

Joint Public Meeting, Monday, October 26, 2009, at 7:00 p.m. Government Center, Verona, VA.

BOARD OF SUPERVISORS:

PRESENT: Larry C. Howdyshell, Chairman
Gerald W. Garber, Vice-Chairman
David R. Beyeler
Wendell L. Coleman
Tracy C. Pyles, Jr.
Jeremy L. Shiflett
Nancy Taylor Sorrells

PLANNING COMMISSION:

PRESENT: Thomas H. Byerly, Chairman
Kitra A. Shiflett, Vice-Chairman
Wayne F. Hite
Stephen N. Bridge
James W. Curd
Taylor Cole
Kyle Leonard

STAFF: Patrick J. Coffield, County Administrator
Patrick J. Morgan, County Attorney
Dale L. Cobb, Director of Community Development
Dennis Burnett, Economic Development Director
Becky Earhart, Senior Planner
Doug Wolfe, County Engineer
John Wilkinson, Zoning Administrator
Michele Astarb, Subdivision Administrator
Kim Bullerdick, Associate Planner
Sandy Shiflett, Zoning Technician II
Jessica Staples, Administrative Secretary

VIRGINIA: At the Joint Meeting of the Augusta County Board of Supervisors and the Planning Commission held on Monday, October 26, 2009, at 7:00 p.m. in the Board Room, Augusta County Government Center, Verona, Virginia.

* * * * *

Larry C. Howdyshell, Chairman of the Augusta County Board of Supervisors; and Thomas Byerly, Chairman of the Augusta County Planning Commission, called the meeting to order.

* * * * *

Chairman Howdyshell welcomed the citizens present for the meeting and reviewed meeting protocols.

* * * * *

Wendell L. Coleman, Supervisor for the Wayne District, led the Pledge of Allegiance and delivered the invocation.

* * * * *

PUBLIC HEARING RULES

Chairman Howdyshell reviewed Public Hearing rules noting that the purpose of a public hearing is to receive comments from the public prior to the Board or Planning Commission taking action on any particular item. The hearing is not a dialogue or debate and members of the Board and Planning Commission are not expected to respond to questions; however, any questions must be directed to the Chairman. Each citizen wishing to speak is encouraged to fill out a card which can be found at the entrance to this room and at the podium. Speakers will be called to approach the podium so they are visible and audible to the Board, staff and audience. Each speaker should clearly state his or her name and address. Comments are to be limited to three minutes; if speaking for a group, five minutes. Citizens were urged to help the Board preserve decorum in order to conduct the meeting in an efficient and responsible manner and to refrain from clapping or other public demonstrations of support or opposition and to respect others and their points of view. He also noted that a joint Public Hearing was being held for the benefit of the public so that both bodies can hear comments without the need for the citizens attending two separate meetings. It is not the Board's or Planning Commission's intent to discuss or take public action tonight. Written comments for those who prefer not to speak will be accepted to the Community Development Department at P. O. Box 590, Verona, Virginia, to the attention of Dale Cobb, Director. If necessary, a brief recess will be taken at 9:00 p.m.

* * * * *

ZONING ORDINANCE – ORDINANCE AMENDMENT

Consider an ordinance to amend Chapter 25 of the Code of Augusta County, Virginia, including the modification of floodplain district boundaries and the adoption of new urban service overlay district boundaries.

Mr. Howdyshell turned the meeting over to Dale Cobb to present the review of the County's Zoning Ordinance. Mr. Cobb presented the following PowerPoint presentation.

Mr. Cobb stated the goal of the ordinance review project was to revise and update the County Ordinances in order to implement the Comprehensive Plan and make more user friendly. He explained changes to virtually every section of the Zoning Ordinance are included. He explained some changes were minor and others more significant. Mr. Cobb explained the Board of Supervisors and Planning Commission discussed the proposed changes at a joint worksession on September 28, 2009.

Mr. Cobb discussed changes to the building permit process. He explained the proposed requirement for sketch plans for all permits and in certain instances the ordinance will require a survey and the lots to be staked.

Next, Mr. Cobb addressed highlights of the revisions for off-street parking. He explained in some cases the number of required spaces will be reduced. He explained the proposed revisions will add a paving requirement for parcels zoned Multi-Family Residential, General Business, and General Industrial. Mr. Cobb explained for lots twenty five (25) spaces or more, internal landscaping will be required.

Mr. Cobb explained the proposed revisions will modify the number and size of signs allowed in each zoning district. He gave an example of a pylon sign in Orchard Hill Shopping Center.

Next, Mr. Cobb highlighted changes to requirements for accessory buildings and uses. He stated race cars, demolition derby and mud bog vehicles will be added under the inoperable motor vehicle restrictions and these vehicles will be required to be screened from public view.

With regards to the Single Family Residential District, Mr. Cobb stated the fences, walls, and hedges regulations will be deleted from the ordinance. He further explained with regards to home occupation permits no more than one commercial vehicle will be permitted per dwelling. Mr. Cobb explained the vehicle must be owned or operated by the resident and must be parked off-street. He stated tractor and/or trailers, trash trucks, dump trucks, construction equipment,

cement-mixers, wreckers over 12,000 pounds or more, and other similar vehicles are prohibited in the Single Family Residential Districts.

He stated the Wireless Communication and Wind Energy Ordinances are new ordinances. Mr. Cobb explained the permitting process will be regulated through an Administrative Permit, a Special Use Permit or a Public Use Overlay.

Mr. Cobb stated the General Agriculture District has the most proposed changes. He explained more than ninety percent (90%) of the County is zoned Agriculture. Under the proposed revisions, Mr. Cobb stated the Exclusive Agriculture District will be eliminated. He explained with this change regulations for intensive agriculture operations will be deleted. Mr. Cobb further stated the revisions will establish limits on the size of accessory buildings, based on lot size. He stated for lots less than one (1) acre there will be a limit of nine hundred square feet (900 sq. ft.) and no more than twenty feet (20') in height. He explained there will be no limit on the size or height of the building for lots one acre or more. Another change under the proposed ordinance will be to permit only limited agriculture on agriculture lots five (5) acres or less. He stated limited agriculture will be defined as one animal unit per acre. Mr. Cobb stated limited agriculture will be defined as one head of beef or dairy cattle, two (2) calves less than one year old, one buffalo, llama, horse, or mule, five (5) sheep or goats over six (6) months of age, two (2) swine over six (6) months of age, two (2) deer, ten (10) chickens, five (5) turkeys, one ostrich, or ten (10) rabbits.

Mr. Cobb discussed Home Occupation Permits. A chart was displayed that explained the difference between a Class A and a Class B home occupation. Mr. Cobb stated the main difference between the permits is a Class B will allow the applicant to use up to five hundred square feet (500 sq. ft.) of accessory building and one (1) utility trailer up to sixteen feet (16') in length for the home occupation. A chart was also displayed for site standards and additional regulations of a rural home business. Mr. Cobb stated sludge treatment sites, garbage and trash collection businesses, kennels, race tracks, shooting ranges, batching plants, junkyards, landing strips, storage of bulk fuel, extraction of rocks, gravel, sand, and similar operations will not be considered rural home businesses.

Mr. Cobb discussed the concept of rural clustering. He stated there is a new option under the proposed ordinance that establishes a cluster residential subdivision as a by-right development option. He stated there are certain requirements for the cluster residential subdivision. He stated they will only be permitted in Rural Conservation and Agriculture Conservation Areas as designated in the Comprehensive Plan. Mr. Cobb stated subdivisions are required to be a minimum of fifty (50) acres and seventy percent (70%) of the land must be preserved for agricultural and/or forestal uses. Mr. Cobb explained the density is based on the lot frontage and there will be no minimum lot size for the residential lots. He stated lots can be served by community water and/or sewer systems. There will be a one hundred foot (100') setback from existing

public streets, fifty feet (50') perimeter setback and five hundred feet (500') setback from all Agricultural and Forestal Districts. He further explained the lots in the subdivision must access new private streets and the maintenance of these streets will be the responsibility of a Home Owner's Association. Mr. Cobb also stated no more than twenty-five percent (25%) of the land in the residential lots can contain prime farmland soils.

Residential District highlights were explained. Mr. Cobb stated the proposed ordinance establishes a size limitation of accessory buildings based on lot size. He further stated this ordinance will also create a new district, Attached Residential, which will permit duplexes and townhouses on individual lots.

With respect to Multi-Family and Manufactured Home Park zoning district changes, Mr. Cobb explained the proposed ordinance will eliminate the plan of development process and replace it with the site plan process. He explained recreation will be required based on the number of units in the development. A chart of recreational uses was displayed.

Mr. Cobb discussed proposed changes to the Business District. He stated the proposed revisions will establish standards for outdoor display, limited outdoor storage, and general outdoor storage. He further stated the revisions will require landscaped buffer yards between business and industrial uses when they are adjacent to non-business and industrial uses.

The Planned Residential District will be a new district to the Zoning Ordinance. Mr. Cobb explained this district will allow more flexibility. He explained the district will allow for a mixture of residential uses only, consisting of single family, two-family, duplexes, townhouses, multi-family, and zero lot lines. Mr. Cobb stated the overall density will be based on the Comprehensive Plan land use designation. He stated a concept plan will be required that will identify the location of the dwelling types, the number of units in each area, and the setbacks and yard requirements. He explained there will be a maximum of twenty-five percent (25%) on the amount of multi-family and townhouses within the development. He further explained the minimum development size will be ten (10) acres with at least two (2) different dwelling types. He stated if the development is ten (10) acres or more, the district will require at least three (3) different dwelling types. Mr. Cobb explained this district will allow private streets, will require public water and sewer, curb, gutter, and sidewalks/trails. He further stated recreation identical to the Multi-Family Residential District will be required.

The Floodplain Overlay District was discussed. Mr. Cobb explained the Federal Emergency Management Agency (FEMA) has revised a map dated January 6, 2010. By adopting the proposed ordinance, Mr. Cobb explained this revision will correct a map error made by FEMA during the 2007 map revision. Under the Flood Plain Overlay District, he explained a floodpool area upstream of flood control and water supply dams will be added. Mr. Cobb stated development in

the Floodplain Overlay will be prohibited unless the applicant qualifies as an exception. Mr. Cobb explained the following exceptions, if the lot was created prior to January 1, 2010 and there is no other "buildable" area outside of the floodplain, if development is customarily located in the floodplain by its nature (i.e. treatment plants, docks, boat ramps, etc.), and for streets and/or driveways where no access exists outside of the floodplain. Mr. Cobb further stated the district establishes a three step process for determining if the development is in a Floodplain Overlay District and the development requirements.

Mr. Cobb discussed the proposed changes to the Urban Service Overlay Districts (USO). Mr. Cobb stated the current Urban Service Overlay boundaries are based on the 1994 Comprehensive Plan. This ordinance will make all Urban Service Areas from the 2007 plan part of the Urban Service Overlay District.

Mr. Cobb discussed the major changes to the site plan process. He explained the pre-submittal conference will be eliminated. He explained if the site plan meets the technical requirements of the ordinance it will be approved. He stated if it does not meet the requirements, a site plan meeting will be held with the property owner, engineer, and staff. At the time of the meeting, Mr. Cobb explained if there are minor changes to be made, the plan can be approved at that time, however if changes cannot be made during the meeting, a resubmittal is required.

Chairman Howdyshell, of the Board of Supervisors; and Chairman Byerly, of the Planning Commission, declared the public hearing open.

Frank Root, Countryside Development, 28 Imperial Drive, Staunton, voiced concerns for the ordinance revisions. He stated being in real estate development, he is concerned with the unintended consequences of these revisions. Mr. Root submitted to the Board and Commission written comments. With regards to the parking requirements, Mr. Root stated the requirement for increased parking spaces may eliminate the possibility of expansion for many businesses. He further stated with regards to the requirements for loading docks, he feels problems will arise if the decision will be decided by the Zoning Administrator as opposed to the business owner. He also stated he does not like the landscaped island requirement for parking lots and feels no consideration was given to businesses with high truck traffic that would require larger parking and maneuvering areas. Mr. Root stated one size does not fit all. Mr. Root further discussed concern with the authority of the Zoning Administrator. He stated he feels certain decisions should be left up to a legislative body. He questioned why the County would want to subject staff to claims of unfair treatment or arbitrary decisions. With regards to recreation, Mr. Root stated under these revisions, he feels the County believes that no developer takes recreation into consideration when developing subdivisions. He state he feels there are many nice, affordable, developments in Augusta County. Mr. Root stated the recreation requirements will result in an increase in the cost of homes and rent in the County. He gave an

example of a development, with poor planning that resulted in recreation added midway through the development. Mr. Root stated those property owners that were present during the beginning stages of development had the option of joining the Home Owner's Association (HOA) and the owners of houses that were built during the second half of the development were required to join the HOA. He explained the majority of those that were given the option to join did not, but still benefit from the recreational facilities at the expense of those that were required to join. Mr. Root stated he is in support of the proposed reduced setback in residential zoned districts. He stated there are many areas in the proposed ordinance where the Board of Zoning Appeals (BZA) is prohibited from approving certain uses that are located within one thousand feet (1,000') of a residential zoned district. He explained there are many existing industrial buildings that are within one thousand feet (1,000') of a residential zoned district. Mr. Root stated if these industries are to leave, the new industry may not be able to meet the required setback leaving many of the buildings vacant. He stated this requirement will restrict changes of use in those vacant buildings. Mr. Root also discussed concern with the revisions regarding signs. He stated in the proposed ordinance there is no provision for temporary signs larger than four feet (4') and there is a complete prohibition against banners. Mr. Root stated the provisions will prohibit the use of banners in residential districts and that he believes the majority of the population do not find them offensive. He stated he feels the sign provisions should also apply to government. He discussed the concept of the cluster subdivision. Mr. Root voiced concern that staff wrote the ordinance only to comply with the state, but are not fully supporting the concepts. He asked why not rework this section of the ordinance to provide farmers an opportunity to sell their unproductive land while still preserving their farmland. He stated while flex space is permitted in industrial zoned districts, he would also like to see it permitted in business. Mr. Root stated under the proposed ordinance, flex space is not very flexible. Mr. Root also discussed buffers. He stated under the proposed requirements, the County is giving the impression that local businesses are not good neighbors to adjacent properties. He asked the Board and Commission to consider the cost. Mr. Root gave an example of a tree that had died. He stated County Staff required him to have an "expert" certify that the tree being replaced was the same species of cherry tree that was depicted on the site plan. Mr. Root questioned the need for staff oversight. Mr. Root also stressed the concern for the amount of changes to the ordinance as he stated there were over five thousand (5,000) changes. In conclusion, he requested the Board and Commission to consider those citizens that were not in attendance tonight. He stated he feels the majority of County citizens are unaware of the impact these changes have on them and feels the revisions are difficult to interpret. He pleaded for the Board and Commission to consider the cost and the impact these revisions will have on the county and its citizens and asked that the adoption of this ordinance be one that has been well thought. Mr. Root thanked everyone for their time.

Royce Hylton, P.O. Box 7, Weyers Cave, VA, stated there was not much that he

could add to Mr. Root's comments. However, he did want to voice his concerns about the impacts of the regulations on businesses. He stated in the last couple of years the business community has been impacted by three major changes: VDOT regulations, water- availability and fireflow, and stormwater- quantity, as well as quality. With these proposed changes, it could be the "straw that breaks the camel's back". He indicated that he would be submitting written comments and has worked with staff to make improvements to some sections. However, he wanted to comment on a few of his major concerns. He stated there is no reason to require paving of parking lots in business and industrial zoned districts. They only paved part of their lot and there have been no complaints. He also indicated that there is a disconnect between the state regulations and local regulations on impervious surfaces and paving. He also indicated there is no reason to require loading spaces. He concluded by saying that this is a time that increased costs can be least afforded by small businesses. He urged the County to spend the time to get the ordinances right.

Frank Nolen, P.O. Box 13, New Hope, stated if the Board and Commission adopted the ordinance, it would have an adverse effect on businesses and residents. Mr. Nolen stated more time needs to be given for these revisions. He explained each section of the ordinance needs to be broken down and reviewed by the Commission and Board in order to make the ordinance "workable" for the County. Mr. Nolen voiced concern regarding how the ordinance relates to the health, welfare, and safety of its citizens, the only permitted purposes of zoning. He stated the ordinance is over regulated and the general public is unaware of how these regulations are going to affect Augusta County. With regards to the changes in setbacks, Mr. Nolen questioned how the change is going to protect the public safety of its citizens. He gave the example of the fifty foot (50') setback off of public roads. Mr. Nolen asked the amount of unusable acreage be considered. He also discussed the concept of the definition of animal unit in limited agriculture with regards to swine and stated the majority of swine will be moved off site before the age of six (6) months. Mr. Nolen further asked how the minimum lot width of one hundred-fifty feet (150') protects public safety. He stated with regards to height requirement, he feels the Federal Aviation Administration (FAA) should regulate the height of structures not the County. He also stated he does not support the paving requirement as it will only increase runoff and increase expense. He also stated he does not agree with the Administrative Permit process in that the Zoning Administrator will decide on the permit. Mr. Nolen stated the applicant can appeal if they do not agree with the Zoning Administrator's decision, but the appeal will be to the Board of Zoning Appeals which is beholden to the Zoning Administrator. In conclusion, Mr. Nolen asked the Board and Commission to use the revisions proposed tonight as a draft. He asked they consider the comments received from the public as a starting point.

Eric Shipplett, P.O. Box 2603, Staunton, stated that the new ordinance would allow the Zoning Administrator to have a lot of power with no appeal process. He

stated he thought a lot of these decisions should be made by the Board of Supervisors on a case by case basis. In his opinion the landscaping and paving requirements should be up to the business owner rather than a county ordinance. Mr. Shipplett also stated the required recreational point system was too onerous and not necessary. He asked the Board to look at these regulations with help from a committee consisting of the Board of Supervisors, Planning Commission, County Staff, and the public, and then come back with a better document.

Carol Henderson, 59 Alba Circle, Waynesboro, stated she had a problem with the ordinance prohibiting tractor trailers from being parked in residential neighborhoods. She stated that this is the way her husband earns his living and they do not have a safe place to store the tractor trailer except at their residence. She stated they go out of their way to be a good neighbor. This will hurt small business and she asked if the proposed ordinance really helps anyone.

Macy Fox, 65 Manchester Drive #113, Staunton, Virginia. She stated she is a farmer in the Riverheads District. Her property is zoned Exclusive Agriculture and has a conservation easement on it and she wants it to remain zoned Exclusive Agriculture. She wants it to be hard to develop the land. She stated if you make everything General Agriculture, it will be easier to develop. She stated that she is concerned about the cluster subdivision options and stated that it is not good for forestry uses. She asked how much of the County is zoned Exclusive Agriculture and how much is zoned General Agriculture. She asked how much the County is doing to protect the farms and what was the benefit of doing away with Exclusive Agriculture.

Jerry Pomphrey, 2683 Springhill Road, Staunton, stated he operates a small engine repair shop and asked if the new setbacks will impact his existing business or will he be grandfathered. He stated he objected to those businesses without licenses and wants more enforcement.

James Blankenship, 103 Mercer Circle, Grottoes, stated he is concerned with the inoperable vehicle portion of the Ordinance. He stated that he owns race cars, derby cars, and pulling trucks and these all bring in revenue to the County. He stated that he thought that the County had trespassed on his property to see the vehicles. He also stated that his neighbors did not receive a letter like he did. He stated he thought junk farm equipment was just as much of an "eye sore" as his cars.

Jerry Tamanini, 52 Kingsbury Drive, Waynesboro, stated he is in support of the proposed increase in the size of accessory buildings in residential districts as he has never had the opportunity to build a nine hundred square feet (900 sq. ft.) accessory building because of the current restrictions in residential districts.

Donna Fix, 436 Dogwood Circle, Waynesboro, stated she is speaking on behalf of Meade Trucking. She is employed as their Safety Director. She stated the

company has thousands of dollars invested in business plans that include rezoning property for their expansion and while many setbacks have been reduced, the proposed one thousand foot (1000') setback from residential areas for trucking facilities would be detrimental to their existing plans. She stated that she has concerns regarding the ability for businesses to thrive with the restrictions of these new Ordinances. She stated she believes that many people make a living off home based businesses and thinks they will be adversely affected by the revisions proposed. Ms. Fix also stated she agreed with previous speakers that more time should be given for review and public input, breaking down each section of the Ordinance and focusing on the changes made.

Bill Bauer, 84 Liberty School Road, Mount Sidney, stated that he liked the fact that adjoining neighbors had to sign off on Special Use Permit requests. He stated that he felt like Special Use Permits normally have a negative impact on neighboring properties and should be reviewed after approval. He felt like all adjoining neighbors should be notified.

Charles Huppuch, 81 Fort River Road, Verona, VA. He stated he serves as Chairman of the Forestry Committee for Headwaters and is a former forester. He stated he will provide written comments. He asked how the ordinance changes fit with the Comprehensive Plan. He suggested making changes to the purposes sections of the Agriculture district to support all forests and wildlife areas, rather than simply public forests. He stated the Comprehensive Plan vision is strong on the value of scenic, historic, and cultural resources. He recommended that it should also be the purpose of the ordinance to protect these resources. He also recommended that the targeted growth density of 10% from the Comprehensive Plan be written into the purpose statement of the Agriculture District.

Craig Nargi, 81 Livery Lane, Waynesboro, stated he is in favor of ordinance changes which help small businesses and the county should be more flexible in allowing them to succeed because his experience in working with the government has been "very difficult".

Jeff Gordon, 751 Walker Creek Road, Middlebrook, stated he does not think the government should restrict small businesses and the County should cooperate with business owners because they bring in much needed tax dollars. He thinks the lighting ordinance revisions are on the right track with the deletion of the existing lighting engineer certification. He asked the Board not to rush through the adoption of these changes.

Angela Brittle, 3266 Eastside Highway, Grottoes, Virginia. She stated she lives on a small farm and questions the new definition of animal unit. She said normally animal units are based on manure production or animal weight. She stated the new animal units for chickens, turkeys, and rabbits are disproportionate. She stated they won't impact her now, but cautioned adopting these figures may set a dangerous precedent.

Herbert Slade, 97 Wyer Street, Weyers Cave, stated he was overwhelmed by the proposed changes. He stated he represents amateur radio and has provided written comments.

Ray Burkholder, Balzer and Associates, 1561 Commerce Road, Staunton, stated that the devil is in the details and there are many proposed changes that may not have been completely thought through bringing unwanted consequences to businesses. He stated that there is currently a no on-street parking policy and he believes the county should reduce the off-street parking requirement if on-street parking is provided by a reduction of ten to twenty percent (10-20%). Mr. Burkholder questioned the buffer requirement for business and industrial uses which are not adjacent to, but within two hundred feet (200') of a residentially zoned piece of property. He feels this is excessive and unnecessary in many cases. He asks if existing landscaping counts toward buffer requirements and states that this does not seem to be accounted for in the proposed revisions. Mr. Burkholder stated that to buffer one (1) acre of a ten (10) acre parcel would roughly cost sixty-eight thousand dollars (\$68,000) and questions the real intent of the buffer requirement because the proposed changes would encourage development in areas without regard to the direction of the Comprehensive Plan. He disagrees with the standards which encourage agriculture cluster housing developments in areas with more road frontage and does not feel this is in agreement with planning books and guidelines for agriculture cluster development principles and practices. Mr. Burkholder also stated that he feels the Zoning Administrator is provided too much power and would prefer to have clear standards that are not left to the discretion of the Zoning Administrator.

John Eckman, 17 Barristers Row, Staunton, Virginia, representing the Valley Conservation Council. He stated he would focus on the changes in the Agriculture district. He stated their support for having more flexibility for farmers to create small businesses to supplement their income in the agriculture districts, but was opposed to moving forward with some of the other large-scale changes that may need to be further analyzed to prevent unintended consequences. He stated that while they realize Exclusive Agriculture has not worked as well as intended, but they the goal of the district is important and do not support eliminating the Exclusive Agriculture district. They want to see some level of differentiating of agriculture uses and suggested that one option would be to add limited home based businesses to Exclusive Agriculture, or temporary use permits in order to review the success and level of compliance of each business. He stated that farmers need flexibility, but also stability in adjacent land uses. He also indicated a concern that the permit requirements for conformity with the Comprehensive Plan and impacts to the neighborhood should be retained because the contempt of the plan is lost if not directly related to the Zoning Ordinance. He also stated the need for time to review the changes because if the process is rushed the "on the ground impacts" of such changes will be unclear. He concluded by stating the Valley Conservation Council would be happy to work

with staff on the changes.

Mark Bartosik, 523 Niswander Road, Staunton, stated the County has spent a lot of money splitting up the County into two (2) agriculture districts and he is not sure the changes are necessary. He stated before the County adopts ordinances on “junkyards” they should clean up their own backyard. He further stated that the county should be “ashamed” for allowing the cul-de-sac on Mill Place Parkway to look the way it does with all of the farm equipment piled up there.

Scott Williams, 485 Gillons Ridge Road, Charlottesville, stated that he was initially pleased to see the new district, Planned Residential. He stated it is a good concept, but the specifics are the problem. He suggested that the concept plan have a density ceiling that could be established with different pods of housing and a road layout that could be approved by the Board. He stated the developer and staff need the flexibility to modify administratively the exact development without changing the density. This will allow the developer to move with the market. He recommended that the limits placed on multi-family and townhouse units being next to each other be eliminated. He envisions forty (40) to fifty (50) units in a pod, rather than the two (2) to three (3) buildings envisioned by staff. He stated multi-family may or may not be appropriate for this district. He recommended the limit of twenty-five percent (25%) townhouses be either eliminated or raised to fifty percent (50%). He requested in reference to the recreation and bonding requirements, that the County allow it to be done in phases, so the bonding is not so onerous. He also suggested that the need for recreation be determined by the market, not a County requirement. He also asked the County to relook at the buffer requirements in the business district. He stated that he thinks he agrees with the intent where applicable, but the three choices presented in the ordinance are too expensive and the result will be to chase away businesses, something he does not think the County wants.

Mark Poe, P. O. Box 472, Greenville, Virginia, voiced his concern about the changes in his zoning. He stated his property is currently located in a Rural Conservation Area on the Comprehensive Plan Future Land Use map. He stated he doesn't want that changed.

Jo Higgins, 2564 Mt. Torrey Road, Lyndhurst, stated she is a development consultant. Along with written comments, Ms. Higgins also had the following comments. She requested age restricted developments be added to the definitions section of the ordinance. Ms. Higgins also requested the definition of a shopping center be amended to allow for a row of small retail shops to be classified as a shopping center. Ms. Higgins stated she feels the concept of the Planned Residential District is a start, but feels more time needs to be taken. Ms. Higgins stated she feels some of the proposed changes in the ordinance will be detrimental to the goals of the Comprehensive Plan as she stated the goal of the plan was to make it easier for development in growth areas in order to relieve stress in the agriculture areas. With regards to the parking requirements, Ms.

Higgins stated she feels the County should not require paved parking lots and parking bumpers, as these requirements will be extremely costly. Ms. Higgins also stated she feels paved parking and curb and gutter should be separate issues and stated the VDOT Design Standards do not have a threshold and should be a function of the drainage design. She further stated loading spaces in a parking lot should be a function of the use, not a requirement. Ms. Higgins also requested the Board and Commission model the requirements of the Planned Unit Development similar to the Planned Residential District. She further stated she feels more time needs to be taken before adopting the ordinance revisions.

Charles Curry, 395 Whitmore Road, Mt. Solon, Virginia, representing the Augusta County Farm Bureau. Dr. Curry stated there was a limited time in which to review the proposed changes and felt that the agricultural community should be more involved in the process. He stated these are the largest changes to the Zoning Ordinance to have occurred in a long time. He stated one of their major concerns is the elimination of the Exclusive Agriculture district. He stated General Agriculture is basically whatever is left over after land is zoned residential, business, and industrial. There are too many uses allowed in General Agriculture. The goal of Exclusive Agriculture was to give priority to agriculture, but it has not accomplished what was intended. He stated that we asked for more uses to be added in Exclusive Agriculture and we got it. He asked for the wording on compatibility with the Comprehensive Plan and the neighborhood to be added back to the criteria for Administrative Permits. He voiced their concern that this ordinance will increase the competition for agriculture land by non-agricultural uses. He stated they were also discouraged that the ordinance changes don't address residential development in the agriculture areas. They are afraid the result will be the increased hodgepodge of uses in agriculture. He concluded by requesting the Board to table consideration of the ordinances and get more input. However, if the ordinances are adopted, he requested that they be reviewed in several years to determine the impacts and see if additional changes are needed.

The following written comments were received for consideration:

Richard Tusing, 30 York Court, Staunton, Virginia requested three (3) miniature horses be added as an animal unit equivalent.

William Park, Pinnacle Construction, requests a change to the parking ordinance to be able to use a wider sidewalk adjacent to a parking lot rather than a bumper guard.

Jerry Brunk, P.E., Brunk and Hylton Engineering, P.O. Box 7, Weyers Cave, suggested language to the section dealing with staking the foundations of new buildings.

David Deering, 79 Willow Lane Waynesboro, Virginia, voiced his support for the

proposed Zoning Ordinance changes.

Don Ellis, PO. Box 813, Waynesboro, CEO of the Stonewall Jackson Area Council, Boy Scouts of America which owns Camp Shenandoah in Swoope indicated his support of the Augusta County Ordinance changes.

There being no other speakers, the Chairman of the Board of Supervisors and the Chairman of the Planning Commission declared the public hearing closed.

Mr. Pyles thanked the public for their attendance at the meeting. He stated he hoped the County did a cost analysis on each change; including both a loss of value, as well as the cost of each change. He stated he wanted to know for each change made, whether it was a health, safety, or welfare issue. He also wanted to know if it was more restrictive, less restrictive, or made no change on individual rights.

Mr. Beyeler expressed his appreciation to the public being present tonight and sharing their comments regarding the proposed changes to the ordinances. He stated the plan is to refer the recommendations to the Planning Commission and if additional time is needed it will be considered.

Mr. Howdyshell stated the public hearing is part of the process of government and the comments and concerns will certainly be taken into consideration. Mr. Howdyshell stated staff will continue to take comments from the public.

Mr. Beyeler moved to refer the comments to the Planning Commission for consideration.

Mr. Pyles seconded the motion which carried unanimously.

Ms. Sorrells also asked that individual comments from Board Members be considered.

The Board of Supervisors and Planning Commission took a short 10 minute recess.

SUBDIVISION ORDINANCE – ORDINANCE AMENDMENT

Consider an ordinance to amend Chapter 21 of the Code of Augusta County, Virginia regulating the subdivision of land.

Mr. Howdyshell turned the meeting over to Dale Cobb to present the review of the County's Subdivision Ordinance. Mr. Cobb presented the following PowerPoint presentation.

Mr. Cobb stated with regards to streets and street connections within a subdivision, all public and private streets have to line up. He stated there will be a maximum of one hundred (100) users on a single entrance. Mr. Cobb further stated the new revisions will allow for a boulevard entrance in lieu of second entrance for up to two hundred (200) users. Mr. Cobb explained the limitations and exceptions for Minor Subdivisions. For minor subdivisions, Mr. Cobb explained the Deed of Trust policy. He stated a Deed of Trust which can be drawn on that particular tract of land so the entire farm will not have to be put up as collateral. Mr. Cobb also explained the concept of a partition in kind. He gave the example if a property owner dies the parcel can be subdivided among the children as the will requests. In regards to plat requirements, Mr. Cobb stated floodplain and inundation zones will be required to be shown on all plats. He stated the new provisions will permit Ag Cluster Subdivisions. Mr. Cobb further stated approval of preliminary plats is being proposed to be considered by staff rather than the Planning Commission and Board of Supervisors.

Chairman Howdyshell, of the Board of Supervisors; and Chairman Byerly, of the Planning Commission, declared the public hearing open.

Royce Hylton voiced opposition to requiring public and private streets to line up with existing streets. He indicated with the County's topography, that isn't always possible. He also asked that the numbering system of the ordinances be changed away from the roman numerals. He also stated that the one hundred-fifty feet (150') lot width requirement for the entire width of an agricultural lot be eliminated. The requirement could be one hundred-fifty feet (150') lot width for a set distance but not for the entire tract.

There being no other speakers, the Chairman of the Board of Supervisors and the Chairman of the Planning Commission declared the public hearing closed.

Mr. Beyeler moved to refer the Subdivision Ordinance to the Planning Commission for consideration and ask that they accept additional comments through the end of the week.

Mr. Coleman seconded the request which carried unanimously.

Mr. Bridge moved, seconded by Mr. Leonard to adjourn the Planning Commission. The Planning Commission was adjourned.

STORMWATER ORDINANCE – ORDINANCE AMENDMENT

Consider an ordinance to amend Chapter 18 of the Code of Augusta County, Virginia regulating stormwater.

Mr. Howdyshell turned the meeting over to Dale Cobb to present the review of

the County's Stormwater Ordinance. Mr. Cobb presented the following PowerPoint presentation.

Mr. Cobb explained there are several minor changes to the Stormwater Ordinance in order to bring it into compliance with the state code. He explained the proposed ordinance will codify the current policy for retroactive stormwater management in cases of incremental development. An example he explained would be several nine thousand square feet (9,000 ft²) additions over a period of years. He stated agricultural development is exempt from this requirement. With regards to the maintenance of the stormwater management basins, Mr. Cobb explained the requirement for the maintenance agreement for all Stormwater Management (SWM) facilities will be clarified. He further stated all SWM facilities will be located on a single lot instead of multiple lot owners with maintenance responsibilities. Mr. Cobb further explained it is also proposed under this ordinance for the County to perform all maintenance, both routine and extraordinary for basins in residential subdivisions over 15,000 cubic feet and located on a single lot dedicated to the County.

Chairman Howdysshell declared the public hearing open.

Paul Julian, Countryside Development, 28 Imperial Drive, Staunton, with regards to §18-3F 1 & 2, Calculation Methods, he stated let engineers practice engineering. Mr. Julian commented on §18-5D. He questioned if the County reserves right to disapprove and on what basis. Mr. Julian stated this gives the County too much power and engineers should be allowed to practice engineering. With regards to §18-5G Flat Bottoms, Mr. Julian stated he agrees with the amended soils, but he is unsure on the required underdrains and piping and feels that section should be deleted. He further stated he feels the County should assume maintenance of the basins with respect to §18-5H. However, with regards to the concept of the aquatic bench, Mr. Julian stated he feels the County should let the engineers design the facilities with the public welfare in mind. Mr. Julian questioned the effectiveness of the design during times of drought, etc.

Royce Hylton stated the requirement for putting all of the stormwater management facilities on one lot in a subdivision rather than on multiple homeowners' lots again works against the topography. If you are going to require it to be on one lot, he stated there needs to be concessions on setbacks and size of the lots to make it work. He also stated he thought it might be opening Pandora's box since the County won't be taking over the maintenance of the "little guys" detention, only the larger facilities.

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

Mr. Garber stated many comments have been received. He moved to take the

Stormwater Ordinance under advisement until the Board of Supervisors' meeting on November 24, 2009.

Ms. Sorrells seconded the motion which carried unanimously.

Mr. Beyeler stated the Board will receive comments until November 23, 2009 for consideration. He stated these comments will then be discussed at the Board of Supervisors' worksession.

GRASS, WEEDS, AND OTHER FOREIGN GROWTH – ORDINANCE AMENDMENT

Consider an ordinance to amend Chapter 15 of the Code of Augusta County, Virginia regulating the removal of grass, weeds and other foreign growth.

Mr. Howdyshell turned the meeting over to Dale Cobb to present the review of the County's Subdivision Ordinance. Mr. Cobb presented the following PowerPoint presentation.

Mr. Cobb stated there are several changes and additional language under the nuisances section of the ordinance. He stated lots zoned agriculture that are one acre or less will be required to mow grass over fifteen inches (15") in height. For parcels that are zoned Rural Residential that are less than two (2) acres the grass cannot exceed more than fifteen inches (15") in height. He explained in all other residential areas, the property owner will be required to mow if the grass is higher than ten inches (10") in height. For Business and Industrial Zoned lots the grass will need to be mowed if it is higher than fifteen inches (15") in height. In all Residential, Business, and Industrial areas, Mr. Cobb explained if the parcel is adjacent to a residential, business, or industrial structure, a one hundred-fifty foot (150') strip of land needs to be mowed if the grass is over fifteen inches (15") in height.

Chairman Howdyshell declared the public hearing open.

There being no one desiring to speak, Chairman Howdyshell declared the public hearing closed.

Chairman Howdyshell stated written comments were received with regards to the Nuisance Ordinance and those comments will be considered.

Mr. Garber moved the Board of Supervisors consider comments and concerns received regarding the Nuisance Ordinance revisions prior to considering the ordinance at the Board of Supervisors' meeting on November 24, 2009.

Mr. Beyeler seconded the motion which carried unanimously.

Mr. Beyeler moved, seconded by Ms. Sorrells that the meeting be adjourned subject to the call of the chairman. The motion passed. The meeting was adjourned.

Chairman

County Administrator

Chairman

Secretary