

Regular Meeting, Wednesday, November 22, 2022, 7:00 p.m., Government Center, Verona, VA.

PRESENT: Gerald Garber, Chairman
Butch Wells, Vice-Chair
Pam Carter
Michael L. Shull
Scott Seaton
Steven Morelli
Jeffrey Slaven
Timothy K. Fitzgerald, County Administrator
Jennifer M. Whetzel, Deputy County Administrator
John Wilkinson, Director of Community Development
Elizabeth Goodloe, Planner
James Benkahla, County Attorney
Angie Michael, Executive Assistant

VIRGINIA: At an adjourned meeting of the Augusta County Board of Supervisors held on Wednesday, November 22, 2022, at 7:00 p.m., at the Government Center, Verona, Virginia, and in the 247th year of the Commonwealth....

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Chairman Garber welcomed those present at the meeting.

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The following students from the School Technology Association of Stuarts draft Middle School led the Pledge of Allegiance:

Caden is interested in making things and animals.

Nick plans to join the military.

Nick plans to work at SpaceX.

Wyatt plans to be an Engineer.

Rayland plans to join the military.

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Ms. Carter, Pastures District, delivered the invocation.

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This being the day and time advertised to consider an ordinance to amend Chapter 25. Zoning. Division B. Agriculture Districts. Article VII. General Agriculture Districts. Section 25-74. Use permitted by special use permit. R. Short-term Rentals, bed and breakfast, and vacation rentals.

Elizabeth Goodloe, Planner, stated that the amendment provides the following; removes the requirement that the owner or operator reside on the property or an adjacent property, adds the owner or operator must reside within fifty miles of the property, add that the owner must provide Community Development with a 24-hour emergency contact number, and that owner of record must notify Community Development if contact information changes, and the amendment adds that the owner provide an accurate record of the number of occupants and frequency of rentals to the Zoning Administrator or Commissioner of the Revenue if requested.

The Chairman declared the public hearing open.

There being no speakers, the Chairman declared the public hearing closed.

Ms. Carter moved, seconded by Dr. Seaton, that the Board postpone until the December 14, 2022 regular Board of Supervisors meeting.

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

Motion carried.

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This being the day and time advertised to consider an ordinance to amend Chapter 25. Zoning. Division C. Single-Family Residential Districts. Article XII. Rural Residential Districts. Section 25-123. Uses permitted by Administrative Permit E. Domestic Chickens.

Ms. Goodloe stated that the amendment changes include the following:

- increases the number of chickens for lots two acres but less than five acres to no more than ten chickens per parcel and will be an accessory to a single-family dwelling
- increases the number of chickens for lots five acres or more to no more than twenty chickens per parcel and will be an accessory to a single-family dwelling
- wording clarifying that the ordinance does not supersede restrictions by HOA's and deed restrictions are added
- increases the total area of the chicken coop and enclosed pen to a maximum of three hundred square feet or a height of ten feet
- increases the setback of all coops and enclosed pens to fifty feet from any property line, removes the requirement for all unexplained bird deaths to be reported to the Virginia Department of Agriculture and Consumer Services prior to transport to the county landfill
- updates the name for Virginia Office of Veterinary Services
- changes the "Action if objection received" requirement for the administrative permit for the keeping of domestic chickens to: if two or more adjoining property owners object within twenty-one days following the mailing of said notice, the

- application shall be denied, and the applicant advised that the keeping of chickens may be allowed only upon approval of a Special Use Permit by the Board of Zoning Appeals.
- Removes the requirement for the annual renewal of the permit.
- Removes the requirement for each chicken to be tagged with an identification band
- Changes the number of years an applicant must wait to re-apply if permit is revoked to two years.
- Removes the provision that upon a finding by the zoning administrator that there is warning or equivalent notice or notice or advisory from federal or state authorities regarding a substantial threat or spread of avian influenza or other poultry disease, no further permits shall be issued until such time by a similar notice of advisory the threat has been recognized by federal or state authorities as having been eliminated.

The Chairman declared the public hearing open.

Nathan Carlton, 194 Augusta Farms Road, spoke in opposition of this ordinance amendment. He asks that the Board repeal this ordinance.

John Rogers submitted an E-Comment to voice concern about the proposed ordinance amendment. He is adamantly opposed to increasing the limit of domestic chickens that are allowed in a Rural Residential community.

There being no other speakers, the Chairman declared the public hearing closed.

Ms. Carter stated that a reasonable amendment to this ordinance would be to increase number of chickens for lots two acres, but less than five to no more than six chickens, lots containing five acres or more to no more than twelve chickens, no roosters, capons, or crowing hens shall be allowed, if chickens are in a coop or pen no structure shall be in the front yard, no structure shall be nearer than twenty-five feet from any property lines or thirty-five feet from a stream or any river and shall not be located in any storm water management area, flood plain or Source Water Protection Area 1, will not supersede restrictions by HOA or deed restrictions, the permit is not transferable, in the event that Community Development would receive and verify three substantial complaints of violation the permit shall be revoked and any person having a permit revoked shall not be allowed at any time to make an application for a two year period from the date of the issuance and owners shall report any unexplained deaths to Virginia Department of Agriculture and Consumer Services and the permit applicant must be the owner of the property or must have submitted written consent of the owner of the property.

The ordinance amendment will need to be re-advertised for public hearing if the changes are accepted.

Ms. Carter moved, seconded by Dr. Seaton, that the Board approve re-advertising the changes as proposed.

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

Motion carried

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Consider minutes from the following meetings:

- Regular Meeting, Wednesday, April 27, 2022 (Amendment)
- Regular Meeting, Wednesday, May 11, 2022 (Amendment)
- Regular Meeting, Wednesday, September 28, 2022

Nays: None

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Ms. Carter extended condolences to the family of Jeanie Pittsenbarger. She also stated that there are two medical professionals on the Board and they are trying to improve the health care and the accessibility and the safety for patients. Yet five members of this Board totally ignore the two medical professionals. She does not tell the farmers how to be a farmer or cops how to be cops.

Mr. Slaven stated that while everyone is entering into a time of celebrating holidays and family get togethers, the Emergency Services of the County are on duty 24/7. It is important for everyone to acknowledge their dedication.

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November 22, 2022, at 7:00 p.m.

MATTERS TO BE PRESENTED BY STAFF

Mr. Fitzgerald wished everyone a Happy Thanksgiving.

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ADJOURNMENT

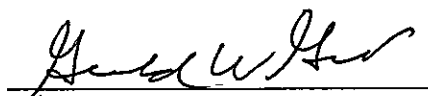
Dr. Seaton, seconded by Ms. Carter, moved that the Board adjourn the meeting.

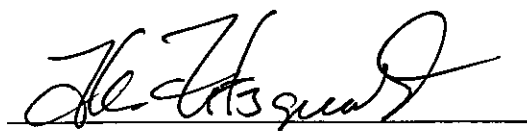
Vote was as follows:

Yeas: Garber, Wells, Shull, Carter, Slaven, Morell
and Seaton

Nays: None

Motion carried


Chairman


County Administrator

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