

PRESENT: J. Curd, Chairman  
S.N. Bridge, Vice-Chairman  
T. H. Byerly  
K. A. Shiflett  
J. Shomo  
R. L. Earhart, Senior Planner and Secretary

ABSENT: W. F. Hite  
J. D. Tilghman

VIRGINIA: At the Regular Meeting of the Augusta County Planning Commission held on Tuesday, April 10, 2007, at 7:00 p.m. in the Board Meeting Room, Augusta County Government Center, Verona, Virginia.

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**DETERMINATION OF A QUORUM**

Mr. Curd stated as there were five (5) members present, there was a quorum.

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**MINUTES**

Mr. Byerly moved to approve the minutes of the Called and Regular meeting held on March 13, 2007, and the minutes from the Joint Public Hearing on March 21, 2007. Ms. Shiflett seconded the motion, which carried unanimously.

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**New Business**

A. Comprehensive Plan 2007 – 2027

Ms. Earhart explained that there was a Joint Public Hearing on March 21, 2007 and a work session on April 3, 2007 to consider comments received on the Comprehensive Plan. She added that staff has provided a draft copy of the minutes from the meeting for the Commissioners' reference. However, these minutes will be acted on at the May meeting.

Mr. Bridge stated that he would first like to thank staff, Ms. Shiflett and Ms. Tilghman and other members of the Steering Committee and the public for their comments and input on the Comprehensive Plan. Mr. Bridge stated that he does not believe it is possible to develop a plan that will suit everyone, but that this Comprehensive Plan will meet the needs of Augusta County. Mr. Bridge noted that we need to make sure we pay attention to the 90% of the public that did not participate in the process. He added that he would like to think that they would be represented in these decisions by those who worked on drafting the Comprehensive Plan. Mr. Bridge concluded by stating that this plan is one that he can live with and support.

Mr. Byerly stated that he believes that the 90% of the population of the County that we did not hear from is a “vote of confidence”. He added that the citizens have relied on the diligence of County staff to draft a plan that is best for the citizens of Augusta County. Mr. Byerly stated that this can be seen as silent approval from citizens of the County. He added that not all comments and wishes were addressed, but that this plan is a solid one, that he too can live with.

Ms. Shiflett stated that she has had the privilege of working on the plan for two years. She added that there has been a lot of compromise, but that she is still disappointed in the amount of “red” on the maps. She stated that she feels that the amount could have been reduced based on comments and input from County citizens. Ms. Shiflett added that the key for this Plan to be successful is implementation. Ms. Shiflett added that this is a strong, workable plan. However, she added that in order for the Plan to be successful, it depends on financing and the County must hire consultants for the necessary implementation measures as soon as possible.

Mr. Curd added that he agrees with Ms. Shiflett. He stated that a good Comprehensive Plan would be one that is followed with consistency. Mr. Curd thanked staff and those members of the Commission who took part in the draft. He stated that he feels the plan is workable and again stressed the importance of implementation.

Mr. Shomo stated his understanding is that not everyone agrees with all elements of the plan, but he stated that this is a point where the “glitches” can be worked out. Mr. Shomo moved to recommend the following:

I move that the Augusta County Planning Commission adopt the Augusta County Comprehensive Plan Update 2007-2027 Draft as it was presented at the Joint Public Hearing of March 21, 2007 with the following changes to the Goals, Objectives, and Policies:

1. Policy 8 added to Goal 1, Objective A of the Land Use Section on page 248 reading:

*Policy 8: Development North of Waynesboro.* The County and the Service Authority should examine ways in which public water and wastewater services can be extended to the area immediately adjacent to the northern boundary of the City of Waynesboro, north of Route 250 and west of Route 254, in order to serve existing and future residential developments in that area.

2. Goal 6 of the Natural Resources Section re-designated Goal 1 and Goals 1 through 5 re-designated Goals 2 through 6.

The following changes to the Planning Policy Area and Future Land Use Maps are also included:

1. Parcels 28-61A, 28-59A, 28-58A, and 28-58 (portion) changed from Agricultural Conservation Area to Urban Service Area with a future land use of Public Use. Parcel 28-39 changed from Agricultural Conservation Area to Urban Service Area with a mix of Public Use and Flood Plain.
2. Parcels 28-15, 28-17, 28-18, and 28-15A from Agricultural Conservation Area to Urban Service Area with a future land use of Industrial.
3. Parcels 27-93, 27-113 (portion), 27-95, 27-96, and 27-96A (portion) changed from Agricultural Conservation Area to Urban Service Area with a future land use of Mixed Use.
4. Parcels 36-74A and 36-75A changed from Agricultural Conservation Area to Rural Conservation Area. Parcels 36-90 (portion) and 36-92 changed from Agricultural Conservation Area to a split between Rural Conservation Area and Urban Service Area with a future land use of Medium Density Residential. Parcels 36-94A (portion), 36-94B (portion), and 37-29B changed from Agricultural Conservation Area to Urban Service Area with a future land use of Single-Family Attached Residential. Parcels 37-1, 37-1A, 37-1B (portion), 37-2A, 37-2B, 37-2C, 37-2D, 37-2E, and 37-2G changed from Agricultural Conservation Area to Urban Service Area with a future land use of Medium Density Residential. Parcel 37-29A changed from Agricultural Conservation Area to Urban Service Area with a mix of Medium Density Residential and Single-Family Attached Residential.
5. Parcels 68-48 and 68-49A changed from Rural Conservation Area to Urban Service Area with a future land use of Industrial.
6. Parcel 74-146 changed from Agricultural Conservation Area to Urban Service Area with a future land use of Mixed Use. Parcel 74-143 (portion) changed from Agricultural Conservation Area to Community Development Area with a future land use of Urban Open Space.
7. Parcels 74-34, 74-34A, 74-35, 74-35A, 74-35B, 74-36, 74-37, 74-58 (portion), 74-58H, 74-85 (portion), 74-86 (portion), 74-86A (portion), 74-87, 74-88A (portion), 74-139B (portion), 74-139C (portion), 74-139D, 74-139T (portion), 74D(1)23, 74D(1)27, 74D(1)29A changed from Agricultural Conservation Area to Rural Conservation Area.

8. A portion of Rural Conservation Area along Route 608 south of Spy Creek Lane changed to Agricultural Conservation Area.
9. A portion of Rural Conservation Area along Route 608 between Pine Chapel Lane and Old Back Road changed to Agricultural Conservation Area.
10. A portion of Rural Conservation Area along Route 662 beginning approximately 250 feet east of Penny Lane and ending at Backs Hollow Lane, at the railroad crossing, changed to Agricultural Conservation Area.
11. The remainder of parcels 82-109, 82-109E, 82-112, 82-112A, and 82-112B changed from Rural Conservation Area to Community Development Area with a future land use of Low Density Residential. The remainder of parcels 82-109A and 82-109D changed from Rural Conservation Area to Community Development with a mix of Low Density Residential and Flood Plain.

Mr. Bridge seconded the motion.

Mr. Curd stated the motion has been made, properly seconded, to recommend adopting the Augusta County Comprehensive Plan Update 2007-2027 Draft as it was presented at the Joint Public Hearing of March 21, 2007 with the aforementioned changes to the text and the maps.

The motion carried unanimously.

#### B. Consideration of Capital Improvements Plan and Budget

Mr. Coffield stated that State Law requires the Planning Commission to act on the Capital Improvements Plan in order to accept cash proffers. Mr. Coffield presented the highlights of the Capital Improvements Plan and the Operating Budget to the Commission. The proposed capital improvement budget for fiscal year 2007-2008, along with the Capital Improvements through 2011-2012 is \$69 million, with over \$10.6 million in projects for the coming year. Mr. Coffield presented the highlights of the budget to the Commission, as well as a brief overview of the Operating Budget.

Mr. Coffield asked the Commission if there were any questions.

Mr. Byerly asked how staff can get this information to the general citizens. He stated that the County is financially strong and that if citizens had a better understanding, he feels this would make the tax increases more tolerable.

Mr. Coffield stated that this information is found on the internet as well as in the library. Mr. Coffield also added that he has spoken with organizations such as Ruritan Clubs and Kiwanis Clubs in order to get this information out to the citizens. In general, Mr. Coffield added that he feels the public is satisfied with the overall performance of the County.

Mr. Curd added that he is glad to see school and PDR funding in the budget. He stated that he would like to see more recreation and road funding, but he understands the needs.

He added that he would like to see more cost sharing between districts depending on where the needs arise.

Mr. Coffield answered that there are certainly different needs between the urban and rural districts. He stated that in this year's budget, he was surprised with the jail. He stated that he did not need to put the debt repayment cost in the budget this year. Because of the outsourcing to other communities, the County has been able to generate enough money from operating the jail to off-set 100% of the loan payments. Another surprise in the budget this year, was the interest income. Because of the increase, he explained the County was able to put another installment towards the library's renovations.

Mr. Byerly made a motion to recommend approval of the Capital Improvements Plan and Budget as presented.

Ms. Shiflett seconded the motion, which carried unanimously.

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## **Old Business**

### **The Bennett Realty, LLC**

A request to rezone from General Agriculture and General Business to General Business with proffers approximately 4.8 acres owned by The Bennett Realty, LLC located in the southeast quadrant of the intersection of Lee Highway (Rt. 11) and Weyers Cave Road (Rt. 256) in Weyers Cave in the North River District.

Ms. Shiflett moved to remove the request from the table.

Mr. Bridge seconded the motion which passed unanimously.

Ms. Earhart explained VDOT and the County Attorney met on March 31, 2007 and discussed rezoning and what needs to be proffered and what can be done as part of VDOT's permitting process. As a result of this meeting, they are still looking at available options. She explained that they are looking at Staff's comments concerning safety.

Ms. Shiflett asked if VDOT or the County Attorney have come to any decisions or recommendations on these issues.

Ms. Earhart answered they are not ready to make a recommendation at this time.

Mr. Byerly stated that he feels the applicant has gone beyond the call of duty for this project with the hopes for approval of the rezoning. However, he stated that he has reservations regarding safety issues for this site due to the fact that businesses in this location will be high in use. Mr. Byerly recommended not making any decisions on this matter until more information is received.

Ms. Shiflett stated that she agreed with Mr. Byerly in that there is not sufficient information regarding safety and she wanted the opinion of the County Attorney before making a recommendation.

Mr. Shomo asked if it were proper to deny the request rather than table until more information was received. Mr. Shomo moved to recommend denial.

Mr. Bridge asked what impact denying the request would have on resubmitting an application.

Ms. Earhart explained that if the Planning Commission were to deny the request at this meeting, it would then go before the Board of Supervisors at their next scheduled meeting. If they were to deny the request, the applicant would have to wait one year before they would be eligible to reapply for the rezoning.

Ms. Shiflett asked if a thirty to sixty day time frame is reasonable to have the needed information.

Ms. Earhart stated that she feels it would be a reasonable request, in that she has spoken with Mr. Hagen and he believes he can provide the information.

Mr. Byerly stated that he feels that the request should not be denied at this time, because he believes it would give the wrong message. He stated he feels the applicant has done his part to complete the process with the proffers and that he feels the only choice at this time would be to table the request.

Mr. Miller stated that he has provided VDOT with what they had requested and that he feels they cannot make up their minds.

Mr. Shomo withdrew his motion.

Ms. Earhart explained that the Commission is not questioning the applicant, but rather questioning the County's standpoint on funding and improvements to this site. If it is not to be funded privately, who will be responsible and what level of service the County is to provide.

Mr. Shomo stated that he cannot make a decision until he knows how much traffic this site will add to an already existing problem.

Ms. Earhart explained that these issues are being addressed. She stated that she feels Mr. Hagen will provide the information needed in how these improvements will be financed or another way of going about funding this situation (i.e. tax increment financing like on Route 285).

Mr. Miller expressed his concerns with VDOT. He stated that the applicant has agreed in their proffers to pay 25% of the costs incurred for the right turn lane and the traffic signal. He stated that he feels VDOT now wants the applicant to pay for more than what was agreed upon.

Ms. Earhart stated that she feels that this information is what the Planning Commission needs before they can make any decisions.

Mr. Bridge asked if the applicant is to pay 25% of the costs incurred, who is responsible for the remaining 75%.

Mr. Shomo questioned what protection will be provided to that area if the County was to approve this request and it was to be a high use development.

Ms. Earhart stated that staff does not have that data at this time, but she feels these concerns will be addressed by Mr. Hagen.

Mr. Curd stated that he feels maybe this area is not ready for rezoning and a high business use at this time.

Mr. Byerly moved to table the request for another thirty days.

Ms. Shiflett seconded the request which carried unanimously.

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### **MATTERS TO BE PRESENTED BY THE COMMISSION**

Mr. Shomo stated the issue of the County's flood controls dams has come up repeatedly during the comprehensive planning process. Currently, the County has digital mapping for only 3 of the 16 dams. For the rest of the dams, the County has either roughly drawn maps or no maps at all of the inundation zones and flood pool areas. He indicated that without accurate mapping, it would be premature at this point to recommend ordinance changes or even making the information available to the public as part of the building permit process. We don't want to put properties in inundation zones without accurate digital mapping. If we erroneously place properties in the zones, it could have significant negative impacts on people's property values. He stated, however, that the mapping is critical. Therefore, he moved that the County Board of Supervisors make it a priority to complete the digital mapping of the inundation zones and flood pool areas for each of the flood control dams in the County and make that information available on the County's GIS system.

Mr. Byerly seconded the motion which carried unanimously.

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### **STAFF REPORTS**

#### **A. CODE OF VIRGINIA – SECTION 15.2-2310**

Mr. Curd asked if there were any comments regarding the upcoming items on the BZA agenda. The Commission took the following actions:

#### **SUP 07-27 Bennie W. Byler**

Ms. Shiflett moved to recommend to the Board of Zoning Appeals that the request be denied because this property is located in one of the County's growth corridors in the Comprehensive Plan. The Planning Commission would like to see the applicant be in compliance with their existing Special Use Permit prior to being considered for an

expansion of the permit. She also recommends that since this property is located so close to Business zoned property the proposed business expansion may not be appropriate for this location, but rather should be located in Business zoning.

Mr. Bridge seconded the motion which carried unanimously.

**SUP 07-31 R. Allen or Cindy Weekly**

Mr. Bridge moved to recommend that the request be denied because this property is located in one of the County's Urban Service Areas and in close proximity to business zoned property. The Planning Commission recommends that since this property is located so close to Business zoned property the proposed business may be more appropriately located in Business zoning and encourages the Board of Zoning Appeals to consider the appropriateness of locating a business on this property.

Mr. Byerly seconded the motion which carried unanimously.

**SUP 07-34 Cynthia A. or Charles A. Johnson**

Ms. Shiflett stated concern about the magnitude of the request in an agricultural area and feels there should be no increase in the number of dogs permitted on the site.

Mr. Curd moved to recommend that the request to increase the number of dogs be denied.

Ms. Shiflett seconded the motion which carried unanimously.

**SUP 07-36 Ronald L. and Pamela Burner**

Ms. Shiflett stated she is against building a new building to accommodate a business operation in an area planned for residential development when that use can be accommodated in a business location. She moved to recommend that the request be denied because this property is located in a Community Development Area slated for residential development

Mr. Shomo seconded the motion which carried unanimously.

**SUP 07-37 Lee and Linda Comer**

Ms. Shiflett stated that this property is located in close proximity to business zoned properties in Verona. The Planning Commission recommends that since this property is located so close to Business zoned property the proposed business expansion may not be appropriate for this location, but rather should be located in Business zoning.

Mr. Curd seconded the motion which carried unanimously.



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Ms. Earhart asked the Commissioners if there was anyone interested in signing up for the Planning and Zoning Law Seminar. She proceeded to sign up those members interested.

Ms. Earhart showed the Commissioners the work that Mr. Sharp has done on the Comprehensive Plan Maps to allow the public to view one map and determine what policy area they are in, as well as the future land use designation in Urban Service Areas and Community Development Areas.

Mr. Sharp explained that rather than using colors, the new maps will have outlines, making it possible to determine the different land uses in the policy areas.

Mr. Shomo asked if the maps will show area dams.

Ms. Earhart answered that dams will be on a different map. She explained on the on-line version, the flood inundation zones and flood pool areas will be a layer that will be visible, similar to the zoning. She stated that this however, is in the implementation stages.

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

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Chairman

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Secretary