

PRESENT: E. Shipplett, Chairman
S. Bridge, Vice Chairman
T. Cole
J. Curd
C. Foschini
K. Shiflett
R. L. Earhart, Senior Planner and Secretary

ABSENT: K. Leonard
T. Fitzgerald, Director of Community Development

VIRGINIA: At the Regular Meeting of the Augusta County Planning Commission held on Tuesday, January 13, 2015, at 7:00 p.m. in the Board Room, Augusta County Government Center, Verona, Virginia.

The meeting was called to order by Mr. Shipplett, Chairman.

DETERMINATION OF A QUORUM

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

MINUTES

Mr. Bridge moved to approve the minutes of the called and regular meeting held on November 11, 2014.

Mr. Curd seconded the motion, which carried unanimously.

AUGUSTA COUNTY CODE SECTIONS 25-4, 25-122.1, 25-132.1 AND 25-134

An ordinance to amend Sections 25-4, 25-122.1, 25-132.1 and 25-134 to provide for the keeping of chickens in Rural Residential and Single Family Residential districts in Augusta County under certain circumstances and to clarify the requirements associated with allowing farms and limited agriculture by Special Use Permit in Single Family Residential districts.

Mrs. Earhart stated the Commission had discussed the ordinance amendment during the worksession. She stated that the Board of Supervisors will look at amending Chapter 5 because it does go hand in hand with these proposed ordinance changes.

Mr. Shipplett opened the public hearing.

Ms. Rhonda Wang, 38 Marwood Lane, Waynesboro, stated by citizens being allowed to keep backyard chickens it will keep kitchen scraps out of the landfill and save taxpayers money. She mentioned the chickens will eat garden pests, they are excellent in amending the soil and they deposit good fertilizer. She stated the homegrown eggs are better for you than factory produced eggs. She noted chickens are quieter than dogs and do not wander into other people's yards. She stated her sons want a dog but one is allergic to dogs. She stated if this ordinance gets passed this will allow him to have a chicken as a pet.

Mr. Shipplett asked where she lived in the County.

Ms. Wang stated in Crimora in Northwood Subdivision and owns a little less than half an acre.

Mr. Shipplett asked what the citizens would do when the chicken stops laying eggs.

Ms. Wang stated it is not hard to find people who would butcher the chickens. She stated chickens are becoming a more popular trend for citizens who want to raise their own food. She stated that New York City, Richmond, and Charlottesville all allow chickens.

Ms. Ann Buzzelli stated that Richmond's and Waynesboro's Animal Control Offices have not had any problems or issues with backyard chickens. She stated that the operational costs have not increased within their office at all. She stated that people who own chickens and want chickens are enthusiastic people. She stated chickens are an integral part of our food system for citizens. She stated that she is a dietician and good protein choices are needed. She stated a list can be created of farmers that will take chickens once they stop laying eggs. She stated by permitting backyard chickens we can help bring communities together by helping neighbors talk to each other.

Mr. Foschini asked if she has spoken with the Animal Control Officer of Waynesboro.

Ms. Buzzelli stated no, but a friend had. She had spoken with Richmond's Animal Control Department.

Mr. Foschini asked how long has Richmond permitted chickens in residential.

Ms. Buzzelli stated at least for two years.

Mr. Michael Rosenthal, 33 Sugarcamp Lane, Stuarts Draft, stated he did speak with Richmond's Animal Control. He stated they legalized backyard chickens in April of 2013. He spoke regarding the following issues:

1. Urban chickens have no risk of the avian flu. Small scale poultry is the answer and not the problem.
2. Noise: Laying hens are at the same decibel level as humans (roosters make more noise, therefore, will not be allowed in urban areas).
3. A 40 pound dog has more waste than 10 chickens.
4. Predators are already living in these residential areas.
5. Chickens eat pests such as ticks, fleas and mosquitoes.
6. Property values will not decrease due to the permitting of backyard chickens.
7. Chicken coops are not ugly. Some can be built to blend in with the architecture and color schemes of the area.

Mr. Rosenthal further stated that they are not looking to put 1,000 hen coops in residential but only a few backyard chickens.

Mr. Shipplett stated if the chickens are not properly managed, they will produce a bad smell and there is always the possibility of chickens getting out.

Ms. Jean Steele, 159 River Ridge Road, Verona, agreed with all of the previous speakers' comments. She stated the County should limit the number of chickens permitted due to the potential risk factor of disease, noise and smells. She felt that roosters should not be permitted even though a crow of a rooster to her is less annoying than a barking dog. She stated the chickens will be a way for us to connect and get back to our food source. She would like to see the ordinance for backyard chickens approved.

Mr. David Hobbs, 116 Gentry Road, Weyers Cave, stated he lives in Harshbarger Subdivision and he wants to know where his food comes from. He feels that by him being allowed to have chickens he can produce eggs for his family. He stated this would be one small measure for them being able to provide for themselves.

Mr. Gerald Tamanini, 52 Kingsbury Drive, Waynesboro, stated he is against this ordinance especially having roosters. He stated that residential property is not residential if farm animals will be allowed. He noted that this ordinance will affect property owners who bought their property in residential zonings. He suggested limiting the number to five if the ordinance is approved but should not permit roosters.

There being no one else to speak in favor of or against the proposed ordinance amendment, Mr. Shipplett closed the public hearing.

Mrs. Earhart stated staff has advertised the draft ordinance for public hearing. She mentioned that in the draft it provides a six month delay in implementation in order to give Homeowners Associations time to change their covenants if necessary. She noted that Rural Residential has always prohibited the keeping of poultry even though they are larger lots.

Ms. Shiflett stated she is a commercial poultry grower. She noted that it has been proven that wild birds can spread the avian flu and a dime size piece of manure can spread the disease to an entire flock. She stated when the avian flu was in the Valley it

kept her facility out of production for six months because the poultry houses around the area had the disease. She stated it is a very big danger to the industry. She does not believe many people understand the reality of having backyard chickens. She mentioned that they will only lay 250 eggs a year and if they are outside in the cold it may even be less than that. She is worried about having chickens on land and it not be regulated. She stated the chickens will attract more vermin and snakes. She noted that staff provided them with pictures of some backyard chickens in the County. She stated if everyone followed the rules there may be no problems but everyone does not follow the rules. She mentioned that 95% of Augusta County is zoned agriculture and chickens would be permitted by right. She felt that if citizens wanted backyard chickens then they should be in an agriculture zoned area. She felt that if the ordinance was approved we would infringe on the rights of many in order to benefit a few.

Mr. Curd stated that he has no problem with folks raising chickens in the proper place. He noted that Augusta County is not like the metropolitan areas, 95% of the land here is zoned agriculture. He stated this will create more workload for the Zoning Administrator, Board of Zoning Appeals, and Animal Control. He also stated that citizens move to residential areas in order to live in residential areas. He agreed with all of Mrs. Shiflett's comments and felt that there is not a need to enact this ordinance at this time.

Mr. Bridge stated that there will be more workload on the staff that will have to enforce this ordinance. He agreed that citizens buy into the places that they live and certain requirements go along with that. He stated people are choosing to live in residential areas and agriculture animals being permitted is not the best option in residential areas.

Mr. Cole stated that he is proud of this area's agriculture base and it needs to be supported in many ways. He noted that there is concern in having unregulated chickens in communities and felt that Augusta County should not move forward with permitting chickens in residential.

Mrs. Shiflett moved that the Zoning Ordinance amendments not be recommended for approval.

Mr. Bridge seconded the motion, which carried unanimously.

* * * * *

NEW BUSINESS

Consideration of the Atlantic Coast Pipeline Project

Mr. Shipplett stated the Commissioners will provide their comments on the Atlantic Coast Pipeline Project as it relates to the Comprehensive Plan. He stated the opportunity for public comment will be on February 4th at 7:00 pm with the Board of Supervisors.

Mrs. Earhart explained that the Commissioners were provided Comprehensive Plan and existing zoning maps with the proposed pipeline route. She noted the pipeline will cross virtually all policy areas and all zonings. She stated that since Augusta County is 95%

agriculture, it does not mean that the long term use of the property will remain in agriculture. You need to consider the uses recommended by the Comprehensive Plan. She suggested that the role of the Commissioners is to comment regarding the Atlantic Coast Pipeline Project as it relates to the Comprehensive Plan. She noted the comments made will then be compiled into a report with comments from other agencies and will be presented to the Board of Supervisors prior to their February 4th meeting.

Mr. Curd stated the Comprehensive Plan focuses on development in Urban Service Areas. He stated we want our development areas protected and the pipeline should not have a negative impact on the Urban Service Areas. He felt that the pipe should be thicker and deeper in Urban Service Areas and Community Development Areas to allow for infrastructure and the crossing of the infrastructure. He noted the land should be restored so that there is no detrimental effect on what the land is zoned for or planned for. He suggested not having the pipe cross through the middle of residential, industrial, or business property. He stated on the map that staff has provided he noticed the pipeline going through the middle of properties. He stressed the importance of keeping the pipeline closer to property lines. He stated a lot of work went into the Comprehensive Plan. He stated they did not have the benefit of this map when the Commissioners were designating parcels in the Urban Service Area for Industrial. He hoped that the pipeline would not negatively impact the current use or the zoning of the land but also not negatively impact the potential future uses and zoning of the property.

Mr. Bridge agreed with Mr. Curd's comments. He stated we spent a lot of time on the Comprehensive Plan map. He suggested that the Comprehensive Plan map be considered as much as possible in the process and not just for today but for the long term. He would like for them to strive for optimal use of the land use that we have decided for our County.

Mr. Cole stated the Comprehensive Plan plans for the orderly development of the community. When the Comprehensive Plan was developed we utilized the resources we had and now we are presented with a planning challenge which will impact planning for decades to come. Somewhere in the process I would like to hope that there will be a degree of consideration given for not only the current impact on the Comprehensive Plan, but the fact that a lot of the plans that we've made for the next 20 years are going to potentially change and are going to be changed for decades to come. Communities, when they are presented with this, to a certain degree they plan based on the things they have control over. They rely on other agencies or other institutions to do their jobs and to look out for things over which the local community in its planning cannot. There are agencies that have clear requirements for how pipelines should be sited and constructed. As a part of what we are trying to do we need to urge these other agencies, including FERC, to abide by the rules that they've established themselves. Unfortunately, these rules are not being adhered to or do not appear to be. It's a challenge for local government to insist that those agencies do their work. We need to be stressing that.

Mrs. Shiflett stated that General Agriculture is a legitimate land use and we need to ensure that the land gets put back in agriculture use. She stated that the Future Land Use will also need to be looked at. She mentioned that taxpayers have money invested in infrastructure and planning based on the Comprehensive Plan. She stated roads are

planned to cross areas of the pipeline. She stressed the importance of the Future Land Use Plan and a thicker, deeper pipe should be used in some of those areas. She hoped that the site work would be done in such a way to have minimal impacts on the land and the citizens. She stated they need to take our plans into consideration and be sure that the investment in our infrastructure is not ruined.

Mr. Foschini had no additional comments to add.

Mrs. Earhart reminded the Commissioners that all of the comments will need to be consolidated into one single motion. She noted that we want to cover all that is important in your comments.

Mr. Shipplett suggested a transcription be made and given to the Board of Supervisors.

Mr. Bridge stated the Comprehensive Plan should be considered as much as possible for today and the next twenty years and beyond. He noted that the biggest item is that the Comprehensive Plan that we have developed be considered as much as possible.

Mr. Cole stated the Commission needs to recommend to the Board of Supervisors that they insist that other agencies who we count on to watch our back on the things we have little or no control over, adhere to their rules and guidelines when considering this pipeline.

Mrs. Earhart stated the Commissioners also previously discussed the thickness and depth of the pipe which needs to be considered as well as to plan for crossing over the pipeline with water, sewer, and roads. She noted you also mentioned not going through the center of parcels. She stated if you would like those points addressed we will need that as part of the motion.

Mrs. Shiflett read some of the comments the Commissioners have stated so far:

95% of Augusta County is zoned General Agriculture. General Agriculture is a legitimate land use and needs to be protected, but there are other plans for much of this property as outlined in the County Comprehensive Plan. Taxpayers have invested large amounts in infrastructure and planning and this needs to be taken into consideration and protected when deciding the thickness and depth of the pipeline. Roads, water and sewer need to be able to cross the pipeline. Site the pipeline to make minimum impacts to individual parcels by using property lines and not going through the center of parcels.

Mr. Cole wanted to add to the wording that as a Planning Commission we can address the planning opportunities, but we do not include things like pipelines. We expect that agencies that have a clear mandate to manage how these pipelines affect communities watch out for us. He stated we should recommend to the Board of Supervisors that they insist that those agencies do their jobs.

Mrs. Shiflett read the following wording that Mr. Cole suggested:

Further, as a Planning Commission and County government we can address the planning of our community with things we have control over, but we don't include things like pipelines. We expect agencies that have in their mandate to manage how the

pipeline impacts the community to do their jobs. We recommend to the Board of Supervisors that they insist that those agencies do their jobs.

Mrs. Earhart stated she did hear Mr. Bridge also mention that they should look at not only twenty years but beyond.

Mr. Cole suggested changing the wording to “our community”.

Mrs. Shiflett moved that the following comments be presented to the Board of Supervisors on the Consideration of the Dominion Atlantic Coast Pipeline Project as it relates to the Comprehensive Plan:

95% of Augusta County is zoned General Agriculture. General Agriculture is a legitimate land use and needs to be protected, but there are other plans for much of this property as outlined in the County Comprehensive Plan for the next 20 years and beyond. Taxpayers have invested large amounts in infrastructure and planning and this needs to be taken into consideration when deciding the thickness and depth of the pipeline. Roads, water and sewer need to be able to cross the pipeline. Site the pipeline to make minimum impacts to individual parcels by using property lines and not going through the center of parcels. Further, as a Planning Commission and County government we can address the planning of our community with things we have control over, but we don't include things like pipelines. We expect agencies that have in their mandate to manage how the pipeline will impact our community to do their jobs. We recommend to the Board of Supervisors that they insist that those agencies do their jobs.

Mr. Cole seconded the motion, which carried unanimously.

MATTERS TO BE PRESENTED BY THE PUBLIC

Ms. Nancy Sorrells, 3419 Cold Springs Road, Greenville, thanked the Commissioners for all of their hard work. She emphasized the importance of what they are all doing. She stated this may be the best body of information being gathered about the impact of the pipeline for the entire 554 miles. She stated this is not a mock rezoning as the newspapers have said. She stated by Augusta County holding a special public hearing speaks volumes. She suggested amending the motion to add depth, thickness, and **location** of the pipeline to the Planning Commission's comments that will be presented to the Board of Supervisors since it was talked about so much.

Mr. Gerald Tamanini, 52 Kingsbury Drive, Waynesboro, stated he has lived in Augusta County for eleven years. He stated Kingsbury Manor is not represented by a civic association and they do not necessarily have a civic association to defend them.

Mrs. Earhart stated that some subdivisions were created and have their own homeowners association and have restrictive covenants and architectural review boards. She stated some subdivisions may want to internally regulate more than what the County regulates with their ordinances. She noted that you could certainly create a homeowners association.

MATTERS TO BE PRESENTED BY THE COMMISSION

Mrs. Shiflett moved to add the word changes that Ms. Sorrells suggested as well as providing a copy of the maps with the report. She also wanted to add that the Comprehensive Plan needs to be followed and roads, water and sewer need to be able to cross the pipeline.

Mr. Foshini also suggested adding consideration and protection when deciding the location.

The revised comments are as follows:

95% of Augusta County is zoned General Agriculture. General Agriculture is a legitimate land use and needs to be protected, but there are other plans for much of this property as outlined in the County Comprehensive Plan for the next 20 years and beyond. Taxpayers have invested large amounts in infrastructure and planning and this needs to be taken into consideration and protected when deciding the location, thickness and depth of the pipeline. The Comprehensive Plan needs to be followed and roads, water and sewer need to be able to cross the pipeline. Site the pipeline to make minimum impacts to individual parcels by using property lines and not going through the center of parcels. Further, as a Planning Commission and County government we can address the planning of our community with things we have control over, but we don't include things like pipelines. We expect agencies that have in their mandate to manage how the pipeline will impact our community to do their jobs. We recommend to the Board of Supervisors that they insist that the agencies do their jobs.

Mr. Cole seconded the motion, which carried unanimously.

* * * * *

STAFF REPORTS

Annual Report

Mrs. Earhart discussed the 2014 Annual Report with the Commissioners.

Mr. Cole moved that the report be presented to the Board of Supervisors.

Mr. Foschini seconded the motion, which carried unanimously.

* * * * *

Code of Virginia – Section 15.2-2310

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

The Planning Commission took the following action on the BZA items:

Edgar E. Michael – Trustee – SUP#15-4

Mr. Cole stated this property is shown on the Comprehensive Plan Future Land Use Map as being in the Urban Service Area and slated for Medium Density Residential development. He moved to recommend to the BZA that the Planning Commission is concerned about the intensity of the use proposed for this site on the existing neighbors, as well as the impact on future development.

Mr. Curd seconded the motion, which carried unanimously.

Augusta County Eagles Aerie #4129 – SUP#15-7

Mr. Curd stated the property is shown on the Comprehensive Plan Future Land Use as being in the Urban Service Area and slated for business development. He moved that the Board of Zoning Appeals encourage the owner to apply to rezone this property to business in order to be in compliance with the Comprehensive Plan and consistent with its existing land use.

Mr. Bridge seconded the motion, which carried unanimously.

* * * * *

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

Chairman

Secretary