

PRESENT: S. Bridge, Chairman  
K. Shiflett, Vice Chairman  
J. Curd  
T. Jennings  
K. Leonard  
R. L. Earhart, Senior Planner and Secretary  
J. Wilkinson, Director of Community Development

ABSENT: C. Foschini  
E. Shipplett

VIRGINIA: At the Called Meeting of the Augusta County Planning Commission held on Tuesday, June 14, 2016, at 4:45 p.m. in the Board of Supervisors' Conference Room, Augusta County Government Center, Verona, Virginia.

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The Planning Commission traveled to the following site, which will be considered by the Commission:

1. Blue Mountain Investments, LLC and J-M Apartments, LC – Rezoning

\_\_\_\_\_  
Chairman

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Secretary

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J. Wilkinson, Director of Community Development

ABSENT: C. Foschini  
E. Shipplett

VIRGINIA: At the Regular Meeting of the Augusta County Planning Commission held on Tuesday, June 14, 2016, at 7:00 p.m. in the Board Room, Augusta County Government Center, Verona, Virginia.

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**DETERMINATION OF A QUORUM**

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

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**MINUTES**

Mr. Curd moved to approve the minutes of the called and regular meetings held on May 10, 2016.

Mr. Leonard seconded the motion, which carried unanimously.

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**Blue Mountain Investments, LLC and J-M Apartments, LC**

A request to rezone approximately 494 acres from General Agriculture to General Industrial with proffers and approximately 20 acres from General Agriculture to Airport Business with proffers owned by Blue Mountain Investments LLC located east of Westview School Road (Rt. 773) and west of the Shenandoah Valley Regional Airport and running on both sides of Airport Road (Rt. 771) and Broad Run Road (Rt. 774) in Weyers Cave in the Middle River District. This request also includes a request to rezone approximately 0.7 acres from General Agriculture to General Industrial with proffers

owned by J-M Apartments LC located on the north side of Airport Road (Rt. 771) approximately 0.3 of a mile east of the intersection with Westview School Road (Rt. 773) in Weyers Cave in the Middle River District.

Mrs. Earhart explained the request as presented on PowerPoint and reviewed the proffers presented for the parcels under consideration.

Timothy Fitzgerald, County Administrator, stated he was representing the Board of Supervisors as the applicant, as well as Blue Mountain Investments, LLC and J-M Apartments, LC, property owners. He discussed the background of the project and stated the property has been identified for future industrial development in the Comprehensive Plan since 1987. He stated several challenges have occurred in proceeding with marketing the property such as, lack of a set purchase price for the properties, lack of local government control and lack of appropriate zoning for development. The Virginia Economic Development Partnership has indicated they would be able to support and send projects to Augusta County if these challenges are resolved.

Currently there is a marketing and rezoning agreement that was approved by the Board of Supervisors on May 11, 2016 and signed by Blue Mountain Investments. This agreement established a set purchase price of \$22,000 an acre for the next two years if someone buys the entire property. It also established joint marketing responsibilities between the County and the owner and set the schedule for rezoning the majority of the property to Industrial and 20 acres of the property to Airport Business. It provides in lieu of an annual option fee the County will reimburse the owner for the roll-back taxes that will occur when the use of the property changes from agricultural to industrial.

A Traffic Impact Analysis, which was funded by the County, entitled "Airport Road Traffic Impact Analysis" was prepared by McCormick Taylor and dated September 29, 2015. The study analyzed the "worst case scenario" if the property was developed to the maximum and the potential for traffic generated based on those assumptions. The study met Chapter 527 requirements and was approved by VDOT.

Mr. Fitzgerald confirmed the proffers that had been explained by Mrs. Earhart at the beginning of the meeting. He stated if the property would be rezoned, the County is in a better position to market the property and attract businesses to the area. If the zoning is not in place, businesses will not come because they do not want to go through the rezoning process prior to selecting a site. New business will increase employment and job opportunities and tax revenue for the County.

Potential funding sources for the development of the property are Virginia Business Ready Sites Program and GO Virginia. These sources specifically look at larger tracts and may assist in providing infrastructure and site grading.

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

David Hensley of Westview School Road stated he is not sure why the County is interested in developing this land. Weyers Cave already has an industrial park and that property has not been developed. He moved to Augusta County to get away from noise, traffic, and congestion. He does not want to see the property rezoned because he feels property values will drop and traffic will increase greatly. He understands rezoning the 20 acres for Airport Business, but does not believe rezoning the 500 acres is necessary.

Israel Stickley of Broad Run Road stated he is concerned about what will happen to Broad Run Road if the property is rezoned. He stated there is only one way in and out if the road floods and he has concerns how a large development will affect road access.

Mrs. Earhart read the following letter received from Cut Stone Farms and addressed to the Planning Commission and the Board of Supervisors in regard to the request:

*“This letter is to ask that you vote “No” on the rezoning of 514.7 acres owned by Blue Mountain Investment, LLC and/or J-M Apartments LC, from General Agriculture to General Industrial and/or General Airport Business which will be discussed at your June 14 and 22 meetings.*

*Please consider the impact of noise, traffic, change in landscape-views to those residents who have lived in the area for decades (and those of us just new to the area) as well as loss of good farmland. As you know, this area already has a robust industrial sector and growing housing complexes, and further loss of land that can be used for agriculture in the Weyers Cave/Mt. Sidney area, which, ironically had one of the earliest chapters of the Future Farmers of America, would make it more difficult for agricultural interests. If there is a shrinking amount of available land for those future farmers, a rich agricultural history will be forfeited!*

*So, again we respectfully ask that you do not rezone these proposed acres.*

*Sincerely,  
Cut Stone Farms, LLC  
Marvin & Lori Maust, Managing Partners  
Marcus & Lynae Maust, Partners  
Jackson & Katie Maust, Partners  
855 Westview School Rd., Mt. Sidney, VA”*

Sandy Harper of 1314 Westview School Road stated there is a beautiful sign along Rt. 256 that says “Welcome to Weyers Cave”. She does not want to see the sign taken away. She does not want to see the beautiful agriculture land taken away and feels the County needs to keep the property zoned agriculture. Industrial rezoning will take away the beauty of the area.

Mr. Fitzgerald stated the County continues to market the existing industrial park in Weyers Cave for smaller projects, however, the activities that could occur on a 500 acre tract could not occur in the industrial park.

Mr. Fitzgerald stated depending on the type of project that may be developed will determine what will happen to Broad Run Road. It may be advantageous for a developer to rebuild and make a better road, or the developer may decide to abandon the road. It is hard to address this concern at this point until it is known what kind of development will be there.

There being no further discussion, Mr. Bridge closed the Public Hearing.

Mr. Curd stated he has concerns about the impact on the existing homes on Westview School Road and Valley Church Road as far as outdoor storage and buffering is concerned.

Mr. Fitzgerald stated we have buffer requirements in the ordinance that will have to be met. As the site plan is developed and it is determined where to situate the actual facility on the site, it will certainly be our recommendation not to have any outdoor storage up against the residential neighborhood. With this type of project, even though the total acreage is over 500 acres and the industry wants 500 acres, the facility does not consume more than 250-300 acres and they like to have buffering and green space around that. He gave examples of the Hollister, Hershey and McKee sites. The plants themselves sit in the middle with green space all around them. As we work through the site plan process with the applicants we would certainly take into consideration the residents out there and we would recommend that we do everything we can to keep them from pushing right up against the road, there will be plenty of room to have setbacks and buffer areas to provide for a more aesthetic environment.

Mr. Bridge stated proffer #4 of the industrial proffers limits road access to emergency vehicles only. How will emergency vehicles access the property?

Mr. Fitzgerald explained emergency personnel will gain access through a Knox-box that they will have a master key for. The road will be gated and kept closed at all times.

Mr. Leonard stated he understands the concerns of the residents. The property is in a farming community and always has been. However, the property is slated in the Comp Plan for industrial use and change is inevitable. This is one of the few sites in the State with this much acreage that can be rezoned. He does have concerns but he cannot oppose the request because it is slated in the Comp Plan for industrial development.

Mrs. Shiflett stated she has concerns for farm land as well. Since 1987 the Comp Plan has been revised many times and is reviewed every five years. She has served on the Planning Commission for 20 years and she has never heard the public ask for the Comp Plan for this property to be changed. The public needs to be aware of what the Comp Plan says and if they are not in agreement with it, they need to come forward and ask for it to be changed. This request is a good opportunity to draw business to the County and she moved to recommend approval of the request with proffers.

Mr. Jennings seconded the motion.

Mr. Jennings asked how many acres of land are in the Weyers Cave industrial park.

Amanda Glover, Director of Economic Development stated there are less than 100 acres in the industrial park.

Mr. Jennings stated this is one of the largest sites in the State that can be rezoned and is a rare opportunity for the County. It is important to have employment opportunities to insure the continued success of the County.

Mr. Bridge stated he concurs with the other Commissioner's comments and agrees that opportunities such as this do not come around often. Since no one from the public has come forward since 1987 to request the Comp Plan be changed is an indicator to move forward with development. He thanked the County for providing the information on the property.

Mr. Curd stated he has mixed emotions about the rezoning because of the good agriculture land. If the property is not rezoned the County definitely will not get manufacturing facilities, which will increase the job market.

The motion to recommend approval of the request with the proffers passed unanimously.

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**Augusta County Code Sections 25-74 and 25-384**

An ordinance to amend Sections 25-74 and 25-384 of the Augusta County Code to prohibit the extraction of oil and natural gas in general agricultural zones and to allow for the extraction of oil and natural gas by special use permit in industrial zones in Augusta County.

Mrs. Earhart stated one change to the Code is in the general agriculture areas that will specifically list the uses that will be allowed by special use permit in the "uses away from developed areas" category and specifically indicate that extraction of oil and natural gas would not be permitted in that category by special use permit. Another change to the code would allow for extraction of oil and natural gas, minerals, sand, rock, and similar materials in the industrial category. The Board of Zoning Appeals will have several requirements when considering a special use request. The applicant will be required to have a technical transportation study for all transportation system components impacted-roads, bridges, etc.; compliance with federal and state noise and vibration regulations; a copy of the operations plan will have to be submitted; and a study of the impact of the extraction of oil and natural gas on public and private water systems within 5 miles of proposed operation.

There being no questions from the Commissioners, Mr. Bridge opened the public hearing.

There being no one to speak in favor of or against the amendment, Mr. Bridge closed the public hearing.

Mrs. Shiflett stated because of some items that have come to the attention of the Commission, she moved to table the amendment for further study.

Mr. Curd seconded the motion which carried unanimously.

**Augusta County Code Sections 25-68, 25-68.1, 25-68.2, 25-68.3, 25-68.4, 25-68.5, 25-68.6, 25-68.7, 25-68.8 and 25-68.9**

An ordinance to amend Sections 25-68, 25-68.1, 25-68.2, 25-68.3, 25-68.4, 25-68.5, 25-68.6, 25-68.7, 25-68.8, and 25-68.9 of Division A, Article VI.B Wireless Telecommunications Facilities of the Augusta County Code.

John Wilkinson, Director of Community Development stated this amendment is to bring the wireless telecommunication ordinance in line with the federal mandated code and update the definitions according to the FCC.

There being no questions from the Commissioner, Mr. Bridge opened the public hearing.

There being no one to speak in favor of or against the amendments, Mr. Bridge closed the public hearing.

Mr. Jennings stated in order to remain in compliance with federal regulations, he moved to recommend approval of the amendment as written.

Mr. Curd seconded the motion, which carried unanimously.

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**STAFF REPORTS**

**16-28 Turn Key Properties, L.C.**

Mr. Bridge moved to voice concerns about the safety of the adults and children, especially special population adults and children, coming to a proposed day care center in an industrial area. He also stated concerns about the appropriateness of mixing adults and children and heavy truck traffic at this site. The Commission recommends to the BZA, if they permit the use, any outdoor space have sufficient fencing and other safety measures to insure the safety of the intended attendees.

Mr. Curd seconded the motion, which passed unanimously.

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**New Proffer Regulation**

Mrs. Earhart presented the Commission with a flow chart showing the new proffer legislation as set forth by the State and set to go into effect July 1.

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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