

March 17, 2005

PRESENT: Dr. Charles W. Curry, Chairman  
Charles C. Schooley, Vice Chairman  
Bruce M. Bowman  
Kitra A. Shiflett  
Clay Hewitt  
Mark Grove  
William Bashaw  
Garland Martin  
Larry Shiflett  
Dale L. Cobb  
Beatrice B. Cardellicchio

OTHERS PRESENT: Kay Frye

ABSENT: Larry C. Howdyshell  
Betty Jo Hamilton

VIRGINIA: Meeting of the Agricultural Task Force Committee held on Thursday, March 17, 2005, at 7:00 P.M., in the County Government Center, Verona, Virginia.

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Chairman Curry asked if the committee had a motion to approve the minutes of the March 3, 2005 meeting?

Mr. Hewitt moved that the minutes be approved.

Mr. Bowman seconded the motion, which was carried by a unanimous vote.

Chairman Curry stated that this committee does have the funds to travel and visit other localities. He also stated that Sandi Scannelli sent copies of her recommendations and she said that she was very impressed with the committee's work.

Mr. Cobb stated that staff has copies of the Comprehensive Plan map for each of the committee members. He stated that the back page explains the plan in more detail. He oriented the committee with the surrounding areas on the map. He stated that there are four policy areas which include Agriculture Conservation Areas, Rural Conservation Areas, Community Development Areas, and Urban Service Areas. He stated that Agriculture Conservation Areas are mainly farms and forest uses and is the lowest overall density. Mr. Cobb stated this area is where you want Agriculture/Forestral districts. We have four of those districts. They are Middle River which is 8,503 acres, Crimora-Madrid which is 1,454 acres, Middlebrook which is 5,620 acres, and North River which is 5,192 acres. He stated that Rural Conservation Areas are moderate

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amounts of rural residential development as well as non-intensive agriculture and forestry activities. He stated that Community Development Areas include moderate amounts of rural residential, a limit to the expansion of public water and sewer, and small commercial areas to meet local needs.

Chairman Curry asked if the Comprehensive Plan was changed in 1994?

Mr. Cobb stated that the basic maps and plan both changed. He stated that we will be updating the Comprehensive Plan again. He stated that we are in negotiations with one company and are trying to get a contract with them.

Chairman Curry asked when will the revisions take place?

Mr. Cobb stated that they hope to start by the end of April and the revisions should take 13 months.

Mr. Cobb stated that the last district is the Urban Service Areas which has significant amounts of residential, large scale business and industry, and public water and sewer expansions. He stated that this is where we want development to occur in Augusta County. He stated that 60-70% of the development and rezonings occur in this area. He stated that in this district there are higher densities including three units per acre and 16 in multi-family areas.

Chairman Curry asked what the percentage was for development in the green areas?

Mr. Cobb stated that no density is setup for those areas. He stated that the green areas are setup for farming but there are some minor subdivision lots created in those areas.

Mr. Grove stated that there should be research done as to what percentage a minor subdivision has been created in the passed ten years.

Mr. Cobb stated that with the County's new GIS parcel mapping they should be able to do that. He stated that the GIS will show each policy area of the Comprehensive Plan, Zoning, etc. and we will be able to compile that type of information with the new GIS system. He stated that the Comprehensive Plan maps should be on the computer by the end of the month. He stated that the Zoning maps will be on the GIS in about two months. He stated that this has been a long process because we have developed our GIS system using deeds from the passed fifty years. He stated that there are over 30,000 parcels of land in Augusta County.

Chairman Curry asked if there was a report with the number of minor subdivision lots?

Mr. Cobb stated that the report is in the annual report and we also have copies for all of the committee members. He stated that there were approximately 200 lots created but not all of those were recorded. He stated that the other lots not recorded yet still have a couple more months to get the plats recorded.

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Mr. Shiflett asked how can thousands of lots be created in agriculture districts?

Mr. Cobb stated that in agriculture minimum lot size is one acre and you can create one lot per year. He stated that the number of minor subdivision lots have continued to come down through the years.

Mr. Cobb stated that the first Subdivision Ordinance was created in 1956. This Ordinance permitted you to create four lots in one year or six lots in two successive years. He stated lots five acres or larger did not count under the definition of a subdivision. He stated that the lots were sold that did not meet the Zoning Ordinance requirements. They may have not met the required road frontage, lot area, lot width, etc. He stated that people would purchase these lots and then find out they could not get a building permit because the lot did not meet the requirements.

Mr. Cobb stated that is why in 1983 the County changed the Ordinance to include minor subdivisions. He stated that minor subdivision plats require health department and highway department approval. The 1983 Ordinance permitted two lots per year to be created. He stated that there were some exemptions. Family member exception which are lots without road frontage was one of those exemptions. He stated that there is another exception to minor subdivisions which are lots larger than twenty acres.

Mr. Cobb stated that in 1995 the Subdivision Ordinance was changed to include one new lot created in agriculture zoned districts including family member exception, two lots per year in all other zoned districts, no acreage exempt, all lots count, and the new lots created could not be re-subdivided for five years.

Mr. Cobb stated that in General Agriculture one lot can be created for each parcel per calendar year. He stated in Exclusive Agriculture a lot can be created from each property owner per year if land is contiguous.

Mr. Cobb stated that in 2004 there were 197 minor subdivision plats approved in agriculture zoned districts. 159 of them were in General Agriculture and 38 in Exclusive Agriculture. There were a total of 161 boundary lines adjustments and 136 of those were in agriculture zoning. There were 106 in General Agriculture and 30 in Exclusive Agriculture. He stated that there are about fifty of these plats that are in limbo because they have not been recorded as of yet. He stated that a boundary line adjustment does not count towards the one per calendar year. Mr. Cobb showed the committee how you could take three lots with sixty acres and turn those into nine six acre lots within thirty days.

Mr. Bashaw stated that the state and the Board of Supervisors should restrict property owners from doing that.

Mr. Cobb stated that the state regulates streets, roads, etc. He stated that the state does not control how many lots get created per year. He stated that subdivision is controlled by the local government.

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Mr. Hewitt asked if the farmers or the realtors were dividing the land?

Mr. Cobb stated both.

Mr. Cobb stated that the boundary lines adjustments do not count as far as one lot per calendar year.

Mr. Cobb stated that many lots are created through family member exception.

Ms. Shiflett stated that the family member exception is one in a lifetime.

Mr. Cobb stated yes and that has slowed the process down. He stated that boundary line adjustments are used to make more lots.

Mr. Shiflett stated that you should not be able to subdivide when you are swapping land.

Mr. Bashaw asked where the houses were being built?

Mr. Cobb stated that he will hand out the Building Inspection Annual Report at the next meeting. There are between 400 and 500 new single family dwellings constructed in Augusta County each year. He stated that is the demand and developers will construct this number of dwellings in agriculture or residential districts. It is wherever they can get the lots.

Mr. Bashaw stated that they should look at outlawing building on farmland. He stated in Europe that is how they kept their farms.

Mr. Martin asked how would the area grow?

Mr. Bashaw stated that the development would only happen in the towns.

Ms. Shiflett stated that when considering a rezoning the Planning Commission looks at issues like Urban Services Areas, schools, and road capacity. She stated that Fishersville and Stuarts Draft are too crowded.

Mr. Shiflett stated that we need to protect agriculture. He stated that he is not against development but he does not want to see farm land developed.

Mr. Martin stated that some farmland should be rezoned if you can't farm on it.

Mr. Cobb stated that in 1995 the Board looked at the zoning maps and blocked out certain areas to be Exclusive Agriculture and General Agriculture. He stated that the County sent out cards but a lot of people did not respond. He stated there was less than a 10% response. He stated doing it that way was not the best approach and maybe they should have used soils to determine what land needed to be in each agriculture district.

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Ms. Frye stated all landowners received a card. She stated that on the card it described the difference between General Agriculture and Exclusive Agriculture. She stated that if the owners had a poultry house or dairy farm the land was labeled as Exclusive Agriculture.

Mr. Bashaw stated that the good ground for farming is where you should farm and the land that you cannot farm on is where a house should go.

Ms. Frye stated that you do not need to rezone property to have a subdivision.

Mr. Cobb stated that in Exclusive Agriculture you can subdivide one lot per year from each property owner. In General Agriculture you can subdivide one lot per calendar year off each parcel.

Ms. Frye stated that an 80 acre Exclusive Agriculture farm was turned into six lots in six months. She stated that the seller had two deeds. She stated that a boundary line adjustment was involved. She stated that one split was done in 2004 and one in 2005.

Mr. Cobb stated that there are ways to get around the Subdivision Ordinance and the surveyors know these ways.

Mr. Bowman stated that there should be a recording fee or surtax when lands exchange hands.

Mr. Cobb stated that the first Zoning Ordinance was adopted in 1947. The County completely redrafted their Zoning Ordinance in 1971 which is still the basic Ordinance we use today. He stated in 1971 95% of the land was zoned agriculture. He stated that during that time any type of business was allowed with a Special Use Permit in agriculture zoned districts. He stated that in 1995 two agriculture districts were created which were General Agriculture and Exclusive Agriculture. He stated Exclusive Agriculture was used mainly for farming. He stated that intensive agriculture facilities are encouraged to go in Exclusive Agriculture areas. He stated that in Exclusive Agriculture you are limited to the types of Special Use Permits you could apply for.

Mr. Cobb stated that in General Agriculture there are many Special Use Permits that property owners can apply for. He stated that in 1995 the Board of Supervisors adopted standards for Special Use Permits. This has slowed down the amount of permits applied for since 1995. He stated that before the standards there were 120 Special Use Permit in a year. He stated that since the standards went into place the amount of Special Use Permit applied for was 70 this passed year. He stated that in the Board of Zoning Appeals Annual Report there is a graph of the number of Special Use Permits. He stated that the Planning Commission is always encouraging the Board of Zoning Appeals to keep businesses in business zoned districts instead of in the agriculture districts.

Chairman Curry asked how many Special Use Permits were applied for in General Agriculture as opposed to Exclusive Agriculture?

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Mr. Cobb stated that most of the Special Use Permits are in General Agriculture. He stated that some of the Special Use Permits in Exclusive Agriculture are for second dwellings for family members.

Mr. Cobb stated that in Section 25-74 of the Zoning Ordinance there is a listing of the supported agricultural businesses which are slaughter houses, sawmills, livestock markets, grain storage and grain handling facilities, feed and fertilizer mills, agriculture machinery and equipment repair, and greenhouse, nursery and tree farms, and animal care facilities. He stated that there are a number of businesses that are required away from developed areas which are batching plants, Portland cement, junkyards, landing strips, bulk fuel, explosives, and quarries. He stated that there are carnivals, wireless communications facilities, and public accommodation facilities including bed and breakfasts where a Special Use Permit may be required. He stated that there are a number of limited businesses listed in the Zoning Ordinance.

Mr. Cobb stated that intensive agricultural operations are where concentrated numbers or agricultural animals are confined to a relatively small space. He stated that intensive agriculture is any enclosed field, range, pen or building where more than four (4) animal units are confined or housed for more than sixty (60) consecutive days. He stated that the setbacks are greater in these areas. He stated in General Agriculture the setbacks are one thousand feet (1000') from a non-agricultural district, and three hundred feet (300') from any property line or street right-of-way line. He stated that in Exclusive Agriculture the setbacks are five hundred feet (500') from a non-agricultural district, and one hundred feet (100') from any property line or street right-of-way line.

Mr. Shiflett asked if the setbacks for a residential area are the same?

Mr. Cobb stated that there are no reciprocal setbacks.

Mr. Shiflett stated that maybe that should be looked at.

Mr. Cobb stated that when property owners try to rezone they look at greater setbacks and ask that they proffer those setbacks.

Vice Chairman Schooley stated that Mint Spring Apartments is six feet from his property line.

Mr. Shiflett stated that when you have an intensive agriculture facility near a residential area he stated that you will get harassed.

Mr. Cobb stated that the Planning Commission and Board of Supervisors try not to rezone land next to intensive agriculture facilities.

Chairman Curry stated that staff has copies of the Planning Commission and Board of Zoning Appeals annual report as well as articles that Betty Jo Hamilton wanted to hand out to the committee.

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Chairman Curry stated that the next Agriculture Task Force meeting will be April 7<sup>th</sup>. He stated that at the next meeting representatives from Rockingham County will be here. He asked if Mr. Bowman would like to pass his articles out?

Mr. Bowman passed out various articles to the committee.

Chairman Curry stated that if any of the committee members would like to give their profiles to the newspapers to feel free.

Chairman Curry asked where the minutes are posted on the website?

Ms. Cardelicchio stated [www.co.augusta.va.us](http://www.co.augusta.va.us). She stated that you click on Departments, Community Development, and Agriculture Task Force.

Chairman Curry asked that the brainstorming notes be posted on the website as well.

Chairman Curry read Sandi Scannelli's letter that she wrote to the committee.

Chairman Curry stated that he will be going to a rural development forum tomorrow.

Ms. Shiflett stated that there is a new farm bureau report and the Secretary of Agriculture is on their side.

Ms. Frye stated that Larry Howdyshell got a ride for the Board meeting but he was not able to make it for this meeting.

There being no further business, the meeting was adjourned.

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Chairman