

Jim Laughlin, Chairman, called the May 10, 2004 meeting of the Botetourt County Planning Commission to order at 6:05 p.m., in the Old District Courtroom in Fincastle, Virginia.

PRESENT: Mr. James E. Laughlin Jr., Chairman
Mr. Christopher J. Whitely, Vice-Chairman
Mr. Steven L. Kidd, Member
Mr. William R. Hughes, Member
Mr. John Griffin, Member
Mr. Chuck Supan, County Planner/Zoning Administrator
Mr. Mark E. Jordan, Associate County Planner
Mrs. Wanda C. Wingo, Ex-officio Member

ABSENT: None

A letter from Mr. Michael Woody and Mr. John Lowman was submitted to the Planning Commission asking that their request to rezone be tabled.

Mr. Hughes motioned to table Item C for Woody/Lowman at the applicants' request up to 90 days. Mr. Kidd seconded the motion, which was unanimously approved with the following recorded vote:

YES: Mr. Whitely, Mr. Kidd, Mr. Griffin, Mr. Hughes, Mr. Laughlin
NO: None
ABSTAIN: None
ABSENT: None

Due to an overflow crowd, Mr. Laughlin motioned to relocate the meeting to Central Academy Middle School auditorium and recess the public hearing until 6:30 p.m. to allow for the citizens to get to the location. Mr. Kidd seconded the motion, which was unanimously approved with the following recorded vote:

YES: Mr. Whitely, Mr. Kidd, Mr. Griffin, Mr. Hughes, Mr. Laughlin
NO: None
ABSTAIN: None
ABSENT: None

At 6:40 p.m., Mr. Laughlin reconvened the meeting. After introducing Staff and the Planning Commission, Mr. Laughlin explained the public hearing process and instructed the audience to limit their comments to three minutes. He then asked that comments be directed to the Planning Commission and not to others in the audience. Mr. Laughlin stated that the Board of Supervisors would hear the following rezoning requests on Tuesday, May 25, 2004 at 1:30 PM in the Old District Courtroom. He then stated that the field reviews for the next Planning Commission meeting would start at the Botetourt Commons Kroger parking lot on Thursday, June 10, 2004 at 4:15 PM.

Mr. Kidd motioned to approve the April minutes as written. Mr. Hughes seconded the motion, which was approved with the following recorded vote:

YES:	Mr. Whitely, Mr. Kidd, Mr. Griffin, Mr. Hughes, Mr. Laughlin
NO:	None
ABSTAIN:	None
ABSENT:	None

Public Hearings

Buchanan and Fincastle Magisterial District: Timber Ridge Properties, LLC (Andy Douthat, Principal) is requesting a rezoning on 206.6 acres from Forest Conservation (FC) to Industrial (M-3) and 95.7 acres from Agricultural (A-1) to Industrial (M-3), with possible proffered conditions, for the operation of a stone quarry and processing plant. This 302.3-acre parcel of property is located along US Route 220 north, approximately 1.0 miles northeast of the US Route 220 north and Timber Ridge Road (Route 635) intersection and is identified on the Real Property Identification Maps of Botetourt County as Section 38, Part of Parcel 20 and Section 48, Parcel 130/131. (This request was tabled at the February 9, 2004 Planning Commission meeting).

Mr. Andy Douthat noted that Mr. Bobby Wampler of ECI would assist in the presentation along with Mr. Dave Willis of Rockydale Quarries and Ted Dean of ATS International. Mr. Douthat started an overview with a PowerPoint presentation. He stated that landowners had been invited to visit two quarries; an environmental noise assessment was completed with a water source mitigation plan and a traffic study. Mr. Douthat further stated that Timber Ridge Properties would meet/exceed state and federal requirements, all activities would take place outside of the 100-year floodplain; except for a part of the access road and bridge construction and the access would be constructed of non-erodible material, blasting would not exceed 50% allowed vibrational limit and they would coordinate blasting with the adjacent quarry. Regarding water quality, Mr. Douthat stated that Timber Ridge Properties would meet county and state (DCR, DMME) regulations through sediment ponds, wet suppression and stormwater management. Discharge would be reduced, on-site wells would be utilized for potable water with no withdrawals from Catawba Creek and the buffer zone would be extended. Concerning air quality issues, Mr. Douthat stated there would be a paved access road, wet suppression and wheel wash with no access or use of the James River for its quarry operation. Mr. Douthat reviewed the proposed hours of operation and said this business would increase the county's tax base while maximizing the use of valuable mineral resources.

Continuing with the PowerPoint presentation, Mr. Bobby Wampler of ECI addressed traffic, visibility, and stormwater management concerns. He stated that traffic would be lower than the AASHTO Level C (guideline used by VDOT to establish acceptable degrees of congestion). In terms of visibility of the quarry, he said that an existing canopy of tree cover would block processing equipment and the pit from Santana Estates. At the entrance of the site from the vantage point of Santana Estates and an existing knoll, they floated a series of balloons and the access road would be below the existing canopy of Catawba Creek, making visibility minimal. For stormwater management, Mr. Wampler stated that for sediment deposition, the stormwater below the processing plant will be designed to bypass existing areas of the site that are not disturbed and then other areas would be directed to the stormwater basin area. For wet suppression, the quarry would keep enough volume (calculated for peak usage at 30,000 gallons per day) for two months in the event of a drought and would reduce the need for groundwater withdrawal. The water to surface elevation design for the storm water management pond will exceed county and state standards by 6.5 times. Mr. Wampler stated the volume it can contain would be above and beyond the sediment deposition and the wet suppression volume sufficient to capture 100-year storms and would make the quarry close to being a zero-discharge facility as practicable.

Mr. Ted Dean, Geologist and President of ATS International, said there were three cross-sections of the area. Mr. Dean mentioned the Lincolnshire and New Market formation, bounded on the west by a fault that merges with a second fault to the east, where the layers are

fairly uniform dipping and slanted towards the fault with a 30^o angle. Mr. Dean addressed the opposition's report and spoke of four lines that suggest this is not a karst area: First, the behavior of Catawba Creek, which is a perennial creek that flows through the Lincolnshire formation. Second, he found no springs or sinkholes in Lincolnshire and a sinkhole would be stratigraphically lower. Third, empirical data from a domestic well at about 400' was dry, the second well was dry when drilled at over 500' and on the third attempt, and at +600' the well had three gallons per minute. Fourth, Mr. Dean said three core photos in this presentation show low fracture density; a very high degree of recovery; minimal loss of rock; 80-90% recovery and absence of significant mud seams or weathering among the fractures.

Mr. David Willis of Rockydale Quarries, told members that their estimates showed there was enough for them to mine at least 100 years. He asked the Planning Commission to consider the Comprehensive Plan, which states that "... Natural resources that are economically valuable..." and cited national figures which would create a ripple effect benefiting Botetourt County. Mr. Willis further stated the need and uses for aggregates, 2002 Cost of Consumer Services Study as compared to Botetourt County Census data and said the quarry would offset the cost of 362 Botetourt County homes as shown in the Wampler and Eanes Sales Study Summary. Mr. Willis then referred to Summit Ridge Apartments and Pheasant Ridge in Roanoke, which are about 2000' from an existing quarry, that a neighbor enjoyed watching the quarry from his home and the Starkey facility that is adjacent to the Freedom Playground, built by Rockydale Quarries. Mr. Willis quoted 2002 DMV Truck Facts, saying that trucks accounted for 5.9% traffic and a 2003 Traffic Comparison from VDOT from I-81 to Wesley Drive and Route 635 to Route 695 (showing that deer caused 55% of accidents). Addressing noise issues, Mr. Willis showed the Planning Commission the results of a noise study and suggested there would be no significant increase in noise from the quarry operations.

Mr. Douthat reiterated signed and notarized proffers: Exclude all M-3 uses except for a quarry operation at this time; quarry will be developed in *reasonable* conformity to Concept Plan amended March 29, 2004; access road will be paved within a one-year period from issuance of M-3 zoning and receipt of a mining permit and prior to public sales; performance bond will be provided to Planning Director for paving work. Timber Ridge will make a one-time donation of \$10,000 to the Fincastle Volunteer Fire and Rescue; Timber Ridge will contribute .03 per ton of aggregate sold, to Fincastle Volunteer Fire and Rescue and .02 per ton of aggregate sold to the Eagle Rock Volunteer Fire and Rescue (secondary responder) for period of five years, after which the contribution amount and needs of volunteers will be re-evaluated. Part of road construction will provide an access point and dry hydrant for Fincastle and Eagle Rock Volunteer Fire and Rescue squads. At the request of the county, Timber Ridge shall dedicate water and/or sewer utility easements within the designated 100' buffer. The location of such easements shall be acceptable to both parties and shall be gifted to the county. For those residents with existing wells and/or water sources within the zone identified by the "Water Mitigation Map", Timber Ridge, in the event of a suspected well, water quality or supply failure, after being notified by the Landowner who has confirmed that the suspected failure is not the result of an electrical interruption, defective pump, or household plumbing failure will: Within 12 hours provide the household with bottled drinking water and a dispenser; within two business days or as soon as can be coordinated conduct a site investigation in the presence of the resident with a licensed well and pump contractor; if it is verified that the failure is not the result of a mechanical or electrical failure, Timber Ridge will at no cost to the landowner repair or replace the water supply. The county will be notified of all complaints and the manner in which they are resolved.

Mr. Kidd inquired about public or community water/sewer hook-ups and Mr. Douthat replied they would comply with all county and state standards.

Mr. Griffin asked about an approved VDOT entrance.

Mr. Douthat said they had provided information to VDOT and received a verbal approval from them.

Referring to a dry well during Mr. Dean's presentation, Mr. Griffin asked for the location and reason it was dry.

Mr. Douthat replied that the well was located on Timber Ridge property but he did not know why it was dry.

Mr. Whitely mentioned Mr. Douthat's proffer letter of April 12, 2004 asked how he would comply with water and sewer regulations.

Mr. Douthat responded that after discussing this with the Health Department, he was familiar with and capable of complying with the regulations.

Mr. Whitely asked about visibility of the buffered area during fall and winter, and wanted more details about quarrying near streams and rivers and the Parkway.

Mr. Willis replied that Rockydale Quarries had quarried near streams in Appomattox and Mt. Athos, with buffers between 0' to 500'. One location was 40' away from the stream bank and at the other location; they relocated the creek and incorporated the pit into it. Mr. Willis also said this site had been in operation since the 1700s. He then said they had a very good relationship with the Parkway by incorporating visual mitigations, although there had been some complaints on allowing ponds that had to be cleaned.

Mr. Hughes inquired about extending the initial buffer and assisting residents with wells.

Mr. Douthat answered there would be a 100' buffer on both sides of the stream. In the agricultural area where there is no forestal buffer, there will be no till drilling in order to minimize erosion and only current landowners would be provided assistance with their wells, not successors due to not knowing future standards.

Mr. Laughlin asked Mr. Dean about the number of sinkholes on the property, karst characteristics and the possibility of karst in this area.

Although he did not know the number of sinkholes, Mr. Dean responded that disappearing streams, springs and sinkholes characterize the limestone-dolomite and that it is possible for karst to appear in this area.

Mr. Laughlin wanted the reason why Timber Ridge Properties was willing to provide residents assistance with their wells, when the residents did not live on Timber Ridge Properties.

Mr. Willis stated that the neighbors had valid concerns and that if Boxley operated or if there were a drought, Timber Ridge would "step up to the bat."

When Mr. Laughlin asked if it were possible for mining to have an effect on property that was not located on Timber Ridge Properties land, Mr. Dean replied in the affirmative and then said there would be some amount of de-watering.

Mr. Laughlin inquired if a detailed karst study had been completed and Mr. Dean replied that it had not.

Mr. Josh Bandy of Fincastle, a recent VMI graduate, urged the county to look at the future and approve this request because the county has not developed as an economic center.

Mr. W. W. Burch of Fincastle, asked for certification of vapor, sediment pond plan and cleaning of pond before any approvals were given to the quarry.

Mr. Jerry Adkins of Fincastle, requested the Planning Commission to approve this request so people wouldn't have to travel up to an hour to their job.

Ms. Jonnie Speight of Fincastle, spoke on behalf of North Botetourt Concerned Citizens, who asked for the request to be denied because the quarry's plan does not meet at least six public policies of the Comprehensive Plan. Ms. Speight stated that the Timber Ridge Properties plan does not meet the 1998 Comprehensive Plan; does not fully comply with the Flood Hazards Overlay District of January 2002; does not conform to Botetourt County Code; has hidden costs to the county taxpayers; they have not been able to work out liability sharing with Boxley, as it was suggested in February 2003 and this project is not compatible with Zoning regulations. Ms. Speight pointed out that the surrounding area is primarily in Agricultural or Forest Conservation Use Districts and the 1998 Comprehensive Plan said that natural resources should be protected, not exploited; the Comprehensive Plan encourages clean industry; that development in karst must be strictly scrutinized because of the great potential for groundwater pollution, sinkhole development and eventual collapse; the quarry would degrade air quality since we have reached non-attainment. She then referred to a letter from VDOT, which said there would be a noticeable increase in traffic and stressed the need for a detailed traffic study. Ms. Speight said that two side-by-side quarries five miles north of Fincastle would discourage new businesses on US 220, that technology jobs were increasing while mining jobs are decreasing. Regarding floodplains for which they must be in full compliance, Ms. Speight said that a permit for the bridge from the Virginia Marine Resource Commission, would not mean the bridge would be in full compliance. Ms. Speight cited Section 25-409C (Flood Assessment

and Hydrologic Studies); Section 25-413C3 (Amendment to obtain flood assessment); Section 25-415B (Flood Fringe); Section 25-417 (Information to be shown on plat or site plan). Ms. Speight stated there would be hidden costs to taxpayers because the state and federal agencies would not enforce proffers (only the county Planning Department), that taxpayers had to fund air quality due to increasing federal standards, the buffers could collapse because of karst if sewer and water lines collapse. She gave members a handout showing that Oglebay-Norton and all its subsidiaries had filed for bankruptcy, including Global Stone. Ms. Speight concluded that the applicant was aware of the zoning when he purchased the land and that no one objects to change; they only want him to comply with county policy.

Jim Thrasher of Buchanan voiced his support for this industry because the coal industry uses lime to reduce air emissions.

Dr. Ernst Kastning, PhD, Professor of Geology at Radford University, stated that he had studied karst for 35 years and that it is a misconception that karst is manifested only above-surface, that the odds of a quarry hitting a fracture(s) are high, a fracture(s) can extend for miles and there are faulted rocks in the quarry area. Dr. Kastning cited an example in Georgia with rock with a 'tight formation' where a positive dye trace over two miles was taken during a drought. Dr. Kastning stated if a fracture were hit, this could result in dry wells and there are many examples of sinkholes forming in highways. Dr. Kastning stated the reason there was no sinking stream is because of a perched water table in the upper formations and that if a 150' hole was to be drilled 100' away, the perched water table could go away and so would the stream. He said he would never advocate quarrying next to any stream, which could cause sinkhole collapse or damage to buildings.

Mr. Kidd wanted to know if the holes were vertical.

Dr. Kastning answered that the faults were vertical and it was not unusual for quarries to de-water the water tables and that de-watering the aquifers will cause sinkholes toward the south.

Mr. Griffin asked if all sinkholes have karst formation and how he came to the conclusion there was so much karst and how far from the creek bed was it to the mine.

Dr. Kastning explained that if there are sinkholes, they are by definition karst but that not all karst have sinkholes and that a cave is part of karst. Dr. Kastning further explained there were three published maps by Dave Hubbard and that this part of Virginia has karst (large sinkhole density), rock soluble with water running through it. He said the only way to calculate the distance would be to put harmless fluorescent dyes in the water to see where it would come out, that karst is not only what is on the surface, but also groundwater pollution.

Mr. Whitely asked Dr. Kastning to comment on *Potential Environmental Impacts of Quarrying Stone in Karst* by the U.S. Geological Survey, stating "Quarrying carbonate rocks for use as crushed stone and dimension stone can be accomplished with no significant impacts to the environment if done carefully and within the limits set by nature." and a comment by William Langer in *Quarrying in Karst, a Delicate Environment, Requires Innovative Quarrying* which states, "...Damage to karst environment is as often a result of other activities as a quarry. Generally quarrying by itself does not make huge impacts. The problem is that when it goes wrong, it goes really wrong." Mr. Whitely wanted to know if quarrying could be done in karst topography if it was done appropriately.

In summary, Dr. Kastning stated every case was site specific, but for this case, this would not be the best location and that he normally worked for quarries.

Mr. Floyd Coffey, President of A. R. Coffey and Son, supported the quarry because of construction contracts north of Fincastle a quarry would be beneficial in northern Botetourt County.

Mr. Alex Kamwell of Fincastle observed that one quarry was in the area and would be operating if the need should arise. He said he worried about ground tremors, cracking houses, and that the quarry would work against tourism dollars and attracting white-collar businesses.

Mr. Charles Roberts of Daleville talked about the need to encourage business, that highly regulated companies make the best neighbors and attract other businesses.

Mr. David Williams, an adjoining property owner, stated he has three giant sinkholes on his property, that dust from the quarry would make his wife's terminal illness worse and that he preferred seeing deer, not a quarry pit.

Mr. Jack Watts, a Franklin County resident who owns land on Switzer Mountain, backed the quarry. As a certified blaster, he stated that blasters pre-survey blast sites, both the quarry and blaster have liability insurance, damages seldom occur and that blasting activities are highly regulated at state and federal levels.

Mr. Doug Waters of Fincastle, commented on extraordinary risks and there were plenty of places he could live if he wanted to be near a quarry.

Mr. Matt Cooper of Fincastle mentioned the positive economic growth.

Mr. Rene Bocanegra of Fincastle, referred to charts from the quarry as 'statistical mischief' and said the lack of a traffic study combined with traffic safety, land use impacts, projected peak hours with both quarries operating and the impact of quarry entrances when they would be 1000' apart would be disastrous.

Mr. Dennis Kacinsky of Roanoke is an executive recruiter who has done business with Rockydale Quarries, defended the request for a quarry because aggregates are a critical ingredient in construction and quarry jobs cannot be relocated.

Mr. Dave Higgins of Blue Ridge said that he grew up next to Blue Ridge Quarries, which had to buy houses within a two-mile radius due to problems.

Mr. Lynwood Cox of Troutville said he had done business with Rockydale Quarries since 1965, that a dirt road had more dust than a quarry, that the quarry would not be seen from the road and that the company had not asked for any business incentives from the county.

Mr. Keith Patterson of Fincastle stated that MSHA had taken 32 noise samples and 17 were in violation from 2000-2003, although only two dust samples were found to be in violation during the same time period.

Mr. Gary Hubbard of Troutville, mentioned his employer's commitment to their community.

Mr. Colby Trammel of Fincastle stated that problems with air particulate were well documented and that the issue of two quarries would deny him and his subsequent heirs their property rights. Mr. Trammel distributed two copies of the Boxley proposal in addition to photos of flood event. He then explained that second Boxley proposal was due to the flood event. Mr. Trammel's other points included Boxley's existing M-3 zoning and Botetourt County's non-attainment mode of air quality.

Mr. Ron Young, Jr. of Fincastle, presented the Planning Commission with a petition signed by more than 600 people against the project. He asked who would make sure the company did things right, why 80% of the quarry stone would be sent to North Carolina, how many jobs would be created and held by local residents and about damage to homes for current and future owners, which would not be covered by insurance.

Mr. Richard Fuhrman of Buchanan, read a letter from local resident Bruce Ingram and mentioned his book, which is a guide to the James River. Mr. Fuhrman then showed a photo of Global Stone in Buchanan and later said the quarry would only pay 12 cents in taxes for every dollar they made.

Mr. Ronald Young, Sr. of Fincastle, showed the Planning Commission how he was able to measure sound. He explained that noise from a quiet rural road measure 60 dB and that he had measured noise produced from the Rockydale Quarry at 68-74 dB and imposed over the normal noise of a quiet rural road in this valley, the quarry noise would be intolerable. He then showed the Planning Commission photos of rock dust that was 1.25 miles away from the quarry in Buchanan and said that zoning should be used to protect citizens.

Mr. Jack Leffel of Fincastle, said he lived on a plateau and would be affected by the noise and dust and that he strongly opposed this request. He said where Catawba Creek enters the James River is a national treasure and that no tax dollars were spent to get people to come for small mouth bass fishing.

Mr. Kidd asked Mr. Douthat how he figured a traffic count of 80 truck trips (40 entering, 40 leaving) per day, the size of trucks and the amount of increase traffic.

Mr. Douthat replied that the figure was based on an anticipated sales volume of 200,000 tons per year; the trucks would be 18-24 tons for a total traffic increase of ½ of 1%.

Mr. Kidd asked Mr. Willis about cleaning the sediment pond.

Mr. Willis answered it would be on-site with dragline, stage pond. Sediment would be piled, dried and sold.

Mr. Griffin wanted to know how Timber Ridge Properties had determined on a half-mile radius as a limit to replace wells.

Mr. Douthat responded that other quarry presentations were reviewed and instead of studying wells, they would be replaced. Mr. Ted Dean added that he had done a cursory study on flow rate to create baseline data in the event of a claim.

When Mr. Whitely asked Mr. Douthat if traffic studies would include the impact from both quarries, Mr. Douthat said the traffic would remain the same if demand did not increase.

Mr. Whitely asked for comments on violations from Rockydale Quarries.

Mr. Willis said that typically MSHA is on-site twice per year and controls have to be engineered so that the exposure [noise, dust] is taken away, and not by utilization of personal equipment.

Mr. Whitely asked about the blasting notification process.

Regarding Rockydale Quarries, Mr. Willis answered that some neighbors prefer to be notified, but they typically find that once a neighbor has been notified, their perception of vibration goes down dramatically. He added there are state/federal laws that might require notification via sirens.

Mrs. Wingo inquired about ozone output.

Mr. Willis said he did not have any data on that and the largest output would come from gasoline power generation equipment. He then said the DEQ calculates it and they presently did not have any "limits" on ozone.

Mrs. Wingo clarified that Botetourt County would not be a non-attainment area until 2007, if then.

Mr. Laughlin wanted to know how much would be sold and used in Botetourt County.

Mr. Douthat perceived it would be the first 100,000 tons would be sold in Botetourt County, unless Boxley opened and in that case, the first 100,000 tons would be shared.

Mr. Laughlin inquired if the quarry itself would be in the floodplain.

Mr. Douthat replied it would be out of the floodplain and specifically, the 100' buffer would be at least 100' as extended, where the floodplain may extend more than 100' and all operations except for the location of bridge will be outside of the floodplain. Regarding Mr. Trammel's pictures, Mr. Douthat stated their operations would be higher than those approved for Boxley.

Mr. Laughlin asked for the exact number of new permanent jobs for this quarry.

Mr. Douthat stipulated there would be six to ten employees and drivers or local truck drivers who live out this way.

Mr. Jim Bushong of Daleville commented that the applicants' math (80 trucks per day, at 26 tons equals 1,040 tons, not 100,000 tons) did not add up correctly.

There being no one else to speak, Mr. Laughlin closed the public hearing at 10:14 p.m.

Mr. Kidd stated that the possibility of cleaning up the creeks had never been mentioned and that data shows that water flowing out of sediment ponds is cleaner. He further stated that it makes good planning sense to have two quarries side by side. Mr. Kidd said he understood some of the geology presented in two reports, but mining could be done properly with success and pointed out that Roanoke City and Roanoke County had built up to the Rockydale facility, which is also adjacent to the Blue Ridge Parkway.

Mr. Griffin remarked that Rockydale Quarries was a good company, but there were problems with environmental issues with two quarries together, especially near the creek.

Mr. Hughes commented that this was a tough decision because the applicants made a good case and would be an asset to the county; however, citizens and concerns have to be weighted. He then said that he would agree with the citizens, who care about where they live, which outweighs business and the environmental concerns.

Mr. Whitely said the Comprehensive Plan was a guide, not the final say or law. He said he had a negative first impression about quarries until he visited the Rockydale site by the Parkway and was surprised at the overall operation and the lack of impact it was having on the surrounding area. Regarding geology, Mr. Whitely voiced his concern about putting one quarry beside another. However, looking at this proposal strictly as a land use issue with citizen input, Mr. Whitely said he was comfortable with putting two quarries together and that the applicant would be a good neighbor.

Mr. Laughlin stated this decision affects surface and subterranean aquifers plus citizens' concerns. He further stated that in his opinion, no test of proper level have been done as to how the quarry will impact those whose land is not on the same property as the industry. Mr. Laughlin said the problem was not industry itself, but one quarry in that type of topography was possibly too much. Concerning gains/losses to the county, Mr. Laughlin said the losses would far outweigh the gains and due to strong citizen objections, said he would not support the quarry. Mr. Laughlin then recommended that county staff obtain geological studies to analyze future applications.

Mr. Kidd motioned for approval of A-1/FC to M-3 rezoning as requested with proffered conditions. Mr. Whitely seconded the motioned, which was denied 3:2 with the following recorded vote:

YES:	Mr. Whitely, Mr. Kidd
NO:	Mr. Griffin, Mr. Hughes, Mr. Laughlin
ABSTAIN:	None
ABSENT:	None

After a brief recess, at 10:55 p.m., the public hearing reconvened.

Valley Magisterial District: DVW, Inc. (William D. Hale, Principal) on behalf of Bailey Real Estate, LLC, (Bobby Bailey, Contractual Purchaser) is requesting a rezoning from Agricultural (A-1) to Residential (R-1), with possible proffered conditions, for the construction of single family detached dwellings. This 7.432-acre parcel of property is located along the south side of Read Mountain Road (Route 654), at the intersection of Route 654 and Route 1060 (Apple Tree Road) and is identified on the Real Property Identification Maps of Botetourt County as Section 107 (4), Parcel 63. (This request will be considered concurrently with the request for preliminary plat approval for a six (6)-lot subdivision to be known as Poplar Tree Village).

Valley Magisterial District: DVW, Inc. (William D. Hale, Principal) on behalf of Bailey Real Estate, LLC (Bobby Bailey, Contractual Purchaser) is requesting preliminary review and approval for a six (6) lot subdivision with lots ranging in size from 1.189 acres to 1.478 acres to be known as Poplar Tree Village Subdivision. This 7.432-acre parcel of property is currently zoned Agricultural (A-1) and is located along the south side Read Mountain Road (Route 654), at the intersection of Read Mountain Road (Route 654) and Apple Tree Road (Route 1060) and is identified on the Real Property Identification Maps of Botetourt County as Section 107 (4), Parcel 63. (This request will be considered concurrently with the request for rezoning to R-1).

Mr. Bobby Bailey represented the project and stated his request for both rezoning and preliminary plat approval for a six-lot subdivision, which would have tree buffers and three shared entrances to minimize traffic flow on Read Mountain Road.

Mr. Hughes questioned Mr. Bailey regarding driveways and guardrail; size, type of house and drainage.

Mr. Bailey replied that he would install a 6' culvert under the road and that traffic should not be an issue; the houses would range from 1500' to 1900' with brick or vinyl to grade. He also said few trees would be cut and that he would create a water berm in an effort to help Mr. Poff's water problem.

Mr. Whitely referenced VDOT's letter and Mr. Bailey replied that he had already met with VDOT and Mr. Kevin Shearer of Public Facilities.

With Staff's Background Report, including Erosion and Sediment Control, Mr. Whitely stated his approval of the side-by-side driveways and Mr. Supan clarified that VDOT requires 12.5' from each driveway.

Mr. Griffin confirmed side-by-side driveways and lot size with Mr. Bailey.

Mr. Laughlin inquired about slope, drainage and fill.

Mr. Bailey said there would be about 30' clay for fill and there would be less slope than what is there now.

Mr. Jess Franklin of Cloverdale stated his concerns of water runoff that crosses his property and Read Mountain Road, which doesn't stay within current drainage ditches; children who would have to cross the road to ride the school bus and speeding vehicles creating hazardous situations.

Mr. Jim Cooper of Roanoke gave the Planning Commission a petition with 220 signatures of nearby residents who disagreed with this subdivision. Mr. Cooper said he appreciated Mr. Bailey's effort to meet with the residents, but water funneling into the ditch, traffic heading to Wal-Mart and a blind turn presented too many risks to children and walkers/joggers.

Mr. Bailey stated that as A-1, the property could be divided up to three times with mobile homes, instead of houses.

Mr. Griffin asked about water control engineering and Mr. Bailey replied there was a big drainage easement in addition to deep lots.

Mr. Laughlin wanted to know if Mr. Bailey considered leaving the timber.

Mr. Bailey responded that the trees would only be cut for driveways and building, saying there would be a 25' buffer.

There being no one else to speak, Mr. Laughlin closed the public hearing.

Mr. Hughes commented that residents were aware of the differences between agricultural and residential use districts and that they had legitimate concerns. Mr. Hughes said he was not supportive of the application because this was not a good place to put homes and because the buffer could be removed.

Mr. Whitely said that future homeowners should weigh traffic concerns before buying and this project promotes infill. He recommended approved erosion and sediment control and storm water management for the entire tract.

Mr. Kidd agreed this was good infill with water and sewer.

Mr. Griffin mentioned his concern with water run-off but was comfortable it would be taken care of with erosion and sediment control.

Mr. Laughlin stated his concern with the slope and water problems and wanted tests completed before approval. He also stated erosion and sediment control should be required and the buffer zone should be in the contract.

Mr. Whitely motioned to grant the rezoning as submitted from A-1 to R-1. Mr. Kidd seconded the motioned, which was approved 4:1 with the following recorded vote:

YES:	Mr. Whitely, Mr. Kidd, Mr. Griffin, Mr. Laughlin
NO:	Mr. Hughes
ABSTAIN:	None
ABSENT:	None

Mr. Whitely motioned for preliminary plat approval with the following conditions:

1. Board of Supervisors must approve the rezoning.
2. Approved Erosion and Sediment Control and stormwater management for the entire tract is required.

Mr. Kidd seconded the motioned, which was approved 4:1 with the following recorded vote:

YES:	Mr. Whitely, Mr. Kidd, Mr. Griffin, Mr. Laughlin
NO:	Mr. Hughes
ABSTAIN:	None
ABSENT:	None

Amsterdam Magisterial District: T.D. Steele on behalf of M.W. Dunbar Construction, Inc. (Contractual Purchaser) is requesting a rezoning from Agricultural (A-1) to Residential (R-1), with possible proffered conditions, for the construction of single family detached dwellings. This 12.554-acre parcel of property is located along the north side of Greenfield Street, approximately 0.3 miles from the intersection of Greenfield Street and US Route 220 south and is identified on the Real Property Identification Maps of Botetourt County as Section 88, Parcel 43D (337 Greenfield Street). (This request will be considered concurrently with the request for preliminary plat approval for a twenty-one (21)-lot subdivision to be known as The Summit of Ashley).

Amsterdam Magisterial District: T.D. Steele, on behalf of M. W. Dunbar Construction, Inc. is requesting preliminary review and approval for a twenty-one (21) lot subdivision with lots ranging in size from 0.46 acres to 0.80 acres to be known as The Summit of Ashley Subdivision. This 12.554-acre parcel of property is currently zoned Agricultural (A-1) and is located along the north side of Greenfield Street (Route 673), approximately 0.3 miles from the intersection of Greenfield Street (Route 673) and US Route 220 south and is identified on the Real Property Identification Maps of Botetourt County as part of Section 88, Parcel 43D. (This request will be considered concurrently with the request for rezoning to R-1).

Mr. Kidd noted that due to the late hour, he felt that proceeding with the public hearings was an injustice to the applicants.

Mr. Whitely stated that he would abstain from any discussion and voting due to a possible conflict of interest.

Mr. Jack Ellinwood of ECI represented the applicants. Mr. Ellinwood stated the applicants propose a 21-lot conventional subdivision with lots ranging in size from 0.5 to 0.8 acres and would be in substantial conformance to the Zoning Ordinance. He further stated that one central access road with a cul-de-sac, would generate an additional 210 vehicles per day and meet VDOT standards. Mr. Ellinwood explained the applicants have coordinated utilities with Mr. Overbay and at full build out, would not affect the pump station. He then said that the requested R-1 was compatible with the surrounding area; calculations show no drainage problems, roadside ditches and a wet pond could hold runoff but in the event this is inadequate, on-site facilities (smaller ponds) would be available.

Mr. Hughes commented that this would be compatible with Ashley Plantation and that the applicants would work with Mr. Linkenhoker, the Erosion and Sediment Control Administrator.

Mr. Griffin inquired about the cul-de-sac, which Mr. Ellinwood said was 950' in length.

Mr. Laughlin wanted to know about landscaping.

Mr. Ellinwood replied there would be a cedar buffer in addition to Covenants and Restrictions, which require at least 1% of the sale price to be used for landscaping on the lot due to water problems.

Mrs. Wingo asked about the stand of mature trees.

Mr. Ellinwood said the trees were not on the property, but they intended to keep the trees.

Mr. Hughes motioned to approve the rezoning application as submitted on the condition the preliminary plat application will be approved pending rezoning approval by the Board of Supervisors. Mr. Griffin seconded the motion, which was approved 4:0 with the following recorded vote:

YES:	Mr. Hughes, Mr. Kidd, Mr. Griffin, Mr. Laughlin
NO:	None
ABSTAIN:	Mr. Whitely
ABSENT:	None

Amsterdam Magisterial District: Rose Marie Jenks is requesting preliminary review and approval for a three (3) lot subdivision under Sec. 21-71 (Low Density Development) of the Botetourt County Subdivision Regulations, with lots ranging in size from 26.319 acres to 35.041 acres to be known as Jenks Subdivision. The applicant is also requesting a waiver to the Botetourt County Subdivision Regulations (frontage requirements). This 88.156 acre parcel of property is zoned Agricultural (A-1) and is located off of Twin Oak Drive (Route F050), approximately 0.25 miles southeast of the intersection of Twin Oak Drive (Route F050) and Sunset Avenue (Route 651) and is identified on the Real Property Identification Maps of Botetourt County as Section 101, Parcel 118.

Mr. Sam Bickers of ECI represented Ms. Jenks in her absence. He stated that all three tracts exceeded the 25-acre low-density requirement and requested a waiver of state road frontage and access requirements for easement access. He proposed that the existing cul-de-sac have a 50' ingress/egress easement across the access from Tract A to Tract B and a 20' ingress/egress easement to access Tract C, in addition to an existing gravel road.

Mr. Whitely wanted to know if this was the same gravel road as previously approved in 1989, why the previous idea was abandoned and if they planned improvements to the road.

Mr. Bickers said only four of 28 lots had been created, the road was already there and graveled. However, he did not know if the road would be widened or the history of the previous idea but said Mrs. Jenks' son usually handled her properties for her.

Mr. Hughes stated further subdivision would require road improvements.

Mr. Griffin asked Mr. Supan about road requirements for 25 acres and Mr. Supan said the Planning Commission had the option to require road frontage or waive it.

Mr. Supan mentioned a concern from adjoining property owner, Mr. Phil French. Mr. French noted an ongoing drainage problem at the existing cul-de-sac that Mr. Jenks would not correct and that dust from the gravel road was a problem.

There being no one else to speak, Mr. Laughlin closed the public hearing.

Commenting on past discussions about private roads, Mr. Whitely noted that the applicant was not here to discuss how the road would be constructed and that he could not support this request, based on unanswered questions.

Mr. Kidd agreed with Mr. Whitely.

Mr. Hughes commented that with 25 or more acres, the roads are not an issue.

Mr. Griffin said the owner should be present, especially since a neighbor has concerns and he would like more information about the road.

Mr. Laughlin motioned to table this request until more information was received. Mr. Hughes seconded the motion, which was approved 3:2 with the following recorded vote:

YES:	Mr. Hughes, Mr. Griffin, Mr. Laughlin
NO:	Mr. Whitely, Mr. Kidd
ABSTAIN:	None
ABSENT:	None

Rural Hamlet Workshop

By general consensus, the Planning Commission decided to hold a *Rural Hamlet Workshop* at 6:00 p.m. on June 7, 2004 in the second floor conference room of the Circuit Courthouse.

Adjournment

By general consensus, on May 11, 2004 at 12:10 a.m., the Planning Commission recessed the meeting until 6:00 p.m. on June 7, 2004 in the second floor conference room of the Circuit Courthouse for the purpose of the Rural Hamlet Workshop.

On June 7, 2004 at 6:10 p.m., Jim Laughlin, Chairman, reconvened the May 10, 2004 meeting of the Botetourt County Planning Commission in the second floor conference room of the Circuit Courthouse in Fincastle, Virginia.

PRESENT: Mr. James E. Laughlin Jr., Chairman
Mr. Christopher J. Whitely, Vice-Chairman
Mr. Steven L. Kidd, Member
Mr. William R. Hughes, Member
Mr. John Griffin, Member
Mr. Chuck Supan, County Planner/Zoning Administrator
Mr. Mark E. Jordan, Associate County Planner
Mrs. Wanda C. Wingo, Ex-officio Member
Mr. Ned McElwaine

ABSENT: None

Mr. Supan explained the proposed revisions to application process. Mr. Supan said that Staff needed additional time due to complexities of the new ordinance and that the application due date has been moved to the third Monday of each month. Staff will review the application within three working days and notify the applicant of any changes or to provide 25 copies of the application by the regular date. Staff would allow five days for incomplete applications to be resubmitted. If applications were still incomplete, the applicants would go through the process again.

Mr. Kidd confirmed with Mr. Supan that the timeframe would be about six weeks.

Mr. Whitely wanted to make sure that applicants would not incur additional fees if the process took longer than six weeks. Mr. Whitely also wanted to make sure that surveyors and developers would be notified of the change, as well as the Fincastle Herald. Regarding home occupation signs, Mr. Kidd stated that he received calls from people in A-1/FC Use Districts with a home occupation who feel they should be permitted to have a larger sign, especially since realtors are now allowed a 32 square foot sign.

The meeting was then moved to the steps of the courthouse, so that members could view signs from a distance, ranging in size from two to nine square feet.

Mr. Supan pointed out that the intent of the home occupation was not to draw attention to the home and that the home occupation cannot create odors or interference.

The meeting returned to the second floor conference room.

After further discussion, Mr. Kidd motioned to have Staff establish sizes for home occupation signage based on a sliding scale of road frontage and lot acreage. Mr. Griffin seconded the motion, which was unanimously approved with the following recorded vote:

YES:	Mr. Whitely, Mr. Kidd, Mr. Griffin, Mr. Hughes, Mr. Laughlin
NO:	None
ABSTAIN:	None
ABSENT:	None

Mr. Supan then reviewed each section of the Planned Rural Community with the Planning Commission.

After further discussion, the Planning Commission deemed it necessary to hold a joint meeting with the Board of Supervisors to discuss private roads and other matters.

Mr. Kidd motioned for the Planning Commission to meet with the Board of Supervisors regarding private roads and/or other matters. Mr. Hughes seconded the motion, which was unanimously approved with the following recorded vote:

YES:	Mr. Whitely, Mr. Kidd, Mr. Griffin, Mr. Hughes, Mr. Laughlin
NO:	None
ABSTAIN:	None
ABSENT:	None

At 8:00 p.m. by general consensus, the Planning Commission adjourned.