

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

VIRGINIA: At the Called Meeting of the Augusta County Planning Commission held on Tuesday, March 13, 2018, at 5:15 p.m. in the Board Room, Augusta County Government Center, Verona, Virginia.

Mr. Curd called the meeting to order.

The Planning Commission met to review the ordinance amendments coming before them at the Public Hearing. They had questions and comments regarding the following ordinances:

**Ordinance to amend Section 25-77.4 – Lot frontage in general. Exceptions of the Augusta County Code.**

Mr. Howdysshell asked if family members can convey property to another family member more than one time.

Mr. Bridge asked if there is more than one property owner for a certain parcel of land, if each property owner could convey property to their own family members.

Mrs. Tate stated property may only be conveyed to a person one time, but a property owner can convey a lot more than one time to their family members, to a sibling or grandparent.

**Ordinance to amend Section 25-71.1 – Definitions of the Augusta County Code.**

Some discussion ensued concerning the above ground application or storage of sewage sludge which some commissioners wanted to make sure wasn't prohibited by the ordinance amendment.

Staff clarified that the ordinance did not intend to prohibit such use but clarify that additional permits are required.

Mr. Howdyshell suggested the wording “or the above ground application or storage of sewage sludge” be removed from the ordinance.

Mrs. Shiflett agreed that such wording should be removed or clarification should be made that the use is permitted with additional permits.

### **Ordinance to amend Section 25-20 Utility Lots**

Ms. Tate explained the ordinance amendment as a clarification in wording related to local government’s inability to prohibit distribution or collection lines regardless of whether or not they are for local service.

Mr. Howdyshell suggested adding the word “transmission” to the ordinance to allow transmission lines, serving the public be permitted in all districts.

### **Ordinance to amend Section 25-68.7 Bonding & 25-68.8 Removal, maintenance and safety.**

Mr. Leonard asked if a bond was secured before a telecommunications tower was built.

Mr. Howdyshell asked if bonding applied to new towers only.

Mrs. Tate stated the bond is secured before a building permit can be issued for the tower. The proposed ordinance will apply to existing towers as well as new towers.

### **Ordinance to amend Section 25-74R – Short-term rentals, bed and breakfasts and vacation rentals.**

Mr. Bridge asked what the difference is in the proposed ordinance and the existing ordinance specifically related to the primary residence condition.

Mrs. Tate explained a similar Special Use Permit ordinance in Rural Residential districts states the owner of record will personally reside in the principal dwelling or accessory dwelling. This amendment will instead state that the owner’s primary residence be used for the short-term rental use for clarification.

### **Ordinance to amend Chapter 25 to add Article VI. D Solar Energy Systems.**

Commissioner’s asked questions regarding the ability to vary setbacks.

Mrs. Tate stated that after working with the County Attorney, the use would need to be permitted through a Special Use Permit if the Planning Commission would like to recommend the ability for setbacks to be varied on a case by case basis.

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ABSENT: K. Leonard

VIRGINIA: At the Regular Meeting of the Augusta County Planning Commission held on Tuesday, March 13, 2018, at 7:00 p.m. in the Board Room, Augusta County Government Center, Verona, Virginia.

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**DETERMINATION OF A QUORUM**

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

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**MINUTES**

Mr. Bridge moved to approve the minutes of the called and regular meetings held on February 13, 2018.

Mr. Howdysshell seconded the motion, which carried unanimously.

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**An ordinance to amend Section 25-77.4. Lot frontage in general. Exceptions of the Augusta County Code.** To add stepchild, sibling, and grandparent as members of the immediate family to which a grantor may convey a lot that does not have frontage on a public street, provided the conditions of Section 25-77.4.B. are met.

Mrs. Tate explained the ordinance. She stated the ordinance currently defines members of the immediate family as adopted child, grandchild, spouse, or parent. The proposed amendment adds stepchild, sibling and grandparent as members of the immediate family to which a grantor may convey a lot without such lot having frontage on a public street. The ordinance will also bring County code into compliance with definition from the State Code.

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

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

Mrs. Shiflett moved to recommend approval of the ordinance as written.

Mr. Bridge seconded the motion, which carried unanimously.

**An ordinance to amend Section 25-71.1. Definitions of the Augusta County Code.**

To clarify that an agricultural operation is any operation devoted to the bona fide production of crops, animals, or fowl including the production of fruits and vegetables of all kinds; meat, dairy, and poultry products; nuts, tobacco, nursery, and floral products; and the production and harvest of products from silviculture activity; but shall not include the processing of agricultural or silvicultural products or the above ground application or storage of sewage sludge.

Mrs. Tate explained the ordinance amendment as a clarification that the further processing of agricultural or silvicultural products or the above ground application or storage of sewage sludge is not a use permitted by-right in General Agriculture districts. Mrs. Tate stated the proposed ordinance will be in compliance with the State definition of an agricultural operation.

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

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

Mr. Howdyshell asked if clarification should be made that the above ground application or storage of sewage sludge is permitted by permit only or if that phrase should be removed from the definition.

Mrs. Shiflett moved to recommend the wording "or the above ground application or storage of sewage sludge" be removed from the ordinance.

Mr. Howdyshell seconded the motion, which carried unanimously.

**An ordinance to amend Section 25-33 Design and construction standards of the Augusta County Code.** To reference compliance with Chapter 9. Environment for parking facilities.

Mrs. Tate explained the ordinance amendment references the correct regulations for stormwater and erosion and sediment control for off-street parking facilities. Mrs. Tate stated it is a housekeeping matter to change the reference from Chapter 18, which no longer exists, to Chapter 9.

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

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

Mr. Bridge moved to recommend approval of the amendment as written.

Mr. Campbell seconded the motion, which carried unanimously.

**An ordinance to amend Section 25-673. Site plan contents of the Augusta County Code.** To reference compliance with Chapter 9 Environment.

Mrs. Tate stated that this amendment is correcting the reference to the correct regulations for stormwater and erosion and sediment control for the site plan contents required. Mrs. Tate stated that this is a housekeeping matter that changes the reference from Chapter Chapter 9 "Stormwater and Erosion Sediment Control" to the new Chapter 9 titled "Environment."

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

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

Mr. Jennings moved to recommend approval of the amendment as written.

Mr. Bridge seconded the motion, which carried unanimously.

**An ordinance to amend Section 25-20 Utility lots of the Augusta County Code.** To clarify that public utility distribution and collection lines for the furnishing of utility services to the public, rather than specifically for local service, shall be permitted in all districts.

Mrs. Tate explained the request as presented on PowerPoint. She read the current language of the ordinance and the proposed amendment language which clarifies that public utility distribution and collections lines, whether or not specifically for local service, shall be permitted in all districts.

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

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

Mr. Howdyshell moved to recommend approval of the amendment with the addition of the word "transmission" added to the amendment for the furnishing of utility services.

Mr. Jennings seconded the motion, which carried unanimously.

**An ordinance to amend Section 25-68.7 Bonding and 25-68.8 Removal, maintenance and safety of the Augusta County Code.** To clarify removal of telecommunications facilities, including the concrete pad is required to a depth of at least three feet below grade.

Mrs. Tate stated the current ordinance requires all equipment including the concrete pad be completely removed once the facility is no longer needed. The proposed amendment will require the concrete pad be removed to a depth of at least three feet below grade. Ms. Tate stated that the ordinance amendment still meets the intention of reclaiming the land for another use after the telecommunications facility is decommissioned.

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

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

Mr. Howdyshell moved to recommend approval of the amendment as written.

Mr. Bridge seconded the motion, which carried unanimously.

**An ordinance to amend Section 25-74.H Public accommodation facilities of the Augusta County Code.** To remove bed and breakfasts, tourist homes, restaurants and cafes, special event facilities, meeting places, boarding houses and residential care facilities from the public accommodation facilities permitted in agriculture zones by Special Use Permit, revise direct access condition, create additional conditions for traffic flow, compatibility with neighboring properties, reasonable limitations on enlargement unless determined compatible with neighboring properties, evidence of connection to public sewer or approval by the Virginia Department of Health, and protections for fire, environmental and other hazards.

Mrs. Tate explained that the amendment removes several uses currently listed under public accommodation facilities, which is a Special Use Permit category in General Agriculture districts, and creates standalone categories for such uses to be permitted by Special Use Permit.

Mrs. Tate listed the uses being removed from the category and read the wording revision to the direct access condition, stating that frontage on a state maintained road as well as frontage on a legal right of way would satisfy this condition if VDOT approved of the intersection of the legal right of way and the state maintained road. Mrs. Tate summarized the other conditions being added to this Special Use Permit category as presented on PowerPoint.

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

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

Mr. Campbell moved to recommend approval of the amendment as written.

Mr. Jennings seconded the motion, which carried unanimously.

**An ordinance to amend Section 25-74.I Limited business and industries in agriculture zones of the Augusta County Code.** To add restaurants and cafes to the list of limited business and industries permitted in agriculture zones by Special Use Permit, revise direct access condition, eliminate condition that the use be a substantial benefit to neighboring properties, and add reference to the Virginia Department of Health for sewer condition.

Mrs. Tate explained the amendment as presented on PowerPoint. Mrs. Tate stated that "Limited business and industries in agriculture zones" is an existing Special Use Permit category in General Agriculture districts. Ms. Tate stated that this amendment is adding restaurants and cafes to this category, revising the direct access condition as was discussed with the previously considered ordinance amendment. Mrs. Tate stated that the amendment removes the condition that the use be a substantial benefit to neighboring properties as such a condition is subjective and difficult to assess.

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

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

Mr. Jennings moved to recommend approval of the amendment as written.

Mrs. Shiflett seconded the motion, which carried unanimously.

**An ordinance to add Section 25-74.R Short-term rentals, bed and breakfasts, and vacation rentals to the Augusta County Code.** To create a separate category for such uses to be permitted in agriculture zones by Special Use Permit with the following conditions: there shall be no more than 1 principal dwelling or part thereof, operating as

such use per parcel; there shall be no more than 1 accessory unit operating as such use per parcel; the lot is at least 5 acres in area unless determined that a smaller acreage will be compatible with neighboring properties; the owner of record's primary residence is the principal dwelling or accessory; building inspection department approval; Virginia Department of Health approval if not connected to public sewer; and all parking shall be accommodated on-site.

Mrs. Tate explained that this amendment adds a separate Special Use Permit category within General Agriculture districts for short-term rentals, bed and breakfasts and vacation rentals. Mrs. Tate stated that bed and breakfasts in the current ordinance are under the public accommodations category and this amendment places such use into a standalone category and adds conditions as described that more accurately pertain to the impacts of such a use. Mrs. Tate summarized the conditions as presented in the commissioner's packets.

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

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

Mr. Howdysshell moved to recommend approval of the ordinance as written.

Mr. Bridge seconded the motion, which carried unanimously.

**An ordinance to add Section 25-74.S Residential care facilities to the Augusta County Code.** To create a separate category for such use to be permitted in agriculture zones by Special Use Permit with the following conditions: appropriate for agriculture areas, compatible with neighboring properties, will not result in a concentration of businesses, frontage on a state maintained road or approval by VDOT of the intersection of a legal right of way and the state maintained road, pre-existing structures to be utilized unless new construction determined compatible with neighboring properties, reasonable limitation on expansions unless determined compatible with neighboring properties, Virginia Department of Health approval if not connected to public sewer, adequate provisions for protection of fire, environmental and other hazards, and if applicable, compliance with state, federal, local licensing and/or regulations.

Mrs. Tate explained the amendment as the addition of a standalone category for "residential care facilities" to be permitted by Special Use Permit in General Agriculture districts. Mrs. Tate summarized the conditions as presented in the commissioner's packets.

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

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

Mr. Jennings moved to recommend approval of the ordinance as written.

Mrs. Shiflett seconded the motion, which carried unanimously.

**An ordinance to add Section 25-74.T Special event facilities and meeting places to the Augusta County Code.** To create a separate category for such use to be permitted in agriculture zones by Special Use Permit with the following conditions: appropriate for agriculture areas, compatible with neighboring properties, will not result in a concentration of businesses, frontage on a state maintained road or approval by VDOT of the intersection of a legal right of way and the state maintained road, pre-existing structures to be utilized unless new construction determined compatible with neighboring properties, reasonable limitation on expansions unless determined compatible with neighboring properties, Virginia Department of Health approval if not connected to public sewer, and adequate provisions for protection of fire, environmental and other hazards.

Mrs. Tate explained the amendment as the addition of a standalone category for “special event facilities and meeting places” to be permitted by Special Use Permit in General Agriculture districts. Mrs. Tate summarized the conditions as presented in the commissioner’s packets.

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

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

Mrs. Shiflett moved to recommend approval of the ordinance as written.

Mr. Campbell seconded the motion, which carried unanimously.

## **New Business**

### **Inclement Weather and Regular Meeting Revised Resolution**

Mrs. Tate explained the revision to the resolution is to correct some inconsistencies in State Code referenced. She stated that staff briefings and visits to rezoning sites may occur before the regular public hearing meeting. The staff briefings and site visits, which are open to the public, will be advertised in accordance with State Code 2.2-3707 and is the advertisement requirement for all public bodies such as the Planning Commission. The scheduling of worksessions will be in accordance with 15.2-2214 of the Code of Virginia which requires either the chairman or two members of the Planning Commission to request a special worksession meeting. Upon that request, the secretary will provide written notification to each Planning Commission member of the meeting. If a worksession is scheduled during a regular meeting, written notification would not be required. Ms. Tate

recommended the commissioner's approve the revised resolution that would be placed in the newspaper.

Mr. Bridge moved to adopt the revised resolution.

Mr. Howdyshell seconded the motion, which carried unanimously.

### **Old Business**

An ordinance to amend Chapter 25 of the Augusta County Code to add Article VI.D. Solar energy systems. The proposed ordinance regulates solar energy systems operating as principal land uses.

Mrs. Tate stated revisions to the staff report were made based on the discussion by the Planning Commission at the February meeting and the worksession held on March 2<sup>nd</sup>. Mrs. Tate summarized the various discussion points/potential recommendations as outlined in the staff report.

She stated she has reached out to the Augusta County Service Authority and DEQ regarding ground water monitoring and has not received any comments from them.

Mr. Bridge asked why a cost benefit analysis would be required for solar energy systems.

Mrs. Tate stated in reviewing policies of other localities, the cost benefit analysis was helpful in determining what some of the economic benefits of the use would be to the County and the taxpayer, especially when it relates to taking land out of farming use or taking land the County has designated to be developed for industrial use.

After much discussion by the Commissioner's on whether or not to have established setbacks, whether solar energy systems should be permitted by Public Use Overlay or Special Use Permit, and whether the request be heard by and approval or denial be made by, the Board of Zoning Appeals or the Board of Supervisors, the following recommendation was made:

Mrs. Shiflett moved to recommend approval of the ordinance as written with the following changes:

1. Add a requirement for applicant to provide a cost benefit analysis.
2. Take out requirement for de-compaction of soils.
3. Add requirement for applicant to provide proof of interconnection agreement with utility company to which they are supplying power.
4. For large solar energy systems, permit through the Special Use Permit process to be heard by the Board of Supervisors, requiring a 50' minimum setback from all property lines (ability for the Board of Supervisors to increase on a case by case basis) with required buffering as mandated in *Section 25-70.6 #G – Buffering* for adjacent parcels zoned residentially or along a public right of way.
5. Groundwater monitoring requirement be removed.

Mr. Howdyshell seconded the motion, which carried unanimously.

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**STAFF REPORTS**

A. CODE OF VIRGINIA – SECTION 15.2-2310

Mrs. Tate reviewed with the Commissioners the requests coming before the BZA at the April meeting.

The Planning Commission took no action on the BZA items.

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

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Chairman

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Secretary