

March 1, 2018

PRESENT: Steven F. Shreckhise, Chairman
 George A. Coyner, II, Vice Chairman
 Daisy A. Brown
 Thomas H. Byerly
 Justine D. Tilghman
 Sandra K. Bunch, Zoning Administrator and Secretary
 James R. Benkahla, County Attorney
 John R. Wilkinson, Director of Community Development
 Beatrice B. Cardellicchio-Weber, Executive Secretary

ABSENT: None

VIRGINIA: At the Called Meeting of the Augusta County Board of Zoning Appeals held on Thursday, March 1, 2018 at 8:00 A.M., in the County Government Center, Verona, Virginia.

The staff briefing was held at **8:00 a.m.** in the Board of Supervisors Conference Room where the Zoning Administrator reviewed the staff report for each request on the Board's agenda. Copies of the staff reports can be found in the Community Development Department.

VIEWINGS

The members of the Board of Zoning Appeals assembled at the Government Center and went as a group to view the following:

- **LOUIS B. WOOD, JR., TRUSTEE - SPECIAL USE PERMIT**
- **JARED SHAW - SPECIAL USE PERMITS**
- **KEVIN OR DENISE GOERTZEN - SPECIAL USE PERMIT**
- **DOUG HUFFMAN - SPECIAL USE PERMIT**
- **PAM TAYLOR AND CHESTER RILEY - SPECIAL USE PERMIT**
- **GLENNA L. DYSON - SPECIAL USE PERMIT**
- **ROBERT BABER, AGENT FOR BABER ENTERPRISES, INC. - SPECIAL USE PERMIT**
- **GEORGE A. OR JACKIE HEFLIN - VARIANCE**
- **BRIAN WRIGHT AND EMMETT TOMS, AGENTS FOR ATLANTIC COAST PIPELINE, LLC - SPECIAL USE PERMIT**

At each location, the Board observed the site and the premises to be utilized. The Board also viewed the development and the character of the surrounding area.

Chairman

Secretary

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ABSENT: None

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VIRGINIA: At the Regular Meeting of the Augusta County Board of Zoning Appeals held on Thursday, March 1, 2018, at 1:30 P.M., in the County Government Center, Verona, Virginia...

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MINUTES

Mr. Byerly moved that the minutes from the February 1, 2018, meeting be approved.

Vice Chairman Coyner seconded the motion, which carried unanimously.

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LOUIS B. WOOD, JR., TRUSTEE - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Louis B. Wood, Jr., Trustee of, for a Special Use Permit to have firearm repair, sales and test firing on property he owns located at 942 Madrid Road, Waynesboro in the Middle River District.

Mr. Louis Wood stated he is asking for a Special Use Permit to have a part-time gunsmithing business with a small retail sales operation. He will keep all firearms in a gun safe. He will install an alarm system and install any safety recommendations made by the ATF. He stated the test firing will be done in order to check for any safety issues before the gun leaves his site.

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Vice Chairman Coyner asked if the test firing is done by the applicant only?

Mr. Wood stated yes.

Ms. Brown asked if customers bring the guns for repair to you?

Mr. Wood stated yes. He will repair the gun on premise, test fire it if necessary, and then the customer will pick up the gun.

Ms. Tilghman asked if the current firing range is for your personal use?

Mr. Wood stated yes. He said the firing range is on his adjacent property and it has been used for his personal use. He built an appropriate backer for test firing.

Ms. Tilghman asked if he will use the same range for his business?

Mr. Wood stated yes.

Ms. Tilghman asked if he lives in the white home?

Mr. Wood stated yes.

Chairman Shreckhise asked if there was anyone wishing to speak in favor, or in opposition to the request?

There being none, Chairman Shreckhise declared the public hearing closed.

Vice Chairman Coyner stated the Board visited the site today. He stated this sounds like a good operation. He said none of the neighbors are in opposition to the request, therefore, he would move to approve the request with the following conditions:

Pre-Condition:

1. Obtain letter of approval from Building Inspection.

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Operating Conditions:

1. Be permitted to use a portion of the existing 24' x 48' garage for the gunsmithing operation and retail sales.
2. Hours of operation be between 9:00 a.m. to 7:00 p.m. Monday – Saturday.
3. No Sunday work.
4. No more than one (1) part-time employee to come to the site.
5. Applicant must reside on premises.
6. Site be kept neat and orderly.

Mr. Byerly seconded the motion, which carried unanimously.

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JARED SHAW - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Jared Shaw, for a Special Use Permit to construct storage buildings onsite on property owned by Jeffrey J. and Kimberly B. Shaw, located at 404 Coleytown Road, Waynesboro in the Middle River District.

Mr. Jared Shaw stated he would like to construct storage buildings at this site and then sell them at 1818 Jefferson Highway.

Ms. Brown asked how many buildings will be constructed in a month?

Mr. Shaw stated one (1) building per month.

Ms. Brown asked if some of the buildings will be stored at this site?

Mr. Shaw stated he will have a maximum of two (2) stored at this location.

Ms. Tilghman asked if the applicant lives at this location?

Mr. Shaw stated yes.

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Ms. Brown asked if there will be any employees?

Mr. Shaw stated no.

Chairman Shreckhise asked if there was anyone wishing to speak in favor, or in opposition to the request?

There being none, Chairman Shreckhise declared the public hearing closed.

Ms. Tilghman stated the Board visited the site today. She stated the property is sitting back from the road. She noted the site is neat and there are no close neighbors. She stated this is a suitable place to build the structures and store one (1) or two (2) if needed. She moved to approve the request with the following conditions:

Pre-Conditions:

None

Operating Conditions:

1. Be permitted to construct portable accessory buildings onsite.
2. All outdoor storage be kept in the designated areas shown on the site plan and the natural screening remain.
3. No more than two (2) accessory buildings be stored onsite.
4. No employees.
5. Hours of operation be 8:00 a.m. to 6:00 p.m. Monday – Saturday.
6. No Sunday work.
7. Site be kept neat and orderly.
8. All materials for the business be kept inside the existing garage.

Ms. Brown seconded the motion, which carried unanimously.

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JARED SHAW - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Jared Shaw, for a Special Use Permit to have outdoor display and sales of storage buildings on property owned by Jeffrey J. and Kimberly B. Shaw, located at 1818 Jefferson Highway, Fishersville in the Wayne District.

Mr. Jared Shaw stated he would like to sell and display the buildings at this site.

Ms. Tilghman asked how many buildings will be onsite?

Mr. Shaw hoped to have at least two (2) or three (3) buildings.

Vice Chairman Coyner stated the Board visited the site today and the buildings were out on the pavement. He said the pavement is part of the required parking for the store.

Mr. Shaw stated the last building is actually on the grass. He said one of the buildings has been sold and it will be hauled off.

Vice Chairman Coyner asked if the old disabled road trailer will be kept onsite?

Mr. Shaw stated they use that for storage for the store.

Ms. Tilghman asked if the trailer is blocking them from displaying more buildings?

Mr. Shaw stated they could put buildings in that location but they would be blocked by the trailer a little.

Ms. Tilghman stated it will give you an option in the event customers wanted to see them. Chairman Shreckhise asked if there was anyone wishing to speak in favor, or in opposition to the request?

There being none, Chairman Shreckhise declared the public hearing closed.

Ms. Tilghman asked if ten (10) buildings would be reasonable?

Vice Chairman Coyner stated ten (10) may be too much for the property.

Mr. Byerly suggested eight (8) buildings.

Ms. Tilghman moved to approve the request with the following conditions:

Pre-Conditions:

- 1. Submit site plan meeting the requirements of Section 25-673 "Site Plan Contents" of the Augusta County Zoning Ordinance to be approved by all appropriate departments and/or agencies.
- 2. Properly stripe all required parking onsite.

Operating Conditions:

- 1. Be limited to no more than eight (8) buildings displayed for sale onsite.
- 2. All buildings displayed be kept in the designated areas on the site plan.
- 3. No buildings located within ten (10') feet of the existing water and sewer utilities.
- 4. Site be kept neat and orderly.

Vice Chairman Coyner seconded the motion, which carried unanimously.

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KEVIN OR DENISE GOERTZEN - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Kevin or Denise Goertzen, for a Special Use Permit to have a short term vacation rental within the existing home on property they own, located at 1916 Tinkling Springs Road, Stuarts Draft in the Beverley Manor District.

Ms. Denise Goertzen stated she would like to operate an Airbnb at this site.

Chairman Shreckhise stated the Board visited the site today.

Ms. Brown asked if the applicant will live onsite?

Ms. Goertzen stated yes.

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Ms. Brown asked how long will you rent the home?

Ms. Goertzen stated they will have short term rentals.

Ms. Tilghman asked about the orange lines in the driveway?

Ms. Goertzen stated the Virginia Department of Transportation has asked them to widen the driveway to make it safer for guests. She has a pending land use permit and a contractor to do the work.

Chairman Shreckhise asked if there was anyone wishing to speak in favor, or in opposition to the request?

There being none, Chairman Shreckhise declared the public hearing closed.

Ms. Brown stated the Board visited the site today. She stated the location is neat and orderly. She noted the applicant plans on widening the driveway. She moved to approve the request with the following conditions:

Pre-Condition:

1. Obtain VDOT entrance permit and provide a copy to Community Development.

Operating Conditions:

1. Be permitted to use one (1) room in the existing dwelling for short term vacation rental.
2. Be limited to no more than six (6) persons occupying the dwelling.
3. Applicant must reside on premises.
4. Site be kept neat and orderly.

Mr. Byerly seconded the motion, which carried unanimously.

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DOUG HUFFMAN - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Doug Huffman, for a Special Use Permit to have outside storage and sales of farm equipment on property he owns, located on the west side of East Side Highway, approximately .204 miles north of Patterson Mill Road in the Middle River District.

Mr. Doug Huffman stated he lives two (2) miles southeast from this property. He would like to sell used farm equipment and used tractors at the site. He is planning on fencing the property off to protect against theft. He said he will carry liability insurance and he has already spoken with the Virginia Department of Transportation regarding his entrance.

Chairman Shreckhise asked what are some examples of the farm equipment that will be stored onsite?

Mr. Huffman stated cattle feeders, garden plows, scraper blades, and general agricultural equipment.

Chairman Shreckhise asked if he will gravel the site?

Mr. Huffman stated no, only grass.

Chairman Shreckhise asked if the applicant plans on maintaining the site?

Mr. Huffman stated yes. He plans to operate by appointment only. He will take care of the site and keep it looking clean.

Ms. Tilghman asked if the applicant has plans in the future for a small sales building?

Mr. Huffman stated if his business grows he may come back before the Board to ask for that if he can afford it.

Ms. Brown asked how would his customers contact him?

Mr. Huffman stated he will have a sign onsite.

Ms. Brown asked he plans on having employees?

Mr. Huffman stated no.

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Chairman Shreckhise asked if there was anyone wishing to speak in favor, or in opposition to the request?

There being none, Chairman Shreckhise declared the public hearing closed.

Chairman Shreckhise stated the applicant is limited to what he can do on this site. He stated this is a good use of the land.

Mr. Byerly stated this use is appropriate for the limited nature of the agricultural business. He said this will benefit the farmers in the area. He moved to approve the request with the following conditions:

Pre-Condition:

1. Obtain VDOT approval and provide a copy to Community Development.

Operating Conditions:

1. All outdoor storage be kept in the designated areas shown on the site plan.
2. Be limited to fifteen (15) pieces of equipment at the site.
3. Hours of operation be 8:00 a.m. to 5:00 p.m. Monday – Thursday and 9:00 a.m. to 6:00 p.m. Friday – Saturday.
4. No Sunday work.
5. No employees other than family members.
6. Site be kept neat and orderly.
7. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.

Ms. Brown seconded the motion, which carried unanimously.

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PAM TAYLOR AND CHESTER RILEY - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Pam Taylor and Chester Riley, for a Special Use Permit to have weddings and special events on property owned by Warren A. or Kim M. Shand, located at 1382 Hermitage Road, Waynesboro in the Middle River District.

Ms. Pam Taylor stated they would like to operate weddings and special events at this property on Hermitage Road.

Vice Chairman Coyner asked what type of events will there be?

Ms. Taylor stated they will have weddings, receptions, church events, and family reunions.

Vice Chairman Coyner asked if there will be restrooms?

Ms. Taylor stated Chester Riley will construct the building as a pole barn and there will be restrooms in it.

Vice Chairman Coyner asked if there will be food prepared in the building?

Ms. Taylor stated no. She said they did ask for a prep area with two (2) double sinks and a refrigerator. She said there will not be a stove.

Vice Chairman Coyner asked about music during the events?

Ms. Taylor stated music will be inside and not outside. She said if they wanted to have a wedding outside then they would allow a violin or guitar during the weddings but no outdoor amplified music.

Vice Chairman Coyner said they visited the site this morning and it is a nice piece of property. He asked about the cedar trees at the site?

Mr. Chester Riley said they plan on widening the dam and taking down the cedar trees in order to be able to get two (2) vehicles through for safety.

Vice Chairman Coyner stated it is tight when pulling off of Route 254.

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Mr. Riley stated they will need to widen that area. He said they will do whatever the Virginia Department of Transportation requests.

Vice Chairman Coyner asked if the applicants are planning on buying the property?

Ms. Taylor stated yes.

Ms. Brown asked where will the guests park?

Ms. Taylor stated the guests will park by the barn. She said the barn will face at an angle towards the east side. She said there will be parking in the front.

Vice Chairman Coyner asked if the lane will be extended to the barn?

Mr. Riley stated they will extend the driveway to it and guests will park on the grass.

Ms. Brown asked how will you advertise?

Ms. Taylor stated they have not advertised yet because they wanted to be sure the permit is granted. She said they plan on advertising on the internet and social media.

Ms. Brown asked what type of events will you have?

Ms. Taylor stated they would like to have family reunions, bachelor and bachelorette parties, bridal showers, and baby showers. She asked for forty (40) uses per year.

Vice Chairman Coyner asked if the applicant spoke with the neighbors to see how they feel about this request?

Ms. Taylor stated she has only spoken with the current property owner. She did speak with Mr. Logan about the placement of the pole barn. She said they chose a location once the foliage is on the trees that no one should see the barn with the exception of the farm house along the road. She said the houses behind should only see the top of the barn. She said there will be no noise on the back side. She said if there was noise, the hill should block the noise. She said the barn will be approximately 400' back from the property lines and it will be approximately 500' along the property line along Hermitage Road. She noted the barn will be insulated.

Vice Chairman Coyner asked what type of barn will be built?

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Mr. Riley stated the pole barn will have a metal roof with a twenty (20') foot maximum peak.

Ms. Tilghman asked if there will be doors on both ends of the barn?

Mr. Riley stated yes.

Chairman Shreckhise stated the Board did receive some letters in opposition as well as a petition. He asked if there was anyone wishing to speak in favor, or in opposition to the request?

Tim and Sally Wright, 1268 Hermitage Road, Waynesboro, showed the Board a picture of their property. Mr. Wright said their bedrooms and living room will face the venue.

Mrs. Sally Wright said at stake are 40+ acres on Route 254 in Augusta County; the soon-to-be-new owners have petitioned for a permit to construct what they describe as weddings and special events facility on the tract. She said there is no pressing need for such a development because a similar business exists on Barrenridge Road known as Red August Farm. She said their property and many others, abuts these 40+ acres or are within close proximity to this proposed facility. She said there will be construction noise, delivery trucks, and increased traffic on an already busy overloaded and dangerous Route 254. She said there will be campers, litter, unsightly porta-potties, fireworks, four-wheel events, motorcycle rallies, and anything else that other special events can bring about. She noted that each family member directly affected by this proposed encroachment came to this area for the peace and quiet and now we are under attack for expressing our feelings about the development plan for this overreaching commercial venture. She said they also envision their property values to decline. She said how does one sell a home to prospective buyers with the propensity for noise emanating from special events? She said property values will be negatively affected if approved. She has spent countless hours going door to door alerting area neighbors of this encroachment and the problems it will cause for all of us. She has asked for their signatures to either approve or disapprove of this Special Use Permit. She has yet to receive one signature of approval and she has not sought to be selective in her soliciting. She said some were unable to attend the meeting but their signatures of disapproval should not be ignored or viewed as any less significant. She hoped that they did not waste their retirement money as we carefully invested it in their homes. She feels property values will be negatively affected if the associated permit is approved. She asked the Board to envision themselves in their situation and vote to protect their interests and lifestyles. She said we are all familiar with the phrase "If the camel once gets his nose in the tent, his body will soon follow". She said this is a camel we do not want in their nearby tent. She asked the Board to deny the wedding and special

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events permit. She asked the Board to please vote to protect their lifestyle that they try hard to maintain.

Mr. Tim Wright showed the Board the petition with the signatures on it. He said each resident in the area opposes this venture. He said it took a lot of work and a lot of time getting the signatures on the petition.

Mr. Byerly stated this is a 45 acre agricultural tract. He asked if poultry houses were being proposed would you have the same negative reaction?

Mrs. Wright stated yes. She said they came to Virginia for their wineries and vineyards and she does not mind seeing cows and horses rather than hearing people running tractors and live bands. She moved to this site for peace and quiet. She has put her retirement in it. She does not want this in her backyard and it should be put somewhere else. She asked why do we need another one?

Mr. Wright stated many of the neighbors that signed the petition could not be here today to speak because they drive school buses. He said these signatures are very important.

Mr. Ken Farley, 71 Donovans Lane, Staunton, stated he lives west of the Shand property and will overlook the proposed barn. He purchased the property in 2006. He said if he would have known that this would become a commercial establishment he would not have purchased this property. He said his realtor told him that he will have to pay more for this site due to the location and the view. He said that Mr. Shand asked one of the neighbors to not clear the brush because he wanted to have privacy and now they are proposing this, which would be contrary to what he was doing then.

Mr. Philip Zoretic, 1685 Barrenridge Road, Waynesboro, stated he owns the farm across the road. He said that he does hear noise when they have events across the street. He is extremely leery because of the curve and that you cannot see the cars along the road. He said there has been many accidents on Barrenridge Road and Route 254. He stated it is not safe because of the banks on both sides of the road. He said if there are events going on, you will hear the noise. He said by them saying no noise, that is not true.

There being no one else wishing to speak, Chairman Shreckhise asked the applicant to speak in rebuttal.

Ms. Taylor stated there will not be motorcycles or four-wheelers at the site. She said the land will be kept in land use. She will have cows and tractors at the site. She said there will be no fireworks because she does not want to disrespect anyone. She wants to make

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this venue affordable for young people to rent the site. She said they will farm the land and have cattle, tractors, and make hay.

Mr. Byerly asked about the building height?

Mr. Riley stated once the land is excavated the roof will not be visible to the neighbors. He said he will grade the site six (6') foot back into the bank. He said once the foliage is on the trees the neighbors will not see the barn. He said they will still have agriculture uses at the property.

Ms. Taylor showed the Board a picture of the proposed barn.

Vice Chairman Coyner asked what portion of the building will be used for special events?

Mr. Riley stated 2/3 of the barn will be used for events.

Ms. Taylor said the rest of the barn they will store tractors and hay bales.

Mr. Riley said this will be their residence too and they will be onsite on the weekends during the events.

Ms. Taylor said there will be no trash. She said this property has great value. She noted it is not pocket change for them to purchase this property. She said they will keep the property nice as the Shands did.

Vice Chairman Coyner asked if the events would be on weekends?

Ms. Taylor stated on Saturday. She plans on having the music done by 10:00 p.m. and everyone off premise by 11:00 p.m.

Chairman Shreckhise declared the public hearing closed. He does not think that this is the place for a venture like this.

Ms. Brown stated the Board visited the site today and the houses are in close proximity to this site.

Vice Chairman Coyner stated he is familiar with the property and it is a good piece of property. He is reluctant to approve this request. He said there is not an adjoining neighbor who is in favor of the weddings and special events. He noted there are two

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similar venues in the area already. He moved to deny the request due to it being out of character with the surrounding neighborhood.

Mr. Byerly stated the property is agriculture. He said the neighbor would also have had issues with an intensive agriculture use. He said this property would be well suited for other intense operations. He does not have a problem with the request. He said the entrance at the site will be improved and the height of the building will not be visible.

Ms. Brown stated there are also safety concerns with the traffic. She seconded the motion, which carried with a 4-1 vote, with Mr. Byerly being in opposition to the motion.

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GLENN L. DYSON - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Glenna L. Dyson, for a Special Use Permit to have a personal dog kennel on property she owns, located at 172 Horsehead Road, Grottoes in the Middle River District.

Ms. Glenna Dyson stated she has raised all of these dogs since they were puppies except one. She said these dogs are like her children. She said they are house dogs.

Vice Chairman Coyner stated the Board saw one (1) dog out back this morning. He asked if that dog runs loose?

Ms. Dyson stated one time the dog ended up breaking the lead but then they purchased a heavy duty one.

Chairman Shreckhise asked how old are the dogs?

Ms. Dyson stated the oldest is thirteen (13) and the youngest is seven (7) years old.

Vice Chairman Coyner asked when the dogs go outside periodically, are you out there with them?

Ms. Dyson stated yes.

Chairman Shreckhise asked if there was anyone wishing to speak in favor, or in opposition to the request?

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There being none, Chairman Shreckhise declared the public hearing closed.

Ms. Bunch stated that Animal Control has received calls for dogs running at large. She said they are recommending a fenced in area on the property for the dogs for restroom breaks and exercise. She said one (1) dog is kept outside. She said they would like a confined area rather than the dog being on a chain.

Mr. Byerly asked if Animal Control specified the size of the fenced in area?

Ms. Bunch stated no.

Vice Chairman Coyner asked if the applicant is able to install a fence around the property?

Ms. Dyson stated not right now. She said she is on Social Security and it does not go very far.

Chairman Shreckhise stated if the dogs get out, your permit could be revoked.

Ms. Dyson stated the one time she was gone, she did not even know the dog was running at large.

Chairman Shreckhise stated the applicant does live in a secluded area. He stated the immediate neighbors are not concerned.

Mr. Byerly stated he does not have a problem with this request.

Vice Chairman Coyner stated this is a remote area, therefore, he moved to approve the request with the following conditions:

Pre-Conditions:

None

Operating Conditions:

1. Applicant be permitted to keep the eight (8) existing dogs, however, as they expire they not be replaced, and then a maximum of four (4) adult dogs be kept at this site.
2. Animal Control to inspect the site every **six (6) months**.

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- 3. Site be kept neat and orderly.
- 4. Permit be reviewed in a year and renewed if all of the conditions are met.

Ms. Brown seconded the motion, which carried unanimously.

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ROBERT BABER, AGENT FOR BABER ENTERPRISES, INC. - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Robert Baber, agent for Baber Enterprises, Inc., for a Special Use Permit to have a contractors office with outdoor storage of equipment on property owned by Bonos Enterprises, LLC, located at 310 Parkersburg Turnpike, Staunton in the Pastures District.

Mr. Robert Baber stated he owns Baber Enterprises. He would like to purchase the property for his office and warehouse facility. He stated the sale is contingent upon the Special Use Permit being approved.

Chairman Shreckhise stated the Board visited the site.

Vice Chairman Coyner asked what type of work does the applicant do?

Mr. Baber stated he is a general contractor but they predominately do roofing. He said they will work in the shop on rainy days on the sheet metal. He said they meet in the mornings and then his employees go out to the jobs. He said they will come back to the site in the evenings once they are finished with their work. He said the hours of 8:00 a.m. until 4:00 p.m. will be restrictive for his business. He asked the Board to modify staff's recommended conditions. He said they start earlier than 8:00 a.m. and sometimes they will not return to the site until 6:00 p.m. He would like to have time to get his employees back to the site to pick up their vehicle within the approved operating hours. He said the bulk of the business activity is conducted at the homeowners place.

Vice Chairman Coyner asked if the roof material is delivered to the jobsite?

Mr. Baber stated yes.

Vice Chairman Coyner asked if 6:00 a.m. until 6:00 p.m. will work for the hours of operation for the business?

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Mr. Baber stated yes.

Mr. Byerly asked if the applicant works on Saturday?

Mr. Baber stated typically he does not work on Saturday unless there has been some bad weather during the week. He said they sometimes makeup hours on Saturday in order for the employees to have a better paycheck.

Chairman Shreckhise asked if there was anyone wishing to speak in favor, or in opposition to the request?

Mr. Philip Khnopp, PO Box 610, Churchville, asked how many pieces of equipment will the applicant have onsite? He want to be assured that the traffic will not increase and have an impact on the land.

Chairman Shreckhise asked if there was anyone else wishing to speak regarding the request?

There being none, Chairman Shreckhise asked the applicant to speak in rebuttal.

Mr. Baber stated the property is 2.02 acres. He will have five (5) company trucks and four (4) licensed trailers stored onsite. He said a lot of the times two (2) of the trucks are driven by management and are not left onsite all of the time. He is not sure how much more traffic he will generate.

Chairman Shreckhise declared the public hearing closed.

Mr. Byerly stated a business has operated at this site for many decades. He moved to approve the request with the following conditions:

Pre-Conditions:

None

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Operating Conditions:

1. Be limited to a maximum of six (6) employees at the office per day, unless approved by the Health Department.
2. All outdoor storage of equipment and vehicles be kept in the designated areas shown on the site plan behind the building.
3. No refuse from the business to be brought to this site.
4. Hours of operation be 6:00 a.m. to 6:00 p.m. Monday – Saturday.
5. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
6. Site be kept neat and orderly.

Ms. Tilghman seconded the motion, which carried unanimously.

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GEORGE A. OR JACKIE HEFLIN - VARIANCE

This being the date and time advertised to consider a request by George A. or Jackie Heflin, for a Variance from lot area in order to separate two non-conforming dwellings on property owned by Jerry L. or Donna H. Vandevander, located at 70 and 72 Todd Hill Lane, Mt. Solon in the North River District.

Mr. George Heflin stated he is requesting a Variance to divide two existing homes on this parcel of land.

Vice Chairman Coyner asked how long ago were the homes built?

Mr. Heflin stated they were built in 1972 and 1998.

Ms. Brown asked if they have family in both homes?

Mr. Heflin stated yes.

Chairman Shreckhise asked if there was anyone wishing to speak in favor, or in opposition to the request?

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There being none, Chairman Shreckhise declared the public hearing closed.

Ms. Bunch stated there are two (2) homes on the 1.730 acre parcel. She said the current Zoning Ordinance states that you need to have five (5) acres in order to have two (2) homes on one (1) parcel. She said these homes were constructed prior to the ordinance change. She stated in order to separate the two (2) homes into two (2) separate parcels a Variance is required. She said they could have separated the two (2) homes prior to the ordinance change.

Mr. Byerly stated this is a legitimate request. He moved to approve the Variance.

Vice Chairman Coyner seconded the motion, which carried unanimously.

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OLD BUSINESS

BRIAN WRIGHT AND EMMETT TOMS, AGENTS FOR ATLANTIC COAST PIPELINE, LLC - SPECIAL USE PERMIT

This being the date and time advertised to consider a request for the Board of Zoning Appeals to reopen the public hearing on a request by Brian Wright and Emmett Toms, agents for Atlantic Coast Pipeline, LLC, for a Special Use Permit to have a contractor storage yard on property owned by Stanley Sheets, Trustees of Elk Meadow Farm, located on the west side of Scenic Highway, opposite the intersection of Union Church Road and Scenic Highway, Churchville in the North River District.

Vice Chairman Coyner moved to bring the request forward.

Ms. Brown seconded the motion, which carried unanimously.

Chairman Shreckhise said this is not a hearing on the pipeline itself but a storage yard. He said they will set time limits for individuals for three (3) minutes and five (5) minutes for a group. He would like to receive an update from the applicant.

Mr. Emmett Toms stated they have met with the Virginia Department of Transportation (VDOT) and have their approval on the entrance. He stated they have secured the right-of-way from the landowner for additional sight line. He provided the Board with agreements from the adjacent landowners. He has addressed all of the issues that were brought up in the past.

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Vice Chairman Coyner stated the Board visited the site again this morning. He said they saw the stakes marked that showed the entrance. He was concerned about the safety and the tractor trailers coming up the grade. He asked if that will be raised so that it is level?

Mr. Gregory Supey, Dominion representative, stated it is easier to see where the entrance is now. He said there will be fill brought to the site to help with that grade.

Vice Chairman Coyner asked about the turn lane?

Mr. Toms stated VDOT has determined that it is not needed. He said the traffic study did not require it for a temporary construction site. He stated VDOT is here today to answer any questions that the Board has. He said the entrance meets VDOT's standards.

Vice Chairman Coyner asked if employee shifts would be staggered? He would like to be sure that all 400 employees do not come to the site at one time.

Mr. Supey stated the shifts are staggered a bit over two (2) hours. He said the most traffic will be from 5:30 a.m. until 7:00 a.m. He said after 7:00 a.m. the workers will go out to the right-of-way.

Mr. Toms stated the majority of the volume will come in early morning and then leave to go to the right-of-way after the safety meeting. He said they cannot park the vehicles all on private land because they do not have enough room and that is why we need the staging area to do that.

Ms. Tilghman asked that the estimated traffic volume document provided to the Board be explained. She said that document does not show the personal vehicle workers going home.

Mr. Supey stated a lot of the vehicles will go out to the right-of-way and will not come back to the storage yard. He said once they do that they will not come back to this site. He said they will also bus the workers to their destinations. He said this is a breakdown that they used for VDOT.

Ms. Tilghman said these vehicles will need to move sometime and she does not understand why it is not showing that on the document.

Mr. Supey stated this is a different breakdown for VDOT. He said the number reflects the number of comings and leavings.

Mr. Toms stated it shows hourly vehicles coming and going during the day. He said you can see buses leaving. He said the predominate number are the vehicles in the morning. He said this shows the hourly time of vehicles coming in and out and the peak travel for VDOT.

Mr. Wilkinson explained that anyone speaking as an individual will be given three (3) minutes and five (5) minutes if you are speaking for a group.

Chairman Shreckhise asked if there was anyone wishing to speak in favor of the request? Ms. Anne Seaton, 25 Wellington Place, Waynesboro, stated she supports the Special Use Permit request proposed by the Atlantic Coast Pipeline. She said they are required to restore the land based on the EPA and FERC regulations as farmland after two (2) years. She said that Route 42 has 1,800 vehicles per day per VDOT. She said the roadway has more than enough existing capacity for workers to navigate to the site largely in the morning timeframe. She said Special Use Permits are tools that the County has in order to prevent certain land uses. She said the applicant has worked with the County to be sure all of the questions have been answered. She appreciated how seriously you are taking this issue. She said the property owner and the Blosser family will hold the applicant responsible to ensure the yard is maintained and restored to the manner as good of a use as it was before. She said the applicant has been willing to work with the County. She said the addition of workers and business is to be encouraged in the County. She said this also positively impacts vendors. She said the yard is appropriate for the property in question and she hopes you approve it. She said they will follow the regulations of every agency.

Mr. Clyde Henkel, 617 Maple Avenue, Waynesboro, stated he is in favor of the Special Use Permit. He said they ensured that the initial concerns addressed by VDOT were all being addressed. He said they have come to an agreement to terms with the neighbors. He said if the neighbors have come to an agreement, the County should do all that they can to honor private property and it allows the landowner the freedom to use their land in a reasonable and appropriate manner. He is aware that you have heard from many individuals about this land use issue and several presentations from the applicant themselves and he asked that the Board approve the applicant without delay. He said he was confident that the site can be returned to a normal agriculture use in the near future in a safe and environmental friendly way.

Mr. Dennis Avery, 226 Last Raid Lane, Swoope, stated he is in favor of the Special Use Permit applied for by the Atlantic Coast Pipeline. He said the contractor storage yard has been endorsed willingly by the landowners but also from willing neighbors. He said

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Augusta County and Virginia will benefit hugely in terms of new jobs, both during construction and even more remarkable after the gas begins flowing from the mountains where it would be dangerous to process down to the flatlands. He stated the Atlantic Coast Pipeline will work with VDOT on any traffic flow issues. He said the traffic flow concern is why the construction yard is needed in the first place. He said Augusta County businesses will begin benefiting immediately as substantial logging and road construction begins, as stone is bought, as trucking contractors work, as restaurants get more business, and more homes and apartments are rented. He noted businesses will also benefit from the lower cost for energy encouraging to continue profitable operations and possibly undertake business expansion. He stated the Board should approve the permit.

Chairman Shreckhise asked if there was anyone else wishing to speak in favor of the request?

There being no one else wishing to speak in favor, Chairman Shreckhise asked if there was anyone wishing to speak in opposition to the request?

Ms. Nancy Sorrells, 3419 Cold Springs Road, Greenville, stated she will be speaking on behalf of the community. She said many citizens have donated their minutes to her, Mr. Pyles, and Mr. Johns in order for them to address all of their concerns. She presented the Board with a presentation. She said this is not a referendum on the pipeline but a referendum on Augusta County and respect and fair play for our community. She said this really should not be a Special Use Permit request because it does not meet the standard of something a little bit out of the ordinary in an area of particular zoning. She said for example, like a request for a small machine shop or a gun shop that is associated with a farming operation. She said a Special Use Permit needs to be special because it does not conform to the zoning but it will not really affect the surrounding community. She said it is true that this is a temporary change and not a permanent one but it is also true that it will have a lot of effect on the community. She said this temporary change will seem pretty permanent for the next two (2) or three (3) years. She said it will be negative and probably permanent on the community. She said lives and livelihood can be ruined in that amount of time. She said this is a massive industrial construction site placed in the middle of a farming community. She said if this were a rezoning request it would have required a lot deeper scrutiny. She believes that this would have been deemed spot rezoning and it would have been turned down. She said the only proper place for this is on industrial zoned land where there is proper access to good roads, utilities, and where it would not have such a negative impact on the surrounding community. She displayed a map of the industrial zoned land in Augusta County. She said as you all are aware, finding the right property for the proposed storage yard is not your problem, it is Dominion's problem. She said your oath is to the citizens of Augusta County. She said Mr. Pyles will address some

appropriate places for the pipe yard if Dominion clears all other hurdles with their project. She said Dominion would lead you to believe that this pipeline is a done deal but there are a number of items that are still pending. She said for instance, they do not have their final water certification, they do not have their karst certification, and have not received all of their Virginia marine resource approvals on state regulated waters (26 crossings in Augusta County). She said there has been some floodplain crossing issues pending in Nelson County. She noted there are 3,840 acres zoned General Industrial or Limited Industrial in Augusta County. She said that is 217 tracts of land. She said there is also industrial land in Rockbridge and the City of Staunton. She said 31 of those parcels are 34 acres or more. She noted there are more in the city that they could look at. She stated many sites have access to rail, interstate, utilities, paved, and some are right even on the pipeline route. She knows the Board has been frustrated about how vague Dominion has been when you question them about this project. She said you have to drag bits and pieces of information out of them. She said it is frustrating for the community as well. She said unfortunately the community already knows about Dominion's integrity because they have been dealing with the electric transmission line problems for several years now. She said it is always the property owner's fault, never Dominion's fault. She questioned that the Special Use Permit application lists 34 acres but the lease area is 43.43 acres. She said they are asking for two (2) years from the Board but the lease gives an option for three (3) years. She said the description of the use of this property is the property will be used for pipe yard material storage and construction stage or otherwise for an area to be used for the development and construction of its pipeline related facilities. She asked and otherwise, what is that about? She said Dominion has told you that they are going to do pipe fitting here, when she asked Community Development to ask Dominion whether they will be doing pipe coating, they admitted they might be. She said this cement coating which FERC approved says it will have to take place at the pipe yards. She said there are 189 stream crossings and 43 wetland crossings in Augusta County. She asked if we thought they might be doing cement coating here? She said they are proposing to work Monday – Saturday during daylight hours but in Highland County they have worked on Sundays and might be working 24/7 while working in the stream crossings because they have to get in and out of the water quickly. She said with 189 stream crossings, do you think they might be working 24/7 here. She stated when the Board questioned the applicant about security, they said they do not know, that they would have to ask the contractor. She said Spring Ridge Construction Company, LLC is building the pipeline and operating the construction yard. She knows it is standard practice to question the owner of the business, especially when the operator is not the owner of the land. She asked why is Spring Ridge Construction not here today to answer your questions? She said they had the decency to appear in Richmond at the State Water Control hearings. She asked should they be here today? She said the biggest issue of all is the traffic. She said if this was a rezoning, their might be a traffic analysis required. She said Dominion has come up

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with traffic estimates in their peak hours between 6:00 a.m. and 8:00 a.m. She noted there would be 238 worker vehicles, 12 pickups, 7 buses, 4 two-ton service trucks, 32 one-ton welder rigs, and 2 five-axle trucks but that does not count the delivery service vehicles that are arriving and leaving as well. She said all that traffic will be mixing with normal working and farming traffic and most importantly, our school children. She said passing through that same intersection during that same time are eleven (11) school buses and two (2) special needs cars with 360 students. She showed the Board pictures of the traffic at other sites. She said Dominion showed some pretty pictures of the reclaimed land. She showed the Board pictures of land that Dominion has done work on to see if it will ever be returned to agriculture activity. She showed the Board pictures of Dominion's work on the transmission lines in Augusta County and reclaimed agriculture lands. She knows that this will not be the only yard that Dominion would like in the County. She has looked at every document in the Augusta County Courthouse and there are plenty of work spaces and pipe yards on the horizon. She said today this Board has the opportunity to set the standard. She said placing a massive industrial complex in the middle of our farmland and endangering our children, our livelihoods, our water, is just wrong. She said rules are rules, we all have to follow those same rules, whether you are an everyday citizen or a big corporation.

Mr. Tracy Pyles, Jr., 3665 Churchville Avenue, Churchville, stated he lives four (4) miles from where the construction yard will be. He said this meeting is not about the pipeline. He said it is not up to the Board of Zoning Appeals to designate a place for this construction yard. He said this Board's job is to look at this uniquely and discretely. He said the Board should look at what is going in there and how it fits on what is allowed with a Special Use Permit and how it fits in the overall zoning. He said what authority and what justification can you say yes to this type of request? He said the Board of Supervisors never said they did not want the pipeline but they do want to protect the people and the resources. He said they sent a letter to FERC. He said they look at traffic. He said Dominion said in the document that the movement of construction materials will cause a temporary increase in traffic volumes along area roadways. He said traffic impact will be minor and short term because the majority of the traffic will be geographically dispersed and will commute to and from work areas in the early morning and late evenings during non-peak traffic. He said the applicant told FERC 125-150 vehicles. He said it will be hard to nail down how much traffic you are going to get. He said the numbers in the document are not realistic and now they know why because the numbers were based on whether they will need a turning lane or sight distance and not about the inconvenience to people. He said the document with 490 cars did not mention about the vehicles going home. He said there could be 500-600 cars at peak times coming to the site. He said the traffic is a big deal. He noted that you do not always get the information that you are going to need for the job that is going to be done there. He said this Board does not know enough about

what is going to go in there. He said they know the numbers. He said the reason why Dominion does not bring the right people up here is because they do not want to give you the real numbers. He said they must restrict the zoning if they go behind these things. He read the Standards from the staff report for Section 25-74I. He said there is no natural screening to the site but staff is stating that it will only be there for two (2) years. He said that does not matter. He said the operator must be a resident on the premises unless the Board of Zoning Appeals determines that such residency is not appropriate in the specific case taking into account the nature of the business and the character of the neighboring properties. He asked if the Board has done that and has taken a look at this. He said when the applicant lives on site they will be more respectful. He said if there is no one living onsite it is a red flag and at times this Board has turned down applicants because they are not onsite. He said this request does not give value to the community and does not support the area. He said this will not fit in. He said the standard where the business and anticipated enlargements will be appropriate for agriculture areas. He noted staff says the request would not be appropriate for residentially zoned areas and there are no large industrial zoned parcels in the vicinity. He said they do not have industrial zoned parcels in the vicinity because that is not where they belong. He said this is an Agriculture Conservation Area. He said we try to put things where they need to be and cause the least amount of issues. He said the Board of Supervisors represents the people and understands the people. He said Ms. Tilghman is right by saying that you could approve it but common sense tells me it is not safe. He noted in the report it reads that there are adequate provisions set forth for the protection of fire, environmental, and other hazards and they talk about the equipment having fire extinguishers. He asked if the Board realizes that they are going to have a 26,000 gallon fuel tank on the property (62' long and 8' wide). He said there needs to be a containment area. He said there will be a danger with explosives. He said the standards list only pre-existing structures will be utilized and that there be no new construction. He said a fuel tank containment area is new construction and requires a building permit as well as a sixteen (16) acre parking lot. He said you are not supposed to have that kind of construction. He noted there will be eight (8") inches of gravel all over the sixteen (16) acres. He said there will be 976 gravel truck loads to the site. He said this will cause issues with traffic going west and east. He said all of the gravel will cost \$400,000 and then the applicant will need to get rid of it at the landfill and cost \$1,000,000 to deposit the gravel to the landfill. He noted that the Dominion representative said that the traffic along Route 42 would be the same whether this goes in or not but this is not true. He said 976 trucks in and out twice would not be on the road without the construction site. He said there are places we have designated to have this type of construction. He said Dominion has twenty (20) acres in Green Hills that could be used for all of this work. He said they have chosen a site because it is only 1.2 miles from the beginning of Route 42 but they will only care about that area for the beginning few weeks. He said 400 people will show up to the site. He said they will have seven (7)

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buses that can carry workers to the areas. He said there are not places to stay or eat in this area. He does not think this is the right thing for the Board of Zoning Appeals and it does not fit your charter. He said this will require a rezoning and would be a sore point right in a major agricultural area. He said the agricultural areas should be kept for agriculture. He said it is unfair to allow one family to benefit at the expense of all others when the County has made places for these types of things to go. He said this decision is not for you, unelected folks to undermine what the Board of Supervisors have done all of these years.

Mr. Evan Johns, Appalachian Mountain Advocates, 415 Seventh Street Northeast, Charlottesville, stated this request would be more appropriate resolved through a rezoning petition. He stated this request does not meet the legal requirements under the County's Zoning Ordinance. He said in order to qualify for a Special Use Permit in an agriculture district, the contractor yard must first be a limited industrial use because that is the category under which projects like this be allowed to proceed in an agriculture district. He stated there are requirements in the Zoning Ordinance for adequate screening and it is also addressed in the written comments that he submitted to the Board, I believe in the most recent review of the staff's report, they have also agreed that there should be a ten (10') foot opaque privacy fence. He said they would also join them and urge you to impose that condition of that requirement in a permit. He stated the Zoning Ordinance does not allow for any new structures to be a part of any facility authorized by Special Use Permit unless those new structures would be a substantial benefit to neighboring properties. He said because the County's Zoning Ordinance is what we call to be a permissive Zoning Ordinance, the burden is on the pipeline to demonstrate it meets each of these legal requirements for the permit. He said the Zoning Ordinance defines structures very broadly, it is any assembly of materials forming a construction for occupancy or use and that definition mirrors the definition in the Virginia Uniform State Building Code almost word for word. He noted the building code also provides examples of things that meet that definition. He said in this case the pipeline proposal includes at least four (4) kinds of structures that meet that definition: trailers (which is in the Zoning Ordinance under 25-73F.3 of the Code) and also considered shelters by an Attorney General opinion, storage units which meets the plain definition of structure under the code, a parking lot of sixteen (16) acres in size is a structure as well and Section 25-4 refers to parking facilities as structures, (VA Supreme Court determined that the movement of earth to create a usable area satisfied the definition of structure under the code), and fuel tanks and foundations that would be required for fuel tanks are also structures under the ordinance. He said the applicant has not provided a demonstration about these structures being a benefit to the neighbors. He said to qualify for a Special Use Permit the structures would not only need to qualify but be a substantial benefit. He said a minimal or trivial benefit won't do. He said that is a mandatory requirement for a Zoning Code for applicants that want to get a Special

Use Permit for a contractor yard in this district. He does support staff's recommendation about a privacy fence be included. He stated the laydown yard is 34 acres. He said traffic coming in and out of the pipeline yard would be in the hundreds. He said this just stretches the notion of a limited industrial use. He stated proposals before this Board include a personal dog kennel and small machine operations. He said the Board heard proposals for smaller scale Special Use Permits and they all stand in contrast with a 34 acre facility with hundreds of cars going in and out. He stated the Zoning Ordinance does not differentiate between temporary and permanent permits. He stated two (2) years is a significant big time period to radically change the land use on the ground. He said there is not support in the ordinance to paint the proposal because this is limited in time somehow. He said there is no support for this in the text of the ordinance.

Ms. Pamela Patrick, 49 Whitmore Road, Mt. Solon, stated she lives three (3) miles from the proposed laydown yard. She agreed that this request would be more appropriate in an industrial site. She said the workers will come to the site for a morning meeting. She noted the Board is concerned with traffic safety. She does travel this road on a regular basis and it is a dangerous place for this much traffic. She said the applicant may want to consider moving the morning meeting to another site. She said they know that approximately 400 workers will be coming to the site for their safety meeting. She said with half of the workers coming in from out of town, will stay in hotels. She said one of the features of hotels are that they have conference rooms for meetings that can be held indoors. She said that would be a place with adequate plumbing, a place where people can wash their hands, skype, and be able to display a PowerPoint presentation to the group. She said they have the ability to accommodate 400 people very affectively. She said it will be hard to do that in the middle of trailers in the middle of the cornfield. She would like the entire yard to be denied because it does belong somewhere else but even if you do not do that, just to say this one function does not need to be done, and that it is inappropriate for this particular place.

Mr. Kristopher Baumann, PO Box 11, Raphine, stated he is speaking for other individuals who were not able to attend. He said he is a Rockbridge County resident. He asked if there will be issues with toxic chemicals onsite, explosive material stored onsite, and how will they or will they conduct remediation of the site at the end? He asked how can they be trusted? He said one way you can do that is to look at past experience. He said for the last three (3) years he has been in litigation with Dominion on the powerlines they put through Rockbridge and Augusta County. He said as a result of that litigation he is in a discovery mode which means he has access to certain documents. He knows what has gone on and the insight is documented and could give the Board a good idea on whether or not you should believe Dominion or the Atlantic Coast Pipeline when they tell you about the number of vehicles and what they are going to do in the future because once the permit is

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approved, it will be hard to pull back on it. He said in Rockbridge County, Dominion was installing a powerline from Lexington to Dooms and they filed two application processes with the State Corporation Commission (SCC) and they were required to provide information to the public, agencies, the County about the size of the powerline, what they are going to be doing, and what the impacts, and harm will be. He noted Dominion created a website where it directed the public to go to and find out what was going to be built. He said on that website in 2012, they put up a structure comparison which listed the height to be 115' but the tower that was actually built was an average of 148.5' tall. He said when he brought it forward that Dominion misled the public the entire time, Dominion's response was its too bad, the time for public comment has closed. He said the fact that every resident in Augusta County was denied their right by statute and under SCC regulations to know what was going to happen and to comment on it. He said Dominion misled them in order to let the process close before they could comment. He said also under that process, Dominion is required to go to the County before filing the application and tell the Counties what they are going to be building. He said the Counties must have enough knowledge so that they can consult with Dominion on what they are going to build. He said in 2013, Dominion said they met with Patrick Coffield (former County Administrator) and fulfilled their obligation on notifying the County. He said what they have not done is they did not provide Mr. Coffield on what the size of the towers would be. He said once the time period closes for public comment it is too late and then they start building. He filed a complaint in March of 2015 and a lawsuit later with the SCC. He said Dominion's employee told him that they did send an email to Mr. Coffield and said he did meet with him and he did receive a fact sheet but they did not give that fact sheet to the County. He said they did not provide that fact sheet to the County. He said Mr. Coffield gave him the file with all provided. He questioned Mr. Coffield and he said that statement was true. He said Dominion deceived the public. Mr. Baumann provided documents to the Board of Zoning Appeals. He questioned if they would be doing this for this project as well? He said they already know they will do this on the Atlantic Coast Pipeline. He said the Forestry Service already identified about the misrepresentation of people providing required information. He said the question is what do you do? He said they will deceive you, if you let them move forward. He said there is not enough trust for this to be approved. He said there should not be any more private agreements or redactions. He said the impacts will last years and decades. He would hope that all meetings are out in the open. He noted everyone should know what is going on. He said everything should be done in writing. He noted meetings and any documents or phone calls should all be open to the public, given the dramatic impact that these matters have on the public. He said Dominion writes letters for people that are meant to look like it came from the people and they make sure that it does not look like a form letter. He said Dominion has a bad record. He said they rob citizens of Augusta and Rockbridge County of their right to comment on this and they were deceptive about the tower height. He said they even tricked the former

County Administrator. He said it is not unreasonable for this Board to require Dominion for the misrepresentation to the Forest Service and to do an internal investigation and tell us what happened, how it happened, and what were the consequences for the individuals involved and show us what happened and never let something like that happen again.

Ms. Becci Harmon, 3892 Morris Mill Road, Swoope, stated she travels on Route 42 on a daily basis. She said Churchville has Friday night cakewalks and Saturday morning chicken BBQ. She said they drive on the backroads and salute people when you pass. She said the community pulls together in times of need. She stated they have beautiful country where we can walk in the pasture, walk through the fields, walk through the woods, clear unpolluted rivers, and blue skies where people sit on their porches, listen to the crickets and watch the lightning bugs and if someone gets sick, neighbors come to help. She said if someone dies neighbors bring food and comfort. She said this request is supposed to be temporary, two (2) to three (3) years, but some people do not have two (2) or three (3) years of their life left. She said there will need to be at least a minimum of two (2) traffic lights in Churchville. She said there needs to be a study done because there will be a backup on Route 42 and Route 250 on both sides. She said there needs to be stoplights on the road. She said the Sheriff's Office may want to even setup a satellite office in the area much like they did in Stuarts Draft. She noted there are sixty-three (63) driveways between Mr. Sheets' farm and the end of Route 42 where it intersects with Route 250. She said sixty-three (63) families will be affected by trying to get in and out of their homes and will be held hostage. She noted Mr. Shreckhise mentioned in the very first meeting, saying that Dominion has to put this somewhere. She said there are enough people here that can tell Dominion where they can put it.

Mr. Steve Velluto, 54 Valley Mill Road, Swoope, displayed a Power Point presentation for the Board. He displayed a picture of what 400 vehicles will look like. He said these cars would more than fill the parking lots of Walmart and Lowes on Richmond Road in Staunton. He said if everyone showed up at the same time, traffic on Richmond Road would be a nightmare. He calculated the CO2 pollution from 400 cars over two (2) years and that would be 305,760 pounds or 153 tons. He said there will be 747 gallons flowing into Elk Run. He said five (5) quarts of oil would leave an oil slick in the ocean the size of five (5) football fields and three (3) ounces of antifreeze can kill an adult. He also displayed pictures of Roger Dowdy's farm where they lost forty (40) acres of topsoil in a pipeline project in Georgia. He said now it is all mud and will take decades to fix. He said in this situation when the easement was signed, they said the land would be turned back to its original condition. He said evidence of insufficient topsoil over various mixtures of soil showed a clear violation of the Federal Energy Regulatory permit. He said they are fighting the claims in court but they have more funds than Mr. Dowdy to fight. He showed pictures of other farms in Illinois and Iowa. He said we need to protect the community from these

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same problems because their budget for legal fees is much larger than ours and we look for help, your help in mitigating these potential problems. He noted in the Dakota pipeline, violent crime has increased 200% in their region. He said law enforcement will be pretty busy.

Mr. Bobby Whitescarver, 120 Trimble Mill Road, Swoope, stated he has worked with the County and farmers for the last thirty (30) years as the District Conservationist for the Department of Agriculture. He has worked with farmers to protect the streams and build healthier soils. He said the agency worked with the County to put streams back into their channels after natural disasters. He is now retired. He stated this proposed contractor yard is in the Moffett Creek watershed. He noted this sub-watershed of the Middle River was listed on the dirty water list in 2004 because it exceeded the State standard for E.coli and sediment. He said the farmers and taxpayers have been improving the soil and water in this area for decades. He said they have spent thousands of dollars repairing buffers, fencing out cattle from the streams, etc. and now the middle part of Middle River has been delisted from the dirty waters list. He noted Moffett Creek is in the process of being delisted for sediment. He said all of the efforts the farmers are doing and the taxpayers have been paying for, has been paying off and is working. He said stormwater from this contractor yard will runoff Mr. Blosser's land and into the culverts under Route 42. He said most of the soils are clay and silt will go right through the sediment basins. He said when you make land more impervious to water, more water runs off. He said this contractor yard will drastically set them back. He said they do not need additional sediment and all of the other pollutants associated with the parking lot, pipe fitting yard, and heavy equipment yard. He said even with a construction site with all of the erosion and sediment control measures on the land, he has never seen a site where the water was not brown leaving the site after a storm. He said there are so many reasons to deny this request due to the issues with traffic, visibility, school buses, safety issues, zoned agriculture, pollution in streams, and increased stormwater runoff. He said there is not a single positive reason to approve this request and as we are about to delist Moffett Creek from the dirty water list in Virginia this contractor yard will erase decades of conservation.

Ms. Diane Korte, PO Box 977, Churchville, stated she is a retired environmental and land use planner. She asked why isn't the County demanding that this type of land use be situated adjacent to major highways on industrially zoned land where the site can be served by water and sewer and truck traffic can be funneled to 81 and 250 east of Churchville and enter their workplace from major roads before they reach the tiny hamlet of Churchville and our elementary school, our child care center, and library? She said this is a ridiculous application and should be denied with a huge body of information to inform the Judge, who will be hearing an appeal of your decision, on why. She is sorry that such a stupid application has been brought before you and that you are being pressured to say yes, a decision that will surely bring you regret and sadness if you do. She would like to

address the fact that the water quality is hugely dependent on not only with what runs off but with what seeps down, what that is not captured or diverted by surface controls. She noted this is a uniquely potent factor given the regional karst geology, brittle fractured limestone rock, which holds drinking water and the aquifer beneath us. She noted the fragility of this karst is not a secret. She said prior to Dominion's application our Federal and Commonwealth studies and guidelines specifically warned everyone about the unpredictable, propensity to catastrophic failure of the karst. She said this problem is threatening enough that Virginia's Hazard Mitigation Plan adopted in 2013 specifically warned not to put pipelines through this karst. She said the Virginia Department of Mines, Minerals and Energy; Pipeline and Hazardous Materials Safety Administration; FEMA and Homeland Security are all tied to this message. She said this is not a proposal for a simple parking lot. She said the fact that they want to do this with just gravel is alarming. She noted just the fact of hundreds of workers coming to the site with no well or septic system to serve their personal needs is ridiculous. She asked if the truck traffic necessary to import water and export filled porta-potties is included in the traffic counts? She said her main point is that these heavy industrial processes planned on a permeable gravel lot is horrifying. She lives on a gravel lane and tends to a gravel driveway. She knows how permeable deep gravel mixed with fines and compacted for decades still is. She asked the Board to think about grass and weeds that grow in the middle of driveways. She noted unfortunately, DEQ has shown themselves to be utterly useless and unprofessional when it comes to protecting water quality. She said none of Dominion's platitudes about meeting the DEQ or the federal regulations is meaningful. She said when the warnings about karst were first being ignored, she called and spoke to the regional and national offices of PHMSA and asked about Dominion's reassurances that they were following best practices and all regulations. She was informed that the regulations are generic and baseline and that they are dependent on the project specific design and review process to address unusual natural hazards like karst. She said the past documents about potential water quality hazards in the Valley have cited VDOT's concern about the water quality pollution of one semi-truck having an accident on I-81 and spilling into the karst. She said they are proposing eight (8") inches of gravel to keep their wheels dry; this will in no way protect the aquifer they sit on from all of their toxins. She said if they have no running water at the site, where is all of the water for these processes coming from? She noted during this drought period, our wells are expected to take a hit as this huge industrial process sucks our aquifer? She asked where are the massive quantities of polluted water from all of this heavy industrial use going? She asked if they are going to collect it and truck it out? She said it does not make any sense. She said in addition to their equipment and worker traffic, this location requires a deadly amount of truck traffic associated with providing drinking and flushing water for the workers, porta-potties maintenance, plus all of the water for the industrial processes and its disposal. She said using up and polluting this water and damaging the aquifer are not temporary uses. She requested the Board to please say no.

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Mr. Jack Wilson, 980 Braley Pond Road, West Augusta, stated this is the worst application ever put before the Board because this belongs as a zoning change. He said citizens have been bullied by Dominion through this process. He said they have taken down trees on the waterways and have been marking up our National Forest. He said they have been dishonest with this Board. He mentioned that Dominion said they are going to have 400+ and then later on they said about 600 vehicles but he read they will have 800 workers from the pipeline. He said the population of Churchville is 194 people, 132 in Deerfield, 183 in the entire West Augusta zip code, and the entire Deerfield zip code is 294 and then you add to that 970 gravel trips and buses. He said unfortunately there will be lives lost.

Mr. Reese Bull, 49 Whitmore Road, Mt. Solon, stated he lives half a mile from the proposed construction yard. He is concerned about the traffic. He wondered just like Ms. Tilghman, how are all of those vehicles going to get out? He said Ms. Harmon made a point that the families south of the construction yard on Route 42 will be held hostage but also those of us who live north will also be held hostage too. He said they have to drive down Route 42 through Churchville to go to Staunton to go to work or go shopping and it will have a huge effect. He asked the Board to take caution about the pipeline coming and it will not happen no matter what because there are at least six (6) lawsuits in Federal Court that could stop it in its tracks. He said there could be a rehearing by FERC on the grounds that FERC was not fully constituted and it did not have all of its members. He said the permits in Virginia and North Carolina are still not issued. He does not want the Board to present an impression of being biased. He noted during this same meeting, the Board denied a Special Use Permit for a wedding venue that would have had a far less of an impact and had fewer people in opposition than this construction yard. He said for this Board to be consistent they cannot do anything else but to deny this permit application. He does agree that this should be a rezoning matter and should go to the Board of Supervisors.

Mr. Joshua Vana, 1630 Indian Trail Road, Keezletown, stated being that the Board denied the weddings and special events request, it would seem that this decision is already made in this case. He said the Board has had so much time and consideration and hours of looking at the details of information from the concerned citizens. He said there are a number of litigations going on. He stated what is owed to the Atlantic Coast Pipeline as an applicant has already been given. He said they have already had the chance to explain the permit application and it seems to him that they messed it up and he does not see that this request could be approved.

Ms. Diana Woodall, PO Box 322, Dayton, stated she lives in Rockingham County. She noted there are no restaurants or hotels nearby this site so people will be coming north as

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well as going to Staunton. She heard the Board say that their primary concern is for the safety of the residents of Augusta County. She wanted to remind you what is in the Virginia State Constitution. She said there is a clause that says the government is or ought to be for the common benefit, protection, and security of the people. She asked the Board to keep this in mind when you deny this permit.

Ms. Judy Tammi, 826 Burkes Mill Road, Mount Sidney, stated she has been a rural letter carrier for a long time. She knows firsthand what gravel trucks can do for a rural carrier. She said we can be concerned about the safety of our children but she is concerned about the safety of her rural carriers out there too. She said there are so many underlying variances about this entire process that we have not thought about. She appreciated the time and consideration on this issue.

Chairman Shreckhise asked if there was anyone else wishing to speak regarding the request?

There being none, Chairman Shreckhise asked David Atwood with the Virginia Department of Transportation (VDOT) to speak.

Chairman Shreckhise asked if he thinks the 400 vehicles going in and out without a turn lane or a stop light will work?

Mr. David Atwood, VDOT representative, stated Route 42 is classified as a minor arterial primary roadway with 1,800 vpd. He said when they look at an intersection they look at the peak hour of traffic. He said at this point they do not have a site plan or a traffic analysis from the engineer, he only has what the Board has seen. He said based on the peak traffic generation that is being proposed, he does not anticipate a warrant for a left or right turn lane or a traffic signal but they do anticipate using temporary traffic control with the orange signs at this site. He noted all of this would be part of the site plan process. He would review the plans and get input from District Traffic Engineers. He said they expect to have permanent truck entering signs at this location and strobe lights during the early part of the project so that people get used to the traffic and give attention to those signs. He noted they have not ruled out reduced speed limits whether that be advisory in nature which would be an orange sign or regulatory in nature which would be a white sign and something that could be ticketed. He said all of those will be reviewed. He noted during the life of the project, the traffic will be a fluid thing and if they see things that could be corrected or improved they would constantly be looking at that.

Chairman Shreckhise stated the sight distance is not the best there either. He said it looks like traffic may have to come to a stop because of vehicles wanting to turn into the site. He

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said it looks like there will be big backups. He felt that there could be a potential problem at the site.

Mr. Atwood stated the turn warrant calculations do take into account the volume on the roadway and the volume of the traffic that is making the turning maneuver. He noted it looks at what the impact will be to the turning vehicles. He said being that this project does not warrant a turn lane, he would not expect there to be extreme backups. He noted there could be backups during intense peak flows into the site and there could also be situations as part of the traffic control plan that temporary measures may have to be used such as flagging and advanced warning signs of potential stopped traffic.

Vice Chairman Coyner stated four hundred (400) plus vehicles coming to the site during a time period could be intense. He asked if VDOT waits for something to happen before implementing something?

Mr. Atwood stated no. He said the turn warrants take into account the number of turning movements in addition to the number of vehicles that they will be trying to turn through. He said they call this advancing volume. He said it could definitely warrant a left turn lane on a different roadway. He said if this roadway carried 10,000 vpd this number of left turn movements could potentially warrant a left turn lane but there is not going to be that many conflicts since the volume of traffic is less. He said perhaps this is a discussion that is not for this room. He said this will be reviewed. He said this is earlier in the process than when they normally review the details of a project. He said there will be a site plan process with more information presented and then they will look into the requirements for traffic turn lanes, maintenance of the traffic, and all of those items.

Chairman Shreckhise stated it is not just the traffic coming in but the rock trucks coming to the site, which could be a traffic problem.

Ms. Brown asked if he had an estimate on how many vehicles it would take to get a turn lane?

Mr. Atwood stated he does not have that information with him. He said it is different for every road and there are too many variables to say.

Mr. Byerly asked what is the maximum capacity for that road?

Mr. Atwood stated he does not have that information with him as far as an official capacity. He said on a two lane road for planning purposes when you go from two lanes to four

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lanes is when traffic reaches 8,000 vpd. He noted that is just a rule of thumb because each roadway, each intersection, and land use is all different.

Mr. Byerly stated VDOT completed construction of at least three bridges that had stop and go traffic flow. He asked if he knew of any bridge construction planned in the area?

Mr. Atwood stated he does not know of any work planned for the bridges in this area right now.

Ms. Tilghman asked Mr. Atwood to explain the chart provided by Dominion. She said that she sees the people coming to work but she never sees them leaving.

Mr. Atwood stated he did not prepare this. He noted his understanding is this is the number of vehicles using the entrance. He said it is not the number of vehicles entering or number of vehicles exiting, just the number of vehicles.

Ms. Tilghman stated the times cannot be correct because it shows 6:00 a.m. – 8:00 a.m. and it does not show any other times of day.

Mr. Atwood stated he cannot answer questions about the detail on the chart.

Ms. Tilghman asked about Union Church Road being used for the gravel trucks, assuming the stone is coming from the Luck quarry? She stated that is not a large road. She asked about the capacity of Union Church Road?

Mr. Atwood stated that is a public roadway and the vehicles will be hauling legal loads on a public roadway. He said they have not done a capacity analysis for Union Church Road.

Mr. Supey stated 976 gravel trucks are accurate and they are expecting the contractor to construct the gravel pad in about six (6) weeks. He said running six (6) days a week, ten (10) hours a day is about three (3) trucks an hour so three (3) trucks in and three (3) trucks out. He said this will not be a real heavy truck traffic. He said this will be no more than timber trucks driving by. He noted they are doing this concurrently with getting the state approvals.

Chairman Shreckhise asked where are you in the process as far as the pipeline and meeting EPA requirements?

Mr. Rick Weeks with Dominion stated the 401 has been approved. He said the effective date is contingent on the sediment control plan and that is currently being reviewed but

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there are no provision in that process for denial of the permit. He said they just need to put everything in there that DEQ wants. He stated that process is ongoing and they have asked for additional things. He noted they are doing a thorough review. He said they cannot start any construction in Virginia until that approval takes place and that includes this yard.

Chairman Shreckhise asked before you can start the construction storage yard in Churchville or any other location, do you need to receive final DEQ approval?

Mr. Weeks stated if this is approved, they still cannot do anything until they get approved. He said they cannot do anything except with the trees as per FERC requirements.

Chairman Shreckhise asked what is the anticipated date of the final approval?

Mr. Weeks stated they have not been able to get a firm commitment date. He said they are doing a very thorough job. He would like to start in April with construction but they cannot do anything beyond limited tree removal until they receive their approved Erosion and Sediment Control Plan. He noted they do have all permits in North Carolina. He said they will receive approvals in all three (3) states. He noted they may have to ask for amendments as we need to change things. He said in Virginia they still need the Buckingham Compressor Air Permit.

Mr. Supey stated the concrete sediment coating of the pipe may be done at the contractor yard and not at the site. He said it is no different than concrete that you would use at your home. He said it is the same concrete. He said there are no streams crossing this yard. He said the work will be done at the streams.

Vice Chairman Coyner asked if there would be goings and comings to and from the worksite?

Mr. Supey stated yes by a foreman or supervisor. He said it would not be the bulk amount that you would have during the peak morning times. He said you would not have that throughout the night. He said for each stream crossing it would take about twenty (20) people to put the crossing in.

Vice Chairman Coyner asked how long does it take to put in a stream crossing?

Mr. Ron Baker, Construction Project Manager, with Dominion stated depending on the type of stream and once you open the stream their permits require us to have the stream completed, installed, and put back within 24 or 48 hours depending on the particular

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stream you are working in. He stated by permit the maximum would be 48 hours that we are allowed unless you file for a waiver of extenuating circumstances.

Vice Chairman Coyner asked if they would start a stream crossing on a Friday at noon knowing that you would have to work the weekend to complete it?

Mr. Baker stated 24 hours is 24 hours but once the clock starts it starts. He said if there is a rain storm coming, they will use every precaution that they can.

Mr. Supey stated the fuel tank is aboveground and the swimming pool around it is a secondary containment. He said the fuel tanks would not be any bigger than what a gas station has except it will be aboveground.

Vice Chairman Coyner asked what is the likelihood that the project will be complete within two (2) years?

Mr. Baker stated this yard is dedicated to construction spread 4A, 29 miles long, and the schedule for that section of the pipeline is one (1) year, we say two (2) years in the permit because it is construction and things happen. He noted it was brought up earlier about having it three (3) years in the lease. He said they have a two (2) year lease with a three (3) year option and that is standard practice for any sort of commercial lease. He said their intent is to start construction this spring. He said by November they would be tied in. He said the reason why they would need the yard for longer than a year is FERC requires them to properly vegetate the land. He noted when the bulk of the pipeline is complete, there are still people left behind because 70% of the right of way needs to be revegetated, it is an ongoing process but there will be a very small group of people throwing grass seed and mulch. He said that yard after the first year would go from 34 acres to only thirty (30) people lingering around by the second year assuming things go as scheduled.

Vice Chairman Coyner asked if the applicant will start the reclamation process before work is complete?

Mr. Baker stated it would depend on the contractor ultimately if they want to continually condense down the site and phase the reclamation. He said right now they are looking at fourteen (14) acres of stone. He said it would depend on the contractor to phase the reduction of that. He said Dominion has not given any mandate on what they are required to do.

Mr. Toms stated on the spreadsheet given to the Board, it states that on the last column there is the time for vehicles to be there and it shows that the number will be phasing off.

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He said you can see the number of days that they will be there. He said there is a lot less vehicle use as you get into the project after the first year. He stated that is the number of days and you can see how they do decrease.

Ms. Tilghman stated the larger vehicles will stay onsite the longest.

Mr. Toms stated that is correct.

Ms. Brown asked if the stone will go to the landfill?

Mr. Toms stated they are required by the FERC permit to take all of the stuff off of the site and they have talked to the County about this and they can pile it at the landfill and the County can use it after that. He said their requirement is to deliver it to a certified landfill. He said it is a requirement that we have to make the site like it was and the gravel will need to be removed.

Ms. Brown asked if the dirt will remain onsite?

Mr. Toms stated the dirt will be stockpiled on the back part of the property and all replaced and put back to the contours just like it looks today. He said a typical person that comes in here does not do all of the engineering and get turning lanes until you have gotten the Board's blessing. He said normally you would not spend the money on the engineering but they have done that. He said they have spent a lot of money getting the site plan done in order to answer your questions. He said you are saying that we do not have the answers but the answers are not addressed until you see if the permit is approved. He said you would not spend a lot of engineering dollars like they have already done until you know you can use the land. He noted if approved VDOT will require them to supply additional information. He said this is a preliminary study and the Board has looked at where we are with this. He noted the public may not exactly understand how the permitting process works.

Chairman Shreckhise stated some citizens have made some suggestions on potential good sites for this operation. He stated Ms. Sorrells pointed out that there are 31 parcels designated that are 34 acres plus and some of the places that were mentioned to him was old Wilson Trucking, Guy C. Eavers property near Mint Spring, Green Hills property, or Augusta County's Mill Place Commerce Park. He said not all of these places are suitable but why are these places not being explored instead of this site. He asked why is the place in Churchville so much better than these places that will be less disruptive to the traffic flow in the County?

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Mr. Toms stated they have looked at several places in Augusta County. He said they have two (2) phases of construction, one in 2018 and one in 2019. He said they are investigating those places. He said they have set down with staff and the County Engineer to look at all of the places available. He said part of it is the landowner willing to rent the property. He said some people want to sell and they do not want to take it off of the market. He said they will need additional locations and laydown yards within the County. He said they are looking at two (2) in Highland County and are looking at other sites in Augusta County. He said this was the first one that was ready.

Vice Chairman Coyner asked if the applicant will monitor the reclamation of a property for one (1) to two (2) years?

Mr. Weeks stated they will monitor the site and it typically takes two (2) years to reclaim the property. He stated the pipeline is forever and it will always be monitored.

Chairman Shreckhise asked what if something happens like the photographs displayed by the citizens?

Mr. Weeks noted it needs to be stabilized before we are released. He said in order for FERC to release the project there needs to be growth. He said if you have your cover and have a few years of growth then you have done all that you can do. He stated the pipeline will be monitored.

Ms. Brown asked once the pipeline is laid down, will Dominion maintain the easement the entire way?

Mr. Toms stated they have an easement with the property owner which is a 125' construction easement along with a 50' permanent easement on the properties. He said they fly it, foot patrol it, and will maintain vegetation on it as well.

Ms. Brown asked how deep is the pipe on the ground?

Mr. Baker stated the pipe is not on the ground. He said it is buried minimum three (3') feet, four (4') feet on agriculture fields and five (5') foot minimum at roads and streams.

Ms. Brown asked if someone has an easement on their property, can they still use that land?

Mr. Baker stated the only thing they cannot do is build permanent structures where the easement is.

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Mr. Toms said there is existing farmland in Augusta County that has the Columbia Gas line all through Stuarts Draft. He said you can drive over it and you do not even know where it is. He said it is reutilized except for building permanent structures. He said some of the pictures the Board saw was not our pipelines. He said they are using all underground buried pipelines in this process. He said there is no restricted access. He said the landowner has a right to the land, we just have the right to ingress and egress.

Ms. Brown asked if they will be going under any highways?

Mr. Toms stated yes, quite a bit. He said they are going under Interstate 81 and the Parkway. He stated the projects are temporary and then they will move on. He said this is a necessary evil of the pipeline business. He noted the Board approved storage for their transmission line project in Dooms and Mr. Eavers property that they laid pads on. He noted they need to have a workspace somewhere if you are going to do construction. He said they will work with VDOT and abide by their regulations. He stated if speed reduction and strobe lights meet the requirements than that is what they will abide by.

Chairman Shreckhise declared the public hearing closed. He stated there have been a lot of good points mentioned. He is not sure if this is the right place for something this large. He stated there may be a problem for these vehicles turning in and out. He said a smaller yard in this area may have been more appropriate but for a big 30 or 40 acre site this is not appropriate. He said maybe it should be closer to the Interstate. He stated a location such as Wilson Trucking might be more appropriate than this site because it is already paved.

Vice Chairman Coyner appreciated all of the comments, particularly about the farmers that have been trying to clean up the creek for the last twenty (20) years now and he would not want to wipe it. He said he cannot support that. He stated water quality is important to us.

Mr. Byerly stated you have to look at the big picture and he felt the traffic can be managed at a reasonable level. He reminded everyone when Target came and a large distribution center in Mount Crawford, they were expecting 1,100 trucks per day. He stated the traffic was staged and there was never a problem with traffic flow. He said they may have overestimated the problem with the traffic.

Ms. Tilghman stated the traffic is her biggest hang up. She does not feel like she is getting the answers she would like before making the decision. She said there was comment from citizens that stated they cannot approve this request when the Board denied a permit for a

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wedding venue which is obviously a much smaller thing. She said the big difference she sees is that this is very intensive compared to that wedding venue but it will eventually go away and disappear, but once you approve the wedding venue unless they go out of business or move that would be permanent. She noted that is the big difference. She stated one of the main things we look at with everything is the traffic and in this case, it appears that it could be extremely intense at periods of time. She said maybe they will find out that in six (6) months or a year the traffic will be almost nothing but she does not know. She said in six (6) months it could be intensive. She tends to disagree with VDOT that if I get so many cars you get a stoplight. She said in Craigsville, we do not get much traffic every day but if we suddenly got 200 cars coming in, we would need a stoplight because people would not be used to all of the vehicles and they would not be used to looking for the traffic. She stated it is important when you are used to a road that has a limited amount of traffic and then suddenly it becomes intense. She stated in the case of just following the rule of when it hits a certain number, they will put a stoplight up. She said it should depend on the area that you are looking at because one rule does not fit everything. She stated this is a short term problem but that short term problem could be intense and she does not want the citizens or a tourist to be in an accident. She does not want the pipeline workers to get into an accident either. She said their families did not send them off to work somewhere else so they could get hurt. She said this also will create a huge amount of traffic on Union Church Road.

Mr. Byerly stated close to this is a village near Parnassus that had a speed problem. He stated traffic control was done and officers were issuing citations and then the speed limit really dropped. He stated this may need to happen at this site and it could be done.

Ms. Brown stated we need to put things where it is compatible and here we have a traffic safety concern, water quality concern, erosion concern, and schools concerns. She stated this is such a small area for such a big permit.

Ms. Tilghman moved to deny the Special Use Permit due to it being incompatible with the neighborhood, there is a potential for a traffic hazard, water quality issues, and she felt they are lacking information on the request.

Vice Chairman Coyner seconded the motion, which carried with a 4-1 vote with Mr. Byerly being opposed to the motion.

Mr. Byerly stated this Board considers all factors presented and he felt in his opinion, that we have enough safeguards to provide for the citizens of the County and move forward with this project. He said when the Board first had permits before them regarding cell towers there were rooms full and now they do not.

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Ms. Tilghman stated in making her motion, this is a vote for a laydown yard and not whether she likes or does not like the pipeline. She clarified that this use is not appropriate for the agricultural area and it is not compatible with the character of the area.

Mr. Toms commented that they will look at water quality with the Erosion and Sediment Control plans and there is a Stormwater retention program just like any other site. He said all sediment will be caught onsite. He stated it will not go into the creek. He thanked the Board for their time.

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STAFF REPORT

- 17-14 North Mountain Cattle Co., LLC
- 17-15 Forest Hill Farm, LLC
- 17-16 Trustees of Bethany Trinity Evangelical Lutheran Church
- 17-17 Basic City, LLC
- 17-18 James W. Pence or Marcia A. Becker

- 17-20 Jollett Springs Mobile Home Park, LLC

Ms. Bunch stated SUP#17-14 and SUP#17-15 are both in compliance. She stated SUP#17-16 is in diligent pursuit and they plan to start within the time limit. She noted SUP#17-17, SUP#17-18, and SUP#17-20 are all in compliance.

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Mr. Benkahla discussed the court cases with the Board.

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

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Chairman

Secretary