

BOOK 32**VIRGINIA:**

At a regular meeting of the Board of Supervisors of Amherst County held at the Administration Building thereof on Tuesday, the 15th day of July, 2008 at 7:00 p.m. at which the following members were present and absent:

BOARD OF SUPERVISORS:

PRESENT:	Mr. V. Wood Mr. L. Parrish Mr. D. Kidd Mr. C. Adams Mr. R. Vandall	ABSENT: None
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PLANNING COMMISSION:

PRESENT:	Mr. D. Hedrick Ms. B. Jones Mr. L. Parrish Ms. B. Limbrick Mr. M. Heishman Mr. R. Fener	ABSENT: Mr. J. Fulcher
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Mr. Wood called the meeting to order.

Mr. Parrish opened with prayer and led in the pledge of allegiance to the flag.

IN RE: AGENDA

On motion of Mr. Parrish and with the following vote, the Board of Supervisors approved the agenda with amendment of moving citizen comments to Item IV.

AGENDA

**TUESDAY, JULY 15, 2008
ADMINISTRATION BUILDING – 153 WASHINGTON STREET
7:00 P.M.**

- I. Call to Order**
- II. Approval of Agenda**
- III. Special Appearances and Presentations**

- a. Recognition of Dr. John Walker

IV. Public Hearings

- 2007-12** Request by the County of Amherst to amend the Amherst County Zoning and Subdivision Ordinance to include the regulation of mass drainfields. The proposed ordinance defines criteria when a permit for mass drainfield shall be issued. The ordinance defines a mass drainfield as, sewage disposal systems which serve more than one (1) property or meet the following definition, are considered mass drainfields: A sewage disposal system which will discharge effluent to a single absorption area or multiple areas with or without combined

flows such that; A) The loading rate exceeds 1,200 gallons per day for any acre, or B) The disposal system contains more than 2,000 linear feet of percolation piping.

2007-32 Request by the County of Amherst for a zoning text amendment to Section 702.02, and Section 917. The proposed ordinance regulates the storage of biosolids through a special exception process in the A-1 Agricultural Residential District, and provides certain procedures for permits, storage and monitoring as permitted by the Code of Virginia.

2008-04 Request by Zane Cooper for a zoning text amendment in the B-2 Commercial District. The text amendment is to allow self-storage mini storage and warehouse facilities as a special exception use in the B-2 Commercial District of Section 707.03 of the zoning ordinance.

A self service storage facility is proposed to be defined as: "a building or group of buildings divided into separate compartments used to meet the temporary storage needs of small businesses, apartment dwellers, and other residential uses; and may include climate controlled facilities".

2008-09 Request by the County of Amherst for a zoning text amendment to add Section 302.54.1, and modify 302.138.1 and 1301.07 (1), (2) of the Amherst County zoning and subdivision ordinance. The proposed ordinance will define a Forest Service Road and provides standards regulating the subdivision of land on a Forest Service Road. Additionally, Section 1301.07 will require a homeowners association to be established for the maintenance of private street (s). The homeowners association will include all lots accessing the private street(s).

2008-14 Request by Frank Campbell for a special exception in the R-2 General Residential District. The proposed special exception is to allow a community sign at the corner of Main Street (SR 1034) and Lynchs Ferry Road (SR 1004), and is further identified as tax map parcel 160A2-6-1-6.

2008-15 Request by Frank Campbell for a special exception in the R-2 General Residential District. The proposed special exception is to allow a community sign at the corner of Rocky Hill Road (SR 1015) and Lynchs Ferry Road (SR 1004) and is further identified as tax map number 160A3-A-56.

2008-16 Request by Lakeview Commons, LP for a rezoning from the B-2 General Commercial District to R-3 Multi-family Residential District. The proposed rezoning is to construct twenty-two (22) residential rental units for persons with disabilities and the elderly. The parcel is approximately 2.316 acres and is located off of Lakeview Drive in Madison Heights, and is further identified as tax map number 156-A-9C. The request will include an amendment to the Amherst County future land use map 2027 to change the land use category from Medium Density Residential to High Density Residential.

V. Citizen Comments

VI. Matters from Members of the Board of Supervisors

VII. Adjourn

AYE: Mr. V. Wood, Mr. L. Parrish, Mr. C. Adams, Mr. D. Kidd and Mr. R. Vandall

NAY: None

IN RE: SPECIAL APPEARANCES AND PRESENTATIONS - RECOGNITION OF DR. JOHN WALKER

Former School Superintendent Walker met with the Board and was formerly presented the following resolution of recognition of his services to Amherst County, which was read by Mr. Adams and presented by Chairman Wood as well as a token ice bucket"

On motion of Mr. Kidd and with the following vote, the Board of Supervisors adopted the resolution as read.

RESOLUTION COMMENDING DR. JOHN C. WALKER

WHEREAS, John Walker retired as Superintendent of Amherst County Public Schools on July 1, 2008; and

WHEREAS, John Walker received his undergraduate degree from the University of Virginia, where he lettered in varsity football for three years, his Masters Degree in Education from Lynchburg College and his Doctorate in Education from the University of Virginia; and

WHEREAS, John Walker began his career in teaching the youth of the Commonwealth of Virginia in 1976 and has dedicated thirty two years of his life to education; and

WHEREAS, in 1998 John Walker was appointed Assistant Superintendent for Support Services in the Amherst County Public Schools; and

WHEREAS, Dr. Walker was appointed Superintendent of the Amherst County Public Schools in 2001; and

WHEREAS, Dr. Walker has served as Legislative Co-Chair of the Virginia Association of School Superintendents, on the Executive Committee of the Virginia High School League, on the Lynchburg College School of Education Board of Advisors, on the Board of Directors of the Amherst County Public Schools Education Foundation, on the Board of Directors of the Amherst County Chamber of Commerce, and as a member of the Amherst Rotary Club; and

WHEREAS, Dr. Walker was awarded the University Council for Educational Administration, Excellence in Education Award by the University of Virginia Curry School of Education and received the distinct honor of being named a Paul Harris Fellow by Rotary International; and

WHEREAS, during his tenure as Superintendent of the Amherst County Public Schools all of the schools in the County were accredited, multi-purpose buildings were constructed at all six elementary schools, library additions were completed at Temperance and Pleasant View Elementary Schools, significant improvements were made to the facilities at Amherst County High School, a new Education Center was constructed at Monelison Middle School and plans were completed for expansion at Amherst Middle School; and

WHEREAS, Dr. John C. Walker has served Amherst County in an exemplary manner for the past ten years, has had a significant and positive impact on the education of thousands of young people in our community and has made Amherst County a better place to live by caring about our youth, now, therefore, be it

RESOLVED, that the Amherst County Board of Supervisors does hereby commend Doctor John C. Walker for his dedicated service to the citizens of Amherst County; and

BE IT FURTHER RESOLVED, that the Amherst County Board of Supervisors does hereby order that Dr. Walker's name be permanently inscribed on a tablet to be installed in the Amherst County Administration Building recognizing all Superintendents of the Amherst County Public Schools.

AYE: Mr. V. Wood, Mr. L. Parrish, Mr. C. Adams, Mr. D. Kidd and Mr. R. Vandall

NAY: None

IN RE: CITIZEN COMMENTS

There were no citizen comments.

Mr. Wood turned the meeting over to the Planning Commission Chairperson Limbrick.

IN RE: PLANNING COMMISSION AGENDA

On motion of Mr. Hedrick, seconded by Mr. Fener and approved with the following vote, the Planning Commission approved their agenda.

AYE: Mr. D. Hedrick, Ms. B. Jones, Mr. L. Parrish, Ms. B. Limbrick, Mr. M. Heishman, and Mr. R. Fener

NAY: None

ABSENT: Mr. J. Fulcher

IN RE: PUBLIC HEARING 2007-12

2007-12 Request by the County of Amherst to amend the Amherst County Zoning and Subdivision Ordinance to include the regulation of mass drainfields. The proposed ordinance defines criteria when a permit for mass drainfield shall be issued. The ordinance defines a mass drainfield as, sewage disposal systems which serve more than one (1) property or meet the following definition, are considered mass drainfields: A sewage disposal system which will discharge effluent to a single absorption area or multiple areas with or without combined flows such that; A) The loading rate exceeds 1,200 gallons per day for any acre, or B) The disposal system contains more than 2,000 linear feet of percolation piping.

Planning Director Bryant provided background and relative information.

Dan French, Service Authority Director, provided additional input regarding the proposed mass drainfield ordinance amendments.

Steve Simpson, Health Department official, addressed the Board and Planning Commission with comments concerning the proposed ordinance amendments.

Ms. Limbrick called the public hearing to order as advertised.

Proponents:

Bill Peter, District 3, Wendy Kendrick, Sandidge Rd., Amherst, VA, Donna Sanchez, Amherst, VA., Tim Casper – Sweet Briar resident.

Opponents: None

The Public Hearing was closed.

PLANNING COMMISSION RECOMMENDATION: Due to public necessity, convenience, general welfare or good zoning practice, on motion of Mr. Fener and with the following vote, the Planning Commission moved to recommend adoption of the ordinance amendments.

AYE: Mr. D. Hedrick, Ms. B. Jones, Mr. L. Parrish, Ms. B. Limbrick, Mr. M. Heishman, and Mr. R. Fener

NAY: None

ABSENT: Mr. J. Fulcher

BOARD OF SUPERVISORS' ACTION: Due to public necessity, convenience, general welfare or good zoning practice, on motion of Mr. Parrish and with the following vote, the Board of Supervisors approved the Planning Commission's recommendation to adopt the mass drainfield ordinance amendments as follows:

MASS DRAINFIELD ORDINANCE AMENDMENTS

Sec. 1105.05 (16). When a mass drainfield is included as part of a site plan, the following statements are required.

(I) For purposes of this ordinance, sewage disposal systems which serve more than one (1) property or meet the following definition, are considered mass drainfields:

A sewage disposal system which will discharge effluent to a single absorption area or multiple areas with or without combined flows such that:

(A) The loading rate exceeds 1,200 gallons per day for any acre, or

(B) The disposal system contains more than 2,000 linear feet of percolation piping.

(II) Any site plan for a mass drainfield serving a land development that is considered by the Development Review Committee (DRC) shall be submitted to and subject to the approval of the Virginia Department of Health (VDH). The Director of Planning or Zoning Administrator shall not approve the development of the property in question until the Department of Health has approved the mass drainfield site and dedicated reserve drainfield area(s), and all subsequent provisions of this ordinance are complied with.

(III) No site plan shall be approved for a mass drainfield unless the permit includes an approved primary drainfield and an approved reserve drainfield or such additional area or appurtenant easement capable of providing one hundred percent (100%) of the capacity of such primary drainfield. Each septic tank shall have manhole access to the downstream access portal. The manhole access shall terminate at the ground surface, and shall not be less than thirty (30) inches in diameter. The access manhole cover shall be a standard sanitary sewer manhole frame and lid, or a secured shoe box type cover. Additionally, each septic tank shall have a factory manufactured septic tank effluent filter installed on the outlet tee.

(IV) No site plan shall be approved for a mass drainfield unless the development is subject to a Covenant of Record in the land records of the Amherst County Circuit Court Clerk's Office, requiring owners of property in the development to connect to a public sewer system should it become available on the property or an immediately adjacent easement or right-of-way at a later date.

(V) Any site plan including a mass drainfield system shall be limited to the size and capacity required to serve the principle use explicitly described in the permit application and to which the mass drainfield is appurtenant.

(VI) Any replacement system shall be limited to the size and capacity required to serve the existing principle use, and shall not be further expanded unless and until a revised permit has been approved by the VDH.

(VII) Further, the Director of Planning or Zoning Administrator shall not approve the development of the subject property unless the following statements are included on the site plan:

1. No shrubbery or trees are permitted within the primary and reserve mass drainfield area, or within twenty (20) feet of the mass drainfield easement.
2. No vehicular traffic, parking, or paving are allowed over the mass drainfield or reserve drainfield, except for traffic of the mowers or tractors necessary for ground cover maintenance.

3. A ground cover of grass over the mass drainfield and reserve drainfield area should be mowed a minimum of twice per year, to prevent the establishment of tree seedlings.
4. The VDH advises that all septic tanks should be pumped a minimum of once every five (5) years, to prevent the passage of solids into the mass drainfield and potential damage to the system.
5. No structures including temporary ones may be placed within the mass drainfield primary or reserve system sites.
6. The VDH requires prompt repairing or replacement of any of the mass drainfield system components which fail, or otherwise cease to function.

Sec. 1302.02 (9). When a mass drainfield will be included in a subdivision, the following statements are required.

(I) For purposes of this ordinance, sewage disposal systems which serve more than one (1) property or meet the following definition, are considered mass drainfields:

A sewage disposal system which will discharge effluent to a single absorption area or multiple areas with or without combined flows such that:

- (A) The loading rate exceeds 1,200 gallons per day for any acre, or
- (B) The disposal system contains more than 2,000 linear feet of percolation piping.

(II) Any subdivision plat including a mass drainfield serving a land development shall be submitted to and subject to the approval of the Virginia Department of Health (VDH). The Director of Planning or Zoning Administrator shall not approve the development of the property in question until the Department of Health has approved the mass drainfield site and dedicated reserve drainfield area(s), and all subsequent provisions of this ordinance are complied with. Off-site primary and reserve mass drainfields may be located in common areas of the subdivision, and mass drainfields shall not be located outside of the tract(s) being subdivided.

(III) No subdivision plat including a mass drainfield shall be approved unless the plat includes an approved primary drainfield and an approved reserve drainfield or such additional area or appurtenant easement capable of providing one hundred percent (100%) of the capacity of such primary drainfield. Each septic tank shall have manhole access to the downstream access portal. The manhole access shall terminate at the ground surface, and shall not be less than thirty (30) inches in diameter. The access manhole cover shall be a standard sanitary sewer manhole frame and lid, or a secured shoe box type cover. Additionally, each septic tank shall have a factory manufactured septic tank effluent filter installed on the outlet tee.

(IV) No subdivision plat including a mass drainfield shall be approved unless the development is subject to a Covenant of Record in the land records of the Amherst County Circuit Court Clerk's Office, requiring owners of property in the development to connect to a public sewer system should it become available on the property or an immediately adjacent easement or right-of-way at a later date.

(V) Any subdivision plat including a mass drainfield system shall be limited to the size and capacity required to serve the principle use explicitly described in the permit application and to which the mass drainfield is appurtenant.

(VI) Any replacement system shall be limited to the size and capacity required to serve the existing principle use, and shall not be further expanded unless and until a revised permit has been approved by the VDH.

(VII) Prior to construction, the area in which the mass drainfield and reserve drainfield lie shall be dedicated as an easement in perpetuity appurtenant to the lots or parcels upon which the structures to be served are located in accord with the sewage handling regulations of the VDH.

(VIII) Prior to construction, such easement shall be shown on a plat of survey prepared by a licensed land surveyor, shall be recorded among the land records of Amherst County, and shall be permanently monumented in the field. The plat must clearly state "No shrubbery or trees may be planted on, or within twenty (20) feet of the mass drainfield or reserve drainfield easement," plus "No vehicular traffic is permitted over the mass drainfield, nor can pavement or parking be allowed in this area."

(IX) Access for sewage conveyance lines to reach the mass drainfield system from the subject properties shall be by way of an easement at least fifteen (15) feet in width and shall be shown on the plat that identifies the primary and reserve drainfield easement; provided, however, that in areas along state-maintained roads the county shall determine the location and width of easements on a case-by-case basis based on the recommendation of the VDH, the Virginia Department of Transportation, and public utility organizations.

(X) Further, the Director of Planning or Zoning Administrator shall not approve the development of the subject property unless the following provisions are made for the perpetual maintenance of the mass drainfield system:

(B) The developer must incorporate and register with the State Corporation Commission and Real Estate Board a property owner's association responsible for the long term maintenance of the mass drainfield system.

(C) The by-laws of the association must set forth that the maintenance responsibilities of the association are to provide for the perpetual maintenance and potential replacement of the mass drainfield system, including all septic tanks, waste lines, distribution boxes, drainfield and reserve drainfield areas, and any associated appurtenances. Such maintenance shall include:

1. Prevention of the planting or establishment of shrubbery or trees within the primary and reserve mass drainfield area, or within twenty (20) feet of the mass drainfield easement.
2. Prevention of vehicular traffic, parking, or paving over the mass drainfield or reserve drainfield, except for traffic of the mowers or tractors necessary for ground cover maintenance.
3. Maintenance of a ground cover of grass over the mass drainfield and reserve drainfield area with it being mowed a minimum of twice per year, to prevent the establishment of tree seedlings.
4. Pumping all septic tanks a minimum of once every five (5) years, to prevent the passage of solids into the mass drainfield and potential damage to the system.
7. Prevention of the placement of any structures, including temporary ones, within the mass drainfield system easement.
8. Promptly repairing or replacing any of the mass drainfield system components which fail, or otherwise cease to function.

(XI) The developer shall provide to the Director of Planning or Zoning Administrator, copies of the recorded Subdivision Declaration, the Certificate of Incorporation of the property owners association and proof of registration thereof with the Commonwealth of Virginia Real Estate Board, and copies of the operations and maintenance contract and bond, within thirty (30) days of the development's approval.

9/5/2008

AYE: Mr. V. Wood, Mr. L. Parrish, Mr. C. Adams, Mr. D. Kidd and Mr. R. Vandall
NAY: None

IN RE: PUBLIC HEARING 2007-32

2007-32 Request by the County of Amherst for a zoning text amendment to Section 702.02, and Section 917. The proposed ordinance regulates the storage of biosolids through a special exception process in the A-1 Agricultural Residential District, and provides certain procedures for permits, storage and monitoring as permitted by the Code of Virginia.

Mr. Bryant presented background and details of the proposed zoning text amendments to Section 702.02 and Section 917 for the proposed ordinance regulations for storage of biosolids through a special exception in the A-1 Agricultural Residential District and provided certain procedures for permits, storage and monitoring as permitted by the Code of Virginia.

Fred Delila of the Virginia Department of Environmental Quality met with the Board and Planning Commission to answer questions and provide technical information.

Ms. Limbrick called the public hearing to order.

Proponents: Bill Peters

Opponents: None

The public hearing was closed.

PLANNING COMMISSION RECOMMENDATION: Due to public necessity, convenience, general welfare or good zoning practice, on motion of Ms. Jones, seconded by Mr. Fener and with the following vote, the Planning Commission moved to recommend approval of the ordinance text amendments.

AYE: Mr. D. Hedrick, Ms. B. Jones, Mr. L. Parrish, Ms. B. Limbrick, Mr. M. Heishman, and Mr. R. Fener
NAY: None
ABSENT: Mr. J. Fulcher

BOARD OF SUPERVISORS' ACTION: Due to public necessity, convenience, general welfare or good zoning practice, on motion of Mr. Adams and with the following vote, the Board of Supervisors approved the Planning Commission recommendation to amend Section 702.02 and Section 917 to regulate the storage of biosolids through a special exception process in the A-1 Agricultural Residential District and provides certain procedures for permits, storage and monitoring as permitted by the Code of Virginia as follows:

702. Agricultural Residential District A-1.

702.01. Intent of the Agricultural Residential District A-1. This district is designed to accommodate farming, forestry and limited residential use. While it is recognized that certain rural areas may logically be expected to develop residentially, it is the intent however to discourage the random scattering of residential, commercial or industrial uses in this district.

702.02. Permitted uses. Within the A-1 district, the following uses are permitted:

1. Agriculture and forestry operations; crop production, livestock production, except no confinement facility may be closer than one thousand (1,000) feet to a property line; sale of agricultural and forestal products grown in the county.

2. Temporary sawmills, only for timber on-site or proximate to site.
3. Single-family dwellings that are built in accordance with the state-wide building code.
4. Manufactured homes as provided in Section 908.
5. Accessory structures.
6. Emergency services.
7. Home occupations.
8. Reserved.
9. Camping for less than four (4) consecutive weeks in portable facilities; i.e.; tent or camper or per Section 904.
10. Utilities that are for the purpose of serving the community, not merely for transferring the utility through the community; including but not limited to sewer, water, gas, electricity, cable television, telephone.
11. Bed and breakfast lodging.
12. Public streets.
13. Confined livestock facilities subject to the following conditions:
 - a. Located more than one thousand five hundred (1,500) feet from any house not on the property owned by the applicant;
 - b. Located more than two thousand five hundred (2,500) feet from a public place such as a school or church;
 - c. Located more than one thousand (1,000) feet from a perennial stream as indicated on the 7.5 minute U.S.G.S. topographic survey maps;
 - d. Located more than one thousand (1,000) feet from a state maintained road;
 - e. A maximum of two hundred fifty (250) animal units may be confined per fifty (50) acres of contiguous property;
 - f. The CLF must be approved by all necessary state agencies prior to county approval;
 - g. The applicant for all permits must be a county resident and the property owner;
 - h. It cannot be visible from a state maintained road;
 - i. A zoning permit must be issued prior to any development of the CLF.
14. Flag lot.
15. Wireless communication facilities as provided in Section 914 herein.

702.03. Special exceptions (A-1 zone).

1. Public entertainment.

2. Schools.
3. Saw mills.
4. Pallet manufacturing.
5. Wood yards.
6. Feed mills.
7. Truck business.
8. Churches and related facilities.
9. Signs as provided in Section 907.
10. Planned unit developments.
11. Short-term tourist rental of dwelling.

12. Storage of Biosolids as provided in Section 917.

(Ord. of 3-18-03(2); Ord. of 9-20-05(2); Ord. of 8-15-06(3); Ord. of 10-17-06(4))

917. Biosolids Storage

The following regulations shall apply to the storage of biosolids in the County.

- 1. Except when a Special Exception has been granted in the A-1 Agricultural Residential District, storage of biosolids shall be prohibited in all other districts in the County.**
- 2. A special exception shall not be required for storage of biosolids on a farm as long as such biosolids are being stored (i) solely for land application on that farm and (ii) for a period no longer than 45 days. For the purpose of this section "farm" shall be defined as contiguous tracts of land titled or rented in the name of the same owner.**
- 3. Only Class A or B Biosolids shall be placed into storage facilities.**
- 4. In order for a special exception to be issued, the applicant shall present evidence and the board of supervisors shall make a finding that the storage of biosolids in the proposed facility will not adversely affect the public health, safety and welfare of its citizens and the environment.**
- 5. The requirements of this section regarding storage of biosolids shall be in addition to the local testing and monitoring ordinance permitted under subsection C. of §62.1-44.19:3 of the Code of Virginia as may be adopted by the Board of Supervisors as part of Chapter 13 of this Code from time to time.**
- 6. Biosolids companies operating in Amherst County, Virginia must provide in writing to the Amherst County Board of Supervisors, prior to the delivery of all biosolids the following information:**
 - a. The class of the biosolids being delivered to Amherst County (A or B).**
 - b. Point of origin of the biosolids.**
 - c. Name, address and telephone number of biosolids hauler.**
 - d. The scheduled dates of the biosolids being delivered and applied.**
 - e. The name and address of the person, persons or company, et cetera, that is proposing to receive the biosolids.**
 - f. The physical address and acreage of the property where the biosolids are to be applied.**

- g. What product or products will be grown and grazed on that acreage.
- h. A biosolids map will be placed on the County website, showing parcels with approved permits; this map shall be updated as permits are approved.
- i. The public shall be supplied with contact information (via the County website) so that public concerns regarding possible violations of the biosolids regulations can be addressed.

AYE: Mr. V. Wood, Mr. L. Parrish, Mr. C. Adams, Mr. D. Kidd and Mr. R. Vandall

NAY: None

IN RE: PUBLIC HEARING 2008-04

2008-04 Request by Zane Cooper for a zoning text amendment in the B-2 Commercial District. The text amendment is to allow self-storage mini storage and warehouse facilities as a special exception use in the B-2 Commercial District of Section 707.03 of the zoning ordinance.

Mr. Bryant provided background and details of the proposed zoning text amendment for self service storage facility proposed to be defined as: "a building or group of buildings divided into separate compartments used to meet the temporary storage needs of small businesses, apartment dwellers, and other residential uses; and may include climate controlled facilities."

Proponents: None

Opponents: None

Public hearing was closed.

PLANNING COMMISSION RECOMMENDATION: Due to public necessity, convenience, general welfare or good zoning practice, on motion of Mr. Parrish, seconded by Mr. Heishman and with the following vote, the Planning Commission moved to recommend approval of the zoning text amendments.

AYE: Mr. D. Hedrick, Ms. B. Jones, Mr. L. Parrish, Mr. M. Heishman, and Mr. R. Fener

NAY: Ms. Limbrick

ABSENT: Mr. J. Fulcher

BOARD OF SUPERVISORS' ACTION: Due to public necessity, convenience, general welfare or good zoning practice, on motion of Mr. Parrish and with the following vote, the Board of Supervisors moved approval of the Planning Commission recommendation for a zoning text amendment in the B-2 Commercial District to allow self-storage mini storage and warehouse facilities as a special exception use in the B-2 Commercial District to allow self-storage mini storage and warehouse facilities as a special exception use in the B-2 Commercial District of Section 707.03 of the zoning ordinance as follows:

302.123.1. Self-service storage facility. A building or group of buildings divided into separate compartments used to meet the temporary storage needs of small businesses, apartment dwellers, and other residential uses; and may include climate controlled facilities.

707. General Commercial District B-2.

707.01. Intent of General Commercial District B-2. This district covers those areas intended for the conduct of any retail business. Those with extended hours of operation and generating high volumes of traffic are permitted in this zone.

707.02 Permitted uses. Within the General Commercial District B-2, the following uses are permitted:

1. Accessory buildings and uses as provided in Section 901 herein;
2. Banks and savings and loan institutions;

3. Clinics and medical offices;
4. Clubs and lodges, fraternal, civic and patriotic;
5. Drug stores and other establishments for the filling of prescriptions and sale of pharmaceutical and similar supplies;
6. Emergency services;
7. Food stores;
8. General convenience stores;
9. Newsstands;
10. Oil and gas exploration, extraction and production, provided the provisions of Sections 45.1-361.1 through 45.1-361.144, Code of Virginia, 1950, as amended, and the oil and gas rules and regulations promulgated by the Virginia Department of Labor and Industry are adhered to;
11. Professional office buildings;
12. Public utilities such as poles, lines, transformers, pipes, meters and related or similar facilities; water sewer distribution lines;
13. Retail nurseries and greenhouses;
14. Retail service stores such as bakeries, barber shops, beauty parlors, shoe shops, self-service laundries, and establishments for receiving and distributing articles for laundering, drying and dry cleaning;
15. Signs as provided in Section 907 herein;
16. U. S. Post Offices;
17. Wearing apparel stores;
18. Antique and gift shops;
19. Automobile service stations as provided in Section 902 herein;
20. Cemeteries;
21. Churches, manses, parish houses and adjacent cemeteries;
22. Day care centers;
23. Garages, public;
24. Hardware stores;
25. Motels, motor hotels and motor inns;
26. Restaurants;
27. Schools;
28. School support facilities;
29. Shopping center, subject to restrictions of Section 909 herein;

30. Shopping complex;
31. Single-family dwelling and a retail sales and/or service store within the same main structure, provided the single-family dwelling unit occupies fifty (50) percent or more of the structure;
32. Telephone repeater substations, with no external antennas;
33. Automobile laundry or car wash, provided that a paved area shall be located on the same lot for the storage of vehicles awaiting entrance to the washing process;
34. Bakeries employing not more than ten (10) persons other than clerks and vehicle drivers;
35. Cabinet making shops;
36. Catering establishments;
37. Cold storage plants and frozen food lockers not including lard rendering and abattoirs;
38. Dry cleaning plants;
39. Funeral homes;
40. Furniture stores;
41. Printing plants and newspaper offices;
42. Radio and TV offices and studios;
43. Retail automotive parts stores;
44. Satellite dish antenna sales and service establishments;
45. Theaters, indoor;
46. Videotape sales and rental establishments;
47. Wholesale and jobbing establishments;
48. Bowling alleys, roller skating and ice skating rinks, billiard parlors, pool rooms, dance halls, game rooms, pinball parlors, electronic game centers, golf driving ranges and similar forms of amusement;
49. Colleges;
50. Community centers;
51. Contractor facilities and storage yards and establishments for installation and servicing the following: air conditioning, electrical service, flooring, heating, interior decorating, painting, plumbing, roofing, steel erection, tiling or ventilating with all material stored entirely in buildings enclosed on all sides or with walls or fences, supplemented by plantings as may be prescribed by the board of supervisors;
52. Dormitories;
53. Excavation contractor's facilities and yards for storage of equipment intended for off-site use;
54. Feed and seed stores;
55. Golf driving range;

56. Kennels;

57. Light manufacturing, processing or packaging of products (including machine shops without punch presses) provided all operations are conducted in a building which shall not have any opening other than a stationary window within one hundred (100) feet of a residential, agricultural or a school district; shall not store or otherwise maintain any parts or waste material outside such building; and shall not create conditions of smoke, fumes, noise, odor or dust detrimental to health, safety or general welfare of the community; and shall be permanently screened from adjoining residential lots and districts by a wall, fence, evergreen hedge and/or other suitable enclosure of a minimum height of seven (7) feet at the original elevation of the property line;

58. Pest exterminating businesses;

59. Public utilities: public water and sewer transmission lines, treatment facilities, and pumping stations; electrical power transmission lines and substations; oil and gas transmission pipelines and pumping stations; microwave and radio wave transmission and relay towers and substations; telephone exchange centers, offices, equipment storage, dispatch centers and warehouse facilities;

60. Radio and TV transmission towers (provided the tower is so located that its minimum distance from any lot line shall equal the maximum height of the tower above ground level);

61. Radio and TV transmitters;

62. Sign manufacturing;

63. Truck stop;

64. Veterinary hospitals and clinics;

65. Libraries;

66. Public utilities;

67. Public streets;

68. Wireless communication facilities as provided in Section 914 herein.

69. Short-term tourist rental of dwelling.

707.03. Special Exceptions.

1. Bulk storage and sale of sand, gravel and rock;

2. Automobile sales, used;

3. Building and excavating contractor facilities with outside storage;

4. Automobile laundry or car wash, provided that a paved area shall be located on the same lot for the storage of vehicles awaiting entrance to the washing process;

5. Building materials dealer, not including handling of bulk materials such as sand and gravel;

6. Farm machinery display, sales and services;

7. Machinery sales and services;

8. Arenas, auditoriums or stadiums;

9. Automotive repair garage, mechanical and body, provided all operations are conducted in a building which shall not have any opening other than a stationary window within one hundred (100) feet of a residential, agricultural or public lands district and which shall not store or otherwise maintain any parts or waste material outside such building;

10. Tire recapping, provided all operations are conducted in a building which shall not have any opening other than a stationary window within one hundred (100) feet of a residential, agricultural or school district and which shall not store or otherwise maintain any parts or waste material outside such building.

11. Adult entertainment establishments in accordance with Section 915.

12. Tattoo establishments.

13. Auction house.

14. Self-service mini-storage and warehouse facilities.

707.04. Site Plan. Before a building and zoning permit shall be issued for any use in the General Commercial District B-2, a site plan of the proposed development shall be approved by the commission or the zoning administrator, whichever is applicable, in conformance with Section 1003 and Article XI herein.

(Ord. of 8-20-02(2); Ord. of 11-19-02; Ord. of 10-17-06(4))

AYE: Mr. V. Wood, Mr. L. Parrish, Mr. C. Adams, Mr. D. Kidd and Mr. R. Vandall

NAY: None

IN RE: PUBLIC HEARING 2008-09

2008-09

Request by the County of Amherst for a zoning text amendment to add Section 302.54.1, and modify 302.138.1 and 1301.07 (1), (2) of the Amherst County zoning and subdivision ordinance. The proposed ordinance will define a Forest Service Road and provides standards regulating the subdivision of land on a Forest Service Road. Additionally, Section 1301.07 will require a homeowners association to be established for the maintenance of private street (s). The homeowners association will include all lots accessing the private street(s).

Mr. Bryant presented details and background for the proposed zoning text amendment as well as the attached comments from Gary Roakes, Public Safety Director.

Proponents: Tim Casper, Sweet Briar and Dana Sanches, E. Monitor Rd.

Opponents: Todd Jones, Attorney – representative for the Sarton family, who are property owners near the Blue Ridge Parkway and presented the attached letter. **(ATTACHMENT A)**

PLANNING COMMISSION RECOMMENDATION: Due to public necessity, convenience, general welfare or good zoning practice, on motion of Mr. Fener, seconded by Ms. Limbrick and with the following vote, the Planning Commission recommend the approval of the proposed zoning text amendment.

AYE: Mr. D. Hedrick, Ms. B. Jones, Mr. L. Parrish, Mr. M. Heishman, Ms. B. Limbrick and Mr. R. Fener

NAY:

ABSENT: Mr. J. Fulcher

BOARD OF SUPERVISORS' ACTION: Due to public necessity, convenience, general welfare or good zoning practice, on motion of Mr. D. Kidd and with the following vote, the Board of Supervisors approved the Planning Commission recommendation as follows:

302.54.1 Street, Forest (Service Road). Those roads that are maintained and owned by the Federal Government to access remote undeveloped areas. Forest Service Roads must comply with Section 1301.07 of this ordinance.

302.138.1. Street, private. Any road or other means of vehicular access to more than one (1) parcel of land not maintained by the Virginia Department of Transportation or other government agency regardless of ownership. Private streets must comply with Section 1301.07 of this ordinance.

302.138.2. Street, public. A strip of land comprising the entire area within the right-of-way intended for public use as a means of vehicular and pedestrian circulation to provide access to more than one (1) lot and which is presently a portion of the Virginia Department of Transportation's street and road system, or is a proposed addition to the Virginia Department of Transportation's street and road system in which case the improvement of which shall meet the construction standards of the Virginia Department of Transportation.

1301.07. Private streets/Forest Service Road.

1. Private streets may be constructed in accordance with the Virginia Department of Transportation's subdivision street requirements. The minimum lot size for said streets is one (1) acre. **A homeowners' association shall be established for the maintenance of the private street(s), and a copy of the homeowners' association shall be submitted as part of the subdivision plat approval process. The homeowners' association shall include all lots accessing the private street(s).**

2. (a) A private street ~~and~~ **or forest service road** and all private roads ~~streets or forest service roads~~ connected to that private street system ~~or forest service road system~~ not constructed in accordance with the Virginia Department of Transportation subdivision street requirements or not otherwise included in the State Secondary Road Maintenance System may provide access to a maximum of five (5) lots all of which are ten (10) acres or greater in size. **A homeowners' association shall be established for the maintenance of the private street(s), and a copy of the homeowners' association agreement shall be submitted as part of the subdivision plat approval process. The homeowners' association shall include all lots accessing the private street(s).**

(b) An individual parcel which is described on May 02, 2001 by the then most current deed or other instrument conveying an estate in fee, for life, in possession or otherwise, with regard to estates in law or in equity, or in any deed or other such instrument drawn thereafter may have a maximum of five (5) lots subdivided from that parcel which are to be accessed by private streets **or forest service roads** not constructed in accordance with the Virginia Department of Transportation subdivision street requirements provided that the number of lots served by any private street **or forest service road** may not exceed a total of five (5) whether said lots are derived from the individual parcel or other parcels.

AYE: Mr. V. Wood, Mr. L. Parrish, Mr. C. Adams, Mr. D. Kidd and Mr. R. Vandall

NAY: None

IN RE: PUBLIC HEARING 2008-14

Mr. Bryant provided background and details of the request.

Frank Campbell was present to answer questions

Proponents: None

Opponents: None

PLANNING COMMISSION RECOMMENDATION: Due to public necessity, convenience, general welfare or good zoning practice, on motion of Ms. Limbrick, seconded by Mr. Parrish and approved the recommendation to approval the request with condition of staff recommendations and further condition that Frank Campbell be responsible for on-going maintenance of signs.

AYE: Mr. D. Hedrick, Ms. B. Jones, Mr. L. Parrish, Mr. M. Heishman, Ms. B. Limbrick and Mr. R. Fener
 NAY:
 ABSENT: Mr. J. Fulcher

BOARD OF SUPERVISORS' ACTION: Due to public necessity, convenience, general welfare or good zoning practice, on motion of Mr. Parrish and with the following vote, the Board of Supervisors approved the Planning Commission recommendation for the special exception the R-2 General Residential District to allow a community sign at the corner of Main Street (SR 1034) and Lynchs Ferry Road (SR 1004) and identified as tap map parcel 160A-6-1-6 with conditions as follows:

- The sign shall not be internally lit.
- Any proposed lighting on the sign shall not affect neighboring properties.
- Frank Campbell would be responsible for on-going sign maintenance.

AYE: Mr. V. Wood, Mr. L. Parrish, Mr. C. Adams, Mr. D. Kidd and Mr. R. Vandall
 NAY: None

IN RE: PUBLIC HEARING 2008-15

2008-15 Request by Frank Campbell for a special exception in the R-2 General Residential District. The proposed special exception is to allow a community sign at the corner of Rocky Hill Road (SR 1015) and Lynchs Ferry Road (SR 1004) and is further identified as tax map number 160A3-A-56.

Proponents: None

Opponents: None

PLANNING COMMISSION RECOMMENDATION: Due to public necessity, convenience, general welfare or good zoning practice, on motion of Ms. Limbrick, seconded by Mr. Parrish and with the following vote, the Planning Commission recommended approval of the request with conditions recommended by staff and that Frank Campbell would be responsible for on- going sign maintenance.

AYE: Mr. D. Hedrick, Ms. B. Jones, Mr. L. Parrish, Ms. B. Limbrick, Mr. M. Heishman, and Mr. R. Fener
 NAY: None
 ABSENT: Mr. J. Fulcher

BOARD OF SUPERVISORS' ACTION: Due to public necessity, convenience, general welfare or good zoning practice, on motion of Mr. Parrish and with the following vote, the Board of Supervisors approved the request for a special exception in the R-2 General Residential District to allow a community sign at the corner of Rocky Hill Road (SR 1015) and Lynchs Ferry Road (SR 1004) and is further identified as tax map number 160A3-A-56 and further with the condition that Frank Campbell will be responsible for on-going maintenance of signs as recommended by the Planning Commission.

AYE: Mr. V. Wood, Mr. L. Parrish, Mr. C. Adams, Mr. D. Kidd and Mr. R. Vandall
 NAY: None

IN RE: PUBLIC HEARING 2008-16

2008-16 Request by Lakeview Commons, LP for a rezoning from the B-2 General Commercial District to R-3 Multi-family Residential District. The proposed rezoning is to construct twenty-two (22) residential rental units for persons with disabilities and the elderly. The parcel is approximately 2.316 acres and is located off of Lakeview Drive in Madison Heights, and is further identified as tax map number 156-A-9C. The request will include an amendment to the Amherst County future land use map 2027 to change the land use category from Medium Density Residential to High Density Residential.

Mr. Bryant, Planning Director, presented background information and details of the request.

County Attorney Hunt provided legal information on relative zoning issues.

Ron Middleman, applicant, presented further information and read conclusions of the market study for this project which indicate a need for disabled housing in the Madison Heights area.

Attorney Steve Eubank advised Mr. Middleman of his options.

Mr. Middleman informed the Planning Commission that he is withdrawing his application.

The Planning Commission adjourned to another room.

IN RE: ADJOURNMENT

On motion of Mr. Vandall, seconded by Mr. Parrish and with the following vote, the Board of Supervisors adjourned.

AYE: Mr. V. Wood, Mr. L. Parrish, Mr. C. Adams, Mr. D. Kidd and Mr. R. Vandall

NAY: None

Vernon L. Wood, Chairman
Amherst County Board of Supervisors

Rodney E. Taylor, County Administrator