



Augusta County Board of Supervisors
Staff Briefing
Monday, January 22, 2024 – 1:30 PM
Government Center Main Board Room

CALENDAR

[Updated calendar.](#)

[Calendar.pdf](#)

1. **VDOT ROADS**

a. [Report by VDOT.](#)

[VDOT.pdf](#)

2. **FIRE AND RESCUE**

a. [Report by Fire-Rescue Staff.](#)

3. **REVENUE RECOVERY RATE UPDATE**

a. [Discuss the Revenue Recovery Rate updates.](#)

[2024 RR Billing Rates with Memo.pdf](#)

4. **QUARTERLY FINANCIAL REPORT**

a. [Discuss the Quarterly Financial Report.](#)

[BOS Quarterly report 12-2023.pdf](#)

5. **INFRASTRUCTURES ADDS/DELETES**

a. [Discuss infrastructure account status.](#)

[Infrastructure Account Status.pdf](#)

6. **SHENANDOAH VALLEY ELECTRIC COOPERATIVE INFRASTRUCTURE UPDATE**

[Presentation by Jason Carter.](#)

7. **COURTHOUSE BORROWING**

a. [Discuss a resolution authorizing application to Virginia Resources Authority \(VRA\) for courthouse project.](#)

[Board of Supervisors Resolution \(Application\) v2.pdf](#)

8. **CHAPTER 5 - ANIMAL ORDINANCE AMENDMENTS (PREVIOUSLY TABLED ON NOVEMBER 8, 2023)**

a. [Discuss amendments to the Chapter 5 - Animal Ordinance.](#)

[Chapter_5-Animal_Ordinance.pdf](#)

9. **PLANNING COMMISSION/PUBLIC HEARINGS**

a. [Discuss a request to rezone from Rural Residential to General Agriculture approximately 0.20 acres located at 45 Cedar Ridge Road in Waynesboro in the Wayne District. The Planning Commission recommends approval of the request.](#)

[Rezoning-Sutton.pdf](#)

b. [Discuss a request to rezone from Single-Family Residential to General Agriculture with](#)

proffers approximately 12.56 acres owned by Eric and Jodie Whitson and located at 703 Scenic Highway in Churchville in the Pastures District. The Planning Commission recommends approval of the request with proffers.

Rezoning-Whitson.pdf

- c. Discuss an ordinance amendment to amend Chapter 25. Zoning. Division E. Business Districts. Article XXX. General Business Districts. Section 25-303. Uses permitted by Administrative Permit. K. Limited outdoor storage. The Planning Commission recommends approval.

Ordinance Amendment_25-303.pdf

- d. Discuss an ordinance amendment to amend Chapter 25. Zoning. Division A. Article I. General Provisions. Section 25-4. Definitions. Limited Outdoor Storage. The Planning Commission recommends approval.

Ordinance Amendment_25-4.pdf

- e. Discuss an ordinance to amend Chapter 25. Zoning. Division B. Agriculture Districts. Article VII. General Agriculture Districts. Section 25-74. Uses permitted by Special Use Permit. D. Uses away from developed areas. The Planning Commission recommends approval.

Ordinance Amendment_25-74.pdf

- f. Discuss an ordinance to amend Chapter 25 Zoning. Division F. Industrial Districts. Article VII. General Industrial Districts. Section 25-384. Uses permitted by Special Use Permit. E. Batching plants for asphalt, cement, or concrete. The Planning Commission recommends approval.

Ordinance Amendment_25-384.pdf

- g. Discuss an ordinance to amend Chapter 25 Zoning. Division I. Permits and Amendments. Section 25-603. Submission of petition for rezoning. The Planning Commission recommends approval.

Ordinance Amendment_25-603.pdf

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

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



**COUNTY OF AUGUSTA
STAFF REPORT**

AGENDA SECTION: CALENDAR

DEPARTMENT:

STAFF MEMBER:

DATE OF REQUEST:

REQUESTED ACTION FOR THE BOARD OF SUPERVISORS:

Accept as information.

EXECUTIVE SUMMARY:

ATTACHMENTS:

[Calendar.pdf](#)

NOTICE OF PUBLIC MEETINGS
EVENT/PLACE **

DATE	TIME	EVENT/PLACE **	
JAN 18	11:00 A.M. 1:30 P.M.	ECONOMIC DEVELOPMENT AUTHORITY AUGUSTA WATER	SHULL
JAN 19	11:00A.M.-12:30P.M.	COMPREHENSIVE PLAN STEERING COMMITTEE	
JAN 22	1:30 P.M.	BOARD OF SUPERVISORS STAFF BRIEFING	ALL MEMBERS
JAN 23	8:30 A.M. 2:00 P.M. 7:00 P.M.	DEPT OF SOCIAL SERVICES SHENANDOAH VALLEY ANIMAL SERVICES CENTER OWNERS' MEETING AUGUSTA COUNTY EMERGENCY SERVICES OFFICERS ASSOC.	
JAN 24	7:00 P.M.	BOARD OF SUPERVISORS MEETING	ALL MEMBERS
JAN 25	6:00 P.M. 7:00 P.M.	LIBRARY BOARD BROADBAND COMMITTEE	
FEB 1	9:30 A.M. 1:30 P.M.	BOARD OF ZONING APPEALS STAFF BRIEFING BOARD OF ZONING APPEALS	
FEB 5	1:30 P.M.	COMMUNITY POLICY MANAGEMENT TEAM	
FEB 6	2:00 P.M.	JAIL AUTHORITY	
Feb 7	10:00 A.M.	METROPOLITAN PLANNING ORGANIZATION	BRAGG
FEB 13	9:00 A.M. 3:00 P.M. 7:00 P.M.	SHENANDOAH VALLEY ANIMAL SERVICES CENTER OWNERS' MEETING (SPECIAL) PLANNING COMMISSION STAFF BRIEFING PLANNING COMMISSION	BRAGG BRAGG
FEB 14	7:00 P.M.	BOARD OF SUPERVISORS MEETING	ALL MEMBERS
FEB 15	1:30 P.M.	AUGUSTA WATER	SHULL
FEB 20	10:00 A.M. 5:30 P.M.	HEADWATERS SOIL & WATER CONSERVATION DIST. COMMUNITY ACTION PROGRAM STAUNTON-AUGUSTA-WAYNESBORO	
FEB 21	7:00 P.M.	PARKS & RECREATION COMMISSION	
FEB 26	1:30 P.M.	BOARD OF SUPERVISORS STAFF BRIEFING	ALL MEMBERS
FEB 27	2:00 P.M. 7:00 P.M.	SHENANDOAH VALLEY ANIMAL SERVICES CENTER OWNERS' MEETING AUGUSTA CTY EMERGENCY SERVICES OFFICERS ASSOC.	
FEB 28	7:00 P.M.	BOARD OF SUPERVISORS MEETING	ALL MEMBERS



**COUNTY OF AUGUSTA
STAFF REPORT**

AGENDA SECTION: VDOT ROADS

DEPARTMENT:

STAFF MEMBER:

DATE OF REQUEST:

REQUESTED ACTION FOR THE BOARD OF SUPERVISORS:

Accept as information.

EXECUTIVE SUMMARY:

ATTACHMENTS:

[VDOT.pdf](#)

VDOT Report
January 22, 2024

Mrs. Carter (Pastures)

- RTE 262 (Woodrow Wilson Pkwy) - Project to extend 4-lane section from RTE 613 (Old Greenville Rd) to RTE 252 (Middlebrook Ave). Project is advancing well. First layer of stone and asphalt base has been applied. Completion in advance of anticipating final completion date of May 24, 2024, is possible.
- RTE 601 (Estaline Valley Rd) - The replacement of two crossline pipes at the Correction Facility as weather permits
- RTE 42 (South at Craigsville) - Plans for drainage improvements to increase shoulder work is in the process to be finalized and scheduled when waterline contractors complete their work.
- RTE 629 (Deerfield Rd) - Future removal of slide material will be planned for later this year or next year as weather and time permits.
- Shoulder pull-off improvements with stone on RTE 250, 833, 42 South and 254 has begun and will be completed as weather permits.
- RTE 629 (Deerfield Rd) - Investigations for the endangered species (Shale Barren Rock Cress) and scope of work to be performed is now being reviewed by the Dept of Natural Resources for approval.
- RTE 688 (Parkersburg Turnpike) - Rural Rustic project clearing and grubbing is completed. In the process of installing cross and driveway pipes. Work has been slowed down due to repeating weather conditions.
- Grading and placing stone where needed on various gravel roads as needed.

Mr. Wells (Beverly Manor)

- Interstate 81 - Third lane widening from Exit 221 to Exit 225 - Design-Build contract was awarded in late March to Kokosing/RDA. Shoulder widening is underway. Construction activity is expected to increase this fall with major activity in the spring.
- RTE 358 (Woodrow Wilson Ave) - Design plans for additional lane into Wilson Complex are being developed.
- I-81 NB - Bridge deck replacement has begun on bridge over the I-81S to I-64E ramp.
- RTE 635 (Barterbrook Rd) - Bridge over I-81 will be replaced as part of I-81 southbound auxiliary lane project between Exit 221 and Exit 220. Road closures and detour has been installed and construction has begun. Demolition of existing structure is in the process of completion.
- RTE 794 (Balsley Rd) - Low shoulder and stone backing along edge of pavement repairs have been completed.
- RTE 11/612 (Lee Hwy/Laurel Hill Rd) - Construction work on the Pedestrian Sidewalk Improvement project is progressing at a good rate for possible early completion.
- Grading, placing stone where needed on various gravel roads as needed.

Mr. Slaven (North River)

- RTE 753 (Nash Rd) - Rural Rustic - Large flat bottom ditch install is 80% complete. Waiting on farmer to harvest beans to complete. Last cross pipe install has been completed. Final base stone placement and surface treatment will be completed in Spring 2024 due to colder temps.
- RTE 11 (Lee Hwy) - Low and high shoulders, stone placement and repairs at all pull offs and ditch line cleanouts has begun and will be completed as weather permits.
- RTE 753 (Slate Hill Rd) - Rural Rustic project has been put on hold until Dominion Power has completed their transfer tower upgrades.
- RTE 42 North (Scenic Hwy) - Shoulder grading and pull off improvements are planned for this winter as weather permits.
- RTE 732 (Roman Rd) - Boom axe operations are continuing to address sight distance issues at various locations along the road.
- RTE 731 (Natural Chimney Rd) - Sight distance improvement and slope lay back project at sharp right turn curve in the NBL has been reviewed by Environmental and discussions with property owner has begun. Work will be scheduled at a later date due to weather restrictions.
- RTE 843 (Drainage Divide) - Rural Rustic project has begun with the removal and grubbing of some trees. Several cross pipes have been installed and the rest will be completed as weather conditions allow.
- Grading and placing stone where needed on various gravel roads as needed.

Mr. Shull (Riverheads)

- I81 SB Exit 213A - Modifications to existing signage and additional directional signage for truck traffic are planned for installation on I81 Southbound in advance of Exit 213. Modified signs are on order and will be installed when received. A new sign showing that there are no gas, food, or truck services available on northbound Rt 11 has been installed on the southbound exit sign for Exit 213B.
- RT 252 (Middlebrook Road) - Post Mounted Speed Display (radar activated) signs have been installed in the village of Middlebrook on Route 252 on both ends of the village and on Route 670 (Cherry Grove Rd) near the Community Center.
- RTE 694 (Stone Branch Rd) - Rural Rustic project has begun with the clearing and grubbing of trees. Cross pipes will begin being installed as weather permits.
- RTE 11 (Lee Jackson Hwy) - Shoulder stone placement and repairs at all pull offs has begun and will be completed as weather permits.
- RTE 340 (Stuarts Draft Hwy) - Grading and backfill stone on shoulder repairs have been completed.
- RTE 602 (Walkers Creek Rd) - Cross pipe replacement has been completed.
- RTE 620 (Newport Rd) - Cross pipe replacement has been completed.
- RTE 694 (Swartzel Shop Rd) - Investigation of a fence in front of Riverhead FD is not on VDOT R/W and is not part of the Interstate controlled access fence.
- I-81 (Interstate) - Interstate contract crews are continuing to clear and repairing controlled access fence as time allows and weather permits. Currently working on the SBL in the area of MM 214 heading south.
- Grading and placing stone where needed on various gravel roads.

Dr. Seaton (Wayne)

- RTE 1314 (Antrim Rd) - Columbia Gas restoration has been completed.
- Grading and placing stone where needed on various gravel roads as needed.

Mrs. Bragg (South River)

- RTE 664 (Mt Torrey Rd), RTE 814 (Love Rd) and RTE 610 (Howardsville Turnpike) - Through tractor trailer restriction on RTE 664 between Rt 814 (Love Rd) and the RTE 610 intersection at Sherando, and on RTE 814 (Love Rd) from the intersection of Mt Torrey Rd to the Blue Ridge Parkway – signs showing this restriction have been installed. Through tractor trailers were previously restricted on RTE 664 between Love Rd and the Blue Ridge Parkway, so this is an extension of that restriction.
- RTE 639 (Wayne Ave) - VDOT and County staff met with a property owner to discuss potential drainage and temporary construction easements. Plans are being revised to present to the landowner. Cost estimates and sketches are being revised. We are working with Augusta Water authority on the design to relocate utilities for the project.
- RTE 610 (Howardsville Turnpike) - at the signalized intersection of RTE 608 (Cold Springs Rd), planning to provide a left turn protected/permissive movement for northbound RTE 610 traffic turning left to Cold Springs Rd. Traffic engineering is assessing new signal head arrangement and structural requirements for the modification.
- Grading and placing stone where needed on various gravel roads as needed.

Mr. Garber (Middle River)

- RTE 778 (Knightly Mill Rd) - Truss bridge replacement project tentatively scheduled for 2024 construction season. No information at this time of what type of structure it will be.
- RTE 782 (Barnhart Rd) - Preliminary R/W staking for 6yr Plan Rural Rustic project has been completed. Letters issued to affected landowners are in the process of being distributed.
- RTE 256 (Weyers Cave Rd) - I-81 on ramp improvements with GEI has been completed.
- RTE 775 (Buttermilk Rd) - Line of sight boom axing at the intersection with Westview School Rd has been completed.
- RTE 782 (Barnhart Rd) - Rural Rustic Road improvements from RTE 612 and RTE 785 is in the preliminary engineering stage awaiting Environmental permit approvals.
- Grading and placing stone where needed on various gravel roads as needed.



**COUNTY OF AUGUSTA
STAFF REPORT**

AGENDA SECTION: FIRE AND RESCUE

DEPARTMENT:

STAFF MEMBER:

DATE OF REQUEST:

REQUESTED ACTION FOR THE BOARD OF SUPERVISORS:

Accept as information.

EXECUTIVE SUMMARY:

Report will be available at a later date.



**COUNTY OF AUGUSTA
STAFF REPORT**

AGENDA SECTION: REVENUE RECOVERY RATE UPDATE

DEPARTMENT:

STAFF MEMBER:

DATE OF REQUEST:

REQUESTED ACTION FOR THE BOARD OF SUPERVISORS:

Discuss

EXECUTIVE SUMMARY:

ATTACHMENTS:

[2024 RR Billing Rates with Memo.pdf](#)



COUNTY OF AUGUSTA

Revenue Recovery

18 Government Center Lane * PO Box 590

Verona, VA 24482-0590

Phone: 540-245-5741 * Fax: 540-245-5742

TO: Timothy Fitzgerald

FROM: Misty Cook, Finance Director *MDL*

SUBJECT: Revenue Recovery Rate updates

DATE: January 10, 2024

In 2020 the Board requested that I review rates yearly and provide a recommendation on our ambulance billing rates compared to Medicare allowable rates. Medicare releases the upcoming calendar year rates in December annually. Rates are effective on the first day of the upcoming calendar year. For 2024, there was an increase over the rates for the prior year, approximately 2%. Revenue Recovery rates are set at 125% of the Medicare allowable rate. Due to this increase in the allowable rate, it would be the recommendation of Finance that we increase our rate according to the table attached effective 1/1/2024.

If you have questions please do not hesitate to contact me.

Thanks.

Revenue Recovery Billing Rates (2024)

Proposed	2023 Rates				2024 Rates				Current Charge	Recommended (125% MC Allowable)	New Rates Effective 1/1/2023	Percentage Increase
	Mileage A0425	Medicare Allowable (Urban)	Medicare Allowable (Rural)	Medicare Allowable (Urban)	Medicare Allowable (Rural)	Medicare Allowable (Urban)	Medicare Allowable (Rural)	dif urban				
Augusta County Emergency Medical Services												
Mileage A0425	\$ 8.71	\$ 8.80	\$ 8.94	\$ 9.02	\$ 9.02	\$ 9.02	\$ 14.00	\$ 11.28	\$ 14.00	\$ 14.00**	\$ 14.00**	0.00%
ALS NE A0426	\$ 322.75	\$ 325.91	\$ 329.73	\$ 332.96	\$ 332.96	\$ 332.96	\$ 407.00	\$ 416.20	\$ 407.00	\$ 416.00	\$ 416.00	2.21%
ALS E A0427	\$ 511.01	\$ 516.02	\$ 522.08	\$ 527.19	\$ 527.19	\$ 527.19	\$ 645.00	\$ 658.99	\$ 645.00	\$ 659.00	\$ 659.00	2.17%
BLS NE A0428	\$ 268.95	\$ 271.59	\$ 274.78	\$ 277.47	\$ 277.47	\$ 277.47	\$ 339.00	\$ 346.84	\$ 339.00	\$ 347.00	\$ 347.00	2.36%
BLS E A0429	\$ 430.33	\$ 434.55	\$ 439.64	\$ 443.95	\$ 443.95	\$ 443.95	\$ 543.00	\$ 554.94	\$ 543.00	\$ 555.00	\$ 555.00	2.21%
ALS 2 A0433	\$ 739.63	\$ 746.88	\$ 755.64	\$ 763.04	\$ 763.04	\$ 763.04	\$ 934.00	\$ 953.80	\$ 934.00	\$ 954.00	\$ 954.00	2.14%
Specialty Care A0434	\$ 874.10	\$ 882.67	\$ 893.02	\$ 901.78	\$ 901.78	\$ 901.78	\$ 1,103.00	\$ 1,127.23	\$ 1,103.00	\$ 1,127.00	\$ 1,127.00	2.18%
Treatment but no transport A0998	n/a	n/a	n/a	n/a	n/a	n/a	\$ 150.00	\$ 150.00*	\$ 150.00	\$ 150.00	\$ 150.00	0.00%

Prepared by: Augusta County 1/9/2024 MDC

*This would be billed to Commercial payors only
 Medicare will not pay for this code, but as of 2018 most commercial payors will.

**This charge would include the "Super rural" multiplier if eligible.

CONTRACTOR/ CARRIER	LOCALITY	HCPCS	RVU	GPCI	BASE RATE	URBAN BASE RATE / URBAN MILEAGE	RURAL BASE RATE / RURAL MILEAGE	RURAL BASE RATE / LOWEST QUARTILE	RURAL GROUND MILES 1-17*
11302	00	A0425	1.00	0.984	\$8.76	\$8.94	\$9.02	n/a	\$13.53
11302	00	A0426	1.20	0.984	\$272.44	\$329.73	\$332.96	\$408.21	n/a
11302	00	A0427	1.90	0.984	\$272.44	\$522.08	\$527.19	\$646.33	n/a
11302	00	A0428	1.00	0.984	\$272.44	\$274.78	\$277.47	\$340.18	n/a
11302	00	A0429	1.60	0.984	\$272.44	\$439.64	\$443.95	\$544.28	n/a
11302	00	A0430	1.00	0.984	\$3,697.17	\$3,667.59	\$5,501.39	n/a	\$5,501.39
11302	00	A0431	1.00	0.984	\$4,298.52	\$4,264.13	\$6,396.20	n/a	\$6,396.20
11302	00	A0432	1.75	0.984	\$272.44	\$480.86	\$485.57	n/a	n/a
11302	00	A0433	2.75	0.984	\$272.44	\$755.64	\$763.04	\$935.49	n/a
11302	00	A0434	3.25	0.984	\$272.44	\$893.02	\$901.78	\$1,105.58	n/a
11302	00	A0435	1.00	0.984	\$10.50	\$10.50	\$15.75	n/a	\$15.75
11302	00	A0436	1.00	0.984	\$27.99	\$27.99	\$41.99	n/a	\$41.99



**COUNTY OF AUGUSTA
STAFF REPORT**

AGENDA SECTION: QUARTERLY FINANCIAL REPORT

DEPARTMENT: Finance

STAFF MEMBER:

DATE OF REQUEST: January 17, 2024

REQUESTED ACTION FOR THE BOARD OF SUPERVISORS:
Discuss

EXECUTIVE SUMMARY:

ATTACHMENTS:

[BOS Quarterly report 12-2023.pdf](#)

COUNTY OF AUGUSTA
Quarterly Financial Report
Revenue and Expenditures by Fund
For the Quarter Ended December 2023

REVENUE							
<u>Fund</u>	<u>Budget</u>	<u>Actual</u>	<u>Balance to Collect</u>	<u>Percent (%) Collected</u>	<u>Explanation</u>	<u>Prior Year YTD Actual</u>	<u>Percent (%) Collected</u>
11 General	118,980,727	69,655,446	49,325,281	59%		72,712,429	63%
12 Fire Revolving	428,266	-	428,266	0%		-	0%
13 Drug Enforcement	12,300	16,245	(3,945)	132%	disbursements are made as cases closed, will adjust in revised	46,853	381%
14 EDA	802,450	-	802,450	0%		1,877	0%
15 Revenue Recovery	2,078,600	1,241,715	836,885	60%		1,072,796	54%
20 ARPA	35,927	310,703	(274,776)		No new funds expected for this fund other than interest	7,459,793	
23 VPA	15,599,208	6,539,851	9,059,357	42%		5,999,390	42%
24 CSA	5,500,000	2,379,628	3,120,372	43%		2,321,704	42%
41 School	138,907,034	61,673,821	77,233,213	44%		59,996,356	46%
43 Cafeteria	4,364,200	2,352,051	2,012,149	54%		2,446,371	54%
44 School Capital	4,227,090	1,900,013	2,327,077	45%	State funded school construction revenue received in FY23	1,969,180	4%
45 Debt	10,710,154	7,526,686	3,183,468	70%	increase in debt service due to new bonds	6,340,186	78%
47 Head Start	3,746,407	1,179,173	2,567,235	31%		1,114,672	30%
48 Governor's School	2,198,634	500,737	1,697,897	23%		361,353	18%
70 County Capital	8,139,326	3,658,688	4,480,638	45%	Timing of transfers from GF	1,900,277	16%
	<u>315,730,323</u>	<u>158,934,755</u>	<u>156,795,568</u>			<u>163,743,238</u>	

EXPENDITURES							
<u>Fund</u>	<u>Budget</u>	<u>Actual</u>	<u>Unencumbered</u>	<u>Percent (%) Spent</u>	<u>Explanation</u>	<u>Prior Year YTD Actual</u>	<u>Percent (%) Spent</u>
11 General	118,980,727	65,084,333	53,896,394	55%		55,293,661	48%
12 Fire Revolving	605,000	767	604,233	0%	timing of annual loan disbursements	1,020,150	169%
13 Drug Enforcement	48,000	28,549	19,451	59%		39,212	82%
14 EDA	802,450	2,070	800,380	0%		1,877	0%
15 Revenue Recovery	2,401,434	758,928	1,642,506	32%	timing of quarterly disbursements	1,009,476	51%
20 ARPA	6,702,143	5,595,228	1,106,915	83%	ARPA projects continue to progress	2,813,313	35%
23 VPA	15,599,208	6,759,715	8,839,493	43%		6,574,953	46%
24 CSA	5,500,000	2,380,824	3,119,176	43%		2,625,528	48%
41 School	138,907,034	62,528,364	76,378,670	45%		61,132,044	47%
43 Cafeteria	6,484,386	3,420,129	3,064,257	53%		2,999,902	45%
44 School Capital	45,370,924	19,564,168	25,806,756	43%	2 middle school projects ongoing	6,755,723	24%
45 Debt	10,710,154	7,354,232	3,355,922	69%		6,230,142	76%
47 Head Start	3,746,407	1,548,523	2,197,884	41%		1,829,255	49%
48 Governor's School	2,198,634	764,985	1,433,649	35%		800,470	40%
70 County Capital	11,876,177	9,152,667	2,723,510	77%	timing of capital transfer	3,025,299	24%
	<u>369,932,678</u>	<u>184,943,479</u>	<u>184,989,199</u>			<u>152,151,005</u>	

Scheduled from Revenue and Expenditure Summary by Fund.

COUNTY OF AUGUSTA
Quarterly Financial Report
Revenue and Expenditures-General Fund
For the Quarter Ended December 2023

REVENUES							
Description	Budget	Actual	Balance to Collect	Percent (%) Collected	Explanation	Prior Year YTD Actual	Percent (%) Collected
Property Taxes	75,687,426	47,032,724	28,654,702	62%	Del. Tax collection down over PY, RE, and M&T down when compared to PY, could be due to mail delays experienced this year.	51,318,106	68%
Local Taxes	22,755,400	10,262,965	12,492,435	45%	recording tax down when compared to PY	10,180,994	50%
Permits	683,700	352,279	331,421	52%	large permit recorded in FY23	450,792	71%
Fines & Forfeitures	250,150	166,831	83,319	67%	County fines and forfeitures up over prior year.	118,015	41%
Use of Money & Property	1,582,530	2,051,599	(469,069)	130%	Interests on deposits continues to hold strong, will adjust in revised	937,950	133%
Charges for Services	2,485,059	1,522,040	963,019	61%	Timing of landfill tipping fees posting	1,269,239	46%
Miscellaneous	40,684	78,339	(37,655)	193%	Opioid settlement funds some were paid in advance in FY23	205,273	4105%
Recovered Costs	56,400	33,085	23,315	59%	MRRJ fiscal agent fee ended in FY23.	88,459	55%
State Revenue	13,269,484	7,641,359	5,628,125	58%		7,403,157	61%
Federal Revenue	778,459	60,713	717,746	8%		78,425	8%
Transfers	1,391,435	453,513	937,922	33%	timing of transfers from other funds	662,020	51%
	<u>118,980,727</u>	<u>69,655,446</u>	<u>49,325,281</u>			<u>72,712,429</u>	

EXPENDITURES							
Department	Budget	Actual	Unencumbered	Percent (%) Spent	Explanation	Prior Year YTD Actual	Percent (%) Spent
Board of Supervisors	180,344	82,543	97,801	46%	timing of contract services	88,246	54%
County Admin	1,126,908	612,760	514,148	54%		621,125	58%
Human Resources	367,813	151,291	216,522	41%	vacancy savings	168,691	52%
County Attorney	451,018	248,300	202,718	55%	increase in contract services	206,126	41%
Commissioner of Revenue	1,212,796	596,689	616,107	49%		576,582	50%
Reassessment	579,109	813,914	(234,805)	141%	Bulk of reassessment costs being incurred in FY24.	34,499	6%
Board of Equalization	4,300	-	4,300	0%		-	0%
Treasurer	662,841	290,284	372,557	44%	vacancy savings	329,173	50%
Finance	511,406	210,097	301,309	41%	vacancy savings	204,682	48%
IT	1,147,978	552,902	595,076	48%	timing of annual payments	592,264	55%
Registrar	496,416	296,286	200,130	60%		275,926	61%
Circuit Court	208,355	112,669	95,686	54%		102,461	53%
General District Clerk	18,744	9,219	9,525	49%		9,318	70%
Magistrate	4,771	1,007	3,764	21%		1,052	24%
Clerk of Circuit Court	1,214,214	617,281	596,933	51%		600,739	51%
Commonwealth Attorney	1,698,059	939,187	758,872	55%		850,789	47%
Sheriff	10,136,525	5,567,690	4,568,835	55%		4,835,062	53%
ECC	2,741,983	1,344,940	1,397,043	49%	back to normal staffing levels	1,220,097	54%
Fire & Rescue	11,122,676	5,450,384	5,672,292	49%		5,410,107	51%
Emergency Services Volunteer	1,986,730	353,036	1,633,694	18%		368,161	19%
Fire & EMS Training	686,052	234,578	451,474	34%		242,116	39%
J&D Court	40,075	17,560	22,515	44%		12,432	31%
Court Services	4,800	2,299	2,501	48%		2,266	51%
Juvenile & Probation	2,928,620	1,537,995	1,390,626	53%		1,496,073	53%
Building Inspections	516,680	241,986	274,694	47%		220,904	49%
Animal Control	766,187	271,288	494,899	35%	increases to overall budget to cover SVASC contribution	298,547	53%
Emergency Management	107,285	50,782	56,503	47%		55,357	56%
Highways & Roads	20,000	8,251	11,749	41%		9,103	46%
Street Lights	121,000	66,697	54,303	55%		61,557	51%
Sanitation & Waste	2,630,274	1,377,038	1,253,236	52%		1,214,753	51%
Recycling	176,300	83,587	92,713	47%		73,820	47%
Maintenance	2,225,311	1,107,475	1,117,836	50%		1,115,395	50%
Health Department	719,687	329,649	390,038	46%		305,896	49%
Tax Relief of Elderly	360,833	161,247	199,586	45%		176,538	49%
Parks & Rec	926,627	513,255	413,372	55%	increase in programs, offset by revenue	426,602	46%
Library	1,776,836	909,752	867,084	51%		857,520	51%
Community Development	1,217,002	545,656	671,346	45%		554,003	45%
Tourism	469,443	237,528	231,915	51%	annual one-time payments	205,802	57%
Economic Development	338,152	189,347	148,805	56%		198,445	60%
Extension	158,418	40,632	117,786	26%	paid quarterly, timing of payments	30,588	22%
County Farm	6,760	1,000	5,760	15%		1,000	15%
Other Operational	1,525,268	1,084,355	440,913	71%	timing of allocation of workers comp expenses	586,747	45%
Contributions	539,014	228,540	310,474	42%	annual one-time payments, some qtrly	261,780	53%
Contingencies	55,000	(19,091)	74,091	-35%		19,955	36%
Transfers	64,792,117	37,612,449	27,179,668	58%	timing of transfers	30,543,272	48%
	<u>118,980,727</u>	<u>65,084,333</u>	<u>53,896,395</u>			<u>55,465,569</u>	

Scheduled from Revenue and Expenditure Summary for General Fund.



**COUNTY OF AUGUSTA
STAFF REPORT**

AGENDA SECTION: INFRASTRUCTURES ADDS/DELETES

DEPARTMENT:

STAFF MEMBER:

DATE OF REQUEST:

REQUESTED ACTION FOR THE BOARD OF SUPERVISORS:

Discuss

EXECUTIVE SUMMARY:

ATTACHMENTS:

[Infrastructure Account Status.pdf](#)

**Capital/Infrastructure Fund Balance Updates
For Period Ending June 30, 2024**

Infrastructure Accounts

The following accounts need formal board action to uncommit previous designated funds.
These projects have been completed and/or are no longer active.

Beverly Manor

delete 8011-110 \$ 1.33 BGHS concession equipment

Middle River

none

North River

delete 8013-074 \$ 1.33 BGHS concession equipment

Pastures

delete 8014-119 \$ 1.33 BGHS concession equipment

Riverheads

delete 8015-093 \$ 1,450.00 Riverheads Safety Solar Speed Signs

South River

none

Wayne

none

Matching Grant Accounts

The following accounts need formal board action to uncommit previous designated funds.
These projects have been completed and/or are no longer active.

Beverly Manor

none

Middle River

delete 8022-055 \$ 40.00 New Hope Community Center Roof

North River

none

Pastures

none

Riverheads

delete 8025-044 \$ 1.00 Stuarts Draft Park Portable Pitching mound

South River

none

Wayne

none



COUNTY OF AUGUSTA STAFF REPORT

AGENDA SECTION: COURTHOUSE BORROWING

DEPARTMENT: Finance

STAFF MEMBER:

DATE OF REQUEST: January 17, 2024

REQUESTED ACTION FOR THE BOARD OF SUPERVISORS:

Consider approval to utilize VRA for courthouse borrowing.

EXECUTIVE SUMMARY:

The Virginia Resources Authority provides financing to local governments for essential projects through their Virginia Pooled Financing Program (VPFP). Bonds are issued at twice a year in the fall and spring. A summer transaction is also offered if there is a sufficient borrower demand. The County will borrow for the courthouse in one or two tranches dependent on analysis from the financial advisor. The spring application deadline is February 2, 2024.

The resolution before the Board will allow for the County to borrow through VRA in any of the upcoming bond issuances.

ATTACHMENTS:

[Board of Supervisors Resolution \(Application\) v2.pdf](#)

**RESOLUTION AUTHORIZING THE SUBMISSION OF
AN APPLICATION FOR FINANCING TO VIRGINIA RESOURCES AUTHORITY
(VIRGINIA POOLED FINANCING PROGRAM)
IN THE MAXIMUM AMOUNT OF \$77,500,000
FOR THE FINANCING OF A COURTHOUSE AND RELATED FACILITIES
FOR THE COUNTY OF AUGUSTA, VIRGINIA**

WHEREAS, the Board of Supervisors (the “Board”) of the County of Augusta, Virginia (the “County”), has previously determined that it is necessary to acquire, construct and equip a new courthouse and related facilities (the “Courthouse Project”);

WHEREAS, the County conducted a Referendum with respect to the Courthouse Project on November 8, 2022, in which a majority (approximately 86%) of County voters voted in favor of construction of the Courthouse Project in Verona, Virginia;

WHEREAS, based on advice of its financial advisor, Davenport & Company LLC, the County may realize favorable financing terms for the financing of the Courthouse Project through participation in the Virginia Pooled Financing Program (“VPFP”) offered by the Virginia Resources Authority (“VRA”);

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF AUGUSTA, VIRGINIA:

1. **Filing of Application.** The Board consents to and authorizes the preparation and filing by County administration and staff of an application with VRA for the County’s the participation in the VPFP (the “Application”), which Application may provide for and contemplate the borrowing by the County of up to a maximum aggregate principal amount of \$77,500,000 for the financing of the Courthouse Project, through the issuance by the County of one or more of the County’s local revenue bonds (“Bonds”) for purchase by VRA in connection with the issuance by VRA of one or more series of its VPFP bonds. All actions of County administration and staff taken in respect of such application are hereby authorized, approved, confirmed and ratified, as necessary, and such administrative officers and staff, or any of them, are hereby directed to assist in the further processing of such application and to execute and deliver such other and further documents, agreements, certificates, or instruments as may be necessary in connection with same, the issuance of the Bonds, or the purchase of such Bonds by VRA.
2. **Effective Date.** This Resolution shall take effect immediately.

* * *

CERTIFICATE

The undersigned Clerk of the Board of Supervisors (the "Board") of the County of Augusta, Virginia (the "County") hereby certifies that:

1. A meeting of the Board was duly called and held on January 24, 2024 (the "Meeting").

2. Attached hereto is a true, correct and complete copy of a resolution (the "Resolution") of the Board entitled **“RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR FINANCING TO VIRGINIA RESOURCES AUTHORITY (VIRGINIA POOLED FINANCING PROGRAM) IN THE MAXIMUM AMOUNT OF \$77,500,000 FOR THE FINANCING OF A COURTHOUSE AND RELATED FACILITIES FOR THE COUNTY OF AUGUSTA, VIRGINIA”** as recorded in full in the minutes of the Meeting and duly adopted by a majority of the members of the Board present and voting during the Meeting.

3. A summary of the members of the Board present or absent at the Meeting, and the recorded vote with respect to the Resolution, is set forth below:

<u>Member Name</u>	<u>Present</u>	<u>Absent</u>	<u>Yes</u>	<u>No</u>	<u>Abstaining</u>
Jeffrey A. Slaven, Chairman	_____	_____	_____	_____	_____
Pam L. Carter, Vice Chair	_____	_____	_____	_____	_____
Carolyn Bragg	_____	_____	_____	_____	_____
Gerald W. Garber	_____	_____	_____	_____	_____
Scott Seaton	_____	_____	_____	_____	_____
Michael L. Shull	_____	_____	_____	_____	_____
G.L. “Butch” Wells	_____	_____	_____	_____	_____

4. The Resolution has not been repealed, revoked, rescinded or amended, and is in full force and effect on the date hereof.

Dated: January __, 2024

WITNESS my signature and the seal of the Board of Supervisors of Augusta County, Virginia this __ day of January, 2024.

Clerk, Board of Supervisors of the County
of Augusta, Virginia

[SEAL]



**COUNTY OF AUGUSTA
STAFF REPORT**

**AGENDA SECTION: CHAPTER 5 - ANIMAL ORDINANCE AMENDMENTS (PREVIOUSLY
TABLED ON NOVEMBER 8, 2023)**

DEPARTMENT:

STAFF MEMBER:

DATE OF REQUEST:

REQUESTED ACTION FOR THE BOARD OF SUPERVISORS:

Discuss

EXECUTIVE SUMMARY:

ATTACHMENTS:

[Chapter_5-Animal_Ordinance.pdf](#)

CHAPTER 5. ANIMALS.

ARTICLE I. In General.

- § 5-1. Lawful fences.
- § 5-2. Definitions.
- § 5-3. Cruelty to animals.

ARTICLE II. Licensing of Dogs.

- § 5-11. Unlicensed dogs prohibited.
- § 5-12. Evidence showing inoculation for rabies prerequisite to obtaining dog license.
- § 5-12.1. Rabies inoculation of companion animals; availability of certificate.
- § 5-13. How to obtain license.
- § 5-14. Amount of license tax.
- § 5-15. When license tax payable.
- § 5-16. Effect of dog not bearing tag as evidence.
- § 5-17. Dog license; defined.
- § 5-18. Duplicate license tags.
- § 5-19. Displaying receipts; dogs to wear tags.
- § 5-20. Payment of license tax subsequent to summons.

ARTICLE III. Control of Dogs.

- § 5-21. Running at large defined.
- § 5-22. Dogs prohibited from running at large.
- § 5-23. ~~Dogs not inoculated prohibited from running at large~~ Repealed.
- § 5-24. Reserved.
- § 5-25. Impoundment.
- § 5-26. Records.
- § 5-27. Reserved.
- § 5-28. Dogs killing, injuring or chasing livestock or poultry.

ARTICLE IV. Compensation for Livestock and Poultry Killed by Dogs.

- § 5-31. Compensation provided.
- § 5-32. Requirements for compensation.
- § 5-33. Subrogation.
- § 5-34. Penalty for false claim.

ARTICLE V. Diseased and Deceased Fowl.

- § 5-41. Importation of diseased fowl and carcasses of diseased fowl prohibited.
- § 5-42. Disposal of diseased fowl off-site prohibited.

ARTICLE VI. Enforcement.

- § 5-51. Miscellaneous offences.
- § 5-52. Power to issue summons.
- § 5-53. Issuance and service of summons in place of warrant.
- § 5-54. Violation of chapter; notice.
- § 5-55. Violation of Chapter 5; penalty.
- § 5-56. Giving false reports.

- § 5-57. Interfering with an animal control officer.

ARTICLE VII. Coyotes.

- § 5-61. Killing of coyotes.

CHAPTER 5. ANIMALS.

ARTICLE I. In General.

§ 5-1. Lawful fences.

The boundary line of each lot or tract of land and any stream in the county shall be a lawful fence as to any livestock domesticated by man. (3/28/67)

State law reference - Virginia Code § 55-310

§ 5-2. Definitions.

As used in this chapter unless the context requires a different meaning:

"Abandon" means to desert, forsake, or absolutely give up an animal without having secured another owner or custodian for the animal or by failing to provide the elements of basic care as set forth in § 3.2-6503, of the Code of Virginia, for a period of four consecutive days
~~"Abandon" means to desert, forsake, or absolutely give up an animal without having secured another owner or custodian for the animal or by failing to provide the elements of basic care as set forth in §3.2 6503 of the Code of Virginia for a period of five consecutive days.~~

"Adequate care" or "care" means the responsible practice of good animal husbandry, handling, production, management, confinement, feeding, watering, protection, shelter, transportation, treatment, and when necessary, euthanasia, appropriate for the age, species, condition, size and type of the animal and the provision of veterinary care when needed to prevent suffering or impairment of health.

"Adequate exercise" or "exercise" means the opportunity for the animal to move sufficiently to maintain normal muscle tone and mass for the age, species, size, and condition of the animal.

"Adequate feed" means access to and the provision of food that is of sufficient quantity and nutritive value to maintain each animal in good health; is accessible to each animal; is prepared so as to permit ease of consumption for the age, species, condition, size and type of each animal; is provided in a clean and sanitary manner; is placed so as to minimize contamination by excrement and pests; and is provided at suitable intervals for the species, age, and condition of the animal, but at least once daily, except as prescribed by a veterinarian or as dictated by naturally occurring states of hibernation or fasting normal for the species.

———"Adequate shelter" means provision of and access to shelter that is suitable for the species, age, condition, size, and type of each animal; provides adequate space for each animal; is safe and protects each animal from injury, rain, sleet, snow, hail, direct sunlight, the adverse effects of heat or cold, physical suffering, and impairment of health; is properly lighted; is properly cleaned; enables each animal to be clean and dry, except when detrimental to the species; during hot weather, is properly shaded and does not readily conduct heat; during cold weather, has a windbreak at its entrance and provides a quantity of bedding material consisting of hay, cedar shavings, or the equivalent that is sufficient to protect the animal from cold and

promote the retention of body heat; and, for dogs and cats, provides a solid surface, resting platform, pad, floormat, or similar device that is large enough for the animal to lie on in a normal manner and can be maintained in a sanitary manner. Under this chapter, shelters whose wire, grid, or slat floors (i) permit the animals' feet to pass through the openings, (ii) sag under the animals' weight, or (iii) otherwise do not protect the animals' feet or toes from injury are not adequate shelter. The outdoor tethering of an animal shall not constitute the provision of adequate shelter (a) unless the animal is safe from predators and well suited and well equipped to tolerate its environment; (b) during the effective period for a hurricane warning or tropical storm warning issued for the area by the National Weather Service; or (c)(1) during a heat advisory issued by a local or state authority, (2) when the actual or effective outdoor temperature is 85 degrees Fahrenheit or higher or 32 degrees Fahrenheit or lower, or (3) during the effective period for a severe weather warning issued for the area by the National Weather Service, including a winter storm, tornado, or severe thunderstorm warning, unless an animal control officer, having inspected an animal's individual circumstances in clause (c)(1), (2), or (3), has determined the animal to be safe from predators and well suited and well equipped to tolerate its environment

~~"Adequate shelter" means provision of and access to shelter that is suitable for the species, age, condition, size, and type of each animal; provides adequate space for each animal; is safe and protects each animal from injury, rain, sleet, snow, hail, direct sunlight, the adverse effects of heat or cold, physical suffering, and impairment of health; is properly lighted; is properly cleaned; enables each animal to be clean and dry, except when detrimental to the species; and for dogs and cats, provides a solid surface, resting platform, pad, floor mat, or similar device that is large enough for the animal to lie on in a normal manner and can be maintained in a sanitary manner. Under this chapter, shelters whose wire, grid, or slat floors: (i) permit the animals' feet to pass through the openings; (ii) sag under the animals' weight; or (iii) otherwise do not protect the animals' feet or toes from injury are not adequate shelter. In addition,~~

~~(A) Shelter, for livestock, includes structures or natural features such as trees or topography.~~

~~(B) Shelter, for a dog, includes one (1) or more of the~~

~~following: (a.) The residence of the dog's owner or other individual.~~

~~(b.) A shelter that is an enclosed structure with a roof, floor and at least three solid walls, or four solid walls with an opening in one side large enough to permit the dog to enter and exit comfortably, and of appropriate dimensions for the breed and size of the dog. The shelter shall have appropriate bedding. (ex. Shavings, hay, straw, leaves, pine needles)~~

~~— "Adequate space" means sufficient space to allow each animal to (i) easily stand, sit, lie, turn about, and make all other normal body movements in a comfortable, normal position for the animal and (ii) interact safely with other animals in the enclosure. When an animal is tethered, "adequate space" means that the tether to which the animal is attached permits the above actions and is appropriate to the age and size of the animal; is attached to the animal by a~~

properly applied collar, halter, or harness that is configured so as to protect the animal from injury and prevent the animal or tether from becoming entangled with other objects or animals, or from extending over an object or edge that could result in the strangulation or injury of the animal; is at least 15 feet in length or four times the length of the animal, as measured from the tip of its nose to the base of its tail, whichever is greater, except when the animal is being walked on a leash or is attached by a tether to a lead line or when an animal control officer, having inspected an animal's individual circumstances, has determined that in such an individual case, a tether of at least 10 feet or three times the length of the animal, but shorter than 15 feet or four times the length of the animal, makes the animal more safe, more suited, and better equipped to tolerate its environment than a longer tether; does not, by its material, size, or weight or any other characteristic, cause injury or pain to the animal; does not weigh more than one-tenth of the animal's body weight; and does not have weights or other heavy objects attached to it. The walking of an animal on a leash by its owner shall not constitute the tethering of the animal for the purpose of this definition. When freedom of movement would endanger the animal, temporarily and appropriately restricting movement of the animal according to professionally accepted standards for the species is considered provision of adequate space. The provisions of this definition that relate to tethering shall not apply to agricultural animals.

~~"Adequate space" means sufficient space to allow each animal to: (i) easily stand, sit, lie, turn about, and make all other normal body movements in a comfortable, normal position for the animal; and (ii) interact safely with other animals in the enclosure. When an animal is tethered, "adequate space" means a tether that permits the above actions and is appropriate to the age and size of the animal; is attached to the animal by a properly applied collar, halter, or harness configured so as to protect the animal from injury and prevent the animal or tether from becoming entangled with other objects or animals, or from extending over an object or edge that could result in the strangulation or injury of the animal; and is at least three times the length of the animal, as measured from the tip of its nose to the base of its tail, except when the animal is being walked on a leash or is attached by a tether to a lead line. When freedom of movement would endanger the animal, temporarily and appropriately restricting movement of the animal according to professionally accepted standards for the species is considered provision of adequate space.~~

"Adequate water" means provision of and access to clean, fresh, potable water of a drinkable temperature that is provided in a suitable manner, in sufficient volume, and at suitable intervals appropriate for the weather and temperature, to maintain normal hydration for the age, species, condition, size and type of each animal, except as prescribed by a veterinarian or as dictated by naturally occurring state of hibernation or fasting normal for the species; and is provided in clean, durable receptacles that are accessible to each animal and are placed so as to minimize contamination of the water by excrement and pests or an alternative source of hydration consistent with generally accepted husbandry practices.

"Adoption" means the transfer of ownership of a dog or a cat, or any other companion animal, from a releasing agency to an individual.

"Agricultural animals" means all livestock and poultry.

"Ambient temperature" means the temperature surrounding the animal.

"Animal" means any nonhuman vertebrate species except fish. For the purposes of ~~this chapter~~ ~~§ 3.2-6522, of the Code of Virginia~~, animal means any species susceptible to rabies. For the purposes of ~~this chapter~~ ~~§ 3.2-6570 of the Code of Virginia~~, animal means any nonhuman vertebrate species including fish except those fish captured and killed or disposed of in a reasonable and customary manner.

"Animal control officer" means a person appointed as an animal control officer or deputy animal control officer as provided in § 3.2-6555 of the Code of Virginia.

"Boarding establishment" means a place or establishment other than a public or private animal shelter where companion animals not owned by the proprietor are sheltered, fed, and watered in exchange for a fee. ~~"Boarding establishment" shall not include any private residential dwelling that shelters, feeds and waters fewer than five companion animals not owned by the proprietor.~~

"Collar" means a well-fitted device, appropriate to the age and size of the animal, attached to the animal's neck in such a way as to prevent trauma or injury to the animal.

"Companion animal" means any domestic or feral dog, domestic or feral cat, nonhuman primate, guinea pig, hamster, rabbit not raised for human food or fiber, exotic or native animal, reptile, exotic or native bird, or any feral animal or any animal under the care, custody, or ownership of a person or any animal that is bought, sold, traded, or bartered by any person. ~~No agricultural animals, game species, or animal actively involved in bona fide scientific or medical experimentation shall be considered companion animals for the purposes of this chapter. Agricultural animals, game species, or any animals regulated under federal law as research animals shall not be considered companion animals for the purposes of this chapter.~~

"Dangerous dog" is defined in § 3.2-6540 of the Code of Virginia.

"Direct and immediate threat" means any clear and imminent danger to an animal's health, safety or life.

"Dump" means to knowingly desert, forsake, or absolutely give up without having secured another owner or custodian any dog, cat, or other companion animal in any public place including the right-of-way of any public highway, road or street or on the property of another.

"Emergency veterinary treatment" means veterinary treatment to stabilize a life-threatening condition, alleviate suffering, prevent further disease transmission, or prevent further disease progression.

"Enclosure" means a structure used to house or restrict animals from running at large.

"Euthanasia" means the humane destruction of an animal accomplished by a method that involves instantaneous unconsciousness and immediate death or by a method that involves anesthesia, produced by an agent that causes painless loss of consciousness, and death during such loss of consciousness.

"Exhibitor" means any person who has animals for or on public display, excluding an exhibitor licensed by the U.S. Department of Agriculture.

"Farming activity" means, consistent with standard animal husbandry practices, the raising, management, and use of agricultural animals to provide food, fiber, or transportation and the breeding, exhibition, lawful recreational use, marketing, transportation, and slaughter of agricultural animals pursuant to such purposes.

"Humane" means any action taken in consideration of and with the intent to provide for the animal's health and well-being.

"Law-enforcement officer" means any person who is a full-time or part-time employee of a police department or sheriff's office that is part of or administered by the Commonwealth or any political subdivision thereof and who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth. Part-time employees are compensated officers who are not full-time employees as defined by the employing police department or sheriff's office.

"Livestock" includes all domestic or domesticated: bovine animals; equine animals; ovine animals; porcine animals; cervidae animals; capradae animals; animals of the genus Lama; -ratites; fish or shellfish in aquaculture facilities, as defined in § 3.2-2600 of the Code of Virginia; enclosed domesticated rabbits or hares raised for human food or fiber; or any other individual animal specifically raised for food or fiber, except companion animals.

"New owner" means an individual who is legally competent to enter into a binding agreement pursuant to subdivision B 2 of § 3.2-6574 of the Code of Virginia and who adopts or receives a dog or cat from a releasing agency.

"Owner" means any person who: (i) has a right of property in an animal; (ii) keeps or harbors an animal; (iii) has an animal in his care; or (iv) acts as a custodian of an animal.

"Poultry" includes all domestic fowl and game birds raised in captivity.

"Primary enclosure" means any structure used to immediately restrict an animal or animals to a limited amount of space, such as a room, pen, cage, compartment, or hutch. For tethered animals, the term includes the shelter and the area within reach of the tether.

"Private animal shelter" means a facility operated for the purpose of finding permanent adoptive homes for animals that is used to house or contain animals and that is owned or operated by an incorporated, nonprofit, and nongovernmental entity, including a humane society, animal welfare organization, society for the prevention of cruelty to animals, or any other similar organization.

"Properly cleaned" means that carcasses, debris, food waste, and excrement are removed from the primary enclosure with sufficient frequency to minimize the animals' contact with the above-mentioned contaminants; the primary enclosure is sanitized with sufficient frequency to minimize odors and the hazards of disease; and the primary enclosure is cleaned so as to prevent the animals confined therein from being directly or indirectly sprayed with the stream of water, or directly or indirectly exposed to hazardous chemicals or disinfectants.

"Properly lighted" when referring to a facility means sufficient illumination to permit routine inspections, maintenance, cleaning, and housekeeping of the facility, and observation of the animals; to provide regular diurnal lighting cycles of either natural or artificial light, uniformly diffused throughout the facility; and to promote the well-being of the animals.

"Properly lighted" when referring to a private residential dwelling and its surrounding grounds means sufficient illumination to permit routine maintenance and cleaning thereof, and observation of the companion animals; and to provide regular diurnal lighting cycles of either natural or artificial light to promote the well-being of the animals.

"Public animal shelter" means a facility operated by the Commonwealth, or any locality, for the purpose of impounding or sheltering seized, stray, homeless, abandoned, unwanted, or surrendered animals or a facility operated for the same purpose under a contract with any locality.

"Releasing agency" means (i) a public animal shelter or (ii) a private animal shelter, humane society, animal welfare organization, society for the prevention of cruelty to animals, or other similar entity or home-based rescue that releases companion animals for adoption.

"Research facility" means any place, laboratory, or institution licensed by the U.S. Department of Agriculture at which scientific tests, experiments, or investigations involving the use of living animals are carried out, conducted, or attempted.

"Sanitize" means to make physically clean and to remove and destroy, to a practical minimum, agents injurious to health.

"Sterilize" or "sterilization" means a surgical or chemical procedure performed by a licensed veterinarian that renders a dog or cat permanently incapable of reproducing.

"Treasurer" includes the treasurer and his assistants or other officer designated by law to collect taxes in such county.

"Treatment" or "adequate treatment" means the responsible handling or transportation of animals in the person's ownership, custody or charge, appropriate for the age, species, condition, size and type of the animal.

"Veterinary treatment" means treatment by or on the order of a duly licensed veterinarian.

"Weaned" means that an animal is capable of and physiologically accustomed to ingestion of solid food or food customary for the adult of the species and has ingested such food, without nursing, for a period of at least five days.

§ 5-3. Cruelty to animals.

A. Any person who: (i) overrides, overdrives, overloads, ~~tortures,~~ ill-treats, or abandons any animal, whether belonging to himself or another; (ii) ~~tortures any animal,~~ willfully inflicts inhumane injury or pain not connected with bona fide scientific or medical experimentation, or cruelly or unnecessarily beats, maims, mutilates, or kills any animal, whether belonging to himself or another; ~~(ii)-(iii)~~ (iii) deprives any animal of necessary food, drink, shelter, or emergency veterinary treatment; ~~(iii)-(iv)~~ (iv) sores any equine for any purpose or administers drugs or medications to alter or mask such sores for the purpose of sale, show, or exhibition of any kind, unless such administration of drugs or medications is within the context of a veterinary client-patient relationship and solely for therapeutic purposes; ~~(iv)-(v)~~ (v) ropes, lassoes, or otherwise obstructs or interferes with one or more legs of an equine in order to intentionally cause it to trip or fall for the purpose of engagement in a rodeo, contest, exhibition, entertainment, or sport unless such actions are in the practice of accepted animal husbandry or for the purpose of allowing veterinary care; ~~(v)-(vi)~~ (vi) willfully sets on foot, instigates, engages in, or in any way furthers any act of cruelty to any animal; ~~(vi)-(vii)~~ (vii) carries or causes to be carried by any vehicle, vessel or otherwise any animal in a cruel, brutal, or inhumane manner, so as to produce torture or unnecessary suffering; or (viii) causes any of the above things, or being the owner of such animal permits such acts to be done by another is guilty of a Class 1 misdemeanor.

In addition to the penalties provided in this subsection, the court may, in its discretion, require any person convicted of a violation of this subsection to attend an anger management or other appropriate treatment program or obtain psychiatric or psychological counseling. The court may impose the costs of such a program or counseling upon the person convicted.

BC. Nothing in this section shall be construed to prohibit the dehorning of cattle conducted in a reasonable and customary manner.

CD. This section shall not prohibit authorized wildlife management activities or hunting, fishing or trapping as regulated under ~~other titles of~~ the Code of Virginia, including Title 29.1, or ~~to~~ farming activities as provided under ~~this~~ Title 3.2 of the Code of Virginia or regulations adopted thereunder.

DE. It is unlawful for any person to kill a domestic dog or cat for the purpose of obtaining the hide, fur or pelt of the dog or cat. A violation of this subsection is a Class 1 misdemeanor.

~~—————E—~~

~~G. Any person convicted of violating this section may be prohibited by the court from possession or ownership of companion animals.~~

~~A. F.~~ If a dog or cat is attacked on its owner's property by a dog so as to cause injury or death, the owner of the injured dog or cat may use all reasonable and necessary force against the dog at the time of the attack to protect his dog or cat. Such owner may be presumed to have taken necessary and appropriate action to defend his dog or cat and shall therefore be presumed not to have violated this subsection. **The provisions of this subsection shall not overrule § 5-283.2-6540, 3.2-6540.1, or 3.2-6552 of the Augusta County Code. Code of Virginia.**

~~Any person convicted of violating this section may be prohibited by the court from possession or ownership of companion animals.~~

~~B.A. _____~~

State law reference - Virginia Code § 3.2-6570

Sections 5-4 through 5-10. Reserved.

ARTICLE II. Licensing of Dogs.

§ 5-11. Unlicensed dogs prohibited.

It shall be unlawful for any person to own a dog four months old or older in the county unless such dog is licensed as required by the provisions of this article. (Ords.6-13-62; 9-13-72; 11-28-72)

State law reference - Virginia Code §§ 3.2-6524 and 3.2-6543

§ 5-12. Evidence showing inoculation for rabies prerequisite to obtaining dog license.

No license tag shall be issued for any dog unless there is presented, to the treasurer or other duly authorized issuing agency, evidence satisfactory to him showing that such dog has been inoculated or vaccinated against rabies by a currently licensed veterinarian.

State law reference - Virginia Code § 3.2-6527799

§ 5-12.1. Rabies inoculation of companion animals; availability of certificate.

A. The owner or custodian of all dogs and cats four months of age and older shall have such animal currently vaccinated for rabies by a licensed veterinarian or licensed veterinary technician who is under the immediate and direct supervision of a licensed veterinarian on the premises unless otherwise provided by regulations. The supervising veterinarian on the premises shall provide the owner or custodian of the dog or the cat with a rabies vaccination certificate or herd rabies vaccination certificate and shall keep a copy in his own files. The owner or custodian of the dog or the cat shall furnish within a reasonable period of time, upon the request of an animal control officer, humane investigator, law-enforcement officer, State Veterinarian's representative, or official of the Department of Health, the certificate of vaccination for such dog or cat. The vaccine used shall be licensed by the U.S. Department of Agriculture for use in that species. At the discretion of the local health director, a medical record from a licensed veterinary establishment reflecting a currently vaccinated status may serve as proof of vaccination.

~~B.~~—All rabies clinics require the approval by the appropriate local health department and ~~the governing body~~ Board of Supervisors. The licensed veterinarian who administers rabies vaccinations at the clinic shall (i)

~~(i)~~—provide the owner or custodian a rabies vaccination certificate for each vaccinated animal and (ii)

~~C.~~—ensure that a licensed veterinary facility retains a copy of the rabies vaccination certificate. The sponsoring organization of a rabies clinic shall, upon the request of the owner or custodian, an animal control officer, a humane investigator, a law-enforcement officer, a State Veterinarian's representative, a licensed veterinarian, or an official of the Virginia Department of Health, provide the name and contact information of the licensed veterinary facility where a

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copy of the rabies vaccination certificate is retained. ~~However, the county or city shall ensure that a clinic is conducted to serve its jurisdiction at least once every two years.~~

B.

~~D.C.~~ Vaccination subsequent to a summons to appear before a court for failure to do so shall not operate to relieve such owner from the penalties or court costs provided under § 16.1-69.48:1 or 17.1-275.7 of the, Code of Virginia.

~~D.— The Virginia Board of Health shall, by regulation, provide an exemption to the requirements of subsection A if an animal suffers from an underlying medical condition that is likely to result in a life-threatening condition in response to vaccination and such exemption would not risk public health and safety. For the purposes of § 3.2-6522, Code of Virginia such exemption shall mean that the animal is considered not currently vaccinated for rabies. For the purposes of § 3.2-5902, 3.2-6526, and 3.2-6527, Code of Virginia, such exemption shall be considered in place of a current certificate of vaccination.~~

State law reference - Virginia Code § 3.2-6521

§ 5-13. How to obtain a dog license.

A. Any person may obtain a dog license by making oral or written application to the treasurer of the county, accompanied by the amount of the license tax and current certificate of vaccination as required by this article.

B. Upon receipt of proper application and current certificate of vaccination as required by this article, the treasurer or other officer charged with the duty of issuing dog licenses shall issue a license receipt for the amount on which he shall record the name and address of the owner or custodian, the date of payment, the year or years for which issued, ~~whether male or female, whether spayed or neutered or infertile~~, and the serial number of the tag, -and deliver the metal license tags or plates provided for in this article.

C. The treasurer may establish substations in convenient locations in the county and appoint agents for the collection of the license tax and issuance of such licenses. (Ord. 6/13/62)

State law reference - Virginia Code § 3.2-6527

§ 5-14. Amount of license tax.

A. There is hereby imposed a license tax on the ownership of dogs ~~four months old or older~~ within the county, unless otherwise exempted by law.

B. The annual license tax on ~~an fertile-unsterilized or fertile~~ dog not in a

licensed kennel shall be Ten Dollars (\$10.00). A multi-year license tax that runs concurrently with the dog's rabies vaccination effective period shall be Twenty-~~Five~~ Dollars (\$25.00).

C. The annual license tax on a neutered, ~~spayed, or~~ ~~or~~ infertile dog shall be Six Dollars (\$6.00). A multi-year license tax that runs concurrently with the dog's rabies vaccination effective period shall be Fifteen Dollars (\$15.00). Any person who applies for a license tag for a neutered, ~~spayed, or~~ ~~or~~ infertile dog shall present at the time of application certification from a licensed veterinarian attesting the neutering, ~~spaying,~~ or infertility of the dog. If such certification is not so presented, the dog shall be taxed the fee levied on ~~unsterilized or~~ fertile dogs.

D. The tax for each kennel shall be calculated at the rate of fifty Dollars (\$50.00) for each block of up to twenty dogs.

~~E.~~—For purposes of this chapter, "kennel" means ~~an enclosure any structure or premises on which~~ ~~with~~ five or more

~~E.~~ ~~D~~ogs over four months of age are kept.

~~—No license tax shall be levied on any dog that is trained and serves as (i) a guide dog for a blind person, (ii) a hearing dog for a person who is deaf or hard of hearing, or (iii) a service dog for a mobility-impaired or otherwise disabled person.~~

~~F.~~ As used in this subsection, "hearing dog," "mobility-impaired person," "otherwise disabled person," and "service dog" have the same meanings as assigned in Virginia Code § 51.5-40.1.

(Ord. 6/13/62; 9/13/72; 11/28/72; 5/5/92; 9/23/09; 3/10/10, eff. 1/10/10)

State law reference - Virginia Code § 3.2-6528

§ 5-15. When license tax payable.

A. On January 1 and not later than January 31 of each year a license tax is due, the owner of any dog four months old or older shall pay a license tax as prescribed in ~~S~~section 5-14 of this ~~a~~article.

~~B.~~ Within thirty days after the dog becomes four months of age, or not later than thirty days after an owner acquires a dog four months of age or older, the license tax for the current calendar shall be paid.

~~B.C.~~ Any kennel license tax prescribed in Section 5-14 of this article shall be due on January 1 and not later than January 31 of each year.

State law reference - Virginia Code § 3.2-6530

§ 5-16. Effect of dog not bearing tag as evidence.

Any dog not wearing a collar bearing a license tag of the proper calendar year shall prima facie be deemed to be unlicensed, and in any proceedings under this article the burden of proof of the fact that such dog has been licensed, or is otherwise not required to bear a tag at the time, shall be on the owner of the dog.

State law reference - Virginia Code § 3.2-6533

§ 5-17. Dog license; defined.

A. A dog license shall consist of a license receipt and a metal tag. The tag shall be stamped or otherwise permanently marked to show that the county issued the license and bear a serial number.

~~A.~~ -

B. A kennel license shall consist of a license receipt which shall show that the county issued the license, shall show the number of dogs authorized to be kept under such license, ~~whether such dogs are male or female~~, and shall bear a serial number. It shall also consist of metal tags for the individual dogs, each of which shall be stamped or otherwise permanently marked to show that the county issued the license and bear a serial number.
(6/13/62)

State law reference - Virginia Code § 3.2-6526

§ 5-18. Duplicate license tags.

If a dog license tag shall become lost, destroyed or stolen, the owner or custodian shall at once apply to the treasurer or his agent who issued the original license for a duplicate license tag, presenting the original license receipt. Upon affidavit of the owner or custodian before the treasurer or his agent that the original license tag has been lost, destroyed or stolen, he shall issue a duplicate license tag which the owner or custodian shall immediately affix to the collar of the dog. The treasurer or his agent shall endorse the number of the duplicate and the date issued on the face of the original license receipt. The fee for a duplicate tag for any dog shall be one dollar.
(Ords. 6/13/62; 9/13/72)

State law reference - Virginia Code § 3.2-6532

§ 5-19. Displaying receipts; dogs to wear tags.

A. Dog and kennel license receipts shall be carefully preserved by the licensees

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and exhibited promptly on request for inspection by any animal control officer or other officer.

B. Dog license tags shall be securely fastened to a substantial collar by the owner or custodian and worn by the licensed dog.

C. It shall be unlawful for the owner to permit any licensed dog four months old or older to run or roam at large at any time without a license tag.

D. The owner or custodian of the dog may remove the collar and license tag required by this section when (i) the dog is engaged in lawful hunting, (ii) the dog is competing in a dog show, (iii) the dog has a skin condition which would be exacerbated by the wearing of a collar, (iv) the dog is confined, or (v) the dog is under the immediate control of the owner or custodian.

~~E. A kennel dog shall not be permitted to stray beyond the limits of the enclosure but this shall not prohibit removing dogs therefrom temporarily while under the immediate control of the owner or custodian. (Ord. 6/13/62)~~

State law reference - Virginia Code § 3.2-6531

§ 5-20. Payment of license tax subsequent to summons.

Payment of the license tax subsequent to a summons to appear before a court for failure to pay the license tax within the time required shall not operate to relieve such owner from the penalties provided.

State law reference - Virginia Code § 3.2-6536

ARTICLE III. Control of Dogs.

§ 5-21. Running at large and running at large in a pack defined.

A. A dog shall be deemed to run at large while roaming, running ~~or self hunting~~ off the property of its owner or custodian and not under its owner's or custodian's immediate control.

B. A dog shall not be deemed under its owner's or custodian's immediate control unless it is under restraint. A dog under restraint shall mean any dog (i) secured by leash or lead, (ii) under control of a responsible person and obedient to that person's commands, (iii) within the real property limits of its owner or other person consenting to its presence, or (iv) restrained as a hunting dog as provided by state law. (Ord. 9/26/78)

C. A dog shall be deemed to be running at large in a pack if it is running at large in the company of one or more other dogs that are also running at large.

State law reference - Virginia Code §§ 3.2-6538 and §3.2-6539

§ 5-22. Dogs prohibited from running at large; ~~running at large in a pack.~~

A. It shall be unlawful for any dog to run at large at any time anywhere in the county. Any person who owns a dog that runs at large shall be deemed to have violated the provisions of this section. (Ord. 9/26/78)

B. ~~It shall be unlawful for any dog to run at large in a pack at any time anywhere in the county.~~

State law reference - Virginia Code §§ 3.2-6538 and §3.2-6539

~~§ 5-23 Repealed. § 5-23. Dogs not inoculated prohibited from running at large.~~

~~It shall be unlawful for any dog which has not been inoculated or vaccinated against rabies to run at large at any time anywhere in the county. A dog shall be deemed not inoculated if its owner or custodian cannot produce proof of current rabies vaccination. Any person who owns a dog which is not inoculated and such dog runs at large, shall be deemed to have violated the provisions of this section.~~

~~*State law reference—Virginia Code § 3.2-6522 and 6525*~~

§ 5-24. Reserved.

§ 5-25. Impoundment.

A. The board of supervisors shall maintain or cause to be maintained a public animal shelter or enclosure in accordance with state law and shall cause dogs running at large in violation of article III of this chapter to be confined therein.

B. Any animal which has been so confined must be kept for a period of not less than five days, such period to commence on the day immediately following the day the animal is initially confined to the facility, unless sooner claimed by the owner thereof.

C. A reasonable effort must be made to ascertain whether the animal has a collar, tag, license, tattoo, or other form of identification. If such identification is found on the animal, the animal shall be held for an additional five days, unless sooner claimed by the rightful owner. If the rightful owner of the animal can be readily identified, the operator or custodian of the shelter shall make a reasonable effort to notify the owner of the animal's confinement within the

next 48 hours following its confinement.

D. In the event that any animal confined in such facility is claimed by its rightful owner, ~~in addition to any other fees and or penalties prescribed in this chapter,~~ the owner shall ~~only~~ be charged with the actual expenses incurred in keeping the animal ~~impounded~~.

E. If an animal has not been claimed upon expiration of the appropriate holding period as provided in subsection B; it shall be deemed abandoned and become the property of the public animal shelter.

F. The public animal shelter shall be accessible to the public at reasonable hours during the week or by appointment.

(Ords. 9/26/78; 5/22/79; 9/23/09)

State law reference - Virginia Code § 3.2-6546

§ 5-26. Records.

An animal control officer or the custodian of any public animal shelter, upon taking custody of any animal in the course of his official duties, shall immediately make a record of the matter in a daily log. The record shall include a description of the animal including color, breed, sex, ~~approximate~~ age, approximate weight, reason for seizure, location of seizure, the owner's name and address if known, all license or other identification numbers and the disposition of the animal.

State law reference - Virginia Code § 3.2-6557

§ 5-27. Reserved.

§ 5-28. Dogs killing, injuring or chasing livestock or poultry

A. It shall be the duty of any animal control officer or other officer who may find a dog in the act of killing or injuring livestock or poultry to seize or kill such dog forthwith whether such dog bears a tag or not. Any person finding a dog committing any of the depredations mentioned in this section shall have the right to kill such dog on sight as shall any owner of livestock or his agent finding a dog chasing livestock on land utilized by the livestock when the circumstances show that such chasing is harmful to the livestock. Any court shall have the power to order the animal control officer or other officer to kill any dog known to be a confirmed livestock or poultry killer, and any dog killing poultry for the third time shall be considered a confirmed poultry killer. The court, through its contempt powers, may compel the owner, custodian, or harbinger of the dog to produce the dog.

B. Any animal control officer who has reason to believe that any dog is killing livestock

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or poultry shall confine the animal ~~until such time solely for the purpose of examining such dog in order to determine whether it committed any of the depredations mentioned herein. as evidence shall be heard and a verdict rendered.~~ Any animal control officer or other person who has reason to believe that any dog is killing livestock, or committing any of the depredations mentioned in this section, shall apply to a magistrate serving the locality wherein the dog may be, who shall issue a warrant requiring the owner or custodian, if known, to appear before a general district court at a time and place named therein, at which time evidence shall be heard. If it shall appear that the dog is a livestock killer, or has committed any of the depredations mentioned in this section, the district court shall order that the dog be: (i) killed immediately by the animal control officer or other officer designated by the court; or (ii) removed to another state that does not border on the Commonwealth and prohibited from returning to the Commonwealth. Any dog ordered removed from the Commonwealth that is later found in the Commonwealth shall be ordered by a court to be euthanized immediately.

C. Notwithstanding the provisions of subsection B, if it is determined that the dog has killed or injured other poultry, the district court may, instead of ordering killing, euthanasia, or removal to another state pursuant to this section, order either (a) that the dog be transferred to another owner whom the court deems appropriate and permanently fitted with an identifying microchip registered to the owner or (b) that the dog be fitted with an identifying microchip registered to the owner and confined indoors or in a securely enclosed and locked structure to sufficient height and design to prevent the dog's escape; direct contact with the dog by minors, adults, or other animals; or entry by minors, adults, or other animals. The structure shall be designed to provide the dog with shelter from the elements of nature. When off its owner's property, any dog found to be a poultry killer shall be kept on a leash and muzzled in such a manner as not to cause injury to the dog or interfere with its vision or respiration, but so as to prevent it from biting a person or another animal.

State law reference - Virginia Code § 3.2-6552

Sections 5-29 and 5-30. Reserved.

ARTICLE IV. Compensation for Livestock and Poultry Killed by Dogs.

§ 5-31. Compensation provided.

Any person who has any livestock or poultry killed or injured by any dog not his own shall be entitled to receive as compensation the fair market value of such livestock or poultry, not to exceed limits established by state law, provided the requirements of this article have been met. (Ord.4/24/79)

State law reference - Virginia Code § 3.2-6553

§ 5-32. Requirements for compensation.

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No person shall be entitled to receive compensation under section 5-31 unless:

A. The claimant has furnished evidence within sixty days of discovery of the quantity and value of the dead or injured livestock and the reasons the claimant believes that death or injury was caused by a dog;

B. The animal control officer shall have been notified of the incident within seventy-two hours of its discovery;

C. The animal control officer has conducted an investigation which included a visual examination of the dead or injured livestock;

D. The County Administrator or designee of Augusta County, Virginia, has determined that the claim is supported by the investigation of the animal control officer; and

E. The claimant first has exhausted his legal remedies against the owner, if known, of the dog doing the damage for which compensation under section 5-31 is sought. Exhaustion shall mean a judgment against the owner of the dog upon which an execution has been returned unsatisfied.

(Ord. 4/24/79; 3/12/86; 6/24/20)

State law reference - Virginia Code § 3.2-6553

§ 5-33. Subrogation.

Upon payment under section 5-31, the board of supervisors of Augusta County, Virginia, shall be subrogated to the extent of compensation paid to the right of action to the owner of the livestock or poultry against the owner of the dog and may enforce the same in an appropriate action at law. (Ord. 4/24/79)

State law reference - Virginia Code § 3.2-6553

§ 5-34. Penalty for false claim.

For any person to present a false claim or to receive any money on a false claim under the provisions of this article shall constitute a Class 1 misdemeanor.

State law reference Virginia Code § 3.2-6587

Sections 5-35 through 5-40. Reserved.

ARTICLE V. Diseased and Deceased Fowl.

§ 5-41. Importation of diseased fowl and carcasses of diseased fowl prohibited.

It shall be unlawful for any person knowingly to import, haul or transport into or through Augusta County any diseased fowl or carcasses of diseased fowl from areas subject to any lawful quarantine declared by any federal, state or local governmental agency without being properly permitted by the Virginia Department of Health or the Virginia Department of Agriculture and Consumer Services and with the concurrence of the Augusta County Board of Supervisors. (Ord. 6/24/84).

State law reference - Virginia Code § 15.2-1200

§ 5-42. Disposal of diseased fowl off-site prohibited.

A. It shall be unlawful for any person knowingly to deposit, dump or bury diseased fowl or carcasses of diseased fowl, which have been determined to have contracted a disease within an area subject to any lawful quarantine declared by any federal, state or local governmental agency, on property located within Augusta County, unless the property is the site where said fowl were ordinarily maintained and kept at the time the disease was detected.

B. Nothing herein shall be deemed to require on-site disposal of such fowl and carcasses where a determination is made by the Virginia Department of Health or the Virginia Department of Agriculture and Consumer Services that on-site disposal would increase the risk of spread of contagious diseases among persons, animals or fowl or would be hazardous to the environment.

C. In the event on-site disposal is not approved by the Virginia Department of Health or the Virginia Department of Agriculture and Consumer Services, such fowl and carcasses may be deposited and disposed of by methods approved by the Virginia Department of Health at locations within the county approved by the Virginia Department of Health or the Virginia Department of Agriculture and Consumer Services. (Ord. 4/24/84)

§ 5-43 through § 5-50. Reserved.

ARTICLE VI. Enforcement.

§ 5-51. Miscellaneous offenses.

~~The following shall be unlawful acts and constitute misdemeanors, and any person convicted thereof shall be subject to the following authorized punishments:~~

A. ~~Unless otherwise specifically provided, a violation of any provision of this chapter shall constitute a class 4 misdemeanor.~~

B. ~~Unless otherwise specifically provided, any person found violating County Code Sections 5-11 and; 5-22, 5-23 (which occurs within 12 months of the occurrence of the first violation) shall be assessed a civil penalty of \$75.00. A third or more subsequent violation (which~~

occurs within 12 months of the occurrence of the first violation) shall be assessed a civil penalty of \$150.00

C. Any owner convicted of, or otherwise found violating, the provisions of this chapter shall, in addition to the penalty and/or fine imposed, be required to pay costs extended for the impoundment, handling, care, housing or medical care for the animal concerned.

D. The foregoing notwithstanding, violations of Sections 5-11 and; 5-22, ~~and 5-23~~, are hereby designated as civil violations, with the civil penalties for such violation set forth as follows:

Section	First Offense	Second Offense	Third and Subsequent Offenses
5-11 Unlicensed Dogs Prohibited	\$10.00*	\$75.00*	\$150.00
5-22(A) Dogs Prohibited from Running at Large	\$25.00	\$75.00	\$150.00
5-22(B) Dogs Prohibited from Running at Large in a Pack	\$25.00	\$75.00	\$100.00
5-23 Dogs not Inoculated Prohibited from Running at Large	\$50.00*	\$100.00*	\$150.00
*Violator must also obtain proper license and/or rabies vaccination certificate			

~~For any dog owner to own a dog four months or older in the county without a license in violation of section 5-11, a fine of not less than ten dollars (\$10.00) and not more than two hundred fifty dollars (\$250.00).~~

~~A. For any dog owner to allow a dog to run at large in violation of section 5-22, a fine of not less than twenty five dollars (\$25.00) and not more than two hundred fifty dollars (\$250.00).~~

~~B. For any dog owner to allow a dog not inoculated to run at large in violation of section 5-23, a fine of not less than fifty dollars (\$50.00) and not more than two hundred fifty dollars (\$250.00).~~

C.E. An animal control officer or law enforcement officer may issue a summons for a civil violation. Any person summoned or issued a ticket for a civil violation may make an appearance in person or in writing by mail to the County treasurer prior to the date fixed for trial in court. Any person so appearing may enter a waiver of trial, admit liability, and pay the civil penalty established for the offense charge.

D.F. For any person to violate any other provision of this chapter for which specific ~~fine or penalty~~ penalty is not provided, a fine of not less than ten dollars (\$10.00) and not more than ~~onetwo~~ hundred fifty dollars (1250.00).

State law reference - Virginia Code §§ 3.2-6587 and §3.2-6543

§ 5-52. Power to issue summons.

When in uniform or upon displaying a badge or other credentials of office, animal control officers and deputy animal control officers shall have the power to issue a summons to any person found in the act of violating any provision of this chapter.

State law reference - Virginia Code §§ 3.2-6543 and 3.2-6555

§ 5-53. Issuance and service of summons in place of warrant.

A. Whenever any person is found violating any provision of this chapter punishable as a Class 3 or Class 4 misdemeanor or any other misdemeanor for which he cannot receive a jail sentence, the animal control officer or other authorized authority shall take the name and address of such person and issue a summons or otherwise notify him in writing to appear at a time and place to be specified in such summons or notice.

B. Upon the giving by such person of his written promise to appear at such time and place, the animal control officer or other authorized authority shall forthwith release him from custody.

C. If any such person shall fail or refuse to discontinue the unlawful act, the animal control officer or other authorized authority may proceed according to the Commonwealth's procedures for arrest without warrant.

D. Any person refusing to give written promise to appear under the provisions of this section shall be taken immediately by the animal control officer or other authorized authority before a magistrate or other issuing authority having jurisdiction, who shall proceed according to the Commonwealth's procedures for arrest without warrant.

E. Any person who willfully violates his written promise to appear, given in accordance with this section, shall be treated in accordance with the Commonwealth's

procedures and penalties for failure to appear.

State law reference - Virginia Code §§ 3.2-6555 and 19.2-74

§ 5-54. Violation of chapter; notice.

The treasurer may, on a form to be provided by the county, notify a dog owner by mail at his last known address, that the dog owner may pay the dog license fee within the time specified by the notice together with the added cost of the mailing and, if such fee is not paid within the time so prescribed, the treasurer will notify the animal control officer or other authorized authority that the dog owner has failed to pay such fee within the time so prescribed.

(Ord. 9/23/09)

§ 5-55 Violation of Chapter 5; penalty.

Any person convicted of a violation of this chapter, unless a penalty is otherwise specified, shall be guilty a Class 4 misdemeanor and shall be punished by a fine of not more than two hundred fifty dollars (\$250.00)

State law reference - Virginia Code § 3.2-6587

§ 5-56. Giving false reports.

A. It shall be unlawful for any person (i) to knowingly give a false report as to the commission of any crime to any animal control officer or law-enforcement official with the intent to mislead, or (ii) without just cause and with intent to interfere with the operations of any animal control officer or law-enforcement official. Any person knowingly giving false reports shall be guilty of a Class 1 misdemeanor.

B. Any person who knowingly and willfully makes any materially false statement or representation to a law-enforcement officer or an animal control officer employed pursuant to § 3.2-6555 of the Code of Virginia, who is in the course of conducting an investigation of a crime by another is guilty of a Class 1 misdemeanor.

State law reference - Virginia Code §§ 18.2-460 D and ~~§~~ 18.2-461

§ 5-57. Interfering With an Animal Control Officer

No individual shall interfere with an animal control officer in the legal performance of his or her duties. This includes but not limited to, striking or attempting to strike the animal control officer; providing the animal control officer with false information; taking or attempting to take any animal from an animal control officer in the legal performance of his or her duties; or from any official vehicle used by the department to transport animals; or taking or damaging any county property used in conjunction with the animal control officer's duties. Any person interfering with an animal control officer's duties shall be by guilty of a Class 1 misdemeanor.

State law reference - Virginia Code § 18.2-460

Sections 5-58 through 5-60. Reserved.

ARTICLE VII. Coyotes.

§ 5-61. Killing of coyotes.

It shall be lawful for any person to kill coyotes within the boundaries of Augusta County at any time, provided that, as to the property on which any such coyote is killed, (i) such person owns the property, (ii) such person is the lawful tenant in possession of the property, (iii) such person has the permission of the owner or lawful tenant in possession of the property to kill such coyote, or (iv) such property is owned by the Commonwealth of Virginia or the United States of America.

§ 5-62. Payment of bounty for coyotes, and § 5-63. Penalty for false claims repealed by ordinance dated May 12, 2010, effective July 1, 2010.

(Ord. 10/12/05, eff. 1/1/06; 5/12/10, eff. 7/1/10)

State law reference - Virginia Code §15.2-926.1

(Ord. 6/28/17)



**COUNTY OF AUGUSTA
STAFF REPORT**

AGENDA SECTION: PLANNING COMMISSION/PUBLIC HEARINGS

DEPARTMENT:

STAFF MEMBER:

DATE OF REQUEST:

REQUESTED ACTION FOR THE BOARD OF SUPERVISORS:

Discuss

EXECUTIVE SUMMARY:

ATTACHMENTS:

[Rezoning-Sutton.pdf](#)

**COUNTY OF AUGUSTA
STAFF REPORT
Brenda and John Sutton
January 24, 2024**

SUMMARY OF REQUEST	A request to rezone from Rural Residential to General Agriculture approximately 0.20 acres (TMP 068 38D and 068 38U) located at 45 Cedar Ridge Road in Waynesboro in the Wayne Magisterial District. The property is located in a Rural Conservation Area of the Comprehensive Plan planned for General Agriculture. The purpose of the rezoning is to rezone back to General Agriculture in order to match the zoning to the property lines of a recent boundary line adjustment.
REZONING NUMBER	23-31
CURRENT ZONING	0.20 acres is zoned Rural Residential out of approx. 10.23 acres zoned General Agriculture
VICINITY ZONING	General Agriculture to North, South, and West. Rural Residential to the East.
CURRENT PROFFERS	None.
PROPOSED PROFFERS	N/A
OVERLAY DISTRICTS	N/A
COMPREHENSIVE PLAN PLANNING POLICY AREA / FUTURE LAND USE DESIGNATION	Rural Conservation Area/General Agriculture
SOILS	This parcel is in land use. Soil information is below.
OTHER INFORMATION	N/A
SUMMARY OF STAFF RECOMMENDATION	Staff recommends approval of the rezoning.

AGENCY COMMENTS

SOILS:

TAX MAP PARCEL	CLASS I	CLASS II	CLASS III	CLASS IV – VII	FOREST	TOTAL ACREAGE
068 38D	0	2.221	0	0	0	2.221
068 38U	0	4.030	3.000	0	0	7.030

ENGINEER: N/A

ZONING ADMINISTRATOR:

Rezoning a small portion of the property currently split zoned General Agriculture and Rural Residential to General Agriculture the surrounding Rural Residential and General Agriculture zoned properties should not be negatively impacted.

AUGUSTA WATER:

1. There is no public water or sewer available in the area of the subject parcel.

AUGUSTA COUNTY FIRE-RESCUE:

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

If you have further questions, please contact me at 540-245-5624.

VIRGINIA DEPARTMENT OF TRANSPORTATION:

Traffic Data: Rte. 611 (Baynes Rd)

- AADT: 940 (2021)
- Speed Limit: 45 MPH (Posted)
- K-factor: .1131, Dir. Factor: .6364
- Funct. Class: Minor Collector

1. The proposed rezoning would not require a Traffic Impact Analysis (TIA) and is not expected to negatively impact the adjacent roadway.
2. Any proposed entrance must be designed and constructed in accordance with Appendix F of The Road Design Manual.

SCHOOL BOARD STAFF COMMENTS:

The request for a change of approximately 0.200 acres from Rural Residential to General Agriculture would have no significant impact on these three (3) schools.

The table below indicates the enrollment as of Nov. 16, 2023.

School	Enrollment	Capacity
Cassell Elementary (CAES)	645	834
Wilson Middle (WMS)	661	750
Wilson High (WMHS)	862	900

PLANNING STAFF COMMENTS:

PROS:

1. This majority of the parcel is currently zoned General Agriculture. This request would be fixing a boundary line adjustment, so that the entire parcel will be zoned General Agriculture.

CONS:

None.

OTHER NOTES:

1. *Community Engagement.* As required by state law, 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 also notified adjacent property owners via a mailing.

RECOMMENDATION

Staff does not see any issues with this request, and therefore, recommend approval to fix the boundary line adjustment for 0.20 acres from Rural Residential to General Agriculture.

PLANNING COMMISSION RECOMMENDATION (December 12, 2023) Planning Commission recommends approval of the request.

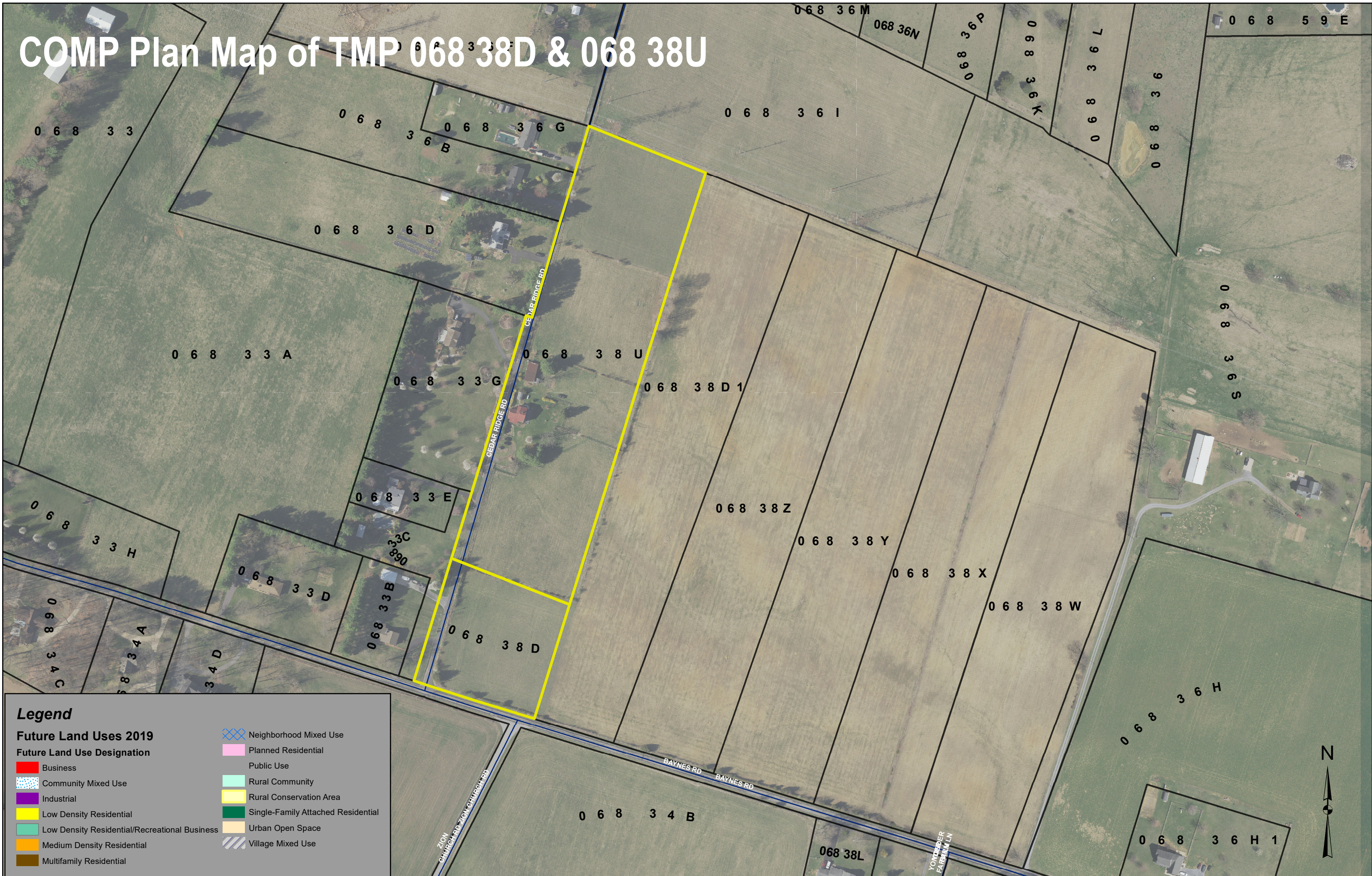
Zoning Map of TMP 068 38D & 068 38U



Legend

Zoning	Color	Zoning	Color
AB	Orange	PUD	Pink
GA_W/DATE	Light Blue	SFP2	Light Pink
GA	White	AR	Dark Green
RB	Red	DR	Light Green
LB	Red	RR	Yellow-Green
GB	Red	RR1	Yellow-Green
GI	Purple	RR2	Yellow-Green
LI	Purple	RR3	Yellow-Green
PC	Light Purple	SF	Green
MF	Yellow	SF9	Green
MHP	Brown	SF10	Green
MHS	Brown	SF12	Green
		SF15	Green
		SF18	Green

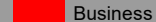

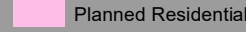
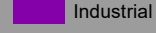

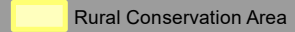

COMP Plan Map of TMP 068 38D & 068 38U



Legend

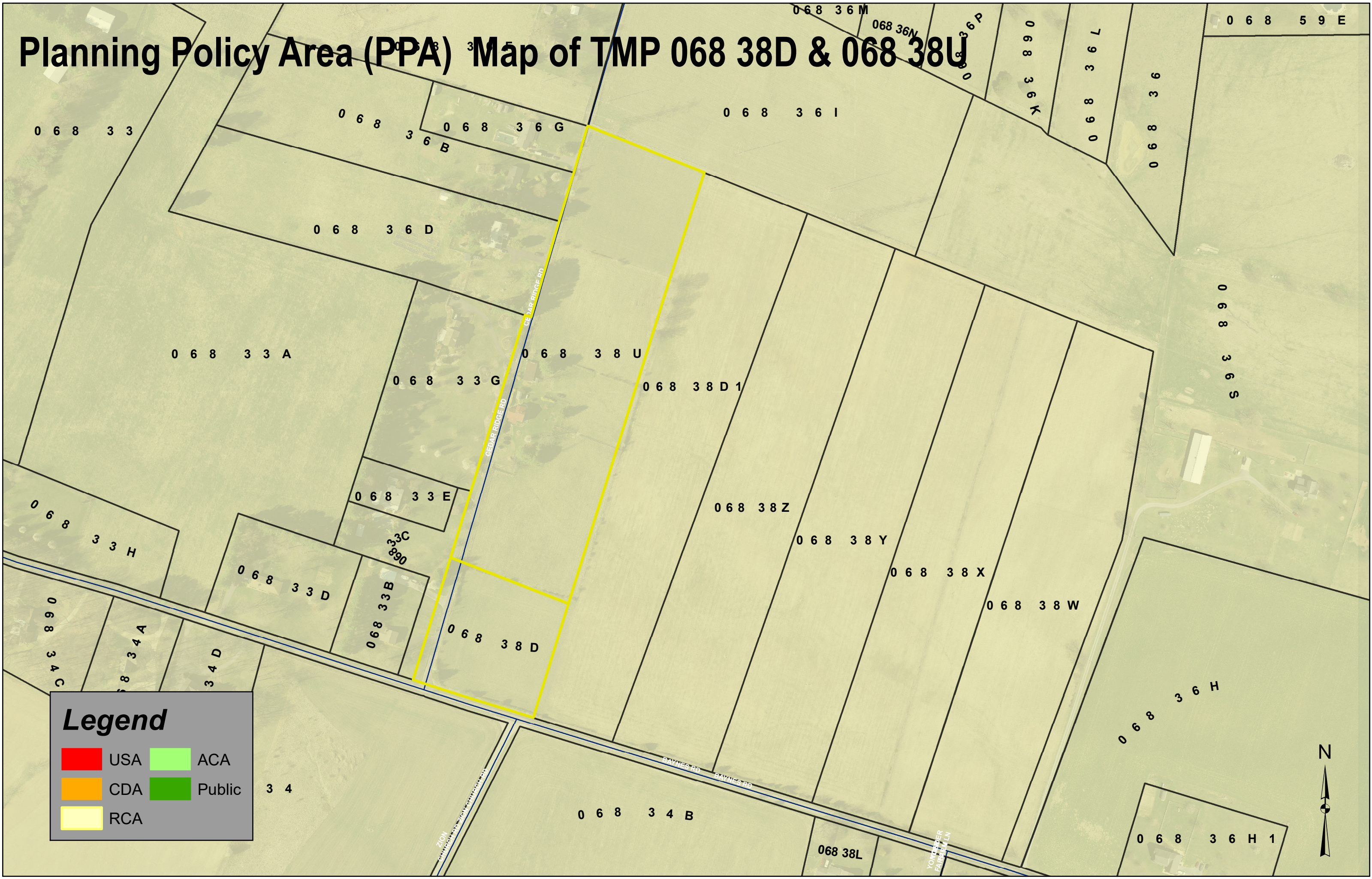
Future Land Uses 2019

Future Land Use Designation

- | | |
|--|--|
|  Business |  Neighborhood Mixed Use |
|  Community Mixed Use |  Planned Residential |
|  Industrial |  Public Use |
|  Low Density Residential |  Rural Community |
|  Low Density Residential/Recreational Business |  Rural Conservation Area |
|  Medium Density Residential |  Single-Family Attached Residential |
|  Multifamily Residential |  Urban Open Space |
| |  Village Mixed Use |



Planning Policy Area (PPA) Map of TMP 068 38D & 068 38U



Legend

USA	ACA
CDA	Public
RCA	



01/24/24

ORDINANCE

A REQUEST TO REZONE FROM RURAL RESIDENTIAL TO GENERAL AGRICULTURE APPROXIMATELY 0.20 ACRES OF AN APROXIMATLETLY 10.25 AREA (TMP 068 38D and 06838U) OWNED BY BRENDA BAIN SUTTON AND JOHN MARK SUTTON LOCATED AT 45 CEDAR RIDGE RD. IN WAYNESBORO IN THE WAYNE 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 **068 38D and 068 38U, portion**, containing a total of approximately 0.20 acres be changed from Rural Residential to General Agriculture.



**COUNTY OF AUGUSTA
STAFF REPORT**

AGENDA SECTION: PLANNING COMMISSION/PUBLIC HEARINGS

DEPARTMENT:

STAFF MEMBER:

DATE OF REQUEST:

REQUESTED ACTION FOR THE BOARD OF SUPERVISORS:

Discuss

EXECUTIVE SUMMARY:

ATTACHMENTS:

[Rezoning-Whitson.pdf](#)

**COUNTY OF AUGUSTA
STAFF REPORT
Eric and Jodie Whitson
January 24, 2024**

SUMMARY OF REQUEST	A request to rezone from Single-Family Residential to General Agriculture approximately 12.56 acres (TMP 024 19F) owned by Eric and Jodie Whitson and located at 703 Scenic Highway in Churchville in the Pastures Magisterial District. The property is located in a Rural Conservation Area of the Comprehensive Plan planned for General Agriculture. The purpose of the rezoning is to rezone back to General Agriculture in order to subdivide using the “existing dwelling division lot” provision under Section 25-77.4 Lot frontage in general. Exceptions. Item C. of the Augusta County Code and to build a dwelling on the residual lot.
REZONING NUMBER	23-30
CURRENT ZONING	Single Family Residential
VICINITY ZONING	Single-family Residential 10 (SF-10) to the west, Rural Residential 1 (RR1) to the north, General Agriculture (GA) to the east and south.
CURRENT PROFFERS	None.
PROPOSED PROFFERS	Development of Tax Map Parcel 024 19F shall not include intensive agriculture operations, including large chicken or turkey houses, intensive swine farming, and concentrated animal feeding operations (AFOs). Small hobby farm operation may be permitted.
OVERLAY DISTRICTS	N/A
COMPREHENSIVE PLAN PLANNING POLICY AREA / FUTURE LAND USE DESIGNATION	Rural Conservation Area/ General Agriculture
SOILS	This parcel is in land use. Soil information is below.

OTHER INFORMATION	Staff reviewed the impacts and methods to mitigate the impacts to neighboring SF-10 properties with the applicant.
SUMMARY OF STAFF RECOMMENDATION	Staff recommends approval of the rezoning.

AGENCY COMMENTS

SOILS:

TAX MAP PARCEL	CLASS I	CLASS II	CLASS III	CLASS IV – VII	FOREST	TOTAL ACREAGE
024 19F	0	8.0	3.590	0	0	12.59

ENGINEER:

A significant increase in stormwater runoff is not anticipated with division of the 12.59 acre parcel, especially if the driveway is shared.

Though not apparent during the site inspection, the USGS Topographic Map indicates that an intermittent stream flows through the property. 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 Jennings Branch which is listed on the Virginia DEQ 2022 Impaired Waters List. This impaired segment extends from its confluence with McKittricks Branch downstream to its confluence with Middle River (which is also impaired). The impaired use is Aquatic Life, the specific impairment is failure of the Benthic Macroinvertebrates Bioassessment, likely sources are unknown.

Additionally, the Augusta County Comprehensive Plan lists the Jennings Branch 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. Though currently zoned for Single Family development, the area and adjacent parcels are designated as either Rural Conservation Area or Agricultural Conservation Area, therefore, no external connections are required, whether zoned as Single Family, or General Agriculture.

Natural Resources Recommendations from the Comprehensive Plan

The Augusta County Comprehensive Plan recommends performance standards to protect natural resources. For Rural Conservation Areas, a riparian buffer of 100 feet on either side of a stream or the limit of the floodplain (wider of the two) is encouraged, and stormwater should not be piped through in a manner to short-cut the buffer.

ZONING ADMINISTRATOR:

If the property is rezoned to General Agriculture the adjoining Single Family Residential zoned properties containing single family dwellings could be negatively impacted by noise, dust and odor associated with agricultural operations and Special Use Permits that could be obtained for business uses such as motor vehicle repair, dog kennels, and junkyards. Zoning does not feel the request would adversely affect the adjacent parcel currently zoned General Agriculture.

AUGUSTA WATER:

1. There is no public water or sewer available in the area of the subject parcel.

AUGUSTA COUNTY FIRE-RESCUE:

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

If you have further questions, please contact me at 540-245-5624.

VIRGINIA DEPARTMENT OF TRANSPORTATION:

Traffic Data: Rte. 42 (Scenic Hwy)

- AADT: 1900 (2021)
- Speed Limit: 55 MPH (Posted)
- K-factor: .1137, Dir. Factor: .5509
- Funct. Class: Minor Arterial

1. The proposed rezoning would not require a Traffic Impact Analysis (TIA) and is not expected to negatively impact the adjacent roadway.
2. VDOT recommends the entrance for the proposed subdivided parcel be shared with the existing entrance.
3. Any proposed entrance must be designed and constructed in accordance with Appendix F of The Road Design Manual.

SCHOOL BOARD STAFF Comments: The request for a change of approximately 12.59 acres total acreage 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 Nov. 16, 2023.

School	Enrollment	Capacity
Churchville Elem CHES	449	592
Beverley Manor Middle BMMS	613	800
Buffalo Gap High BGHS	413	740

PLANNING STAFF COMMENTS:

PROS:

1. This request is in compliance with the Comprehensive Plan Future Land Use Map which designates this parcel for General Agriculture.
2. The parcel is in land use, but is currently zoned Single Family Residential 10. To qualify for land use, the land must be zoned Agriculture. This rezoning would bring the zoning designation in alignment with the land use requirements.
3. It is located within the Rural Conservation Area Planning Policy Area which are areas subdivided with residential uses where moderate amounts of low density rural residential development on individual wells and septic fields are expected to occur.
4. Going back to General Agriculture would be compatible with the General Agriculture zoned properties to the east and south.
5. There is an existing driveway which VDOT recommends using as the shared entrance for the proposed subdivided parcel.

CONS:

1. Water and Sewer are not available to serve the parcel.
2. Some uses permitted by-right or by Special Use Permit in General Agriculture may not be compatible with adjacent Single-Family development and zoning.
3. The single-family residential 10 to the west and the Rural Residential 1 zoned properties to the north could be impacted by General Agriculture uses.

ISSUES THAT NEED TO BE ADDRESSED PRIOR TO DEVELOPMENT:

1. How will the applicant mitigate any and all adverse impacts that may occur having agriculture uses directly adjacent to the single-family 10 residential zoning and rural residential development?
2. VDOT recommends sharing the existing entrance.

OTHER NOTES:

1. *Community Engagement.* As required by state law, 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 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. ***Agriculture, Goal 2, Objective B, Policy 2: Lot Creation.*** *Continue to explore and implement methods for reducing the number of lots created in agriculturally zoned areas through the minor subdivision process. New minimum or maximum lot sizes, limits on the family member exception, and restrictions on boundary line adjustments, as well as other available methods, should be considered. Regulations relating to the configuration of new lots should also be considered.*

This rezoning would be adding General Agriculture back and the applicant will be using Existing Dwelling lot provision as provided in Section 25-77.C to create a residual lot that can only be used one time.

- b. ***Land Use and Development, Goal 1, Objective B, Policy 4: Rezoning Approvals.*** *Requests for changes in residential densities for specific sites should be evaluated in terms of the Planning Policy Area/Future Land Use Map, the pattern of existing development in the vicinity of the site, road access, and available and planned public facilities.*

The current zoning does not meet the Comprehensive Plan which designates the future land use for this parcel as General Agriculture. This rezoning would be putting the parcel back into compliance with the Future Land Use Map.

- c. ***Land Use and Development, Goal 2, Objective C: Prevent conflicts between residential, business, and industrial land uses as well as agricultural uses located in adjacent Rural Conservation and Agricultural Conservation Areas.***
3. *Comprehensive Plan.* The proposed rezoning does not meet the following goals and policies of the Augusta County Comprehensive Plan:

RECOMMENDATION

The current zoning of Single Family Residential 10 (SF10) does not meet the Future Land Use Map of the Comprehensive Plan which designates this parcel to be planned for General Agriculture. The parcel is currently in land use, which requires a General Agriculture zoning designation. The request would put the parcel in question back into compliance with both the Comprehensive Plan and the Land Use program requirements. The applicant would only be able to subdivide the land once under Section 25-77. C of the County Ordinance. While staff do have concerns with the possible impacts General Agriculture uses could have on surrounding properties, the applicant has proffered out certain intensive agricultural uses to mitigate any impacts to those surrounding properties. Based on the Future Land Use Map and the general character of the area, staff recommend approval of this request.

PLANNING COMMISSION RECOMMENDATION (December 12, 2023)

Planning Commission recommends approval of the request with proffers.

PROFFERS

Pursuant to Section 25-604(B) of the Augusta County Zoning Ordinance, subject to approval by the Board of Supervisors of the pending request to rezone from single family residential _____ to general agriculture _____ Tax Map and Parcel 024 19F _____ owned by Eric and Jodie Whitson _____, the undersigned applicant and owner proffer the following conditions to apply to such zoning:

Development of Tax Map Parcel 024 19F shall not include intensive agriculture operations, including large chicken or turkey houses, intensive swine farming, and concentrated animal feeding operations (CAFOs). Small hobby farm operations may be permitted.

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.

11/29/23

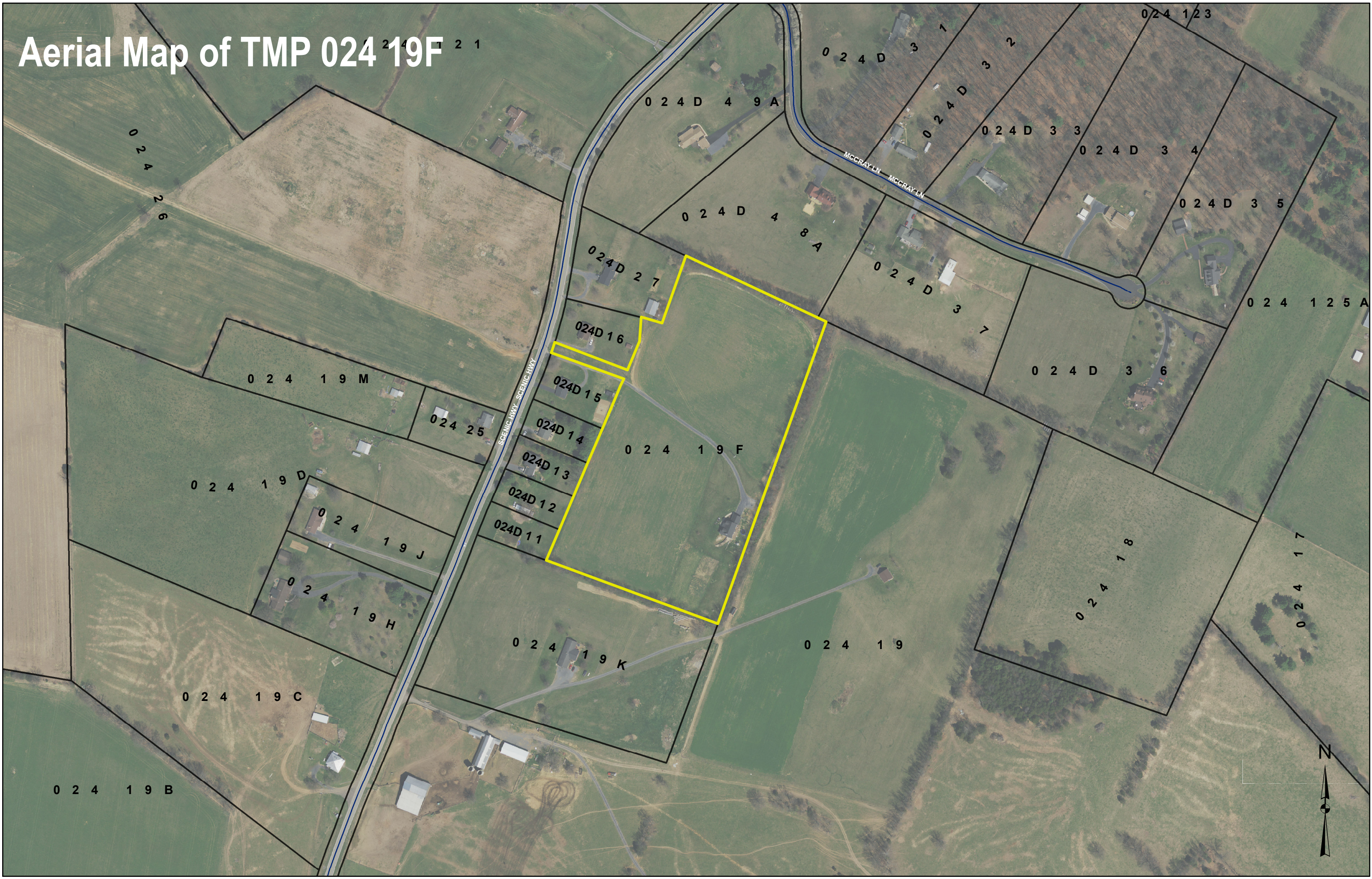
DATE

Jodie Whitson

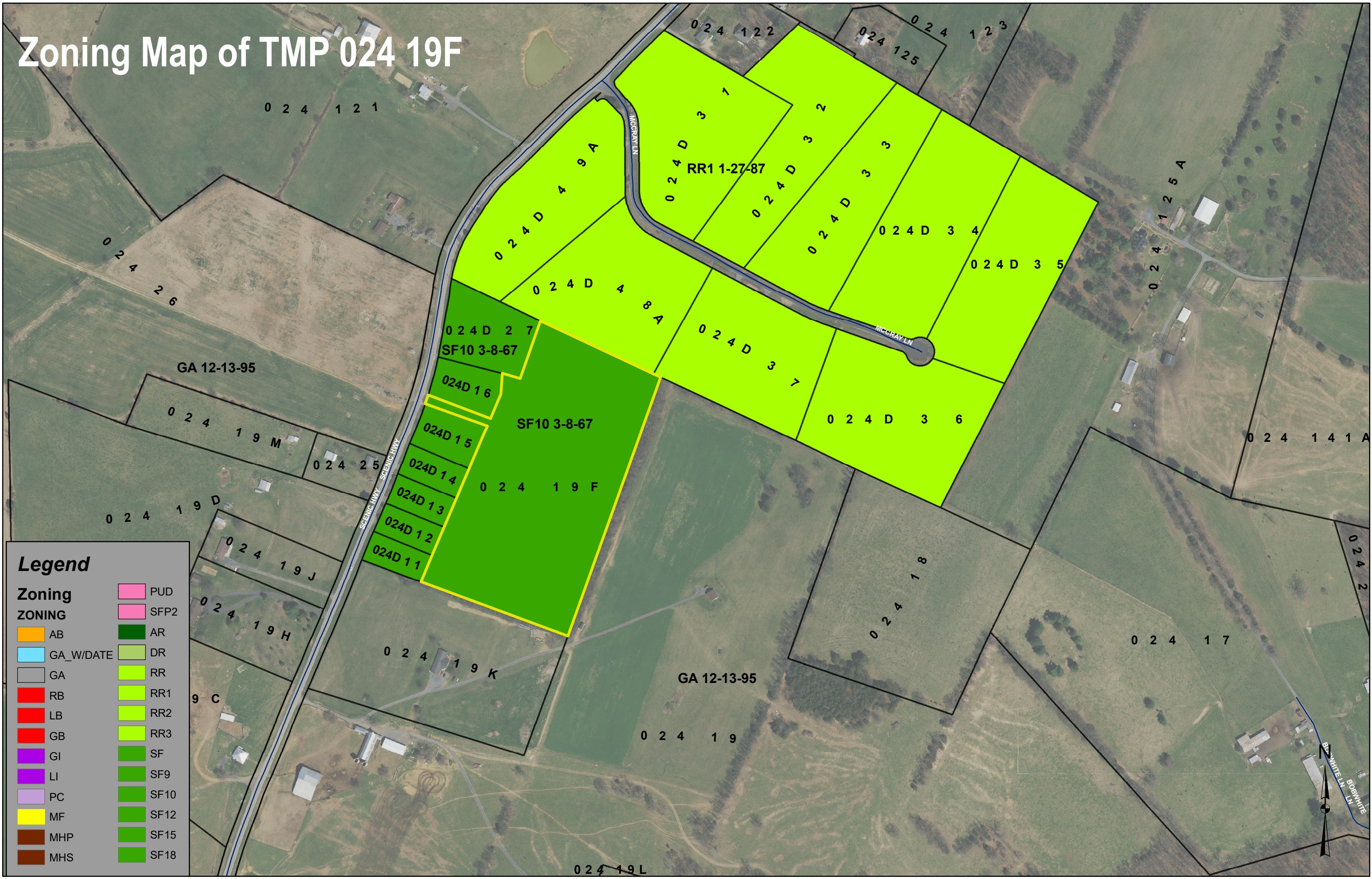
Eric Whitson

AGENT

Aerial Map of TMP 024 19 F 2 1



Zoning Map of TMP 024 19F



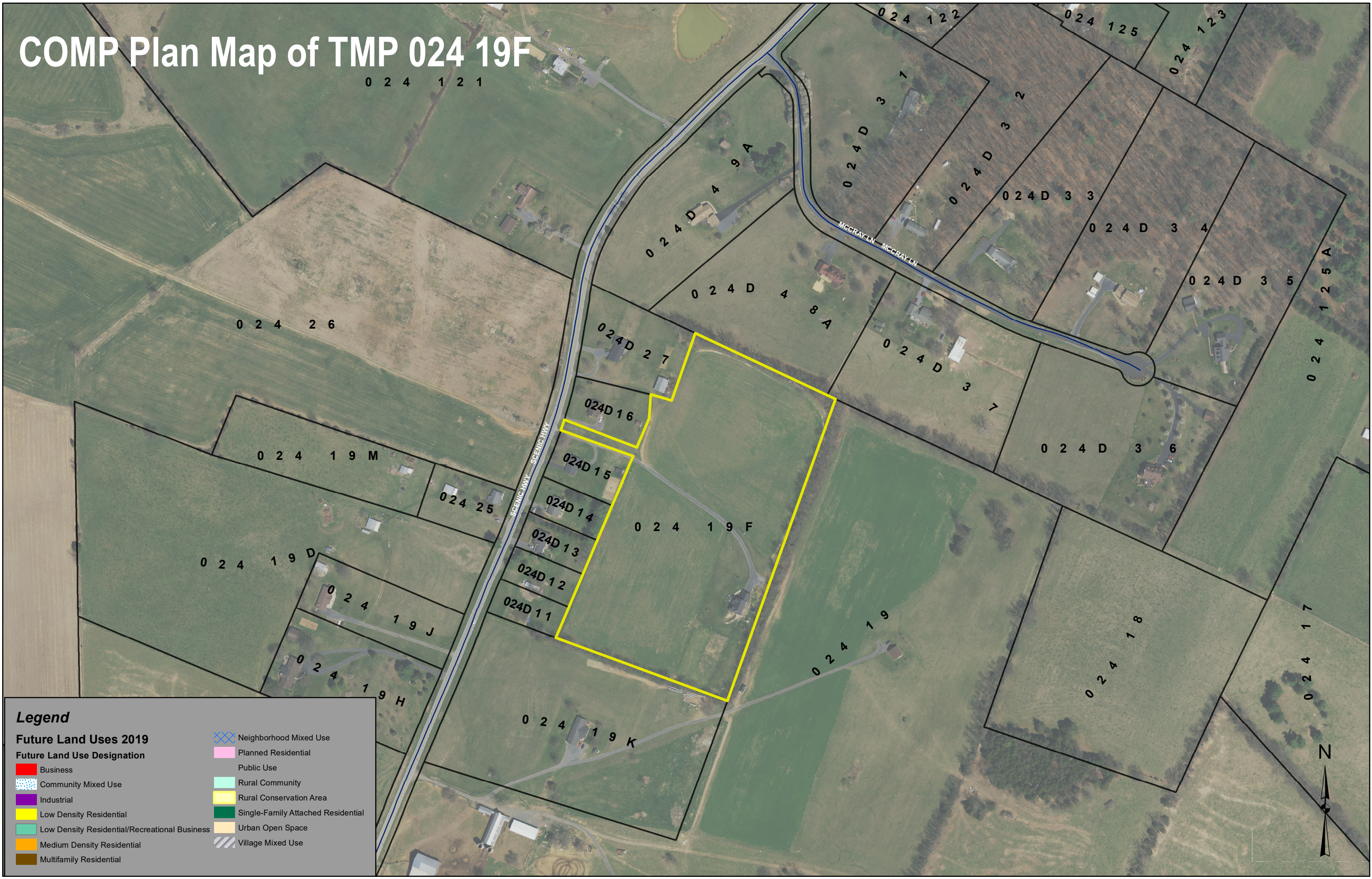
Legend

Zoning	Color	Zoning	Color
AB	Orange	PUD	Pink
GA_W/DATE	Light Blue	SFP2	Light Pink
GA	Grey	AR	Dark Green
RB	Red	DR	Light Green
LB	Red	RR	Lightest Green
GB	Red	RR1	Light Green
GI	Purple	RR2	Light Green
LI	Purple	RR3	Light Green
PC	Light Purple	SF	Medium Green
MF	Yellow	SF9	Dark Green
MHP	Brown	SF10	Dark Green
MHS	Brown	SF12	Dark Green
		SF15	Dark Green
		SF18	Dark Green


















COMP Plan Map of TMP 024 19F

0 2 4 1 2 1

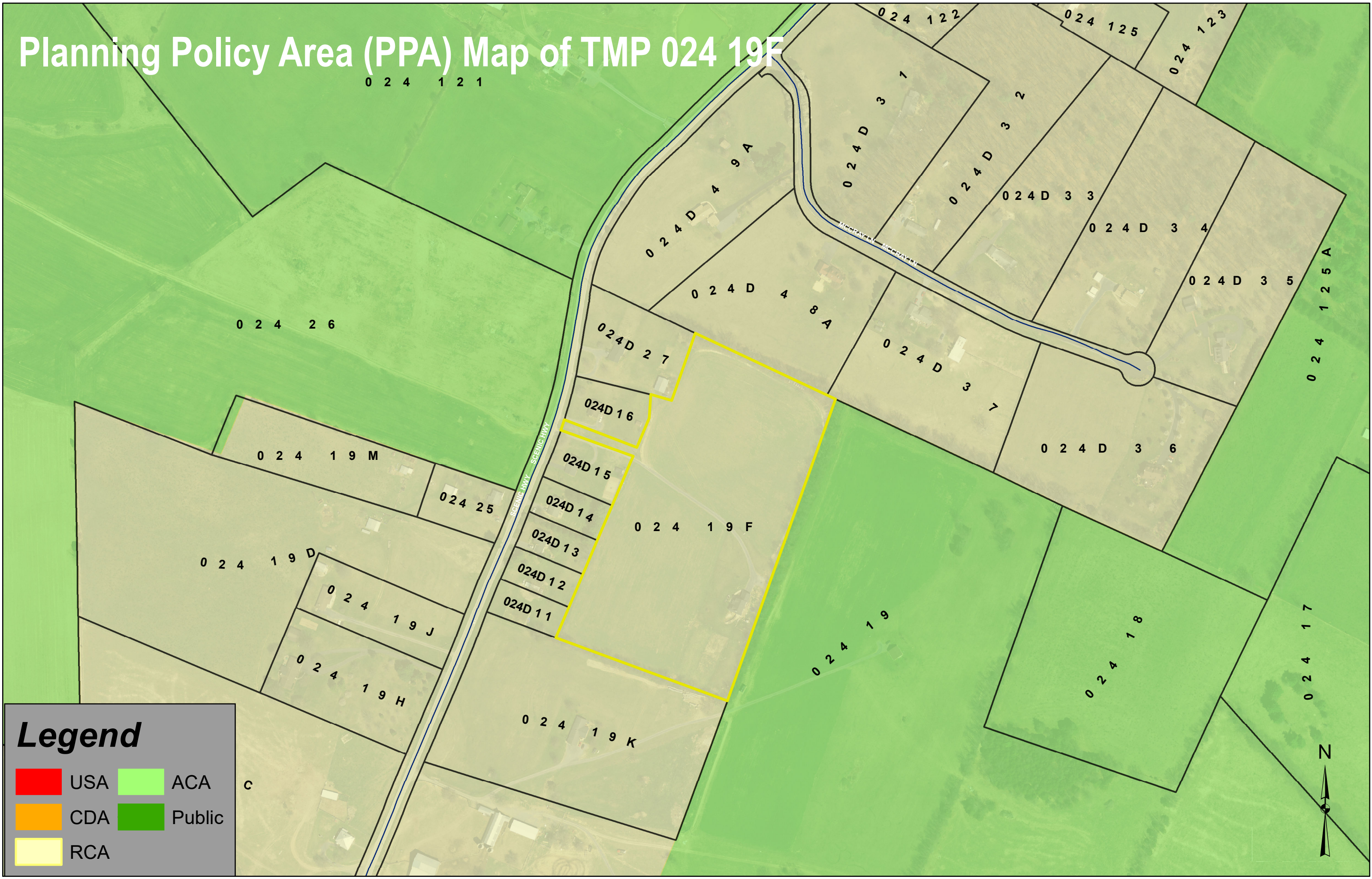


Legend

Future Land Uses 2019	
	Business
	Community Mixed Use
	Industrial
	Low Density Residential
	Low Density Residential/Recreational Business
	Medium Density Residential
	Multifamily Residential
	Neighborhood Mixed Use
	Planned Residential
	Public Use
	Rural Community
	Rural Conservation Area
	Single-Family Attached Residential
	Urban Open Space
	Village Mixed Use

Planning Policy Area (PPA) Map of TMP 024 19F

0 2 4 1 2 1



Legend

- USA
- ACA
- CDA
- Public
- RCA

c

ORDINANCE

A REQUEST TO REZONE FROM SINGLE FAMILY RESIDENTIAL 10 TO GENERAL AGRICULTURE WITH PROFFERS APPROXIMATELY 12.59 ACRES OWNED BY ERIC AND JODIE WHITSON (TMP 024 19F) LOCATED AT 703 SCENIC HIGHWAY IN CHURCHVILLE IN THE PASTUERS 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 number **024 19F**, containing a total of approximately 12.59 acres be changed from Single Family Residential to General Agriculture with the following proffers:

1. Development of Tax Map Parcel 024 19F shall not include intensive agriculture operations, including large chicken or turkey houses, intensive swine farming, and concentrated animal feeding operations (CAFOs). Small hobby farm operations may be permitted.



**COUNTY OF AUGUSTA
STAFF REPORT**

AGENDA SECTION: PLANNING COMMISSION/PUBLIC HEARINGS

DEPARTMENT:

STAFF MEMBER:

DATE OF REQUEST:

REQUESTED ACTION FOR THE BOARD OF SUPERVISORS:

Discuss

EXECUTIVE SUMMARY:

ATTACHMENTS:

[Ordinance Amendment_25-303.pdf](#)

COUNTY OF AUGUSTA
STAFF REPORT
Ordinance Amendment
Chapter 25. Zoning. Division E. Business Districts.
Article VII. General Business (GB) Districts.
Section 25-303. Uses permitted by Administrative Permit.
January 9, 2024

An Ordinance to amend Chapter 25. Zoning. Division E. Business Districts. Article XXX. General Business (GB) Districts. Section 25-303. Uses permitted by Administrative Permit. K. Limited outdoor storage.

REDLINED:

§ 25-303. Uses permitted by Administrative Permit.

K. Limited outdoor storage.

Limited outdoor storage may be permitted by Administrative Permit provided:

1. Limited outdoor storage shall not exceed 10,000 square feet and not be more than twelve feet (12') in height and shall be fully shielded or screened from view. Gates shall remain closed except when goods are moved to and from the enclosed area; and
2. Limited outdoor storage shall be located in the rear yard ~~;~~ and or to the side of a building, provided it is not located within a required buffer yard; and
- ~~3. Limited outdoor storage may be located to the side of a building, provided it is not located within a required buffer yard; and~~
- ~~4.~~ 3. Vehicles, boats, recreational vehicles, and similar vehicles, not otherwise meeting the definition of inoperable vehicles as defined in §25-4 of this code, awaiting repair for more than thirty (30) days must be located within the vehicle impoundment area.

NOTE: Any outdoor storage that does not meet the requirements listed above or the requirements for Outdoor display of merchandise listed in subsection J above can apply to the board of zoning appeals for a Special Use Permit pursuant to the requirements listed in §25-304B.

**AN ORDINANCE TO AMEND
SECTION 25-303
OF THE AUGUSTA COUNTY CODE**

WHEREAS, the Augusta County Board of Supervisors has deemed it desirable to update the requirement for the Section 25-303;

NOW THEREFORE be it resolved by the Board of Supervisors for Augusta County that subsection K of Section 25-303 of the Augusta County Code is amended to read as follows:

K. Limited outdoor storage.

Limited outdoor storage may be permitted by Administrative Permit provided:

1. Limited outdoor storage shall not exceed 10,000 square feet and not be more than twelve feet (12') in height and shall be fully shielded or screened from view. Gates shall remain closed except when goods are moved to and from the enclosed area; and
2. Limited outdoor storage shall be located in the rear yard, or to the side of a building, provided it is not located within a required buffer yard; and
3. Vehicles, boats, recreational vehicles, and similar vehicles, not otherwise meeting the definition of inoperable vehicles as defined in §25-4 of this code, awaiting repair for more than thirty (30) days must be located within the vehicle impoundment area.

NOTE: Any outdoor storage that does not meet the requirements listed above or the requirements for Outdoor display of merchandise listed in subsection J above can apply to the board of zoning appeals for a Special Use Permit pursuant to the requirements listed in §25-304B.

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

COMMUNITY DEVELOPMENT STAFF COMMENTS: Amendment adds the 10,000 square feet limit from the definition of limited outdoor storage in Section 25-4. Amendment consolidates item numbers two (2) and three (3) of subsection K that designates the location for limited outdoor storage. Amendment adds the standard for vehicles, boats, recreational vehicles, and similar vehicles not otherwise meeting the definition of inoperable vehicles as defined in Section 25-4 of this code.

PLANNING COMMISSION RECOMMENDATION: The Planning Commission Recommended approval of the amendment to Section 25-303 Uses permitted by Administrative Permit. K. Limited Outdoor Storage.

**AN ORDINANCE TO AMEND
CHAPTER 25. ZONING.
DIVISION E. BUSINESS DISTRICTS.
ARTICLE VII. General Business (GB) Districts.
SECTION 25-303. Uses permitted by Administrative Permit.**

WHEREAS, the Augusta County Board of Supervisors desires to amend Section 25-303 of the Augusta County Code; and

WHEREAS, the Board has determined that the public health, welfare, peace, safety and good zoning practice, requires such amendment.

NOW THEREFORE be it resolved by the Board of Supervisors for Augusta County that Section 25-303. K. of the Augusta County Code be amended as follows:

**AN ORDINANCE TO AMEND
CHAPTER 25. ZONING.
DIVISION E. BUSINESS DISTRICTS.
ARTICLE VII. General Business (GB) Districts.
SECTION 25-303. Uses permitted by Administrative Permit.**

§ 25-303. Uses permitted by Administrative Permit.

K. Limited outdoor storage.

Limited outdoor storage may be permitted by Administrative Permit provided:

1. Limited outdoor storage shall not exceed 10,000 square feet and not be more than twelve feet (12') in height and shall be fully shielded or screened from view. Gates shall remain closed except when goods are moved to and from the enclosed area; and
2. Limited outdoor storage shall be located in the rear yard, or to the side of a building, provided it is not located within a required buffer yard; and
3. Vehicles, boats, recreational vehicles, and similar vehicles, not otherwise meeting the definition of inoperable vehicles as defined in §25-4 of this code, awaiting repair for more than thirty (30) days must be located within the vehicle impoundment area.

NOTE: Any outdoor storage that does not meet the requirements listed above or the requirements for Outdoor display of merchandise listed in subsection J above can apply to the board of zoning appeals for a Special Use Permit pursuant to the requirements listed in §25-304B.



**COUNTY OF AUGUSTA
STAFF REPORT**

AGENDA SECTION: PLANNING COMMISSION/PUBLIC HEARINGS

DEPARTMENT:

STAFF MEMBER:

DATE OF REQUEST:

REQUESTED ACTION FOR THE BOARD OF SUPERVISORS:

Discuss

EXECUTIVE SUMMARY:

ATTACHMENTS:

[Ordinance Amendment_25-4.pdf](#)

**COUNTY OF AUGUSTA
STAFF REPORT
Ordinance Amendment
Chapter 25. Zoning. Division A.
Article I. General Provisions.
Section 25-4. Definitions.
January 9, 2024**

An ordinance to amend Chapter 25. Zoning. Division A. Article I. General Provisions. Section 25-4. Definitions.

**REDLINED:
§ 25-4 Definitions**

Limited Outdoor Storage. The keeping of any goods, materials, equipment, or merchandise, other than in a completely enclosed building during any time other than normal business hours. Limited outdoor storage shall ~~not exceed be in a designated storage area of less than~~ 10,000 square feet and no more than twelve feet (12') in height. Limited outdoor storage shall be fully shielded or screened from view. Limited outdoor storage shall be located in the rear yard and may be located to the side of a building, provided it is not located within a required buffer yard. (Ord. 6/26/19)

**AN ORDINANCE TO AMEND
SECTION 25-4
OF THE AUGUSTA COUNTY CODE**

WHEREAS, the Augusta County Board of Supervisors has deemed it desirable to update the requirement for the Section 25-4;

NOW THEREFORE be it resolved by the Board of Supervisors for Augusta County that Section 25-4 of the Augusta County Code is amended to read as follows:

Limited Outdoor Storage. The keeping of any goods, materials, equipment, or merchandise, other than in a completely enclosed building during any time other than normal business hours. Limited outdoor storage shall not exceed 10,000 square feet and no more than twelve feet (12') in height. Limited outdoor storage shall be fully shielded or screened from view. Limited outdoor storage shall be located in the rear yard and may be located to the side of a building, provided it is not located within a required buffer yard. (Ord. 6/26/19)

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

COMMUNITY DEVELOPMENT STAFF COMMENTS: Amendment revises the current definition for limited outdoor storage to match the updated language in Section 25-303 K. Limited Outdoor Storage.

PLANNING COMMISSION RECOMMENDATION: The Planning Commission Recommended approval of the amendment to Section 25-4. Definitions. for Limited Outdoor Storage.

**AN ORDINANCE TO AMEND
CHAPTER 25. Zoning.
DIVISION A. In General
ARTICLE I. General Provisions.
SECTION 25-4. Definitions.**

WHEREAS, the Augusta County Board of Supervisors desires to amend Section 25-4 of the Augusta County Code; and

WHEREAS, the Board has determined that the public health, welfare, peace, safety and good zoning practice, requires such amendment.

NOW THEREFORE be it resolved by the Board of Supervisors for Augusta County that Section 25-4 of the Augusta County Code be amended as follows:

**AN ORDINANCE TO AMEND
CHAPTER 25. Zoning.
DIVISION A. In General
ARTICLE I. General Provisions.
SECTION 25-4. Definitions.**

§ 25-4. Definitions.

Limited Outdoor Storage. The keeping of any goods, materials, equipment, or merchandise, other than in a completely enclosed building during any time other than normal business hours. Limited outdoor storage shall not exceed 10,000 square feet and no more than twelve feet (12') in height. Limited outdoor storage shall be fully shielded or screened from view. Limited outdoor storage shall be located in the rear yard and may be located to the side of a building, provided it is not located within a required buffer yard. (Ord. 6/26/19)



**COUNTY OF AUGUSTA
STAFF REPORT**

AGENDA SECTION: PLANNING COMMISSION/PUBLIC HEARINGS

DEPARTMENT:

STAFF MEMBER:

DATE OF REQUEST:

REQUESTED ACTION FOR THE BOARD OF SUPERVISORS:

Discuss

EXECUTIVE SUMMARY:

ATTACHMENTS:

[Ordinance Amendment_25-74.pdf](#)

COUNTY OF AUGUSTA
STAFF REPORT
Ordinance Amendment
Chapter 25. Zoning. Division B. Agriculture Districts.
Article VII. General Agriculture (GA) Districts.
Section 25-74. Uses permitted by Special Use Permit.
January 9, 2024

**An ordinance to amend Chapter 25. Zoning. Division B. Agriculture Districts.
Article VII. General Agriculture Districts. Section 25-74. Uses permitted by Special
Use Permit.**

REDLINED:

§ 25-74. Uses permitted by Special Use Permit.

D. Uses away from developed areas.

Uses customarily found in areas away from developed areas, including but not necessarily limited to: batching plants, including asphalt and portland cement, storage of bulk fuel, explosives, ammunition and fireworks, outdoor shooting ranges and preserves, and extraction of minerals, rock, dirt, gravel, sand, oil or natural gas and similar materials but not to include extraction of such materials by means of enhanced recovery, hydraulic fracturing, and/or horizontal drilling, may be permitted by Special Use Permit, provided:

1. The neighboring area is not characterized by residential, commercial, or industrial development which would be adversely impacted by the proposed use; and
2. A technical transportation study shall be submitted that assesses the potential physical and operational impacts to the transportation assets (roads, bridges, right-of-way, etc.) which are anticipated to provide service to the subject parcel or parcels; and
3. On-site traffic flow will adequately and safely accommodate all traffic to and from the public highways; and
4. The business shall have direct access to a state-maintained road; and
5. The business and anticipated enlargements thereof will be appropriate for agriculture areas and is not more properly placed in an available industrial zone; and

6. All buildings, structures, and operations will be set back at least ~~two~~ five -hundred feet (~~200'~~500') from all property lines and at least one thousand feet (1000') from any residentially zoned property unless the board of zoning appeals determines that greater setbacks are necessary to adequately protect neighboring properties; and
7. The board of zoning appeals may reduce or eliminate the ~~two~~ five hundred foot (~~200'~~500') set back between adjoining properties where similar industrial uses are ongoing, ~~and the adjoining property owners agree that such a reduction is mutually beneficial.~~
8. All uses involving the extraction of oil or natural gas shall conform to applicable state and federal regulations concerning noise and vibration. The Zoning Administrator may require the submission of a copy of data submitted to state or federal agencies pertaining to these performance standards with the required site plan.
9. All mining operators shall submit to the Zoning Administrator a copy of the operations plan required by state agencies with the required site plan.

**AN ORDINANCE TO AMEND
SECTION 25-74
OF THE AUGUSTA COUNTY CODE**

WHEREAS, the Augusta County Board of Supervisors has deemed it desirable to update the requirement for the Section 25-74;

NOW THEREFORE be it resolved by the Board of Supervisors for Augusta County that items 6 and 7 of Section 25-74. D. of the Augusta County Code are amended to read as follows:

D. Uses away from developed areas.

Uses customarily found in areas away from developed areas, including but not necessarily limited to: batching plants, including asphalt and portland cement, storage of bulk fuel, explosives, ammunition and fireworks, outdoor shooting ranges and preserves, and extraction of minerals, rock, dirt, gravel, sand, oil or natural gas and similar materials but not to include extraction of such materials by means of enhanced recovery, hydraulic fracturing, and/or horizontal drilling, may be permitted by Special Use Permit, provided:

1. The neighboring area is not characterized by residential, commercial, or industrial development which would be adversely impacted by the proposed use; and

2. A technical transportation study shall be submitted that assesses the potential physical and operational impacts to the transportation assets (roads, bridges, right-of-way, etc.) which are anticipated to provide service to the subject parcel or parcels; and
3. On-site traffic flow will adequately and safely accommodate all traffic to and from the public highways; and
4. The business shall have direct access to a state-maintained road; and
5. The business and anticipated enlargements thereof will be appropriate for agriculture areas and is not more properly placed in an available industrial zone; and
6. All buildings, structures, and operations will be set back at least five hundred feet (500') from all property lines and at least one thousand feet (1000') from any residentially zoned property unless the board of zoning appeals determines that greater setbacks are necessary to adequately protect neighboring properties; and
7. The board of zoning appeals may reduce or eliminate the five hundred foot (500') set back between adjoining properties where similar industrial uses are ongoing, and
8. All uses involving the extraction of oil or natural gas shall conform to applicable state and federal regulations concerning noise and vibration. The Zoning Administrator may require the submission of a copy of data submitted to state or federal agencies pertaining to these performance standards with the required site plan.
9. All mining operators shall submit to the Zoning Administrator a copy of the operations plan required by state agencies with the required site plan.

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

COMMUNITY DEVELOPMENT STAFF COMMENTS: Amendment increases the minimum setback for mining/quarry operations from 200' to 500' from all property lines and increases the minimum setback the Board of Zoning Appeals may reduce or eliminate from 200' to 500'. Amendment also removes the clause under item 7, "and the adjoining property owners agree that such a reduction is mutually beneficial."

PLANNING COMMISSION RECOMMENDATION: The Planning Commission Recommended approval of the amendment to Section 25-74 Uses permitted by Special Use Permit. D. Uses away from developed areas.

**AN ORDINANCE TO AMEND
CHAPTER 25. ZONING.
DIVISION B. AGRICULTURE DISTRICTS.
ARTICLE VII. General Agriculture (GA) Districts.
SECTION 25-74. Uses permitted by Special Use Permit.**

WHEREAS, the Augusta County Board of Supervisors desires to amend Section 25-74 of the Augusta County Code; and

WHEREAS, the Board has determined that the public health, welfare, peace, safety and good zoning practice, requires such amendment.

NOW THEREFORE be it resolved by the Board of Supervisors for Augusta County that items 6 and 7 of Section 25-74. D. of the Augusta County Code be amended as follows:

**AN ORDINANCE TO AMEND
CHAPTER 25. ZONING.
DIVISION B. AGRICULTURE DISTRICTS.
ARTICLE VII. General Agriculture (GA) Districts.
SECTION 25-74. Uses permitted by Special Use Permit.**

§ 25-74. Uses permitted by Special Use Permit.

Uses away from developed areas.

Uses customarily found in areas away from developed areas, including but not necessarily limited to: batching plants, including asphalt and portland cement, storage of bulk fuel, explosives, ammunition and fireworks, outdoor shooting ranges and preserves, and extraction of minerals, rock, dirt, gravel, sand, oil or natural gas and similar materials but not to include extraction of such materials by means of enhanced recovery, hydraulic fracturing, and/or horizontal drilling, may be permitted by Special Use Permit, provided:

1. The neighboring area is not characterized by residential, commercial, or industrial development which would be adversely impacted by the proposed use; and
2. A technical transportation study shall be submitted that assesses the potential physical and operational impacts to the transportation assets (roads, bridges, right-of-way, etc.) which are anticipated to provide service to the subject parcel or parcels; and
3. On-site traffic flow will adequately and safely accommodate all traffic to and from the public highways; and

4. The business shall have direct access to a state-maintained road; and
5. The business and anticipated enlargements thereof will be appropriate for agriculture areas and is not more properly placed in an available industrial zone; and
6. All buildings, structures, and operations will be set back at least five hundred feet (500') from all property lines and at least one thousand feet (1000') from any residentially zoned property unless the board of zoning appeals determines that greater setbacks are necessary to adequately protect neighboring properties; and
7. The board of zoning appeals may reduce or eliminate the five hundred foot (500') set back between adjoining properties where similar industrial uses are ongoing, and
8. All uses involving the extraction of oil or natural gas shall conform to applicable state and federal regulations concerning noise and vibration. The Zoning Administrator may require the submission of a copy of data submitted to state or federal agencies pertaining to these performance standards with the required site plan.
9. All mining operators shall submit to the Zoning Administrator a copy of the operations plan required by state agencies with the required site plan.



**COUNTY OF AUGUSTA
STAFF REPORT**

AGENDA SECTION: PLANNING COMMISSION/PUBLIC HEARINGS

DEPARTMENT:

STAFF MEMBER:

DATE OF REQUEST:

REQUESTED ACTION FOR THE BOARD OF SUPERVISORS:

Discuss

EXECUTIVE SUMMARY:

ATTACHMENTS:

[Ordinance Amendment_25-384.pdf](#)

**COUNTY OF AUGUSTA
STAFF REPORT
Ordinance Amendment
Chapter 25. Zoning. Division F. Industrial Districts.
Article VII. General Industrial (GI) Districts.
Section 25-384. Uses permitted by Special Use Permit.
January 9, 2024**

An ordinance to amend Chapter 25 Zoning. Division F. Industrial Districts. Article VII. General Industrial (GI) Districts. Section 25-384. Uses permitted by Special Use Permit. E. Batching plants for asphalt, cement, or concrete.

REDLINED:

§ 25-384 Uses permitted by Special Use Permit.

E. Batching plants for asphalt, cement, or concrete.

Batching plants for asphalt, cement, or concrete may be permitted by Special Use Permit provided:

1. The neighboring area is not characterized by residential, commercial, or industrial development which would be adversely impacted by the proposed use; and
2. Traffic generated by the proposed project will be compatible with the roads serving the site and other traffic utilizing the said roads; and
3. On-site traffic flow will adequately and safely accommodate all traffic to and from the public highways; and
4. All buildings, structures, and operations will be set back at least one hundred feet (100') from all property lines unless the board of zoning appeals determines that greater setbacks are necessary to adequately protect neighboring properties.

5. The Board of Zoning Appeals may reduce or eliminate the one hundred-foot (100') setback between adjoining properties where similar industrial uses are ongoing.

**AN ORDINANCE TO AMEND
SECTION 25-384
OF THE AUGUSTA COUNTY CODE**

WHEREAS, the Augusta County Board of Supervisors has deemed it desirable to update the requirement for the Section 25-384;
NOW THEREFORE be it resolved by the Board of Supervisors for Augusta County that item E of Section 25-384 of the Augusta County Code is amended to read as follows:

E. Batching plants for asphalt, cement, or concrete.

Batching plants for asphalt, cement, or concrete may be permitted by Special Use Permit provided:

1. The neighboring area is not characterized by residential, commercial, or industrial development which would be adversely impacted by the proposed use; and
2. Traffic generated by the proposed project will be compatible with the roads serving the site and other traffic utilizing the said roads; and
3. On-site traffic flow will adequately and safely accommodate all traffic to and from the public highways; and
4. All buildings, structures, and operations will be set back at least one hundred feet (100') from all property lines unless the board of zoning appeals determines that greater setbacks are necessary to adequately protect neighboring properties.
5. The Board of Zoning Appeals may reduce or eliminate the one hundred-foot (100') setback between adjoining properties where similar industrial uses are ongoing.

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

COMMUNITY DEVELOPMENT STAFF COMMENTS: Amendment adds the provision for the Board of Zoning Appeals to reduce or eliminate the one hundred-foot (100') setback between adjoining property owners where similar industrial uses are ongoing.

PLANNING COMMISSION RECOMMENDATION: The Planning Commission Recommended approval of the amendment to Section 25-384 Uses permitted by Administrative Permit. E. Batching Plants for asphalt, cement, or concrete.

01/24/24

**AN ORDINANCE TO AMEND
CHAPTER 25. ZONING.
DIVISION F. INDUSTRIAL DISTRICTS.
ARTICLE VII. General Industrial (GI) Districts.
SECTION 25-384. Uses permitted by Special Use Permit.**

WHEREAS, the Augusta County Board of Supervisors desires to amend Section 25-384 of the Augusta County Code; and

WHEREAS, the Board has determined that the public health, welfare, peace, safety and good zoning practice, requires such amendment.

NOW THEREFORE be it resolved by the Board of Supervisors for Augusta County that Section 25-384. E. of the Augusta County Code be amended as follows:

**AN ORDINANCE TO AMEND
CHAPTER 25. ZONING.
DIVISION F. INDUSTRIAL DISTRICTS.
ARTICLE VII. General Industrial (GI) Districts.
SECTION 25-384. Uses permitted by Special Use Permit.**

§ 25-384 Uses permitted by Special Use Permit.

E. Batching plants for asphalt, cement, or concrete.

Batching plants for asphalt, cement, or concrete may be permitted by Special Use Permit provided:

1. The neighboring area is not characterized by residential, commercial, or industrial development which would be adversely impacted by the proposed use; and
2. Traffic generated by the proposed project will be compatible with the roads serving the site and other traffic utilizing the said roads; and
3. On-site traffic flow will adequately and safely accommodate all traffic to and from the public highways; and
4. All buildings, structures, and operations will be set back at least one hundred feet (100') from all property lines unless the board of zoning appeals determines that greater setbacks are necessary to adequately protect neighboring properties.
5. The Board of Zoning Appeals may reduce or eliminate the one hundred-foot (100') setback between adjoining properties where similar industrial uses are ongoing.



**COUNTY OF AUGUSTA
STAFF REPORT**

AGENDA SECTION: PLANNING COMMISSION/PUBLIC HEARINGS

DEPARTMENT:

STAFF MEMBER:

DATE OF REQUEST:

REQUESTED ACTION FOR THE BOARD OF SUPERVISORS:

Discuss

EXECUTIVE SUMMARY:

ATTACHMENTS:

[Ordinance Amendment_25-603.pdf](#)

COUNTY OF AUGUSTA
STAFF REPORT
Ordinance Amendment
Chapter 25. Zoning. Division I. Permits and Amendments.
Article LX. Rezoning and other amendments.
Section 25-603. Submission of petition for rezoning.
January 9, 2024

**An ordinance to amend Chapter 25 Zoning. Division I. Permits and Amendments.
Section 25-603. Submission of petition for rezoning.**

REDLINED:

§ 25-603. Submission of petition for rezoning.

A. After presubmission review as set forth in § 25-602 above has been completed, the petitioner may submit his petition for rezoning. If the petitioner is not the owner, the petition shall be accompanied by written consent from the owner. The petitioner shall be notified in advance of the time and place the petition will be considered by the planning commission and the board of supervisors.

B. ~~The petitioner shall also be notified of the last day prior to consideration by the planning commission when the owner may proffer conditions.~~ All conditions voluntarily proffered by the owner pursuant to § 25-604 below shall be submitted prior to consideration by the planning commission in time to allow advertising of such proffers in summary form along with the advertising of the proposed rezoning ordinance before the meeting of the planning commission.

C. Amendments to proffered conditions may be submitted prior to a public hearing before the board of supervisors without referral to the planning commission, [or during the public hearing](#), provided such amendments (i) do not address matters different from the matters addressed by the proffers considered by the planning commission, (ii) do not permit a more intensive use of the property than would have been permitted by the proffers considered by the planning commission, and (iii) do not otherwise reduce or relax any proffers considered by the planning commission which impose restrictions or limitations on the use of the property designed to protect the interests of neighboring properties and the public at large.

State law reference--Virginia Code § 15.2-2286.

**AN ORDINANCE TO AMEND
SECTION 25-603
OF THE AUGUSTA COUNTY CODE**

WHEREAS, the Augusta County Board of Supervisors has deemed it desirable to update the requirement for the Section 25-603;

NOW THEREFORE be it resolved by the Board of Supervisors for Augusta County that items B and C of Section 25-603 of the Augusta County Code are amended to read as follows:

A. After presubmission review as set forth in § 25-602 above has been completed, the petitioner may submit his petition for rezoning. If the petitioner is not the owner, the petition shall be accompanied by written consent from the owner. The petitioner shall be notified in advance of the time and place the petition will be considered by the planning commission and the board of supervisors.

B. All conditions voluntarily proffered by the owner pursuant to § 25-604 below shall be submitted prior to consideration by the planning commission in time to allow advertising of such proffers in summary form along with the advertising of the proposed rezoning ordinance before the meeting of the planning commission.

C. Amendments to proffered conditions may be submitted prior to a public hearing before the board of supervisors without referral to the planning commission, or during the public hearing, provided such amendments (i) do not address matters different from the matters addressed by the proffers considered by the planning commission, (ii) do not permit a more intensive use of the property than would have been permitted by the proffers considered by the planning commission, and (iii) do not otherwise reduce or relax any proffers considered by the planning commission which impose restrictions or limitations on the use of the property designed to protect the interests of neighboring properties and the public at large.

State law reference--Virginia Code § 15.2-2286.

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

COMMUNITY DEVELOPMENT STAFF COMMENTS: Amendment deletes the requirement under item B that the petitioner shall be notified of the last day prior to consideration by the planning commission when the owner may proffer conditions. Amendment revises item C to allow for proffers to be submitted during a public hearing for the board of supervisors. This amendment updates the language currently in the ordinance to be in alignment with the state code's language for the submission of proffers for a rezoning, Virginia Code § 15.2-2286.

PLANNING COMMISSION RECOMMENDATION: The Planning Commission Recommended approval of the amendment to Section 25-603. Submission of petition for rezoning.

**AN ORDINANCE TO AMEND
CHAPTER 25. ZONING.
DIVISION I. PERMITS AND AMENDMENTS.
ARTICLE LX. Rezoning and other amendments.
SECTION 25-603. Submission of petition for rezoning.**

WHEREAS, the Augusta County Board of Supervisors desires to amend Section 25-603 of the Augusta County Code; and

WHEREAS, the Board has determined that the public health, welfare, peace, safety and good zoning practice, requires such amendment.

NOW THEREFORE be it resolved by the Board of Supervisors for Augusta County that items B and C of Section 25-603 of the Augusta County Code be amended as follows:

**AN ORDINANCE TO AMEND
CHAPTER 25. ZONING.
DIVISION I. PERMITS AND AMENDMENTS.
ARTICLE LX. Rezoning and other amendments.
SECTION 25-603. Submission of petition for rezoning.**

§ 25-603. Submission of petition for rezoning.

A. After presubmission review as set forth in § 25-602 above has been completed, the petitioner may submit his petition for rezoning. If the petitioner is not the owner, the petition shall be accompanied by written consent from the owner. The petitioner shall be notified in advance of the time and place the petition will be considered by the planning commission and the board of supervisors.

B. All conditions voluntarily proffered by the owner pursuant to § 25-604 below shall be submitted prior to consideration by the planning commission in time to allow advertising of such proffers in summary form along with the advertising of the proposed rezoning ordinance before the meeting of the planning commission.

C. Amendments to proffered conditions may be submitted prior to a public hearing before the board of supervisors without referral to the planning commission, or during the public hearing, provided such amendments (i) do not address matters different from the matters addressed by the proffers considered by the planning commission, (ii) do not permit a more intensive use of the property than would have been permitted by the proffers considered by the planning commission, and (iii) do not otherwise reduce or relax any proffers considered by the planning commission which impose restrictions or limitations on the use of the property designed to protect the interests of neighboring properties and the public at large.

State law reference--Virginia Code § 15.2-2286.