQUEST TO REZONE 6.348 ACRES FROM MULTI-FAMILY RESIDENTIAL TO GENERAL BUSINESS, .004 ACRE FROM MULTI-FAMILY RESIDENTIAL TO SINGLE FAMILY RESIDENTIAL, 46.209 ACRES FROM ATTACHED RESIDENTIAL TO SINGLE FAMILY RESIDENTIAL, AND 8.024 ACRES FROM SINGLE FAMILY RESIDENTIAL TO ATTACHED RESIDENTIAL OWNED BY CRESCENT DEVELOPMENT GROUP, LLC AND MELISSA JURICK LOCATED IN THE SOUTHWEST QUADRANT OF THE INTERSECTION OF JEFFERSON HIGHWAY (RT. 250) AND LIFECORE DR. (RT. 636)/WOODROW WILSON AVENUE (RT. 358) IN FISHERSVILLE IN THE WAYNE DISTRICT. THIS REQUEST ALSO RESTATES THE EXISTING PROFFERS ON THE ENTIRE 122 ACRES KNOWN AS MYERS CORNER.

AN ORDINANCE to amend Chapter 25 "Zoning" of the Code of Augusta County, Virginia.

WHEREAS, application has been made to the Board of Supervisors to amend the Augusta County Zoning Maps,

WHEREAS, the Augusta County Planning Commission, after a public hearing, has made their recommendation to the Board of Supervisors,

WHEREAS, the Board of Supervisors has conducted a public hearing,

WHEREAS, both the Commission and Board public hearings have been properly advertised and all public notice as required by the Zoning Ordinance and the Code of Virginia properly completed,

WHEREAS, the Board of Supervisors has considered the application, the Planning Commission recommendation and the comments presented at the public hearing;

NOW THEREFORE BE IT ORDAINED, by the Board of Supervisors that the Augusta County Zoning Maps be amended as follows:

Portions of parcel numbers **72, 74A, and 92** on tax map number **66**, parcel numbers **2 and 2C** on tax map number **66C(1)**, and parcel number **1** on tax map number **66C1(1)** containing:

- 6.348 acres is changed from Multi-family Residential to General business
- 0.004 acre is changed from Multi-family Residential to Single Family Residential
- 46.209 acres is changed from Attached Residential to Single Family Residential

- 8.024 acres is changed from Single Family Residential to Attached Residential

The proffers on approximately 122 acres are amended as follows:

1. There will be no direct lot access onto Lifecore Drive (Rt. 636). The only access points will be the street connections as generally depicted on the Conceptual Plan entitled "Myers Corner Conceptual Plan" dated September 18, 2015 and prepared by Balzer & Associates.
2. There will be no direct lot access on to Old Goose Creek Road. A public street connection to Old Goose Creek Road will be built or bonded prior to the issuance of a building permit for the 200th single family, duplex, or townhouse dwelling unit.
3. The system of open space in the development will be as generally depicted on the Conceptual Plan entitled "Myers Corner Conceptual Plan" dated September 18, 2015 and prepared by Balzer & Associates. The open space will include retention of the existing hedgerow/fence along the western property boundary with the Troxell and Pingry tracts in at least a 5' strip of open space as depicted on the plan. The developer will install 4' wide paved walking trails throughout the development and connecting the areas of open space within the development. The paved walking trails will be maintained by the development's HOA. In lieu of walking trails, sidewalks may be built along some streets. The net result will be a pedestrian system from Route 250 to Old Goose Creek Road.
4. If street lights are installed, they will be installed and maintained at the expense of the development's HOAs.
5. Trash collection for the residential portion of the development will be provided by the HOAs.
6. The minimum size, defined as the aggregate area of the finished floor space of all floors, of the townhouses will be 1,000 sq. ft.; of a duplex will be 1,100 sq. ft.; and of the single family homes will be 1,200 sq. ft.

**COUNTY OF AUGUSTA
STAFF REPORT
Commercial Vehicle and Home Occupation Ordinance Amendments
October 13, 2015
Revised: October 14, 2015**

**AN ORDINANCE TO AMEND SECTIONS 25-4, 25-54.1, 25-73, 25-94.2,
25-123, 25-133, 25-163, 25-223, 25-233, 25-303, 25-383, 25-439, and 25-454.2
OF THE AUGUSTA COUNTY CODE**

WHEREAS, the Board of Supervisors has deemed it desirable to update and clarify the provisions of the Augusta County Zoning Ordinance concerning commercial vehicles;

NOW THEREFORE be it resolved that Section 25-4 of the Augusta County Code is amended by replacing the definition of commercial vehicle to read as follows:

§25-4 Definitions

Commercial vehicle. Any vehicle which displays business or commercial advertising lettered or attached thereon, or any vehicle that sits on at least two (2) axles and is designed to carry freight or merchandise, whether loaded or empty, or any vehicle licensed and/or operated as a "for hire" vehicle, or personal vehicles used for business or commercial purposes whether full or part time. For the purposes of this chapter, a vehicle and pull-behind trailer is considered as one unit, unless otherwise limited by specific district regulations.

BE IT FURTHER resolved that, that portion of Paragraph N of Section 25-54.1 of the Augusta County Code, is amended to read as follows:

The following uses are permitted in any zoning district when accessory to a single-family dwelling:

N. In residentially zoned districts, and general agriculture zoned lots of less than one (1) acre in area, no more than one (1) commercial vehicles per dwelling shall be allowed with the following limitations:

1. Only one (1) commercial vehicle per lot may exceed a manufacturer's Gross Vehicle Weight (GVW) of ten thousand pounds (10,000 lbs.).

2.4. No semi-trailer of a tractor-trailer truck, solid waste collection vehicle, construction equipment, cement-mixer truck, dump truck or wrecker with an empty weight of twenty thousand (20,000) pounds or more, or similar such vehicles or equipment shall be permitted.

3.2. Any commercial vehicle parked shall be owned and/or operated only by an occupant of the dwelling at which it is parked.

4.3. The No commercial vehicle that exceeds a manufacturer's Gross Vehicle Weight (GVW) of ten thousand pounds (10,000 lbs.) shall not be parked or stored on a public street or right-of-way, or in front yards except on the driveway.

BE IT FURTHER resolved that, that portion of Section 25-73 of the Augusta County Code, concerning commercial vehicles is amended to read as follows:

G. Home occupations, Class A.

12. No more than one (1) commercial vehicle may be used in conjunction with the home occupation. ~~No more than one (1) e~~Commercial vehicles ~~per dwelling~~ shall be allowed pursuant to the requirements of § 25-54.1.N. For purposes of this section a ~~utility~~ commercial vehicle does not include a utility trailer.

The following uses are not to be considered to be Home Occupations, Class A: trash and garbage collection, boarding house, day care centers, private schools, firearm sales, and small engine repair, ~~or~~ motor vehicle repair, ~~l~~andscaping, lawn care and mowing businesses, ~~and mobile motor vehicle repair are not to be considered Home Occupations~~ unless all equipment, ~~materials~~ and utility vehicles are kept off site. ~~The applicant shall supply written documentation such as a lease agreement or contract describing where the equipment, materials, and utility vehicles are to be kept to the Community Development Department.~~

H. Home occupation, Class B.

12. No more than one commercial vehicle may be used in conjunction with the home occupation. ~~No more than one e~~Commercial vehicles ~~per dwelling~~ shall be allowed pursuant to the requirements of § 25-54.1.N.

The following uses are not considered to be Home occupations, Class B: trash and garbage collection, ~~small engine repair, motor vehicle repair,~~ boarding houses, day care centers, private schools, firearm sales, ~~and small engine repair, and motor vehicle repair, and landscaping businesses.~~ ~~Landscaping and mobile motor vehicle repair businesses are not considered Home Occupations unless all equipment, materials, and trailers over sixteen feet (16') are to be kept off site. The applicant shall supply written documentation such as a lease or contract describing where the equipment, materials, and utility vehicles are to be kept to the Community Development Department.~~

BE IT FURTHER resolved that, that portion of Section 25-94.2 of the Augusta County Code, concerning commercial vehicles is amended to read as follows:

A. Home Occupation, Class B.

5. No display of products made shall be visible from the street; and

11. No more than one commercial vehicle may be used in conjunction with the home occupation. ~~No more than one~~ Commercial vehicles ~~per dwelling~~ shall be allowed pursuant to the requirements of § 25-54.1.N.

The following uses are not considered to be Home occupations, Class B: trash and garbage collection, ~~small engine repair, motor vehicle repair,~~ boarding houses, day care centers, private schools, firearm sales, and ~~landscaping businesses~~ small engine repair or motor vehicle repair. Landscaping and mobile motor vehicle repair businesses are not considered Home Occupations unless all equipment, materials, and trailers over sixteen feet (16') are to be kept off site. The applicant shall supply written documentation such as a lease or contract describing where the equipment, materials, and utility vehicles are to be kept to the Community Development Department.

BE IT FURTHER resolved that, that portion of Section 25-123 of the Augusta County Code, concerning commercial vehicles is amended to read as follows:

A. Home occupations, Class B.

11. No more than one commercial vehicle may be used in conjunction with the home occupation. ~~No more than one~~ Commercial vehicles ~~per dwelling~~ shall be allowed pursuant to the requirements of § 25-54.1.N.

The following uses are not considered to be Home occupations, Class B: trash and garbage collection, ~~small engine repair, motor vehicle repair,~~ boarding houses, day care centers, private schools, firearm sales, and ~~landscaping businesses~~ small engine repair or motor vehicle repair. Landscaping and mobile motor vehicle repair businesses are not considered Home Occupations unless all equipment, materials, and trailers over sixteen feet (16') are to be kept off site. The applicant shall supply written documentation such as a lease or contract describing where the equipment, materials, and utility vehicles are to be kept to the Community Development Department.

BE IT FURTHER resolved that, that portion of Section 25-133 of the Augusta County Code, concerning commercial vehicles is amended to read as follows:

A. Home occupations, Class A.

11. No more than one (1) commercial vehicle may be used in conjunction with the home occupation. ~~No more than one (1)~~ Commercial vehicles ~~per dwelling~~ shall be allowed pursuant to the requirements of § 25-54.1.N. For purposes of this section a utility commercial vehicle does not include a utility trailer.

The following uses are not to be considered to be Home Occupations, Class A: trash and garbage collection, boarding house, day care centers, private schools, firearm sales, and small engine repair, or motor vehicle repair. ~~Landscaping, lawn care and mowing businesses,~~ and mobile motor vehicle repair are not to be considered Home Occupations unless all equipment, materials and utility vehicles are kept off site. The applicant shall supply written documentation such as a lease agreement or contract

describing where the equipment, materials, and utility vehicles are to be kept to the Community Development Department.

BE IT FURTHER resolved that, that portion of Section 25-163 of the Augusta County Code, concerning commercial vehicles is amended to read as follows:

A. Home occupations, Class A.

11. No more than one (1) commercial vehicle may be used in conjunction with the home occupation. ~~No more than one (1) commercial vehicles per dwelling~~ shall be allowed pursuant to the requirements of § 25-54.1.N. For purposes of this section a utility commercial vehicle does not include a utility trailer.

The following uses are not to be considered to be Home Occupations, Class A: trash and garbage collection, boarding house, day care centers, private schools, firearm sales, and small engine repair, or motor vehicle repair, ~~Landscaping, lawn care and mowing businesses,~~ and mobile motor vehicle repair are not to be considered Home Occupations unless all equipment, materials and utility vehicles are kept off site. The applicant shall supply written documentation such as a lease agreement or contract describing where the equipment, materials, and utility vehicles are to be kept to the Community Development Department.

BE IT FURTHER resolved that, that portion of Section 25-223 of the Augusta County Code, concerning commercial vehicles is amended to read as follows:

A. Home occupations, Class A.

11. No more than one (1) commercial vehicle may be used in conjunction with the home occupation. ~~No more than one (1) commercial vehicles per dwelling~~ shall be allowed pursuant to the requirements of § 25-54.1.N. For purposes of this section a utility commercial vehicle does not include a utility trailer.

The following uses are not to be considered to be Home Occupations, Class A: trash and garbage collection, boarding house, day care centers, private schools, firearm sales, and small engine repair, or motor vehicle repair, ~~Landscaping, lawn care and mowing businesses,~~ and mobile motor vehicle repair are not to be considered Home Occupations unless all equipment, materials and utility vehicles are kept off site. The applicant shall supply written documentation such as a lease agreement or contract describing where the equipment, materials, and utility vehicles are to be kept to the Community Development Department.

BE IT FURTHER resolved that, that portion of Section 25-233 of the Augusta County Code, concerning commercial vehicles is amended to read as follows:

A. Home occupations, Class A.

11. No more than one (1) commercial vehicle may be used in conjunction with the home occupation. ~~No more than one (1) commercial vehicles per dwelling~~

shall be allowed pursuant to the requirements of § 25-54.1.N. For purposes of this section a utility commercial vehicle does not include a utility trailer.

The following uses are not to be considered to be Home Occupations, Class A: trash and garbage collection, boarding house, day care centers, private schools, firearm sales, and small engine repair, ~~or~~ motor vehicle repair, ~~Landscaping, lawn care and mowing businesses,~~ and mobile motor vehicle repair are not to be considered Home Occupations unless all equipment, materials and utility vehicles are kept off site. The applicant shall supply written documentation such as a lease agreement or contract describing where the equipment, materials, and utility vehicles are to be kept to the Community Development Department.

BE IT FURTHER resolved that, that portion of Section 25-303 of the Augusta County Code, concerning commercial vehicles is amended to read as follows:

D. Home occupations, Class B.

9. Deliveries shall be limited to normal deliveries by public and private mail carriers, including USPS, Fed-Ex, UPS, and similar carriers; and

11. No more than one commercial vehicle may be used in conjunction with the home occupation. ~~No more than one~~ Commercial vehicles per dwelling shall be allowed pursuant to the requirements of § 25-54.1.N.

The following uses are not considered to be Home occupations, Class B: trash and garbage collection, ~~small engine repair, motor vehicle repair,~~ boarding houses, day care centers, private schools, firearm sales, and ~~landscaping businesses.~~ small engine repair or motor vehicle repair. Landscaping and mobile motor vehicle repair businesses are not considered Home Occupations unless all equipment, materials, and trailers over sixteen feet (16') are to be kept off site. The applicant shall supply written documentation such as a lease or contract describing where the equipment, materials, and utility vehicles are to be kept to the Community Development Department.

BE IT FURTHER resolved that, that portion of Section 25-383 of the Augusta County Code, concerning commercial vehicles is amended to read as follows:

C. Home occupations, Class B

9. Deliveries shall be limited to normal deliveries by public and private mail carriers, including USPS, Fed-Ex, UPS, and similar carriers; and

11. No more than one commercial vehicle may be used in conjunction with the home occupation. ~~No more than one~~ Commercial vehicles per dwelling shall be allowed pursuant to the requirements of § 25-54.1.N.

The following uses are not considered to be Home occupations, Class B: trash and garbage collection, ~~small engine repair, motor vehicle repair,~~ boarding houses, day care centers, private schools, firearm sales, and ~~landscaping businesses~~ small engine

repair or motor vehicle repair. Landscaping and mobile motor vehicle repair businesses are not considered Home Occupations unless all equipment, materials, and trailers over sixteen feet (16') are to be kept off site. The applicant shall supply written documentation such as a lease or contract describing where the equipment, materials, and utility vehicles are to be kept to the Community Development Department.

BE IT FURTHER resolved that, that portion of Section 25-439 of the Augusta County Code, concerning commercial vehicles is amended to read as follows:

G. Home occupations, Class A.

11. No more than one (1) commercial vehicle may be used in conjunction with the home occupation. ~~No more than one (1) commercial vehicles per dwelling~~ shall be allowed pursuant to the requirements of § 25-54.1.N. For purposes of this section a utility commercial vehicle does not include a utility trailer.

The following uses are not to be considered to be Home Occupations, Class A: trash and garbage collection, boarding house, day care centers, private schools, firearm sales, and small engine repair, ~~or motor vehicle repair,~~ ~~landscaping, lawn care and mowing businesses,~~ and mobile motor vehicle repair are not to be considered Home Occupations unless all equipment, materials and utility vehicles are kept off site. The applicant shall supply written documentation such as a lease agreement or contract describing where the equipment, materials, and utility vehicles are to be kept to the Community Development Department.

BE IT FURTHER resolved that, that portion of Section 25-454.2 of the Augusta County Code, concerning commercial vehicles is amended to read as follows:

A. Home occupations, Class B.

9. Deliveries shall be limited to normal deliveries by public and private mail carriers, including USPS, Fed-Ex, UPS, and similar carriers; and

10. All parking associated with the business shall be off-street and not located in any required front yard, except within the existing driveway; and

11. No more than one commercial vehicle may be used in conjunction with the home occupation. ~~No more than one commercial vehicles per dwelling~~ shall be allowed pursuant to the requirements of § 25-54.1.N.

The following uses are not considered to be Home occupations, Class B: trash and garbage collection, ~~small engine repair, motor vehicle repair,~~ boarding houses, day care centers, private schools, firearm sales, and ~~landscaping businesses~~ small engine repair or motor vehicle repair. Landscaping and mobile motor vehicle repair businesses are not considered Home Occupations unless all equipment, materials, and trailers over sixteen feet (16') are to be kept off site. The applicant shall supply written documentation such as a lease or contract describing where the equipment, materials, and utility vehicles are to be kept to the Community Development Department.

COMMUNITY DEVELOPMENT STAFF RECOMMENDATIONS: Concerns were raised regarding the keeping of commercial vehicles in residential districts, as well as small lots in General Agriculture zoned areas. The proposed ordinance allows more than one commercial vehicle on a lot zoned residential or General Agriculture lots less than 1 acre, but restricts the keeping of large commercial vehicles to one per lot and that one vehicle can't be parked on the street or in the front yard, unless it is parked in the driveway. Changes were made to the language in the Home Occupation, Class A and B to reflect those changes, as well as to the definition of commercial vehicles and the accessory use section to single family dwellings. Recommend Approval.

PLANNING COMMISSION RECOMMENDATION: Recommend approval.

**AN ORDINANCE TO AMEND SECTIONS 25-4, 25-54.1, 25-73, 25-94.2,
25-123, 25-133, 25-163, 25-223, 25-233, 25-303, 25-383, 25-439, and 25-454.2
OF THE AUGUSTA COUNTY CODE**

WHEREAS, the Board of Supervisors has deemed it desirable to update and clarify the provisions of the Augusta County Zoning Ordinance concerning commercial vehicles;

NOW THEREFORE be it resolved that Section 25-4 of the Augusta County Code is amended by replacing the definition of commercial vehicle to read as follows:

§25-4 Definitions

Commercial vehicle. Any vehicle which displays business or commercial advertising lettered or attached thereon, or any vehicle that sits on at least two (2) axles and is designed to carry freight or merchandise, whether loaded or empty, or any vehicle licensed and/or operated as a "for hire" vehicle, or personal vehicles used for business or commercial purposes whether full or part time. For the purposes of this chapter, a vehicle and pull-behind trailer is considered as one unit, unless otherwise limited by specific district regulations.

BE IT FURTHER resolved that, that portion of Paragraph N of Section 25-54.1 of the Augusta County Code, is amended to read as follows:

The following uses are permitted in any zoning district when accessory to a single-family dwelling:

N. In residentially zoned districts, and general agriculture zoned lots of less than one (1) acre in area, no more than one (1) commercial vehicles per dwelling shall be allowed with the following limitations:

1. Only one (1) commercial vehicle per lot may exceed a manufacturer's Gross Vehicle Weight (GVW) of ten thousand pounds (10,000 lbs.).

2. No semi-trailer of a tractor-trailer truck, solid waste collection vehicle, construction equipment, cement-mixer truck, dump truck or wrecker with an empty weight of twenty thousand (20,000) pounds or more, or similar such vehicles or equipment shall be permitted.

3. Any commercial vehicle parked shall be owned and/or operated only by an occupant of the dwelling at which it is parked.

4. The No commercial vehicle that exceeds a manufacturer's Gross Vehicle Weight (GVW) of ten thousand pounds (10,000 lbs.) shall not be parked or stored on a public street or right-of-way or in front yards except on the driveway.

BE IT FURTHER resolved that, that portion of Section 25-73 of the Augusta County Code, concerning commercial vehicles is amended to read as follows:

G. Home occupations, Class A.

12. No more than one (1) commercial vehicle may be used in conjunction with the home occupation. ~~No more than one (1) commercial vehicles per dwelling~~ shall be allowed pursuant to the requirements of § 25-54.1.N. For purposes of this section a ~~utility~~ commercial vehicle does not include a utility trailer.

The following uses are not considered to be Home Occupations, Class A: trash and garbage collection, boarding houses, day care centers, private schools, firearm sales, and small engine repair, ~~or~~ motor vehicle repair, ~~and~~ landscaping, lawn care and mowing businesses, and mobile motor vehicle repair are not to be considered Home Occupations unless all equipment, materials and utility vehicles are kept off site. The applicant shall supply written documentation such as a lease agreement or contract describing where the equipment, materials, and utility vehicles are to be kept to the Community Development Department.

H. Home occupation, Class B.

12. No more than one (1) commercial vehicle may be used in conjunction with the home occupation. ~~No more than one (1) commercial vehicles per dwelling~~ shall be allowed pursuant to the requirements of § 25-54.1.N.

The following uses are not considered to be Home Occupations, Class B: trash and garbage collection, ~~small engine repair, motor vehicle repair,~~ boarding houses, day care centers, private schools, firearm sales, ~~and small engine repair and motor vehicle repair, and landscaping businesses.~~ Landscaping and mobile motor vehicle repair businesses are not considered Home Occupations unless all equipment, materials, and trailers over sixteen feet (16') are to be kept off site. The applicant shall supply written documentation such as a lease or contract describing where the equipment, materials, and utility vehicles are to be kept to the Community Development Department.

BE IT FURTHER resolved that, that portion of Section 25-94.2 of the Augusta County Code, concerning commercial vehicles is amended to read as follows:

A. Home Occupation, Class B.

5. No display of products made shall be visible from the street; and

11. No more than one (1) commercial vehicle may be used in conjunction with the home occupation. ~~No more than one (1) commercial vehicles per dwelling~~ shall be allowed pursuant to the requirements of § 25-54.1.N.

The following uses are not considered to be Home Occupations, Class B: trash and garbage collection, ~~small engine repair, motor vehicle repair,~~ boarding houses, day care centers, private schools, firearm sales, and small engine repair and motor vehicle repair, ~~and landscaping businesses.~~ Landscaping and mobile motor vehicle repair businesses are not considered Home Occupations unless all equipment, materials, and trailers over sixteen feet (16') are to be kept off site. The applicant shall supply written documentation such as a lease or contract describing where the equipment, materials, and utility vehicles are to be kept to the Community Development Department.

BE IT FURTHER resolved that, that portion of Section 25-123 of the Augusta County Code, concerning commercial vehicles is amended to read as follows:

A. Home occupations, Class B.

11. No more than one (1) commercial vehicle may be used in conjunction with the home occupation. ~~No more than one (1) eCommercial vehicles per dwelling~~ shall be allowed pursuant to the requirements of § 25-54.1.N.

The following uses are not considered to be Home Occupations, Class B: trash and garbage collection, ~~small engine repair, motor vehicle repair,~~ boarding houses, day care centers, private schools, firearm sales, and small engine repair and motor vehicle repair, ~~and landscaping businesses.~~ Landscaping and mobile motor vehicle repair businesses are not considered Home Occupations unless all equipment, materials, and trailers over sixteen feet (16') are to be kept off site. The applicant shall supply written documentation such as a lease or contract describing where the equipment, materials, and utility vehicles are to be kept to the Community Development Department.

BE IT FURTHER resolved that, that portion of Section 25-133 of the Augusta County Code, concerning commercial vehicles is amended to read as follows:

A. Home occupations, Class A.

11. No more than one (1) commercial vehicle may be used in conjunction with the home occupation. ~~No more than one (1) eCommercial vehicles per dwelling~~ shall be allowed pursuant to the requirements of § 25-54.1.N. For purposes of this section a ~~utility~~ commercial vehicle does not include a utility trailer.

The following uses are not considered to be Home Occupations, Class A: trash and garbage collection, boarding houses, day care centers, private schools, firearm sales, and small engine repair, or motor vehicle repair. ~~Landscaping, lawn care and mowing businesses, and mobile motor vehicle repair~~ are not to be considered Home Occupations unless all equipment, materials and utility vehicles are kept off site. The applicant shall supply written documentation

such as a lease agreement or contract describing where the equipment, materials, and utility vehicles are to be kept to the Community Development Department.

BE IT FURTHER resolved that, that portion of Section 25-163 of the Augusta County Code, concerning commercial vehicles is amended to read as follows:

A. Home occupations, Class A.

11. No more than one (1) commercial vehicle may be used in conjunction with the home occupation. ~~No more than one (1) e~~Commercial vehicles per dwelling shall be allowed pursuant to the requirements of § 25-54.1.N. For purposes of this section a ~~utility~~ commercial vehicle does not include a utility trailer.

The following uses are not considered to be Home Occupations, Class A: trash and garbage collection, boarding houses, day care centers, private schools, firearm sales, and small engine repair, or motor vehicle repair, landscaping, lawn care and mowing businesses, and mobile motor vehicle repair are not to be considered Home Occupations unless all equipment, materials and utility vehicles are kept off site. The applicant shall supply written documentation such as a lease agreement or contract describing where the equipment, materials, and utility vehicles are to be kept to the Community Development Department.

BE IT FURTHER resolved that, that portion of Section 25-223 of the Augusta County Code, concerning commercial vehicles is amended to read as follows:

A. Home occupations, Class A.

11. No more than one (1) commercial vehicle may be used in conjunction with the home occupation. ~~No more than one (1) e~~Commercial vehicles per dwelling shall be allowed pursuant to the requirements of § 25-54.1.N. For purposes of this section a ~~utility~~ commercial vehicle does not include a utility trailer.

The following uses are not considered to be Home Occupations, Class A: trash and garbage collection, boarding houses, day care centers, private schools, firearm sales, and small engine repair, or motor vehicle repair, landscaping, lawn care and mowing businesses, and mobile motor vehicle repair are not to be considered Home Occupations unless all equipment, materials and utility vehicles are kept off site. The applicant shall supply written documentation such as a lease agreement or contract describing where the equipment, materials, and utility vehicles are to be kept to the Community Development Department.

BE IT FURTHER resolved that, that portion of Section 25-233 of the Augusta County Code, concerning commercial vehicles is amended to read as follows:

A. Home occupations, Class A.

11. No more than one (1) commercial vehicle may be used in conjunction with the home occupation. ~~No more than one (1) commercial vehicles per dwelling~~ shall be allowed pursuant to the requirements of § 25-54.1.N. For purposes of this section a ~~utility~~ commercial vehicle does not include a utility trailer.

The following uses are not considered to be Home Occupations, Class A: trash and garbage collection, boarding houses, day care centers, private schools, firearm sales, and small engine repair, ~~or motor vehicle repair,~~ landscaping, lawn care and mowing businesses, and mobile motor vehicle repair are not to be considered Home Occupations unless all equipment, materials and utility vehicles are kept off site. The applicant shall supply written documentation such as a lease agreement or contract describing where the equipment, materials, and utility vehicles are to be kept to the Community Development Department.

BE IT FURTHER resolved that, that portion of Section 25-303 of the Augusta County Code, concerning commercial vehicles is amended to read as follows:

D. Home occupations, Class B.

9. Deliveries shall be limited to normal deliveries by public and private mail carriers, including USPS, Fed-Ex, UPS, and similar carriers; and

11. No more than one (1) commercial vehicle may be used in conjunction with the home occupation. ~~No more than one (1) commercial vehicles per dwelling~~ shall be allowed pursuant to the requirements of § 25-54.1.N.

The following uses are not considered to be Home Occupations, Class B: trash and garbage collection, ~~small engine repair, motor vehicle repair,~~ boarding houses, day care centers, private schools, firearm sales, and small engine repair and motor vehicle repair, ~~and landscaping businesses.~~ Landscaping and mobile motor vehicle repair businesses are not considered Home Occupations unless all equipment, materials, and trailers over sixteen feet (16') are to be kept off site. The applicant shall supply written documentation such as a lease or contract describing where the equipment, materials, and utility vehicles are to be kept to the Community Development Department.

BE IT FURTHER resolved that, that portion of Section 25-383 of the Augusta County Code, concerning commercial vehicles is amended to read as follows:

C. Home occupations, Class B

9. Deliveries shall be limited to normal deliveries by public and private mail carriers, including USPS, Fed-Ex, UPS, and similar carriers; and

11. No more than one (1) commercial vehicle may be used in conjunction with the home occupation. ~~No more than one (1) commercial vehicles per dwelling~~ shall be allowed pursuant to the requirements of § 25-54.1.N.

The following uses are not considered to be Home Occupations, Class B: trash and garbage collection, ~~small engine repair, motor vehicle repair,~~ boarding houses, day care centers, private schools, firearm sales, ~~and small engine repair and motor vehicle repair,~~ and ~~landscaping businesses.~~ Landscaping and mobile motor vehicle repair businesses are not considered Home Occupations unless all equipment, materials, and trailers over sixteen feet (16') are to be kept off site. The applicant shall supply written documentation such as a lease or contract describing where the equipment, materials, and utility vehicles are to be kept to the Community Development Department.

BE IT FURTHER resolved that, that portion of Section 25-439 of the Augusta County Code, concerning commercial vehicles is amended to read as follows:

G. Home occupations, Class A.

11. No more than one (1) commercial vehicle may be used in conjunction with the home occupation. ~~No more than one (1) commercial vehicles per dwelling~~ shall be allowed pursuant to the requirements of § 25-54.1.N. For purposes of this section a utility commercial vehicle does not include a utility trailer.

The following uses are not considered to be Home Occupations, Class A: trash and garbage collection, boarding houses, day care centers, private schools, firearm sales, and small engine repair, or motor vehicle repair, ~~Landscaping, lawn care and mowing businesses,~~ and mobile motor vehicle repair are not to be considered Home Occupations unless all equipment, materials and utility vehicles are kept off site. The applicant shall supply written documentation such as a lease agreement or contract describing where the equipment, materials, and utility vehicles are to be kept to the Community Development Department.

BE IT FURTHER resolved that, that portion of Section 25-454.2 of the Augusta County Code, concerning commercial vehicles is amended to read as follows:

A. Home occupations, Class B.

9. Deliveries shall be limited to normal deliveries by public and private mail carriers, including USPS, Fed-Ex, UPS, and similar carriers; and

10. All parking associated with the business shall be off-street and not located in any required front yard, except within the existing driveway; and

11. No more than one (1) commercial vehicle may be used in conjunction with the home occupation. ~~No more than one (1) commercial vehicles per dwelling~~ shall be allowed pursuant to the requirements of § 25-54.1.N.

The following uses are not considered to be Home Occupations, Class B: trash and garbage collection, ~~small engine repair, motor vehicle repair,~~ boarding houses, day care centers, private schools, firearm sales, ~~and small engine repair and motor vehicle repair,~~ and ~~landscaping businesses.~~ Landscaping and mobile motor vehicle repair businesses are not considered Home Occupations unless all equipment, materials, and trailers over sixteen feet (16') are to be kept off site. The applicant shall supply written documentation such as a lease or contract describing where the equipment, materials, and utility vehicles are to be kept to the Community Development Department.

**COUNTY OF AUGUSTA
STAFF REPORT
Agri-tourism Ordinance Amendments
October 13, 2015
Revised: October 14, 2015**

**AN ORDINANCE TO ADOPT SECTION 25-71.1
INTO THE AUGUSTA COUNTY CODE
AND TO AMEND SECTION 25-72.1
OF THE AUGUSTA COUNTY CODE**

WHEREAS, the General Assembly has adopted legislation to encourage the growth of Agritourism in the Commonwealth of Virginia; and

WHEREAS, the legislation affected the authority of local governments to enact zoning ordinances to regulate agritourism; and

WHEREAS, it is the desire of the Augusta County Board of Supervisors to bring its zoning ordinance into conformance with the General Assembly's legislation;

NOW THEREFORE be it resolved that a new section to the county code, Section 25-71.1 is adopted to read as follows:

§25-71.1. Definitions

The following definitions shall be used in the interpretation and construction of this Article. :

Agricultural operation. Any operation devoted to the bona fide production of crops, animals, or fowl including the production of fruits and vegetables of all kinds; meat, dairy, and poultry products; nuts, tobacco, nursery, and floral products; and the production and harvest of products from silviculture activity.

Agritourism activity. Within an agricultural operation, any activity carried out on a farm or ranch that allows members of the general public, for recreational, entertainment or educational purposes to view or enjoy rural activities, including farming, wineries, ranching, historical, cultural, harvest-your-own activities, or natural activities and attractions. An activity is an agritourism activity whether or not the participant paid to participate in the activity. Agritourism activity does not include the rental of a farm or ranch, or portion thereof, for events such as weddings, wedding receptions, parties, retreats, and other activities unless such events themselves consist primarily of participation in an agritourism activity.

Bona fide production. The agricultural operation is the primary use of the land. Factors in determining "primary use" shall be (a) the agricultural operation qualifies for land use taxation,

(b) the agricultural operation is managed in good faith as a business activity, and (c) the operator can provide a Schedule F or other documentation showing gross receipts of farm income of at least \$10,000. However, an agricultural operation may never be deemed the primary use of the land if a reasonable person could conclude that the agricultural operation exists for the purpose of establishing eligibility for the exemption from local regulation under the State Code.

Substantial impact. The impact resulting from an activity or use that is of such nature and magnitude as to impact the health, safety, or general welfare of the public by changing the character of the area in the vicinity of the new activity from that of a rural and agricultural nature, to one that more resembles a business, commercial or industrial area.

BE IT FURTHER resolved that Section 25-72.1 of the Augusta County Code is amended to read as follows:

§ 25-72.1. Accessory buildings and uses.

A. Accessory buildings and uses customary and clearly incidental to a permitted use and which will not create a nuisance or hazard shall be permitted in General Agriculture Districts, subject to the applicable provisions of ARTICLE V of DIVISION A of this chapter.

B. Accessory buildings and structures are permitted with the following limitations:

1. Lots of less than one (1) acre in area:

Accessory buildings and structures not exceeding twenty feet (20') in height and with a total aggregate area of no more than nine hundred square feet (900 sq. ft.) may be erected in side or rear yards, however, in no case shall any accessory building or structure be larger than the footprint of the dwelling or taller than the dwelling. The setback requirements in § 25-78 shall be observed.

2. Lots one (1) acre or more in area:

Accessory buildings and structures without size or height limit may be erected. The yard and setback requirements in § 25-78 shall be observed. (Ord. 09/28/11)

3. Temporary family health care structure provided that:

a. Any person proposing to install a temporary family health care structure shall first obtain a permit from the Department of Community Development. After the permit is issued, the applicant must provide evidence of compliance with this section on an annual basis as long as the temporary family health care structure remains on the property. Such evidence may involve the inspection by the locality of the temporary family health care structure at reasonable times convenient to the caregiver, not limited to any annual compliance confirmation.

b. Any temporary family health care structure installed pursuant to this section shall connect to any water, sewer, and electric utilities that serves the primary residence on the property and shall comply with all applicable requirements of the Virginia Department of Health.

c. No signage advertising or otherwise promoting the existence of the structure shall be permitted either on the exterior of the temporary family health care structure or elsewhere on the property.

d. Any temporary family health care structure installed pursuant to this section shall be removed within 60 days of the date on which the temporary family health care structure was last occupied by a mentally or physically impaired person receiving services or in need of the assistance provided for in this section.

C. Accessory buildings or other accessory structures which do not meet the criteria listed in § 25.72.1A. and B. above may be permitted by Special Use Permit provided:

1. The accessory building or structure would not be out of character with the neighborhood or disproportionately large in relation to the size, location and character of other buildings and uses on the lot on which it is to be located and on adjoining and surrounding properties. For purposes of this section, "disproportionately large" shall mean so large as to: (i) be larger than a principal building to which it is accessory; or (ii) appear out of character with surrounding properties.

2. Accessory buildings and structures shall meet the applicable side and rear yard requirements of § 25-78. (Ord. 09/28/11; Ord. 8/27/14; Ord. 11/25/14)

D. Agritourism activity may be permitted provided the agritourism use meets the requirements listed below. If the use does not meet these standards, the agritourism use may be permitted upon the issuance of a Special Use Permit by the board of zoning appeals:

1. The activity is accessory to an on-site bona fide agricultural operation, and

2. The activity does not create a substantial impact to the health, safety, or general welfare of the public. Factors to be considered when determining a substantial impact are, but not limited to, sight distance, increased traffic on public or private roads that are shared by others, adequate sewerage disposal and drinking water, artificial light and sounds emanating from the property in a manner not typical in an agricultural or rural area, and parking facilities to be utilized by the new land use.

E. Limited Special Events including but not limited to weddings, reunions, social events, and auctions may be permitted provided the use meets the requirements listed below. If the use does not meet these standards, the use may be permitted upon the issuance of a Special Use Permit by the board of zoning appeals:

and

1. Such events are held by the owner or operator of the farm, and
2. Such events shall be limited to two (2) events in any one calendar year,

and

3. The duration of each event shall not exceed two (2) consecutive days,
4. Events may be held between the hours of 7 a.m. and 12 midnight, and
5. All event parking is required to be on site and need not meet the requirements of Section 25-35, and

6. Site standards:

The minimum acreage required shall mean the land within the external boundary of contiguous tracts that are wholly or partly owned, or controlled, by the owner of the tracts:

<u>Acreage</u>	<u>Number of Attendees</u>	<u>Max Vehicles on site at any one time</u>
<u>2 but Less than 6</u>	<u>50</u>	<u>25</u>
<u>6- less than 10</u>	<u>150</u>	<u>75</u>
<u>10- less than 20</u>	<u>200</u>	<u>100</u>
<u>20 or greater</u>	<u>500</u>	<u>250</u>

F. Farm wineries, processing, farm beer breweries, farm distilleries, and storage facilities as an accessory use to the on-site production of the agricultural products used in the processing, brewing, or distillation of alcoholic beverages provided:

1. The farm winery, farm beer brewery, or farm distillery complies with all applicable regulations of the Virginia Department of Alcoholic and Beverage Control. The farm winery, beer brewery, or distillery may, but need not, include:

- Daily tours of the production facilities a farm winery shall be permitted.
- No more than one (1) location may be established on each farm for the on-premise sale of wine and wine and consumption of alcoholic beverages manufactured on site.
- An accessory gift shop shall be permitted.

2. Special events, not meeting the requirements of E above, and on-site restaurants shall be permitted only upon the issuance of a Special Use Permit by the board of zoning appeals.

COMMUNITY DEVELOPMENT STAFF COMMENTS: Recently General Assembly has made changes to the State Code to encourage agritourism in the State and allow supplemental income opportunities for farmers. These changes bring the County Code into alignment with the General Assembly actions. The County's Agricultural Industry Board also provided input into the drafting of these regulations. Recommend approval.

PLANNING COMMISSION RECOMMENDATION: Recommend approval.

**AN ORDINANCE TO ADOPT SECTION 25-71.1
INTO THE AUGUSTA COUNTY CODE
AND TO
AMEND SECTION 25-72.1 OF THE
AUGUSTA COUNTY CODE**

WHEREAS, the General Assembly has adopted legislation to encourage the growth of Agritourism in the Commonwealth of Virginia; and

WHEREAS, the legislation affected the authority of local governments to enact zoning ordinances to regulate agritourism; and

WHEREAS, it is the desire of the Augusta County Board of Supervisors to bring its zoning ordinance into conformance with the General Assembly's legislation;

NOW THEREFORE be it resolved that a new section to the county code, Section 25-71.1 is adopted to read as follows:

§25-71.1. Definitions

The following definitions shall be used in the interpretation and construction of this Article. :

Agricultural operation. Any operation devoted to the bona fide production of crops, animals, or fowl including the production of fruits and vegetables of all kinds; meat, dairy, and poultry products; nuts, tobacco, nursery, and floral products; and the production and harvest of products from silviculture activity.

Agritourism activity. Within an agricultural operation, any activity carried out on a farm or ranch that allows members of the general public, for recreational, entertainment or educational purposes to view or enjoy rural activities, including farming, wineries, ranching, historical, cultural, harvest-your-own activities, or natural activities and attractions. An activity is an agritourism activity whether or not the participant paid to participate in the activity. Agritourism activity does not include the rental of a farm or ranch, or portion thereof, for events such as weddings, wedding receptions, parties, retreats, and other activities unless such events themselves consist primarily of participation in an agritourism activity.

Bona fide production. The agricultural operation is the primary use of the land. Factors in determining "primary use" shall be (a) the agricultural operation qualifies for land use taxation, (b) the agricultural operation is managed in good faith as a business activity, and (c) the operator can provide a Schedule F or other documentation showing gross receipts of farm income of at least \$10,000. However, an agricultural operation may never be deemed the primary use of the land if a reasonable person could conclude that the agricultural operation exists for the purpose of establishing eligibility for the exemption from local regulation under the State Code.

Substantial impact. The impact resulting from an activity or use that is of such nature and magnitude as to impact the health, safety, or general welfare of the public by changing the character of the area in the vicinity of the new activity from that of a rural and agricultural nature, to one that more resembles a business, commercial or industrial area.

BE IT FURTHER resolved that Section 25-72.1 of the Augusta County Code is amended to read as follows:

§ 25-72.1. Accessory buildings and uses.

A. Accessory buildings and uses customary and clearly incidental to a permitted use and which will not create a nuisance or hazard shall be permitted in General Agriculture Districts, subject to the applicable provisions of ARTICLE V of DIVISION A of this chapter.

B. Accessory buildings and structures are permitted with the following limitations:

1. Lots of less than one (1) acre in area:

Accessory buildings and structures not exceeding twenty feet (20') in height and with a total aggregate area of no more than nine hundred square feet (900 sq. ft.) may be erected in side or rear yards, however, in no case shall any accessory building or structure be larger than the footprint of the dwelling or taller than the dwelling. The setback requirements in § 25-78 shall be observed.

2. Lots one (1) acre or more in area:

Accessory buildings and structures without size or height limit may be erected. The yard and setback requirements in § 25-78 shall be observed. (Ord. 09/28/11)

3. Temporary family health care structure provided that:

a. Any person proposing to install a temporary family health care structure shall first obtain a permit from the Department of Community Development. After the permit is issued, the applicant must provide evidence of compliance with this section on an annual basis as long as the temporary family health care structure remains on the property. Such evidence may involve the inspection by the locality of the temporary family health care structure at reasonable times convenient to the caregiver, not limited to any annual compliance confirmation.

b. Any temporary family health care structure installed pursuant to this section shall connect to any water, sewer, and electric utilities that serves the primary residence on the property and shall comply with all applicable requirements of the Virginia Department of Health.

c. No signage advertising or otherwise promoting the existence of the structure shall be permitted either on the exterior of the temporary family health care structure or elsewhere on the property.

d. Any temporary family health care structure installed pursuant to this section shall be removed within 60 days of the date on which the temporary family health care structure was last occupied by a mentally or physically impaired person receiving services or in need of the assistance provided for in this section.

C. Accessory buildings or other accessory structures which do not meet the criteria listed in § 25.72.1A. and B. above may be permitted by Special Use Permit provided:

1. The accessory building or structure would not be out of character with the neighborhood or disproportionately large in relation to the size, location and character of other buildings and uses on the lot on which it is to be located and on adjoining and surrounding properties. For purposes of this section, “disproportionately large” shall mean so large as to: (i) be larger than a principal building to which it is accessory; or (ii) appear out of character with surrounding properties.

2. Accessory buildings and structures shall meet the applicable side and rear yard requirements of § 25-78. (Ord. 09/28/11; Ord. 8/27/14; Ord. 11/25/14)

D. Agritourism activity may be permitted provided the agritourism use meets the requirements listed below. If the use does not meet these standards, the agritourism use may be permitted upon the issuance of a Special Use Permit by the board of zoning appeals:

1. The activity is accessory to an on-site bona fide agricultural operation, and

2. The activity does not create a substantial impact to the health, safety, or general welfare of the public. Factors to be considered when determining a substantial impact are, but not limited to, sight distance, increased traffic on public or private roads that are shared by others, adequate sewerage disposal and drinking water, artificial light and sounds emanating from the property in a manner not typical in an agricultural or rural area, and parking facilities to be utilized by the new land use.

E. Limited Special Events including but not limited to weddings, reunions, social events, and auctions may be permitted provided the use meets the requirements listed below. If the use does not meet these standards, the use may be permitted upon the issuance of a Special Use Permit by the board of zoning appeals:

1. Such events are held by the owner or operator of the farm, and

2. Such events shall be limited to two (2) events in any one calendar year, and

3. The duration of each event shall not exceed two (2) consecutive days, and

4. Events may be held between the hours of 7 a.m. and 12 midnight, and

5. All event parking is required to be on site and need not meet the requirements of Section 25-35, and

6. Site standards:

The minimum acreage required shall mean the land within the external boundary of contiguous tracts that are wholly or partly owned, or controlled, by the owner of the tracts:

<u>Acreage</u>	<u>Number of Attendees</u>	<u>Max Vehicles on site at any one time</u>
<u>2 but Less than 6</u>	<u>50</u>	<u>25</u>
<u>6- less than 10</u>	<u>150</u>	<u>75</u>
<u>10- less than 20</u>	<u>200</u>	<u>100</u>
<u>20 or greater</u>	<u>500</u>	<u>250</u>

F. Farm wineries y processing, farm beer breweries, farm distilleries, and storage facilities as an accessory use to the on-site production of the agricultural products used in the processing, brewing, or distillation of alcoholic beverages provided:

1. The farm winery, farm beer brewery, or farm distillery complies with all applicable regulations of the Virginia Department of Alcoholic and Beverage Control. The farm winery, beer brewery, or distillery may, but need not, include:

- i. Daily tours of the production facilities ~~a farm winery shall be permitted.~~
- ii. No more than one (1) location may be established on each farm for the on-premise sale of wine and wine and consumption of alcoholic beverages manufactured on site.
- iii. An accessory gift shop shall be permitted.

2. Special events, not meeting the requirements of E above, and on-site restaurants shall be permitted only upon the issuance of a Special Use Permit by the board of zoning appeals.

**COUNTY OF AUGUSTA
STAFF REPORT
Mini-warehouse Ordinance Amendments
October 13, 2015
Revised: October 14, 2015**

**AN ORDINANCE TO REPEAL
PARAGRAPH F OF SECTION 25-303, MINI-WAREHOUSES
AND TO ENACT
PARAGRAPH K TO SECTION 25-304, MINI-WAREHOUSES,
OF THE AUGUSTA COUNTY CODE**

WHEREAS, the Board of Supervisors has determined that regulation of the construction and operation of Mini-warehouses in General Business Zoning Districts should be made by special use permit, only;

NOW THEREFORE, be it resolved that Paragraph F of Section 25-303 of the Augusta County Code that allowed for approval of Mini-warehouse by administrative permits is hereby repealed.

BE IT FURTHER resolved that a new paragraph, Paragraph K to Section 25-304 which provides that Mini-Warehouses will be permitted in General Business Zones by Special Use Permits is hereby adopted to read as follows:

§ 25-304. Uses permitted by Special Use Permit.

K. Mini-warehouses.

Mini-warehouses may be permitted by Special Use Permit provided:

1. The business and anticipated enlargements thereof will be appropriate for the business area in which it is to be located; and
2. All buildings, structures, aiseways or access drives will be set back at least one hundred feet (100') from all residentially zoned property or property designated for a residential use on the County's Comprehensive Plan Future Land Use Map unless the board of zoning appeals determines that greater setbacks are necessary to adequately protect neighboring properties; and
3. No building or structure shall be erected, altered, located, reconstructed, or enlarged nearer to the right-of-way line of an arterial street than two hundred feet (200'); unless the board of zoning appeals is satisfied that a lesser setback will adequately protect neighboring properties.
4. All storage shall be within completely enclosed buildings, including the keeping, parking, or storing of any type of motor vehicle or equipment outdoors, except

for loading and unloading, unless an area for outdoor storage has been identified on the site plan and specifically approved by the board of zoning appeals; and

5. On-site traffic flow will adequately and safely accommodate all traffic to and from the public highways. Any entrance gates must be set back at least forty feet (40') from the right-of-way line and aiseways for vehicular traffic shall be no less than eighteen feet (18') wide for one-way traffic and twenty-four feet (24') wide for two-way traffic; and

7. No building or structure shall exceed twenty feet (20') in height unless the board of zoning appeals is satisfied that a taller height will not be out of character with the area and will not adversely impact neighboring properties.

8. No doors facing a residential zoned district may exceed eight feet (8') in height.

In no case shall activities such as sales, repairs, or servicing of goods, equipment, or vehicles from units be permitted. In addition, no storage of hazardous, toxic, or explosive materials shall occur in the mini-warehouse facility. Signs shall be posted within the facility describing such limitations.

COMMUNITY DEVELOPMENT STAFF RECOMMENDATIONS: Concerns were raised regarding the permitting of mini-warehouses in the County and specifically about the appropriateness of the use adjacent to residential developments. After much discussion, the Board authorized for public hearing a change in the Code to eliminate the option of obtaining an Administrative Permit for mini-warehouses and permit them only by Special Use Permit. This ordinance establishes the criteria for the issuance of a SUP for mini-warehouses. Recommend Approval.

PLANNING COMMISSION RECOMMENDATION: Recommend approval with the addition of language in #2 to allow the Board of Zoning Appeals the flexibility to require a different setback rather than the 100' currently stipulated if the board of zoning appeals determines that a greater or lesser setback will protect the neighboring properties.

**AN ORDINANCE TO REPEAL
PARAGRAPH F OF SECTION 25-303, MINI-WAREHOUSES
AND TO ENACT
PARAGRAPH K TO SECTION 25-304, MINI-WAREHOUSES,
OF THE AUGUSTA COUNTY CODE**

WHEREAS, the Board of Supervisors has determined that regulation of the construction and operation of Mini-warehouses in General Business Zoning Districts should be made by special use permit, only;

NOW THEREFORE, be it resolved that Paragraph F of Section 25-303 of the Augusta County Code that allowed for approval of Mini-warehouse by administrative permits is hereby repealed.

BE IT FURTHER resolved that a new paragraph, Paragraph K to Section 25-304 which provides that Mini-Warehouses will be permitted in General Business Zones by Special Use Permits is hereby adopted to read as follows:

§ 25-304. Uses permitted by Special Use Permit.

K. Mini-warehouses.

Mini-warehouses may be permitted by Special Use Permit provided:

1. The business and anticipated enlargements thereof will be appropriate for the business area in which it is to be located; and
2. All buildings, structures, aisleways or access drives will be set back at least one hundred feet (100') from all residentially zoned property or property designated for a residential use on the County's Comprehensive Plan Future Land Use Map unless the board of zoning appeals determines that different setbacks are necessary to adequately protect neighboring properties; and
3. No building or structure shall be erected, altered, located, reconstructed, or enlarged nearer to the right-of-way line of an arterial street than two hundred feet (200'); unless the board of zoning appeals is satisfied that a lesser setback will adequately protect neighboring properties.
4. All storage shall be within completely enclosed buildings, including the keeping, parking, or storing of any type of motor vehicle or equipment outdoors, except for loading and unloading, unless an area for outdoor storage has been identified on the site plan and specifically approved by the board of zoning appeals; and
5. On-site traffic flow will adequately and safely accommodate all traffic to and from the public highways. Any entrance gates must be set back at least forty feet (40') from the right-of-way line and aisleways for vehicular traffic shall be no less than eighteen feet (18') wide for one-way traffic and twenty-four feet (24') wide for two-way traffic; and
7. No building or structure shall exceed twenty feet (20') in height unless the board of zoning appeals is satisfied that a taller height will not be out of character with the area and will not adversely impact neighboring properties.
8. No doors facing a residential zoned district may exceed eight feet (8') in height.

In no case shall activities such as sales, repairs, or servicing of goods, equipment, or vehicles from units be permitted. In addition, no storage of hazardous, toxic, or explosive materials shall occur in the mini-warehouse facility. Signs shall be posted within the facility describing such limitations.

DRAFT

**COUNTY OF AUGUSTA
STAFF REPORT
Subdivision Ordinance Amendments regarding bonding
October 13, 2015
Revised: October 14, 2015**

**AN ORDINANCE TO AMEND SECTION 21-36
OF THE AUGUSTA COUNTY CODE
TO REDUCE THE ADMINISTRATIVE FEE
CHARGED FOR BONDING REQUIREMENTS
FOR SUBDIVISION IMPROVEMENTS**

WHEREAS, the permitted fee for administrative costs for administering bonds required to guarantee certain subdivision improvements has been reduced in the State Code; and

WHEREAS, there is a need to the Augusta County Code with the provisions of the State Code;

NOW THEREFORE, be it resolved that Section 21-36 of the Augusta County Code is amended to read as follows:

§ 21-36. Bonds required for final approval of final plat.

The final approval of a final plat shall be conditioned on compliance by the subdivider with the following requirements:

A. Within six (6) months of the date of action under § 21-35 above by the subdivision agent or the board of supervisors, the subdivider shall submit for approval by the subdivision agent an itemized cost estimate of the work to be done to construct, install or furnish public facilities and improvements, including installation of required concrete subdivision monuments and subdivision street monuments. The estimate shall contain unit costs, quantities of each work element and total cost. In addition, the subdivider shall do at least one of the following:

1. Certify to the subdivision agent that the construction of all such facilities and improvements has been completed, that such facilities and improvements have been accepted for maintenance by the appropriate public agencies and that the construction costs have been paid to the persons constructing such facilities and improvements; or

2. Furnish to the subdivision agent a certified check or cash escrow in the amount of the estimated costs of construction plus, ~~until July 1, 2014, ten percent (10%), and thereafter, twenty-five percent (25%)~~ of said estimated costs as a reasonable allowance for administrative costs, inflation and potential damage to existing roads or utilities as well as maintenance of such facilities and improvements until maintenance is assumed by the appropriate public agencies; or

3. Furnish to the subdivision agent a corporate or property bond, with surety satisfactory to the subdivision agent, in an amount sufficient for and conditioned upon the construction of such facilities and improvements plus, ~~until July 1, 2014,~~ ten percent (10%), ~~and thereafter, twenty-five percent (25%)~~ of said estimated costs as a reasonable allowance for administrative costs, inflation and potential damage to existing roads or utilities as well as maintenance of such facilities and improvements until maintenance is assumed by the appropriate public agencies; or

4. Furnish to the subdivision agent a contract for the construction of such facilities and improvements and the contractor's bond, with surety satisfactory to the subdivision agent, in an amount sufficient for and conditioned upon the construction of such facilities and improvements plus, ~~until July 1, 2014,~~ ten percent (10%), ~~and thereafter, twenty-five percent (25%)~~ of said estimated costs as a reasonable allowance for administrative costs, inflation and potential damage to existing roads or utilities as well as maintenance of such facilities and improvements until maintenance is assumed by the appropriate public agencies; or

5. Furnish to the subdivision agent a bank or savings institution's letter of credit on certain designated funds satisfactory to the subdivision agent as to the bank or savings institution and as to form and in an amount sufficient for the construction of such facilities and improvements plus, ~~until July 1, 2014,~~ ten percent (10%), ~~and thereafter, twenty-five (25%)~~ of said estimated costs as a reasonable allowance for administrative costs, inflation and potential damage to existing roads or utilities as well as maintenance of such facilities and improvements until maintenance is assumed by the appropriate public agencies. Any such letter of credit must be able to be drawn in absentia, or at a branch office located within Augusta County, including the cities of Staunton and Waynesboro, or a within a contiguous locality, including any independent cities or towns therein.

"Such facilities and improvements" as used in this section means those facilities and improvements specifically provided for in this section.

B. In the event the subdivider submits to the subdivision agent a bond, letter of credit, cash escrow or other performance guarantee, in compliance with this section, the subdivider shall enter into an agreement with the county to complete the construction of all facilities and improvements required within a period of time determined by the subdivision agent. The form of the agreement shall be acceptable to the subdivision agent and be approved by the county attorney.

C. Any bond, letter of credit, cash escrow or other performance guarantee submitted in compliance with this section must be valid for the period of time established in the agreement between the subdivider and the county and must guarantee the installation and satisfactory completion of the facilities and improvements no later than the expiration of such period.

State law reference—Virginia Code § 15.2-2241.

COMMUNITY DEVELOPMENT STAFF COMMENTS: General Assembly has now made the 10% administrative/inflation factor associated with bonds a permanent cap. Previously, it was capped at 25%, which was reflected in our Ordinance, but was “temporarily” reduced to 10% due to the housing crisis. These changes are to bring the County Subdivision Ordinance into compliance with the State Code. Recommend Approval.

PLANNING COMMISSION RECOMMENDATION: Recommend approval.

**AN ORDINANCE TO AMEND SECTION 21-36
OF THE AUGUSTA COUNTY CODE
TO REDUCE THE ADMINISTRATIVE FEE
CHARGED FOR BONDING REQUIREMENTS
FOR SUBDIVISION IMPROVEMENTS**

WHEREAS, the permitted fee for administrative costs for administering bonds required to guarantee certain subdivision improvements has been reduced in the State Code; and

WHEREAS, there is a need to the Augusta County Code with the provisions of the State Code;

NOW THEREFORE, be it resolved that Section 21-36 of the Augusta County Code is amended to read as follows:

§ 21-36. Bonds required for final approval of final plat.

The final approval of a final plat shall be conditioned on compliance by the subdivider with the following requirements:

A. Within six (6) months of the date of action under § 21-35 above by the subdivision agent or the board of supervisors, the subdivider shall submit for approval by the subdivision agent an itemized cost estimate of the work to be done to construct, install or furnish public facilities and improvements, including installation of required concrete subdivision monuments and subdivision street monuments. The estimate shall contain unit costs, quantities of each work element and total cost. In addition, the subdivider shall do at least one of the following:

1. Certify to the subdivision agent that the construction of all such facilities and improvements has been completed, that such facilities and improvements have been accepted for maintenance by the appropriate public agencies and that the construction costs have been paid to the persons constructing such facilities and improvements; or
2. Furnish to the subdivision agent a certified check or cash escrow in the amount of the estimated costs of construction plus, ~~until July 1, 2014, ten percent (10%), and thereafter, twenty-five percent (25%)~~ of said estimated costs as a reasonable allowance for administrative costs, inflation and potential damage to existing roads or utilities as well as maintenance of such facilities and improvements until maintenance is assumed by the appropriate public agencies; or
3. Furnish to the subdivision agent a corporate or property bond, with surety satisfactory to the subdivision agent, in an amount sufficient for and conditioned upon the construction of such facilities and improvements plus, ~~until July 1, 2014, ten percent (10%), and thereafter, twenty-five percent (25%)~~ of said estimated costs as a reasonable allowance for administrative costs, inflation and potential damage to existing roads or utilities as well as maintenance of such facilities and improvements until maintenance is assumed by the appropriate public agencies; or

4. Furnish to the subdivision agent a contract for the construction of such facilities and improvements and the contractor's bond, with surety satisfactory to the subdivision agent, in an amount sufficient for and conditioned upon the construction of such facilities and improvements plus, ~~until July 1, 2014, ten percent (10%), and thereafter, twenty-five percent (25%)~~ of said estimated costs as a reasonable allowance for administrative costs, inflation and potential damage to existing roads or utilities as well as maintenance of such facilities and improvements until maintenance is assumed by the appropriate public agencies; or

5. Furnish to the subdivision agent a bank or savings institution's letter of credit on certain designated funds satisfactory to the subdivision agent as to the bank or savings institution and as to form and in an amount sufficient for the construction of such facilities and improvements plus, ~~until July 1, 2014, ten percent (10%), and thereafter, twenty-five (25%)~~ of said estimated costs as a reasonable allowance for administrative costs, inflation and potential damage to existing roads or utilities as well as maintenance of such facilities and improvements until maintenance is assumed by the appropriate public agencies. Any such letter of credit must be able to be drawn in absentia, or at a branch office located within Augusta County, including the cities of Staunton and Waynesboro, or a within a contiguous locality, including any independent cities or towns therein.

"Such facilities and improvements" as used in this section means those facilities and improvements specifically provided for in this section.

B. In the event the subdivider submits to the subdivision agent a bond, letter of credit, cash escrow or other performance guarantee, in compliance with this section, the subdivider shall enter into an agreement with the county to complete the construction of all facilities and improvements required within a period of time determined by the subdivision agent. The form of the agreement shall be acceptable to the subdivision agent and be approved by the county attorney.

C. Any bond, letter of credit, cash escrow or other performance guarantee submitted in compliance with this section must be valid for the period of time established in the agreement between the subdivider and the county and must guarantee the installation and satisfactory completion of the facilities and improvements no later than the expiration of such period.

State law reference—Virginia Code § 15.2-2241.

**COUNTY OF AUGUSTA
STAFF REPORT
Subdivision Ordinance Amendments regarding Grass and Plant Growth
October 13, 2015
Revised: October 14, 2015**

**AN ORDINANCE TO AMEND PARAGRAPH C
OF SECTION 21-53 OF THE
AUGUSTA COUNTY CODE**

WHEREAS, The Board of Supervisors of Augusta County deemed it desirable to reconcile the plant growth height limitation requirements of Section 21-53 of the County Code with Section 15-22;

NOW THEREFORE, be it resolved that Paragraph C of Section 22-53 of the Augusta County Code is amended to read as follows:

§ 21-53. Contents of the final plat.

C. Every final plat which establishes drainage easements shall contain a statement as follows:

By restrictive covenant an obligation shall be imposed on the owners of lots [here insert a correct description of the lots] which shall be a covenant running with the land, to keep debris removed from the drainage easements and to keep plant growth within the drainage easements mowed so that it never exceeds ~~fifteen (15) inches in height~~the height limitation imposed in §15-22 of the Augusta County Code, or is maintained in accordance with the approved maintenance plan in the case of a required Best Management Practice installed pursuant to the requirements of Chapter 9 of this code. Said obligation by its terms shall inure to the benefit of the County of Augusta and shall permit the County, in the event of failure of the owner of said property to comply, to enter said property and remove the debris and mow the plant growth. In such event, the cost or expenses thereof plus a \$100 administrative fee shall be chargeable to and paid by the owner of said property and may be collected by the County as taxes and levies are collected.

COMMUNITY DEVELOPMENT STAFF COMMENTS: Currently, a note on the plat must read that drainage easements must be kept mowed and not allowed to grow more than 15". However, the nuisance ordinance was changed several years ago to reduce the height in residential districts to 10". The proposed changes would modify the language of the note and cap the height at whatever is required by the nuisance ordinance, but also allows for a different height if plantings are done for stormwater management facilities, for instance, a bioretention facility, which would require something different. Recommend Approval.

PLANNING COMMISSION RECOMMENDATION: Recommend approval.

**AN ORDINANCE TO AMEND PARAGRAPH C
OF SECTION 21-53 OF THE
AUGUSTA COUNTY CODE**

WHEREAS, The Board of Supervisors of Augusta County deemed it desirable to reconcile the plant growth height limitation requirements of Section 21-53 of the County Code with Section 15-22;

NOW THEREFORE, be it resolved that Paragraph C of Section 21-53 of the Augusta County Code is amended to read as follows:

§ 21-53. Contents of the final plat.

C. Every final plat which establishes drainage easements shall contain a statement as follows:

By restrictive covenant an obligation shall be imposed on the owners of lots [here insert a correct description of the lots] which shall be a covenant running with the land, to keep debris removed from the drainage easements and to keep plant growth within the drainage easements mowed so that it never exceeds ~~fifteen (15) inches in height~~ the height limitation imposed in §15-22 of the Augusta County Code, or is maintained in accordance with the approved maintenance plan in the case of a required Best Management Practice installed pursuant to the requirements of Chapter 9 of this code. Said obligation by its terms shall inure to the benefit of the County of Augusta and shall permit the County, in the event of failure of the owner of said property to comply, to enter said property and remove the debris and mow the plant growth. In such event, the cost or expenses thereof plus a \$100 administrative fee shall be chargeable to and paid by the owner of said property and may be collected by the County as taxes and levies are collected.

**COUNTY OF AUGUSTA
STAFF REPORT
Nuisance Ordinance Amendments Regarding Enforcement
October 28, 2015**

AN ORDINANCE TO AMEND SECTION 9-11

WHEREAS, changes in the Commonwealth's regulations concerning stormwater runoff have been amended to include quality standards in addition to quantity limitations; and

WHEREAS, it was determined that the new quality standards should be applied for cumulative development that commenced after June 30, 2014;

NOW THEREFORE be it resolved that Section 9-11 of the Augusta County Code is amended to read as follows:

§ 9-11. Technical Criteria for Regulated Land Disturbing Activities

A. To protect the quality and quantity of state water from the potential harm of unmanaged stormwater runoff resulting from land-disturbing activities, the County hereby adopts the technical criteria for regulated land-disturbing activities set forth in Part II B of the Regulations, as amended, expressly to include 9VAC25-870-62 [technical criteria]; 9VAC25-870-63 [water quality design criteria requirements]; 9VAC25-870-65 [water quality compliance]; 9VAC25-870-66 [water quantity]; 9VAC25-870-69 [offsite compliance options]; 9VAC25-870-72 [design storms and hydrologic methods]; 9VAC25-870-74 [stormwater harvesting]; 9VAC25-870-76 [linear development project]; and, 9VAC25-870-85 [stormwater management impoundment structures or facilities]; 9VAC25-870-92 [comprehensive plans]; 9VAC25-870-93 [grandfathered projects]; 9VAC25-870-94 [applicability]; 9VAC25-870-95 [general]; 9VAC25-870-96 [water quality]; 9VAC25-870-97 [stream channel erosion]; 9VAC25-870-98 [flooding]; and 9VAC25-870-99 [regional plans], which shall apply to all land-disturbing activities regulated pursuant to this Ordinance, except as expressly set forth in Subsection (B) of this Section.

Notwithstanding the above references to specific sections of 9VAC25-870-60, the technical criteria are modified to include the following:

1. Stormwater runoff shall be calculated by the following methods unless an alternative method for a specific project has been approved by the Administrator:

a. Using the U.S. Department of Agriculture's Natural Resources Conservation Service (NRCS) synthetic 24-hour rainfall distribution and models, including, but not limited to TR-55 and TR-20; hydrologic and hydraulic methods developed by the U.S. Army Corps of Engineers; or other standard hydrologic and hydraulic methods.

b. The Rational Method may be used for evaluating peak discharges or the Modified Rational Method for evaluating volumetric flows to stormwater conveyances with drainage areas of 200 acres or less.

2. Pre-development and post-development runoff rates shall be verified by calculations that are consistent with good engineering practices and performed with methods approved and illustrated in the Virginia Stormwater Management Handbook. Calculations and designs must be prepared by a licensed professional engineer, a land surveyor – B, or certified landscape architect.

3. Retention or detention facilities shall be designed according to the standards and specifications in the Virginia Stormwater Management Handbook as amended. Stricter regulations may be enforced in areas where the board of supervisors have established a general drainage improvement program. Development within these areas must also be in compliance with §9-13 (A).

4. Except for by right agricultural development, in cases of additions or incremental development, the pre-developed condition with respect to ~~impervious or semi-impervious areas~~ water quantity calculations submitted to demonstrate compliance with 9VAC25-870-66 C (Flood Protection) and D (sheet flow) shall be the condition that existed on January 1, 1990—, and the pre-developed condition with respect to water quality calculations submitted to demonstrate compliance with 9VAC25-870-63 shall be the ground condition that existed on June 30, 2014. Stormwater detention or retention facilities may be required for proposed development where the sum of the currently proposed land disturbance and the existing impervious and semi-impervious surface is 10,000 square feet or greater and where there is a net increase in runoff between pre-developed and post-developed conditions. Existing stormwater management facilities must be verified adequate through calculations regardless of the type of development or the size of the addition or incremental development.

5. Natural channel characteristics shall be preserved to the maximum extent practicable.

6. For manmade or restored conveyance systems, bottom slopes shall, where reasonably possible, be no less than 1%. Side slopes shall be no steeper than 3:1. If side slopes of 3:1 cannot be achieved, the easement shall be piped.

7. All well-defined manmade or restored conveyance systems across lots one-half (1/2) acre or less in area shall be installed within drainage easements on lot lines. For the purposes of this section a well-defined channel is a channel with side slopes steeper than 3:1 and deeper than 2 feet or otherwise would be difficult to maintain with normal lawn equipment.

8. Construction of stormwater management facilities within a Federal Emergency Management Agency (FEMA) designated 100-year floodplain shall be avoided to the extent possible. When this is unavoidable, all stormwater management facility construction shall be in compliance with all applicable regulations under the National Flood Insurance Program, 44 CFR Part 59, and Chapter 25, Division H, Article XLVII, Floodplain Overlay

Districts and the Augusta County Code. These stormwater management facilities shall be designed and located, to the extent practical, to provide an unrestricted release up to at least the 25-year flood elevation of the receiving state water.

9. Any stormwater management facilities that are designed to have a permanent pool of water constructed in or adjacent to residential and commercial zoning areas shall be constructed with an aquatic bench or have a minimum of a six-foot fence installed around the perimeter of the facility.

10. Stormwater management facilities designed to detain or retain water on a temporary or permanent basis shall not be built on multiple lots, but located on one lot under single ownership. An access easement of sufficient width given site specific conditions, must be provided.

A construction record drawing for permanent stormwater management facilities shall be submitted to the Administrator. The construction record drawing shall be appropriately sealed and signed by a professional registered in the Commonwealth of Virginia, certifying that the stormwater management facilities have been constructed in accordance with the approved plan.

COMMUNITY DEVELOPMENT STAFF COMMENTS: This ordinance amendment establishes the technical criteria for regulated land-disturbing activities applying the water quality runoff standards in incremental developments to land disturbing activity that occurred or occurs after June 30, 2014. This provision applies to water quality and mirrors the county's ordinance with respect to water quantity. The ordinance enacts current policy on incremental development and protects receiving streams and the county from development that occurs spread out over a period of years, that when taken in its entirety, impacts stormwater quality. Staff recommends approval.

AN ORDINANCE TO AMEND SECTION 9-11 OF THE AUGUSTA COUNTY CODE

WHEREAS, changes in the Commonwealth's regulations concerning stormwater runoff have been amended to include quality standards in addition to quantity limitations; and

WHEREAS, it was not clear from current ordinance when the start date for regulating the new quality standards for development projects within the County; and

WHEREAS, it was determined that the new quality standards should be applied for cumulative development that commenced after June 30, 2014;

NOW THEREFORE be it resolved that Section 9-11 of the Augusta County Code is amended to read as follows:

§ 9-11. Technical Criteria for Regulated Land Disturbing Activities

A. To protect the quality and quantity of state water from the potential harm of unmanaged stormwater runoff resulting from land-disturbing activities, the County hereby adopts the technical criteria for regulated land-disturbing activities set forth in Part II B of the Regulations, as amended, expressly to include 9VAC25-870-62 [technical criteria]; 9VAC25-870-63 [water quality design criteria requirements]; 9VAC25-870-65 [water quality compliance]; 9VAC25-870-66 [water quantity]; 9VAC25-870-69 [offsite compliance options]; 9VAC25-870-72 [design storms and hydrologic methods]; 9VAC25-870-74 [stormwater harvesting]; 9VAC25-870-76 [linear development project]; and, 9VAC25-870-85 [stormwater management impoundment structures or facilities]; 9VAC25-870-92 [comprehensive plans]; 9VAC25-870-93 [grandfathered projects]; 9VAC25-870-94 [applicability]; 9VAC25-870-95 [general]; 9VAC25-870-96 [water quality]; 9VAC25-870-97 [stream channel erosion]; 9VAC25-870-98 [flooding]; and 9VAC25-870-99 [regional plans], which shall apply to all land-disturbing activities regulated pursuant to this Ordinance, except as expressly set forth in Subsection (B) of this Section.

Notwithstanding the above references to specific sections of 9VAC25-870-60, the technical criteria are modified to include the following:

1. Stormwater runoff shall be calculated by the following methods unless an alternative method for a specific project has been approved by the Administrator:
 - a. Using the U.S. Department of Agriculture's Natural Resources Conservation Service (NRCS) synthetic 24-hour rainfall distribution and models, including, but not limited to TR-55 and TR-20; hydrologic and hydraulic methods developed by the U.S. Army Corps of Engineers; or other standard hydrologic and hydraulic methods.
 - b. The Rational Method may be used for evaluating peak discharges or the Modified Rational Method for evaluating volumetric flows to stormwater conveyances with drainage areas of 200 acres or less.

2. Pre-development and post-development runoff rates shall be verified by calculations that are consistent with good engineering practices and performed with methods approved and illustrated in the Virginia Stormwater Management Handbook. Calculations and designs must be prepared by a licensed professional engineer, a land surveyor – B, or certified landscape architect.

3. Retention or detention facilities shall be designed according to the standards and specifications in the Virginia Stormwater Management Handbook as amended. Stricter regulations may be enforced in areas where the board of supervisors have established a general drainage improvement program. Development within these areas must also be in compliance with §9-13 (A).

4. Except for by right agricultural development, in cases of additions or incremental development, the pre-developed condition with respect to ~~impervious or semi-impervious areas~~ water quantity calculations submitted to demonstrate compliance with 9VAC25-870-66 C (Flood Protection) and D (sheet flow) shall be the condition that existed on January 1, 1990- , and the pre-developed condition with respect to water quality calculations submitted to demonstrate compliance with 9VAC25-870-63 shall be the ground condition that existed on June 30, 2014. Stormwater detention or retention facilities may be required for proposed development where the sum of the currently proposed land disturbance and the existing impervious and semi-impervious surface is 10,000 square feet or greater and where there is a net increase in runoff between pre-developed and post-developed conditions. Existing stormwater management facilities must be verified adequate through calculations regardless of the type of development or the size of the addition or incremental development.

5. Natural channel characteristics shall be preserved to the maximum extent practicable.

6. For manmade or restored conveyance systems, bottom slopes shall, where reasonably possible, be no less than 1%. Side slopes shall be no steeper than 3:1. If side slopes of 3:1 cannot be achieved, the easement shall be piped.

7. All well-defined manmade or restored conveyance systems across lots one-half (1/2) acre or less in area shall be installed within drainage easements on lot lines. For the purposes of this section a well-defined channel is a channel with side slopes steeper than 3:1 and deeper than 2 feet or otherwise would be difficult to maintain with normal lawn equipment.

8. Construction of stormwater management facilities within a Federal Emergency Management Agency (FEMA) designated 100-year floodplain shall be avoided to the extent possible. When this is unavoidable, all stormwater management facility construction shall be in compliance with all applicable regulations under the National Flood Insurance Program, 44 CFR Part 59, and Chapter 25, Division H, Article XLVII, Floodplain Overlay Districts and the Augusta County Code. These stormwater management facilities shall be designed and located, to the extent practical, to provide an unrestricted release up to at least the 25-year flood elevation of the receiving state water.

9. Any stormwater management facilities that are designed to have a permanent pool of water constructed in or adjacent to residential and commercial zoning areas shall be constructed with an aquatic bench or have a minimum of a six-foot fence installed around the perimeter of the facility.

10. Stormwater management facilities designed to detain or retain water on a temporary or permanent basis shall not be built on multiple lots, but located on one lot under single ownership. An access easement of sufficient width given site specific conditions, must be provided.

A construction record drawing for permanent stormwater management facilities shall be submitted to the Administrator. The construction record drawing shall be appropriately sealed and signed by a professional registered in the Commonwealth of Virginia, certifying that the stormwater management facilities have been constructed in accordance with the approved plan.

**COUNTY OF AUGUSTA
STAFF REPORT
Environmental Ordinance Amendments
October 28, 2015**

AN ORDINANCE TO AMEND CHAPTER 9, Table 1

WHEREAS, the Board of Supervisors has deemed it desirable to adjust the fee schedule of Chapter 9, Table 1 to conform to standards of agencies of the Commonwealth;

NOW THEREFORE, be it resolved that Table 1 of Chapter 9 is amended to read as follows:

Table 1: Fees for coverage for new site and sites purchased for development within a previously permitted common plan of development or sale

Type of Permit	Total Fee Amount	State Share (28%)	County Share (72%)
Agreement in lieu of a plan of a SWPPP and/or Erosion and Sediment Control Plan in the construction of a single family dwelling	\$250	N/A	\$250
VSMP General / Stormwater Management - Small Construction Activity/Land Clearing (Areas within common plans of development or sale with land disturbance acreage less than 1 acre.)	\$600	\$81.20	\$518.809.00
VSMP General / Stormwater Management - Small Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 1 acre and less than 5 Acres)	\$2,700	\$756	\$1,944
VSMP General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 5 acres and less than 10 acres)	\$3,400	\$952	\$2,448
VSMP General / Stormwater Management – Large Construction Activity/Land Clearing [Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 10 acres and less than 50 acres]	\$4,500	\$1,260	\$3,240
VSMP General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 50 acres and less than 100 acres)	\$6,100	\$1,708	\$4,392

VSMP General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 100 acres)	\$9,600	\$2,688	\$6,912
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COMMUNITY DEVELOPMENT STAFF COMMENTS: This ordinance amends Table 1 in Chapter 9 (Environment) of the County Code by amending the name of the table to make it consistent with the State Code and adjusting the provision establishing the State and County shares of fees established for erosion control and storm water management permits to rounded dollar amounts. Staff recommends approval to align the county code with the Code of Virginia.

**AN ORDINANCE TO AMEND CHAPTER 9, Table 1
OF THE AUGUSTA COUNTY CODE**

WHEREAS, the Board of Supervisors has deemed it desirable to adjust the fee schedule of Chapter 9, Table 1 to conform to standards of agencies of the Commonwealth;

NOW THEREFORE, be it resolved that Table 1 of Chapter 9 is amended to read as follows:

Table 1: Fees for coverage for new sites and sites purchased for development within a previously permitted common plan of development or sale

Type of Permit	Total Fee Amount	State Share (28%)	County Share (72%)
Agreement in lieu of a plan of a SWPPP and/or Erosion and Sediment Control Plan in the construction of a single family dwelling	\$250	N/A	\$250
VSMP General / Stormwater Management - Small Construction Activity/Land Clearing (Areas within common plans of development or sale with land disturbance acreage less than 1 acre.)	\$600	\$81.2000	\$518.809.00
VSMP General / Stormwater Management - Small Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 1 acre and less than 5 Acres)	\$2,700	\$756	\$1,944
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VSMP General / Stormwater Management – Large Construction Activity/Land Clearing [Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 10 acres and less than 50 acres]	\$4,500	\$1,260	\$3,240
VSMP General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 50 acres and less than 100 acres)	\$6,100	\$1,708	\$4,392
VSMP General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 100 acres)	\$9,600	\$2,688	\$6,912

COUNTY OF AUGUSTA
STAFF REPORT
Nuisance Ordinance Amendments Regarding Enforcement
October 28, 2015

AN ORDINANCE TO AMEND SECTION 15-22.1

WHEREAS, the Board of Supervisors has deemed it desirable to allow the Department of Community Development to seek prosecution of a Warrant in Debt to collect fees for cutting grass, weeds, or other vegetation to enforce ordained limits, allowing a greater flexibility in enforcing the requirements of Section 15-22 of the County Code;

NOW THEREFORE be it resolved by the Board of Supervisors of Augusta County that Section 15-22.1 of the Augusta County Code is amended to read as follows:

§ 15-22.1 Enforcement.

It is the purpose of this section to establish requirements for the enforcement by county staff of the provisions of this article concerning grass, weeds, or other vegetation.

A. Notification. The county will notify property owners in writing regarding violations of the provisions of this section. The notification process will consist of two “notice of violation” letters as follows:

1. The first notice of violation will be sent by certified mail giving the property owner ten (10) days to mow the property and notify the county so that an inspection may be made.

2. The second notice of violation will be a “final notice” giving the property owner ten (10) days to mow the property and notify the county so that an inspection may be made.

3. Where the owner of a property has received a notice of violation or a series of notices of violation for a property in the current or immediately preceding calendar year, with respect to subsequent violations concerning the same property, the provision of “reasonable notice” shall require only a final notice of violation sent to the owner of the property. This “final notice” will require compliance within fifteen (15) days of the final notice or staff will proceed with abatement of the violation.

B. Abatement of violation.

1. The county may, after reasonable notice, have such grass, weeds or other vegetation cut by its agents or employees. In such event the actual cost incurred by the county for mowing said property plus an administrative fee of \$100.00 shall be chargeable to and paid by the owners of such property and may be collected by the county as taxes and levies are collected or a warrant in debt.

2. A violation of this section may be punishable by a civil penalty not to exceed \$100.00.

COMMUNITY DEVELOPMENT STAFF COMMENTS: This change will allow a warrant in debt to be used in order to recoup the County's expense if we have to have properties mowed or cleaned up. Recommend approval.

**AN ORDINANCE TO AMEND SECTION 15-22.1
OF THE AUGUSTA COUNTY CODE**

WHEREAS, the Board of Supervisors has deemed it desirable to allow the Department of Community Development to seek prosecution of a Warrant in Debt to collect fees for cutting grass, weeds, or other vegetation to enforce ordained limits, allowing a greater flexibility in enforcing the requirements of Section 15-22 of the County Code;

NOW THEREFORE be it resolved by the Board of Supervisors of Augusta County that Section 15-22.1 of the Augusta County Code is amended to read as follows:

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B. Abatement of violation.

1. The county may, after reasonable notice, have such grass, weeds or other vegetation cut by its agents or employees. In such event the actual cost incurred by the county for mowing said property plus an administrative fee of \$100.00 shall be chargeable to and paid by the owners of such property and may be collected by the county as taxes and levies are collected or a warrant in debt.

2. A violation of this section may be punishable by a civil penalty not to exceed \$100.00.

TO CONVENE CLOSED SESSION

October 26, 2015

(In) MOTION: _____ SECOND: _____ VOTE: _____

(Out) _____

(Certify) _____

I move that the Board of Supervisors of Augusta County convene in closed session pursuant to:

(1) the personnel exemption under Virginia Code § 2.2-3711(A) (1)
[discussion, consideration or interviews of (a) prospective candidates for employment, or (b) assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of specific employees]:

- A) Boards and Commissions (see attached)
- B) County Administrator Recruitment

(2) the real property exemption under Virginia Code § 2.2-3711(A) (3)
[discussion of the acquisition for a public purpose, or disposition, of real property]:

- A) Courthouse

(3) the economic development exemption under Virginia Code § 2.2-3711(A) (5)
[discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of its interest in locating or expanding its facilities in the county]:

- A) Economic Development Prospects

(4) the legal counsel exemption under Virginia Code § 2.2-3711(A) (7)
[consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel, as permitted under subsection (A) (7)]:

- A) Assessments

10/15

BOARDS & COMMISSIONS - APPOINTMENTS

<u>CURRENT MEMBER</u>	<u>BOARD/COMMISSION</u>	<u>ELIGIBLE/ INTERESTED</u>	<u>MAGISTERIAL DISTRICT</u>	<u>EXPIRATION DATE</u>	<u>TERM</u>
Godfrey, Elizabeth	Recycling	No	BM	09/24/15	4 years

H:bd&com

A G E N D A

REGULAR MEETING OF THE AUGUSTA COUNTY BOARD OF SUPERVISORS

WEDNESDAY, OCTOBER 28, 2015, at 7:00 p.m.

Board Meeting Room, Government Center, Verona, VA

ITEM NO.	DESCRIPTION
7:00 P.M. PLEDGE OF ALLEGIANCE	
	INVOCATION - Public participation is optional; those who wish to join the Board of Supervisors in prayer are asked to remain standing after the Pledge.
	PUBLIC HEARINGS:
10-11	<u>SOURCE WATER PROTECTION OVERLAY DISTRICT AREA 2 DESIGNATION</u> Consider a request to add the Source Water Protection Overlay District Area 2 designation to properties in the recharge area for the Churchville wells. This request contains approximately 1,093 acres located along Buffalo Gap Highway (Route 42), Dry Branch Road (Route 720), and Whiskey Creek Road (Route 725) (Pastures District). The Planning Commission recommends approval.
10-12	<u>SOURCE WATER PROTECTION OVERLAY DISTRICT AREA 2 DESIGNATION</u> Consider a request to add the Source Water Protection Overlay District Area 2 designation to properties in the recharge area for the Harriston wells. This request contains approximately 1,574 acres located south of Harriston Road (Route 778) to Trayfoot Road (Route 615) and from East Side Highway (Route 340) to Shenandoah National Park (Middle River District). The Planning Commission recommends approval.
10-13	<u>SOURCE WATER PROTECTION OVERLAY DISTRICT AREA 2 DESIGNATION</u> Consider a request to add the Source Water Protection Overlay District Area 2 designation to properties in the recharge area for the Vesper View wells. This request contains approximately 3,405 acres located between Thorofare Road (Route 628) and Turk Mountain Road (Route 672) and from East Side Highway (Route 340), to the Shenandoah National Park (Middle River District). The Planning Commission recommends approval.
10-14	<u>LEXEAL DEVELOPMENT, LLC, - AMENDMENT OF PROFFERS</u> Consider a request to amend the proffers on approximately 89 acres currently zoned Rural Residential owned by LeXeal Development, LLC, located on the south side of Ladd Road (Route 631) approximately 0.6 of a mile west of the intersection with Hickory Hill Road (Route 834) (South River District). The Planning Commission recommends approval of the amended proffers.

- 10-15 **CRESCENT DEVELOPMENT – GOOSE CREEK II AND III, LLC, AND DENSTOCK GOOSE CREEK, LLC - AMENDMENT OF PROFFERS**
Consider a request to amend the proffers on approximately 41 acres owned by Crescent Development – Goose Creek II and III, LLC, and Denstock Goose Creek, LLC, located in the northwest quadrant of the intersection of Lifecore Drive (Route 636) and Village Creek Drive (Route 1382) in Fishersville (Wayne District). The Planning Commission recommends approval of the amended proffers.
- 10-16 **CRESCENT DEVELOPMENT GROUP, LLC AND MELISSA JURICK – REZONING**
Consider a request to rezone 6.348 acres from Multi-Family Residential to General Business, .004 acre from Multi-Family Residential to Single Family Residential, 46.209 acres from Attached Residential to Single Family Residential, and 8.024 acres from Single Family Residential to Attached Residential owned by Crescent Development Group, LLC and Melissa Jurick, located in the southwest quadrant of the intersection of Jefferson Highway (Route 250) and Lifecore Drive (Route 636)/Woodrow Wilson Avenue (Route 358) in Fishersville (Wayne District). This request also restates the existing proffers on the entire 122 acres known as Myers Corner. The Planning Commission recommends approval of the request with the restated proffers.
- 10-17 **ORDINANCE AMENDMENT**
Consider a request to amend §§ 25-4, 73, 94.2, 123, 163, 223, 233, 303, 383, 439, 454 of the Augusta County Code regarding the keeping and use of commercial vehicles in residential districts and on agricultural lots less than one (1) acre. The Planning Commission recommends approval.
- 10-18 **ORDINANCE AMENDMENT**
Consider a request to amend §§ 25-71.1 and 72.1 of the Augusta County Code to allow agritourism activities as accessory uses to agricultural uses if meeting certain criteria and to add farm breweries and farm distilleries to the farm wineries category of accessory uses and regulate their activities consistent with the State Code. The Planning Commission recommends approval.
- 10-19 **ORDINANCE TO REPEAL**
Consider a request to repeal Paragraph F from § 25-303 of the Augusta County Code which allowed mini-warehouses in general business districts by administrative permit and add Paragraph K to § 25-304 allowing mini-warehouses only by special use permit. The Planning Commission recommends approval with the addition of language in #2 to allow the Board of Zoning Appeals the flexibility to require a different setback rather than the 100' currently stipulated if the Board of Zoning Appeals determines that a greater or lesser setback will protect the neighboring properties.

- 10-20 **ORDINANCE AMENDMENT**
Consider a request to amend § 21-36 of the Augusta County Code applicable to subdivision bonds by reducing from 25% to 10% the amount the County can require for administrative fees in excess of the estimated costs of constructing, installing or furnishing public facilities and improvements. The Planning Commission recommends approval.
- 10-21 **ORDINANCE AMENDMENT**
Consider a request to amend § 21-53 of the Augusta County Code regarding the height of plant growth in an easement area. The Planning Commission recommends approval.
- 10-22 **ORDINANCE AMENDMENT**
Consider a request to amend § 9-11 of the Augusta County Code regarding the technical criteria for regulated land disturbing activities. This ordinance amendment establishes the technical criteria for regulated land-disturbing activities applying the water quality runoff standards in incremental developments to land disturbing activity that occurred or occurs after June 30, 2014.
- 10-23 **ORDINANCE AMENDMENT**
Consider a request to amend Table 1 in Chapter 9 (Environment) of the County Code by amending the name of the table to make it consistent with the State Code and adjusting the provision establishing the State and County shares of fees established for erosion control and storm water management permits to rounded dollar amounts.
- 10-24 **ORDINANCE AMENDMENT**
Consider a request to amend § 15-22.1 of the County Code by allowing a warrant in debt to be used as a collection method in cases where the County incurs costs in the abatement of a violation of the grass, weeds or other vegetation provisions of the Code.

(END OF PUBLIC HEARINGS)

10-25 **MATTERS TO BE PRESENTED BY THE PUBLIC**

10-26 **WAIVERS/ VARIANCES**

10-27 **CONSENT AGENDA (SEE ATTACHED)**

10-27.1 **MINUTES**

Consider minutes of the following meeting:

- Regular Meeting, Wednesday, October 14, 2015

REGULAR MEETING

PAGE 4

October 28, 2015, AT 7:00 P.M.

10-28 **MATTERS TO BE PRESENTED BY THE BOARD**

10-29 **MATTERS TO BE PRESENTED BY STAFF**

10-30 **CLOSED SESSION**

NOTICE OF VARIOUS MEETINGS/GENERAL INFORMATION

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Regular Meeting, Wednesday, October 14, 2015, 7:00 p.m. Government Center, Verona, VA.

PRESENT: Michael L. Shull, Chairman
Carolyn S. Bragg, Vice-Chairman
Jeffrey A. Moore
Marshall W. Pattie (via electronically)
Tracy C. Pyles, Jr.
G. L. "Butch" Wells
Larry J. Wills
Patrick J. Morgan, County Attorney
Timmy Fitzgerald, Director of Community Development
Jennifer Whetzel, Director of Finance
Faith Duncan, Personnel Manager
Candy Hensley, Assistant to the County Administrator
Patrick J. Coffield, County Administrator
Rita R. Austin, CMC, Executive Secretary

VIRGINIA: At a regular meeting of the Augusta County Board of Supervisors held on Wednesday, October 14, 2015, at 7:00 p.m., at the Government Center, Verona, Virginia, and in the 240th year of the Commonwealth....

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Chairman Shull welcomed the citizens present.

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Chairman Shull noted that these students "had a lot of expectations to live up to. Last year, the class won the award for the Blue Ribbon. That award was nationwide. The class had 40+ honor students. I'm very proud of that class because my daughter was in it, but I'm proud of all the students in Augusta County. It was a fine bunch of scholars from Riverheads last year and I hope these group of students can do just as well."

The following seniors of Riverheads High School, led us with the Pledge of Allegiance:

Aaron Shull plans on attending Blue Ridge Community College.

Hannah Humphries plans on attending JMU and major in Special Education.

Katie Stogdale plans on attending Blue Ridge Community College and major in Radiology.

Cooper Yowell hopes to become a Diesel Mechanic.

Jessica Surface would like to attend Blue Ridge Community College and major in Psychology.

Jessica Snead plans on attending Blue Ridge Community College and major in Music.

Rebecca Johnson plans on attending Blue Ridge Community College and major in Physical Therapy.

Emily Dameron hopes to pursue a career in City Planning.

Amber Shanks plans on attending Blue Ridge Community College and transfer to JMU. She hopes to become a Cosmetologist.

Kayla Abshire plans on attending Liberty University and major in Pediatric Nursing.

Austin Kyger plans on attending Blue Ridge Community College and then transfer to a four-year college and, also, hopes to join the U.S. Army Reserves.

Holly Kyler wants to "rescue cats and do hair".

October 14, 2015, at 7:00 p.m.

Elijah Burch plans on majoring in Mechanical Engineering at Virginia Commonwealth University.

Emily Tooms hopes to be a future Culinary student.

Nick Schroers hopes to attend Virginia Tech and major in Engineering.

* * * * *

Michael L. Shull, Supervisor for the Riverheads District, delivered invocation.

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MATTERS TO BE PRESENTED BY THE PUBLIC - NONE

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2016 PROPOSED HOLIDAY SCHEDULE

The Board considered 2016 proposed Holiday Schedule.

Faith Duncan, Human Resources Director, reported that this proposal is similar to previous years.

Mr. Wills moved, seconded by Mr. Moore, that the Board approve the 2016 proposed Holiday Schedule as presented.

Vote was as follows: Yeas: Pattie, Shull, Wills, Wells, Moore, Pyles and Bragg

Nays: None

Motion carried.

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SAW CONSORTIUM TRUST – 2016 HEALTH INSURANCE RATES

The Board considered 2016 Health Insurance Rates.

Ms. Duncan advised that 11.5% has been budgeted for FY15-16 and the actual increase came in which included a 3% reserve for self-insurance at 7.4% (under budget).

The options to be considered are:

- Option 1 – County picks up the 7.4% increase totally, no cost to employees.
- Option 2 – Increase split equally between the County and the employee.
- Option 3 – Pass entire increase to employee.

Jennifer Whetzel, Finance Director, added that the County has a Health Insurance Escrow that is related to funding the dependent care portion of the Health Insurance. This is updated at budget time as to how much is coming out of General Funds versus what is coming out of the Health Insurance Escrow. Currently, there is \$280,000 out of the General Fund and the remainder comes from the Escrow. Option 1 would have a balance of approximately \$200,000 to apply to the FY17 budget and the General Fund will pick up the differential (approximately \$180,000). All three options would require the General Fund to pick up funds in the future. Dependent Care is something that needs to be focused at funding in the long-run. With the Consortium now having a self-insured insurance policy with all three individual entities, it has been prolonged in how to treat this for one more year. Local Choice has required all school systems to submit claims information (four times). It has been made mandatory and there is a question as to will the State make all school systems eventually go with the Local Choice Policy. This would mean that the Consortium would be losing Augusta County Schools, which is the biggest employer which assists with getting lower rates. Once things settles out with the Local Choice option, the County can officially set up the trust with all the cities and county involved with one trust.

October 14, 2015, at 7:00 p.m.

SAW CONSORTIUM TRUST – 2016 HEALTH INSURANCE RATES (cont'd)

She reiterated that Option 1 would have approximately \$200,000 to apply to the FY17 Budget; Option 2 would be approximately \$277,000; Option 3 would have \$353,000.

Mr. Pattie asked how much Option 2 would cost the County. Ms. Whetzel said it would be \$101,745 savings to the General Fund.

Mr. Wills asked what the additional cost to the employee for Option 2 would be. Ms. Duncan said, currently, employee-only pays \$5 for their monthly premium; Option 2 would be \$27 (difference of \$22).

Ms. Duncan noted that the increase that employees would receive in January is 1.5%. "If the Health Insurance rates are changed, they will not see that raise at all." She added that, starting next year, a high deductible plan with a health-savings account will be considered.

Ms. Bragg moved, seconded by Mr. Moore, that the Board approve Option 1.

Vote was as follows: Yeas: Pattie, Shull, Wills, Wells, Moore, Pyles and Bragg

Nays: None

Motion carried.

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BOARD OF ELECTIONS – POLLING PRECINCTS

A) The Board considered request for architectural services for modifications to the Government Center in response to Department of Justice requirements related to polling places.

Funding Source: BOE CIP Account #80000-8049 \$14,380

B) The Board considered request for repairs at the Churchville Elementary School.

Funding Source: BOE CIP Account #80000-8049 \$3,715

Candy Hensley, Assistant to County Administrator, noted that Ruth Talmage and Tom Long were present to answer any questions.

Ms. Hensley advised that a memorandum was enclosed in the Board agenda package which included a scope and fee from Frazier Associates for architectural services related to Polling Precinct #103 for Verona (Government Center Administrative Building). She referred to a letter from DOJ which noted 21 sites to bring into compliance with Americans Disability Act (ADA). The Frazier Proposal is for the six ramps and sidewalks to be compliant with slope, landing, and hand-rail requirements. She and G. W. Wiseman, Building Official, felt that the architectural services were needed because of the width and slope requirements of the ramps. In doing this, there will be plans established for bidding purposes. After the work has been completed, it can also be certified as to meeting the ADA requirements.

Mr. Moore asked what the timeframe was. Ms. Hensley stated that once the scope and fee has been executed, the work will be completed by the end of the year. She said the goal was to have the work done before the March election (Primary Election).

October 14, 2015, at 7:00 p.m.

BOARD OF ELECTIONS – POLLING PRECINCTS (cont'd)

Patrick J. Morgan, County Attorney, said that for DOJ requirements it would be completed in time for the November election, not the Primary.

Ms. Hensley said the other request is construction-type work at the Churchville Elementary School precinct to fill in the concrete expansion joints in the sidewalks, asphalt repairs and restriping handicapped parking through Lovegrove Construction. This is planned before the November election.

Mr. Wills asked what was going to be used to fill in the joints. Ms. Hensley said they were going to select a compound that will expand. Mr. Wills said this is not usually permanent and should be checked frequently. Ms. Hensley said that after completion, pictures will need to be provided to DOJ for the next five years for proof of compliance. Mr. Wills said that it will need to be repaired periodically. Ms. Hensley agreed that it will need to be checked periodically.

Tom Long, Secretary of the Electoral Board, thanked Ms. Hensley, Mr. Wiseman and Mr. Coffield for their assistance, and made the following statement:

We, the members of the Electoral Board, have put a lot of work on it, too, and we're going to get things right. Yes, we may have to replace some expansion joints sealant, or whatever down the road, but we're going to get things right. Ramp signs and other equipment have been ordered. We start our training of Election Officers tomorrow afternoon in this room and we will begin the process, then, of working with each of the Chiefs and Assistant-Chiefs to be sure they know, at their specific precinct, what accommodations need doing. Candy has put together folders with site maps, aerial photos, and all sorts of stuff, and we are going to be briefing them of that tomorrow.

Regarding the Verona Precinct, here at the Government Center, the Electoral Board believes it totally inappropriate to charge the architects' fee and future construction costs to bring this facility into ADA compliance to the Electoral Board's line item in the County's Capital Account and we offer the following rationale:

- The accessibility issues related to this building affect virtually every office and every function of County government 52 weeks a year. We use the Verona Precinct two, maybe, three days each year. This fact, alone, justifies placing the costs in a General County Construction or Maintenance line item, rather than the Electoral Board's Capital Account.
- Under the State Code, polling places are designated by ordinances passed by the local governing body. While we, on the Electoral Board, recommend polling places, the Board of Supervisors actually mandates them. When a polling place is in a facility owned by the County, it is clearly the County government, not the Electoral Board, that is responsible for the cost of assuring that the facility meets ADA requirements.
- The Electoral Board line item in the County Capital Account has always been intended to be a savings for the purchase of new voting equipment. The Electoral Board anticipates replacing our current voting equipment for the 2017 General Election. It is possible the State could mandate replacement equipment before that time. This account should be saved for that purpose and not depleted for facilities, construction and repair.

Ms. Talmage added that only one ramp is used during the election time.

Patrick J. Coffield, County Administrator, explained that this building meets ADA requirements for Augusta County government purposes. It is only the Department of Justice elections that are not in compliance. All of these repairs are needed because of the Board of Elections.

Mr. Pyles noted that this Board has funded what needs to be funded in regards to the Board of Elections. They have bought a lot of the machines and have been ahead of the curve. "We will always do what is right. We will do what needs to be done when you need new machines. It's that simple. We're not going to be second-rate on

October 14, 2015, at 7:00 p.m.

BOARD OF ELECTIONS – POLLING PRECINCTS (cont'd)

anything. This is for the Elections. It is not for what we need to do. I don't care where it comes from, but we will do it."

Mr. Moore said this is just to figure out what is needed to be done. He felt that it will be a considerable higher cost to actually rebuild the ramps.

Mr. Wills asked why all of the ramps are being considered instead of the one that pertains to the elections. Ms. Hensley said that two of the entrances were cited in the DOJ letter. While they were working on those two, staff felt it best to look at the third one. They cited the main entrance at the flags and the Board of Supervisors' entrance. As far as upgrades, they can make a decision not to bid it all at one time, depending on funding. The School Board entrance could be reworked at a later date.

Mr. Morgan added that, since the Registrar's Office is used as the Absentee Ballot Precinct, the front ramp needs to be considered.

Chairman Shull clarified that if any problems occur, the County would have an "architectural seal" on it and the Department of Justice can deal with them.

Ms. Bragg moved, seconded by Mr. Pyles, that the Board approve the requests.

Vote was as follows: Yeas: Pattie, Shull, Wills, Wells, Moore, Pyles and Bragg

Nays: None

Motion carried.

Chairman Shull confirmed that if funding for the machines are needed, the Board will take care of it at that time.

Ms. Talmage noted that there had never been a complaint from voters for the past 30 years until now.

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VDOT REVENUE SHARING FOR FY2016-2017

The Board considered VDOT Revenue Sharing Program for FY2016-2017:

A) Route 358 – Shared Use Path

Funding Sources:

Wayne Infrastructure	Account #80000-8017-94	\$ 6,600
Beverly Manor Infrastructure	Account #80000-8011-76	<u>6,600</u>
		\$13,200

Timmy Fitzgerald, Director of Community Development, explained that this is a project that the County has been asked to share with along Route 358, which is Woodrow Wilson Avenue. Woodrow Wilson Workforce Center staff is extending the shared use path that was constructed with Route 636 along Route 358 to their Administration Building. They have asked for County participation in that project because they do not have the capability to pave the project, which would require a contractor.

Mr. Moore added that once the residential development at Myers Corner occurs across the street, there would be students walking to schools and this will address safety issues. Woodrow Wilson students are currently walking on the road.

October 14, 2015, at 7:00 p.m.

VDOT REVENUE SHARING FOR FY2016-2017 (cont'd)

Mr. Moore moved, seconded by Mr. Wells, that the Board adopted the following resolution:

RESOLUTION

WHEREAS, the County of Augusta desires to submit an application for an allocation of funds of up to \$13,200 through the Virginia Department of Transportation Fiscal Year 2017 Revenue Sharing Program; and,

WHEREAS, \$13,200 of these funds are requested to fund the following:

SUMMARY – Designation of Funds Form
FY17 Revenue Sharing Program

Augusta County

District Staunton
Residency Harrisonburg

Rev Share Priority #	Route # / Road Name	Requested State Rev Share Match (\$)	Locality Rev Share Match (\$)	TOTAL FUNDS (\$)
1	Route 358 Woodrow Wilson Avenue	\$13,200	\$13,200	\$26,400
TOTAL OF ALL FUNDS		\$13,200	\$13,200	\$26,400

NOW, THEREFORE, BE IT RESOLVED that the Augusta County Board of Supervisors hereby support this application for an allocation of \$13,200 through the Virginia Department of Transportation Revenue Sharing Program.

Vote was as follows: Yeas: Pattie, Shull, Wills, Wells, Moore, Pyles and Bragg

Nays: None

Motion carried.

Mr. Coffield noted that Waynesboro had considered a Revenue Sharing project last week for this proposed economic development site. It was noted that in the 1990's Augusta County had bought the Commonwealth Gas property for approximately \$3 million and used some state and local funds (\$3 million) for road, water and sewer improvements. It cost the County approximately \$7 million for about 200 acres; cost per acre was approximately \$20,000. This has served as "an appreciating asset". Waynesboro City Council recently bought a piece of property for \$3.5 million off of Lyndhurst Road. To get access to Route 340 and I-64, it will take another \$8.8 million, a total over \$12 million, to make that 169 acres an actual Economic Development site. "If you do the math, that is \$75,000 an acre. It would be very hard for us to fund \$75,000 an acre to build a new industrial park. We have heard from our State representatives, in this day and age for Economic Development, they want to know who owns the land, who has title of the land, what is the price, what is the zoning, and it has to be almost a turnkey operation. We have 200 acres on the hill and it is worth more than \$20,000 an acre."

WAIVERS/VARIANCES – NONE

October 14, 2015, at 7:00 p.m.

CONSENT AGENDA

Ms. Bragg moved, seconded by Mr. Pyles, that the Board approve the consent agenda as follows:

MINUTES

Approved minutes of the following meetings:

- Staff Briefing Meeting, Monday, September 21, 2015
- Regular Meeting, Wednesday, September 23, 2015

CLAIMS

Approved claims paid since September 9, 2015

Vote was as follows: Yeas: Pattie, Shull, Wills, Wells, Moore, Pyles and Bragg

Nays: None

Motion carried.

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MATTERS TO BE PRESENTED BY THE BOARD

The Board discussed the following issues:

Mr. Wills:

1. Courts – expressed dissatisfaction with City negotiations. He suggested that the City and County Negotiating Team provide a list of its major concerns and what they determine as the opposite team’s position on that concern. He felt that this would identify the major issues. After this has been done, he suggested that the two teams meet and address those particular issues. He felt that those issues would consist of the final costs, consolidation or courts, courtroom sizes, parking issues, etc. “It gets in writing both sides’ positions at this point.” He suggested that these points also be provided to the newspaper so that the citizens of Augusta County and City of Staunton can understand what the true issues are and what is being negotiated. “We’re 45 days from the deadline we set and nothing has happened. If we don’t do something to have something to negotiate on, we can’t go forward.”

Mr. Wills moved, seconded by Mr. Moore, that the Board authorize the Negotiating Team to provide a list of its major concerns and what they determine as the opposite team’s position on that concern and ask Staunton to do the same.

Ms. Bragg asked for clarification. Mr. Wills reiterated that the teams need to put down what their position is and clarify what Staunton’s position is and Staunton needs to do the same. “Once it is in writing, everybody knows what the position is and where you are negotiating from.”

Vote was as follows: Yeas: Pattie, Shull, Wills, Wells, Moore, Pyles and Bragg

Nays: None

Motion carried.

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2. Mt. Sidney dumpsite – “Keep employee and his family in your prayers.”

October 14, 2015, at 7:00 p.m.

MATTERS TO BE PRESENTED BY THE BOARD (cont'd)

Mr. Moore:

1. Attended MPO joint meeting with the Charlottesville/Albemarle MPO and the Staunton/Augusta/Waynesboro MPO at the Crozet Library. Discussed the commonalities of I-64 and Route 250 - "Corridor of State Significance!"
2. Crozet Tunnel - Pictures were shown on the overhead. It was the consensus of the Board to place resolution on the Staff Briefing agenda for October 26.

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MATTERS TO BE PRESENTED BY STAFF

Staff discussed the following:

1. Coordination America – Contract has been executed and County Attorney is prepared to move forward.
2. Shared Services – New phone system installation is underway.
3. Sourcewater Protection Overlay application, with the exception of Gardner Springs, is going to be discussed at next Board meeting.
4. Inclement Weather (Hurricane Joaquin) – staff was quite involved for the "worst case scenario". Flood control dams were closely monitored. Mr. Pyles added that the flood control dams are a high standard and "should hold during a very extreme event". Mr. Wills mentioned that when developments want to use dams to create lakes within their developments, that the Board should be strict in what is allowed. He learned that two of the dams that failed in South Carolina were considered private dams within the subdivisions and when they broke, everything below them got hit.
5. Litter Grant – FY15-16 – awarded \$18,067
6. Engineer Services Contracts - Mr. Fitzgerald mentioned that the process will begin next week to renew contracts.

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CLOSED SESSION

On motion of Ms. Bragg, seconded by Mr. Wells, the Board went into closed session pursuant to:

- (1) **the personnel exemption under Virginia Code § 2.2-3711(A)(1)**
[discussion, consideration or interviews of (a) prospective candidates for employment, or (b) assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of specific employees]:
 - A) Boards and Commissions
 - B) County Administrator Recruitment
- (2) **the real property exemption under Virginia Code § 2.2-3711(A)(3)**
[discussion of the acquisition for a public purpose, or disposition, of real property]:
 - A) Courthouse
- (3) **the legal counsel exemption under Virginia Code § 2.2-3711(A)(7)**
[consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel, as permitted under subsection (A) (7)]:
 - A) DOJ Compliance

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October 14, 2015, at 7:00 p.m.

CLOSED SESSION (cont'd)

On motion of Dr. Pattie, seconded by Mr. Moore, the Board came out of Closed Session and adjourned subject to the call of the Chairman.

Vote was as follows: Yeas: Pattie, Shull, Wills, Wells, Moore, Pyles and Bragg

Nays: None

Motion carried.

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The Chairman advised that each member is required to certify that to the best of their knowledge during the closed session only the following was discussed:

1. Public business matters lawfully exempted from statutory open meeting requirements, and
2. Only such public business matters identified in the motion to convene the executive session.

The Chairman asked if there is any Board member who cannot so certify.

Hearing none, the Chairman called upon the County Administrator/ Clerk of the Board to call the roll noting members of the Board who approve the certification shall answer AYE and those who cannot shall answer NAY.

Roll Call Vote was as follows:

AYE: Pattie, Wills, Wells, Moore, Bragg, Pyles and Shull
NAY: None

The Chairman authorized the County Administrator/Clerk of the Board to record this certification in the minutes.

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ADJOURNMENT

There being no other business to come before the Board, Dr. Pattie moved, seconded by Mr. Moore, the Board adjourned subject to call of the Chairman.

Vote was as follows: Yeas: Pattie, Shull, Wills, Wells, Moore, Pyles and Bragg

Nays: None

Motion carried.

* * * * *

Chairman

County Administrator

