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Regular Meeting, Wednesday, October 28, 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  
Tracy C. Pyles, Jr.  
Larry J. Wills  
G. L. "Butch" Wells  
Timmy Fitzgerald, Director of Community Development  
Becky Earhart, Senior Planner  
Jennifer Whetzel, Director of Finance  
Patrick J. Morgan, County Attorney  
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 28, 2015, at 7:00 p.m., at the Government Center, Verona, Virginia, and in the 240<sup>th</sup> year of the Commonwealth....

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Chairman Shull welcomed the citizens present.

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The following students of Stuarts Draft High School, led us with the Pledge of Allegiance:

Raya Custard, senior, is the president of Stuarts Draft High School. She plans on majoring in Business Management at Virginia Tech. She also plays Varsity Soccer.

Carly Blaine, a senior, is the Vice-President of Stuarts Draft High School and plans on attending VCU and majoring in World Religion and Political Science.

Courtney Walton, a senior, is the Secretary of Stuarts Draft High School and plays softball and volley ball and plans on attending James Madison University majoring in Physical Therapy.

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Tracy C. Pyles, Jr., Supervisor for the Pastures District, delivered invocation.

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**SPECIAL MATTERS:**

Because of personal business, Mr. Wills was unable to attend tonight's meeting.

- A) Entertain motion to consider Supervisor Wills' request to attend Board meeting electronically.

Ms. Bragg moved, seconded by Mr. Wells, that the Board allow Mr. Wills to participate in tonight's meeting electronically.

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

Nays: None

Motion carried.

Pursuant to Virginia Code § 2.2-3708.1(A) (2), Mr. Wills joined the meeting by telephone.

October 28, 2015, at 7:00 p.m.

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## SOURCE WATER PROTECTION OVERLAY DISTRICT AREA 2 DESIGNATION

Jennifer Hoover, ACSA Engineer, advised that what is being discussed tonight are the three Area 2 designations being added to the Ordinance. She said they were not actually making any changes to the ordinance, which was adopted in February 2011, under Chapter 25. Zoning.

She gave the following highlights:

### Recharge Areas (Area 2)

- In 2011, recharge areas for Hurdis, Hershey, Ridgeview and Lyndhurst wells as well as Blue Hole and Dice's Spring were designated in the Overlay District.
- Currently requesting the recharge areas for Churchville, Dooms and Harriston to be included.

### What is the reason?

- We have seen contamination! (Been bacteriological, not chemical.)
- Sources that were permitted as a source, used successfully as a source for years, now having to treat because water quality has deteriorated.
- Need areas protected to prevent further contamination from occurring or potential loss of source.
- Many Recent Projects Have Added Filtration (Membrane Microfiltration Units) to Treat Contamination (most likely from septic drainfields and/or agricultural runoff)
- Spent significant amount of \$\$ on treating sources
  - \$4.25 million for 4 systems serving 2,246 customers
- Protecting the water supplies = cost avoidance for:
  - Further Treatment/Remediation
  - Providing Emergency Replacement Water
  - Finding a New Supply of Water
  - Paying for Consulting Services and Staff Time
  - Lost Production of Businesses
- Overall, a Significant Investment Has Been Made. Currently, the Assets for ACSA's Water Supply Facilities Are Valued at: \$72 Million

### Area 2 Delineation Areas

- **Normal residential and ag uses are allowed**
- Only Prohibited Uses in Area 2 are: Class II wells (without EPA permit), Class V wells (without EPA permit), and junkyards.
- Letters went to parcel owners within Area 2, partially within Area 2, and parcel adjacent to Area 2 parcels.

### Class II Injection Wells

- Associated with oil and gas production.
- Commonly inject brine waste and other fluids into injection wells.

### Class V Injection Wells

- Prohibited in Areas 1 and 2.
- Injection Wells are Designed to Dispose of Waste Underground.
- Main focus is on "improved sinkholes" that have had the drain enlarged and been filled with rock, tile or a standpipe for injecting stormwater runoff.

October 28, 2015, at 7:00 p.m.

**SOURCE WATER PROTECTION OVERLAY DISTRICT AREA 2 DESIGNATION**  
(cont'd)

- Another example is a Motor Vehicle Waste Disposal Well.

**Area 2 Delineation Areas**

- Some uses require special provisions (ex. secondary containment for commercial chemical storage or connection to public sewer for dry cleaners).
  - Commercial (ex. photo processing)
  - Industrial (ex. chemical manufacturing, electroplating facilities)

**Area 2**

- Private wells producing over 300,000 gal per month - the applicant has to pay for Hydrogeologic Study. ACSA also does this when putting in a new well – to prove no impact to private wells.

**WHAT IS LEGAL BASIS FOR REGULATION?**

- Zoning ordinance may include “reasonable provisions, not inconsistent with applicable state water quality standards, to protect surface water and ground water[.]”
- Virginia Code § 15.2-2283

**Federal/State Programs**

- Section 1428 of the 1986 Safe Drinking Water Act (SDWA) Amendments created the Wellhead Protection (WHP) Program.
- SDWA Amendments of 1996 established funds for waterworks owners to protect source waters.

**Source Water Protection**

- Long Been Acknowledged as an Important
- Goal in Both the: ACSA Long Term Capital Plan and Augusta County Comprehensive Plan

**Investment**

- Costs to define recharge areas for all sources (past, current, and future through FY16): \$911,510
- Grant funding through VDH/DEQ helped pay for this investment.
- \$388,250 in grant money
- 14,570 customers or \$36 per customer

**Remaining Areas**

- Currently working on Berry Farm and Middlebrook areas.
- \$103,950 and \$38,000 respectively total expense.
- Of that total, \$81,000 in grant money received.
- Augusta Springs & Deerfield - \$130,000 in FY17 budget (assumed \$25,000 in grant funding)

October 28, 2015, at 7:00 p.m.

**SOURCE WATER PROTECTION OVERLAY DISTRICT AREA 2 DESIGNATION**  
(cont'd)

Three maps were displayed on the overhead indicating what the Comp Plan shows the Urban Service Area (red); Community Development Area (orange) and overlaying are the existing areas that are currently in the ordinance.

**Delineations**

- Include delineation of area
- Location of wells
- Locations of potential contaminant sources
- Determination of threats to drinking water
- Takes about 12 months to complete for each system.

Pictures were shown indicating the Groundwater Monitoring Program; Field Investigations and the Ramsey Domestic Well. She noted that monitoring includes private wells where they actually put in monitors to determine what happens while pumping. They do a long-term pump test and then shut it off to see how it recharges. This information is shared with the property owner to see how it is impacted by different events.

A picture was also shown of "USEPA Awards Augusta County Service Authority (ACSA) the 2011 EPA Source Water Protection Award for the entirety of the EPA Region 3 District".

Ms. Hoover mentioned that all of this information is on the County website with the ordinance and the maps.

Ms. Hoover added that ACSA has made significant investments in its water infrastructure. ACSA supports adoption of the Churchville, Doods, and Harriston Wellhead Protection Areas into the Sourcewater Protection Ordinance.

Mr. Pyles asked if there is any intention of bringing back Gardner Springs.

Ms. Hoover said they have provided Staunton with an estimate to do a more comprehensive study. Staunton is looking at the grant program and will discuss it at budget time.

Mr. Pyles mentioned the water regarding the earthquake causing an impact and asked why it would have an impact.

Ms. Hoover explained that it was so shallow and spread out. She said that the Service Authority had seen an increase in the water levels in some Service Authority wells. She thought the pressure pushing out caused the groundwater to rise.

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**SOURCE WATER PROTECTION OVERLAY DISTRICT AREA 2 DESIGNATION –  
CHURCHVILLE WELLS**

This being the day and time advertised to 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.

Becky Earhart, Senior Planner, displayed a map showing the area designated in blue for properties in the recharge area for the Churchville wells.

October 28, 2015, at 7:00 p.m.

SOURCE WATER PROTECTION OVERLAY DISTRICT AREA 2 DESIGNATION – CHURCHVILLE WELLS (cont'd)

The Chairman declared the public hearing open.

There being no speakers, the Chairman declared the public hearing closed.

Mr. Pyles moved, seconded by Mr. Moore, that the Board adopt the following ordinance:

**AN ORDINANCE TO AMEND §25-523 OF THE AUGUSTA COUNTY CODE ESTABLISHING A SOURCE WATER PROTECTION AREA 2 FOR THE CHURCHVILLE WELLS**

WHEREAS, the Board of Supervisors of Augusta County adopted an ordinance to protect public health, safety and welfare by preventing adverse impact to critical aquifers which are public groundwater supply sources due to contamination and water loss; and

WHEREAS, the said ordinance created Source Water Protection Overlay Districts surrounding wells that produce water for the County's public supply; and

WHEREAS, engineer surveys have now identified the recharge areas for several wells that produce water for the County's public water supply; and

WHEREAS, it is deemed critical to include the recharge areas of the wells in Source Water Protection Overlay Districts described as Area 2;

NOW THEREFORE be it resolved that a Source Water Protection Overlay Districts described as Area 2 is established around the Churchville wells in an area consisting of approximately 1,093 acres along Buffalo Gap Highway (Rt. 42) Dry Branch Road (Rt. 720) and Whiskey Creek Rd (Rt. 725) and highlighted in blue on a map entitled Churchville Source Water Protection Area which is declared part of this ordinance and which shall be kept on file in the Offices of the Department of Community Development.

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

Nays: None

Motion carried.

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SOURCE WATER PROTECTION OVERLAY DISTRICT AREA 2 DESIGNATION- HARRISTON WELLS

This being the day and time advertised to 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 the Shenandoah National Park (Middle River District). The Planning Commission recommends approval.

Ms. Earhart displayed a map indicating property in brown.

The Chairman declared the public hearing open.

There being no other speakers, the Chairman declared the public hearing closed.

Ms. Bragg moved, seconded by Mr. Moore, that the Board adopt the following ordinance:

October 28, 2015, at 7:00 p.m.

SOURCE WATER PROTECTION OVERLAY DISTRICT AREA 2 DESIGNATION- HARRISTON WELLS (cont'd)

**AN ORDINANCE TO AMEND §25-523  
OF THE AUGUSTA COUNTY CODE  
ESTABLISHING A SOURCE WATER PROTECTION AREA 2  
FOR THE HARRISTON WELLS**

WHEREAS, the Board of Supervisors of Augusta County adopted an ordinance to protect public health, safety and welfare by preventing adverse impact to critical aquifers which are public groundwater supply sources due to contamination and water loss; and

WHEREAS, the said ordinance created Source Water Protection Overlay Districts surrounding wells that produce water for the County's public supply; and

WHEREAS, engineer surveys have now identified the recharge areas for several wells that produce water for the County's public water supply; and

WHEREAS, it is deemed critical to include the recharge areas of the wells in Source Water Protection Overlay Districts described as Area 2;

NOW THEREFORE be it resolved that a Source Water Protection Overlay Districts described as Area 2 is established around the Harriston wells in an area consisting of approximately 1,574 acres from south of Harriston Road (Rt. 778) to Trayfoot Road (Rt. 615) and from East Side Highway (Rt. 340) to the Shenandoah National Park and highlighted in blue on a map entitled Harriston Source Water Protection Area which is declared part of this ordinance and which shall be kept on file in the Offices of the Department of Community Development.

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

Nays: None

Motion carried.

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SOURCE WATER PROTECTION OVERLAY DISTRICT AREA 2 DESIGNATION – DOOMS WELLS

This being the day and time advertised to consider a request to add the Source Water Protection Overlay District Area 2 designation to properties in the recharge area for the Dooms 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.

Ms. Earhart displayed a map indicating "Vesper View" but noted that the Service Authority has requested that it be renamed to Dooms which matches their water supply permit name.

The Chairman declared the public hearing open.

There being no speakers, the Chairman declared the public hearing closed.

Ms. Bragg moved, seconded by Mr. Moore, that the Board adopt the following ordinance:

October 28, 2015, at 7:00 p.m.

**SOURCE WATER PROTECTION OVERLAY DISTRICT AREA 2 DESIGNATION – DOOMS WELLS (cont'd)**

**AN ORDINANCE TO AMEND §25-523  
OF THE AUGUSTA COUNTY CODE  
ESTABLISHING A SOURCE WATER PROTECTION AREA 2  
FOR THE VESPER VIEW AND CRIMORA MINE WELLS TO BE KNOWN AS THE  
DOOMS SOURCE WATER PROTECTION AREA**

WHEREAS, the Board of Supervisors of Augusta County adopted an ordinance to protect public health, safety and welfare by preventing adverse impact to critical aquifers which are public groundwater supply sources due to contamination and water loss; and

WHEREAS, the said ordinance created Source Water Protection Overlay Districts surrounding wells that produce water for the County's public supply; and

WHEREAS, engineer surveys have now identified the recharge areas for several wells that produce water for the County's public water supply; and

WHEREAS, it is deemed critical to include the recharge areas of the wells in Source Water Protection Overlay Districts described as Area 2;

NOW THEREFORE be it resolved that a Source Water Protection Overlay District described as Area 2 is established around the Vesper View and Crimora Mine wells in an area consisting of approximately 3,405 acres between Thorofare Road (Rt. 628) and Turk Mountain Road (Rt. 672) and from East Side Highway (Rt. 340), to the Shenandoah National Park and highlighted in blue on a map entitled Dooms Source Water Protection Area which is declared part of this ordinance and which shall be kept on file in the Offices of the Department of Community Development.

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

Nays: None

Motion carried.

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**LEXEAL DEVELOPMENT, LLC – AMENDMENT OF PROFFERS**

This being the day and time advertised to 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 recommended approval of the amended proffers.

Ms. Earhart displayed a map designating property outlined in pink. The applicant submitted an amendment to the proffers. She noted that currently they are allowed a single access to Ladd Road. The change would allow them to have a single street connection as well as a private driveway entrance to serve Tax Map 76, Parcel 9A that currently has access through a deeded right-of-way. They would like to purchase that property so that they will not be running through multiple lots once a subdivision is developed. Regardless, of the amendment of the proffers, when this property is developed, they will have to provide a public street connection to adjacent properties in compliance with the ordinance.

This property is in a Community Development Area and slated for Low Density Residential development. Public water is available.

Alex Patterson, applicant, was available to answer any questions the Board may have.

October 28, 2015, at 7:00 p.m.

LEXEAL DEVELOPMENT, LLC – AMENDMENT OF PROFFERS (cont’d)

Brett VanLear supported the request because it would allow him to purchase the actual land that his family currently occupies. The private driveway has been in its current location since 1918; therefore, it would not be any additional impact to Route 631 or the surrounding area.

The Chairman declared the public hearing open.

There being no other speakers, the Chairman declared the public hearing closed.

Ms. Bragg moved, seconded by Mr. Wells, that the Board adopt the following ordinance, with proffers:

**ORDINANCE**

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 (RT. 631) APPROXIMATELY 0.6 OF A MILE WEST OF THE INTERSECTION WITH HICKORY HILL RD. (RT. 834) IN THE SOUTH RIVER DISTRICT.

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:

The proffers on Parcel numbers **2B and 2C** on tax map number **76** containing a total of approximately 89 acres are amended as follows:

1. Access to the 89.2 acre tract will be limited to a single street connection on to Ladd Road (Rt. 631) and a private driveway entrance to serve Tax Map 76, Parcel 9A. There will be no other individual lot entrances off of Ladd Road.
2. The strip of land between Route 631 and Interstate 64 identified as Tax Map 76, Parcel 10A will be dedicated to the County for future road improvements.
3. The minimum square footage for single family dwellings will be 2000 square feet.
4. All lots will be served by public water.

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

Nays: None

Motion carried.

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October 28, 2015, at 7:00 p.m.

CRESCENT DEVELOPMENT-GOOSE CREEK II AND III, LLC, AND DENSTOCK  
GOOSE CREEK, LLC – AMENDMENT OF PROFFERS

This being the day and time advertised to 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 recommended approval of the amended proffers.

Ms. Earhart displayed a map indicating the location of the property, which is near the new Route 636, the Murphy Deming and the Apartments at Goose Creek. The change to the proffers is to increase the density (currently, limited to 250 units) to 400 units, which would be split between two properties: 204 on the existing location of the apartments and 196 on the remaining property. All of the other proffers would remain in place. Public water and sewer are available. The property is in an Urban Service Area and slated for Single-Family Attached Residential development.

Scott Williams, applicant and owner of Crescent Development-Goose Creek II and II, LLC, who are the developers of the Goose Creek property stated Goose Creek consists of the Villages on Goose Creek Murphy Deming College of Health Sciences (Murphy Deming), the Goose Creek Apartments, and the additional 18 acres of residual property. Murphy Deming has added their second class to the Occupational and Physical Therapy programs and will add its first class of Physicians Assistants in January, which will total approximately 170 students. When the third class begins in 2017, it is estimated to total approximately 280 students. It is his opinion that Murphy Deming's success will continue moving forward and would expect them to add programs, buildings, faculty staff and students. Across the street is Augusta Health and they continue to grow. The Goose Creek Apartments are a 204 Class A community with the latest amenities. Many of the amenities are designed specifically for graduate students. To date, there are 92 units completed; of those 92, 42 have been leased and/or occupied. Their expectation is that they will be fully leased by the summer of 2016. Tonight's request is to amend the proffers to allow an additional 150 units on the residual property because he believes Murphy Deming is going to continue to grow and this will help them manage their growth. He also believes it will help Augusta Health as they grow and provide employees housing within walking distance to their place of employment. Mr. Williams stated that, nationally, housing patterns are changing. Homeownership rates are declining and more people are choosing to rent. Having additional rental units in well-located projects meets the needs of the market. In terms of Myers Corner, he stated that they are not adding density to the area but reallocating it.

The Chairman declared the public hearing open.

There being no speakers, the Chairman declared the public hearing closed.

Mr. Moore stated, as he said, at Staff Briefing on Monday that by reallocating the density, they are taking students from the Elementary, Middle and High Schools and moving them down Lifecore Drive. He felt that it fit in as to how you can live and work within the same area without having to venture outside that area.

Mr. Moore moved, seconded by Mr. Pyles, that the Board adopt the following ordinance, with amended proffers:

October 28, 2015, at 7:00 p.m.

CRESCENT DEVELOPMENT-GOOSE CREEK II AND III, LLC, AND DENSTOCK  
GOOSE CREEK, LLC – AMENDMENT OF PROFFERS (cont'd)

**ORDINANCE**

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 DR. (RT. 636) AND VILLAGE CREEK DR. (RT. 1382) IN FISHERSVILLE IN THE WAYNE DISTRICT.

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:

The proffers on parcel number **71L** on tax map number **66** and parcel numbers **1 and 3** on tax map number **66F(11)** containing a total of approximately 41 acres are amended as follows:

1. There shall be only one access permitted on to Lifecore Drive (Route 636). This access is designated as Baldwin Boulevard as shown on “Exhibit A Goose Creek Multi-Family Rezoning” by Balzer and Associates dated 9-18-15.
2. Construction traffic shall not be permitted to enter the site through Village Creek Drive.
3. At a minimum, a 5’ wide concrete sidewalk will be constructed on one side of Baldwin Boulevard, Murphy Deming Drive and any private or public roads serving the residential units on Parcels 3A and 3B as shown on “Exhibit A Goose Creek Multi-Family Rezoning” by Balzer and Associates dated 9-18-15.
4. The owners of Parcel 3A and 3B shall be responsible for making pedestrian connections during construction of the residential units on Parcels 3A and 3B to the grass trails in Tax Map 66-67, which shall be designed and approved through the site plan process.
5. The owners of Parcel 3B will enter into a signal agreement with VDOT to Contribute 50% of the funds towards a signal light if warranted at the intersection of Lifecore Drive (Route 636) and Village Creek Drive or Baldwin Boulevard.
6. All costs associated with the operation and maintenance of any proposed street lights shall be the responsibility of parties other than Augusta County.
7. All proposed lighting shall be in conformance with the current lighting ordinance as applicable to business and commercial uses.
8. In Parcels 3A and 3B building height shall be limited to 55 feet.
9. There shall be no more than 204 individual residential dwelling units on Parcel 3A and no more than 196 individual residential dwelling units on Parcel 3B as described in the rezoning exhibit entitled “Exhibit A Goose Creek Multi-Family Rezoning” by Balzer and Associates dated 9-18-15. All will be market rate units and none will utilize VHDA tax credits to finance/refinance construction of the units.

October 28, 2015, at 7:00 p.m.

CRESCENT DEVELOPMENT-GOOSE CREEK II AND III, LLC, AND DENSTOCK  
GOOSE CREEK, LLC – AMENDMENT OF PROFFERS (cont'd)

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

Nays: None

Motion carried.

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CRESCENT DEVELOPMENT GROUP, LLC AND MELISSA JURICK – REZONING

This being the day and time advertised to 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 recommended approval of the request with the restated proffers.

Ms. Earhart displayed property outlined in pink. The restated proffers includes some of the Business property that is undeveloped. At this point, there is some developed acreage that is not part of the request, but the property owned by Crescent Development Group is to be considered for the amendment and the restatement of the proffers. Multi-Family Residential property is shaded in yellow on the map and will become General Business. 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 net density is a decrease in the density that is expected in Myers Corner. Graphically, on the revised plan everything in brown is the Attached Residential; the green is the open space; the yellow is Single Family Residential; and the red is General Business lots. Public water and sewer are available. The property is in the Urban Service Area and is slated for Community Mixed Use.

Scott Williams, applicant, asked the Board to approve the rezoning of a portion of Myers Corner that will replace the Multi-Family zoned land with General Business. Within the residential portion, he asked that there be a shifting of some of the Single Family and Attached Residential zoning districts. He explained that Myers Corner is a mixed use project with about 25 acres of Business zoned land and 115 acres zoned for Residential. To date, in the Business section, there is a family pharmacy, a settlement services company, a real estate company, a 7-11, a pediatric dentist and an orthodontist. Under construction, there is an accounting firm and an insurance company. There is a strong demand for business lots in Myers Corner and he believes the change from Multi-Family to General Business will help meet that demand. This would also increase the tax base that will help pay for Lifecore Drive. They have just begun the residential component of the site so there are no homes built, yet. Around the borders of the site, they are maintaining the open space so the impact on the neighbors should be negligible.

The Chairman declared the public hearing open.

There being no speakers, the Chairman declared the public hearing closed.

October 28, 2015, at 7:00 p.m.

CRESCENT DEVELOPMENT GROUP, LLC AND MELISSA JURICK – REZONING  
(cont'd)

Mr. Moore moved, seconded by Ms. Bragg, that the Board adopt the following ordinance, with restated proffers:

**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 200<sup>th</sup> 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.

October 28, 2015, at 7:00 p.m.

CRESCENT DEVELOPMENTGROUP, LLC AND MELISSA JURICK – REZONING (cont'd)

- 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.

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

Nays: None

Motion carried.

\* \* \* \* \*

ORDINANCE AMENDMENT - COMMERCIAL VEHICLE

This being the day and time advertised to consider a request to amend §§ 25-4, 54.1, 73, 94.2, 123, 133, 163, 223, 233, 303, 383, 439 and 454.2 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 recommended approval.

John Wilkinson, Board of Zoning Administrator, high-lighted the following:

**Definition**

- Definition: Any vehicle which displays business or commercial advertising lettered or attached thereon, or any vehicle that sits on at least 2 axles and is designed to carry freight or merchandise, whether loaded or empty, or any vehicle licenses 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 a one unit, unless otherwise limited by specific district regulations.

**Accessory Use to Single Family Dwellings**

In residentially zoned and GA lots less than 1 acre, commercial vehicles allowed with the following limitations:

- 1 commercial vehicle per lot over manufacturer’s GVW of 10,000 lb. and it can’t be parked on the public street or right-of-way or in front yards, except the driveway
- No semi-trailer of a tractor-trailer, garbage truck, construction equipment, dump truck or wrecker with an empty weight of 20,000 lb. or more

Any commercial vehicle parked shall be owned and operated only by an occupant of the dwelling.

**Home Occupations- Class A**

- Deleting the numerical limitation on commercial vehicles but must meet requirements of Accessory Use Section
- Previously one commercial vehicle per dwelling
- Adding that you can have a landscaping, lawn care, and mobile motor vehicle repair businesses as home occupations if all equipment, materials, and utility vehicles are kept off-site. Requires documentation

October 28, 2015, at 7:00 p.m.

**ORDINANCE AMENDMENT - COMMERCIAL VEHICLE** (cont'd)

**Home Occupations- Class B**

- Deleting the numerical limitation on commercial vehicles but must meet requirements of Accessory Use Section
- Previously one commercial vehicle per dwelling
- Adding that you can have a landscaping, lawn care, and mobile motor vehicle repair businesses as home occupations if all equipment, materials, and utility trailers over 16' are kept off-site. Requires documentation

The Chairman declared the public hearing open.

There being no speakers, the Chairman declared the public hearing closed.

Mr. Moore moved, seconded by Ms. Bragg, that the Board adopt the following ordinance:

**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.

October 28, 2015, at 7:00 p.m.

**ORDINANCE AMENDMENT - COMMERCIAL VEHICLE (cont'd)**

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,~~ 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.

October 28, 2015, at 7:00 p.m.

**ORDINANCE AMENDMENT - COMMERCIAL VEHICLE** (cont'd)

**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) 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 25-133 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 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) 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.



October 28, 2015, at 7:00 p.m.

**ORDINANCE AMENDMENT - COMMERCIAL VEHICLE (cont'd)**

**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) 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 25-303 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) 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

October 28, 2015, at 7:00 p.m.

**ORDINANCE AMENDMENT - COMMERCIAL VEHICLE (cont'd)**

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

October 28, 2015, at 7:00 p.m.

ORDINANCE AMENDMENT - COMMERCIAL VEHICLE (cont'd)

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.

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

Nays: None

Motion carried.

\* \* \* \* \*

ORDINANCE AMENDMENT - AGRITOURISM

This being the day and time advertised to 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 recommended approval.

Mr. Wilkinson high-lighted the following:

**On-the-Farm Activities- Definitions**

- Ag Operation: Any operation devoted to the bona fide production of crops, animals or fowl; meat, dairy or poultry products; nuts, tobacco, nursery and floral products; and the production and harvest of products from silviculture activity
- Ag tourism activity: Within an ag operation, any activity carried out on a farm or ranch that allows members of the general public for recreation, entertainment or educational purposes to view or enjoy rural activities. Payment not required
- Bona fide production- Ag operation is the primary use of the land
  - Qualifies for land use
  - Managed in good faith as a business activity
  - Gross receipts of farm income at least \$10,000
- Substantial impact-changes the character of the area from ag/rural to one that more resembles a business, commercial, or industrial area

**On-the-Farm Activities as Accessory Uses**

- Agritourism:
  - Activity is accessory to on-site bona fide ag operation
  - Activity doesn't create a substantial impact to the health, safety, or general welfare of the public: adequate sight distance, increased traffic, adequate water and sewer, lights, and sounds
- Added farm beer breweries and farm distilleries from accessory use section, as well as wineries in this section for consistency

October 28, 2015, at 7:00 p.m.

**ORDINANCE AMENDMENT – AGRITOURISM** (cont'd)

- Limited Special Events:
  - Held by the owner or operator of the farm
  - No more than 2 per year
  - No more than 2 days per event
  - 7 a.m.- midnight
  - On-site parking
  - Attendees and vehicles based on acreage
- If not accessory use, can apply for Special Use Permit

The Chairman declared the public hearing open.

There being no speakers, the Chairman declared the public hearing closed.

Mr. Moore moved, seconded by Ms. Bragg, that the Board adopt the following ordinance:

**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.

October 28, 2015, at 7:00 p.m.

**ORDINANCE AMENDMENT – AGRITOURISM (cont'd)**

(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.

October 28, 2015, at 7:00 p.m.

**ORDINANCE AMENDMENT – AGRITOURISM (cont'd)**

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:

October 28, 2015, at 7:00 p.m.

**ORDINANCE AMENDMENT – AGRITOURISM (cont'd)**

<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.

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

Nays: None

Motion carried.

\* \* \* \* \*

**ORDINANCE AMENDMENT – MINI-WAREHOUSES**

This being the day and time advertised to 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 recommended 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.

Mr. Wilkinson high-lighted the following:

**Regulation of Mini-warehouses**

- All will require Special Use Permit, eliminate option for Administrative Permit
- All buildings, structures, access drives, aiseways setback at least 100'from residential zoned or planned areas unless BZA decides a different setback will protect neighboring properties

October 28, 2015, at 7:00 p.m.

**ORDINANCE AMENDMENT – MINI-WAREHOUSES** (cont'd)

- No building or structure within 200' of an arterial street unless BZA decides less will protect neighboring properties
- All activity within enclosed building unless BZA approves an outdoor storage area
- Buildings are no more than 20' tall unless BZA determines taller isn't out of character with the area
- No doors facing residential district may exceed 8'
- On-site traffic flow to accommodate traffic to and from public roads

The Chairman declared the public hearing open.

There being no speakers, the Chairman declared the public hearing closed.

Mr. Moore added that there had also been some discussion at Monday's Staff Briefing that these changes would not be effective until January 1, 2016.

Mr. Moore moved, seconded by Ms. Bragg, that the Board adopt the following ordinance and will go into effect January 1, 2016:

**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 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



October 28, 2015, at 7:00 p.m.

ORDINANCE AMENDMENT – MINI-WAREHOUSES (cont'd)

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.

Timmy Fitzgerald, Director of Community Development, noted that the Planning Commission had recommended that BZA be allowed to determine a different setback. He asked if this motion was to accept Planning Commission’s recommendation or to go with the original report that required a minimum of 100’. Mr. Moore said it was to go with the original report.

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

Nays: None

Motion carried.

\* \* \* \* \*

ORDINANCE AMENDMENT- BOND AMOUNT

This being the day and time advertised to 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 recommended approval.

Doug Wolfe, County Engineer, advised that this change makes permanent a temporary reduction in those percentages that have been passed by the General Assembly and is compliant with the State Code.

The Chairman declared the public hearing open.

There being no speakers, the Chairman declared the public hearing closed.

Mr. Moore moved, seconded by Ms. Bragg, that the Board adopt the following ordinance:

**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;

October 28, 2015, at 7:00 p.m.

**ORDINANCE AMENDMENT- BOND AMOUNT (cont'd)**

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.

October 28, 2015, at 7:00 p.m.

**ORDINANCE AMENDMENT- BOND AMOUNT (cont'd)**

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.

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

Nays: None

Motion carried.

\* \* \* \* \*

**ORDINANCE AMENDMENT- PLANT GROWTH**

This being the day and time advertised to 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 recommended approval.

Mr. Wolfe advised that the Subdivision Ordinance dictated a certain height that easements had to be mowed in residential areas. Rather than having that in the Subdivision Ordinance, it is being cross-referenced to the Nuisance section of the ordinance, Chapter 15-22, which has varying heights in different districts. It also includes a provision to allow different heights of vegetation within required Best Management Practices installed pursuant to the requirements of Chapter 9 of the Code.

The Chairman declared the public hearing open.

There being no speakers, the Chairman declared the public hearing closed.

Mr. Moore moved, seconded by Ms. Bragg, that the Board adopt the following ordinance:

**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

October 28, 2015, at 7:00 p.m.

**ORDINANCE AMENDMENT- PLANT GROWTH (cont'd)**

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.

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

Nays: None

Motion carried.

\* \* \* \* \*

**ORDINANCE AMENDMENT**

This being the day and time advertised to 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.

Mr. Wolfe advised that the current ordinance could be interpreted to require water quality treatment on incremental development retroactive to 1990. That was not the intent. The 1990 date refers to the "water quantity". This change reflects the implementation date of the Virginia Stormwater Management Program with respect to water quality for development after June 30, 2014.

The Chairman declared the public hearing open.

There being no speakers, the Chairman declared the public hearing closed.

Mr. Moore moved, seconded by Ms. Bragg, that the Board adopt the following ordinance:

**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.

October 28, 2015, at 7:00 p.m.

## ORDINANCE AMENDMENT (cont'd)

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.

October 28, 2015, at 7:00 p.m.

ORDINANCE AMENDMENT (cont'd)

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.

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

Nays: None

Motion carried.

\* \* \* \* \*

ORDINANCE AMENDMENT - ENVIRONMENT

This being the day and time advertised to 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.

Mr. Wolfe reported that this corrects the title to make it more accurately reflect what the Table applies to and uses the rounded dollar amounts in accordance with State implementation.

The Chairman declared the public hearing open.

There being no speakers, the Chairman declared the public hearing closed.

Mr. Moore moved, seconded by Ms. Bragg, that the Board adopt the following ordinance:

**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**

October 28, 2015, at 7:00 p.m.

**ORDINANCE AMENDMENT – ENVIRONMENT (cont'd)**

<b>Type of Permit</b>	<b>Total Fee Amount</b>	<b>State Share (28%)</b>	<b>County Share (72%)</b>
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	<del>\$81,200</del>	<del>\$518,809.00</del>
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

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

Nays: None

Motion carried.

\* \* \* \* \*

**ORDINANCE AMENDMENT**

This being the day and time advertised to 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.

October 28, 2015, at 7:00 p.m.

ORDINANCE AMENDMENT (cont'd)

Patrick J. Morgan, County Attorney, advised that when the County enforces the ordinance regarding the heights of grass, weeds, or other vegetation, the County is able to register a lien against the property. There is not much pressure to satisfy that on the property owner until they are ready to sell the property. This also provides the ability of filing a Warrant in Debt to collect fees in which you can get the money back a little quicker.

The Chairman declared the public hearing open.

There being no speakers, the Chairman declared the public hearing closed.

Mr. Moore moved, seconded by Ms. Bragg, that the Board adopt the following ordinance:

**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:

**§ 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.



October 28, 2015, at 7:00 p.m.

ORDINANCE AMENDMENT (cont'd)

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

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

Nays: None

Motion carried.

\* \* \* \* \*

MATTERS TO BE PRESENTED BY THE PUBLIC

Dwayne Barron asked the Board to consider the concept of consolidation. He noted that the Bar Association adopted a resolution in favor of consolidating the courts and stated that there was not a great interest shown because of not indicating an identifiable immediate savings. He referred to the Virginia Code Section – Chapter 35-15.2 that reflects the options of consolidation. Within that Chapter, 15.2-3534, there is an option division in how to consolidate Constitution Officers.

\* \* \* \* \*

WATCH FOR CHILDREN SIGNAGE

The Board considered request of residents in the Riverheads District to erect “Watch for Children” signage. Estimated cost \$150 per sign.

Funding Source: Riverheads Infrastructure Account #80000-8015-75 \$300.00

Mr. Fitzgerald reported that this had been discussed at Monday’s Staff Briefing. He added that a petition has been received in the Middlebrook Village area supporting the Watch for Children signage on each end of the Village. They have worked closely with VDOT to determine some additional pedestrian signs and other items.

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

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

Nays: None

Motion carried.

\* \* \* \* \*

ECONOMIC DEVELOPMENT – MILL PLACE IMPROVEMENTS

The Board considered the following Mill Place Improvements:

- a) A proposal for an updated business/development plan \$77,000
- b) A proposal for installation of a new aerating fountain \$10,264
- c) A proposal for updating the Mill Place Commerce Park Interstate sign \$ 3,500

Funding Source: Economic Development Account #80000-8145 \$90,764

Amanda Glover, Director of Economic Development, stated that this had been discussed at Monday’s Staff Briefing. She briefly high-lighted the following:

October 28, 2015, at 7:00 p.m.

ECONOMIC DEVELOPMENT – MILL PLACE IMPROVEMENTS

- a) A proposal from the Timmons Group for an updated business/development plan for Mill Place, totaling \$77,000. The scope of work is quite extensive and includes doing a Target Sector/Market Analysis; Wastewater Analysis; Infrastructure and Utility Assessment; Transportation Assessment; Site Concepts and Preliminary Grading Concepts; Stormwater Management Review; Signage Concepts; Review of Zoning, Declaration of Covenants and a Preliminary Engineering Report and overall business plan for the Park. She felt that this would help to market the Park, complete requests for information, match prospects with the best suited site, prepare for future development and help the County take advantage of unanticipated opportunities such as fill dirt becoming available. “The Development Plan will help us market and recruit the highest and best, yet, realistic uses for the Park.”
- b) A proposal for installation of a new aerating fountain for the front pond in Mill Place Commerce Park. If the Board is interested in pursuing, two other proposals will be gotten to meet the procurement guidelines. The cost of the fountain, itself, is \$10,264. This will help maintain water quality and provide visual appeal. On Monday, there was a question of lighting; cost for that would be \$2,202, which would increase the total to \$12,466. She noted that the lighting uses fluorescent bulbs and is energy efficient and will not increase the operating costs of the fountain drastically.
- c) A proposal for updating the Mill Place Commerce Park interstate sign at a cost of \$3,500.

The total for these improvements would be \$92,966, including the lighting option for the fountain.

Ms. Bragg felt it important to move forward with the improvements stated “as a significant investment that we, as the County, have to bringing in economic development into growing in our area. This plan will help us to move it forward. It better prepares us to market the property that we do have.”

Mr. Coffield added that this exercise was good for the Board because developers “accuse the Government of not understanding the woes of a developer and how painful it is to do site plans; they handle water, sewer, stormwater, etc. All of those things are very expensive for a developer to consider as part of their development. In regards to Mill Place, we actually live that same pain. It is a very good exercise to go through.”

Chairman Shull added that the businesses in the Park are spurring more interest and felt that this was a way to draw more businesses. “Sometimes you have to spend money to make money.”

Ms. Bragg moved, seconded by Mr. Moore, that the Board approve the request, including the lighting option.

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

Nays: None

Motion carried.

\* \* \* \* \*

October 28, 2015, at 7:00 p.m.

ASSESSMENT REFUND

The Board considered refund as certified by the Commissioner of Revenue and approved by County Attorney for the following:

- 1. Valentina Hristova \$2,671.59

Patrick J. Morgan, County Attorney, advised that this had been discussed at Monday's Staff Briefing. Ms. Hristova had a cleaning business and had not filed business personal property with the Commission of Revenue from 2012 to 2014, thus creating a nonfiler tax assessment for each year. The taxpayer has now provided tax returns sufficient to do an accurate assessment. He added that the Commissioner of Revenue is asking the Board of Supervisors to authorize a refund of taxes in the amount of \$2,671.59.

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

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

Nays: None

Motion carried.

\* \* \* \* \*

CROZET TUNNEL

The Board considered resolution of Nelson County's proposed transportation project.

Mr. Fitzgerald advised that this had been discussed at Monday's Staff Briefing. Tonight's request is to consider a resolution in support of an application that Nelson County and the City of Waynesboro intend to make to the Transportation Alternatives Program (TAP) for Phase 3 of the Crozet Tunnel. Phase 2 of the project has been funded with the latest grant funds that will open the tunnel up and will be constructed from the Nelson County side over to the Augusta County side. Phase 3 of the project is to build the trail from the Augusta County end up to a parking area along Route 250. Nelson County and the City of Waynesboro intend to make application for those funds through the TAP program. This resolution supports their efforts to receive those funds.

Mr. Moore added that he and Mr. Fitzgerald and Randy Kiser, from VDOT, had attended a meeting in Nelson County this past summer and met with people from the TAP program out of the Richmond Central Office and Lynchburg District and learned that this project has become a project of State significance and there is a strong desire to move it forward to completion. A specific question had been asked if Augusta County supported the project. Mr. Moore said, "From a natural park standpoint; from a Humpback Rock-type standpoint, where you can get out and experience the nature that we have in the area, and the history that goes into the tunnel," that I thought that the Board did support. He emphasized that the resolution was intended to express Augusta County's support from that standpoint.

Mr. Moore moved, seconded by Ms. Bragg, that the Board adopt the following resolution:

**RESOLUTION**

**WHEREAS**, we, the members of the Augusta County Board of Supervisors, appreciate the natural beauty of our County, with its rivers, fields and forests, which offer both residences and visitors the opportunity to explore and enjoy features that are unique to our County; and

October 28, 2015, at 7:00 p.m.

CROZET TUNNEL (cont'd)

**WHEREAS**, we, the members of the Augusta County Board of Supervisors, value our resources, both natural and man-made, and understand the importance of preserving our history and accomplishments for future generations to marvel, learn from and study; and

**WHEREAS**, we, the members of the Augusta County Board of Supervisors, recognize the importance of providing our citizens with opportunities to enjoy the outdoors and participate in activities that promote good health and wellness; and

**WHEREAS**, we, the members of the Augusta County Board of Supervisors, wish to offer a well-rounded quality of life to the citizens of our County, providing jobs, housing, education, and recreational opportunities; and

**WHEREAS**, we, the members of the Augusta County Board of Supervisors, appreciate the State of Virginia's efforts in making this a project of State importance; and

**NOW THEREFORE BE IT RESOLVED**, by the Augusta County Board of Supervisors that said Board supports CCBRT Foundation, Nelson County, and the City of Waynesboro, as they work to restore the Crozet Tunnel, and establish a trail through the Mountain. These efforts will include the application of Map 21 grant funding to complete Phase III of the project. Phase III will include the construction of the Western Trail and parking area to be located in Augusta County. This trail will enter Augusta County on the west end of the tunnel, and will offer to our citizens the opportunity to enjoy, and explore a part of our past.

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

Nays: Shull

Motion carried.

Chairman Shull did not support the resolution because he felt that road maintenance should be first priority. "The Federal government hands money down to the State and it has to be appropriated in that fashion. It is mandated that it has to be spent in that manner. My opinion is that VDOT is the Transportation Department of the State. We have roads that are in dire need. We have dirt roads in this County that are in dire need. The Federal government needs to get their priorities straight as we see how everything is. The infrastructure was supposed to have been improved. In the past years, money was appropriated for bridges and everything else. It is not being done. We have citizens in this County that would love to have their roads taken care of. We don't have enough money. We need to tell our Senators and our Legislators who are going to Washington that they need to reprioritize the money and where it goes."

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COURTHOUSE NEGOTIATIONS

The Board discussed status of courthouse negotiations.

Patrick J. Coffield, County Administrator, advised that this had been discussed at Monday's Staff Briefing with the Circuit Court Judges Victor L. Ludwig and Charles L. Ricketts, III, speaking on things they felt important for the Board to hear as negotiations with Staunton proceed. A report was received from the Negotiating Team on the status of the two rounds of discussion as to what the City said was "negotiable" and "non-negotiable". A statement of what the Board considered "negotiable" and "non-negotiable" was sent to the City. From their response, he felt that "we" may have misunderstood what was said. He was asked for some dates for the City and County to meet again for clarification of "negotiable" and "non-negotiable" items. He presented summary notes from the Monday meeting with the Judges to the news reporters for them to "have an opportunity of providing the general public what was discussed on Monday".

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October 28, 2015, at 7:00 p.m.

### COURTHOUSE NEGOTIATIONS (cont'd)

Mr. Pyles made the following statement:

This thing has gotten kind of loopy. It's gotten out of sorts. The process hasn't gone very well. I'm going to give a little bit of history and then explain to you my thinking because, to me, it is not a negotiating problem; it's a math problem. When you understand the math, then the result follows. I think I can present that. The first time that the consideration of the courts moving from Staunton, since I've been on the Board, was when we were talking about the Middle River Regional Jail. It was the opinion of the then Beverley Manor Supervisor, and supported by the Board, that if we were going to have the Jail and the negative connotations that go with the Jail, that it would be well if we made this the "Justice Center" instead of the "Jailhouse" and that we would bring the courts in due time to mesh up with the Jail. We would do that; and, certainly, Staunton was not happy that we were going to do that. We spoke positively and we said we understand the intricate workings of all of this and it is important to you and we hadn't pushed it. Come 2004, I think it was, there was work that was needed to be done down there. When you have to do work and invest millions, it is smart to look and determine if this is the right place to do it. If we are going to move this thing, is this the time to do it? We met with them and the City Manager at that time, Bob Stripling, "Oh, we don't want you to leave; how can we help? What can we do? Let's come up with a list of what each will do to help you and help us." From that list, we spent \$2.5 million and Staunton has done zero. They haven't done anything. They have told us how much they love us and want us and need us, but when it comes to putting anything up, "It's on you." We go along and, now, the courts aren't needing a little something; they need a lot of something. Now, we're starting talking; we were talking \$10 million last year. \$10 million; we have a lot of reasons for wanting it up here. Some of us said, "We will leave it there if you will participate." All along, there was a sense that they would participate and that, I think, in the discussions and Mr. Wills will be able to correct me if he likes, there was always the thought that they would come forward and do something with us. When things didn't roll, I think the Judge got involved. He said, "Come on guys, you have to come up with something. There is a deadline of December 31<sup>st</sup> to do something." The deadline passed, then January 2014 Mayor Dull sent a letter. To me, that was the game-changer and understanding Staunton's position. The letter was both insulting and insufficient. It was meant to be a public relations document to sway public opinion. They offered only \$100,000 to take care of some historical brick changes that would have to pay simply because of their historic district area. They went on about how we had let this building fall to such disrepair. They were saying we weren't doing our job. At least our ceilings weren't falling on our workers. Our building is in pretty good shape and we have invested in it. We had already put a million or so and it is a lot nicer down there. To me, we changed from working in a collegial, a co-operative effort, to being adversaries. You want our money; you can't have it. They're saying, 'Our taxpayers will reject this idea to participate in helping with this'. That relieved my burden. I had felt concern for Staunton for what damage we might do to them by leaving. Mayor Dull made it very clear that our leaving was insignificant. I think there was one document that indicated that there may be \$15,000 worth of lost income to the City. To me, between their attitude and marching over to the News Leader Editorial Offices the day of the release to make their case about why they had to tell us to go fly a kite. 'You want it down here, you pay for it.' I said, 'Okay; that's fine'. I'm not saying I blame them. They're doing their job. They think that we don't have any options and that we should fund it; they didn't have the money for it. I might do the same thing if I was sitting on that Council. But sitting on this Board, and thinking about it, I said, 'Okay, they're not interested in us staying. What's next?' Well, then, we said no and then they made another offer and they upped the ante and then we get into the thing where we said, "Let's have a referendum. We need to take this to the people.' We go before the Judge who said, 'You can't just do it with the courthouse; not with just the Circuit Court. You have to make it for all the courts.' That was another game-changer. We started looking at that and then we got the big dollars. One gets sticker shock when you see that sort of thing. Staunton sees that we are serious and they improved their offer. Then we're still going with a referendum and then they come up with their counter-proposal. We've got that. Because the Judge, after we got into this, said you have to do more. That's what he said out here on Monday – No band aids; you're not going to be in a rabbit warren. The thing we have to keep in mind is that he is just not another citizen; he has a statutory responsibility to see that those buildings meet code, meet the standards that have been set by the Supreme Court. He has the power, as Mr. Wills brought up about what happened in Rockbridge. He has a policy and says, 'This is what you're going to do.' I just believe it is more important for us to try to determine what

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October 28, 2015, at 7:00 p.m.

### COURTHOUSE NEGOTIATIONS (cont'd)

Mr. Pyles made the following statement (cont'd):

is the best interest for Augusta County before we're told what we need to do. With all of these exchange of letters, I don't know if it is doing us any good or not because we lose to everyone.

They come up with this counter-proposal. We got it minutes before our meeting, or a day before. I went through it. This isn't good for Augusta County. I'll go through that. When you look at it, the proposal they have and the proposal that we have, there are so many differences, with ours having so much more value. I think it will cost us less when it is all said and done. When the negotiations went on, what we thought was part of the negotiations turned out not to be so. Now, maybe, it's different. I hadn't been in those meetings. I only trust what the Chairman and Vice-Chairman relay, what Mr. Coffield relays, as the sense of the negotiations. What I have written and what Mr. Barron had talked about—consolidation of courts. I wrote a letter to the Editor that talked about there wouldn't be any money savings for us but there was going to be money savings for the State. From what Mr. Barron stated tonight, the State doesn't even get any savings because we're still going to have two Commonwealth Attorneys that flip-flop. (Mr. Barron stated that was for a short term until the next election.) When I met with the two judges, they agreed with me. There are no savings. There is no money-savings on this. If you take Ms. Dull's letter, Ms. Dull was all for the consolidation that we should go at it vigorously and use all leverage to get it done. Then there was a problem of it being a pressure point in Staunton to do away with the Commonwealth Attorney, do away with the Clerk of Court. They're saying, 'We'll figure that out later'. Later doesn't work because if you listened to what Judge Ludwig talked about, the only savings you get is instead of having two 500-s.f. offices, you can put them together to where you have one that is larger than any single one, but not as large as two. That is the only place you would get any savings in your construction. We're not going to figure out whether or not we're going to do that until after we figure out whether or not we're going to do the project at all and how we're going to do things. When we got the proposal, I looked at it. The reason I wrote the Editorial was that they were saying in here that the cost could be allocated according to caseloads. The 2013 allocation was 72% and 28%. They came in reasonably close at 25%. You can look at some of these things and it could have been 26%-28% depending on some different numbers. I wrote my piece saying I thought I understood it to be a higher amount. We checked with Frazier and they had a math problem. They had pulled from a wrong column. It wasn't 28%; it was 34%, something like that. When you start doing 34% out of \$46 million, it goes beyond the \$12.5 million. I thought that was what they were proposing. They said this was not their document. Frazier made it, but Frazier was operating on their behalf. Did they not read it? Then they said, 'Whoa, we don't want to do that. Take that thing out of there.' So they give us something that we think means something, and then they say it doesn't mean anything.

We look at the costs. When we were dealing with Crescent Development back some years ago, I went through all their numbers. I found a lot of things I felt were wrong. I tried to dig down and understand stuff. The total number is \$44,240,000. Do you have any idea how much contingency is built into that? What do you think is a fair number? It is 30%. If you took the contingencies out, it would be \$10 million less. They have 7.47% for escalation; they have 10% for design contingency; if there are any changes, then it would be an additional 10% increase. That works out to be 30% because they didn't apply it overall on everything. It's 29%; it's \$10 million. Do we need to build a \$44 million building or a \$34 million building? Big difference. If I look at the numbers that they have there, and I can't dig down as much as I would like to; I don't know some of these things. Let me give you one number. Furniture: \$2,960,000; this is for 67 employees. That works out to \$44,179 per employee. Are these Trump offices? When you figure the 10% contingency, it comes up to \$3,256,000 divided by 67 is \$48,697 per worker. I think that is high. We've got these things that are in there that a paper lays flat and they just fill in the blanks. I don't think we know what the cost is. I think we know they are relatively inflated. They put it out there so that they are never going to get a bid that exceeds their number. Then you look at this thing and ask how does this compare building-wise? Forget the contingencies and all that, and just look at the estimated building cost. The estimated building cost for our building was \$25,449,000. The cost for the new building is \$20,912,000; then you have for the Cochran Center \$2,650,000; for the old courthouse, is

October 28, 2015, at 7:00 p.m.

COURTHOUSE NEGOTIATIONS (cont'd)

Mr. Pyles made the following statement (cont'd):

\$7.7 million, for a total of \$31,262,000. We either pay 100% of \$25 million or 75%, and maybe not that, on \$31 million. That is a \$2 million difference; \$2 million means something, but in the scheme of things, I don't think that's much. Let me tell you how you just wipe that out right away. The cost to buy the Union Bank Building and tear it down is of no value. For our 75%, it is more than the \$2 million that we have to do. It's just that one thing with the building that says that we would be better off with our own building than paying 75% of those three buildings. That doesn't count the glass walkway, which is \$550,000. We would pay 75% of that and we get no value from it. We do things like building three sallyports. We can either pay 100% of one or 75% of three. Do your math; it would cost us more of paying 75% of three, than it would 100% of one. You go through this, and you see all these things, and you say, 'That's not going to work'. I sat in my chair and I said, 'I believe in listening to Staunton. I heard them. They can't afford to do it. I think they were pressured by the good folks that are sitting over there. They flooded the place. They Historical Society sends out 1,000 e-mails: 'Bad Supervisors are going to destroy downtown Staunton and the historic investments we have down there'. They got pressured and they went to the backroom and came back with \$25 million. They don't want to do it. They can't afford to do it. What these News Virginian and News Leader are asking, 'You just have to compromise. You have to get together'. I think if we come up with a plan, it's a lose-lose for everybody. It's just like when Solomon had the baby, he cut it in half and gave it to both. It is not going to work. If we get what is fair for us, it's not fair to Staunton. The loss of the Union Bank building, that's a tax-paying entity that brings people downtown. For them to do it, it wouldn't be fair to them. For us to pay these kind of costs, to appease Staunton, that's not fair to our taxpayers. We don't get the value. It's not fair to the people who have to do down there. When I had a meeting with the Judges, I went to Johnson Street parking lot. It cost \$2. Multiply that by all our folks that go down there, we're giving a lot of money to them and they can park out here for free and be closer and safer. A couple of things have happened since that . . . These news articles. Did you read them? They're having this big thing that is going to develop out on the Interstate and Ms. Oaks said, 'This is a historic event'. I like it that you can create new history and it is just not the old stuff. I think that is what we'll do out here, but \$900,000 a year is not found money. It's going to take a little bit from Waynesboro, Staunton and a little bit from everybody. It's going to take a little bit from downtown Staunton. No one came to us to see if we were going to be affected. It's just business. I don't think, if they're worried about the \$15,000 that they were going to lose, I think it will be offset by the \$900,000 and they will not have to worry about their finances anymore. They're pretty happy with what is going on and I'm happy for them.

Did you read the article on parking? Headline was everybody has parking problems. No, not everybody has parking problems. They were talking about the downtown being bothered by losing business because it is too hard to park. That kiosk! It's inconvenient. It's a distraction. It's a problem. We don't need to do that.

Getting back to my chair . . . I just sat there writing down things that speak to why it's a value to both of us to part and go our own ways. Value of losses of building in Staunton for Augusta County:

1. I already talked about the Union Bank and the glass walkway.
2. Construction will be more expensive for limited space for equipment and having to work around traffic. Moseley Study has \$116,000 for flagmen for railroad crossing. If they anticipate problems with traffic and the rail that comes along once every couple of hours, what is it going to cost us to operate in downtown Staunton for a period of many months? They are going to do street scape work and all that sort of stuff. What is that going to cost? What does that do to the cost of construction? You tell the guys, 'You go back here, you have open space, you can drop; here it is; go to work'. They can run a number to determine what it is going to cost to build it. You go in here and determine where you have to fit the equipment, where you're going to get stuff and bring equipment in at different times. It can be cheaper to get everything delivered at once instead of overtime and make it work. It's going to be more expensive to go downtown to work. They will put in a contingency there that they would not have to do here.

October 28, 2015, at 7:00 p.m.

### COURTHOUSE NEGOTIATIONS (cont'd)

Mr. Pyles made the following statement (cont'd):

3. Temporary relocation of personnel – It will cost money to set up places for those 67 people to work. You are going to have to have phones; you're going to have to have offices; you're going to have fax. You're going to have to move those folks out. You're going to have to find your temporary quarters and then you have to move them back.

When we were looking at the schools, and we were looking at Riverheads, one of the things that was a problem was being able to work when the people were in the building and what it would cost to do that and the inconvenience of all of that. That is a real thing and it is an expense that we will have happen.

4. Sallyports – a new facility can be bid more competently than get into old buildings, whether it be the Cochran Building or the 1901 Building. You are going to have to allow for this.

At Greenville, where somebody thought a condition was a certain way, and it wasn't, and it cost money. Are they going to get into something that a structure doesn't work or they run into new things in there? They are going to have an allowance for contingency or they are going to have something that the contract says, 'If we run into conditions unplanned, you are going to pay for the extra'. We are not going to be able to competently know what the cost is going to be.

5. Security – We provide security, now, for two buildings. Our goal is to have security for one building. If we go with the Staunton plan, we'll have to participate with security for three buildings. Instead of reducing the number of security personnel by two, at \$50,000 each, suppose we have to add to make it work. Now, we have a \$200,000 switch in value for that security.
6. Parking – No relief.
7. Old buildings – No value in taking things out. You have to have particular equipment that can fit into this. In the Moseley study, they talked about how it had to be certain environmental equipment because of the conditions in the basement and things like that. More costly and less efficient heating system that goes in there.

We're not going to have the value of an efficient flowing courthouse. In the Frazier Study, they talk about the three different ways people get around there. We have the inter-mix of inmates and witnesses and everyone else. It is not a good way to go. We lose that value by not having it. We lose the value of not having our Jail adjacent to our courts. Much more secure, much less expensive to just move them that way. We lose the value of creating an entity where people come and shop and eat and spend time and then eventually the value in development of buildings and offices that will eventually come. We are forfeiting what was estimated to be \$160,000 a year. We lose the simplicity of sole ownership. You think differently when you have a couple of owners. Every time we get in a discussion of percentage. Is it population, court cases, or whatever? When do we invest in something new? Are we each going to be setting aside money for the rehabilitation of it when it is needed? If it is all in our hands, it is good. They say don't go in business with your relatives. Well, that's what we're doing. We're going in business with our cousins from Staunton and it is not going to be easy to get done. We would forego the value of selling our two existing buildings. They have the value of about \$1.9 million. We can't give it away. We should be able to get something for them. It's not my buildings to give away; it's the people's buildings. We would not be getting that money.

Mainly, Judge Ludwig talked about the confusion with having three courthouses. He was dead-set against that. They have three. When I think about the convenience for our people, the people that are not used to going there—not everybody that goes to the courthouse is a bad guy. They have to make transactions, DD2-14 forms, a lot of stuff and it is just not convenient. It is not a value to us to do that.

On the flip side, why would it make sense to Staunton to not come in with us? Well, they don't have \$12.5 million. Mayor Dull made that very clear in the first letter and continues to say that and then say that's all the further they will go. If they work with us, I think we can work out a fair negotiated price with the courthouse. It think if they took the General Courts building and destroyed it and could either have a nice green space or additional parking. Again, we talk about they would lose a taxpaying entity by losing the bank. They would lose that business downtown. Months of downtown construction is going to impact their businesses that are there. When things happen here, we are together. Business in Verona can go to Staunton. If they drew back and decided, 'Let's keep the



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October 28, 2015, at 7:00 p.m.

### COURTHOUSE NEGOTIATIONS (cont'd)

Mr. Pyles made the following statement (cont'd):

old courthouse. Let's keep in the 1901 building as a courthouse'. It will be cheaper for them than being with us and cheaper for them than the improvements that they are going to have to make when we leave and other things grow.

Mr. Shull brought up something Monday that I didn't take right. What can we do in the meantime? I think one of the things we can do in the meantime is not spend the \$2 million to decide it, but spend the time to review the costs and then decide if we have to have 237 parking spaces and go through that thing and work it out price-wise so that we know better what these costs are because they are inflated to high heaven. If we get it down to where it is in the \$30-35 million range then we come to the question of how we are going to finance it. We said we could do it within our tax structure. That doesn't mean it is easy. We have been very fair with the School Board, but we can make it work. We have \$900,000 that we don't have allocated from the penny tax increase. We have \$8 or 9 million coming in from the sale of the Middle River Regional Jail. There are other things that we can do, but it is just like when you buy your house, you bought whatever you could buy that fit into 2.5 times your income. If that is what you can afford, you try to get by with it. Then, as you grow with your money and all, it wasn't such a burden. Same thing with us. It will be tight to our budget for some years, but it is going to get easier every year and the values that we are eventually going to get is savings and operation, the additional businesses here, and not having to build something downtown. That's the thing. We may get stuck with building something downtown, it is going to get even more expensive.

In summation, I think, if we go downtown, it is a lose-lose. We can't both win. The second thing is it is not for this Board to decide. When we voted against the referendum, we kicked it to the next Board. There is nothing that we can do, now, that would be binding on that Board that they couldn't tear up. I think it is only fair to them that it is theirs. My proposal would be that we ought to quit writing letters to Staunton and tell them that we are willing to meet and discuss, but it is going to be left to the next Board and let it go at that. This has gotten bad and we don't need to keep dealing with it.

Dr. Pattie's comments:

I agree that it is the next Board's decision. We ought to continue to negotiate if possible, but, if not, allow the new City Council and County Board to discuss this.

Ms. Bragg's comments:

I do think, at this point, we need to see where Staunton wants to go with it. I agree with many of the points Mr. Pyles makes. I think we need to see what Staunton wants to do.

Mr. Wills' comments:

I don't disagree with Mr. Pyles has said in terms of functionality. We did give Staunton until December 1<sup>st</sup> to negotiate with us. I would be my opinion that we need to send the minutes from Monday's meeting and ask them point blank if they are willing to further negotiate and get their plans in order. If they are willing to pay their share of the cost; \$12.5 million. The \$12.5 million cap is a non-starter because we do not know what the cost would be down there. Again, I am a person who believes that we honor our commitment and our statement was that we would give negotiations an opportunity until the first of December.

Mr. Moore's comments:

As we come to the end of our four years here, and I sat 8 years on the School Board, and 4 years on this Board, I have always tried to make decisions and vote things I think are long-term or best for the County and for the people who live here. We spent the better part of this year with the Moseley Study and the design that gave us a courthouse that we could say was a 30-year, 50-year, or a 100-year building, and it allows us to

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October 28, 2015, at 7:00 p.m.

### COURTHOUSE NEGOTIATIONS (cont'd)

#### Mr. Moore's comments (cont'd):

adapt to whatever growth we might have. It provides efficiencies that puts everything here. It ties in with Middle River. You know, all the things that we were looking for that we felt was best for our citizens. I think this Board was ready to go to referendum. I think the consensus of this Board was that that is what we have done that is best long-term and let's let our residents confirm that for us or tell us something different and then, at the last moment, and I say that because it was the Monday before our Wednesday meeting that a proposal was put forward by Staunton that when you first looked at it, it hit a lot of the things. When you delve into it, in the day and a half, we decided there were a lot of legitimate concerns with their proposal that we had. When Mayor Dull stood here that Wednesday night and presented it to the Board, and I will read the last sentence of her letter 'working cooperatively, we can achieve yet another success taking advantage of once in a lifetime opportunity to do something profoundly **and good** for the future generations of all our citizens'. Future generations—that's a long term. That's her closing with 'let's work together and come up with something'. Mr. Wills sat right here and put the direct question to Mayor Dull. 'Are you willing to negotiate? Yes, I'm willing to negotiate. Are you willing to put forth the effort to come up with something that is a long-term success for all of us? I'm willing to meet every day if we have to come up with a solution that is going to work for everybody.' We voted the way we did and I can tell you that, in my twelve years on this thing, that is the one vote that really I wish I could take back because there have been votes that I haven't agreed with, I was on the losing side, or I was on the winning side, or whatever. That's one vote I had on my mind and what I thought, from my heart, was best for the County and then I changed it because of something that was presented at the last moment and I felt was something we should give a little more time and see if it is something that could come forward for us. Since that date, there has been no spirit of cooperation that has come out of them. I really wish, personally, that I could have that vote back. I do agree with Mr. Pyles that I think this is a decision that the future Board makes. I would hope that, at that time, that they do move forward with the courthouse in Verona because I do feel that is what is best for the people that live in Augusta County and is the best long-term solution for our court system.

#### Mr. Wells' comments:

Sitting here listening, I agree with Mr. Wills that we have set the December 1<sup>st</sup> deadline for the negotiations. I do disagree with Mr. Moore. I voted for giving the City until December 1<sup>st</sup> in trying to work out something with the City to where we could negotiate with them. In all seriousness, I think negotiations have hit the wall. I don't think anything is going to come up between now and December 1<sup>st</sup>, but I am still willing to listen. I agree with just about everything Mr. Pyles has said. Unfortunately, I won't be a member of the next Board, but I think they will make the proper decision.

#### Chairman Shull's comments:

Almost four years ago, the Judge wanted us to come to the courthouse. He showed us the deficiencies that were in the courthouse at that time. He took us on a tour through there and noted there were wiring problems that needed to be brought up to date. He showed us the Jury room and where the prisoners are held and things. We tried to fix things and it was going to be a pretty significant cost, but he let us work a little at the time on it and things. I think he is conscious of the taxpayers, too, and what they've had to spend, but it has come a time, like Mr. Pyles said, and as we saw in the schools. The schools are old. It's time to replace them. We need to replace the court system there. The Judges were here and we asked the Judges. This is what we had asked Staunton that we go back and ask the Judges, not for their opinions on what color curtains they want, or what color carpet they wanted; we wanted to know what was required to operate the courthouse under the State Guidelines and under their guidelines to operate the courthouse. We needed to know what the dimensions of the courtrooms were needed. The Judge pretty much told us what was needed Monday. They have looked at the plans and they told us, Monday, that the Frazier Plan might work, but the Moseley Plan is the better plan. All I ever hear is the Frazier Plan is something sent from God or somewhere, I guess. My thought was that when we entered these negotiations, that we would take both plans and sit down and put something together. We haven't achieved that, yet. I think we are back to square one. Mr. Wills has set up the hourglass; the sand is falling; December 1<sup>st</sup> is coming; the clock on the scoreboard is ticking down. If Staunton wants to move forward with consolidation, they need to move forward and get

October 28, 2015, at 7:00 p.m.

## COURTHOUSE NEGOTIATIONS (cont'd)

### Chairman Shulls' comments (cont'd):

things going. We have compromised. When we took the vote to put off the referendum, we compromised. We've bent over backwards to try to work with them. They came in and presented us with the Frazier Plan in a few days and said, 'We didn't have time to get things together.' Well, we're giving them time. Then say, with what we sent out the other day, it really didn't get published in either paper our points. Mr. Wills brought this up to try to spur negotiations, again; to try to put down where we agreed to and where we didn't agree. That was why this was presented the other day and we asked Staunton to present their plan back. Where did they agree and where did they disagree? We haven't seen anything, yet. December 1<sup>st</sup> is coming and we're still waiting. We're willing to negotiate and it will be up to the next Board, but we would like to know by December 1<sup>st</sup>. I think if they haven't told us by December 1<sup>st</sup>, 'yes, we're moving forward with looking into consolidation; we're moving forward with ....' They've given us their answer. They say, 'No, we're not interested.'

When we started out, it was renovate the courthouse. Mr. Wills was Chairman, and it started out 50-50. They said, 'Where did 50-50 come from?' Well, it's been there ever since Mr. Wills was there and they were meeting with the former Mayor. That is nothing new. When it started escalating after the Judge saw that it had to go from the Circuit Court, he was looking at his and moving on; the price tag kept going up. Just to fix the courthouse is one thing, but when you start spending \$10 million; and we looked at \$20-\$25 million to come down here to build the Circuit Court building down here, he said, 'Oh, no, you have to bring all three'. Then, it turned into \$44 million. There was an article in the paper about revitalization of Staunton. Moseley has given us a cost to put what we need in Staunton at \$60 million. Are they looking for a \$60 million revitalization for Staunton at the County taxpayers' expense? I don't know. We will never gain anything out of what amount of money that we spend down there and I don't think that the taxpayers out here want to spend it down there if parking and everything is not addressed.

I don't feel right on this Board to say that we are going to spend that kind of money down there without letting the taxpayers decide. I think the rest of this Board, and I think whoever is on the new Board will feel the same way. The only way that we can go downtown is whatever it costs. They can argue backwards and forwards, whether it is 25% or 34%, whatever it would be, it would have to be of the total cost down there and not a cap cost. They have a lot of mind-pondering, heart-thinking, and what they want do here. Time is still ticking down as we sit here and talk right now. They have a decision to make. December 1<sup>st</sup> is coming.

\* \* \* \* \*

## WAIVERS/VARIANCES

### 1. Greenville Sewer

Mr. Fitzgerald reported that it had been discussed at Monday's Staff Briefing concerning the waiving of the privilege fee for new lots in the Greenville community. When the Greenville Sewer Project was built, the County bought a significant amount of gallons for that project. The County has not utilized all of those gallons. At a previous meeting, a homeowner had requested that the privilege fee be waived since the County had already bought those gallons of capacity. The Board did approve the request. During that meeting, it was indicated that each request needed to be considered case-by-case.

Mr. Fitzgerald stated that there are two additional requests forthcoming. He noted, at this point, 18,420 gallons of capacity has been paid for in Greenville. There are 14 connections prepaid, but, have not been connected, yet, that equals to about 3,920 gallons that would have to be reserved. On Monday, there was a question concerning the schools. When the original agreement was created for the facility, the schools were allocated 25,000 gallons capacity without the requirement to pay a privilege fee. He learned from the Service Authority that the 25,000 gallons capacity will cover what the High School, Elementary School and a Middle School will need. He noted that 14,500 gallons of capacity is available for use. He reiterated that there are additional requests forthcoming and asked if it could be allowed to be provided to those persons until there is no longer any capacity available.

October 28, 2015, at 7:00 p.m.

WAIVERS/VARIANCES (cont'd)

Mr. Pyles asked Chairman Shull he supported allocation until depletion. Chairman Shull said he supported it.

Mr. Pyles moved, seconded by Ms. Bragg, that the Board authorize staff to release capacity, as people come forward, until it is gone. After that, there will be a charge.

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

Nays: None

Motion carried.

\* \* \* \* \*

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:

- Regular Meeting, Wednesday, October 14, 2015

STREET ADDITION

Consider Community Development's and VDOT's recommendation to adopt resolution for acceptance of the following street into the Secondary Road System in accordance with VDOT request:

AUGUSTA HEALTH – NORTH CAMPUS - STREET ADDITION

WHEREAS, that the County and the Virginia Department of Transportation have entered into an agreement on August 26, 1996, for comprehensive stormwater detention which applies to this request for addition.

WHEREAS, VDOT Form AM-4.3 is hereby attached and incorporated as part of the governing body's resolution for changes in the secondary system of state highways.

BE IT RESOLVED, that the Virginia Department of Transportation is hereby requested to add the following streets in **AUGUSTA HEALTH – NORTH CAMPUS** into the secondary road system of Augusta County pursuant to Section 33.2-705 of the Code of Virginia (1950) as amended:

North Campus Lane, State Route Number 1368  
 From: Route 636  
 To: 0.28 miles East of Route 636 to cul-de-sac (Dead End)  
 Length: 0.28 miles

AND FURTHER BE IT RESOLVED, that the Board does guarantee the Commonwealth of Virginia an unrestricted right-of-way of 50 feet with necessary easements for cuts, fills, and drainage as recorded in Plat Book 1, Pages 7520-7522, Instrument 090004453, recorded May 5, 2009.

AND FURTHER BE IT RESOLVED, that the Virginia Department of Transportation will only maintain those facilities located within the dedicated right-of-way. All other facilities outside of the right-of-way will be the responsibility of others.

HB-2 PROJECT RESOLUTIONS

Adopted the following HB-2 Project resolutions:

- a. Route 616
- b. Route 610
- c. Lifecore Drive

October 28, 2015, at 7:00 p.m.

CONSENT AGENDA (cont'd)  
HB-2 PROJECT RESOLUTIONS (cont'd)

**RESOLUTION IN SUPPORT OF THE  
ROUTE 616 SAFETY IMPROVEMENT PROJECT**

WHEREAS, the Commonwealth of Virginia has adopted a project prioritization program under House Bill 2 whereby transportation projects are selected for funding based on the cost effectiveness of those projects to meet performance goals; and

WHEREAS, the Board of Supervisors of Augusta County is seeking funding for the Route 616 Safety Improvement Project under the HB2 program; and

WHEREAS, this project is intended to address the safety needs of this corridor; and

WHEREAS, between 2008 and 2015, there were 21 injury crashes and 2 fatalities on Route 616, 14 of which involved teenage drivers; and

WHEREAS, the Route 616 Safety Improvement Project was identified in the County's Comprehensive Plan as a priority transportation project; and

WHEREAS, \$2,582,486 has already been allocated to the Route 616 Safety Improvement Project through the Six Year Improvement Program; and

WHEREAS, it is necessary that a resolution be received from the sponsoring local jurisdiction or agency requesting the Virginia Department of Transportation funding.

NOW THEREFORE be it resolved that the Augusta County Board of Supervisors does hereby endorse the proposed Route 616 Safety Improvement Project to compete for state and federal funding under the new HB2 program.

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**RESOLUTION IN SUPPORT OF THE ROUTE 610  
HOWARDSVILLE TURNPIKE PROJECT**

WHEREAS, the Commonwealth of Virginia has adopted a project prioritization program under House Bill 2 whereby transportation projects are selected for funding based on the cost effectiveness of those projects to meet performance goals; and

WHEREAS, Augusta County submitted the Route 610 Howardsville Turnpike Project for consideration for funding under the HB2 program; and

WHEREAS, Howardsville Turnpike is located in the Stuarts Draft Urban Service Area and links residents in the southeastern portion of the County to the Stuarts Draft Activity Center as identified in the VTRANS 2040 Needs Assessment; and

WHEREAS, this project is intended to address the operations and geometric deficiencies of Howardsville Turnpike; and

WHEREAS, this project is identified in the Draft Constrained Long Range Transportation Plan of the Staunton-Augusta-Waynesboro Metropolitan Planning Area; and

WHEREAS, the Route 610 Howardsville Turnpike Project was identified in the County's Comprehensive Plan as a priority transportation project; and

WHEREAS, \$3,227,540 has already been allocated to the Route 610 Howardsville Turnpike Project through the Six Year Improvement Program; and

WHEREAS, it is necessary that a resolution be received from the sponsoring local jurisdiction or agency requesting the House Bill 2 funding.

NOW THEREFORE be it resolved that the Augusta County Board of Supervisors does hereby endorse the proposed Route 610 Howardsville Turnpike Project to compete for state and federal funding under the new House Bill 2 program.

October 28, 2015, at 7:00 p.m.

CONSENT AGENDA (cont'd)  
HB-2 PROJECT RESOLUTIONS (cont'd)

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**RESOLUTION IN SUPPORT OF THE  
LIFECORE DRIVE SHARED USE PATH PROJECT**

WHEREAS, the Commonwealth of Virginia has adopted a project prioritization program under House Bill 2 whereby transportation projects are selected for funding based on the cost effectiveness of those projects to meet performance goals; and

WHEREAS, the Board of Supervisors of Augusta County is seeking funding for the Lifecore Drive Shared Use Path Project under the HB2 program; and

WHEREAS, a portion of the Lifecore Drive Shared Use Path was built as part of the Route 636 relocation project from Route 250 to Village Creek Drive and 0.2 miles of pathway built along Lifecore Drive as part of the Interstate 64 Exit 91 Project; and

WHEREAS, the Lifecore Drive Shared Use Path Project is intended to complete the shared use path that is being built in this corridor; and

WHEREAS, the Lifecore Drive Shared Use Path addresses the need to increase opportunities for non-motorized connections between residential, commercial, and office developments in Various Activity Centers identified in the Staunton-Augusta-Waynesboro Regional Needs Assessment as part of VTRANS 2040; and

WHEREAS, the Lifecore Drive Shared Use Path Project is identified in the Draft Constrained Long Range Transportation Plan of the Staunton-Augusta-Waynesboro Metropolitan Planning Area; and

WHEREAS, the Lifecore Drive Shared Use Path was identified in the County's Comprehensive Plan as a priority transportation project; and

WHEREAS, \$273,040 has already been allocated to the Lifecore Drive Shared Use Path Project through the Transportation Alternatives Program; and

WHEREAS, it is necessary that a resolution be received from the sponsoring local jurisdiction or agency requesting the Virginia Department of Transportation funding.

NOW THEREFORE be it resolved that the Augusta County Board of Supervisors does hereby endorse the proposed Lifecore Drive Shared Use Path Project to compete for state and federal funding under the new HB2 program.

\* \* \*

LIFECORE DRIVE – TAP GRANT RESOLUTION  
Adopt Lifecore Drive Tap Grant resolution.

**RESOLUTION ENDORSING THE  
RT 636 (LIFECORE DRIVE) SHARED USE PATH PROJECT  
TRANSPORTATION ALTERNATIVES PROGRAM GRANT APPLICATION**

WHEREAS, in accordance with the Commonwealth Transportation Board construction allocation procedures, it is necessary that a resolution be received from the sponsoring local jurisdiction or agency requesting the Virginia Department of Transportation to establish a Transportation Alternatives project in Augusta County.

NOW, THEREFORE, BE IT RESOLVED, that Augusta County, requests the Commonwealth Transportation Board to provide additional funding for the construction of RT 636 (Lifecore Drive) Shared Use Pathway, which will install a paved trail to connect parallel paved trail facilities constructed as part of the I-64 Exit 91 Interchange and VA Route 636 projects.

BE IT FURTHER RESOLVED, that Augusta County hereby agrees to provide a minimum 20 percent matching contribution for this project.

October 28, 2015, at 7:00 p.m.

**CONSENT AGENDA (cont'd)**  
**LIFECORE DRIVE – TAP GRANT RESOLUTION (cont'd)**

**BE IT FURTHER RESOLVED**, that Augusta County hereby agrees to enter into a project administration agreement with the Virginia Department of Transportation and provide the necessary oversight to ensure the project is developed in accordance with all state and federal requirements for design, right of way acquisition, and construction of a federally funded transportation project.

**BE IT FURTHER RESOLVED**, that Augusta County will be responsible for maintenance and operating costs of any facility constructed with Transportation Alternatives Program funds unless other arrangements have been made with the Department.

**BE IT FURTHER RESOLVED**, that if Augusta County subsequently elects to cancel this project Augusta County hereby agrees to reimburse the Virginia Department of Transportation for the total amount of costs expended by the Department through the date the Department is notified of such cancellation. Augusta County also agrees to repay any funds previously reimbursed that are later deemed ineligible by the Federal Highway Administration.

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

Nays: None

Motion carried.

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**MATTERS TO BE PRESENTED BY THE BOARD -NONE**

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**MATTERS TO BE PRESENTED BY STAFF**

Staff discussed the following issues:

- 1. Pipeline – Coordination American Resolution and letter has been provided for execution to start the filing for appropriate agencies. Copies have been provided to Board for review.

Mr. Pyles added that this is a two-step process. To go forward with a letter, a supporting resolution is required. The resolution is indicating what the County is entitled to. The letter to FERC is to indicate what has been done and ask for a meeting on one of the following dates: November 16<sup>th</sup>, 30<sup>th</sup>, or December 7<sup>th</sup>. It was determined by the Board that all dates were available at 2:00 p.m.

Mr. Pyles moved, seconded by Mr. Moore, that the Board authorize staff to execute documents for submittal.

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

Nays: None

Motion carried.

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- 2. Fire and Rescue – New Hope Agreement – Circulated drafted agreement to the Board. Will be discussed at the next Board meeting (November 12<sup>th</sup>).
- 3. VDOT meeting – November 19<sup>th</sup>, at 4:30, at the Government Center – Previous letter was distributed to Board for its input.

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October 28, 2015, at 7:00 p.m.

ADJOURNMENT

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

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

                                  Nays: None

Motion carried.

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Chairman  
h:10-28min.15

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County Administrator