

PRESENT: W.F. Hite, Chairman
J. Curd, Vice Chairman
T. Cole
K. Leonard
K. Shiflett
E. Shipplett
T.K. Fitzgerald, Director of Community Development
R.L. Earhart, Senior Planner
K. Bullerdick, Associate Planner
J. Wilkinson, Zoning Administrator
T. Flippen, Acting County Engineer

ABSENT: B. Garvey

VIRGINIA: At the Called Meeting of the Augusta County Planning Commission held on Tuesday, June 14, 2011, at 4:00 p.m. in the Board of Supervisors' Conference Room, Augusta County Government Center, Verona, Virginia.

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The Planning Commission assembled in the Augusta County Government Center to discuss the proposed ordinance amendments and the rezoning.

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Chairman

Secretary

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R.L. Earhart, Senior Planner
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J. Wilkinson, Zoning Administrator
T. Flippen, County Engineer

ABSENT: B. Garvey

VIRGINIA: At the Regular Meeting of the Augusta County Planning Commission held on Tuesday, June 14, 2011, at 7:00 p.m. in the Board Room, Augusta County Government Center, Verona, Virginia.

DETERMINATION OF A QUORUM

Mr. Hite stated as there were six (6) members present, there was a quorum.

MINUTES

Mr. Leonard moved to approve the minutes of the Regular Meeting on April 12, 2011 as received.

Mr. Cole seconded the motion, which carried unanimously.

Augusta County Service Authority- Add Public Use Overlay Designation

A request to add the Public Use Overlay Zoning designation with proffers to 2.6 acres owned by the Augusta County Service Authority and located on the east side of Buffalo

Gap Highway (Rt. 42) approximately 0.5 of a mile north of the intersection of Buffalo Gap Highway (Rt. 42) and Morris Mill Road (Rt. 720) in the Pastures District.

Mrs. Earhart stated the applicant has submitted the following proffers.

1. Additional permitted uses at this site will be:
 - a. Water treatment facility

Kim Cameron, P.E., Augusta County Service Authority, explained there is an existing well on the Ashby property but unfortunately the existing well was deemed to be under the influence of groundwater thus requiring the water treatment facility. Ms. Cameron explained the structure will be less than 2,000 square feet and will look similar to a house. She explained the site has been designed with existing topography. The tallest structure will be a brine tank that will be approximately 12'-14' feet above ground level. Ms. Cameron explained the site plan for the project includes trees to be used for screening to the front of the property. She stated the Authority has been working with adjacent property owners on this project for several years. Ms. Cameron stated the property was acquired from the Ashbys and a right of way was acquired from the Lightners. She explained the structure is designed to be consistent with existing agricultural and residential landscapes.

James Curd asked if the water treatment plant is not installed, will the existing water supply in the area be adequate.

Ms. Cameron answered while there are currently five wells serving the Churchville area these wells are not really "good" wells. She explained with approval of this site, the plant will serve as additional back up. Ms. Cameron stated when the driveway to the site was installed a water line was put in place and the Health Department will allow the facility to be tied into the system knowing that ultimately treatment would be provided if there is an emergency situation.

There being no one desiring to speak in favor or opposition to the request, Mr. Hite declared the public hearing closed.

Mrs. Shiflett stated the proposal is a reasonable request and the proposed plans appear to be compatible with the existing neighborhood. She moved to approve the request with proffers.

Mr. Shipplett seconded the motion which carried unanimously.

An Ordinance amending the Zoning Ordinance of Augusta County Related to the Floodplain Overlay Zoning District and adopting new floodplain maps for the Sherando Area

This ordinance amends Article XLVII by adding a new §25-474.1 which specifically prohibits new lots from being created in the Floodplain Overlay District which do not

have a “buildable” area outside of the floodplain and makes two minor changes to the text. The ordinance will adopt new floodplain maps for the Sherando Area which will add approximately 240 acres to, and remove approximately 100 acres from, the Floodplain Overlay Zoning District in the Back Creek area of Augusta County.

Todd Flippen, P.E., Acting County Engineer, introduced Charlie Banks, Department of Conservation and Recreation and stated he is the State Floodplain Coordinator. Mr. Flippen first reviewed the minor changes to the district. He explained changes have been made to §25-471.1 as reference in text to §25-473 as it was previously numbered incorrectly. Mr. Flippen explained changes to the text in §25-473 were in regard to FEMA panels for the Sherando/Back Creek area which will be added with an effective date of July 18, 2011. For changes in §25-475.B. regarding requirements for floodplain development plan, Mr. Flippen explained currently, there are existing and final contours to be added to the plan. Mr. Flippen explained the development plan will be needed prior to development however “final contours” has been amended to “proposed contours” for clarification purposes. In §25-474, with regard to development and exemptions to development, Mr. Flippen explained this change will only apply to newly created lots. He explained the new requirement will be the lot must have 9,000 square feet of buildable area outside of the floodplain. If the lot cannot meet the requirement, language must be included on the plat stating the lot cannot meet the 9,000 square feet requirement. Mr. Flippen explained the reason for this requirement is to make potential buyers aware that the lot is not “buildable”. He further stated the 9,000 square feet is a requirement under the current ordinance for lots that are created after January 1, 2010. With regard to changes made according to the FEMA floodplain maps, Mr. Flippen stated approximately 240 acres are being added to the floodplain and approximately 100 acres are being removed from the floodplain. A map showing these changes was displayed. Mr. Flippen stated according to FEMA these maps are to be effective July 18, 2011. With regard to property owner notification, Mr. Flippen explained the County mailed notice to those properties affected by these changes. He also stated portions of the floodplain were located in the National Forest, therefore parcels that are adjacent to the National Forest received notification and many were located well out of the floodplain in areas such as Wintergreen, but these properties were required to receive notification according to state code regulations.

Mr. Hite asked if there was anyone wishing to speak in favor or opposition to the request.

Donald Ridenour, 1750 Mt. Torrey Road, Lyndhurst, stated he has been notified that his property is now located in the floodplain. He explained his property floods because of a pond that backs up onto his property. He questioned why his property would be added to the floodplain because of a driveway on a neighbor’s property that is blocking the water. Mr. Ridenour stated the culverts that were installed are too small and not adequate to carry the water thus resulting in his property being flooded during rain and storm events. Mr. Ridenour also voiced concern with the financial hardship of having to obtain flood insurance. He recommended other options to be considered such as

installing larger culverts on his property and more time should be given to facilitate these needs as landowners were not notified of these changes until now.

Eric Shipplett asked Mr. Ridenour how long he has had flooding issues on his property.

Mr. Ridenour stated since Hurricane Camille.

Mr. Shipplett asked if anything has been done to resolve these issues until now.

Mr. Ridenour explained he had contacted the County and they did increase the size of the culvert, but the change has had little impact on the flooding.

Mr. Shipplett asked if he has contacted VDOT.

Mr. Ridenour stated he had contacted VDOT regarding fixing his driveway after it washed out, but it was to no avail.

Teresa Hunt, 196 Back Creek Lane, Sherando, stated she is representing Sherando United Methodist Church located at 2022 Howardsville Turnpike which is being added to the floodplain. Ms. Hunt stated she has discussed this issue with a church member who has been a member of the church for over 75 years and in that time, the property has never flooded.

Jo Payne, 2564 Mt. Torrey Road, Lyndhurst stated she is also representing Doug Wood who owns property on Rising Sun Lane, Lyndhurst. Ms. Payne stated she has communicated with staff on several occasions and understands these changes are a requirement of FEMA however she still has issues with these proposed changes. She explained under §25-474.1 applying to “new subdivisions” she asked the language be more clear. Ms. Payne stated typically when changes are made to add notes on a plat it is to correct something that is wrong. By requiring this addition, Ms. Payne explained it appears the County is trying to stop this from happening, but the language is not clear this will not apply to her property. She explained the rear of her property was never in the floodplain and when she first looked at purchasing the property, this was something that she investigated. She requested the language be clearer as to whether or not this applies to new or existing parcels located within the floodplain. Ms. Payne stated the language states there are exceptions but it needs to be clarified as to what is meant by “no buildings”, “placed or constructed”. Ms. Payne discussed the property on Rising Sun Lane that is owned by Doug Wood. She stated Mr. Wood subdivided his property approximately two years ago and with that process had a perk test conducted by the Health Department. Ms. Payne went on to further state that approval from the Health Department indicates that the property has not been inundated with flood waters. Entire parcels are now being considered to be in the floodplain on Rising Sun Lane and Ms. Payne explained she has discussed flooding issues with others that live on Rising Sun Lane who have stated that yes Back Creek waters have risen, but not completely flooded the lane. Ms. Payne also asked in the case with Mr. Wood who has intentions to apply for a building permit on his newly created vacant lot, should he do that before this

adoption or risk not having his permit approved. Ms. Payne urged the Planning Commission not to get involved in “protectionism”. She recommended the Commission not adopt the ordinance until the language has been clarified and in lieu of that recommendation, only adopt the changes required by FEMA. Ms. Payne also questioned the minimum lot requirement of 9,000 square feet. She stated this seems to be an arbitrary number and asked this number to be more clear, as it does not specifically state if “buildable” applies to the lot or just the area for water, septic, and home.

Thomas Van Pelt, 22 Spring Hill Road, Stuarts Draft, noted the inaccuracy of the FEMA maps. He explained the 100 acres being removed from the floodplain is obviously due to an error made by FEMA so has anyone questioned how one can be sure the 240 acres being added to the floodplain is correct.

Lisa Simmons, 2774 Mt. Torrey Road, Lyndhurst, stated the letter that was received from staff concerning the floodplain is too vague. Ms. Simmons stated her letter simply stated records show her property is now to be considered located within the floodplain. She explained the map provided ends at Lyndhurst Industrial Park and she also owns property on South Oak Lane in Waynesboro. Ms. Simmons explained her property is being flooded with runoff from the warehouse on the County side in addition to runoff from the mountain and Back Creek. Ms. Simmons stated she has been fighting with the City of Waynesboro since March regarding the runoff and just recently the City has “pushed her off to the County because they do not want to deal with it”. She stated the line was annexed through the street so she is getting runoff from the warehouse on the County side that is running into the warehouse on the Waynesboro side. Ms. Simmons stated she has lived at this address since 2001, and there has only been one occasion where her property flooded when the water was released from the dam at Sherando Lake.

Ronald Hunt, 196 Back Creek Lane, Lyndhurst, stated where Back Creek Lane intersects with Howardsville Turnpike is now considered to be out of the floodplain however that area always floods and he stated in fact it flooded three months ago. He questioned the prerogative for FEMA to add parcels that have not flooded and remove those parcels that have a history of flooding.

Cheryl Ratcliff, stated she is representing 126 and 68 Back Creek Lane, Lyndhurst which have been added to the floodplain and she is not sure why these parcels have been added because to her knowledge they have not flooded.

Adam Myers, 1762 Mt. Torrey Road, Lyndhurst, stated he agrees with Donald Ridenour in that flooding from Back Creek is not an issue for that area. He explained flooding on his property is due from a spring fed creek that runs along the road and during heavy rain or snow events it backs up and flows across the street. Mr. Myers stated at the time the water travels across the street, he can walk out to Back Creek and the water will still be at least 6-8 feet below the bank. Mr. Myers also stated there is pasture land on the other side of Back Creek that is approximately 2 feet below the elevation on his lot and

if Back Creek were to ever overflow, it would flood onto the pasture land before going onto his property.

Levi Brown, 1082 Howardsville Turnpike, Lyndhurst, stated he is representing the residents of 349 Mill Creek Lane, and he also owns a vacant parcel that is adjacent to that address. He stated he is assuming he received these letters because his property borders the National Forest. Mr. Brown stated he has stepped off the floodplain line on Mill Creek and the line is roughly 100 feet from Mill Creek. Mr. Brown explained while this has nothing to do with Back Creek, it is an example that FEMA records are inaccurate. He urged the Planning Commission and the County to conduct further studies before adopting the FEMA maps.

Brian Fletcher, 349 Mill Creek Lane, Lyndhurst, agreed that more research and time needs to be considered before the adoption of the FEMA maps. He stated there are obvious issues with FEMA's data and these changes will impact many landowners. Mr. Fletcher recommended not recommending adding any additional parcels on the chance that FEMA's data is inaccurate and only deleting those parcels that FEMA indicated are not in the floodplain.

Herbert Willis, 2888 Mt. Torrey Road, Lyndhurst, stated there is always a chance of flooding when one lives near water but asked if there were other options available to channel the water runoff such as larger culverts, etc. Mr. Willis also stated if agencies are aware of a storm or have plans to release the dam at Sherando Lake, they need to communicate those intentions to residents downstream of the lake. Mr. Willis asked if these changes decrease their property values, will their real estate tax assessments be adjusted.

Charlie Banks, Department of Conservation and Recreation, Dam Safety and Floodplain Management explained to the citizens his role is to act as a liaison between FEMA and the communities that participate in the National Flood Insurance Program. Mr. Banks sympathizes with the citizens that are affected by these changes. When preparing for the meeting tonight, Mr. Banks explained he realized when the County adopted the most recent set of FEMA flood maps in 2007 countywide, the set was missing two panels which are now included in this adoption which raises the question for those that were not in the floodplain before and are now being added to the floodplain because of the missing panels in 2007. He stated those two missing panels are located along Back Creek. Mr. Banks agreed with the citizens that FEMA's maps are not always correct as much of the data that is used is outdated. Mr. Banks cited the letter received from FEMA in August of 2010, which stated, "This addition of the maps incorporates updated flood hazard information for Back Creek prepared by the US Department of Agriculture Soil and Water Conservation Service no new hydrologic or hydraulic analysis was performed". He explained with that statement not everything was included previously. Mr. Banks also commented it was odd the Department of Agriculture, Soil and Water Conservation provided the information rather than the Army Corps of Engineers.

Kitra Shiflett asked if there was any type of appeal process available for property owners to appeal these FEMA maps.

Mr. Banks stated that appeal period was within 30 days after the date of the letter from August of 2010. He explained there is a process FEMA has that will allow an individual property owner to have their particular parcel evaluated to determine if the structure is not in the floodplain. He explained it is an insurance program so if there are no structures on the property, the insurance program is not involved. He explained if the structure touches the floodplain and there is a mortgage on the structure, the law requires flood insurance. If there is no mortgage or the structure does not touch the floodplain, flood insurance is not required by law. However, if there is a mortgage the mortgage holder has the prerogative to require flood insurance.

Mrs. Shiflett asked for those individuals who feel their property has been mistakenly placed in the floodplain if there is some type of recourse.

Mr. Banks answered yes. He stated there is recourse but it usually involves getting a survey done to determine whether or not the parcel is in the floodplain.

Mr. Hite questioned what level of control the County has with regard to adopting these changes.

Mr. Banks answered the County has no control over these changes at this point. He stated there was an appeal process 30 days after the date of the letter sent from FEMA in August of 2010 however that would have only been to appeal the elevations, not necessarily the boundaries.

Mr. Shipplett asked Mr. Banks what he would do if he were a property owner whose property had never flooded but now his property is located within the floodplain according to these maps.

Mr. Banks answered if he had a mortgage on a structure that was close to the floodplain or touching the floodplain based on the new map, but was not in the floodplain based on the old map and the mortgage company was requiring him to get flood insurance, he would go out and get flood insurance tomorrow because it would be less expensive based on the old map showing the structure outside of the floodplain. He stated the new maps become effective July 18 so these property owners have four days to get insurance policies 30 days ahead of the effective date. He stated the insurance would be less expensive and if he believed his structure was not located in the floodplain he would then have a survey done to determine elevations and hopefully determine the structure is not within the floodplain at which time he would submit the survey to FEMA and receive a letter of map amendment for that structure. If that letter were received from FEMA, depending on the mortgage company, he may not be required to carry flood insurance and he would be reimbursed for those policy payments if declared outside of the floodplain.

Mr. Shipplett commented the burden then is placed on these individuals and “our hands are tied”.

There being no one else desiring to speak, Mr. Hite declared the public hearing closed.

With regard to §25-474, Mr. Curd asked how 9,000 square feet was determined.

Mr. Flippen answered 9,000 square feet is the minimum requirement for newly created residential lots under the current ordinance. He explained the 9,000 square feet does not necessarily apply to just the house, but it provides for additional room for accessory buildings, etc. Mr. Flippen stated 9,000 square feet is in the existing floodplain ordinance and it indicates anything prior to January 1, 2010 requires 9,000 square feet of buildable area outside of the floodplain, or meet certain exemptions. He explained the 9,000 square feet for newly created lots is simply clarification from the existing floodplain ordinance stating it will apply to lots that are created after the adoption of these changes, July 18, 2011.

Mr. Leonard asked if the lot was created prior, individuals will not have to go back and change their plat as this will only apply to lots created after this date.

Mr. Flippen answered correct.

Mrs. Earhart clarified the proposed changes only apply to newly created lots. She explained under the current ordinance §25-474, it states development is prohibited in the floodplain unless it meets one of the exceptions, and one of the exceptions is that the lot was created before January 1, 2010 so anything after that date is required to have 9,000 square feet of buildable area outside of the floodplain. The purpose of this amendment is to spell out the requirement in the existing ordinance that did require a minimum buildable area outside of the floodplain. She reiterated this provision only applies to newly created lots not lots that are new to the floodplain.

Kyle Leonard asked what the repercussions are if the County decides not to adopt these proposed changes.

Mr. Flippen explained the County has been in contact with FEMA. He stated the most recent letter explained if the County chooses not to comply with these recommendations FEMA will then proceed with the necessary steps in suspending the County’s National Flood Insurance Program.

Mr. Curd questioned if the County chooses to not adopt FEMA’s map, then everyone in the County risks losing their ability to get flood insurance.

Mr. Flippen answered yes.

Mr. Curd asked how the date of July 18 was determined.

Mr. Flippen answered it was a date chosen by FEMA.

Taylor Cole asked when property owners can go through the procedure with the survey, etc.

Mr. Flippen answered that can be done at any point. He stated there are a lot of areas within the County that do not necessarily flood, but are located on the floodplain map. He explained FEMA does allow for the use of a LOMA to verify a structure is removed from the designated floodplain.

Mr. Cole asked how many homes will be required to obtain flood insurance based on the proposed maps.

Mr. Flippen answered staff only looked at parcels. He stated they did not determine whether or not there were structures on these properties that were in the floodplain. Mr. Flippen stated as Mr. Banks explained, a property owner may have received a letter stating their property was in the floodplain, but they may not be required to get flood insurance if there are no structures in the floodplain.

Mr. Curd expressed sympathy for the citizens in Back Creek impacted by these changes but if the County does not adopt the maps it could risk losing flood insurance for the entire County.

Mr. Shipplett urged citizens to contact their congressional representatives.

Mr. Leonard moved to recommend approval of the Ordinance amending the Zoning Ordinance of Augusta County related to the Floodplain Overlay Zoning District and adopting new floodplain maps for the Sherando Area.

Mr. Shipplett seconded the motion which carried unanimously.

An Ordinance amending the Zoning Ordinance of Augusta County by establishing a new district entitled “Rural Conservation District”

This district will allow limited residential development in areas designated as Rural Conservation on the Comprehensive Plan Policy Area Map while requiring that at least 70% of the tract be permanently preserved. The minimum size of a Rural Conservation district will be 200 acres, with a minimum lot size of 2 acres. The total gross density of a development shall not exceed one lot per ten acres.

Kim Bullerdick, Associate Planner, explained the proposed district allows property owners that might otherwise develop using traditional Rural Residential zoning the opportunity to develop on land without losing all its existing farming or rural characteristics. She further explained the concept of land preservation is a key feature of the district. Ms. Bullerdick explained goals of the Comprehensive Plan are to preserve the County’s rural character and natural resources and this district will allow

just that. Ms. Bullerdick explained specifics of the district include a minimum development size of 200 acres and at least 70% of that acreage must be preserved; an overall density of one lot per 10 acres; minimum lot size of 2 acres; public and private streets are allowed with a 40 right of way and 30 feet of frontage per lot; private streets will require a minimum VDOT base course; and a maximum 12% grade; development is required on private utilities (well and septic); and a master plan and existing features and site analysis plan must be provided at the time of rezoning. Ms. Bullerdick explained the master plan is basically a concept plan depicting the layout of the streets and location of parcels, shared facilities, etc. She explained the existing features and site analysis plan will provide the topography of the land and sensitive or natural features that may need to be protected or preserved. She stated the hope is that developers will utilize this district instead of subdividing land through the minor subdivision process. Ms. Bullerdick stated permitted open space or preservation tracts can be farmland, sensitive environmental areas, shared facilities- barns, trails, gardens etc. She then stated this district is included in the Ag Districts Section of the Zoning Ordinance. Ms. Bullerdick explained the reason the district was located here is because it is considered to be another option for development in the agriculture districts as many characteristics are the same as in General Agriculture. Other characteristics of the district, Ms. Bullerdick stated, include allowing it only in Rural Conservation Areas, areas which are substantially subdivided and/or developed with residential uses, have no public water or sewer service and are priority locations for moderate amounts of future rural residential development. She explained farming and agriculture related uses are allowed in this district and the land use taxation option would still be available to property owners utilizing this district. She explained the uses for residential tracts are primarily uses that are currently permitted in Rural Residential districts, the uses for rural preservation tracts are based on General Agriculture uses, and consent from the Homeowner's Association/Property Owner's Association will be required before obtaining any type of Administrative or Special Use Permits. Ms. Bullerdick displayed examples of what this type of district could look like once developed. She concluded by stating the Virginia Outdoors Foundation (VOF) has reviewed the district and have offered their support of the district's intent.

Mr. Cole asked who from the VOF reviewed the district.

Ms. Bullerdick answered Laura Thurman was the contact and it was noted the district, if approved, would be "a good tool".

There being no one wishing to speak in favor or opposition to the request, Mr. Hite declared the public hearing closed.

Mr. Cole stated the district has the potential to have a positive impact and he supports the requirement of preserving 70% open space. Mr. Cole stated he supports the goals listed under the "Purposes Section" of the ordinance, but how these goals are going to be protected needs to be more specific. He explained the goal of the VOF is to protect open space and he suggested placing the tracts in a conservation easement as a way to achieve that goal. He moved to amend the following definition of "Preservation tract

to read: A lot, the use and diminishment of which is restricted and protected by legal arrangements deed of conservation easement to insure its maintenance and preservation for the purposes of preservation of agricultural and forestal land and activity, water supply protection, and/or conservation of natural, scenic or historic resources”.

Mr. Curd seconded the motion. He stated he agrees with Mr. Cole in that the district has admirable goals, but there are no “teeth” to ensure the goals are achieved.

Mrs. Shiflett stated she supports the easement language but does not see the district as a means for protecting farmland. She explained this district does not support the goals of the Comprehensive Plan however the district does have some good potential for protecting open space, but will be harming farming in general.

Mr. Hite stated he supports the district but does not support the motion of requiring the open space to be placed in a conservation easement as he does not support dictating what property owners can and cannot do with their properties.

The motion failed on a 3-3 vote with Mr. Shipplett, Mrs. Shiflett and Mr. Hite opposed.

Mr. Cole asked how the goals of the district can be achieved if the land is not being protected by a specific means.

Mr. Hite stated it depends on the location and a conservation easement on a piece of property is forever.

Mr. Leonard asked for an explanation of easements. He stated agriculture use and conservation easements are different. He stated he does not feel land used for this type of district will be the prime agricultural land in the County. He added a conservation easement does not harm the farming ability on the property.

Mr. Cole stated the conservation easement adds structure to accomplish the goals of the district. He stated there are a lot of development regulations in the district, but no structure to achieve the preservation goals.

Ms. Shiflett stated the Commission is arguing two separate issues.

Mr. Shipplett discussed the fact that it is highly unlikely “farmland” would be attracted to this district.

Mr. Leonard stated if a piece of property is “prone” for development, it will be developed regardless and this district only provides developers another option.

Mr. Cole stated he recommends adding structure to the ordinance as there is little language that describes how the district is to achieve its intended goals. He understands a conservation easement is permanent, but it needs to be understood the

purpose is to protect the future, and a conservation easement is the perfect tool for protecting those goals.

Mr. Hite stated he can support the motion. He stated if a property owner does not want the restrictions of the district, they will not choose the zoning classification.

Mr. Cole put the motion back on the floor.

Mr. Curd seconded the motion. The motion carried on a 5-1 vote with Mrs. Shiflett opposed.

An Ordinance amending the Zoning Ordinance of Augusta County by establishing a new district entitled “Recreational Vehicle Parks”.

The Ordinance will create a new zoning district which will allow recreational vehicles and extended stay cabins to be utilized as full-time permanent dwellings. The minimum size of the recreational vehicle park shall be ten (10) acres and the maximum density of recreational vehicles shall be six (6) per acre. Access can be provided to the sites by either public or private roads and all recreational vehicles and extended stay cabins must be connected to electricity and a public water and sewer system. There will be no minimum dwelling size for the units in this district.

Mrs. Earhart explained the proposed ordinance. She stated the proposed ordinance will amend the Zoning Ordinance of Augusta County by adding new terms and definitions, including:

- Camp host- onsite manager or employee of campground or rv park.
- Short-term cabin- not equipped with water-flushed toilet, lavatory, shower, and kitchen sink.
- Short-term campground- Campgrounds where guests occupy tents or cabins for no more than 21 days in 2 months or 45 days in 12 months.
- Short-term rv park- An rv park where guest occupy rvs or short-term cabins for no more than 21 days in 2 months or 45 days in 12 months.
- Non-self-contained unit- A unit which is dependent on a service building for toilet and lavatory facilities.
- Extended-stay cabin- A cabin at a campground that is designed primarily as a temporary living accommodation and has a water-flushed toilet, sink, shower, and kitchen sink.
- Extended-stay campground- stay in a self-contained cabin for more than 21 days in 2 months or 45 days in 12 months, but no more than 180 days per 12 months.
- Extended-stay rv park- stay in a self-contained unit for more than 21 days in 2 months or 45 days in 12 months, but no more than 240 days per 12 months.
- Self-contained unit- A vehicular-type portable structure without a permanent foundation designed primarily as a temporary living with a water-flushed toilet, sink, shower, and kitchen sink.

Mrs. Earhart further stated the ordinance will amend the Zoning Ordinance of Augusta County by establishing a new district entitled "Recreational Vehicle Parks". Mrs. Earhart summarized the district. She explained the district will be similar to the current Manufactured Home Park District. She explained the district will be part of the Multiple Residential Districts section, it will allow lots to be lived on year round, but lots can't be individually owned; it allows recreational vehicles and small cabins to be used as dwellings, but they must meet ANSI standards and contain a water-flushed toilet, lavatory, shower, and kitchen sink.

Mrs. Earhart suggested combining this item with the next item on the agenda.

An Ordinance amending the Zoning Ordinance of Augusta County by adding provisions for a Special Use Permit in General Agriculture districts for Extended Stay Campgrounds and Recreational Vehicle Parks.

The Ordinance will amend the Special Use Provisions in General Agriculture districts by adding a category for extended stay campgrounds and extended stay recreational vehicle parks. The special use permit will allow owners of campgrounds and recreational vehicle parks to rent spaces to guests for more than twenty-one (21) days within any two-month period or more than forty-five (45) days within any twelve-month period, if the units meet the criteria for "self-contained units". The ordinance defines self-contained units as portable structures without a permanent foundation that contain a water-flush toilet, lavatory, shower, and kitchen sink and meeting the ANSI standards for recreational vehicles or recreational vehicle park trailers. Maximum guest occupancy in an extended stay cabin in an extended stay campground is limited to 180 days. The maximum guest occupancy in an extended stay recreational vehicle park is limited to 240 days. In addition, the ordinance will amend the existing Special Use Permit category in General Agriculture Districts for campgrounds and recreational vehicle parks by making them Short-term Campgrounds and Short-term Recreational Vehicle Parks, with minor edits to reflect occupancy time limits.

Mrs. Earhart explained the ordinance would add another Special Use Permit category to General Agriculture Districts. She explained the difference between short-term and extended stay campgrounds and recreational vehicle parks.

There being no one desiring to speak in favor or opposition to the ordinance amendments, Mr. Hite declared the public hearing closed.

Mr. Leonard stated he realizes campers being used as permanent dwellings are common in the county and permitting these uses is long overdue. He moved to approve the following amendments, "An Ordinance amending the Zoning Ordinance of Augusta County by establishing a new district entitled "Recreational Vehicle Parks" and "An Ordinance amending the Zoning Ordinance of Augusta County by adding provisions for a Special Use Permit in General Agriculture districts for Extended Stay Campgrounds and Recreational Vehicle Parks".

Mr. Curd seconded the motion which carried unanimously.

An Ordinance amending the Zoning Ordinance of Augusta County Related to Front Setbacks in General Agriculture Districts.

This ordinance amends §25-78 by reducing the front setback for buildings on conventional lots in Rural Conservation and Agriculture Conservation Areas to thirty-five feet (35') if the lot is located on a street identified by the Virginia Department of Transportation (VDOT) as a collector or local street. The front setback for buildings located on conventional lots in Rural Conservation and Agriculture Conservation Areas remains fifty feet (50') if the street is identified by VDOT as an arterial street.

John Wilkinson, Zoning Administrator, explained the purpose for the proposed ordinance is to reduce Front Setbacks in General Agriculture Districts from the current fifty feet (50') to thirty-five feet (35') in Rural Conservation and Ag Conservation Areas for collector and local public and private streets and fifty feet (50') for arterial streets. He explained again the proposed 35' setback will not apply to arterial VDOT streets that are heavily traveled. The collector and local streets are not highly likely to be significantly widened in the future.

Mr. Curd questioned the clarity of the language in the ordinance defining a "front" yard.

Mr. Wilkinson stated the front will be from the street or right of way regardless of what direction the front of the house is facing.

Mr. Curd questioned if it were necessary to have the word "front" in the language.

Mr. Wilkinson answered the ordinance defines front lot line as the line that separates the lot from the street.

There being no one desiring to speak in favor or opposition to the request, Mr. Hite declared the public hearing closed.

Mr. Shipplett moved to recommend approval of the ordinance amendment.

Mr. Cole seconded the motion. The motion carried on a 5-1 vote with Mr. Leonard opposed.

An Ordinance amending the Zoning Ordinance of Augusta County Related to Privacy Fences required in Buffer Yards in General Business and General Industrial Districts

This ordinance amends §§25-308. A. and 387.A. which require a buffer yard be provided for business and industrial developments that are adjacent to property not zoned Business or Industrial or the adjacent property is not designated for business or industrial on the County's Comprehensive Plan Future Land Use Map. Currently, the

ordinance requires either a 10' wide buffer with a 6' tall opaque, vinyl privacy fence, wall, berm, or combination thereof or a 20' wide landscaped buffer. The amendment allows opaque privacy fences to be constructed of good quality materials including vinyl, pressure treated lumber, brick, stone, or similar materials approved by the Zoning Administrator and does not allow the use of tarps, car covers, tents, fabric, chain link fences with slats, or similar materials.

Mr. Wilkinson stated this proposed ordinance amendment provides more flexibility for developers. He explained buffer yards are currently required for properties that are adjacent to any property line not entirely zoned Business or Industrial however no buffer is required if property is adjacent to General Agriculture, but is planned for business or industrial on the Comp Plan Future Land Use Map. Mr. Wilkinson explained the proposed ordinance provides two alternatives. The first option being a 10' wide strip of land and 6' opaque privacy fence, wall, berm, or combination, this option deletes the requirement for a vinyl fence and replaced with "good quality" and specifically prohibited tarps or chain link fences with slats; the second option is a 20' strip of land with 2 evergreen trees, 2 canopy trees, 2 understory trees, and 24 shrubs planted per 100 linear feet of buffer.

There being no one desiring to speak in favor or opposition to the request, Mr. Hite declared the public hearing closed.

Mr. Shipplett moved to approve the ordinance amendment.

Mr. Curd seconded the motion that carried unanimously.

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NEW BUSINESS

Consideration of Shields Self Storage Landscape Plan

Mrs. Earhart explained the reason for the request is to meet a proffer requirement on a rezoning of the property approved in April 2006. She explained a landscape plan that must be approved by the Planning Commission was proffered as part of the rezoning. Mrs. Earhart stated Tom Shields, Sr. has submitted a plan to the Commission for review that will include an 8 ft tall vinyl fence and using the existing trees as an additional buffer. She noted she had notified Mr. Shields of the proposed ordinance amendment regarding privacy fencing in business and industrial districts but he stated he prefers using the vinyl fence. Mrs. Earhart stated the plan is in compliance with the current ordinance and proffer requirement.

Mr. Curd stated he feels the buffers described in the plan are adequate. He moved to approve the landscape plan.

Mr. Cole seconded the motion which carried unanimously.

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MATTERS TO BE PRESENTED BY THE PUBLIC

Barry Lotts, Lotts and Associates, commented on the proposed Floodplain Ordinance. He stated it is beneficial for property owners impacted by the new floodplain delineations to obtain a LOMA because it will certify whether or not the structure is located out of the floodplain.

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STAFF REPORTS

A. CODE OF VIRGINIA – SECTION 15.2-2310

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

Mr. Hite asked if there were any comments regarding the upcoming items on the BZA agenda.

11-30 Charles Quentin Craig

This request is to replace a non-conforming structure with a different type of structure and build it closer to the property line than required by the Zoning Ordinance. The Planning Commission voiced concerned that while currently the adjacent property is owned by a family member, there is nothing to prevent it from being sold and no reason, other than convenience, to build that large a building so close to the property line.

Mr. Curd moved to recommend the Board of Zoning Appeals recommends that Mr. Craig either build a smaller machine shop in conformance with the side yard requirements or build a larger shop elsewhere on the property where he can meet the yard requirements.

Mrs. Shiflett seconded the motion that carried unanimously.

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

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Chairman

Secretary