

PRESENT: S. Bridge, Chairman
K. Shiflett, Vice Chairman
G. Campbell
J. Curd
T. Jennings
K. Leonard
E. Shiplett
R. L. Earhart, Senior Planner and Secretary
L. Tate, Planner II
J. Wilkinson, Director of Community Development

ABSENT:

VIRGINIA: At the Called Meeting of the Augusta County Planning Commission held on Tuesday, October 11, 2016, at 5:00 p.m. in the Board of Supervisors' Conference Room, Augusta County Government Center, Verona, Virginia.

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The Planning Commission traveled to the following site, which will be considered by the Commission:

1. Emad A. & Neamt N. Mansour – Rezoning

Chairman

Secretary

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G. Campbell
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T. Jennings
K. Leonard
E. Shipplett
R. L. Earhart, Senior Planner and Secretary
L. Tate, Planner II
J. Wilkinson, Director of Community Development

VIRGINIA: At the Regular Meeting of the Augusta County Planning Commission held on Tuesday, October 11, 2016, at 7:00 p.m. in the Board Room, Augusta County Government Center, Verona, Virginia.

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DETERMINATION OF A QUORUM

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

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Mrs. Earhart paid tribute to Joseph Shomo who passed away on October 8. Mr. Shomo previously served on the Planning Commission for over eight years until 2008 and also served the County in many other capacities.

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MINUTES

Mr. Jennings moved to approve the minutes of the called and regular meetings held on September 13, 2016.

Mr. Campbell seconded the motion, which carried unanimously.

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Franklyn Eugene or Sue Thacker Smiley

A request to withdraw approximately 97 acres of land from the Middlebrook Agricultural and Forestal District owned by Franklyn Eugene or Sue Thacker Smiley, located on the north side of Pisgah Road (Route 620) approximately .4 of a mile west of the intersection of Pisgah Road (Route 620) and Middlebrook Road (Route 252) in the Riverheads District.

Mrs. Tate explained the request as presented on PowerPoint. She stated the General Assembly passed the Agricultural and Forestal District Act in 1977. The Act granted localities permission to form these districts as a way of conserving, protecting and encouraging development and improvement of agricultural and forestal products. She stated owners can voluntarily opt into and renew their property to remain in the district. Each district has its own set of rules and regulations. The Middlebrook Ag and Forestal District has a stipulation, among others, that no new non-agricultural or non-forestal buildings, and or uses including dwellings, be permitted except that the construction of a dwelling for persons who earn a substantial part of their livelihood from agricultural or forestal operations on the same property, or for members of the immediate family of the owner is permitted. The Smileys have indicated they would like to build a storage building on the property, which will not be used exclusively for agriculture purposes and a dwelling. The Smileys have also indicated that they do not earn a substantial part of their livelihood from agricultural or forestal operations on the property. The Agriculture and Forestal Committee met to discuss the request and recommended denial of the request.

According to State Code, requests to withdraw from an Agricultural and Forestal District must meet the standard of having “good and reasonable” cause. In addition, the State Code requires that Agricultural and Forestal Districts be taken into consideration by the County in determining uses allowed on adjacent properties.

Mr. Franklyn Smiley stated in 1998 there was a hearing concerning the Middlebrook Ag and Forestal District. He stated he had specifically asked at the hearing if he would be allowed to build a home on the property when he retired. He was told he would be allowed to build a home, but would not be allowed to subdivide the property. He made the decision to stay in the district because he believed he would be allowed to build on the property. He is requesting to withdraw from the program in order to build a garage/storage building as a transition building while his house is being built.

Mr. Shipplett asked if Mr. Smiley had proof that he was told he would be allowed to build on the property.

Mr. Smiley stated he was concerned about not being allowed to build on the property, so he specifically asked at the hearing in 1998 if he would be allowed to build a house. He was told other than subdividing, there were no restrictions on the property.

There being no further questions from the Planning Commission, Mr. Bridge opened the Public Hearing.

There being no one to speak in favor of or against the request, Mr. Bridge closed the Public Hearing.

Mr. Leonard stated unfortunately Mr. Smiley was not fully aware of the restrictions in the Middlebrook Ag and Forestal District. The district allows for homes being built on the property, if the farm is the main source of income. Mr. Smiley does not make a living by farming the property.

Mr. Jennings stated this is a difficult decision to make. It is the Planning Commission's charge to make the right decision. The ground work was laid out when the Ag District was formed and the decision must be made on what the rules state. He does not feel this request meets the "good and reasonable cause" clause to withdraw from the district.

Mrs. Shiflett stated her family is a member of an Ag District. They became part of the district with the idea that the uses of the district would be restricted to those that make their living by farming. The precedent has to be set and the rules should not be broken. If the rules are allowed to be changed and regulations not followed, then the purpose of the district does not mean much. A good and sufficient cause to withdrawal would be a death, divorce or some legal reason the land would need to be divided. Because Staff and the Agricultural and Forestal District Committee recommended denial, the Planning Commission needs to honor the recommendations.

Mr. Bridge stated the rights of the property owner conflict with the rules and regulations of the Ag District. If these types of requests are allowed, it could hurt the integrity of the district.

Mr. Leonard moved to recommend denial of the request.

Mrs. Shiflett seconded the motion, which carried unanimously.

Emad A. & Neamt N. Mansour – Rezoning

A request to rezone from General Agriculture to General Business with proffers approximately 6.3 acres owned by Emad A. and Neamt N. Mansour located in the

southwest quadrant of the intersection of Tinkling Spring Road (Rt. 285) and Mule Academy Road (Rt. 642) in Fishersville in the Wayne District.

Mrs. Tate explained the request and proffers as presented on PowerPoint.

Ray Burkholder of Balzer and Associates Engineering, stated he was representing Mr. and Mrs. Mansour. He stated the request is straightforward. Preliminary traffic work has been done in looking at the entrances to the site and public utilities are available. The area is slated for business growth in the Comprehensive Plan. The residential properties will be honored by buffering as explained in the PowerPoint presentation. The proposed uses are low traffic generated uses such as senior housing and extended stay facilities.

There being no questions by the Commissioners, Mr. Bridge opened the Public Hearing.

Harry Moore of 267 Cold Springs Road, Stuarts Draft stated he is a member of Midway Bible Church at 29 Midway Lane. The church has concerns about the additional stormwater runoff that will be caused if a new business is allowed at this site. The church already receives a large amount of water from Eavers Tire and Wilson Trucking. The church property is not able to accommodate additional storm water that will be generated from another business.

Mr. Leonard asked if water from the Mansour property currently comes onto the church property.

Mr. Moore stated water from the Mansour property does come onto the church property. He referred to a map on the PowerPoint and indicated the areas where stormwater comes from onto the church property.

Mr. Burkholder stated his firm will be complying with the State stormwater control regulations. The State requires the water be detained back to pre-forestal conditions. A sizeable stormwater management facility is planned in the lower area for the whole property. Stormwater issues will be managed through the site plan process.

Mr. Shipplett asked Mr. Burkholder based on his previous comments if he believes water will not flow down onto the church property.

Mr. Burkholder stated water will still flow through the church property but will be detained through small orifices. The church should not see problems with rush as seen in the past with other developments when there was not stormwater management.

There being no further questions or comments, Mr. Bridge closed the Public Hearing.

Mr. Curd stated this request is in compliance with the Comprehensive Plan and is in an Urban Service Area. It is compatible with most of the surrounding properties and public utilities are available. This is the type of zoning the County wants to have in this area. He moved to recommend approval of the request with the stated proffers.

Mr. Campbell seconded the motion, which carried unanimously.

SOURCE WATER PROTECTIN OVERLAY DISTRICTS

Ken Fanfoni, Executive Director of Augusta County Service Authority, gave a presentation on the importance of source water protection and reviewed the Source Water Protection Overlay District regulations. He stated source water protection is an important goal of both the Augusta County Service Authority's long term Capital Plan and the Augusta County Comprehensive Plan. The purpose for the overlay is to prevent further contamination to delineated areas and to prohibit certain hazardous materials and uses to be located or used within these areas. Highly technical treatment systems are in place at several well locations to treat deterioration that has been found. To date, \$1.2 million has been spent on studies to identify recharge areas and on equipment to treat contaminated areas. This cost averages to approximately \$44 per customer. Grant money has been received to help offset these costs.

Berry Farm - Source Water Protection Area 1

A request to add the Source Water Protection Overlay District Area 1 designation to two new wells located on the east and west sides of Berry Farm Road (Rt. 626) approximately 1 mile south of the intersection with Quicks Mill Road (Rt. 612) in Verona in the North River and Beverley Manor Districts.

Mrs. Tate stated the purpose of the source water overlay districts is to prevent adverse impacts due to contamination of water or loss of water and aquifers which serve as groundwater supply sources. She briefed the Commission on the ordinance requirements and what uses will be allowed through the Administrative Permit process and what uses will be prohibited in this area. She explained the request as presented on PowerPoint.

Mr. Fanfoni gave a presentation on PowerPoint regarding the Berry Farm Area 1 request. He stated this is the only water supply that serves Verona and areas north of the City of Staunton up to the Dices Springs area. After looking for a water source for a number of years, the Service Authority was successful in finding two locations within the County at the Berry Farm. The two wells located there produce 500 gallons of water per minute from each well.

Mr. Shipplett asked if the dumpster site at this location could cause problems with contamination.

Mr. Fanfoni stated he did not believe it would. There is no run-off from the dumpster site and no contamination has been found.

There being no further questions from the Commissioners, Mr. Bridge opened the Public Hearing.

There being no one to speak in favor of or against the request, Mr. Bridge closed the Public Hearing.

Mr. Jennings stated it is important to protect the water sources in the County. He moved to recommend approval of the request.

Mrs. Shiflett seconded the motion, which carried unanimously.

Berry Farm - Source Water Protection Area 2

A request to add the Source Water Protection Overlay District Area 2 designation to properties in the recharge area for the Berry Farm wells and spring. This request contains approximately 2757 acres stretching from the City of Staunton Corporate Limits northeast to Quicks Mill Road and Pleasant View Road (Rt. 612) and on both sides of Berry Farm Road (Rt. 626), Shutterlee Mill Road (Rt. 742), and Spring Hill Road (Rt. 613) in the North River and Beverley Manor Districts.

Mrs. Tate pointed out the 2757 acres under consideration for designation as Area 2 for the Berry Farm well and spring as presented on PowerPoint. She briefed the Commission on the ordinance requirements and what uses will be allowed through the Administrative Permit process and what uses will be prohibited in this area. She stated normal residential uses are exempt from the overlay. Agriculture uses are exempt as long as best management practices are used.

Mr. Fanfoni gave a PowerPoint presentation on the Area 2 around the Berry Farm water sources. He stated the spring is permitted for a million gallons of water a day and the well is permitted for 400 gallons per day. The water system serves approximately 1800 connections just in the Verona area. The new wells will be crucial to future economic and industrial growth and will replace some of the water the County is buying from the City of Staunton. It will also supplement the water supply up to Weyers Cave.

Mrs. Earhart stated letters were sent as an educational tool to residents of the City of Staunton notifying them that they are in the recharge area. City residents are not subject to Augusta County's zoning provisions.

There being no questions from the Planning Commission, Mr. Bridge opened the Public Hearing.

Jamie Berry of 255 Berry Farm Road stated he lives in the house on the property that was built by his parents in 1938. He believes protecting the water source is very important. He is concerned about the public recreational facilities that have been discussed for this site. Since this is a protected area he asked that recreational uses by the public not be allowed.

Christine May of 2186 Spring Hill Road stated she is not opposed to the request but is opposed to the process that has occurred with the testing. She volunteered to be one of the monitoring wells, but her well was not the right size for what was needed for monitoring. She did not receive any results regarding the large pump tests that were done. She did not receive any information on how the wells are affecting, or how they will affect, their water supply in the future. She feels the residents in the area should have received the results from the study.

There being no one further to speak in favor of or against the request, Mr. Bridge closed the Public Hearing.

Mr. Fanfoni apologized to Ms. May and stated the Service Authority should have followed up with the residents in the area when the studies were completed. He indicated he would provide the information to her.

Maggie Davison of 125 Berry Farm Road stated she is trying to sell a portion of the property. Currently the property is zoned General Agriculture, however, it is slated for Single Family Residential in the Comprehensive Plan. She asked how the overlay would affect the property if it is rezoned.

Mrs. Earhart stated that normal residential uses would not be impacted by the Area 2 designation.

Mr. Campbell stated it is important to protect the ground water. He moved to recommend approval of the request.

Mr. Shipplett seconded the request, which carried unanimously.

Middlebrook Source Water Protection

A request to add the Source Water Protection Overlay District Area 2 designation to properties in the recharge area for the Middlebrook well. This request contains approximately 156 acres located south of Middlebrook Road (Rt. 252) and east of Cherry Grove Road (Rt. 670) in Middlebrook in the Riverheads District.

Mrs. Tate pointed out the 156 acres for the Area 2 designation as shown on PowerPoint.

Mr. Fanfoni gave a presentation on PowerPoint on the Middlebrook well. He stated the well is very small and serves only 36 customers. The delineation was completed over the summer and eight private wells were tested during the study. There was no contamination found in the private wells, there was however, contamination found in the Middlebrook well.

Mr. Leonard asked assuming there are no wells in the pasture, how was it determined where the recharge area is.

Mr. Fanfoni stated they monitor the surrounding wells and look for changes in the water table.

There being no further questions from the Commissioners, Mr. Bridge opened the Public Hearing.

Steve Arehart stated he owns property identified as Tax Map #72, Parcel 22 in Middlebrook and is adjacent to the Middlebrook well. He asked if there is any chance of further expansion of the Area 2 that would affect his property.

Mr. Fanfoni stated the well only services 36 customers. There is a very small chance there will be any development in this area that would substantially affect the water.

Mrs. Earhart stated the recharge area cannot be enlarged without a public hearing. The Comprehensive Plan does not plan for large development to occur in this area.

Mrs. Earhart stated if the Service Authority decides in five years the recharge area needs to be expanded, a public hearing would have to take place.

Mr. Arehart stated he did not receive any information about the overlay other than the adjacent property owner letter. He is concerned about drought and how low water will affect the well causing the need for a bigger well and recharge area.

Mrs. Earhart stated a recharge area cannot be enlarged without a public hearing. The Area 2 regulations would not prohibit anything in terms of agriculture or residential use as long as best management practices are in place.

Mr. Bridge stated the Commission cannot address all of Mr. Arehart's concerns. Based on the experience of Mrs. Earhart and Mr. Fanfoni, additional or bigger wells will not be needed. If for some reason bigger wells would be needed, a public hearing would be held giving the property owners a chance to express their concerns.

Mr. Wilkinson stated he will be glad to meet with Mr. Arehart and review the ordinance and the items that would be restricted if the Area 2 designation was to be enlarged. The land in the Area 2 overlay is protected more from heavy industrial uses where hazardous materials would be stored that might pollute the water. Farming use is exempt as long as best management practices are being used.

There being no one else to speak in favor of or against the request, Mr. Bridge closed the Public Hearing.

Mrs. Shiflett moved to recommend approval of the request.

Mr. Shipplett seconded the motion, which carried unanimously.

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NEW BUSINESS Nominating Committee

Mr. Bridge appointed Eric Shipplett, Becky Earhart and himself to the nominating committee.

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STAFF REPORTS

Code of Virginia – Section 15.2-2310

Mrs. Earhart reviewed with the Commissioners the requests coming before the BZA.

The Planning Commission took no action on the BZA items.

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Mrs. Earhart stated the November meeting will be canceled. State code requires that meetings be held at least every other month, therefore, Planning Commission will need to meet in December. Greg Campbell will make a presentation on the Airport Master Plan.

Mrs. Earhart stated tonight is her last Planning Commission meeting due to her retirement in November. She has enjoyed her time with the County and the Planning Commission.

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

Chairman

Secretary