



BOARD OF SUPERVISORS
BRENT V. TRUMBO
Election District No. 1
SALLIE WOLFE-GARRISON
Election District No. 2
RICK L. CHANDLER
Election District No. 3
WILLIAM B. KYGER, JR.
Election District No. 4
MICHAEL A. BREEDEN
Election District No. 5

ROCKINGHAM COUNTY

BOARD OF SUPERVISORS MEETING

September 23, 2020

4:00 P.M. Field Trip to the Port Republic Road Fire Station – Dinner provided by Fire and Rescue Personnel

**Return to the Rockingham County Administration Center
20 East Gay Street, Harrisonburg, Virginia**

6:00 P.M. CALL TO ORDER – CHAIRMAN WILLIAM B. KYGER, JR.
INVOCATION – SUPERVISOR BRENT V. TRUMBO
PLEDGE OF ALLEGIANCE – COUNTY ATTORNEY THOMAS H. MILLER, JR.

1. Approval of Minutes – Regular Meeting of September 9, 2020
2. Report – Virginia Department of Transportation – Residency Administrator – Donald F. Komara
3. Staff Reports
 - a. County Administrator – Stephen G. King
 - b. County Attorney – Thomas H. Miller, Jr.
 - c. Assistant County Administrator – Casey B. Armstrong
 - d. Director of Finance – Patricia D. Davidson
 - e. Director of Public Works – Philip S. Rhodes
 - f. Director of Community Development – Rhonda H. Cooper
4. Committee Reports: Airport, Buildings and Grounds, Central Shenandoah Planning District Commission, Chamber of Commerce, Community Criminal Justice Board, Finance, Harrisonburg-Rockingham Metropolitan Planning Organization, Harrisonburg-Rockingham Regional Sewer Authority, Massanutten Regional Library, Public Works, Shenandoah Valley Partnership, Social Services, Technology, VACo Liaison, Chairman, Other
5. Closed Meeting – Pursuant to Section 2.2-3711.A(5), Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community

7:00 P.M. 6. Public Hearings (Order of Hearings Subject to Change):

- a. Rezoning:
 1. REZ20-145, Lake Pointe Village Property Owners Association, c/o Ed Smith, 3320 Mesinetta Creek Drive, Rockingham, VA 22801. Request location: Lake Pointe Village, Massanetta Springs Road (Route 687) approximately 500 feet north of Izaak Walton Drive. Request to rezone Tax Map Parcel 125-(A)-L261 from R-2 to R-3C (General Residential with conditions), and Tax Map Parcel 125-(A)- L263 from R-3C to R-3C with revised conditions to allow an increase in the permitted number of units from 4 to 6 (3 total duplexes), totaling approximately 6.51 acres for both parcels. Election District 3. This case was recommended for approval by the Planning Commission on September 1, 2020.
- b. Ordinance Amendment:
 1. OA20-205, Amendment to Chapter 17, Section 201 to amend the definition of car wash to allow motor vehicle detailing and to amend the definition of motor vehicle repair shop to allow vehicle detailing and hand washing of motor vehicles; and to amend Chapter 17, Table 606 to add car wash by special use permit in the A-1, A-2 and RV zoning districts. This amendment was recommended for approval by the Planning Commission on September 1, 2020.

7. Unfinished Business

*** ADJOURN ***

September 9, 2020

The Regular Meeting of the Rockingham County Board of Supervisors was held on Wednesday, September 9, 2020, at 3:00 p.m., at the Rockingham County Administration Center, Harrisonburg, Virginia. The meeting was open to the public at reduced capacity and broadcast online, to reduce the spread of COVID-19.

The following members were present:

- BRENT V. TRUMBO, Election District #1
- SALLIE WOLFE-GARRISON, Election District #2
- RICK L. CHANDLER, Election District #3
- WILLIAM B. KYGER, JR., Election District #4
- MICHAEL A. BREEDEN, Election District #5

Also present:

BRYAN F. HUTCHESON, Sheriff

- STEPHEN G. KING, County Administrator
- THOMAS H. MILLER, JR., County Attorney
- CASEY B. ARMSTRONG, Assistant County Administrator
- RHONDA H. COOPER, Director of Community Development
- PATRICIA D. DAVIDSON, Director of Finance
- KIRBY W. DEAN, Director of Parks & Recreation
- ANN MARIE FREEMAN, Director of Court Services
- JEREMY C. HOLLOWAY, Fire & Rescue Chief
- JENNIFER J. MONGOLD, Director of Human Resources
- TERRI M. PERRY, Director of Technology
- PHILIP S. RHODES, Director of Public Works
- KELLY S. GETZ, Deputy Zoning Administrator
- DIANA C. STULTZ, Zoning Administrator
- TAMELA S. GRAY, Deputy Clerk
- DONALD F. KOMARA, Residency Administrator
Virginia Department of Transportation
- C. BURGESS LINDSEY, Assistant Residency Administrator
Virginia Department of Transportation

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**CALL TO ORDER
PLEDGE OF ALLEGIANCE
INVOCATION.**

Chairman Kyger called the meeting to order at 3:00 p.m.

Supervisor Trumbo provided the invocation, and County Attorney Thomas H. Miller, Jr. led the Pledge of Allegiance.

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APPROVAL OF MINUTES.

On motion by Supervisor Wolfe-Garrison, seconded by Supervisor Chandler, and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; TRUMBO – AYE; WOLFE-GARRISON – AYE; the Board approved the minutes of the regular meeting of August 26, 2020.

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ECONOMIC DEVELOPMENT VISION.

Jay A. Langston, Ph.D., Executive Director of the Shenandoah Valley Partnership (SVP), reviewed changes and new operating procedures due to COVID-19. The SVP continues to focus on economic prosperity, attracting high-quality jobs in the region, examining the targeted markets, technology professional services and agricultural businesses. He noted that the region went from less than three percent unemployment to 11 percent within three weeks. The unemployment number has decreased recently and manufacturers are seeking additional workers, Mr. Langston said.

Mr. Langston noted the workforce has changed significantly in the last five years from businesses only concentrating on sites and buildings, to also focusing on the quality of life for their employees. Companies trying to recruit employees are concerned about attracting and keeping a workforce.

Since the region is growing with more businesses engaging in the workforce and quality of life, he said community development needs to be considered in order to retain the workforce. Mr. Langston noted that the pandemic provided an opportunity for the SVP to highlight virtual site locations via 60-second site videos, which were sent to a broad group of constituents, consultants, realtors and companies. The SVP is also creating videos highlighting amenities in the region to attract companies and retain the workforce.

Mr. Langston informed the Board of various upcoming visits from site location consultants, marketing missions with state partners, and continuing virtual meetings and consultant tours.

Chairman Kyger indicated broadband is needed in the western part of the region. Mr. Langston said attention is being brought to the Shenandoah Valley region with culture of life and business amenities, but broadband is a necessity. Technology and Agriculture are intersecting since large metropolitan companies are interested in satellite offices in outlying areas. Farmers are competing on a world stage and connectivity to receive updates for their equipment is needed. Many companies are looking for renewable energy. The SVP receives requests for solar and land use issues.

Chairman Kyger stated that the Central Shenandoah Valley is the breadbasket of Virginia and one of the breadbaskets of the Nation because it is in the center of the state and country.

ALLIANCE FOR THE SHENANDOAH VALLEY.

Chairman Kyger introduced David Birkenthal, the County's new representative from the Alliance for the Shenandoah Valley. Mr. Birkenthal said he recently received his master's degree at the University of Virginia, and assumed his current position in April.

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TRANSPORTATION DEPARTMENT.

The Board heard Mr. Komara's report on the activities of the Transportation Department, including updates to bridge, road and rural rustic projects.

Mr. Komara explained that the shoulder on one side of Erickson Avenue (Route 726) could not be widened because Comcast cable lines were only six inches below the surface.

He noted that the traffic pattern on the Mauzy bridge on North Valley Pike (Route 11 North) will be changed on September 16, 2020. After the traffic signals are working correctly, the current structure will be demolished.

Mr. Komara said Smithland Road (Route 720) will be closed for construction on the bridge over Interstate 81. The revised bridge project will save \$3.7 million and take less time to complete. He hopes to complete this project before work begins on the East Market Street (Route 33) bridges.

A portion of Interstate 81 is being milled for repaving. Asphalt work should be finished by the first week in October, and then rumble strips and markings will be added.

Bicycle lanes and school crossings were added on Erickson Avenue (Route 726).

Mr. Komara informed Supervisor Breeden that Jacob Burner Drive (Route 991) is scheduled to close to replace the bridge.

VDOT is negotiating rights of way to work on the Friedens Church Road (Route 682) bridge. VDOT will work with the railroad to improve the crossing.

Maintenance items included mowing, skin patching and spot grading gravel roads.

Supervisor Trumbo informed Mr. Komara that the grass in the median on Harpine Highway (Route 42) south of Broadway is about three feet tall. Mr. Komara said the second cut for the primary system will start on the eastern side of the County and the Broadway area is scheduled in two weeks. Supervisor Trumbo also noted that a "STOP" sign is missing at the intersection of Spar Mine Road (Route 617) and Broadway Avenue (Route 259). Mr. Komara indicated five roads converge at this intersection, which is challenging. The sign in the median is easy to see, but it is knocked down frequently and the sign on the right is so far from the road that motorists might miss it.

Supervisor Chandler reminded Mr. Komara about drainage issues on Huron Court in Lakewood and a request for speed bumps on Massanetta Springs Road (Route 687). He asked if left over project money could be used to address these projects. Mr. Komara informed Supervisor Chandler that revenue sharing funds are designated for a rural addition and cannot be transferred to other projects.

Mr. Komara informed Supervisor Chandler that VDOT had not obtained a recent traffic count on Williams Run Road (Route 672) to determine if it qualifies as a rural rustic project, but indicated the count from the last several years was 40 vehicles per day. Supervisor Chandler requested that VDOT recheck the traffic count.

Supervisor Chandler informed Mr. Komara that the "81 North" sign for exit ramp 247 from West Market Street (Route 33 west) is leaning over.

Supervisors Breeden and Wolfe-Garrison expressed appreciation to VDOT staff for mowing.

In response to Chairman Kyger's questions about the guardrail, no parking area and patrols at Blue Hole, Mr. Komara stated VDOT put up approximately 30 signs, and Sheriff Hutcheson indicated deputies are patrolling the area, but people continue to park along the road. Sheriff Hutcheson noted the weather will change soon and take care of the issue.

Chairman Kyger indicated that grass along Dinkel Avenue (Route 257) is three to eight feet tall, so he was glad to hear VDOT will be mowing in that area soon. He also noted a "45 MPH" sign heading west on Dinkel Avenue, near the Russian Baptist Church, has faded.

Chairman Kyger stated special use permit 20-148, a request for a propane storage tank in District 4, will be heard during the evening's public hearing. He explained to Mr. Komara that gas trucks will travel on Imboden Road (Route 990), where a citizen has reported issues exiting his driveway because he is not able to see traffic coming. Chairman Kyger said a condition is being considered to require trucks coming from Imboden Road to turn right toward Mt. Crawford because it is currently difficult to make a left-hand turn onto Route 11. Chairman Kyger did not know if there would be a way to improve the site distance.

Mr. Komara indicated VDOT is signing up snow removal staff, and noted there are incentives for signing up before October 16, 2020. Snow removal personnel with specific equipment will be guaranteed a set amount of hours at a dollar amount that will cover their costs. If they do not work the set number of hours, VDOT will pay them the guaranteed amount. He also noted there is a sign-up bonus for citizens who sign up on the VDOT website. They can contact Kenny Flick at VDOT with questions before they make a commitment.

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COUNTY ADMINISTRATOR’S STAFF REPORT.

In reference to the new dais setup, Administrator King noted technology upgrades are forthcoming. The County may move from Zoom to a different vendor, and add a second camera so people speaking at the podium will be viewable by the public. The sound system will be simplified and Technology is looking at conference rooms to determine where it may be advantageous to utilize video conferencing. Administrator King noted that having ample video conference rooms will allow travel time to be cut so staff can participate in meetings and conferences they would not have attended due to the travel time and expense.

Chairman Kyger suggested that staff discuss whether the Board would be comfortable communicating with citizens via video so they can participate in public hearings from their homes.

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ASSISTANT COUNTY ADMINISTRATOR’S STAFF REPORT.

The Board received and reviewed Mr. Armstrong’s staff report dated September 9, 2020.

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FINANCE DIRECTOR’S STAFF REPORT.

The Board received and reviewed Mrs. Davidson’s staff report dated September 9, 2020.

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FINANCE COMMITTEE REPORT.

Mrs. Davidson informed the Board that in FY2020, the County took in more machinery and tools tax. Therefore, Economic Development provided more grants. She noted staff would like to increase the revenue budget for the machinery and tools tax and increase the Economic Development expenditure budget to clean up the financial report.

On motion by Supervisor Breeden, seconded by Supervisor Chandler, and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; TRUMBO – AYE; WOLFE-GARRISON – AYE; the Board authorized staff to increase the revenue budget for the machinery and tools tax and increase the Economic Development expenditure line item.

FY2019-2020 Supplemental Appropriation

Economic Development

The FY20 Economic Development budget is over the amount allocated for the year, due to the payment of Technology Zone Grants. Revenue received in the Machinery and Tools account offsets the amount paid out for the grant.

Supplemental Appropriation: \$325,000

\$325,000	GL Code: 1001-00000-11104-000-304100-000	General Fund: Machinery & Tools
\$325,000	GL Code: 1001-08102-00000-000-505890-000	Tax
		Economic Development: Technology
		Zone Grant

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HUMAN RESOURCES DIRECTOR’S STAFF REPORT.

The Board received and reviewed Mrs. Mongold’s staff report dated September 9, 2020.

When Chairman Kyger questioned whether flu shots will be provided at the County Administration Center, Mrs. Mongold indicated they would not be provided onsite due to the pandemic and staff standing close together in a long line waiting their turn. She noted employees can obtain a flu shot at their doctor’s office or a pharmacy that is providing them. While Chairman Kyger realizes getting a flu shot is a personal decision, he stated it is a responsible decision for County leadership to encourage employees to consider a flu shot.

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PUBLIC WORKS STAFF REPORT.

The Board received and reviewed Mr. Rhodes’ staff report dated September 9, 2020. He noted the new landfill equipment is working very well.

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COMMUNITY DEVELOPMENT DIRECTOR’S STAFF REPORT.

The Board received and reviewed Ms. Cooper’s staff report dated September 9, 2020.

Supervisor Wolfe-Garrison said before the COVID pandemic, the Board initiated an advisory committee to look at ordinances related to the poultry industry. Supervisor Wolfe-Garrison indicated she would like to re-initiate that advisory committee.

Ms. Cooper said an environmental inspector in Community Development is willing to take the lead on the advisory committee.

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TECHNOLOGY DIRECTOR’S STAFF REPORT.

The Board received and reviewed Mrs. Perry’s staff report dated September 2020. She informed the Technology Committee members that the County received its risk assessment this week. It is a good report, and the Technology Committee needs to review the report in the next few weeks, she said.

Chairman Kyger expressed appreciation to Mrs. Perry and Michael Bowen for setting up the equipment so the community can view the Board meeting on line.

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FIRE AND RESCUE CHIEF’S STAFF REPORT.

The Board received and reviewed Chief Holloway’s staff report dated September 2020. He informed the Board that Fire and Rescue staff are working with the Virginia Department of Health (VDH) to set up mobile drive-thru sites for flu shots at the Rockingham Park at the Crossroads and the Rockingham County Fairgrounds. Chief

Holloway said it is recommended that citizens obtain a flu shot. He will provide the drive-thru site information to County employees so they can get a flu shot, if desired.

In response to a question from Supervisor Chandler, Chief Holloway said VDH staff and the County's paramedics will administer the shots.

Chairman Kyger said providing flu shots will help the VDH and paramedics know what improvements are necessary when a COVID vaccine is available.

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PARKS AND RECREATION DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mr. Dean's staff report dated September 4, 2020.

Chairman Kyger and Supervisor Wolfe-Garrison asked questions about the childcare program to be provided in County high schools, starting September 10, 2020. The childcare program is open to children of parents who work for Rockingham County and Rockingham County Schools.

Mr. Dean noted staffing the childcare program is a concern since James Madison University students are not available and other staff are uncomfortable working due to COVID-19. Schools are supplementing the program with 40 to 50 helpers, who do not work full-time; some work a couple hours on different days, depending on their schedule. Mr. Dean and Rockingham County Schools Assistant Superintendent Doug Alderfer have been coordinating staff. The majority of students in the program are teachers' children, with a few children of County staff.

Mr. Dean said the first week or two of the childcare program will be trial and error, but it will improve. He noted there are contingencies in place for viral mitigation.

Chairman Kyger complimented Mr. Dean and others for their efforts in making changes and being able to do what is necessary. Chairman Kyger said he and Supervisor Wolfe-Garrison have discussed how well the County has gone through the necessary changes. He noted childcare staff should evaluate mistakes and determine how to handle those issues in the future.

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COURT SERVICES DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mrs. Freeman's staff report dated September 9, 2020.

Supervisor Wolfe-Garrison asked if there had been a decrease in client, voluntary or day reporting participation due to the pandemic. Mrs. Freedman responded that her department slowed down a little at first, when the virus was at its high point, but now business is as usual. Court Services staff are protecting themselves as best they can, she said.

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ADDITIONAL COMMITTEE REPORTS.

AIRPORT

Chairman Kyger reported he will be meeting with Greg Campbell next week to see conceptual plans for the airport. Mr. Campbell will present another quarterly report in October.

COMMUNITY CRIMINAL JUSTICE BOARD (CCJB)

Supervisor Chandler announced there is a CCJB meeting Monday, September 14, 2020.

MASSANUTTEN REGIONAL LIBRARY

Supervisor Wolfe-Garrison said the library is open for business and citizens can take their Census survey at the library. The Board noted the current Census deadline is at the end of September.

VIRGINIA ASSOCIATION OF COUNTIES (VACo) LIAISON

Chairman Kyger reminded the Board and staff of the virtual Annual Conference November 9, 2020 to November 11, 2020, and asked them to participate in committee meetings and any virtual presentations as if they are attending in person. Next year's Annual VACo Conference will be held in Norfolk, Virginia.

CHAIRMAN

Chairman Kyger extended appreciation for the great effort Administrator King and the County team continue to make.

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CLOSED MEETING.

On motion by Supervisor Chandler, seconded by Supervisor Breeden, and carried by a roll call vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; TRUMBO – AYE; WOLFE-GARRISON – AYE; the Board recessed the meeting from 4:13 p.m. to 5:05 p.m., for a closed meeting pursuant to Section 2.2-3711.A(7), Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body

MOTION: SUPERVISOR WOLFE-GARRISON RESOLUTION NO: 20-11
SECOND: SUPERVISOR TRUMBO MEETING DATE: September 9, 2020

CERTIFICATION OF CLOSED MEETING

WHEREAS, the Rockingham County Board of Supervisors has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by this Board of Supervisors that such Closed Meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Rockingham County Board of Supervisors hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the Closed Meeting to which this certification resolution applies; and (ii) only such public business matters as were identified in the motion convening the Closed Meeting were heard, discussed or considered by the Board of Supervisors.

VOTE:
AYES: BREEDEN, CHANDLER, KYGER, TRUMBO, WOLFE-GARRISON
NAYS: NONE
ABSENT:

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RECESS.

Chairman Kyger recessed the meeting for dinner at 5:06 p.m.

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RECONVENE MEETING.

Chairman Kyger reconvened the Board meeting at 6:00 p.m. Due to current social distancing guidelines and the anticipated number of citizens wishing to comment on special use permit 20-127, the order of the public hearings was modified.

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PUBLIC HEARING - FISCAL YEAR 2020-2021 BUDGET AMENDMENT.

Chairman Kyger opened the public hearing at 6:02 p.m., to receive public comment concerning a budget amendment exceeding one percent of the total fiscal year 2020 budget. Finance Director Davidson discussed the details of the second round of Coronavirus Aid Relief and Economic Security (CARES) Act funding the County received related to the COVID-19 pandemic. All details were advertised with the public hearing notice.

No members of the public spoke regarding the proposed budget amendment.

Chairman Kyger closed the public hearing at 6:04 p.m.

On behalf of the Finance Committee, on motion by Supervisor Breeden, seconded by Supervisor Chandler, and carried by a roll call vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; TRUMBO – AYE; WOLFE-GARRISON – AYE; the Board adopted the following Fiscal Year 2020-2021 Budget Amendment and Supplemental Appropriation:

Coronavirus Aid Relief and Economic Security (CARES) Act

The purpose of this amendment and appropriation is to authorize the expenditure of \$7,149,647 of proceeds from the Coronavirus Aid Relief and Economic Security (CARES) Act. U.S. Department of Treasury guidance allows the CARES Act funds to be used for expenses associated with the provision of economic support in relation to the COVID-19 public health emergency. Funds will be used to support the local school division, recreation programs, community support, family support, and other COVID-19 expenditures.

**CARES FUND BUDGET
FY 2020-21**

	Adopted	Amended
Revenue:		
Federal Revenue	\$ 0	\$ 7,149,647
Expenditure:		
CARES	\$ 0	\$ 7,149,647

**FY2020-2021
Supplemental Appropriation**

Coronavirus Aid Relief and Economic Security (CARES) Act

A supplemental appropriation in the amount of \$7,149,647 for the Coronavirus Aid Relief and Economic Security (CARES) Act. Mrs. Davidson indicated the public hearing

had been properly advertised. The U.S. Department of Treasury guidance allows CARES Act funds to be used for expenses associated with the provision of economic support in relation to the COVID-19 public health emergency, and staff has developed a plan to distribute the funds as follows:

Supplemental Appropriation: \$7,149,647

\$7,149,647	GL Code: 1213-00000-13900-000-339520-000	CARES: Revenue
\$ 50,000	GL Code: 1213-00000-13900-000-339522-000	CARES: CSEF Comm Atty
\$4,692,552	GL Code: 1213-03205-00000-000-various-000	CARES: Fire/Rescue/Sheriff/Jail Salaries
\$1,000,000	GL Code: 1213-03210-00000-000-508305-000	CARES: Site Improvement
\$ 120,000	GL Code: 1213-02201-00000-000-508040-000	CARES: Commonwealth Attorney Software Upgrade
\$ 250,000	GL Code: 1213-03205-00000-000-505699-000	CARES: Community Support
\$ 30,000	GL Code: 1213-03205-00000-000-505724-000	CARES: DSS Family Support
\$ 20,000	GL Code: 1213-03210-00000-000-503107-000	CARES: Support for Rec Program
\$1,037,095	GL Code: 1213-03220-00000-000-506014-000	CARES: School Expenditures

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PUBLIC HEARING – SPECIAL USE PERMITS.

Chairman Kyger opened the Special Use Permit Public Hearing at 6:05 p.m., and Ms. Stultz reviewed the following special use permit requests:

Dain Hammond was unable to attend the public hearing regarding SUP20-139. Mr. Hammond requested a postponement, but the Public Hearing Policy adopted in 2010 indicates a postponement must be requested at least ten days in advance, in order to provide notice in the newspaper. Mr. Hammond was notified that the public hearing would continue. Christa Blakey was present to represent Mr. Hammond, and she had Mr. Hammond on speakerphone to participate.

SUP20-139 Dain Hammond, PO Box 2037, Harrisonburg, VA 22803 for an event center located on the east side of Simmers Valley Road (Route 619) approximately 2000’ north of Hightown Lane (Route 872) in Election District #3. Zoned A1-Prime Agricultural. Tax Map #80-(A)-L91. Property address: 7828 Simmers Valley Road

Ms. Stultz pointed out the parking area to Supervisor Chandler, indicating it will be at the front of the property, with the event center being behind the trees shown on the map. Regarding VDOT allowing use of the current entrance during the first year, Supervisor Chandler asked if the entrance would need to be upgraded to a moderate commercial entrance at the end of 12 months. Ms. Stultz indicated if the event center is open in the summer and early fall, the entrance should be upgraded to a moderate commercial entrance in the spring of 2021.

Chairman Kyger confirmed that the applicant has a representative present.

No one spoke concerning this request.

Before reviewing the two Rockingham Petroleum Cooperative, Inc. special use permits requests, Ms. Stultz stated that a mistake was made in the original mailing sent to landowners adjoining the two sites. Corrected letters were sent within five days of the public hearing, as required by law, but Ms. Stultz likes to provide them two and a half weeks in advance to allow time for people to prepare for the public hearing. Ms. Stultz took full responsibility for the mistake and apologized to the applicant, citizens and Board of Supervisors. She noted that after the case is heard and the public has commented, the Board should decide if they are comfortable taking action on the special use permits at this meeting, or they prefer to continue the public hearing to a later date.

SUP20-147 Rockingham Petroleum Cooperative, Inc., PO Box 168, Harrisonburg, VA 22803 for a 30,000 gallon propane tank with distribution (bulk storage of liquid petroleum gas) on property located on the south side of Artillery Road (Route 848) approximately ¼ mile west of Port Republic Road (Route 253), Election District #3, zoned A-2. Tax Map #140-(A)-61 (driveway) and #140-(A)-64A (tank). Property address: 6486 Artillery Road.

Ms. Stultz pointed out that the County Code allows bulk storage and distribution of petroleum products with a special use permit. A tank can be on a farm by right, for use by that farm. However, distribution to other properties requires a special use permit.

After receiving questions from neighbors, Ms. Stultz spoke with the applicant regarding protection around the tank and lighting. He stated there will be guardrails around the tank and no on-site lighting, only lights from the trucks. He indicated the tank will seldom be accessed at night, except during the winter or when trucks are out all night during inclement weather.

Ms. Stultz received a question from a citizen regarding the safety of the tank and valves. The applicant informed Ms. Stultz that he would adhere to the strict fire protection regulations. When the gentleman had additional questions, Ms. Stultz suggested he contact the applicant or Deputy Fire Marshal.

Supervisor Wolfe-Garrison asked about the size of the trucks used to transport the petroleum. The applicant was present and responded that tractor-trailers will deliver the fuel to fill the 30,000 gallon tank. The trucks dispersing the fuel will be smaller, straight trucks, he said.

No one else spoke regarding the request.

SUP 20-148 Rockingham Petroleum Cooperative, Inc., PO Box 168, Harrisonburg, VA 22803 for a 30,000 gallon propane storage tank with distribution on property located on the east side of Lee Highway (Route 11) approximately ¼ mile north of Imboden Road (Route 990), Election District #4, zoned A-1. Tax Map #137-(A)-62A. Property address: 8155 Lee Highway.

Ms. Stultz said the farm currently has a 30,000 gallon storage tank to provide gas to the poultry houses on the property. The special use permit is to add distribution to the pre-existing tank and allow petroleum to also be delivered to other poultry farms.

John Monger, lives on Imboden Road (Route 990), which is about a quarter mile south of the proposed special use permit location, said he is concerned because Contentment Lane (Route 694) was built 200 years ago and was not designed for the volume of traffic currently on Lee Highway (Route 11). When Mr. Monger exits his property via Contentment Road to go south, he needs to be sure no traffic is coming from the Wenger farm. He said if a water truck is traveling from the Wenger farm past Contentment Lane, there will be an accident. Chairman Kyger explained that Mr. Monger will be able to see traffic traveling from the south, but it is difficult to judge the traffic approaching from the north, which was an issue for VDOT when they erected a new bridge on Contentment Lane. VDOT widened the Imboden Road entrance and cut the banks back as far as they could in an attempt to increase the site distance as much as possible.

Chairman Kyger said he spoke with the applicant and they were agreeable with their drivers making a right turn onto Lee Highway (Route 11) to travel north, and find a safe turn-around spot or another route to safely head south. Chairman Kyger stated he would make that a condition, if the Board approves SUP20-148, and Mr. Monger was satisfied with that condition.

The applicant was present.

At 6:24 p.m., Chairman Kyger recessed the public hearing to resume the regular meeting and to vote on the three special use permits Ms. Stultz presented.

SUP20-139, DAIN HAMMOND

Supervisor Chandler said after visiting Mr. Hammond's property, learning what is involved with the property and hearing about the required road improvements, he believes the large property with woods and no close houses, is a place that makes sense for an event center.

On motion by Supervisor Chandler, seconded by Supervisor Trumbo, and carried by a roll call vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; TRUMBO – AYE; WOLFE-GARRISON – AYE; the Board, subject to the following conditions, approved SUP20-139, Dain Hammond, PO Box 2037, Harrisonburg, VA 22803 for an event center located on the east side of Simmers Valley Road (Route 619) approximately 2000' north of Hightown Lane (Route 872) in Election District #3. Zoned A1-Prime Agricultural. Tax Map #80-(A)-L91. Property address: 7828 Simmers Valley Road.

Conditions:

1. Use shall be located in substantial accordance to plot plan submitted with the application.
2. Tents shall comply with the Statewide Building Code and the proper permits shall be obtained.
3. Portable toilets may be used for the first season with one portable toilet per each 100 people. However prior to the second season, permanent restroom facilities shall be required. That building shall comply with the Statewide Building Code.
4. Health Department requirements shall be met.
5. The existing manufactured home on the property shall not be used for restroom facilities.
6. As required by VDOT, applicant shall obtain a land use permit to bring the entrance up to moderate volume commercial standards. VDOT agrees to allow events the first season (12 months) prior to making entrance upgraded upon the applicant obtaining a VDOT land use permit and bonding the work proposed.
7. Requirements of the Rockingham Fire Prevention Code shall be met.
8. This permit is contingent upon a site plan being submitted to and approved by the County. No work shall be done on the property and the business shall not begin operation until such time as the site plan is approved.
9. Any on-premise advertising sign associated with this business shall comply with the Rockingham County Code.
10. There shall be no off-premise signs permitted unless all County and State regulations are met.
11. Parking shall comply with the Rockingham County Code.
12. All supplemental standards involving event centers shall be met and shall be attached to the special use permit and become a part of the special use conditions. Those supplemental standards will change only if the County supplemental standards regarding event centers change.

13. When the tents are replaced by a permanent building, it will be located in the same place the tent is now.
14. If the event venue has opened, applicant would be permitted to replace the tents with a permanent building without further special use permit approval.

SUP20-147, Rockingham Petroleum Cooperative, Inc.

Supervisor Chandler visited the property and does not believe there is a site distance issue. Since the petroleum tank will be further back on the farm and will meet the County Fire Prevention Code requirements, it should be a safe structure, he said.

On motion by Supervisor Chandler, seconded by Supervisor Breeden, and carried by a roll call vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; TRUMBO – AYE; WOLFE-GARRISON – AYE; the Board, subject to the following conditions, approved SUP20-147, Rockingham Petroleum Cooperative, Inc., PO Box 168, Harrisonburg, VA 22803 for a 30,000 gallon propane tank with distribution (bulk storage of liquid petroleum gas) on property located on the south side of Artillery Road (Route 848) approximately ¼ mile west of Port Republic Road (Route 253), Election District #3, zoned A-2. Tax Map #140-(A)-61 (driveway) and #140-(A)-64A (tank). Property address: 6486 Artillery Road.

Conditions:

1. Use shall be located in substantial accordance to plot plan submitted with the application.
2. Tank shall comply with the Virginia Statewide Building Code, and the proper permits shall be obtained.
3. Fire Prevention Code shall be met.
4. As proffered by the applicant, the offload frequency shall be 0 to 3 trips per week.
5. As further proffered by the applicant, the loadout frequency shall be 0 to 3 times per day.
6. All regulations of the Rockingham County Fire Code shall be met.

SUP20-148, ROCKINGHAM PETROLEUM COOPERATIVE, INC.

Chairman Kyger noted he would like to add two conditions to the special use permit for the Rockingham Petroleum Cooperative, Inc. location on Lee Highway: 1) All trucks exiting the property must exit north toward Mt. Crawford; and 2) As a neighbor, Rockingham Petroleum will be courteous to monitor the dust on Lee Highway, and add material to reduce dust when VDOT's dust control is not working.

Supervisor Trumbo questioned how that would be communicated to Rockingham Petroleum Cooperative, Inc., and Chairman Kyger responded that Rockingham Petroleum will inform their drivers.

On behalf of Chairman Kyger, on motion by Supervisor Chandler, seconded by Supervisor Trumbo, and carried by a roll call vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; TRUMBO – AYE; WOLFE-GARRISON – AYE; the Board, subject to the following conditions, approved SUP 20-148, Rockingham Petroleum Cooperative, Inc., PO Box 168, Harrisonburg, VA 22803 for a 30,000 gallon propane storage tank with distribution on property located on the east side of Lee Highway (Route 11) approximately ¼ mile north of Imboden Road (Route 990),

Election District #4, zoned A-1. Tax Map #137-(A)-62A. Property address: 8155 Lee Highway.

Conditions:

1. Use shall be located in substantial accordance to plot plan submitted with the application.
2. Tank shall comply with the Virginia Statewide Building Code, and the proper permits shall be obtained.
3. Fire Prevention Code shall be met.
4. As proffered by the applicant, the offload frequency shall be 0 to 3 trips per week.
5. As further proffered by the applicant, the loadout frequency shall be 0 to 3 times per day.
6. All regulations of the Rockingham County Fire Code shall be met.
7. All trucks exiting the property must exit north toward Mt. Crawford.
8. Dust monitoring shall be controlled; and if necessary, add some dust monitoring material.

ADDITIONAL CONDITION FOR SUP20-147, ROCKINGHAM PETROLEUM COOPERATIVE, INC.

Supervisor Chandler requested that a condition be added to special use permit request SUP20-147 for Rockingham Petroleum Cooperative, Inc., indicating Rockingham Petroleum will monitor the dust on Artillery Lane, which is a private lane, and water it down periodically to reduce the dust.

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RECESS.

At 6:30 p.m., Chairman Kyger recessed the meeting for citizens, who attended the public hearing for the first three special use permit requests, to clear the room; and for Administrator King to call some attendees wishing to speak about special use permit request SUP20-127 for Caden Energix Endless Caverns LLC to enter the Board room.

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CADEN ENERGIX ENDLESS CAVERNS LLC,

At 6:36 p.m., Chairman Kyger opened the public hearing for special use permit request SUP20-127, Caden Energix Endless Caverns LLC, and outlined the public hearing procedures. He informed the group that this special use permit request involves a land-use decision; nothing else. Chairman Kyger requested all comments and statements be directed to the Board; and if comments were out-of-line, the Chair will gavel the speaker to stop speaking and sit down.

Administrator King explained that people could leave the meeting after they spoke in order for others waiting in the hallway to enter the Board room.

Ms. Stultz reminded the Board that pursuant to Virginia State Code §15.2-2232, the Board shall concurrently conduct a review of the application for substantial accord with the County’s Comprehensive Plan.

Ms. Stultz reviewed the following special use permit request:

SUP20-127 Caden Energix Endless Caverns LLC, 2311 Wilson Boulevard, Suite 640, Arlington, VA 22201 for a solar farm on property located on the southwest side of Craney Island Road (Route 794) and Mountain Valley Road (Route 620), Election District #1, zoned A-1. Tax Map #54-(A)-57 and #54-(A)-61. Pursuant to Code of Virginia § 15.2-2232, the Board will concurrently conduct a review of this application for substantial accord with the County Comprehensive Plan during the public hearing.

The property is located immediately adjacent to the Dominion Power Endless Caverns substation on Craney Island Road. Ms. Stultz noted there will be no water or sewer usage on the property.

Ms. Stultz reported that when she left her office to attend the Board Meeting, 14 emails had been received in opposition to the Caden Energix Endless Caverns LLC special use permit request, along with a petition with 458 signatures opposing the request. The Zoning Department received 17 emails in support of the request, and a petition with 240 signatures in support of the request. An email was received with information regarding the cemetery, which people believe was on the property, and a video in opposition, showing a solar farm construction site. Ms. Stultz also received a number of phone calls, both in opposition and support of Caden Energix Endless Caverns' request. An email with concerns and suggestions for solar farms was also received earlier in the day from the Alliance for the Shenandoah Valley.

David Richards, Director of Project Development for Caden Energix Endless Caverns LLC, said he appreciated the background information provided. He noted Energix held multiple community meetings where they received feedback that improved the project, and they did everything they could to mitigate the impact of the solar farm. Energix's United States headquarters is located in Arlington, Virginia, and has an Israeli parent company that has been in business since 2009.

Mr. Richards indicated Energix has completed 82 megawatts of projects in Virginia and 402 solar projects around the world that are still in operation, with another 376 projects slated for construction. Mr. Richards noted Energix is an experienced developer that constructs and owns projects for the long term; it is important for them to be here for the long term and for the project to be right.

Johnathan Miles, a Professor in the School of Integrated Sciences at James Madison University (JMU) and Executive Director for the Center for the Advancement of Sustainable Energy, stated he was not attending the meeting in an advocacy role. Energix asked him to provide a broader context about how the solar farm will fit in, particularly with all the developments in Virginia within the last two years. Mr. Miles mentioned House Bill 1526, the Virginia Clean Economy Act. The Bill, which was recently passed, requires Virginia to provide 100 percent carbon-free electricity by 2050.

Mr. Miles has seen a lot of announcements with Dominion Virginia Power, such as the abandonment of the pipeline and giving up gas assets. He said Dominion intends to move forward with solar, off-shore wind and nuclear power. He noted legislation has imposed a renewal portfolio standard for Virginia, with a carbon dioxide cap trade program and wind energy storage.

Mr. Miles said JMU's role, on behalf of the State Energy Office, is to advance deployment as they believe this type project will be complementary to the first large solar project approved in Harrisonburg in August 2020.

Rich Kirkland, a state-certified appraiser and MEI to the Appraisal Institute has compared the appraisal of houses next to solar farms to similar properties which are not next to a solar farm over the last six years in 18 states, and has found no impact on property values, he said. In his professional opinion, this project is similar in demographics, housing and businesses, to other projects he has looked at with no impact on property values. He

noted farms are the most common property adjoining projects by acreage and residential is the most common use, because solar farms need nearby housing to use the energy.

Supervisor Wolfe-Garrison asked if the farm property being considered by Caden Energix Endless Caverns LLC is comparable in acreage size and coverage to most solar farms. Mr. Kirkland responded that the acreage size is similar. The coverage depends on the size and number of panels in position. He believes the Endless Caverns solar farm will be more efficient than the typical solar farm.

Ed Blackwell with Blackwell Engineering discussed stormwater management along Smith Creek, which is a protected waterway. He stated the County requires a 50-foot setback on waterways for protection. Blackwell Engineering is proposing a 100-foot setback. He said most of the Smith Creek zone is covered with trees and the underfoot buffer is fairly thick. Blackwell will work with staff to plant additional trees and evergreens where the current trees are sparse. Mr. Blackwell noted no trees are allowed in the powerline easement. The site will have to meet all current Department of Environmental Quality (DEQ) and County guidelines for water quality and stormwater management. There will be various runoff ponds for rain draining off the solar panels, but the water from the panels will be cleaner than the water that currently flows into Smith Creek from the cattle farm. There will be a 150-foot visual buffer of trees along Craney Island Road. Blackwell will work with County staff and landscapers to create a buffer to block the view of solar panels from the homes across the road.

Mr. Blackwell said the view from the Lam property that is on a hill cannot be protected by trees due to the elevation of the house. The proposed site is well-suited for a solar farm because there is a Dominion substation nearby. If there was not a substation on the property, one would be needed to work with the existing power grid.

Mr. Blackwell noted Energix will obtain a \$10,000 bond with the DEQ. Blackwell has worked with DEQ on numerous properties, and they require a \$10,000 bond for up to ten years. Energix will replace trees over ten years. If the trees die, the DEQ can pull the bond. By year ten, DEQ considers trees to be well-established and hardy.

Supervisor Trumbo noted that the condition letter with the application does not mention the decommissioning included in the application, and asked if the intent is to make that a condition. Mr. Richards indicated the decommissioning will be added as a condition, and the bond will automatically be renewed every five years. A third-party engineer will calculate the change to account for inflation, and justification for the change in the bond will be provided. Mr. Richards noted that, if it did not renew for some reason, the bond is callable, so protection is provided for the County. Mr. Richards also indicated the 100-foot setback with trees along Smith Creek will be made a condition.

Supervisor Trumbo noted the application mentions three projects Energix has recently completed in Virginia counties, and asked Mr. Richards to provide contact information for the people they worked with in those counties.

Supervisor Wolfe-Garrison asked about the exact acreage on the two properties to be used for the solar farm. Mr. Richards responded that Energix will stand by the acreage in the application (253.6 acres), on the preliminary site design. He noted there is a variable in the process as they prepare a layout to fine-tune the exact acreage. Mr. Richards indicated Energix would like to use as many acres as possible after the acreage for the setback is deducted.

Supervisor Wolfe-Garrison asked about local labor being a priority and whether work with advancement is a priority. Mr. Richards said Energix tries to use local labor across the board as much as possible. They utilize local engineering firms, law firms, subcontractors and labor. Supervisor Wolfe-Garrison asked about the number of local workers on other Virginia sites, and Mr. Richards indicated he did not have those figures. He noted the numbers vary across the state, but he can provide those numbers. Mr. Richards feels confident the local labor utilized will be fairly close to 100 percent. Supervisor Wolfe-Garrison reiterated that she is interested in knowing the labor numbers in other locations.

Supervisor Chandler asked if specialized training is required and if the company is willing to provide training for the local workforce. Mr. Richards stated that Energix works through subcontractors to provide training, noting some subcontractors have worked on solar projects and some have not. He likes to utilize some workers with good, solid experience and also include workers who are expanding their capabilities to include solar.

Supervisor Trumbo asked if Energix has considered grazing sheep on the solar farm. Mr. Richards indicated they have grazed sheep at other sites, but it has not been favorable.

Dan Smith from District 3 spoke in support of the solar farm, noting he has been involved in solar projects in the past. He was a dairy farmer in District 1 for 35 years, and came to the meeting because he believes in property rights. When a farmer buys a farm, works it, and pays taxes on it, they have some say regarding what is placed on the farm. He knows everyone wants a nice home up on a hill one day, but does not want neighbors to do something they do not like, which is not necessarily right. His thought is to leave people alone as long as they are not doing anything against the law. He asked that the rights of landowners be considered. He believes the solar farm is a great project for the County. He said the solar project is a great learning experience for students.

Richard Virgil stated no one likes change, but more change is occurring now than in the any other time during the attendees' lives, with high unemployment, economic hardship and political change. He thinks this is a good project, and he would like to see Cloverdale Farm as part of it. He thinks the solar farm addresses many of the issues people will be facing. He said clean air and solar energy are basic needs of the Country. Additional construction projects will provide jobs for more people and increase the tax base. He sees solar as a very important part of the future of the community, country and world.

Watt Bradshaw has been a lifelong County resident, and has lived next to the proposed solar farm 40 years. He said Energix is doing all they can to make the solar farm a friendly place. Energix is a legal operation, that is sustainable and environmentally responsible by protecting the land and water, and they will be profitable to the County. Mr. Bradshaw stated, the time is now to allow this kind of project into Rockingham County." The solar farm will provide benefits to schools for education and it will be great for the County's reputation as being forward-thinking. He said the proposed site is a perfect location, adjacent to the substation. He thinks Energix providing jobs to local citizens is good. They have offered proffers and will provide bonds; they are doing everything they can. Mr. Bradshaw hopes the solar farm can be approved as it is good for the County, community and State of Virginia.

Tony Biller, President of Nielson Builders and a resident of District 1, said Nielson has talked with Energix for over two years and he visited one of their projects to study the skill requirements. With 31 years in the field, Mr. Biller has confidence there are local people to perform this work. Mr. Biller noted he is a Board member on the Shenandoah Valley Partnership (SVP), which he stated is the premier economic development organization in the Valley. The SVP is trying to attract people to the Valley and to expand their businesses. He said site selectors want to know if there are renewable energy resources in the Valley, so they can highlight the valley as a forward-thinking place, which can be important to businesses wanting to grow in the Valley. Energix will employ approximately 100 people for a six-month duration, and further employment will be provided later to service the facility.

Chairman Kyger asked Mr. Richards about the employees Energix intends to hire, whether they will remain onsite or in the area to maintain the facility, and what this will mean for them in the future. Mr. Richards said the main staff needed after construction is completed will be landscapers, electricians, maintenance workers and technicians. Only a few employees will work on the solar farm after the construction because the project mostly runs itself. He said the real impact is the increased capacity of local people who will be able to construct another solar farm for Energix or another company. He thinks workers with those skill sets are available in the community; and if not, Energix will train local workers.

Leona Delawder stated solar is good for the country, children and the environment.

David Conley, a farmer who owns the property proposed for the solar project, had a petition with 176 people from the County that support the solar farm, and another petition with 79 signatures from District 1 residents, who support the project. He thinks this will be good for the future, our children and our grandchildren.

James Housden said he attended a Board meeting 11 years ago to work through a permit process for Dayton agriculture so farmers could gather and diversify. He has been farming nearly 30 years and his children are interested in farming. Mr. Housden stated farmers have to diversify to supply produce, poultry, dairy and cattle because they have to make home and farm payments. Mr. Housden said it is important to allow farmers to use their land to diversify because they cannot make a living in agriculture anymore by providing just one product. He indicated solar is a good, new option, and he is surprised how solar is growing and allowing farmers to diversify and be profitable. He reiterated that diversity is very important in the agricultural community.

Linda Hensley noted this is an issue about property rights, and she would like to do what she wants with her own home.

Brad Conley said the solar farm will be a great opportunity for the County and the environment. He believes his daughter will benefit from the solar farm financially, and by living in a cleaner environment.

Mike Allen, who is in favor of the project, said the solar farm is a good thing for the County and United States.

Bryan Conley said he supports the solar project and thinks it will be a great thing for Rockingham County.

Holly Flory asked how many signatures on the petition are from the north end of the County; and responded "very few". She also asked how the Columbia gas line running through the property will be addressed. She hikes to the Endless Caverns sign every year and stated the view will be obstructed by the solar panels.

Jackson Fulk was concerned that the solar farm may negatively affect his real estate value.

Barbara Feichtinger expressed her concern about the discussion on jobs. She noted that for six to nine months there will be employment for 100 people, but not after that because it is not a permanent business. She said the Board may understand that, but it does not sound like some other people understand.

Joni Lam, a Turner Ashby High School teacher and Bridgewater College professor, said her family will be greatly impacted by the solar farm. Mrs. Lam and her husband both work full time and farm 12 acres of land. Mrs. Lam stated she represents a grass roots local movement of concerned citizens who do not view the approval and development of an industrial scale solar project, along with the destruction of farmland and the habitat, as being responsible or green.

Mrs. Lam noted her children ride the school bus on Craney Island Road, which is very narrow with sharp hills and visual issues. She is concerned about safety, particularly during the construction process. Mrs. Lam reviewed the Kirkland appraisal and noted her property and others that will have a view of the solar farm are valued higher than the Kirkland appraisal study. She asked that the other attendees in her group be permitted to speak.

Paul Murphy owns two properties within a mile of the proposed solar facility; one was his mother's home and the other has been a bed and breakfast since 1988. He noted Endless Caverns is on a high elevation and the solar facility will be seen from the Endless Caverns lodge, especially in the winter. He noted tourism is important to the County, and urged the Board to consider the importance of tourism and the rich history in the Valley.

Mr. Murphy submitted a letter from Steve Jones to the Board.

Supervisor Chandler informed the attendees that a letter was received from Endless Caverns.

Duane Lam provided letters to the Board from the Farm Bureau. He stated the County will lose 350 acres of farmland when 1.2 acres is needed to feed a person in the U.S., and reminded the group of the food shortage during COVID-19. Mr. Lam noted that a grave footstone and granite chunks were found on the proposed property. He said the individuals excavating the site did not move in a circle out from the stone and granite to appropriately determine if there were more indications of a graveyard. Mr. Lam noted a family of bald eagles live near his home, and said the glare from the solar panels will look like water to the eagles, causing them to dive into the solar panels and kill themselves. Mr. Lam questioned how solar panels are cleaned and how much water it typically takes to wash solar panels.

Bonita Brock, who lives on Hulings Lane, said she was in real estate and her husband was a real estate developer. They moved to the area ten years ago to be near her husband's family, and she noted many people move to the area from northern Virginia. She asked the Board to consider the New Market Battlefield, historic homes and small restaurants in the area, and not approve the solar farm project.

Dennis Higgs spoke on behalf of his neighbor, Herman Buhl, who is not able to get out, and is against the project. Mr. Buhl is 90-years-old, and the only leisure time he has during the day is to look out his window at deer, groundhogs and the Valley. Mr. Higgs said he would hate for the view to be taken from Mr. Buhl.

Mr. Higgs said the roads near the proposed solar farm are not equipped for tractor-trailers, so the roads will have to be rebuilt. He was surprised that so many farmers want to go to solar power, as he thinks people should carry on traditions of their family. Mr. Higgs is concerned that the solar panels will push a lot of water into the creek and the ponds, which will not be able to handle the water.

David Birkenthal from the Alliance for the Shenandoah Valley (the Alliance) said the Alliance recommends that the County provide updates to the solar ordinance and land use to create one comprehensive set of rules before any solar projects are approved, and said the Alliance is willing to help with the updates. Mr. Birkenthal also stated that the Alliance recommends the County collaborate with the Smith Creek Watershed Partnership to ensure the solar project adheres to the 2009 Smith Creek Water Quality Improvement Plan, require the preparation and publication of a traffic management plan prior to construction and consider other Energix projects in Virginia to build on successes and avoid past pitfalls.

Jeanne Trabulsi, a Virginia Coalition for Human Rights member, supports the rights of surrounding communities. She is not against solar, but is against this particular company constructing a solar farm. She stated that Energix harms surrounding communities and their land.

Grant F. Smith, Director of Research Institute for Research Middle Eastern Policy, provided a slide presentation regarding Policy in Washington, DC. Mr. Smith said he spent three years investigating Energix and has filed 90 FOIA requests in Virginia. Mr. Smith flipped through several slides until Chairman Kyger gaveled Mr. Smith for being inappropriate and asked him to remove himself from the podium. Chairman Kyger noted Mr. Smith's presentations was completely out of order with the public hearing.

Bob Boisture, who owns a farm on Endless Caverns Road, noted the Endless Caverns area is his most sacred spot in the world, and he enjoys jogging along Smith Creek. Mr. Boisture noted how important it is to preserve the agricultural character and beauty of the County. He believes if the special use permit is approved with the current lack of detail in the County Code, the Board will not be able to turn down other similar projects. He asked the Board to carefully review the planning criteria.

A woman who grew up on this road and has lived there 60 years, stated there is a cemetery on the proposed property, even though Energix does not believe it.

Ed Blackwell said there is a gas line easement through the proposed solar property, but solar panels will not be placed over the easement or under power lines. He said cattle are currently on the property by right, but there is typically more environmental runoff from cattle than what will run off the solar panels, and he noted water from a solar farm would be an improvement to Smith Creek. There will be numerous ponds on the property to capture runoff from the solar panels. He explained that one of the main issues with solar panels is the warm water coming off the panels, but the runoff will be captured in the ponds and the heat will be dissipated before reaching Smith Creek.

Mr. Blackwell noted that a VDOT entrance permit will be required for large tractor-trailers making deliveries, which can be scheduled after the school children get on the school bus in the mornings and before the students return home in the evenings. Part of the VDOT permit is a bond for the road. Mr. Blackwell stated a safety fence will be erected so trees are not taken down by mistake.

Supervisor Wolfe-Garrison asked when Energix would break ground, if a permit were approved during the meeting. Mr. Richards noted Energix will need to obtain permits from the DEQ, the State of Virginia and others, which will take about a year. Installation may possibly begin during the summer of 2021.

Supervisor Chandler noted a seven-foot high security fence was mentioned earlier and there was also talk about a 42-inch fence. Mr. Blackwell explained that silt fence will be put up during the construction phase as part of their erosion control. After the project is completed, a chain-linked, security fence with barbed-wire at the top will be installed.

Mr. Miles noted he is a Board member of the Virginia Renewable Energy Alliance, which focuses on enabling renewable energy industries. He said one of the issues in finding local labor in the solar energy field is that most training is conducted outside of Virginia. The Virginia Renewable Energy Alliance is looking at the possibility of bringing workforce training for the solar industry to Rockingham County. The Alliance wants to partner with two-year institutions and Massanutten Technical Center. He said having access to the proposed solar facility would make that proposition more attractive.

Mr. Miles spoke to Mr. Lam's question about cleaning solar panels. He was involved with two students who worked on a summer internship with Washington Gas. A statistically-driven study was conducted to determine whether it was necessary to clean solar panels. Mr. Miles said the answer in this particular part of the country, in this type of setting, is the panels would not need to be cleaned very often, if at all.

Rich Kirkland responded to a question about the price range of homes next to solar farms. He noted a vacant lot next to a solar farm sold for \$100,000, and after a house was built on that property, it sold for \$530,000.

Mr. Richards stated that solar panels are not harmful to birds. Energix follows strict COVID protocols and has not had infections at project sites, and he said when issues have been brought up during construction projects, Energix corrects the issue.

Mr. Richards said he understands the objections raised during the meeting and the quality of life question. He said Energix has made every effort they can to minimize the impacts of this project. He also understands the interests of people who live on a hill with a view of the project. He countered that the competing interests are strong: there is significant tax revenue to the County, clean energy created will benefit the environment in the County, the project will attract businesses and he would argue that it also attracts tourism. He understands the position of the Board to weigh the interests and closed by stating he hopes the entire county is taken into account.

Chairman Kyger closed the public hearing at 9:06 p.m. for the Board to consider the special use permit request.

Supervisor Trumbo asked that each Board member provide their thoughts on the Caden Energix Endless Caverns LLC special use permit.

Supervisor Breeden said both sides have to be weighed. There is a benefit to the County, and a benefit to those who live on the hill.

Supervisor Wolfe-Garrison noted that she is sensitive when citizens talk about wanting to keep land in agriculture and keep things lovely, but it is difficult to actually do and pay the bills. Supervisor Wolfe-Garrison said the Board has a lot of things to think about, and she appreciates the obligation the Board takes to not just affect the perimeter of this parcel, but look at it as a countywide decision. She noted this is not the first time the Board has heard from this group; things have changed and the Board has an obligation to consider what those changes are and what they will affect long term.

Supervisor Wolfe-Garrison noted that the Board and citizens have lived here a long time, and live here for a reason. She was not prepared to make a decision and said she would like some additional time.

Supervisor Chandler thanked everyone who spoke during the public hearing. He noted that the Board received several petitions, emails and letters, and they were still receiving emails right before the meeting, which makes it difficult to adequately consider either side of the issue. Supervisor Chandler stated the County needs solar, but the exploration of the cemetery is a legitimate concern, and many suggestions were provided that should be considered. He stated that unless the Board members take time to digest the information, they are not being fair to the citizens or doing their job.

Supervisor Chandler stated that he was not prepared to approve or deny the special use permit until the information provided during the meeting could be considered.

Chairman Kyger thanked everyone for expressing their viewpoints regarding the special use permit application. He has talked with Virginia Association of Counties colleagues about solar energy over the last two years, and in many cases, the response is generally that of a buyer's remorse to be careful what you do and how you do it. He noted the solar farm is not an agricultural facility; it is an industrial plant that produces electricity. It does not produce food, he said.

Chairman Kyger stated he is not prepared to vote on this special use permit application until he is comfortable that the Board has vetted a better plan and worked with power supply companies to determine where solar farms should be situated, and how the Board needs to plan to rezone.

Supervisor Trumbo noted that everyone in the room wants dependable, clean energy, but no one wants it in their backyard. He understands that, and he does not like to see a net loss of farmland. He stated the flip side is that Governor Northam mandated Dominion to be 100 percent renewable in 30 years. Supervisor Trumbo thinks this is something Rockingham County has to accept and embrace. Supervisor Trumbo has heard there are better locations for solar than the proposed property, but he challenged everyone in the room to come up with one. He does not think there will be 350 acres anywhere in the County that does not negatively impact someone. He stated that some who currently have a view, will be looking at solar panels.

Supervisor Trumbo said he talked with the County Attorney and Director of Community Development earlier in the week, and there is concern that if not enough localities consider solar farms, they will be mandated by right by the Commonwealth. Supervisor Trumbo noted that would mean any A-1 or A-2 property in Virginia can be converted to solar by the landowner. That is the byproduct of not giving this request very serious consideration, he said.

Supervisor Trumbo said he likes to make decisions where he has 100 percent conviction, but he said voting in favor or against the solar farm would bother him, and he did not think he could provide an opinion and walk out of the room feeling good either way. He said the Board has additional homework to do.

On motion by Supervisor Trumbo, seconded by Supervisor Wolfe-Garrison, and carried by a roll call vote of 5-0, the Board tabled SUP20-127, Caden Energix Endless Caverns LLC, 2311 Wilson Boulevard, Suite 640, Arlington, VA 22201 for a solar farm on property located on the southwest side of Craney Island Road (Route 794) and Mountain Valley Road (Route 620), Election District #1, zoned A-1. Tax Map #54-(A)-57 and #54-(A)-61.

Chairman Kyger said he does not know when this special use permit request will be removed from the table, but asked that when any Board member considers taking it off the table, they inform the Community Development staff in advance of the meeting so, as courtesy, staff can inform at least the adjoining landowners, that a decision is eminent and they should contact their supervisor to discuss it. Chairman Kyger indicated he could not advise Community Development to do that for everyone that lives in the area, but contacting the adjoining landowners, will allow a conversation between the supervisor and their constituents regarding the solar farm special use permit request that may come before the Board.

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ADJOURN.

With no further business before the Board of Supervisors, Chairman Kyger declared the meeting adjourned at 9:23 p.m.

Chairman

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Finance Department Staff Report

September 23, 2020

2022 Reassessment Update -The 2022 reassessment process is going well. Pearson Appraisal Service has completed 10,300 parcels to date out of approximately 48,237 parcels. Their staff is currently working in the areas of Fulks Run, Mt. Clinton, Port Republic, and Massanutten.

Small Business Grant - Round 3 - Round 3 is open for applications! The application process closes September 27th with a Grant Review Team meeting September 29th and approval of grants by the EDA on October 1st!

Massanutten Water and Sewer Appraisal - The contract has been signed with Willdan Financial Services. A kick-off meeting will be scheduled soon.

Procurement:

No Action:

Fully Integrated Permit and Inspection System-The County is seeking proposals from qualified firms for an integrated computer-based system to track processes across County departments such as Community Development, Public Works and possibly others. Proposals were due Friday, April 17 at 2:00 PM and twelve responses were received. The committee is currently reviewing the responses.

Donnagail Sewer Line Replacement-The County is requesting formal competitive sealed bids to establish a contract for the

Donnagail Sewer Line Replacement in the Donnagail Subdivision in Penn Laird. Proposals are due Friday, October 9 at 2:00 PM.

McGaheysville Wastewater Plant Lagoons Clean Out-The County is requesting formal competitive sealed bids to establish a contract to completely clean out the liquid and solids of (2) lagoons and repair the liner in each. Each lagoon is 4 million gallons in size. Proposals are due Friday, October 9 at 2:00 PM.

September 23, 2020

STAFF REPORT: COMMUNITY DEVELOPMENT DEPARTMENT

BOARD ACTION REQUESTED

None.

PROJECTS AND REPORTS

US 33 ARTERIAL MANAGEMENT PLAN (Rhonda Cooper)

VDOT District Office has set a kickoff meeting for September 18. VDOT's on-call consultants, Kimley-Horn, will work with Brad Reed, the Staunton's Assistant District Planner, to draft a scope and schedule and to arrange communication with County officials and other stakeholders regarding next steps and scoping questions.

Staff preliminarily recommended the Plan encompass US 33 East from the City/County Line to Elkton Plaza at the west side of the Town of Elkton. With Board involvement, the focus areas will be determined early in the process. The study is expected to commence in fall 2020 and conclude in late 2021 in advance of the 2022 round of Smart Scale applications.

The Plan will identify ways to ensure safety and preserve the capacity of US 33 without wide-scale roadway widenings and traffic lights, and will help guide the County and the development community in their decision-making processes, ultimately leading to safer access while minimizing congestion; to planning and designing the appropriate level of access for future development in the corridor; and to improving the County's position when applying for Smart Scale, Revenue Sharing, and other transportation project grant funds. This Plan will be prepared at no cost to the County.

LAKE SHENANDOAH STORMWATER CONTROL AUTHORITY (Adam Hancock)

At the June 24th meeting, the Lake Shenandoah Stormwater Control Authority Board voted to set a rate of \$0.04 for 2020 billing cycle, and of \$0.08 for 2021-2030.

ROCKINGHAM BICYCLE ADVISORY COMMITTEE (RBAC) (Bradford Dyjak)

The RBAC will meet September 24 with a VDOT Residency staff member. The RBAC met July 23 to review the County Bicycle and Pedestrian Plan, discuss coordination with VDOT on future projects, and to receive various trail and greenway project updates.

PROJECTS AND REPORTS, continued

BUILDING SERVICES DIVISION & FRONT COUNTER OPERATIONS (Joe Shifflett)

The attached Development Activity Report breaks down separate totals of permit types and fees collected through August 31, 2020. Total number of permits processed August 1 through August 31, 2020, was 154; YTD total 1,501.

The table below tracks weekly residential and commercial building permit and revenue activity to give insight as to how the building division is affected through this timeframe.

Weekly Permit Type, Count, & Revenue										
March-June 2020										
	3/9-13	3/16-20	3/23-27	3/30-4/3	4/6-15 8 days	4/16-30 11 days	5/1-15 11 days	5/18-29 10 days	6/1-16 12 days	6/17-30 10 days
Residential Permits	(37) \$12,505	(32) \$6,420	(34) \$6,914	(11) \$12,811	(35) \$7,558	(41) \$18,3940	(51) \$29,417	(38) \$15,503	(114) \$40,449**	(80) \$25,183
Commercial Permits	(4) \$4,065	(1) \$95	(5) \$2,356	(19) \$4,665	(15) \$46,230	(9) \$15,502	(8) \$2,829	(8) \$6,345*	(23) \$5,908	(10) \$1,916
July-December 2020										
	7/1-7/31	8/1-8/31	9/1-9/30	10/1-10/31	11/1-11/30	12/1-31				
Residential Permits	(192) \$24,686 ***	(129) \$44,162								
Commercial Permits	(9) \$13,475	(16) \$27,671								

Yellow highlight indicates timeframe of County Administration Center closure to public.

*Interchange Permit

**6/01-16: South Peak Subdivision

***7/1-31: Sunset Spring Subdivision / South Peak Subdivision

CENSUS COMPLETE COUNT OUTREACH (Bradford Dyjak)

1. Census Invitations and Response Rates

- The Census Bureau has extended both field data collection and self-response deadline until September 30, 2020, supplanting the prior deadline extension of October 31. Staff is undertaking final coordinated outreach efforts with the representatives from the City, towns, James Madison University, the Harrisonburg-Rockingham Chamber of Commerce, and local non-profit organizations.
- Over 71% of all County residents have already self-responded** to the initial invitations as of September 14 compared to 65.9% nationally. **The current rate surpasses the County's 2010 response rate.**
- Four of the County's incorporated towns ranked within the 25 highest response rates** in Virginia: **Bridgewater 79.9%; Broadway 76.7%; Grottoes 75.6%; and Mt. Crawford 74.4%.**
- Enumerator non-response follow-up Census-takers will interview households in person. The revised schedule began mid-August and continues through September 30.

2. **Fliers & Yard Signs** – Additional materials have been distributed to several food pantries and hard-to-count Census tracts.

3. **Mobile Questionnaire Assistance:** The Census Bureau is identifying essential services sites throughout the region where Census response representatives will be stationed at tables to provide assistance with completing the form (while observing social distancing protocols).

PROJECTS AND REPORTS, continued

TRANSPORTATION PROJECT APPLICATIONS (Bradford Dyjak)

Staff submitted two Smart Scale pre-application projects and awaits the Commonwealth Transportation Board’s decision on Revenue Sharing funding awards later in 2020 and for federal Transportation Alternative applications thereafter.

Project # & Name	Location	Project Scope	Funding Program & Status	Cost
#7125 Smithland Road (Route 720) Widening	Between US-11 in and Rt. 718 in the City (approx. 0.8 miles)	Widen Rt. 720 to add a minimum 4-ft shoulder and increase lane width from 10-ft to 12-ft where possible.	SMART Scale Application submitted 8/17/20	\$2.503m
#7157 Mt. Crawford Park & Ride Expansion	VA 257 at I-81 Exit 240	Expansion of the existing Mt. Crawford Park and Ride at I-81, Exit 240	SMART Scale Application submitted by HRMPO 8/17/20	\$2.48m
#5786 VA 253/VA 276 Turn Lanes	Intersection of VA 253 (Port Republic Rd.) & VA 276 (Cross Keys Rd.)	Install left turn lanes on northbound and southbound VA 276 (Cross Keys Road) at intersection with VA 253.	Revenue Sharing Application submitted 9/25/19	\$1.5m
#5887 Garbers Church Road Bike & Buggy Lanes	Garbers Church Road (Route 910) from VA 42 to Erickson Avenue	<ul style="list-style-type: none"> a. Design & construct paved, 8-foot wide lanes on both sides of 0.6 mile road segment b. Phase 1: preliminary engineering, right-of-way acquisition (\$350k) [Phase 2 construction (\$1.455m) will be future grant application.] 	Transportation Alternatives Set-Aside (TAP) Application submitted 9/30/19. Tentative award 7/10/20	\$1.805m (Phase 1: \$350k)

PLANNING COMMISSION ACTIONS

The Planning Commission met on September 1 with one case recommended to the Board and next meets October 6 to hear a rezoning case and four ordinance amendments. The ordinance amendment status report is presented later in this report.

Item	Description	Comments/ Recommendations
REZ20-145	Lake Pointe Village Property Owners Association, c/o Ed Smith. Request location: Lake Pointe Village, Massanetta Springs Road (Route 687) approximately 500 feet north of Izaak Walton Drive. Request to rezone Tax Map Parcel 125-(A)-L261 from R-2 to R-3C (General Residential with conditions), and Tax Map Parcel 125-(A)- L263 from R-3C to R-3C with revised conditions to allow an increase in the permitted number of units from 4 to 6 (3 total duplexes), totaling approximately 6.51 acres for both parcels. Election District 3.	Applicant requested postponement of 8/4/20 PC public hearing. PC recommended approval 3-2 on 9/1/20; to be heard by Board 9/23/20
REZ20-138	Bluestone of Harrisonburg, LLC. (JVP Development and currently referenced as Ashby Centre), c/o Michael McGinnis, P.O. Box 300, Lyndhurst, VA 22952. Request to amend existing master plan & proffers to increase residential density from 384 to 730 units (133 ac). Existing Zoning R-5C & B-1C. Situated approximately ¼ mile south of Covenant Drive, directly west of South Main Street, and north of Pike Church Road (VA 701). Tax Map Parcels 123-(A)-L118, L118A, L118B totaling 107.35 acres of 132.987 acres. Election District 2.	To be heard by PC 10/6
OA20-219	Amendment to the Rockingham County Code, Chapter 17 (Zoning), Section 17-201 to add the definition of photometric plan and to amend Section 17-706 Outdoor lighting.	To be heard by PC 10/6
OA20-220	Amendment to the Rockingham County Code, Chapter 17 (Zoning), Table 17-606, under Agricultural Uses, add bulk storage of liquid petroleum gas in the A-1 and A-2 zoning districts by special use permit with supplemental standards (SU*) and to Section 17-607 to add supplemental standards for bulk storage of liquid petroleum.	To be heard by PC 10/6
OA20-241	Amendment to the Rockingham County Code, Chapter 17 (Zoning), Section 17-201. Definitions generally to include cabins in the definition of recreational vehicles and to amend Table 17-606 to add recreational vehicle or cabin by special use with supplemental standards (SU*) in the A-1, A-2, and RR-1 zoning districts.	To be heard by PC 10/6

<p>OA16-246</p>	<p>Amendment to the Rockingham County Code, Section 16 (Subdivision), Section 16-9(b)(1)(g), Section 16-9(b)(2)(e), Section 16-9(b)(3)(e) and Section 16-9(c)(9) to state if the parent tract is served by a pit privy, no divisions of land with a full-time residence shall be approved from that parent tract until such time as an approved septic drainfield permit with one hundred (100) percent reserve area has been obtained and said drainfield installed to serve the parent tract.</p>	<p>To be heard by PC 10/6</p>
<p>OA20-247</p>	<p>Amendment to the Rockingham County Code, Chapter 17 (Zoning), Table 17-806.01 to add dwelling, accessory in the RR-1, R-1, R-2, and R-3 and P-PG zoning districts; to remove from A-1 and A-2 that accessory dwellings cannot be located closer to the front property line than the primary dwelling, and that in all zoning districts in which accessory dwellings are located, they can be no closer than 10' from side and rear property lines.</p>	<p>To be heard by PC 10/6</p>
<p>REZ18-273</p>	<p>Partners Development, Inc., is requesting an amendment to the existing approved proffers on a 25.704-acre parcel located on the north and west sides of White Oak Drive approximately 700' west of Walnut Creek Drive. Tax Map #107-(A)-L166, Election District #2.</p>	<p>Motion to recommend approval failed 2-3 on 1/2/19; Pending before Board: applicant requested postponement of 2/13/19 Board hearing.</p>

COUNTY-INITIATED ORDINANCES

Amendment (OA#)	Chapter/ Section	Reason & Scope	Status
1. Private Street Standards	17-700 & 701	Review of private streets design standards ongoing.	Board authorized study on 1/23/19
2. Review of PMR District Requirements	17-409	Evaluate appropriate uses and regulations for maximum development flexibility.	Board authorized study 12/12/18.
3. Review of Signage Code	17-707	Review Planned District sign submission requirements, line-of-sight standards, review code organization.	Board authorized study 12/12/18
4. Wireless Telecommunications Facilities	Ch. 17, Article VI	Ensure consistency with recent updates to state code limiting the scope of review for local governments.	Board authorized study 7/17/19; Staff review is underway.
5. (OA19-260 & 261) Inoperable Vehicles	11-31-40 & 17-201	Revise “automobile graveyard” definition; review screening and vehicle removal provisions.	Board authorized study 8/14/19; Board hearing date T.B.D.
6. Poultry Operations Study	17-201, 606, 607, & 16-9.1	Evaluate: proximity to existing residential dwellings, stormwater run-off, aquifer health, and air particulates generated from the poultry houses.	Board Authorized study 1/8/20; Staff research underway; Advisory Committee has been selected.
7. Outdoor Lighting Requirements	17-706	Evaluate: height, plan requirements, dark sky compliance, and fixture specifications.	Board authorized study 5/13/20; PC Hearing 10/6/20

PRIORITY PROJECTS UNDERWAY BY STAFF

Projects	Lead Person	Status	Target Date
Census 2020 Complete Count Committee	Bradford	Census enumerator operations began 8/11 and conclude by 9/30/20.	Ongoing through October 2020
Evaluation of New Permitting Software	CD & IT Depts.	Interviews concluded of four finalist responses to RFP. Evaluating top two products.	August 2020 selection; Implementation 2021
Ongoing Review/Tasks	Lead Person	Status	
Deed Review	Diane	23 deeds under review as of 9/14/20: 10 pending review, 13 awaiting revision.	
Violations	Kelly	62 active complaints, 23 cases pending legal action as of 9/14/20	
Site Plans & Subdivisions	Bradford & Patrick	7 site plans and 3 subdivisions under review as of 9/16/20; 3 approved since 9/2/20	
Subdivision Ordinance Variances	Diana	1 request under review, as of 9/16/20	
Zoning Variances	Diana	0 requests under review, as of 9/16/20	
Zoning Appeals	Diana	0 requests under review, as of 9/16/20	
Home Occupation Permits	Diana	0 permit requests under review, as of 9/16/20	
Home Business Permits	Diana	0 permit requests under review, as of 9/16/20	
Special Use Permits	Diana	2 permit requests under review, as of 9/16/20	
Special Entertainment Permits	Diana	0 permit request under review, as of 9/16/20	
Rezoning	Bradford	5 rezoning requests under review, as of 9/14/20	
Permits and Fees Processed	Joe	779 total transactions for month of August 2020	
Building Inspections	Joe	1,615 inspections conducted during August 2020 (averaged 76.90 inspections per day)	
Building Plans	Joe	45 Plans under review, as of 8/31/20	
Environmental (E&S/Stormwater) Plan Review	Adam	16 plans under review, 46 approved and awaiting permit issuance, as of 8/31/2020	
Environmental Inspections	Adam	368 inspections conducted in August 2020	
Addressing Structures	Kendrick	25 new structures addressed in August 2020	
Naming of New Roads	Kendrick	1 new road named in August 2020	

UPCOMING PUBLIC HEARINGS

September 23, 2020, Board of Supervisors, at 7:00 p.m.

Rezoning Case

REZ20-145 Lake Pointe Village Property Owners Association, c/o Ed Smith, 3320 Mesinetta Creek Drive, Rockingham, VA 22801. Request location: **Lake Pointe Village, Massanetta Springs Road (Route 687)** approximately 500 feet north of Izaak Walton Drive. Request to rezone Tax Map Parcel 125-(A)-L261 from R-2 to R-3C (General Residential with conditions), and Tax Map Parcel 125-(A)-L263 from R-3C to R-3C with revised conditions to allow an increase in the permitted number of units from 4 to 6 (3 total duplexes), totaling approximately 6.51 acres for both parcels. Election District 3. This case was recommended for approval by the Planning Commission on September 1, 2020 on a 3-2 vote.

Ordinance Amendment

OA20-205 Amendment to Chapter 17, Section 201 to **amend the definition of car wash to allow motor vehicle detailing** and to **amend the definition of motor vehicle repair shop** to allow vehicle detailing and hand washing of motor vehicles; and to amend Chapter 17, Table 606 to **add car wash by special use permit in the A-1, A-2 and RV zoning districts.** This amendment was unanimously recommended for approval by the Planning Commission on September 1, 2020.

REQUESTS TABLED BY BOARD OF SUPERVISORS

SPECIAL USE PERMIT APPLICATION(S)					
Year Tabled	Date Tabled	File	Applicant	Request	Election District
2020	1/8/20	19-286	Soil Health Technologies	Composting site (like use to refuse and recycling center)	2
2020	9/9/20	20-127	Caden Energix	Solar Farm	1
REZONING REQUEST(S)					
Year Tabled	Date Tabled	File	Applicant	Request	Election District
-	-	-	-	None	-
ORDINANCE AMENDMENTS					
Year Tabled	Date Tabled	File	Applicant	Request	
2020	1/8/20	19-267	None	Section 17-201 & 17-607 using semi-trailers for storage	

STAFF DIRECTORY

Name	Job Title	Office Number	Mobile Number
ADMINISTRATION			
Rhonda Cooper	Director	564-3033	271-5061
PERMIT INTAKE & PROCESSING			
(Vacant)	Permit Specialist I	564-3038	N/A
Jessica Diaz	Permit Specialist I	564-3040	N/A
Kayla Yankey	Permit Specialist II	564-6024	578-1120
BUILDING CODE ENFORCEMENT			
Joe Shifflett	Building Official	564-3041	578-1558
Ben Terry	Plan Reviewer	564-3046	578-1123
JN Riddel	Building Inspector	N/A	578-1121
Rick Davis	Building Inspector	N/A	830-8018
Danny Mason	Building Inspector	N/A	578-3515
Josh Haugh	Building Inspector	N/A	607-9535
(Vacant)	Building Inspector	N/A	N/A
PLANNING, ZONING, DEVELOPMENT, & GEOGRAPHIC INFORMATION SYSTEMS			
Bradford Dyjak	Director of Planning	564-1513	578-2659
Diana Stultz	Zoning Administrator & Subdivision Agent	564-3032	830-8017
Diane Lepkowski	Deputy Zoning Administrator & Deputy Subdivision Agent	564-3037	578-1126
Kelly Getz	Deputy Zoning Administrator & Code Compliance Officer	564-6063	810-5024
Mark Rathke	GIS Specialist	564-5076	N/A
Kendrick Smith	GIS Technician	564-3029	830-5811
Patrick Wilcox	Senior Planner	564-5074	271-2952
ENVIRONMENTAL SERVICES			
(Vacant)	Director of Environmental Services	564-6095	N/A
Adam Hancock	Stormwater Management Program Administrator	564-1529	271-6523
Drew Thacker	Environmental Inspector	564-3047	607-3665
Justin Turner	Environmental Inspector	564-3038	560-5589

SITE PLAN SUBMITTALS

Project Name	Location	Proposed Use	Description	Status	Election District
Cobblers Valley Single Family	West side of Pear Street, near Erickson Avenue	Single-family Dwellings	169 lots	Under review	2
Island Ford Road Subdivision	Northeast side of Island Ford Road (VA 649), about 0.2 mile south of McGaheysville Road (VA 996)	Single-family Dwellings	50 lots	Under review	5
Martin Industrial	975 Cottontail Trail (VA 705)	Light industrial	8,000 Square foot building with parking and storage yard.	Under review	4
Locust Grove Village	Boyers Road (Rt. 704), 0.5 mile south of Stone Spring Road (VA 280)	Residential dwellings (apts. & rowhouses).	86 units	Awaiting corrections and resubmittal	3
Holtzman Liberty - Bergton	SW of Brocks Gap Road (VA 259), 0.2 mile north of Bergton Road (VA 820)	Convenience Store	3,200-sq. ft. convenience store with 1,296-square-foot canopy for fuel sales	Awaiting corrections and resubmittal	1
Crownpoint Independent Living	SW side of Apple Valley Road (VA 726) in Stone Spring (VA 280) UDA	Multi-family	25 duplex units and 120 apartment units	Under Review	4
Mellow Mushroom	Stone Spring Road (VA 280), 0.1 mile west of Will Spring Road	Restaurant	5,704-sq. ft. restaurant with 96-space parking lot	Awaiting corrections and resubmittal	4
Smith Office Building	NE side of Rock Port Drive, between Stone Port Blvd and Spring Port Drive	Office	4,481-sq. ft. office building with 43-space parking lot	Awaiting corrections and resubmittal	4



**ROCKINGHAM COUNTY
DEPARTMENT OF COMMUNITY DEVELOPMENT**

REZONING CASE REPORT REZ20-145

Applicant	Lake Pointe Village Property Owners Association
Address/Location	North side of Massanetta Springs Road (VA 687), about 500 feet north of Izaak Walton Drive (VA 1070).
Tax Map#	125-(A)- L261 & L263
Acreage	6.51 acres
Present Zoning	R-2/R-3C – Medium Density Residential and General Residential with Conditions
Proposed Zoning	R-3C – General Residential with Conditions
Election District	3
Comprehensive Plan	Community Residential within an Urban Development Area
Staff Recommendation	Table, July 31, 2020; Hearing postponed by applicant's request, July 31, 2020. Approval, August 19, 2020
Planning Commission	Recommended Approval, September 1, 2020
Board of Supervisors	

GENERAL INFORMATION

OVERVIEW/BACKGROUND:

The Lake Pointe subdivision was rezoned to R-3C in 1992, and amendments to proffered conditions for parcel 125-(A)-L263 were approved May 25, 2005 in Case #RZ05-12. The conditions authorized the construction of up to two duplexes (four units) directly across from Lake Shenandoah and adjoining the existing property owners association common area.

The larger parcel (L263) is limited by proffered conditions to a maximum of two duplexes (four units), but would like to amend the proffers to allow for three duplexes (six units), while at the same time rezoning the adjacent lot to the north (L261) to the same zoning, which land would be included upon resubdivision of the parcel to create the six duplex lots on the eastern portion of the parcel. The remainder would exist as one contiguous parcel preserved as common area. The proposed proffer amendments are attached for reference.

STAFF AND AGENCY ANALYSIS

PLANNING & ZONING

Comprehensive Plan Consistency:

The property is shown as Community Residential in the Comprehensive Plan and is part of the Stone Spring Urban Development Area. It is designated for suburban development by the UDA plan. The Comprehensive Plan identifies Community Residential Areas as comprising the future urban residential neighborhoods and being concentrated around various population centers.

1. Section II--C-4: Policies for Rezoning Decisions: Residential Rezoning Requests within the Urban Growth Areas
 - e. *Interparcel Access.* The concept plan must show one or more street connections to all adjoining properties that also lie within the Urban Growth Area and are not blocked by natural barriers; these connections must be constructed by the applicant at the time such portion of the concept plan is developed.
2. Section: II-B-Goals:
 - Goal 6: Achieve a Balance of Compatible Land Uses and Communities in which people can live, work and play
 - Goal 7: Achieve a Range of Housing Types and Values to meet the needs of all income levels
 - Goal 10: Preserve and Improve Free Flow of Traffic and Improve the Safety of the Road System

The rezoning request is compatible with Comprehensive Plan goals in terms of the proposed district being appropriate in this area, as well as the proposed density being acceptable. After further discussion and analysis, staff has found the proposal to be consistent with the Comprehensive Plan.

Zoning Consistency:

After further discussions and analysis, staff finds the proposal to be consistent with the zoning code.

R-3 General Residential District Code Requirements**Sec. 17-308.01. - Definition.**

The R-3 district provides medium-density to high-density residential development alternatives, including neighborhood amenities and commercial areas.

Sec. 17-308.02. - Requirements.

- (a) While allowing for a variety of uses, the R-3 district is primarily residential. All nonresidential uses shall be compatible with the residential nature of the district.
- (b) Any new R-3 district created after October 1, 2014, shall be located in urban growth areas designated in the comprehensive plan or any other plan adopted by the county.

Sec. 17-308.03. - Maximum area.

- 1. No minimum acreage shall be required for the R-3 district.

Sec. 17-310.04. - Water and sewer.

- (a) Within urban growth areas, all uses requiring water service shall be served by public water.
- (b) Within urban growth areas, all uses requiring sewage treatment shall be served by public sewer.

ENVIRONMENTAL SERVICES

The parcels are situated within the Lake Shenandoah Stormwater Control Authority and primarily in the Mill Creek-North River watershed. The property contains an intermittent stream and a freshwater pond. There is no mapped floodplain.

The site is underlain by carbonate rock material, but there are no known sinkholes. Site soils are in Hydrologic Soil Group B. Group B soils are defined as having a moderate infiltration rate when thoroughly wet. These consist chiefly of moderately deep or deep, moderately well drained or well drained soils that have moderately fine texture to moderately coarse texture. These soils have a moderate rate of water transmission.

PUBLIC WORKS

Public Works has no concerns with the proposed increase from 4 to 6 units. The applicant has provided design for water line and sewer line extensions that will have the capacity to serve the additional units.

FIRE AND RESCUE

The request is located within the Port Republic Road Emergency Response Station and Harrisonburg Volunteer Rescue Squad's respective first due area. This project will need to meet the requirements of the Rockingham County Fire Prevention Code.

VIRGINIA DEPARTMENT OF TRANSPORTATION**Roadway Information:**Massanetta Springs Road (Rt. 687)

Functional Class.:	Local
Traffic Count:	570 vpd (2019)
K-factor =	0.106
Dir. Factor =	0.507
Posted Speed:	25 mph

VDOT Comments:

1. VDOT does not object to the minor increase in density. A Traffic Impact Analysis is not required.
2. Individual private entrances on Massanetta Springs Road will not be permitted. Preliminary layouts have shown a single point of access to serve the units. VDOT requests that the single point of access be made a condition of the rezoning.
3. See attached sketch for reference. The boundary line proposed to be vacated aligns with a stub street (unnamed stub off Traveler Road, State Route 1033). The parcel could serve as an extension of the stub street to provide access to the R2 zoned parcel (L259) to the north that may otherwise have difficulty gaining access via Massanetta Springs Road frontage having sight distance limitations. Furthermore, there may be an opportunity to preserve a potential connector street from Massanetta Spring Road to Travelers Road. The frontage of the L261 parcel (proposed to be consolidated) on Massanetta Spring Road does not have adequate sight distance as presently measured in the field; it is difficult to tell with certainty whether it would be achievable with vegetation removal, but would most certainly require a sight line easement crossing the L259 R2 zoned parcel (red line on sketch, the L259 frontage does not appear to be able to meet the requirements on its own frontage). VDOT recommends maintaining portion(s) of the L261 parcel within the common area to preserve access for future development.
4. Any access to a VDOT maintained street must be in accordance with the VDOT Road Design Manual and will be reviewed at the site plan stage of development.

STAFF RECOMMENDATION

Table, July 31, 2020
Hearing postponed by applicant's request, July 31, 2020
Approval, August 19, 2020

Staff initially recommended tabling the request in order to allow the applicant the opportunity to address planning, zoning, and VDOT comments and the applicant requested postponement on July 31, 2020 of the August 4 public hearing to meet with staff. Subsequent to the applicant's request to postpone, staff facilitated further discussions with VDOT, applicant, applicant's engineer, and County attorney to further consider the impact to road networks in the area and interparcel connectivity.

While the overall development potential of adjoining parcels would require further study, the scope of review presented in this rezoning is narrow. Interparcel connections would not be addressed during the rezoning review, as new roads and streets are not proposed within the scope of this project. The proposed proffered conditions would limit the three duplex units to the eastern portion of the parcel, thus retaining future potential additional access options for others to consider. The application meets applicable zoning code, Section 17-308, is consistent with the Comprehensive Plan, and creates an extension of the existing R-3 district.

PLANNING COMMISSION RECOMMENDATION

Approval, September 1, 2020

Concurring with staff's findings and recommendation, the Planning Commission recommended approval of the rezoning on a 3-2 vote. Those voting nay cited concerns about stormwater drainage and flooding in the area.

PLANNING COMMISSION

DRAFT UNAPPROVED MINUTES

September 2, 2020

The Rockingham County Planning Commission met on Tuesday, September 1, 2020, in the Community Room in the Rockingham County Administration Center. Members present were Chairman Rodney Burkholder, Commissioner Michael Harvey, Commissioner Bill Loomis, and Commissioner Keith Sheets. Vice Chairman Kevin Flint was present virtually through a Zoom meeting; Staff members present were Director of Community Development Rhonda Cooper, Director of Planning Bradford Dyjak, and Senior Planner Patrick Wilcox.

At 6:32 p.m., Chairman Burkholder called the meeting to order. He noted the meeting would be conducted in accordance with Governor Ralph Northam's Executive Order limiting public gatherings and would adhere to Centers for Disease Control's social distancing guidelines. The meeting was livestreamed accessible online and by phone for those wishing to watch and comment.

Commissioner Sheets offered the Pledge of Allegiance and Invocation.

MINUTES

On motion by Mr. Loomis and seconded by Mr. Sheets the August 4, 2020 regular minutes were approved with a 5-0 vote.

PUBLIC HEARING

REZONING REQUESTS

REZ20-145 - Lake Pointe Village Property Owners Association, c/o Ed Smith, 3320 Mesinetta Creek Drive, Rockingham, VA 22801. Request location: Lake Pointe Village, Massanetta Springs Road (Route 687) approximately 500 feet north of Izaak Walton Drive. Request to rezone Tax Map Parcel 125-(A)-L261 from R-2 to R-3C (General Residential with conditions), and Tax Map Parcel 125-(A)-L263 from R-3C to R-3C with revised conditions to allow an increase in the permitted number of units from 4 to 6 (3 total duplexes), totaling approximately 6.51 acres for both parcels. Election District 3. *This hearing was postponed from August 4 by request of the applicant.*

Mr. Wilcox presented the request with staff's recommendation of approval.

At 6:41 p.m., Chairman Burkholder opened the public hearing.

Mr. Charles Crosson, an adjoining property owner and member of the board of the Lake Pointe Property Owner's Association, voiced his support of the request. Mr. Harvey asked Mr. Crosson if he had noticed water standing on the subject property. Mr. Crosson stated that he had not seen the proposed area designated for the development covered with water in the four years he had lived there. Mr. Loomis asked why the property owner's association was making the request. Mr. Crosson stated that the rising costs of maintenance for the common area owned by the association spurred the request. He also stated that the accumulated silt would need to be cleaned out of the common area, and that no funding would be available from the Lake Shenandoah Stormwater Control Authority to assist.

Mr. Sheets asked to show the area served by the Property Owner's Association, and Mr. Crosson indicated the area on a map in response. Mr. Sheets inquired about lot 261, and Mr. Crosson stated that the property was given to the association after the previous owner's death.

Mr. Seth Roderick of Monteverde Engineering and Design Studio, an engineer speaking on behalf of the association, stated that the updated proffers associated with this request would serve to clarify where exactly the duplexes would be built. Mr. Harvey asked if Lot 261 would be used to connect the unnamed stub street known as State Route 1033 from Travelers Road to Massanetta Springs Road. Mr. Roderick stated that there was no agreement in place to suggest that that would happen.

Mr. Loomis asked Mr. Roderick from where the lines sanitary sewer lines to serve the duplexes would derive. Mr. Roderick stated that water lines would come from Massanetta Springs Road, while sanitary sewer would extend from the cul-de-sac near the northwest portion of the property. Mr. Loomis asked why State Route 1033 was ever constructed. Mr. Roderick stated that the only purpose he knew for the stub was to serve the County's pump station.

Mr. Jim DeLucas, of 3441 Izaak Walton Drive, expressed his concern that the visibility at both curves in Massanetta Springs road created a hazard for pedestrians and cyclists, as there is no sidewalk for this portion of Massanetta Springs Road. He said the problem was exacerbated by the vegetative growth at the edge of the property belonging to the Game and Inland Fisheries. He stated that the duplexes would create additional drivers in this area. He mentioned that sidewalk would help the problem as well as careful consideration to the best location for the entrance.

Mr. Crosson stated that he was aware of the danger. Mr. Roderick stated that he consulted with David Atwood with the Virginia Department of Transportation (VDOT), and they came to the conclusion that the bend in the road would be an appropriate place for the entrance. He stated that the increase from two duplexes to three would only add an average of 2 trips per day.

At 7:08 p.m., Chairman Burkholder closed the public hearing.

Mr. Loomis expressed his concerns about stormwater and flooding issues in the area. Mr. Harvey expressed that he too had concerns about stormwater and asked about the stub street (Route 1033). Ms. Cooper explained that the parcel line between the two parcels under consideration would be vacated and no connection would be planned. Mr. Dyjak explained VDOT stated that the development will be limited to a single access point from Massanetta Springs Road to serve all proposed units.

Mr. Crosson stated that the area proposed for the duplexes is not where water drains. Ms. Cooper explained that the proposed duplexes would not aggravate urban flooding because it is located at the bottom of the watershed. Chairman Burkholder expressed concerns about the safety issue. Ms. Cooper explained that sidewalk would be required along the frontage of the duplex lots.

Mr. Sheets stated that as a land use issue, he thought the request would represent the best use of the land.

Mr. Loomis motioned for the Planning Commission to recommend denial of the proposed rezoning. The motion died for a lack of second.

Mr. Sheets motioned for the Planning Commission to recommend approval of the proposed rezoning, based upon staff's findings and recommendation within the case report. After first requesting a second to the motion by another commissioner, Chairman Burkholder seconded.

On a vote of 3-2, the Commission recommended the approval of this rezoning, with Chairman Burkholder, Mr. Sheets, and Mr. Harvey voting AYE and Vice Chairman Flint and Mr. Loomis voting NAY.

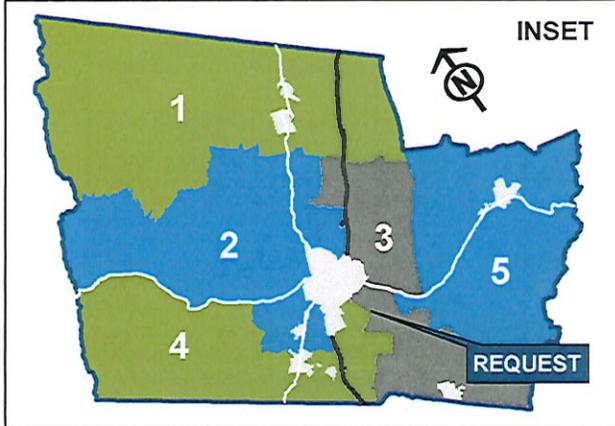
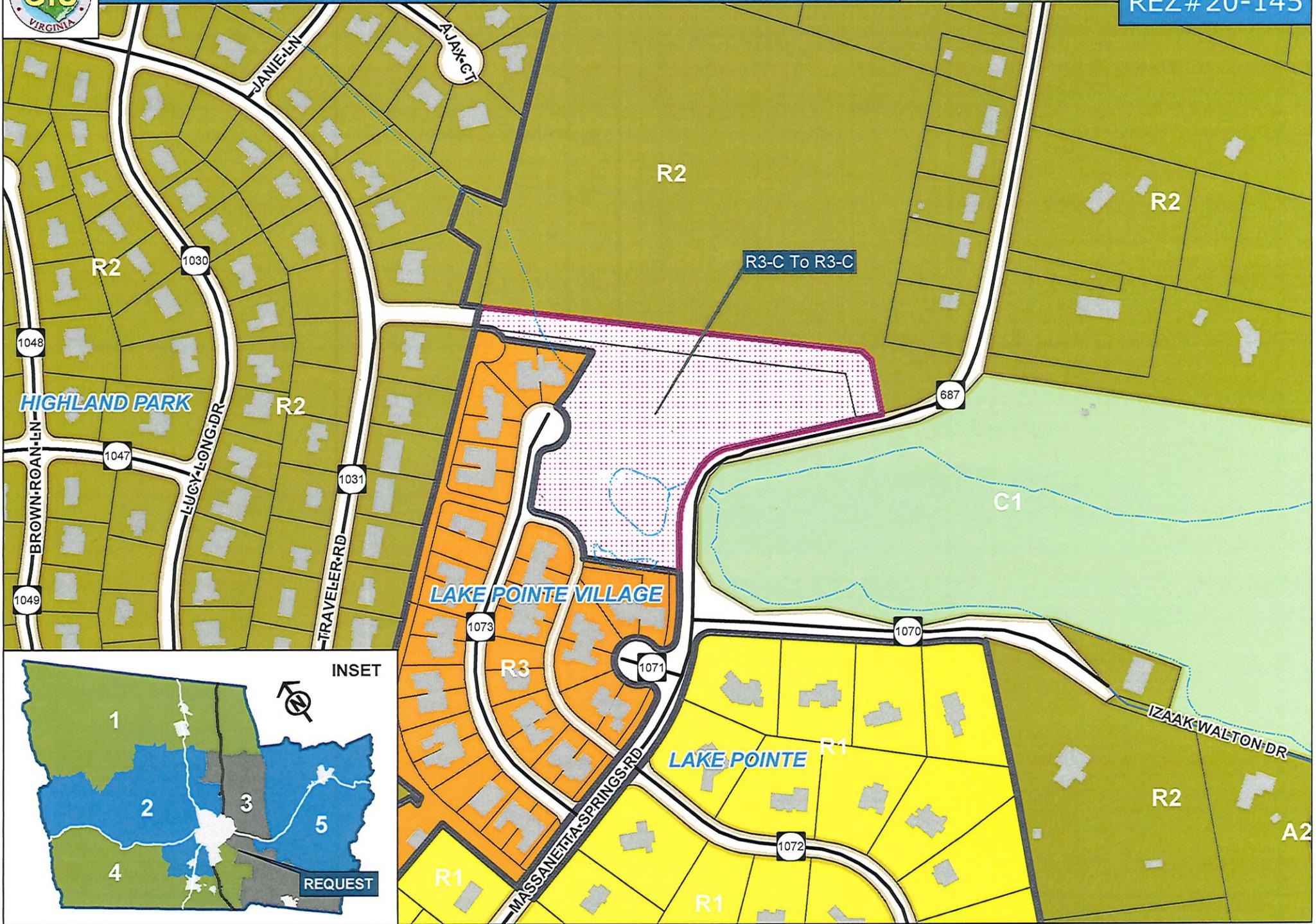


Lake Pointe Village POA Rezoning Request



PC Hearing Date: 8/4/2020

REZ#20-145



PROFFER STATEMENT

RE: *Lake Pointe Village*

Owner: Lake Pointe Village POA (c/o Ed Smith, Secretary)

Date: July 24, 2020

Rezoning Case Number: TBD

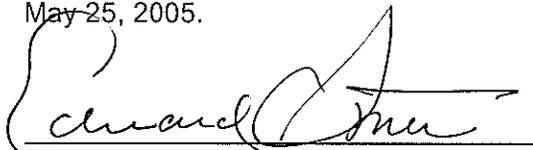
Tax Map Numbers: 125-(A)-L263, L261 totaling approximately 6.51 acres ("Property")

STATEMENT OF PROFFERS

Applicant hereby proffers that the use and development of this Property shall be in strict accordance with the following conditions:

1. The Property shall consist of no more than three residential duplexes (6 dwelling units, total).
2. Dwelling units / subdivided lots shall be incorporated into the Lake Pointe Village Property Owners Association at time of initial development and/or sale. Associated restrictions, covenants, and bylaws will govern.
3. All dwelling units on the Property shall share a common driveway / access easement with a single point of access onto Massanetta Springs Rd (Rte 687).
4. All residential lots associated with this rezoning shall be amassed into approximately 2± acres total, and located on the easternmost portion of the Property as generally depicted on Attachment A.

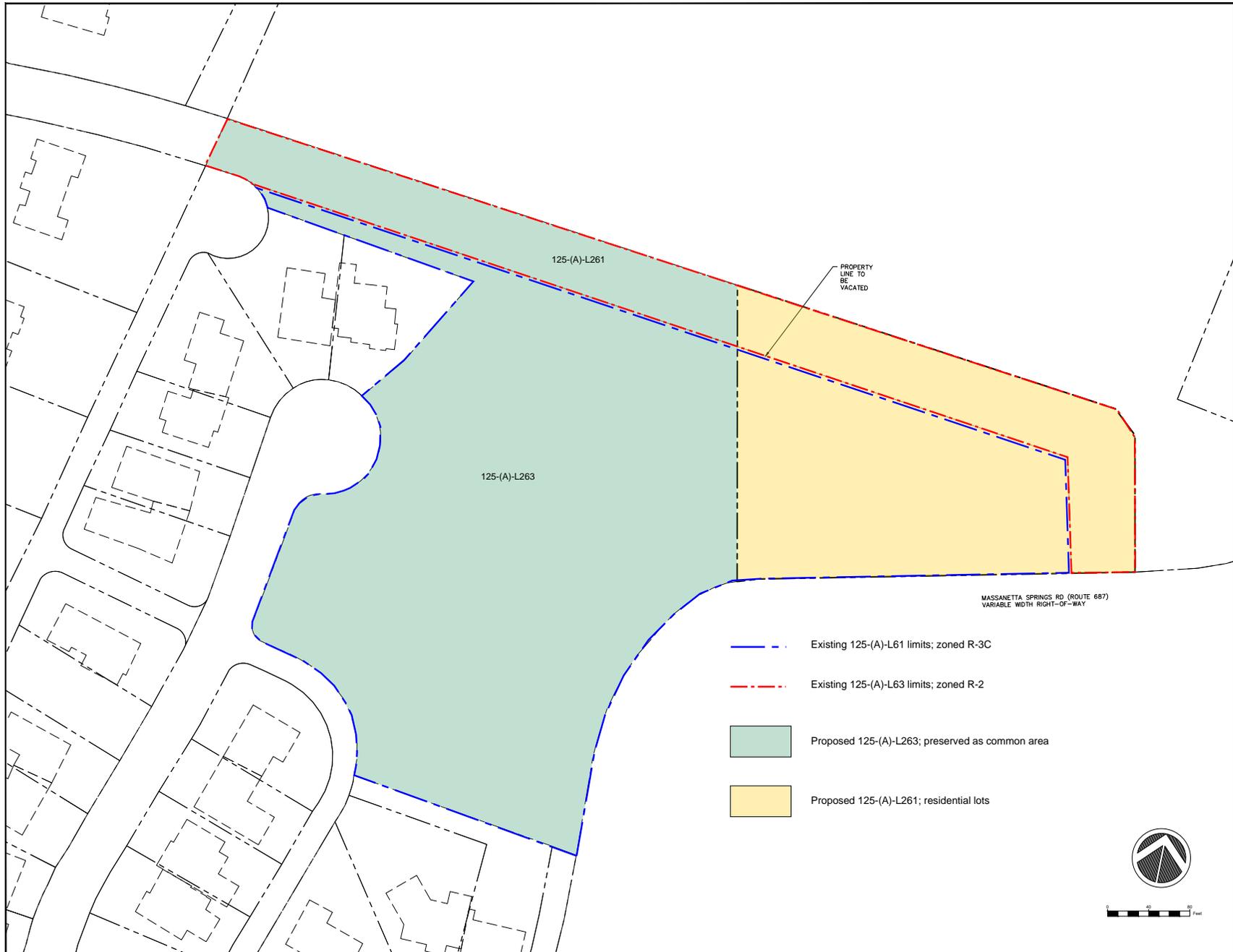
The conditions set forth in this proffer statement supersede all conditions set forth in previous proffer statements, including those approved with the previous rezoning of TM 125-(A)-L263 dated May 25, 2005.



Applicant/Owner Signature

Edward Smith

Printed Name



Scale:

Project:

SITE PLAN
Lake Pointe Village
 Massanetta Springs Rd. Duplexes
 Rockingham, VA 22801

Revisions:	No.	Description	Date

PRELIMINARY ISSUE
NOT FOR CONSTRUCTION

REZ20-145
ATTACHMENT A

Project number: 20019C
 Date: JULY 24, 2020
 Drawn by: RES
 Checked by: SOR



Sheet: _____

Project: _____

SITE PLAN
Lake Pointe Village
 Massanetta Springs Rd. Duplexes
 Rockingham, VA 22801

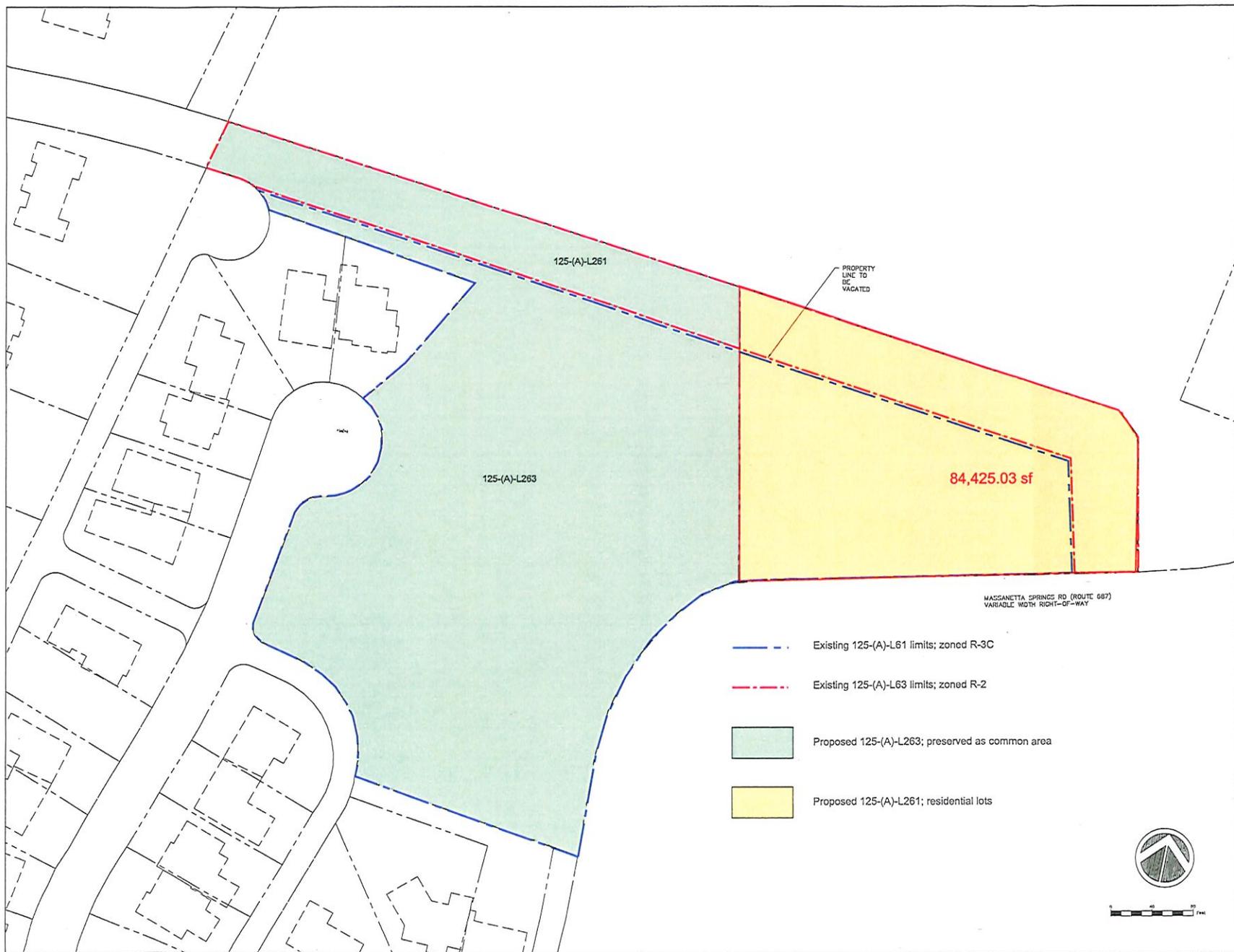
Revisions:	No.	Description	Date

PRELIMINARY ISSUE
NOT FOR CONSTRUCTION

ZONING PLAN

Project number: 20019C
 Date: May 5, 2010
 Drawn by: RLS
 Checked by: SMR

C4.01



ORDINANCE AMENDING
SECTION 17-201
AND TABLE 17-606
OF THE CODE OF ORDINANCES
OF
ROCKINGHAM COUNTY, VIRGINIA

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF ROCKINGHAM COUNTY, VIRGINIA:

That Section 17-201. Definitions generally be and hereby is amended as follows in alphabetical order:

Section 17-201. Definitions generally.

Car wash. A site used for washing, ~~and~~ cleaning and detailing of passenger vehicles, recreational vehicles, or other motor vehicles.

Motor vehicle repair shop. A facility for the general repair, rebuilding, or reconditioning of engines, motor vehicles and trailers, or providing collision services, including body, frame, or fender repair, and overall painting. May include vehicle detailing and hand washing of vehicles.

All other definitions are reaffirmed.

That Table 17-606. Land Use and Zoning Table be and hereby is amended as follows:

Section 17-606. Land Use and Zoning Table.

That car wash be added by Special Use Permit in the A-1, A-2, and RV zoning districts.

P: Permitted; SU: Special Use; A: Permitted Accessory; Asterisk *: Supplemental Standards Apply	Table 17-606. Land Use and Zoning Table																					
	A-1	A-2	RV	RR-1	R-1	R-2	R-3	PSF	PMF	PG	R-4	R-5	MH-1	MHP	MXU	B-1	B-2	PCD	PMR	I-1	PID	S-1
Carwash	<u>SU</u>	<u>SU</u>	<u>SU</u>								P				P	P	SU	P		P	P	

All other parts of Table 17-606 are re-affirmed.

This ordinance shall be effective from the ___ day of _____, 2020.

Adopted the ___ day of _____, 2020.

Aye

Nay

Abstain

Absent

Supervisor Trumbo

District 1

Supervisor Wolfe-Garrison

District 2

Supervisor Chandler

District 3

Supervisor Kyger

District 4

Supervisor Breeden

District 5

Chairman of the Board of Supervisors

ATTESTE:
