



Augusta County Board of Supervisors
Regular Meeting
Wednesday, May 24, 2023 – 7:00 PM
Government Center Main Board Room

PLEDGE OF ALLEGIANCE

INVOCATION - Public participation is optional; those who wish to join the Board of Supervisors in prayer are asked to remain standing after the Pledge.

PUBLIC HEARINGS:

1. **ORDINANCE AMENDMENT-SECTION 25-12 - SINGLE FAMILY DWELLINGS**
 - a. Consider an ordinance amendment to revise Section 25-12, item B to state that the size of a single-family dwelling is measured by calculating "the total floor area of each floor." The Planning Commission recommends approval.
Ordinance 25-12 package.pdf
2. **ORDINANCE AMENDMENT-SECTION 25-492 - PUBLIC USE OVERLAY DISTRICTS**
 - a. Consider an ordinance amendment which allows for "government or municipal animal shelters, with or without outdoor runs" as a permitted use within Public Use Overlay districts. The Planning Commission recommends approval.
Ordinance 25-492 Package.pdf
3. **AUGUSTA COUNTY BOARD OF SUPERVISORS PUBLIC USE OVERLAY**
 - a. Consider a request to add a Public Use Overlay for a government animal shelter with outdoor runs on approximately 20.195 acres owned by the Augusta County Board of Supervisors located at 1011 Lee Hwy in Verona in the North River District. The Planning Commission recommends approval.
Augusta County Board of Supervisors POU Animal Shelter Package.pdf
4. **NATIONAL DEVELOPERS OF VIRGINIA, LLC - REZONING**
DEFERRED TO MAY 24, 2023
 - a. Consider a request to rezone from Single Family Residential with proffers to General Agriculture with proffers approximately 14.276 acres owned by National Developers of Virginia, LLC and to amend the existing proffers associated with Phase 2 of the Shannon Lea Subdivision on the north side of Route 610 in Stuarts Draft in the South River District. The Planning Commission recommends denial.
National Developers, LLC Package.pdf
5. **DOMINION ENERGY EASEMENT**
 - a. Consider a request from Dominion Energy to grant power easement in order for DISH Network to gain access to a transformer on County property.
Donimion Energy Easement.pdf

****(END OF PUBLIC HEARINGS)****

6. **CONSENT AGENDA**

a. **MINUTES:**

Consider minutes from the following meeting:

- Budget Worksession, Monday, March 27, 2023

MINUTES BUDGET WORKSESSION 3-27-23.pdf

****(END OF CONSENT AGENDA)****

7. **MATTERS TO BE PRESENTED BY THE PUBLIC**

8. **MATTERS TO BE PRESENTED BY THE BOARD**

9. **MATTERS TO BE PRESENTED BY STAFF**

10. **ADJOURNMENT**



**COUNTY OF AUGUSTA
STAFF REPORT**

AGENDA SECTION: ORDINANCE AMENDMENT-SECTION 25-12 - SINGLE FAMILY DWELLINGS

DEPARTMENT: Planning and Community Development

STAFF MEMBER:

DATE OF REQUEST:

REQUESTED ACTION FOR THE BOARD OF SUPERVISORS:
Consider approval.

EXECUTIVE SUMMARY:

ATTACHMENTS:
[Ordinance 25-12 package.pdf](#)

**COUNTY OF AUGUSTA
STAFF REPORT
Ordinance Amendment
Chapter 25 Zoning, Division A. In General.
Article II. Provisions Applying to All Districts.
Section 25-12. Single-family dwellings.
May 9, 2023**

An ordinance to amend Chapter 25. Zoning. Division A. In General. Article II. Provisions Applying to All Districts. Section 25-12. Single-family dwellings. Item B.

REDLINED:

B. For purposes of this section, the size of a single-family dwelling shall be measured by calculating the ~~ground~~^{total} floor area of each floor from the external measurement of the surrounding exterior walls of the dwelling, excluding vent shafts, courts, unenclosed porches, garages, breezeways and other unheated areas. For purposes of this chapter, tongues and hitches shall not be included in the measurement of the length of mobile and manufactured homes.

**AN ORDINANCE TO AMEND
SECTION 25-12
OF THE AUGUSTA COUNTY CODE**

WHEREAS, the Augusta County Board of Supervisors has deemed it desirable to update the requirement for Section 25-12;

NOW THEREFORE be it resolved by the Board of Supervisors for Augusta County that Item B of Section 25-12 of the Augusta County Code is amended to read as follows:

B. For purposes of this section, the size of a single-family dwelling shall be measured by calculating the total floor area of each floor from the external measurement of the surrounding exterior walls of the dwelling, excluding vent shafts, courts, unenclosed porches, garages, breezeways and other unheated areas. For purposes of this chapter, tongues and hitches shall not be included in the measurement of the length of mobile and manufactured homes.

COUNTY ATTORNEYS' COMMENTS: The County Attorneys have reviewed and approved this language.

COMMUNITY DEVELOPMENT STAFF COMMENTS: Amendment revises item B. to state that the size of a single-family dwelling is measured by calculating "the total floor area of each floor." This amendment was requested by Community Development staff who noticed the inconsistency between the Code language and how square footage has been calculated historically.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission Recommended Approval of the changes to Section 25-12.

CHAPTER 25. ZONING.

DIVISION A. IN GENERAL.

Article II. Provisions Applying to All Districts.

§ 25-12. Single-family dwellings.

A. In all districts the minimum single-family dwelling size shall be nine hundred square feet (900 sq. ft.) unless:

1. In Agriculture Districts, an Administrative Permit is obtained, and in all other districts a Special Use Permit is obtained from the board of zoning appeals; or

2. A larger minimum size is required by proffered conditions approved by the board of supervisors pursuant to the provisions of applicable law with respect to conditional zoning; or

3. Specific district regulations permit smaller dwelling sizes.

B. For purposes of this section, the size of a single-family dwelling shall be measured by calculating the total floor area of each floor from the external measurement of the surrounding exterior walls of the dwelling, excluding vent shafts, courts, unenclosed porches, garages, breezeways and other unheated areas. For purposes of this chapter, tongues and hitches shall not be included in the measurement of the length of mobile and manufactured homes.

C. Manufactured and mobile homes, where permitted, shall be subject to development standards that are equivalent to those applicable to conventional, site-built single family dwellings within the same or equivalent zoning district.

D. Manufactured homes, as defined by this chapter, shall be allowed in agriculture zoned districts and shall not be allowed in other districts unless permitted by specific district regulations.

E. Mobile homes, as defined by this chapter, shall not be allowed unless permitted pursuant to specific district regulations.

State law reference--Virginia Code § 15.2-2290.



**COUNTY OF AUGUSTA
STAFF REPORT**

AGENDA SECTION: ORDINANCE AMENDMENT-SECTION 25-492 - PUBLIC USE OVERLAY DISTRICTS

DEPARTMENT: Planning and Community Development

STAFF MEMBER:

DATE OF REQUEST:

REQUESTED ACTION FOR THE BOARD OF SUPERVISORS:
Consider approval.

EXECUTIVE SUMMARY:

ATTACHMENTS:
[Ordinance 25-492 Package.pdf](#)

COUNTY OF AUGUSTA
STAFF REPORT
Ordinance Amendment
Chapter 25. Zoning. Division H. Overlay Districts.
Article XLIX. Public Use Overlay (PUO) Districts.
Section 25-492. Additional uses permitted within a Public Use Overlay District.
May 9, 2023

An ordinance to amend Chapter 25. Zoning. Division H. Overlay Districts. Article XLIX. Public Use Overlay (PUO) Districts. Section 25-492. Additional uses permitted within a Public Use Overlay District.

REDLINED:

In addition to the uses permitted in the underlying zoning district, one or more of the following uses are permitted in the Public Use Overlay District provided they are identified and proffered at the time of zoning:

- A. Government buildings and properties.
- B. Power plants, water treatment plants, sewage treatment plants, and water tanks.
- C. Active and passive recreational facilities.
- D. Schools.
- E. Jails, prisons and other detention facilities.
- F. Community centers and similar facilities.
- G. Police, rescue squad and fire stations.
- H. Dumps, sanitary landfills, inert materials disposal areas, hazardous waste storage or disposal areas, recycling centers, dumpster sites or solid waste transfer stations, incinerators, and other facilities for the collection, handling, storage and disposal of solid, liquid and gaseous materials.
- I. Carnivals, circuses, fairs, festivals, revivals, animal shows, exhibition and similar special events not permitted under § 25-21 of division A of this chapter.
- J. Meeting places and offices of civic clubs, fraternities, lodges and other organizations, excepting those the chief activity of which is a service customarily carried on as a business.
- K. Government or municipal animal shelters, with or without outdoor runs.

**AN ORDINANCE TO AMEND
SECTION 25-492
OF THE AUGUSTA COUNTY CODE**

WHEREAS, the Augusta County Board of Supervisors has deemed it desirable to update the requirement for Section 25-492;

NOW THEREFORE be it resolved by the Board of Supervisors for Augusta County that Section 25-492 of the Augusta County Code is amended to read as follows:

In addition to the uses permitted in the underlying zoning district, one or more of the following uses are permitted in the Public Use Overlay District provided they are identified and proffered at the time of zoning:

- A. Government buildings and properties.
- B. Power plants, water treatment plants, sewage treatment plants, and water tanks.
- C. Active and passive recreational facilities.
- D. Schools.
- E. Jails, prisons and other detention facilities.
- F. Community centers and similar facilities.
- G. Police, rescue squad and fire stations.
- H. Dumps, sanitary landfills, inert materials disposal areas, hazardous waste storage or disposal areas, recycling centers, dumpster sites or solid waste transfer stations, incinerators, and other facilities for the collection, handling, storage and disposal of solid, liquid and gaseous materials.
- I. Carnivals, circuses, fairs, festivals, revivals, animal shows, exhibition and similar special events not permitted under § 25-21 of division A of this chapter.
- J. Meeting places and offices of civic clubs, fraternities, lodges and other organizations, excepting those the chief activity of which is a service customarily carried on as a business.
- K. Government or municipal animal shelters, with or without outdoor runs.

COUNTY ATTORNEYS' COMMENTS: The County Attorneys have reviewed and approved this language.

COMMUNITY DEVELOPMENT STAFF COMMENTS: The amendment allows for “government or municipal animal shelters, with or without outdoor runs” as a permitted use within Public Use Overlay districts. In reviewing the County Code requirements for Public Use Overlays, staff find that government and municipal animal shelters fall under the category of a government facility or municipal building.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission recommended approval of the request allowing for municipal animal shelters with or without outdoor runs.

CHAPTER 25. ZONING.

DIVISION H. OVERLAY DISTRICTS.

Article XLIX. Public Use Overlay (PUO) Districts.

§ 25-491. Purposes.

A. It is recognized that in the interest of protecting and promoting the public health, safety and general welfare that certain public or institutional uses may be needed in any zoning classification.

B. Whatever the need for such public or institutional uses may be, it is appropriate that the decisions to locate such uses be made after the procedures, notices, hearing and actions normally associated with a rezoning.

C. The Public Use Overlay District is designed to expand the number of permitted uses which may be allowed in a given underlying district to include certain public and institutional uses, while at the same time imposing certain restrictions on such additional uses so as to make them more compatible with the properties and uses normally found within the underlying district.

§ 25-492. Additional uses permitted within a Public Use Overlay District.

In addition to the uses permitted in the underlying zoning district, one or more of the following uses are permitted in the Public Use Overlay District provided they are identified and proffered at the time of zoning:

- A. Government buildings and properties.
- B. Power plants, water treatment plants, sewage treatment plants, and water tanks.
- C. Active and passive recreational facilities.
- D. Schools.
- E. Jails, prisons and other detention facilities.
- F. Community centers and similar facilities.
- G. Police, rescue squad and fire stations.
- H. Dumps, sanitary landfills, inert materials disposal areas, hazardous waste storage or disposal areas, recycling centers, dumpster sites or solid waste transfer

stations, incinerators, and other facilities for the collection, handling, storage and disposal of solid, liquid and gaseous materials.

I. Carnivals, circuses, fairs, festivals, revivals, animal shows, exhibition and similar special events not permitted under § 25-21 of division A of this chapter.

J. Meeting places and offices of civic clubs, fraternities, lodges and other organizations, excepting those the chief activity of which is a service customarily carried on as a business.

K. Government or municipal animal shelters, with or without outdoor runs.

Sections 25-493 through 25-500 reserved.



**COUNTY OF AUGUSTA
STAFF REPORT**

**AGENDA SECTION: AUGUSTA COUNTY BOARD OF SUPERVISORS PUBLIC USE
OVERLAY**

DEPARTMENT:

STAFF MEMBER: Elizabeth Goodloe

DATE OF REQUEST:

REQUESTED ACTION FOR THE BOARD OF SUPERVISORS:
Consider.

EXECUTIVE SUMMARY:

ATTACHMENTS:

[Augusta County Board of Supervisors POU Animal Shelter Package.pdf](#)

**COUNTY OF AUGUSTA
STAFF REPORT
AUGUSTA COUNTY BOARD OF SUPERVISORS
Revised May 10, 2023**

SUMMARY OF REQUEST	A request to add a Public Use Overlay (PUO) for a government animal shelter with outdoor runs on approximately 20.195 acres (TMP 036C 1 1A, 036A 1 2, 036C 1 3, 036C 1 4, 036C 1 5, 036C 1 6, and 036C 1 7) owned by the Augusta County Board of Supervisors located at 1011 Lee Hwy in Verona in the North River Magisterial District. The property is located within an Urban Service Overlay District, in an Urban Service Area of the Comprehensive Plan, planned for Public Use. The proposed usage of the property is to add a Public Use Overlay over the current Single Family Residential (SF-10) zoning in order to relocate a government animal shelter.
REZONING NUMBER	23-10
CURRENT ZONING	Single Family Residential (SF-10)
VICINITY ZONING	Single Family Residential (SF-10) to the north, west, and east; Multi-Family Residential to the south and east.
CURRENT PROFFERS	Not Applicable
PROPOSED PROFFERS	Not Applicable
OVERLAY DISTRICTS	Public Use Overlay for a school and Urban Service Overlay District
COMPREHENSIVE PLAN PLANNING POLICY AREA / FUTURE LAND USE DESIGNATION	Urban Service Area/Public Use
SOILS	The parcel is not in land use.
SUMMARY OF STAFF RECOMMENDATION	Staff recommends approval of the request.

AGENCY COMMENTS

ENGINEER:

Environment Ordinance Considerations

This property drains to Middle River which is listed on the Virginia DEQ 2022 Impaired Waters List. This impaired segment extends from Moffett Creek downstream to its confluence with Christians Creek. The impaired use is recreation, the specific impairment is E. Coli. Likely sources are On-site Treatment Systems (Septic Systems and Similar Decentralized Systems), Wildlife Other than Waterfowl, Non-Point Source, Agriculture.

Additionally, the Augusta County Comprehensive Plan lists the Middle River – Falling Spring Run watershed as a Priority Watershed for Groundwater Protection due to the presence of karst features and the location of Source Water Assessment Program zones. While infiltration BMPs may not be advised due to the prevalence of karst, it is recommended that water quality treatment be provided onsite vs. purchasing offsite credits.

Given the nature of the proposed use (Animal Shelter), and that Middle River is impaired for E.Coli, the applicant is encouraged to provide water quality treatment onsite for any outside animal areas. Indoor runs should drain to sanitary sewer.

Overlay Ordinance Considerations

This property lies within of the Urban Service Overlay District (USO) and is therefore subject to the limitations on access to public streets contained in that ordinance. Additional entrances onto US 11 are not likely to meet the standards.

This property lies outside of the Source Water Protection Overlay (SWPO), Airport Overlay District (APO), and Floodplain Overlay (FPO) Districts.

Subdivision Ordinance Considerations

§21-9.1 Subsection B of the County Subdivision Ordinance addresses street layout and access to adjacent property. Development is required to connect to existing or planned streets and must also provide for access to adjacent property that is located with areas designated in the Comprehensive Plan as Urban Service or Community Development Areas. This property is substantially developed, but can easily provide at least pedestrian interconnections to properties developed and planned for Multi Family and Single Family Residential as they develop.

ZONING ADMINISTRATOR: If the public use overlay is added to allow a government animal shelter the adjoining multi-family and Single Family residential zoned properties may be negatively impacted by noise from barking dogs, traffic and lights. Staff would recommend a privacy fence be constructed or some other form of buffer be provided to help mitigate these impacts.

A site plan meeting the requirements of **Section 25-673** is required prior to any development or change of use.

All outdoor lighting must meet the requirement of Article VI "Outdoor Lighting".

BUILDING OFFICIAL: Building Inspection has no issues with this request.

HEALTH DEPARTMENT: The Health Department has no comment on this request.

AUGUSTA WATER:

1. Water and sewer capacities are not reserved until system adequacy is determined (supply, treatment, transmission) and payment of the connection fees has been received in accordance with Augusta Water Policy. Augusta Water Policies and Procedures can be found at <http://www.acsawater.com/oppm>.
2. Any engineering evaluations and upgrades or extensions would be the responsibility of the owner/developer and are subject to Augusta Water review and approval.
3. Investigation of available fire flow is recommended to ensure that the system is capable of providing the needed fire flow to comply with Chapter 24 of the Augusta County Code requirements for the proposed use of the property. Any upgrades or extensions would be the responsibility of the owner/developer and are subject to Augusta Water review and approval.
4. There is an existing 8" waterline along the front portion of the properties and another 8" line located in the southwest corner of TM # 36C-(1)-7. Note that these water mains are in different pressure zones. The buildings at 1011 Lee Highway are connected to Augusta Water's water & sewer systems (3" meter – not in use currently). Service to the buildings is provided off of the lower pressure zone. The existing water meter is likely oversized and should be evaluated against the proposed use. If fixtures are being added/removed as part of the change of use, a Meter Sizing form must be submitted to the Augusta Water Engineering Department for evaluation. If the meter size needs to change, some cost may apply and the billing rate may change in accordance with Augusta Water's published Rate Schedule. It is also recommended that the applicant review the potential fire system demands for the proposed use against the available flow in this area. Augusta Water Engineering Staff are available to meet upon request to review potential domestic and fire system demands.
5. There is an existing 8" sewer line running through TM # 36C-(1)-2.

AUGUSTA COUNTY FIRE-RESCUE:

- Adequate fire flow must be available in compliance with § 24-2 of the Augusta County Code.
- At site plan stage, the Fire-Rescue Chief or his authorized representative may make additional comments.

Overall, Fire-Rescue sees little to no impact on service delivery from this request. Fire-Rescue has no further comment at this time.

TRAFFIC: Rte. 11 (Lee Hwy)

- AADT: 7,500 (2021)
- Speed Limit: 55 MPH
- K-factor: 0.105, Dir. Factor: 0.541
- Funct. Class.: Minor Arterial

VIRGINIA DEPARTMENT OF TRANSPORTATION:

1. The requested rezoning would not warrant a Chapter 527 Traffic Impact Analysis.
2. The parcel is served by an existing commercial entrance on Rte. 11 (Lee Hwy). The entrance is adequate for the proposed use; however, if the site has a change in ownership and/or if the site redevelops, the entrance may require modifications.
3. The access road that previously served the old Verona Elementary School is still designated as an Institutional Street as state route 9914 (0.15 miles). The process should be started to have this road abandoned as an Institutional Street since the school is no longer in service.

SCHOOL BOARD STAFF COMMENTS: The request for a change of approximately 20.195 acres from Single Family Residential (SF-10) for public use overlay to add a PUO to allow the relocation of the existing government animal shelter would have no impact on these three (3) schools.

The table below indicates the enrollment as of April 21, 2023.

School	Enrollment	Capacity
Clymore Elem (CLES)	783	834
Stewart Middle (SMS)	502	720
Fort Defiance (FDHS)	710	900

PLANNING STAFF COMMENTS:

Pros:

1. The property is located in an Urban Service Area where the County seeks to encourage future growth. NOTE: the request would not change the current zoning of Single Family Residential (SF-10). This would add the proposed government animal shelter with outdoor runs as a permitted use as part of the Public Use Overlay district.
2. This request is in compliance with the Comprehensive Plan Future Land Use Map, which designates the property for Public Use.
3. Adaptive reuse of vacant buildings is encouraged by the Comprehensive Plan.
4. This property was previously used as an elementary school with a larger staff, indicating that the existing entrance, parking, and transportation network capacity should be adequate for the proposed use.
5. Compared to the current facility in Lyndhurst, more outdoor play yards and indoor space could be provided at this location, which would allow shelter staff to more efficiently serve the public.
6. The property is located approximately three (3) miles away from the Augusta County Government Center along US-11/Lee Highway, making this a convenient location for a government facility.
7. Public water and sewer are available to serve the proposed use.

Issues:

1. Adjacent residential properties on Theresa Circle could be negatively impacted by noise. To mitigate this impact, the applicant has located the outdoor animal areas in the center of the facility to the greatest extent possible, as shown on the concept plan. In addition, the topography of the site, with the proposed animal shelter elevated above the residential units, should provide natural buffering.

If additional buffering is determined to be necessary, landscaping and/or the provision of an opaque privacy fence (rather than chain-link) along the southern property line could further mitigate potential adverse impacts.

2. The size of the existing water meter should be evaluated against the proposed use. Please see Augusta Water comments for additional information.

3. The potential fire system demands for the proposed use should be reviewed against the available fire flow in this area.
4. The applicant is encouraged to provide water quality treatment onsite for any outside animal areas, and to have indoor runs drain to sanitary sewer. Please see Engineering comments for additional information.

Other Notes:

1. *Community Engagement.* As required, an advertisement was published in the newspaper for two consecutive weeks before the scheduled Planning Commission public hearing and signage was posted on the property. A notice of public hearing was posted on the County website and staff notified adjacent property owners via a mailing.
2. *Comprehensive Plan.* The proposed rezoning meets the following goals and policies of the Augusta County Comprehensive Plan:
 - a. *General Government, Goal 1, Objective C, Policy 1:* Where appropriate, centralize facilities for the purposes of economy and efficiency. Since there is only one animal shelter for the Staunton-Augusta-Waynesboro region, this facility should be located in a central location.
 - b. *Land Use and Development, Goal 1, Objective D, Policy 3:* Locate public facilities to provide convenient vehicle access.
 - c. *Land Use and Development, Goal 1, Objective A, Policy 3:* Encourage carefully designed development on vacant or under-used infill parcels.
 - d. *Land Use and Development, Goal 1, Objective D, Policy 4:* Existing cultural features and structures should provide the framework for the development of any site.
 - e. *Economy, Goal 4, Objective A, Policy 4:* Encourage the use and adaptive reuse of existing and vacant buildings.

RECOMMENDATION

The applicant seeks to relocate the existing Shenandoah Valley Animal Services Center (SVASC) to the currently-vacant Verona Elementary School property. Adaptive reuse of vacant buildings is encouraged by several goals in the Comprehensive Plan. This proposed relocation will also improve service delivery for the regional animal shelter by allowing for the provision of additional staff working areas and public-facing spaces. Finally, the proposed site is located on a major road near the Augusta County Government Center, making it a centralized and convenient location for a regional public facility.

For the reasons above, **staff recommend approval** of the requested Public Use Overlay addition.

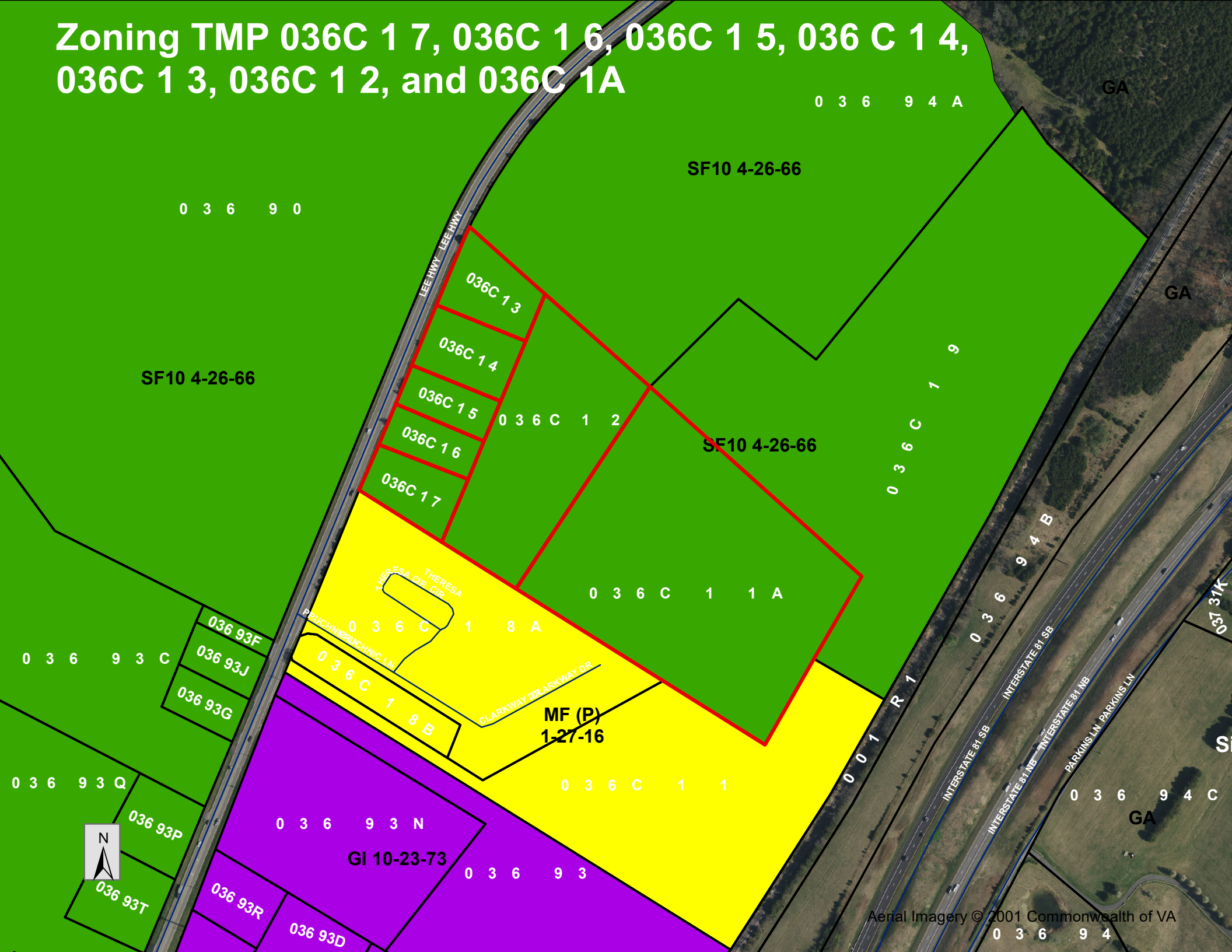
PLANNING COMMISSION RECOMMENDATION

The Planning Commission recommended approval of the request with the addition of a 300' opaque fence on the southern end, adjacent to the apartments, along with the planting of trees for noise mitigation. The Planning Commission also recommended that if the fence and trees were not sufficient to mitigate the noise issue then the request would need to come back to the Planning Commission in order come up with a solution that will work to keep the noise away from the neighbors. (This is not a proffer condition.)

Aerial TMP 036C 1 7, 036C 1 6, 036C 1 5, 036 C 1 4, 036C 1 3, 036C 1 2, and 036C 1A



Zoning TMP 036C 1 7, 036C 1 6, 036C 1 5, 036 C 1 4, 036C 1 3, 036C 1 2, and 036C 1A





Concept Plan for Rezoning Request

April 10, 2023

VES EXISTING CONDITIONS

SCALE: $\frac{1}{16}" = 1'-0"$

TOTAL GROSS SQUARE FOOTAGE: 39,156 GSF

COLOR KEY

The 'CLASSROOM' slider is positioned between 'PRIVATE' and 'PUBLIC', with the label 'CLASSROOM' centered above it. The 'ADMINISTRATION/SUPPORT' slider is positioned between 'PRIVATE' and 'PUBLIC', with the label 'ADMINISTRATION/SUPPORT' centered above it.

Dog Intanke, isolation
and dog stray hold

CLASSROOM POD 2

4,055 GSF

Cat Intanke, isolation and cat stray hold

CLASSROOM POD 1

4,055 GSF

Perimeter will be enclosed by security fence.
There will be an outside area for farm animals.
There will be several outdoor dog play areas.
4 to 5 Inside/outside dog runs are being considered in dog adoption.

Dog play yard

Dog play yard and Livestock area as needed

CLASSROOM POD
5,114 GSF

CLASSROOM POD
5,114 GSF

Dog Adoption

Dog Adoption

Future

Future

ADMINISTRATION AND SUPPORT

10,590 GSF

Administration Medical Laundry, Etc.

Indoor/Outdoor Dog Runs

CLASSROOM 945 S.F. CLASS 9
5,114 GSF
Cat Adoption

Future

Future

CLASSROOM POD 5

CLASSROOM POD 6

5,114 GSF

05/24/23

ORDINANCE

A REQUEST TO ADD A PUBLIC USE OVERLAY (PUO) FOR A GOVERNMENT ANIMAL SHELTER WITH OUTDOOR RUNS ON APPROXIMATELY 20.195 ACRES (TMP 036C 1 1A, 036A 1 2, 036C 1 3, 036C 1 4, 036C 1 5, 036C 1 6, AND 036C 1 7) OWNED BY THE AUGUSTA COUNTY BOARD OF SUPERVISORS LOCATED AT 1011 LEE HWY IN VERONA IN THE NORTH RIVER MAGISTERIAL DISTRICT.

AN ORDINANCE to amend Chapter 25 “Zoning” of the Code of Augusta County, Virginia.

WHEREAS, application has been made to the Board of Supervisors to amend the Augusta County Zoning Maps,

WHEREAS, the Augusta County Planning Commission, after a public hearing, has made their recommendation to the Board of Supervisors,

WHEREAS, the Board of Supervisors has conducted a public hearing,

WHEREAS, both the Commission and Board public hearings have been properly advertised and all public notice as required by the Zoning Ordinance and the Code of Virginia properly completed,

WHEREAS, the Board of Supervisors has considered the application and record, the Planning Commission recommendation and the comments presented at the public hearing,

WHEREAS, the Board of Supervisors has determined that the public necessity, convenience, general welfare, and good zoning practice requires such amendment;

NOW THEREFORE BE IT ORDAINED, by the Board of Supervisors that the Augusta County Zoning Maps be amended as follows:

The zoning on tax map and parcel numbers **036C 1 1A, 036A 1 2, 036C 1 3, 036C 1 4, 036C 1 5, 036C 1 6, and 036C 1 7**, containing a total of approximately 20.195 acres -be rezoned from Single Family Residential to Single Family Residential with a Public Use Overlay for a government animal shelter



**COUNTY OF AUGUSTA
STAFF REPORT**

**AGENDA SECTION: NATIONAL DEVELOPERS OF VIRGINIA, LLC - REZONING
DEFERRED TO MAY 24, 2023**

DEPARTMENT:

STAFF MEMBER:

DATE OF REQUEST:

REQUESTED ACTION FOR THE BOARD OF SUPERVISORS:
Consider approval.

EXECUTIVE SUMMARY:

ATTACHMENTS:
[National Developers, LLC Package.pdf](#)

COUNTY OF AUGUSTA
STAFF REPORT
National Developers of Virginia, LLC
Board of Supervisors May 24, 2023
Revised May 10, 2023

SUMMARY OF REQUEST	A request to rezone from Single Family Residential with proffers to General Agriculture with proffers approximately 14.276 acres (TMP 084 77 portion) owned by National Developers of Virginia, LLC and to amend the existing proffers associated with the Shannon Lea Subdivision on the north side of Route 610 in Stuarts Draft in the South River Magisterial District. The property is located in a Community Development Area of the Comprehensive Plan, planned for Low Density Residential.
REZONING NUMBER	23-3
CURRENT ZONING	Single Family Residential
VICINITY ZONING	Single Family Residential zoning to the north and west. General Agriculture zoning to the east and south.
CURRENT PROFFERS	1. The developer will dedicate up to 35' of right-of-way to VDOT from the existing centerline of Route 610. 2. There will be no more than one street connection on to Route 610 and no lots will have direct access to Route 610. 3. All buildings will setback from Kennedy Creek at least fifty feet (50'). 4. The minimum lot size for single family dwellings will be one (1) acre. 5. No more than 82 single family dwelling lots will be created out of the 112-acre tract. 6. The minimum square footage for single family homes built on the 112 acres shall be 2500 square feet of above ground living space. 7. All lots will be served by public water. 8. 3' concrete sidewalks on both sides of the streets shall be built by the developer during the road construction process and maintained by the Homeowners or Property Owners Association. 9. Ten (10) acres of open space will be created as part of this subdivision and deeded to the

	Homeowners or Property Owners Association. A Homeowners or Property Owners Association will be established to permanently maintain the open space and amenities in the subdivision, as well as the entrance area next to Howardsville Turnpike and running northwest to the end of Shannon Lea Boulevard.
PROPOSED PROFFERS (Submitted by applicant on 4/25/2023)	1. The developer will dedicate up to 35' of right-of-way to VDOT from the existing centerline of Route 610 along the approximately 101.3 feet of road frontage on the eastern portion of parcel 084 77, located to the east of parcel 084H 2 88B. 2. Approximately 14.3 acres that were originally a separate tract be removed from Shannon Lea at Kennedy Creek project and rezoned back to general agricultural. Access to the approximately 43.067 acres, will be through Shannon Lea Blvd. On the 14.3 acres, there shall be only one direct access to Route 610, which is the entrance that has been approved by VDOT on May 30, 2019. The minimum lot size for single family dwellings will be one (1) acre. 3. The minimum lot size for single-family dwellings will be one (1) acre. 4. The minimum square footage for single-family dwellings built on the remaining single-family residential portion of tax map 084 77 shall be 2,500 square feet of above-ground living space. 5. All lots will be served by public water. 6. The developer will grant a 20' easement to the Augusta County Service Authority along the west and back (portion) property lines of TMP 84H-(1)-14 to allow for a possible future waterline loop to the adjacent Hamptons at Kennedy Creek Subdivision. There will be no charge to Augusta County by National Developers for this easement. However, Augusta County will be responsible for its own costs to survey and record. 7. 5' concrete sidewalks on the east side of Alexander Court, also on the North side of

	Jaspers Lane to connect to the sidewalk at 184 Jaspers Lane. 8. All lots zoned single-family residential that are part of the 43.067 will become members of Shannon Lea at Kennedy Creek Homeowners Association. 9. No livestock, poultry, or swine will be permitted on the 43 acres that is zoned family residential and is part of Shannon Lee at Kennedy Creek property. 10. The 14.3 acres will be restricted from intensive agricultural uses such as an operating poultry farm, feedlot, swine operation, or slaughterhouse. This property will be required to comply with the Augusta County Ordinances, Section 25-4 that define animal units and the quantity of such based on the number of acres. One animal unit per acre shall be permitted on the 14.3-acre parcel. Property restricted from holding more than five (5) adult pigs and fifty (50) adult chickens. All animal units, pigs, and chickens shall be fenced, and all pigs shall be set back at least 200 feet from all exterior boundaries of the 14.3-acre parcel that adjoins any residentially zoned property.
OVERLAY DISTRICTS	N/A
COMPREHENSIVE PLAN PLANNING POLICY AREA / FUTURE LAND USE DESIGNATION	Community Development Area/Low Density Residential
SOILS	The parcel is not in land use; therefore, information on soils is not readily available.
SUMMARY OF STAFF RECOMMENDATION	Staff recommends denial of the request as presented.
SUMMARY OF PLANNING COMMISSION RECOMMENDATION	The Planning Commission unanimously recommends denial of the rezoning and proffer amendment requests. *Note- Applicant has since submitted revised proffers that address some of the Planning Commission's concerns.

AGENCY COMMENTS

ENGINEER:

Environment Ordinance Considerations

Amending the proffer to install sidewalk on only one side of the street should be a net positive impact from a stormwater perspective. Downzoning a portion of the property to General Agriculture could also be a net positive, depending on the future agricultural use.

The applicant is advised to contact the U.S. Army Corps of Engineers and the Virginia Department of Environmental Quality for any requirements related to proposed work in wetland areas or adjacent to any streams.

This property drains to Kennedy Creek and South River which are listed on the Virginia DEQ 2022 Impaired Waters List. For Kennedy Creek, the impaired segment extends from the headwaters downstream to its confluence with Coles Run. The impaired use is aquatic life, the specific impairment is pH. The source is atmospheric deposition - acidity. For South River, the impaired segment extends from its confluence with Stony Run downstream to its confluence with the Back Creek. The impaired use is recreation, the specific impairment is E. coli. The sources of the impairment are: On-site Treatment Systems (Septic Systems and Similar Decentralized Systems), Wildlife Other than Waterfowl, Non-Point Source, Livestock (Grazing or Feeding Operations), and Agriculture. Numerous TMDLs have been approved for this segment for each of the impairments and must be considered by the applicant.

Additionally, the Augusta County Comprehensive Plan lists the South River – Canada Run watershed as a Priority Watershed for Groundwater Protection due to the presence of karst features and the location of Source Water Assessment Program zones. While infiltration BMPs may not be advised due to the prevalence of karst, it is recommended that water quality treatment be provided onsite vs. purchasing offsite credits.

Overlay Ordinance Considerations

This property lies outside of the Source Water Protection Overlay (SWPO), Airport Overlay District (APO), Floodplain Overlay (FPO) Ordinance and Urban Service Overlay Districts (USO).

Subdivision Ordinance Considerations

§21-9.1 Subsection B of the County Subdivision Ordinance addresses street layout and access to adjacent property. Development is required to connect to existing or planned streets and must also provide for access to adjacent property that is located with areas designated in the Comprehensive Plan as Urban

Service or Community Development Areas. If the eastern portion of the site is downzoned to Agriculture, a connection to the subdivision street will still be required to accommodate any Single Family uses.

ZONING ADMINISTRATOR: Amending the proffer to complete a sidewalk on one side of the street should not have a negative impact on the existing residential development. However, rezoning the back portion of the property to General Agriculture could have a negative impact to the existing Single Family Residential zoned properties due to noise, dust, and odor associated with agricultural operations and Special Use Permits that could be obtained for business uses such as motor vehicle repair, or dog kennels.

AUGUSTA COUNTY SERVICE AUTHORITY:

1. Water and sewer capacities are not reserved until system adequacy is determined (supply, treatment, transmission) and payment of the connection fees has been received in accordance with Service Authority Policy. Augusta County Service Authority Policies and Procedures can be found at <http://www.acsawater.com/oppm>.
2. Any engineering evaluations and upgrades or extensions would be the responsibility of the owner/developer and are subject to Service Authority review and approval.
3. Investigation of available fire flow is recommended to ensure that the system is capable of providing the needed fire flow to comply with Chapter 24 of the Augusta County Code requirements for the proposed use of the property. Any upgrades or extensions would be the responsibility of the owner/developer and are subject to Service Authority review and approval.
4. There is an existing 12" waterline along Howardsville Turnpike across from the subject parcel. There is an existing 8" waterline along Shannon Lee Boulevard along the west side property line. There is an existing 8" waterline along Jaspers Lane ending in a cul-de-sac at the northwest portion of the subject parcel.
5. There is no public sewer available in the area of the subject parcel.
6. If the proposed subdivision project is being scaled back, the Service Authority requests that the developer grant an easement along the west and back (portion) property lines of Tax map 84H-(1)-14 to allow for a possible future waterline loop to the adjacent Hamptons At Kennedy Creek Subdivision to help with maintaining water quality. The Service Authority would cover all costs associated with the development of easement documents and recording.

AUGUSTA COUNTY FIRE-RESCUE: Fire-Rescue sees little to no impact on service delivery from this request. Fire-Rescue has no further comment.

Traffic Data: Rte. 610 (Howardsville Tpke)

- AADT: 1700 (2021)
- Speed Limit: 45 MPH
- K-factor: 0.101, Dir. Factor: 0.502
- Funct. Class.: Major Collector

VIRGINIA DEPARTMENT OF TRANSPORTATION:

1. The proposed rezoning would not warrant a Chapter 527 Traffic Impact Analysis (TIA).
2. Any entrance must be designed and constructed in accordance with VDOT requirements in Appendix F of the Road Design Manual.
 - VDOT understands that the current proffered conditions on the property indicate that access to this portion of the property would be by internal subdivision streets. It may not be appropriate for Agriculture traffic to utilize internal streets, so VDOT evaluated the frontage along Howardsville Turnpike (Rte. 610) for potential entrance locations. If the lot is created as a stand-alone agriculture parcel without conditions, a field access or private entrance would be permitted at the best location available. In evaluating the site, it was determined that the frontage could support an entrance that meets stopping sight distance, but not intersection sight distance. Therefore, the use of the parcel would be limited by an entrance that can only serve 50 or fewer vehicle trips per day.

SCHOOL BOARD STAFF: The request for approximately 14.276 acres changing from Single Family Residential to General Agriculture will have no significant impact on these three (3) schools.

The table below indicates the enrollment as of May 8, 2023

School	Enrollment	Capacity
Stump Elem (SES)	452	456
Stuarts Draft Middle (SDMS)	495	960
Stuart Draft High (SDHS)	691	940

PLANNING STAFF COMMENTS:

REZONING REQUEST of 14.276 acres from Single-Family Residential with Proffers to General Agriculture with Proffers

PROS:

1. Request is compatible with adjacent General Agriculture zoning to the east and south.

CONS:

1. Request is not in compliance with the Comprehensive Plan Future Land Use Map which designates the property for Low Density Residential Development.
2. Request is not compatible with existing residential zoning and development within Shannon Lea.
3. Rezoning a portion of the lot back to General Agriculture has the potential to allow other agricultural uses permitted by Special Use Permit to occur immediately adjacent to the residential subdivision. While, proffers have been submitted to mitigate this potential impact, the applicant has not addressed other intensive uses, such as, dog kennels or motor vehicle shops, to name a few of the uses allowed in General Agricultural zoned areas.

PROFFERS TO AMEND on the 43.067 acres of undeveloped Single-Family Lots

Summary of Proffers Amended

The applicant submitted revised proffers after the Planning Commission recommended denial of the request. The Planning Commission stated concerns with the original proffers submitted not being consistent throughout the subdivision and Homeowners Association, and the potential undo adverse impacts rezoning back to agricultural would have with the agricultural uses on the property directly adjacent to the Shannon Lea subdivision.

Of the amended proffers, proffers 1-6 remain the same as well as proffers 8 and 9. Staff will note that while proffer 4 keeps the minimum square footage for each single-family dwelling built on phase 2 to a minimum of 2,500 square feet, the applicant has taken out the total number of dwellings that will be built on the 112-acre subdivision, and does not specify a number of dwellings that will be built. Proffer 7 states that a 5' concrete sidewalks will be constructed on the east side of Alexander Court, also on the North side of Jaspers Lane to connect to the

sidewalk at 184 Jaspers Lane. This would allow for the applicant to construct only one side of the sidewalk. Staff notes the net positive one sidewalk versus two would have on stormwater, but staff also have concerns with the sidewalks not being consistent with Phase 1.

Proffer 10 addresses some of the concerns the Planning Commission had for rezoning approximately 14 acres of TMP 084 77 back to agriculture by restricting intensive agriculture uses and limiting the number of animal units, pigs, and chickens allowed on the parcel, with setback for adult pigs to protect the neighboring subdivision from any adverse impacts. General Agriculture zoning does permit many uses as by right, but the proffers to do not address other agriculture uses that could have significant impact on the subdivision.

PROS:

1. The applicant has submitted revised proffers, taking into consideration the Planning Commission's recommendations and concerns with the request.
2. Having one side walk in Phase 2 would decrease impervious surfaces from Phase 1 by two feet (2') resulting in a net positive impact from a stormwater perspective.

CONS

1. While the proffers address staff concerns for intensive agriculture uses, other agriculture uses that could be a nuisance the adjacent residential subdivision has not been addressed.
2. Staff has concerns with the proffers being amended for Phase 2 not being consistent with Phase 1 of the subdivision.
3. Looking back at previous requests and minutes for this parcel, staff have concerns that the amenities and the layout or design of the subdivision has not been fulfilled by the applicant.

ISSUES THAT NEED TO BE ADDRESSED PRIOR TO DEVELOPMENT:

1. How will the applicant mitigate any and all adverse impact that that may occur having agriculture uses directly adjacent to the single-family residential zoning and development?
2. In 2014, a similar request was brought to staff. At that time, significant issues were noted regarding the streets and other checklist items from VDOT, the Augusta County Service Authority, and the Augusta County Community Development Office. The eligible streets have since been

accepted by VDOT, but as-builts are still needed of the sidewalks that have been constructed and other checklist items may remain incomplete.

OTHER NOTES:

1. *Community Engagement.* As required by state law, an advertisement was published in the newspaper for two consecutive weeks before the scheduled Board of Supervisors public hearing and signage was posted on the property. A notice of public hearing was posted on the County website, and staff also notified adjacent property owners via a mailing.
2. *Comprehensive Plan.* The proposed rezoning meets the following goals and policies of the Augusta County Comprehensive Plan:
 - a. Housing, Goal 1, Objective A, Policy 3, “High Value” Housing: By maintaining the 2,500 sq. ft. minimum, this request is in line with the Comprehensive Plan’s goal to encourage the development of “high value” housing that is efficient, durable, close to amenities, and easily maintained.
3. *Comprehensive Plan.* The proposed rezoning does not meet the following goals and policies of the Augusta County Comprehensive Plan:
 - a. Land Use, Goal 1: Encourage a compact, orderly, and coordinated development pattern in Community Development Areas. This goal reflects one of the County’s vision for compact, interconnected pattern of new development to create overall mobility for pedestrians and to improve the overall quality of life in neighborhoods. Based on the opinions and reactions of the residents of the subdivision of Shannon Lea, the applicant has not met this goal in improving the quality of life in neighborhoods that the County sees as a priority.

RECOMMENDATION

The proposed rezoning of approximately 14.276 acres to General Agriculture is **not in compliance with the Comprehensive Plan Future Land Use Map, which designates the area for Low Density Residential.** The request does however compliment the surrounding agriculture to the east and south. While permitted agricultural uses would be limited by the submitted proffers, this rezoning still has the potential to allow certain agricultural uses to occur immediately adjacent to the residential subdivision, which could have a negative impact on residents’ homes and property values. Staff see the necessity to protect the residential development to the west from all unforeseen undo adverse impacts.

Therefore, staff recommends denial of rezoning 14.276 from Single Family Residential to General Agriculture and proffers.

Staff has been working with Mr. Raike since the early 2000s on this and similar requests. Since 2014, it has been the opinion of staff that **any rezoning or proffer change should apply to the entire subdivision and not just a portion** of the subdivision. At this point, all of the property owners that own dwellings in the subdivision would be affected by the results of this application. Changing the proffers on one phase of the subdivision will impact all property owners in the subdivision, including those who have already invested in the development with certain expectations. If the applicant would like to resubmit proffers for Phase 1 and 2 of the Shannon Lea subdivision to be reevaluated at a later date, he may do so. Staff recommend the applicant have the support of the Home Owners Association (HOA) of Shannon Lea at Kennedy Creek.

In review, staff recommends denial of the rezoning request for the approximately 14.276 acres from Single Family residential with proffers to General Agriculture with proffers. Staff also recommends denial of the additional amendments to proffers for Phase 2, and recommend the applicant coming back to the Planning Commission and Board of Supervisors to address proffers for Phase 1 and 2 of the Shannon Lea subdivision at Kennedy Creek, and recommend the applicant have support from the HOA to amend the proffers.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission unanimously recommends denial of the requested rezoning and proffer change, for the following reasons:

- Concerns about proffers not being consistent throughout the subdivision and Homeowners Association,
- Concerns about agricultural uses being incompatible with the adjacent single-family residential development, and
- The rezoning request not being in compliance with the Comprehensive Plan Future Land Use Map.

DEFERRAL REQUEST BY APPLICANT

After the Planning Commission public hearing, which was held on March 14th, 2023, the applicant requested a 60-day deferral of the public hearing of the Board of Supervisors. **The public hearing before the Board of Supervisors has been deferred to May 24th, 2023.**

Aerial TMP 084.77



Rezone approx.
14.276 acres from
Single-Family Residential
to General Agriculture



Zoning TMP 08477

~~SF (P) 6-24-98~~

SF (P)
12-10-14

2-10-14

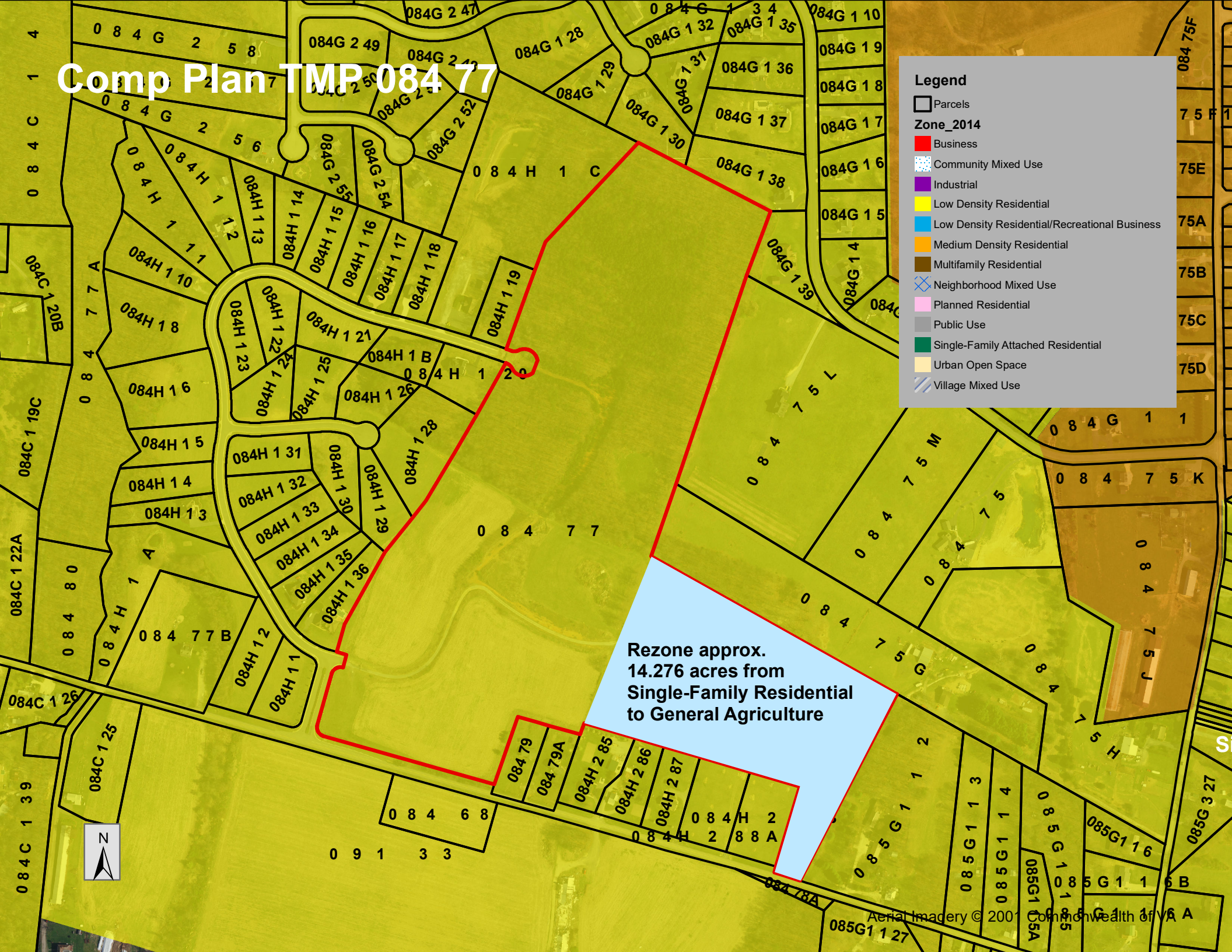
**Rezone approx.
14.276 acres from
Single-Family Residential
to General Agriculture**

SF (P)
10-27-04

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Comp Plan TMP 084.77



**Rezone approx.
14.276 acres from
Single-Family Residential
to General Agriculture**

Aerial Imagery © 2001 Commonwealth of VA

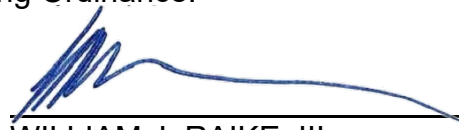
PROFFERS

A REQUEST TO AMEND AND RESTATE PROFFERS ON TAX MAP 084 PARCEL 77, APPROXIMATELY 57.367 ACRES, OWNED BY NATIONAL DEVELOPERS OF VIRGINIA, LLC, AS FOLLOWS:

1. The developer will dedicate up to 35' of right-of-way to VDOT from the existing centerline of Route 610 along the approximately 101.3 feet of road frontage on the eastern portion of parcel 084 77, located to the east of parcel 084H 2 88B.
2. Approximately 14.3 acres that were originally a separate tract be removed from Shannon Lea at Kennedy Creek project and rezoned back to general agricultural. Access to the approximately 43.067 acres, will be through Shannon Lea Blvd. On the 14.3 acres, there shall be only one direct access to Route 610, which is the entrance that has been approved by VDOT on May 30, 2019.
3. The minimum lot size for single-family dwellings will be one (1) acre.
4. The minimum square footage for single-family dwellings built on the remaining single-family residential portion of tax map 084 77 shall be 2,500 square feet of above-ground living space.
5. All lots will be served by public water.
6. The developer will grant a 20' easement to the Augusta County Service Authority along the west and back (portion) property lines of TMP 84H-(1)-14 to allow for a possible future waterline loop to the adjacent Hamptons at Kennedy Creek Subdivision. There will be no charge to Augusta County by National Developers for this easement. However, Augusta County will be responsible for its own costs to survey and record.
7. 5' concrete sidewalks on the east side of Alexander Court, also on the North side of Jaspers Lane to connect to the sidewalk at 184 Jaspers Lane.
8. All lots zoned single-family residential that are part of the 43.067 will become members of Shannon Lea at Kennedy Creek Homeowners Association.
9. No livestock, poultry, or swine will be permitted on the 43 acres that are zoned family residential and are part of Shannon Lea at Kennedy Creek property.
10. The 14.3 acres will be restricted from intensive agricultural uses such as an operating poultry farm, feedlot, swine operation, or slaughterhouse. This property will be required to comply with the Augusta County Ordinances, Section 25-4 that define animal units and the quantity of such based on the number of acres. One animal unit per acre shall be permitted on the 14.3-acre parcel. Property restricted from holding more than five (5) adult pigs and fifty (50) adult chickens. All animal units, pigs, and chickens shall be fenced, and all pigs shall be set back at least 200 feet from all exterior boundaries of the 14.3-acre parcel that adjoins any residentially zoned property.

It is understood that should these proffers be approved; they will be treated as part of the district regulations governing the property and may not be changed unless a new rezoning request is approved by the Board of Supervisors. I have read and understand Article LX entitled "Conditional Zoning" of the Zoning Ordinance.

DATE: 04/25/2023



WILLIAM J. RAIKE, III
MANAGER

ORDINANCE

A request to rezone from Single Family Residential with proffers to General Agriculture with proffers approximately 14.276 acres (TMP 084 77, portion) owned by National Developers of Virginia, LLC in the Shannon Lea Subdivision on the north side of Route 610 in Stuarts Draft in the South River Magisterial District.

AN ORDINANCE to amend Chapter 25 "Zoning" of the Code of Augusta County, Virginia.

WHEREAS, application has been made to the Board of Supervisors to amend the Augusta County Zoning Maps,

WHEREAS, the Augusta County Planning Commission, after a public hearing, has made their recommendation to the Board of Supervisors,

WHEREAS, the Board of Supervisors has conducted a public hearing,

WHEREAS, both the Commission and Board public hearings have been properly advertised and all public notice as required by the Zoning Ordinance and the Code of Virginia properly completed,

WHEREAS, the Board of Supervisors has considered the application and record, the Planning Commission recommendation and the comments presented at the public hearing,

WHEREAS, the Board of Supervisors has determined that the public necessity, convenience, general welfare, and good zoning practice requires such amendment;

NOW THEREFORE BE IT ORDAINED, by the Board of Supervisors that the Augusta County Zoning Maps be amended as follows:

The zoning for the following Tax map and parcel number: 084 77 portion containing approximately 14.276 acres be changed from Single Family Residential with proffers to General Agriculture with the following proffers:

1. The developer will dedicate up to 35' of right-of-way to VDOT from the existing centerline of Route 610 along the approximately 101.3 feet of road frontage on the eastern portion of parcel 084 77, located to the east of parcel 084H 2 88B.
2. Approximately 14.3 acres that were originally a separate tract be removed from Shannon Lea at Kennedy Creek project and rezoned back to general agricultural. Access to the approximately 43.067 acres, will be through Shannon Lea Blvd. On the 14.3 acres, there shall be only one direct access to Route 610, which is the entrance that has been approved by VDOT on May 30, 2019. The minimum lot size for single family dwellings will be one (1) acre.
3. The minimum lot size for single-family dwellings will be one (1) acre.
4. The minimum square footage for single-family dwellings built on the remaining single-family residential portion of tax map 084 77 shall be 2,500 square feet of above-ground living space.
5. All lots will be served by public water.

6. The developer will grant a 20' easement to the Augusta County Service Authority along the west and back (portion) property lines of TMP 84H-(1)-14 to allow for a possible future waterline loop to the adjacent Hamptons at Kennedy Creek Subdivision. There will be no charge to Augusta County by National Developers for this easement. However, Augusta County will be responsible for its own costs to survey and record.
7. 5' concrete sidewalks on the east side of Alexander Court, also on the North side of Jaspers Lane to connect to the sidewalk at 184 Jaspers Lane.
8. All lots zoned single-family residential that are part of the 43.067 will become members of Shannon Lea at Kennedy Creek Homeowners Association.
9. No livestock, poultry, or swine will be permitted on the 43 acres that is zoned family residential and is part of Shannon Lee at Kennedy Creek property.
10. The 14.3 acres will be restricted from intensive agricultural uses such as an operating poultry farm, feedlot, swine operation, or slaughterhouse. This property will be required to comply with the Augusta County Ordinances, Section 25-4 that define animal units and the quantity of such based on the number of acres. One animal unit per acre shall be permitted on the 14.3-acre parcel. Property restricted from holding more than five (5) adult pigs and fifty (50) adult chickens. All animal units, pigs, and chickens shall be fenced, and all pigs shall be set back at least 200 feet from all exterior boundaries of the 14.3-acre parcel that adjoins any residentially zoned property.



**COUNTY OF AUGUSTA
STAFF REPORT**

AGENDA SECTION: DOMINION ENERGY EASEMENT

DEPARTMENT:

STAFF MEMBER:

DATE OF REQUEST:

REQUESTED ACTION FOR THE BOARD OF SUPERVISORS:

Consider

EXECUTIVE SUMMARY:

ATTACHMENTS:

[Donimion Energy Easement.pdf](#)



Right of Way Agreement

THIS RIGHT OF WAY AGREEMENT, is made and entered into as of this _____ day of _____, 2023, by and between COUNTY OF AUGUSTA, Lessor, and DISH WIRELESS, LLC., a Nevada Limited Liability Company, Lessee, who joins in the execution of this agreement to evident their consent thereto, ("GRANTOR") and VIRGINIA ELECTRIC AND POWER COMPANY, a Virginia public service corporation, doing business in Virginia as Dominion Energy Virginia, with its principal office in Richmond, Virginia ("GRANTEE").

WITNESSETH:

1. That for and in consideration of the mutual covenants and agreements herein contained and other good and valuable consideration, the receipt and sufficiency whereof is hereby acknowledged, **GRANTOR** grants and conveys unto **GRANTEE**, its successors and assigns, the perpetual right, privilege and non-exclusive easement over, under, through, upon, ~~above~~ and across the property described herein, for the purpose of transmitting and distributing electric power by one or more circuits; for its own internal telephone and other internal communication purposes directly related to or incidental to the generation, distribution, and transmission of electricity; ~~for fiber optic cables, wires, attachments, and other transmission facilities, and all equipment, accessories and appurtenances desirable in connection therewith, for the purpose of transmitting voice, text, data, internet services, and other communications services, including the wires and attachments of third parties; and for lighting purposes;~~ including but not limited to the rights:

1.1 to lay, construct, operate and maintain one or more lines of underground conduits and cables including, without limitation, ~~one or more lighting supports and lighting fixtures~~ as **GRANTEE** may from time to time determine, and all wires, conduits, cables, transformers, transformer enclosures, concrete pads, manholes, handholes, connection boxes, accessories and appurtenances desirable in connection therewith; the width of said non-exclusive easement shall extend fifteen (15) feet in width across the lands of **GRANTOR**; and

2. The easement granted herein shall extend across the lands of **GRANTOR** situated in Augusta County, Virginia, as more fully described on Plat(s) Numbered 82-22-0067, attached to and made a part of this Right of Way Agreement; the location of the boundaries of said easement being shown in broken lines on said Plat(s), reference being made thereto for a more particular description thereof.

3. All facilities constructed hereunder shall remain the property of **GRANTEE**. **GRANTEE** shall have the right to inspect, reconstruct, remove, repair, improve, relocate on and within the easement area, ~~including but not limited to the airspace above the property controlled by GRANTOR~~, and make such changes, alterations, substitutions, additions to or extensions of its facilities as **GRANTEE** may from time to time deem advisable.

This Document Prepared by Virginia Electric and Power Company and should be returned to: Dominion Energy Virginia, 1719 Hydraulic Road, Charlottesville, VA 22901 .

"County shall not grant any other easement without the prior written consent of Grantee which approval shall not be unreasonably withheld".

Initials: _____

(Page 1 of 6 Pages)

DEVID No(s). 82-22-0067

Tax Map No. 046A2-1-1

Form No. 728493-1 (Dec 2021)
© 2022 Dominion Energy



Right of Way Agreement

4. **GRANTEE** shall have the right to keep the easement clear of all buildings, structures, trees, roots, undergrowth and other obstructions which would interfere with its exercise of the rights granted hereunder, including, without limitation, the right to trim, top, retrim, retop, cut and keep clear any trees or brush inside and outside the boundaries of the easement that may endanger the safe and proper operation of its facilities. All trees and limbs cut by **GRANTEE** shall remain the property of **GRANTOR**.

5. For the purpose of exercising the right granted herein, **GRANTEE** shall have the right of ingress to and egress from this easement over such private roads as may now or hereafter exist on the property of **GRANTOR**. The right, however, is reserved to **GRANTOR** to shift, relocate, close or abandon such private roads at any time. If there are no public or private roads reasonably convenient to the easement, **GRANTEE** shall have such right of ingress and egress over the lands of **GRANTOR** adjacent to the easement. **GRANTEE** shall exercise such rights in such manner as shall occasion the least practicable damage and inconvenience to **GRANTOR**.

6. **GRANTEE** shall repair damage to roads, fences, or other improvements (a) inside the boundaries of the easement (subject, however, to **GRANTEE**'s rights set forth in Paragraph 4 of this Right of Way Agreement) and (b) outside the boundaries of the easement and shall repair or pay **GRANTOR**, at **GRANTEE**'s option, for other damage done to **GRANTOR**'s property inside the boundaries of the easement (subject, however, to **GRANTEE**'s rights set forth in Paragraph 4 of this Right of Way Agreement) and outside the boundaries of the easement caused by **GRANTEE** in the process of the construction, inspection, and maintenance of **GRANTEE**'s facilities, or in the exercise of its right of ingress and egress; provided **GRANTOR** gives written notice thereof to **GRANTEE** within sixty (60) days after such damage occurs.

7. **GRANTOR**, its successors and assigns, may use the easement for any reasonable purpose not inconsistent with the rights hereby granted, provided such use does not interfere with **GRANTEE**'s exercise of any of its rights hereunder. **GRANTOR** shall not have the right to construct any building, structure, or other above ground obstruction on the easement; provided, however, **GRANTOR** may construct on the easement fences, landscaping (subject, however, to **GRANTEE**'s rights in Paragraph 4 of this Right of Way Agreement), paving, sidewalks, curbing, gutters, street signs, and below ground obstructions as long as said fences, landscaping, paving, sidewalks, curbing, gutters, street signs, and below ground obstructions do not interfere with **GRANTEE**'s exercise of any of its rights granted hereunder. In the event such use does interfere with **GRANTEE**'s exercise of any of its rights granted hereunder, **GRANTEE** may, in its reasonable discretion, relocate such facilities as may be practicable to a new site designated by **GRANTOR** and acceptable to **GRANTEE**. In the event any such facilities are so relocated, **GRANTOR** shall reimburse **GRANTEE** for the cost thereof and convey to **GRANTEE** an equivalent easement at the new site.

8. **GRANTEE'S** right to assign or transfer its rights, privileges and easements, as granted herein, shall be strictly limited to the assignment or transfer of such rights, privileges and easements to any business which lawfully assumes any or all of **GRANTEE'S** obligations as a public service company or such other obligations as may be related to or incidental to **GRANTEE'S** stated business purpose as a public service company; and any such business to which such rights, privileges and easements may be assigned shall be bound by all of the terms, conditions and restrictions set forth herein.

9. If there is an Exhibit A attached hereto, then the easement granted hereby shall additionally be subject to all terms and conditions contained therein provided said Exhibit A is executed by **GRANTOR** contemporaneously herewith and is recorded with and as a part of this Right of Way Agreement.

10. Whenever the context of this Right of Way Agreement so requires, the singular number shall mean the plural and the plural the singular.

Initials: _____

(Page 2 of 6 Pages)

DEVID No(s). 82-22-0067

Form No. 728493-1 (Dec 2021)

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Right of Way Agreement

11. **GRANTOR** covenants that it is seised of and has the right to convey this easement and the rights and privileges granted hereunder; that **GRANTEE** shall have quiet and peaceable possession, use and enjoyment of the aforesaid easement, rights and privileges; and that **GRANTOR** shall execute such further assurances thereof as may be reasonably required.

12. The individual executing this Right of Way Agreement on behalf of **GRANTOR** warrants that they have been duly authorized to execute this easement on behalf of said County.

NOTICE TO LANDOWNER: You are conveying rights to a public service corporation. A public service corporation may have the right to obtain some or all these rights through exercise of eminent domain. To the extent that any of the rights being conveyed are not subject to eminent domain, you have the right to choose not to convey those rights and you could not be compelled to do so. You have the right to negotiate compensation for any rights that you are voluntarily conveying.

IN WITNESS WHEREOF, GRANTOR has caused its name to be signed hereto by authorized officer or agent, described below, on the date first above written.

APPROVED AS TO FORM:

COUNTY OF AUGUSTA

By:

(Name)

(Title)

Title:

State of

, to-wit:

County of

I, _____, a Notary Public in and for the State of _____

at Large, do hereby certify that this day personally appeared before me

in my jurisdiction aforesaid _____

(Name of officer or agent)

(Title of officer or agent)

on behalf of _____ Augusta County, Virginia, whose name is

signed to the foregoing writing dated this _____ day of _____, 20____, and
acknowledged the same before me.

Given under my hand _____, 20____

Notary Public (Print Name)

Notary Public (Signature)

Virginia Notary Reg. No. _____

My Commission Expires: _____

(Page 3 of 6 Pages)

ROW No(s) 82-22-0067

(Notary Seal Here)



Right of Way Agreement

11. **GRANTOR** covenants that:

- (a) it is a limited liability company validly organized and existing under the laws of the state of Nevada;
- (b) it is in full compliance with all applicable requirements relating to its organization, its continued existence, and its authority to operate under the laws of its state of organization and in the Commonwealth of Virginia;
- (c) it is seised of and has all power and authority requisite to owning and operating its assets as referred to in this Right of Way Agreement and to carrying on its business as now conducted and as currently proposed to be conducted;
- (d) it has the authority to enter into, execute and deliver this Right of Way Agreement to **GRANTEE** and to incur and perform its obligations hereunder and execution of this Right of Way Agreement is not prohibited, nullified, voided or otherwise invalidated by the current Operating Agreement or other documents of the LLC;
- (e) delivery and recordation of this Right of Way Agreement will entitle **GRANTEE** to quiet and peaceable possession, use and enjoyment of that easement, rights and privileges;
- (f) It will execute such further assurances thereof as reasonably may be required.

NOTICE TO LANDOWNER: You are conveying rights to a public service corporation. A public service corporation may have the right to obtain some or all of these rights through exercise of eminent domain. To the extent that any of the rights being conveyed are not subject to eminent domain, you have the right to choose not to convey those rights and you could not be compelled to do so. You have the right to negotiate compensation for any rights that you are voluntarily conveying.

(Page 4 of 6 Pages)

DEVID No(s). 82-22-0067

Form No. 721559-1 (Oct 2021)

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Right of Way Agreement

IN WITNESS WHEREOF, GRANTOR has caused its name to be signed hereto by its duly authorized agent on the date first above written.

Dish Wireless, LLC
A Limited Liability Company

By: _____
(Signature)

Name (Print): _____

Title (Print): _____

State of _____

City/County of _____

The foregoing instrument was acknowledged before me In Person, Remote

Notarization, on this _____ day of _____, _____,

by _____, who is the _____,
(Name of Signatory) (Title)

of Dish Wireless, LLC
(Name of Limited Liability Company)

on behalf of the limited liability company.

Notary Public (Print Name)

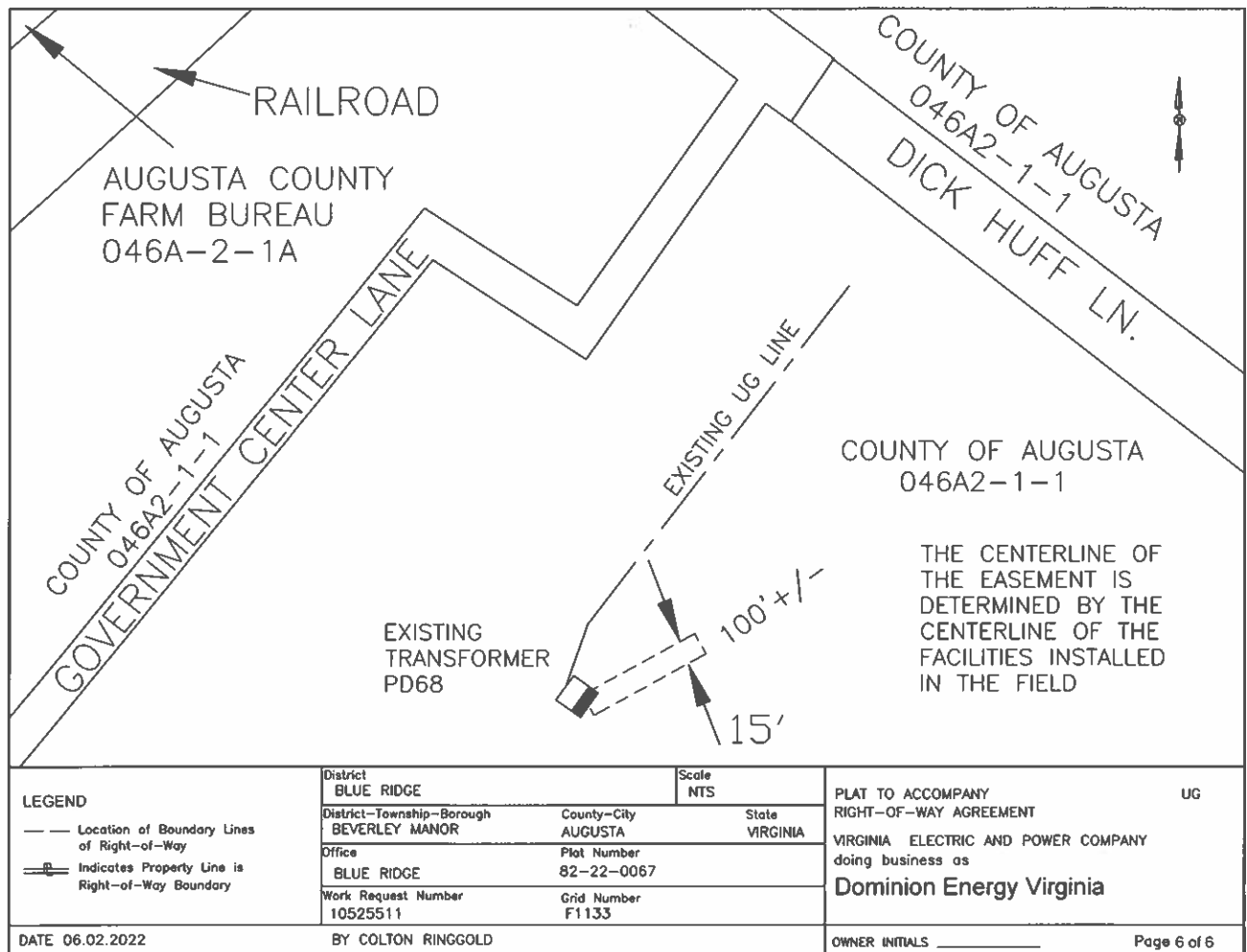
Notary Public (Signature)

Notary Registration No. _____ My commission expires: _____

(Page 5 of 6 Pages)

DEVID No(s). 82-22-0067

(Affix Notary Seal Above Line)







Right of Way Agreement

THIS RIGHT OF WAY AGREEMENT, is made and entered into as of this _____ day of _____, 2023, by and between COUNTY OF AUGUSTA, Lessor, and DISH WIRELESS, LLC., a Nevada Limited Liability Company, Lessee, who joins in the execution of this agreement to evident their consent thereto, ("**GRANTOR**") and VIRGINIA ELECTRIC AND POWER COMPANY, a Virginia public service corporation, doing business in Virginia as Dominion Energy Virginia, with its principal office in Richmond, Virginia ("**GRANTEE**").

WITNESSETH:

1. That for and in consideration of the mutual covenants and agreements herein contained and other good and valuable consideration, the receipt and sufficiency whereof is hereby acknowledged, **GRANTOR** grants and conveys unto **GRANTEE**, its successors and assigns, the perpetual right, privilege and non-exclusive easement over, under, through, upon, ~~above~~ and across the property described herein, for the purpose of transmitting and distributing electric power by one or more circuits; for its own internal telephone and other internal communication purposes directly related to or incidental to the generation, distribution, and transmission of electricity; ~~for fiber optic cables, wires, attachments, and other transmission facilities, and all equipment, accessories and appurtenances desirable in connection therewith, for the purpose of transmitting voice, text, data, internet services, and other communications services, including the wires and attachments of third parties; and for lighting purposes; including but not limited to the rights:~~

1.1 to lay, construct, operate and maintain one or more lines of underground conduits and cables including, without limitation, ~~one or more lighting supports and lighting fixtures~~ as **GRANTEE** may from time to time determine, and all wires, conduits, cables, transformers, transformer enclosures, concrete pads, manholes, handholes, connection boxes, accessories and appurtenances desirable in connection therewith; the width of said non-exclusive easement shall extend fifteen (15) feet in width across the lands of **GRANTOR**; and

2. The easement granted herein shall extend across the lands of **GRANTOR** situated in Augusta County, Virginia, as more fully described on Plat(s) Numbered 82-22-0067, attached to and made a part of this Right of Way Agreement; the location of the boundaries of said easement being shown in broken lines on said Plat(s), reference being made thereto for a more particular description thereof.

3. All facilities constructed hereunder shall remain the property of **GRANTEE**. **GRANTEE** shall have the right to inspect, reconstruct, remove, repair, improve, relocate on and within the easement area, ~~including but not limited to the airspace above the property controlled by GRANTOR~~, and make such changes, alterations, substitutions, additions to or extensions of its facilities as **GRANTEE** may from time to time deem advisable.

This Document Prepared by Virginia Electric and Power Company and should be returned to: Dominion Energy Virginia, 1719 Hydraulic Road, Charlottesville, VA 22901 .

"County shall not grant any other easement without the prior written consent of Grantee which approval shall not be unreasonably withheld".

Initials: _____

(Page 1 of 6 Pages)
DEVID No(s). 82-22-0067
Tax Map No. 046A2-1-1

Form No. 728493-1 (Dec 2021)
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Right of Way Agreement

4. **GRANTEE** shall have the right to keep the easement clear of all buildings, structures, trees, roots, undergrowth and other obstructions which would interfere with its exercise of the rights granted hereunder, including, without limitation, the right to trim, top, retrim, retop, cut and keep clear any trees or brush inside and outside the boundaries of the easement that may endanger the safe and proper operation of its facilities. All trees and limbs cut by **GRANTEE** shall remain the property of **GRANTOR**.

5. For the purpose of exercising the right granted herein, **GRANTEE** shall have the right of ingress to and egress from this easement over such private roads as may now or hereafter exist on the property of **GRANTOR**. The right, however, is reserved to **GRANTOR** to shift, relocate, close or abandon such private roads at any time. If there are no public or private roads reasonably convenient to the easement, **GRANTEE** shall have such right of ingress and egress over the lands of **GRANTOR** adjacent to the easement. **GRANTEE** shall exercise such rights in such manner as shall occasion the least practicable damage and inconvenience to **GRANTOR**.

6. **GRANTEE** shall repair damage to roads, fences, or other improvements (a) inside the boundaries of the easement (subject, however, to **GRANTEE**'s rights set forth in Paragraph 4 of this Right of Way Agreement) and (b) outside the boundaries of the easement and shall repair or pay **GRANTOR**, at **GRANTEE**'s option, for other damage done to **GRANTOR**'s property inside the boundaries of the easement (subject, however, to **GRANTEE**'s rights set forth in Paragraph 4 of this Right of Way Agreement) and outside the boundaries of the easement caused by **GRANTEE** in the process of the construction, inspection, and maintenance of **GRANTEE**'s facilities, or in the exercise of its right of ingress and egress; provided **GRANTOR** gives written notice thereof to **GRANTEE** within sixty (60) days after such damage occurs.

7. **GRANTOR**, its successors and assigns, may use the easement for any reasonable purpose not inconsistent with the rights hereby granted, provided such use does not interfere with **GRANTEE**'s exercise of any of its rights hereunder. **GRANTOR** shall not have the right to construct any building, structure, or other above ground obstruction on the easement; provided, however, **GRANTOR** may construct on the easement fences, landscaping (subject, however, to **GRANTEE**'s rights in Paragraph 4 of this Right of Way Agreement), paving, sidewalks, curbing, gutters, street signs, and below ground obstructions as long as said fences, landscaping, paving, sidewalks, curbing, gutters, street signs, and below ground obstructions do not interfere with **GRANTEE**'s exercise of any of its rights granted hereunder. In the event such use does interfere with **GRANTEE**'s exercise of any of its rights granted hereunder, **GRANTEE** may, in its reasonable discretion, relocate such facilities as may be practicable to a new site designated by **GRANTOR** and acceptable to **GRANTEE**. In the event any such facilities are so relocated, **GRANTOR** shall reimburse **GRANTEE** for the cost thereof and convey to **GRANTEE** an equivalent easement at the new site.

8. **GRANTEE'S** right to assign or transfer its rights, privileges and easements, as granted herein, shall be strictly limited to the assignment or transfer of such rights, privileges and easements to any business which lawfully assumes any or all of **GRANTEE'S** obligations as a public service company or such other obligations as may be related to or incidental to **GRANTEE'S** stated business purpose as a public service company; and any such business to which such rights, privileges and easements may be assigned shall be bound by all of the terms, conditions and restrictions set forth herein.

9. If there is an Exhibit A attached hereto, then the easement granted hereby shall additionally be subject to all terms and conditions contained therein provided said Exhibit A is executed by **GRANTOR** contemporaneously herewith and is recorded with and as a part of this Right of Way Agreement.

10. Whenever the context of this Right of Way Agreement so requires, the singular number shall mean the plural and the plural the singular.

Initials: _____

(Page 2 of 6 Pages)

DEVID No(s). 82-22-0067

Form No. 728493-1 (Dec 2021)

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Right of Way Agreement

11. **GRANTOR** covenants that it is seised of and has the right to convey this easement and the rights and privileges granted hereunder; that **GRANTEE** shall have quiet and peaceable possession, use and enjoyment of the aforesaid easement, rights and privileges; and that **GRANTOR** shall execute such further assurances thereof as may be reasonably required.

12. The individual executing this Right of Way Agreement on behalf of **GRANTOR** warrants that they have been duly authorized to execute this easement on behalf of said County.

NOTICE TO LANDOWNER: You are conveying rights to a public service corporation. A public service corporation may have the right to obtain some or all these rights through exercise of eminent domain. To the extent that any of the rights being conveyed are not subject to eminent domain, you have the right to choose not to convey those rights and you could not be compelled to do so. You have the right to negotiate compensation for any rights that you are voluntarily conveying.

IN WITNESS WHEREOF, GRANTOR has caused its name to be signed hereto by authorized officer or agent, described below, on the date first above written.

APPROVED AS TO FORM:

COUNTY OF AUGUSTA

By:

(Name)

(Title)

Title:

State of

County of

, to-wit:

I, _____, a Notary Public in and for the State of _____

at Large, do hereby certify that this day personally appeared before me

in my jurisdiction aforesaid

(Name of officer or agent)

(Title of officer or agent)

on behalf of _____ Augusta _____ County, Virginia, whose name is

signed to the foregoing writing dated this _____ day of _____, 20____, and
acknowledged the same before me.

Given under my hand _____, 20____

Notary Public (Print Name)

Notary Public (Signature)

Virginia Notary Reg. No. _____

My Commission Expires: _____

(Page 3 of 6 Pages)

ROW No(s) 82-22-0067

(Notary Seal Here)



Right of Way Agreement

11. **GRANTOR** covenants that:

- (a) it is a limited liability company validly organized and existing under the laws of the state of Nevada ;
- (b) it is in full compliance with all applicable requirements relating to its organization, its continued existence, and its authority to operate under the laws of its state of organization and in the Commonwealth of Virginia;
- (c) it is seised of and has all power and authority requisite to owning and operating its assets as referred to in this Right of Way Agreement and to carrying on its business as now conducted and as currently proposed to be conducted;
- (d) it has the authority to enter into, execute and deliver this Right of Way Agreement to **GRANTEE** and to incur and perform its obligations hereunder and execution of this Right of Way Agreement is not prohibited, nullified, voided or otherwise invalidated by the current Operating Agreement or other documents of the LLC;
- (e) delivery and recordation of this Right of Way Agreement will entitle **GRANTEE** to quiet and peaceable possession, use and enjoyment of that easement, rights and privileges;
- (f) It will execute such further assurances thereof as reasonably may be required.

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(Page 4 of 6 Pages)

DEVID No(s). 82-22-0067

Form No. 721559-1 (Oct 2021)

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Right of Way Agreement

IN WITNESS WHEREOF, GRANTOR has caused its name to be signed hereto by its duly authorized agent on the date first above written.

Dish Wireless, LLC
A Limited Liability Company

By: _____
(Signature)

Name (Print): _____

Title (Print): _____

State of _____

City/County of _____

The foregoing instrument was acknowledged before me ☐ In Person, ☐ Remote

Notarization, on this _____ day of _____, _____,

by _____, who is the _____,
(Name of Signatory) (Title)

of Dish Wireless, LLC
(Name of Limited Liability Company)

on behalf of the limited liability company.

Notary Public (Print Name)

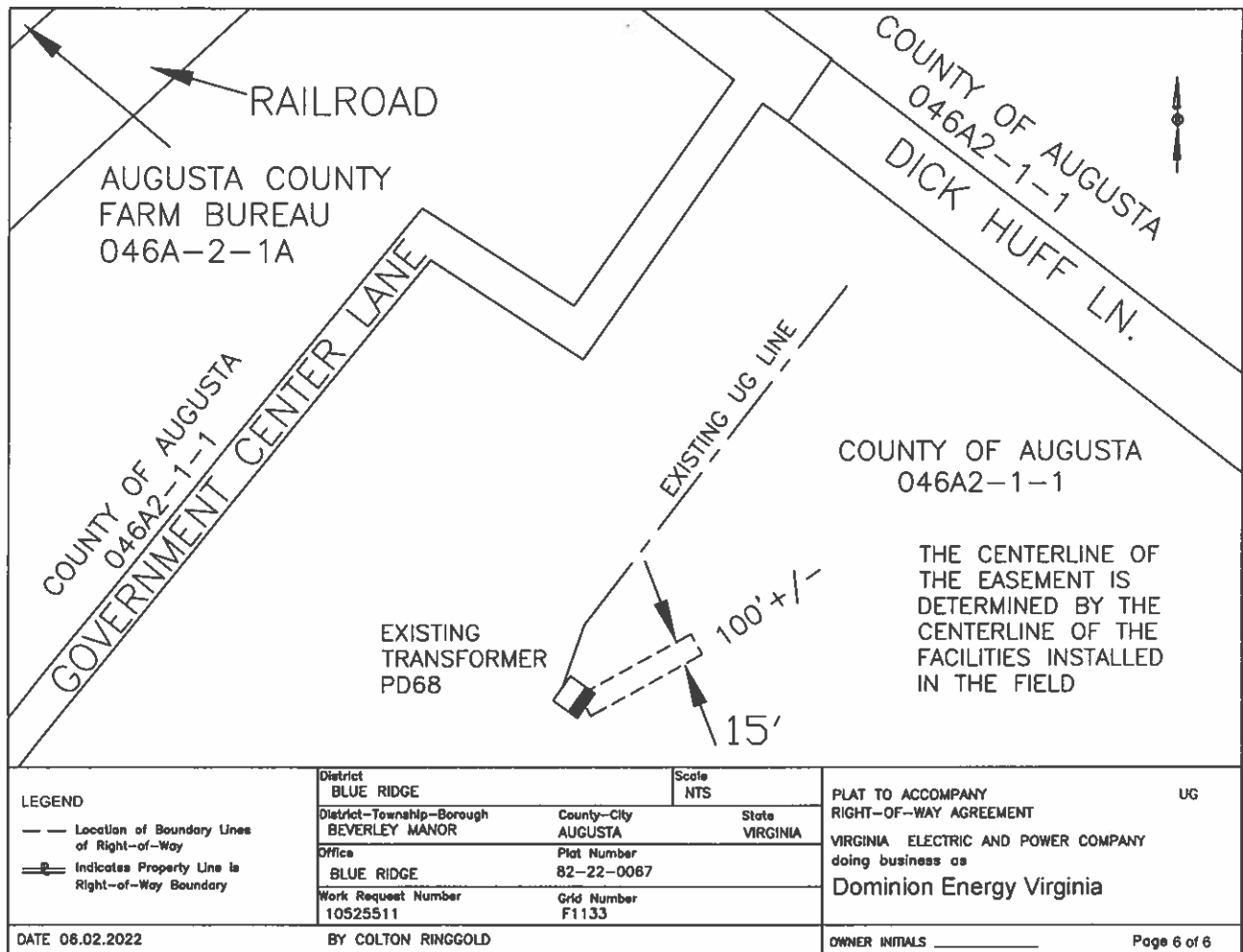
Notary Public (Signature)

Notary Registration No. _____ My commission expires: _____

(Page 5 of 6 Pages)

DEVID No(s). 82-22-0067

(Affix Notary Seal Above Line)





**COUNTY OF AUGUSTA
STAFF REPORT**

AGENDA SECTION: CONSENT AGENDA

DEPARTMENT: Administrator's Office

STAFF MEMBER:

DATE OF REQUEST:

REQUESTED ACTION FOR THE BOARD OF SUPERVISORS:
Consider

EXECUTIVE SUMMARY:

ATTACHMENTS:
[MINUTES BUDGET WORKSESSION 3-27-23.pdf](#)

Budget Work Session Meeting, Monday, March 27, 2023, 8:30 a.m., Government Center, Verona, VA.

PRESENT: Michael Shull, Chairman
Jeffrey Slaven, Vice-Chairman
Butch Wells
Gerald Garber
Pam Carter
Scott Seaton
Timothy K. Fitzgerald, County Administrator
Jennifer M. Whetzel, Deputy County Administrator
Misty Cook, Finance Director

VIRGINIA: At Budget Work Session Meeting of the Augusta County Board of Supervisors held on Monday, March 27, 2023, at 8:30 a.m., at the Government Center, Verona, Virginia, and in the 247th year of the Commonwealth....

* * * * *

FY2023-24 BUDGET

The County Administrator, Deputy County Administrator and Finance Director presented an overview of the FY2023-24 Budget. The Board reviewed projected revenues, capital allocations and expenditures by Departments. The following amendments are to be advertised:

Recommended budget-General Fund		\$118,980,727
Work session revisions:		
<u>Expenditures</u>		
FY24 Budget:		
	Public Safety Camera Bundle with Personnel	\$836,884
031020-3320	less interview room in balanced budget	(12,646)
031020-3320	less tasers in balanced budget	(65,700)
	contingency	<u>31,462</u>
		<u><u>\$790,000</u></u>
<u>Revenues</u>		
	increase RE rate 1 cent	<u>\$790,000</u>
		<u><u>\$790,000</u></u>
Total Advertised Budget-General Fund		\$119,770,727

FY2023-24 SCHOOL BUDGET

The Augusta County Board of Supervisors met with representatives of the Augusta County School Board including Dr. Eric Bond, School Superintendent; and Mark Lotts, Finance Director, who presented an overview of their FY2023-24 Budget. The School Board has a balanced budget to present and no additional requests were made.

* * * * *

March 27, 2023, at 8:30 a.m.

* * * * *

Mr. Slaven moved to advertise the budget as presented.

Dr. Seaton moved, seconded by Ms. Carter, that the Board approve advertising the Real Estate tax rate at \$0.64 per \$100.00 to fund body cameras. The budget public hearing will be held on Wednesday, April 12, 2023 at 7:00 p.m.

Mr. Slaven withdrew his motion.

Vote was as follows: Yeas: Garber, Wells, Carter, and Seaton
 Nays: Shull and Slaven

Motion carried.

* * * * *

CLOSED SESSION

On motion of Mr. Slaven, seconded by Ms. Carter, the Board went into closed session pursuant to:

- (1) the personnel exemption under Virginia Code § 2.2-3711(A)(1)
 [discussion, consideration or interviews of (a) prospective candidates for employment, or (b) assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of specific employees]:

- A) County Administrator
- B) County Attorney

On motion of Mr. Slaven, seconded by Mr. Wells, the Board came out of Closed Session.

Vote was as follows: Yeas: Shull, Slaven, Garber, Wells, Carter and Seaton
 Nays: None

Motion carried.

* * * * *

The Chairman advised that each member is required to certify that to the best of their knowledge during the closed session only the following was discussed:

1. Public business matters lawfully exempted from statutory open meeting requirements, and
2. Only such public business matters identified in the motion to convene the executive session.

The Chairman asked if there is any Board member who cannot so certify.

Hearing none, the Chairman called upon the County Administrator/ Clerk of the Board to call the roll noting members of the Board who approve the certification shall answer AYE and those who cannot shall answer NAY.

March 27, 2023, at 8:30 a.m.

CLOSED SESSION (CONT'D)

Roll Call Vote was as follows:

Yeas: Shull, Slaven, Garber, Wells, Carter and Seaton
Nays: None

Motion carried.

The Chairman authorized the County Administrator/Clerk of the Board to record this certification in the minutes.

* * * * *

ADJOURNMENT

There being no other business to come before the Board, Mr. Wells moved, seconded by Mr. Slaven, the Board adjourn subject to call of the Chairman.

Vote was as follows: Yeas: Shull, Slaven, Garber, Wells, Carter and Seaton
Nays: None

Motion carried.

* * * * *

Chairman

County Administrator