



STEPHEN G. KING
County Administrator



ROCKINGHAM COUNTY

BOARD OF SUPERVISORS MEETING
September 28, 2022

BOARD OF SUPERVISORS
DEWEY L. RITCHIE
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

6:00 P.M. CALL TO ORDER – CHAIR SALLIE WOLFE-GARRISON
INVOCATION – SUPERVISOR WILLIAM B. KYGER, JR.
PLEDGE OF ALLEGIANCE – COUNTY ADMINISTRATOR STEPHEN G. KING

1. Approval of Minutes – Regular Meeting of September 14, 2022
2. Presentation – Kyle Rosner, Director of Government Affairs, All Points Broadband – Update on Countywide Broadband Project
3. Report – Virginia Department of Transportation – Residency Administrator Donald F. Komara
4. Intent to adopt a proposed ordinance to reduce the personal property tax rate for certain personal property, including personal and business vehicles, and other vehicles, from \$3.00 to \$2.65 per \$100.00 of assessed value. If adopted, the proposed ordinance will be effective for tax years 2022, 2023, and 2024.
5. Staff Reports:
 - a. County Administrator – Stephen G. King
 - b. County Attorney – Thomas H. Miller, Jr.
 - c. Assistant County Administrator for Development – Casey B. Armstrong
 - d. Assistant County Administrator for Finance & Operations – Patricia D. Davidson
 - e. Director of Public Works – Philip S. Rhodes
 - f. Director of Community Development – Rhonda H. Cooper
6. Committee Reports: Airport, Buildings and Grounds, Central Shenandoah Planning District Commission, Chamber of Commerce, Community Criminal Justice Board, Finance, H-R Metropolitan Planning Organization, Harrisonburg-Rockingham Regional Sewer Authority, Massanutten Regional Library, Public Works, Shenandoah Valley Partnership, Social Services, Technology, VACo Liaison, Chairman, Other

- Consideration - VACo Annual Conference Voting Credentials

7:00 P.M. 7. Public Hearings:

a. Rezoning Request(s):

REZ22-1798 S&B Ventures LLC (Boyers Crossing), 6011 E Timber Ridge, Mount Crawford, VA. This is a request to rezone 5.69 acres from A-2 (General Agricultural) to R-5 (Planned Neighborhood). The property is located on the northeast corner of the Boyers Rd (Rt 704) and Port Republic Rd (Rt 253) intersection. Tax Map #125-(A)- L20D1. Election District 3.

REZ22-1799 Joshua Helmuth, 3093 Hill Gap Rd, Bridgewater, VA. This request is to rezone 8.239 acres from A-2 (General Agricultural) to I-1 C (Industrial with Conditions). The property is located on the northeast corner of the intersection of Cecil Wampler Rd (Rt 704) and S Valley Pike (Rt 11). Portion of Tax Map #123-(A)- L83. Election District 2.

REZ22-1800 J&D Group LLC, P.O. Box 717 Dayton, VA. This is a request to rezone 6.77 acres from A-2 (General Agricultural) to R-5 (Planned Neighborhood). The property adjoins the City of Harrisonburg and is located between Pear Street and the existing Cobbler's Valley subdivision. Tax Map #108-(A)- L164 & #108-(A)- L164B. Election District 2.

b. Ordinance Amendment(s):

OA22-1307 To amend Section 17-1004.01 (b) so that any demonstrative materials submitted with a rezoning application shall become legally binding elements of the rezoning.

OA22-1958 Amendment to the Rockingham County Code, Chapter 17 (Zoning Ordinance), Table 17-806.01 Area, Setback, and Height - Conventional to update front setbacks in the B-1, B-2, and I-1 zoning districts.

OA22-1581 Amendment to the Rockingham County Code, Chapter 17 (Zoning Ordinance), Section 17-607, Supplemental Standards for Certain Land Uses, to add supplemental standards for "Kennel Operation, Commercial".

8. Unfinished Business

*** ADJOURN ***

BOARD OF SUPERVISORS PUBLIC HEARINGS
RULES OF PROCEDURE

1. Public Hearings - the order of presentation shall be as follows, unless varied by the Chairman.
 - a. Staff report.
 - b. Applicant's presentation.
 - c. Comments, statements or presentations from members of the public. If a planning or zoning matter, those who are in support of the matter before the Board will speak first; those who have questions or concerns will speak next; those who are opposed will close the public comment period.
 - d. Questions from members of the Board
2. The initial presentation by the applicant shall be limited to 10 minutes. Additional time will be granted at the discretion of the Chairman.
3. Each speaker shall be limited to 3 minutes, whether speaking on behalf of a group or as an individual. Additional time will be granted at the discretion of the Chairman.
4. When a large group is anticipated, a speakers' sign-up sheet will be located outside the hearing room. Speakers arriving after the commencement of the hearing will be recognized at the discretion of the Chairman.
5. Repetitive testimony is discouraged.
6. All comments shall be directed to the members of the Board of Supervisors. Debate is prohibited.
7. Public remarks shall be confined to the matter under discussion and shall be relevant. The Chairman shall have the authority to end a presentation that violates these rules.
8. Following discussion of all matters considered in the public hearing, the members will consider one of three actions regarding each matter:
 - Approval (with conditions, as applicable);
 - Denial; or
 - Table for further review.
9. Once the public comment period has been closed, no further public input will be permitted unless clarification is requested by a Board member. The response shall address only those questions raised by the member.

Approved by the Board of Supervisors on May 22, 1996.

September 14, 2022

The Regular Meeting of the Rockingham County Board of Supervisors was held on Wednesday, September 14, 2022, at 3:00 p.m., at the Rockingham County Administration Center, Harrisonburg, Virginia.

The following members were present:

- DEWEY L. RITCHIE, 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 – participated virtually

Also present:

BRYAN F. HUTCHESON, Sheriff

- STEPHEN G. KING, County Administrator
- THOMAS H. MILLER, JR., County Attorney
- CASEY B. ARMSTRONG, Assistant County Administrator for Development
- RHONDA H. COOPER, Director of Community Development
- JENNIFER J. MONGOLD, Director of Human Resources
- PHILIP S. RHODES, Director of Public Works
- TERRI M. PERRY, Director of Technology
- MICHAEL L. BOWEN, Deputy Director of Technology
- KELLY S. GETZ, Zoning Administrator
- DYLAN L. NICELY, Land-Use Planner
- ADAM M. HANCOCK, Environmental Manager, Department of Engineering
- MOLLY S. BARNETT, 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.**

Chair Wolfe-Garrison called the meeting to order at 3:00 p.m.

Supervisor Kyger provided the invocation, and County Administrator King led the Pledge of Allegiance.

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APPROVAL OF MINUTES.

On motion by Supervisor Chandler, seconded by Supervisor Ritchie, and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; RITCHIE – AYE; WOLFE-GARRISON – AYE; the Board approved the minutes of the regular meeting of August 24, 2022.

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RESOLUTION – OPERATION GREEN LIGHT.

Supervisor Kyger spoke about Operation Green Light, an initiative by the National Association of Counties (NACo) and the National Association of County Veteran Service Officers (NACVSO). These organizations invite the nation’s 3,069 counties, parishes, and boroughs to join Operation Green Light and show support for veterans by shining a green light.

On motion by Supervisor Kyger, seconded by Supervisor Ritchie, and carried by a roll call vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; RITCHIE – AYE; WOLFE-GARRISON – AYE; the Board adopted the following resolution:

**RESOLUTION
Supporting Operation Green Light for Active Military
Service Members in Transition to Civilian Life**

WHEREAS, the residents of Rockingham County have great respect, admiration, and the utmost gratitude for all the men and women who have selflessly served their country and this community by serving in the Armed Forces; and

WHEREAS, the contributions and sacrifices of the men and women that served in the Armed Forces have been vital in maintaining the freedoms and way of life enjoyed by United States citizens; and

WHEREAS, Rockingham County seeks to honor the individuals who have paid the high price for freedom by placing themselves in harm’s way for the good of all; and

WHEREAS, Veterans continue to serve their communities through the American Legion, Veterans of Foreign Wars, church groups, and civil service; and

WHEREAS, approximately 200,000 service members transition to civilian communities annually; and

WHEREAS, it is estimated that there will be an additional 20 percent increase in service members transitioning to civilian life in the near future; and

WHEREAS, Active Military Service Members transitioning from military service are at a high risk for suicide during their first year of military service; and

WHEREAS, studies indicate that 44 to 72 percent of service members experience high levels of stress while transitioning from the military to civilian life; and

WHEREAS, the Rockingham County Board of Supervisors recognizes the sacrifices Military personnel make while defending freedom, the Board encourages citizens to express appreciation for their service and demonstrate the honor and support veterans have earned.

NOW, THEREFORE, BE IT RESOLVED, that the Rockingham County Board of Supervisors recognizes October through Veterans Day on November 11, 2022, as a time to salute and honor the service and sacrifice of men and women in uniform transitioning from Active Service; and

BE IT FURTHER RESOLVED, that in observance of Operation Green Light, the Rockingham County Board of Supervisors encourages citizens and businesses to recognize the importance of honoring those whose immeasurable sacrifices helped to preserve freedom, by displaying a green light in a window of their place of business or residence.

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RESOLUTION – COMMUNITY COUNSELING CENTER.

Jim Elmore, President of the Board of Directors, appeared on behalf of the Community Counseling Center to accept a Resolution acknowledging the work and contributions of the Center.

On motion by Supervisor Kyger, 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; RITCHIE – AYE; WOLFE-GARRISON – AYE; the Board adopted the following resolution:

**RESOLUTION
IN RECOGNITION OF
THE COMMUNITY COUNSELING CENTER**

WHEREAS, services to promote mental health are recognized as a primary need in all communities in Virginia;

WHEREAS, in 1972, the Community Counseling Center (CCC) was created after stakeholders realized a need for professional, affordable counseling in Harrisonburg City and Rockingham County;

WHEREAS, the Community Counseling Center has been providing said services to Rockingham County and the City of Harrisonburg since August 21, 1972, operating as a 501-3(c) organization;

WHEREAS, the staff at the Community Counseling Center anticipated the needs of its community by providing individual, couples, family, and group counseling to children and adults;

WHEREAS, during 2017 and 2018, with major renovations required to continue operations in the original building, St. Stevens United Church of Christ graciously allowed the Center to continue to operate in the church building during this time;

WHEREAS, during the pandemic of 2020 and 2021 the Community Counseling Center continued to provide therapy services using tele-health technologies;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Rockingham County, Virginia as follows:

1. Acknowledges that counseling centers across Virginia have provided services during times of crisis, and other difficulties, and applauds those actions;
2. Celebrates the creativity, leadership, and commitment to service demonstrated by the entire staff of the Community Counseling Center, beginning in August 1972;
3. Recognizes the powerful example of community engagement set by the staff of the Community Counseling Center through their work with children, parents, and adults in their community;
4. Hereby adopts this resolution acknowledging the work and contributions of the Community Counseling Center, its current and former staff, and its current and former board members.

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TRANSPORTATION DEPARTMENT.

The Board heard Mr. Komara’s report on the activities of the Transportation Department, including updates to recent bridge, road, and rural rustic projects. Board members shared concerns related to County roads and provided maintenance requests.

Director of Community Development Cooper reported the County is still seeking revenue-sharing projects for the Capital Improvement Plan (CIP). Ms. Cooper informed the Board about the application timeline and process.

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FINANCE DEPARTMENT STAFF REPORT.

Director of Public Works Rhodes recalled that the County sought proposals for security system preventative maintenance, repair, and upgrade services. He stated the request for proposals closed on August 18 with two responses. Staff recommended awarding the project to Hawk Security Systems, Inc. for a three-year term to expire on June 30, 2025, including two one-year renewals.

On behalf of the Finance Committee, on motion by Supervisor Chandler, seconded by Supervisor Kyger, and carried by a roll call vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; RITCHIE – AYE; WOLFE-GARRISON – AYE; the Board awarded the contract to Hawk Security Systems, Inc. for a three-year term to expire on June 30, 2025, with two one-year renewals included.

Chair Wolfe-Garrison recalled that the County has not had memorandums of understanding regarding how Constitutional Offices operate in relation to County policies. The Finance Department proposed agreements to align policies, except the grievance policy. Agreements for the Commissioner of Revenue and Treasurer are under consideration, with other Constitutional Officer Agreements to be reviewed in the future, she said.

On behalf of the Finance Committee, on motion by Supervisor Chandler, seconded by Supervisor Kyger, and carried by a roll call vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; RITCHIE – AYE; WOLFE-GARRISON – AYE; the Board adopted the following Agreements:

**AGREEMENT BETWEEN THE
 BOARD OF SUPERVISORS
 AND THE
 TREASURER
 OF ROCKINGHAM COUNTY, VIRGINIA**

THIS AGREEMENT, effective September 15, 2022, and established pursuant to Virginia law and governed thereby, is between the *Treasurer* and the *Board of Supervisors* of Rockingham County, Virginia.

The Treasurer and the Board of Supervisors hereby agree that the County Personnel Policies and Procedures Manual (the Personnel Manual) is extended to cover all employees and deputies of the Treasurer, except for the Treasurer themselves, thereby establishing a uniform personnel system to the end that the Treasurer's employees and deputies will have the same rights and benefits and will be subject to the same procedures and regulations as other County employees, except as provided herein. The Treasurer shall have all authority as designated in the Personnel Manual for a Department Head.

Employees and deputies of the Treasurer will be subject to the County's personnel policies and regulations, excepting the County's grievance procedure. Fringe benefits and future pay increases shall be set by the Board of Supervisors, notwithstanding salary levels set by the State Compensation Board, but in no event shall the salary be less than that established by the State Compensation Board. The staff and Treasurer will also receive any funded salary supplements pursuant to a professional development program, or any similar program, approved by the State Compensation Board.

Nothing in this Agreement shall be interpreted to infringe upon the authority of the Treasurer to control the operations of their office, including, without limitation, the authority:

- (1) to direct the work of the employees and deputies;
- (2) to hire, promote, transfer, or appoint employees and deputies; or
- (3) to discipline, suspend, demote, dismiss, or terminate the appointment of any employee or deputy. Such authority, however, shall be exercised by the Treasurer in accordance with the Personnel Manual, provided however, that the Treasurer's

authority to terminate the appointment of any employee or deputy pursuant to Virginia Code Section 15.2-1603, shall not be infringed by this Agreement.

The Treasurer further agrees to adhere to the County holiday schedule as approved by the Board of Supervisors, and to conform to the County's inclement weather closing decisions as approved by the County Administrator.

The Treasurer agrees to abide by all applicable State and Federal laws regarding FLSA, FMLA, EEO/AA and other such applicable statutes as applied to appointees of elected officials.

This Agreement shall remain in effect until amended or discontinued by either party by the giving of sixty (60) days written notice to the other party. In the event this Agreement is cancelled, no salary of any employee or deputy shall be diminished should the salary set by the State Compensation Board be less than that established by the Board of Supervisors. The Board of Supervisors, however, shall not be obligated to increase the salary of any employee or deputy so affected above the level set by the State Compensation Board, regardless of increases provided by the Virginia General Assembly.

The County's Human Resources Office shall maintain the official records of all employment actions for employees and deputies of the Treasurer. Records and forms will be submitted in accordance with procedures outlined by the County Administrator and/or stated in the Personnel Manual.

**AGREEMENT BETWEEN THE
BOARD OF SUPERVISORS
AND THE
COMMISSIONER OF THE REVENUE
OF ROCKINGHAM COUNTY, VIRGINIA**

THIS AGREEMENT, effective September 15, 2022, and established pursuant to Virginia law and governed thereby, is between the *Commissioner of the Revenue* and the *Board of Supervisors* of Rockingham County, Virginia.

The Commissioner of the Revenue and the Board of Supervisors hereby agree that the County Personnel Policies and Procedures Manual (the Personnel Manual) is extended to cover all employees and deputies of the Commissioner of the Revenue, except for the Commissioner of the Revenue themselves, thereby establishing a uniform personnel system to the end that the Commissioner of the Revenue's employees and deputies will have the same rights and benefits and will be subject to the same procedures and regulations as other County employees, except as provided herein. The Commissioner of the Revenue shall have all authority as designated in the Personnel Manual for a Department Head.

Employees and deputies of the Commissioner of the Revenue will be subject to the County's personnel policies and regulations, excepting the County's grievance procedure. Fringe benefits and future pay increases shall be set by the Board of Supervisors, notwithstanding salary levels set by the State Compensation Board, but in no event shall the salary be less than that established by the State Compensation Board. The staff and Commissioner of the Revenue will also receive any funded salary supplements pursuant to a professional development program, or any similar program, approved by the State Compensation Board.

Nothing in this Agreement shall be interpreted to infringe upon the authority of the Commissioner of the Revenue to control the operations of their office, including, without limitation, the authority:

- (1) to direct the work of the employees and deputies;
- (2) to hire, promote, transfer, or appoint employees and deputies; or
- (3) to discipline, suspend, demote, dismiss, or terminate the appointment of any employee or deputy. Such authority, however, shall be exercised by the Commissioner of the Revenue in accordance with the Personnel Manual, provided however, that the Commissioner of the Revenue's authority to terminate the appointment of any employee or deputy pursuant to Virginia Code Section 15.2-1603, shall not be infringed by this Agreement.

The Commissioner of the Revenue further agrees to adhere to the County holiday schedule as approved by the Board of Supervisors, and to conform to the County’s inclement weather closing decisions as approved by the County Administrator.

The Commissioner of the Revenue agrees to abide by all applicable State and Federal laws regarding FLSA, FMLA, EEO/AA and other such applicable statutes as applied to appointees of elected officials.

This Agreement shall remain in effect until amended or discontinued by either party by the giving of sixty (60) days written notice to the other party. In the event this Agreement is cancelled, no salary of any employee or deputy shall be diminished should the salary set by the State Compensation Board be less than that established by the Board of Supervisors. The Board of Supervisors, however, shall not be obligated to increase the salary of any employee or deputy so affected above the level set by the State Compensation Board, regardless of increases provided by the Virginia General Assembly.

The County’s Human Resources Office shall maintain the official records of all employment actions for employees and deputies of the Commissioner of the Revenue. Records and forms will be submitted in accordance with procedures outlined by the County Administrator and/or stated in the Personnel Manual.

On behalf of the Finance Committee, on motion by Supervisor Chandler, seconded by Supervisor Ritchie, and carried by a roll call vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; RITCHIE – AYE; WOLFE-GARRISON – AYE; the Board declared the following items surplus to be disposed of on the public surplus website:

| Department | Description | Quantity |
|-------------------|---------------------------------------|-----------------|
| Fire & Rescue | 2008 Chevrolet Silverado-Vehicle 3089 | 1 |
| Social Services | 2002 GMC Van-Vehicle 1231 | 1 |
| Social Services | 2004 Dodge 4D SDN-Vehicle 3019 | 1 |
| Social Services | 2006 Chevrolet 4D SDN-Vehicle 3058 | 1 |
| Social Services | 2007 Chevrolet 4D SDN-Vehicle 3076 | 1 |

FINANCE COMMITTEE

Supervisor Chandler reported the County received \$24,967.39 from an Opioid Settlement that the County joined as a class action lawsuit against Opioid Distributors. Chair Wolfe-Garrison stated if approved, the funding would be provided to the Harrisonburg-Rockingham Community Services Board for those in the community receiving treatment related to opioid abuse and addiction.

On behalf of the Finance Committee, on motion by Supervisor Chandler, seconded by Supervisor Kyger, and carried by a roll call vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; RITCHIE – AYE; WOLFE-GARRISON – AYE; the Board approved the following FY2022 Supplemental Appropriation:

Supplemental Appropriation: \$24,967.39

| | | |
|-------------|---------------------------------|-----------------------|
| \$24,967.39 | 1001-00000-11899-000-318990-000 | Miscellaneous Revenue |
| \$24,967.39 | 1001-05205-00000-000-505699-000 | Other Contributions |

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DIRECTOR OF HUMAN RESOURCES.

Jennifer Mongold, Director of Human Resources, said the Virginia Retirement System (VRS) allows localities to adopt a higher retirement multiplier for hazardous duty employees by Resolution. Staff recommended the Board adopt the resolution primarily for recruiting purposes.

In response to a question from Supervisor Ritchie, Ms. Mongold clarified that although the Virginia General Assembly did not pass the resolution, localities are permitted to do so.

Supervisor Chandler made a motion to adopt the resolution, with a second from Supervisor Kyger.

Supervisor Ritchie inquired about the increased cost per person. Administrator King responded the County's annual portion is about \$180,000. He noted this number was a current figure and would change in the future. After discussion, the Board opted to take no action.

Without objection, Supervisor Chandler withdrew his motion from the floor and Supervisor Kyger withdrew his second.

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DIRECTOR OF COMMUNITY DEVELOPMENT.

Ms. Cooper stated that REZ22-1611 Cathcart Properties Inc. was scheduled to be heard by the Board on September 28, 2022. Due to a scheduling conflict, the applicant requested the rezoning be delayed until October 12, 2022.

Ms. Cooper also reported Valley Engineering requested the public hearing requirement be waived on an amendment to the Crossroads Farm Plan Description, which would not affect use or density. Virginia Code Section 15.2-2302.B which addresses the amending of proffered conditions, states that "where such amendment does not affect conditions of use or density, a local governing body may waive the requirement for a public hearing." Ms. Cooper indicated the amendment to the Plan Description would modify the allowable height of the townhouses stated in the Plan Description.

On motion by Supervisor Chandler, seconded by Supervisor Ritchie, and carried by a roll call vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; RITCHIE – AYE; WOLFE-GARRISON – AYE; the Board denied the request from Valley Engineering to waive the public hearing requirement for an amendment to the Crossroads Farm Plan Description.

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DIRECTOR OF ENGINEERING.

Adam Hancock, Environmental Manager for the Department of Engineering, gave an update on the Taylor Spring Detention Basin project. Mr. Hancock presented images to the Board from the most recent site visit.

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CLOSED MEETING.

On motion by Supervisor Chandler, seconded by Supervisor Kyger, and carried by a roll call vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; RITCHIE – AYE; WOLFE-GARRISON – AYE; the Board recessed the meeting from 4:47 p.m. to 5:07 p.m., for a 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; and 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 CHANDLER
SECOND: SUPERVISOR KYGER

RESOLUTION NO: 22-12
MEETING DATE: September 14, 2022

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, RITCHIE, WOLFE-GARRISON

NAYS: NONE

ABSENT:

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RECESS.

Chair Wolfe-Garrison recessed the meeting for dinner at 5:07 p.m.

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RECONVENE.

Chair Wolfe-Garrison reconvened the regular meeting at 6:00 p.m.

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CLOSED MEETING.

On motion by Supervisor Chandler, seconded by Supervisor Kyger, and carried by a roll call vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; RITCHIE – AYE; WOLFE-GARRISON – AYE; the Board recessed the meeting from 6:01 p.m. to 6:17 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 CHANDLER
SECOND: SUPERVISOR KYGER

RESOLUTION NO: 22-13
MEETING DATE: September 14, 2022

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, RITCHIE, WOLFE-GARRISON
NAYS: NONE
ABSENT:

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PUBLIC HEARING – SPECIAL USE PERMITS.

Chair Wolfe-Garrison reconvened the regular meeting at 6:20 p.m. and Zoning Administrator Getz reviewed the following request:

SUP22-1870 David Shank, 5168 Beaver Creek Road, Bridgewater, VA, for a machinery and equipment center located on the north side of Beaver Creek Road (Route 752), approximately 0.1 mile west of Silver Creek Road (Route 752). Zoned A-1 (Prime Agricultural). Tax Map #121-(A)- L70. Election District 4.

David Shank was present and available for questions.

No members of the public spoke regarding the request.

At 6:23 p.m., Chair Wolfe-Garrison closed the public hearing.

On motion by Supervisor Kyger, seconded by Supervisor Ritchie, and carried by a roll call vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; RITCHIE – AYE; WOLFE-GARRISON – AYE; the Board approved SUP22-1870 David Shank, 5168 Beaver Creek Road, Bridgewater, VA, for a machinery and equipment center located on the north side of Beaver Creek Road (Route 752), approximately 0.1 mile west of Silver Creek Road (Route 752). Zoned A-1 (Prime Agricultural). Tax Map #121-(A)- L70. Election District 4.

At 6:24 p.m. Chair Wolfe-Garrison reopened the public hearing and Mr. Getz reviewed the following request:

SUP22-1878 Land & Home, LLC, 566 East Market Street, Harrisonburg, VA, for a small contractor’s business located on the west side of Boyers Road (Route 704), approximately 400 feet north of Stone Spring Road (Route 280). Zoned A-2 (General Agricultural). Tax Map #125-(A)- L194A. Election District 3.

Nathan Blackwell appeared on behalf of Land & Home, LLC.

No members of the public spoke concerning the request.

At 6:27 p.m., Chair Wolfe-Garrison closed the public hearing.

On motion by Supervisor Chandler, seconded by Supervisor Kyger, and carried by a roll call vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; RITCHIE – AYE; WOLFE-GARRISON – AYE; the Board approved SUP22-1878 Land & Home, LLC, 566 East Market Street, Harrisonburg, VA, for a small contractor’s business located on the west side of Boyers Road (Route 704), approximately 400 feet north of Stone Spring Road (Route 280). Zoned A-2 (General Agricultural). Tax Map #125-(A)- L194A. Election District 3.

At 6:28 p.m., Chair Wolfe-Garrison reopened the public hearing and Mr. Getz reviewed the following request:

SUP22-1912 Weldon L. Heatwole, 299 Nicholson Road, Elkton, VA, for an additional dwelling, located on the east side of Nicholson Road (Route 639) approximately 1,700 feet south of Spotswood Trail (Route 33). Zoned A-1 (Prime Agricultural). Tax Map #130-(A)- L122. Election District 5.

Applicant Weldon Heatwole was present and available for questions.

No members of the public spoke regarding the request.

At 6:30 p.m., Chair Wolfe-Garrison closed the public hearing.

On motion by Supervisor Breedon, 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; RITCHIE – AYE; WOLFE-GARRISON – AYE; the Board approved SUP22-1912 Weldon L. Heatwole, 299 Nicholson Road, Elkton, VA, for an additional dwelling, located on the east side of Nicholson Road (Route 639) approximately 1,700 feet south of Spotswood Trail (Route 33). Zoned A-1 (Prime Agricultural). Tax Map #130-(A)- L122. Election District 5.

Chair Wolfe-Garrison reopened the public hearing at 6:32 p.m. and Mr. Getz reviewed the following request:

SUP22-1917 Cedar Run Church of the Brethren, PO Box 46, New Market, VA, for a cemetery located on the north side of Cedar Run Trail (Route 786) approximately 0.5 mile east of Hisers Lane (Route 752). Zoned A-2 (General Agricultural). Tax Map #50-(A)- L131A. Election District 1.

Jim Rhodes appeared on behalf of Cedar Run Church of the Brethren. In response to a question from Chair Wolfe-Garrison, Mr. Rhodes confirmed trees will not need to be removed to accommodate a new cemetery.

No members of the public spoke regarding the request.

At 6:34 p.m., Chair Wolfe-Garrison closed the public hearing.

On motion by Supervisor Ritchie, seconded by Supervisor Kyger, and carried by a roll call vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; RITCHIE – AYE; WOLFE-GARRISON – AYE; the Board approved SUP22-1917 Cedar Run Church of the Brethren, PO Box 46, New Market, VA, for a cemetery located on the north side of Cedar Run Trail (Route 786) approximately 0.5 mile east of Hisers Lane (Route 752). Zoned A-2 (General Agricultural). Tax Map #50-(A)- L131A. Election District 1.

PUBLIC HEARING – ORDINANCE AMENDMENTS.

At 6:36 p.m., Chair Wolfe-Garrison opened the public hearing. Zoning Administrator Getz presented the following ordinance amendment:

OA22-1846 Amendment to the Rockingham County Code, Chapter 16 (Subdivision of Land), Section 16-9 (Exceptions to subdivision) to require a waiting period after purchasing property for certain types of non-family divisions in the A-1 (Prime Agricultural) and A-2 (General Agricultural) districts.

Mac Nichols, local attorney, requested the Board consider tabling the ordinance to provide more opportunity for further commentary from the legal and real estate communities. He said a waiting period of seven years is too long. Mr. Nichols expressed concern that the ordinance language was inconsistent and ambiguous.

Nathan Blackwell stated he owns several A-2 zoned properties and believed a shorter waiting period should be considered.

County Attorney Tom Miller clarified that this amendment only affects people who buy property and try to immediately subdivide, it and would not apply to family divisions.

At 6:50 p.m., Chair Wolfe-Garrison closed the public hearing.

On motion by Supervisor Kyger, 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; RITCHIE – AYE; WOLFE-GARRISON – AYE; the Board tabled OA22-1846 Amendment to the Rockingham County Code, Chapter 16 (Subdivision of Land), Section 16-9 (Exceptions to subdivision) to require a waiting period after purchasing property for certain types of non-family divisions in the A-1 (Prime Agricultural) and A-2 (General Agricultural) districts.

At 6:55 p.m. Chair Wolfe-Garrison reopened the public hearing and Mr. Getz presented the following ordinance amendment:

OA22-1920 Amendment to the Rockingham County Code, Chapter 17 (Zoning Ordinance), Sections 17-502.02, 17-504.02, 17- 505.02, 17-506.02, 17-507.02, 17-508.02, and 17-510.02 to amend these Agricultural and Forestal District descriptions to provide consistency with other Agricultural and Forestal District descriptions concerning acreage totals.

No members of the public spoke concerning the amendment.

At 6:57 p.m. Chair Wolfe-Garrison closed the public hearing.

On motion by Supervisor Ritchie, seconded by Supervisor Kyger, and carried by a roll call vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; RITCHIE – AYE; WOLFE-GARRISON – AYE; the Board adopted the following ordinance amendment:

ORDINANCE REPEALING AND RE-ENACTING
SECTIONS 17-502.02, 17-504.02, 17-505.02, 17-506.02,
17-507.02, 17-508.02, AND 17-510.02
OF THE CODE OF ORDINANCES
OF
ROCKINGHAM COUNTY, VIRGINIA

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

Section One.

That Sec. 17-502.02. Description hereby is repealed and re-enacted as follows:

Sec. 17-502.02. Description.

The Cross Keys Agricultural and Forestal district is comprised of seventy-seven (77) parcels spanning two thousand sixty (2,060) acres, more or less, centered at the intersection of Cross Keys Road (Route 276) and Pleasant Valley Road (Route 679). The northern boundary of the district abuts the Magnolia Ridge Subdivision; the southern boundary extends approximately one thousand (1,000) feet south of Shady Grove Road (Route 670). The western boundary extends approximately three thousand five hundred (3,500) feet west of the intersection of Cross Keys Road (Route 276) and East Timber Ridge Road (Route 668); the eastern boundary extends approximately two thousand five hundred (2,500) feet east of the intersection of Port Republic Road (Route 253) and Latimer Road (Route 672). The following parcels shown on county real estate maps, as of the effective date of the district, are numbered as:

All other portions of Section 17-502 are re-affirmed.

Section Two.

That Sec. 17-504.02. Description hereby is repealed and re-enacted as follows:

Sec. 17-504.02. Description.

The Dry River Agricultural and Forestal district shall consist of the following land: two hundred fifty-five (255) parcels spanning six thousand four hundred forty-four (6,444) acres, more or less, generally located south of Hinton, west of John Wayland Highway (Route 42), east of Ottobine, and north of the Town of Bridgewater, which includes the parcels shown on Rockingham County real estate maps, as of the effective date of this district, numbered as:

All other portions of Section 17-504 are re-affirmed.

Section Three.

That Sec. 17-505.02. Description hereby is repealed and re-enacted as follows:

Sec. 17-505.02. Description.

The Keezletown North Agricultural and Forestal district shall consist of the following land: sixty (60) parcels spanning one thousand, eight hundred forty-two (1,842) acres, more or less, generally located north of the intersection of Indian Trail Road (Route 620) and Caverns Drive (Route 685), east of the intersection of Indian Trail Road (Route 717) and Minnie Ball Lane (Route 718), south of the intersection of Armentrout Path (Route 722) and Airey Lane (Route 868), and west of Lairds Knob, which includes the parcels shown on Rockingham County Real Estate Maps, as of the effective date of this district, numbered as:

All other portions of Section 17-505 are re-affirmed.

Section Four.

That Sec. 17-506.02. Description hereby is repealed and re-enacted as follows:

Sec. 17-506.02. Description.

The Keezletown South Agricultural and Forestal district shall consist of the following land: seventeen (17) parcels spanning four hundred forty-two (442) acres, more or less, generally located north of Spotswood Trail (Route 33), east of Indian Trail Road (Route 620), south of the intersection of Indian Trail Road (Route 717) and Mountain Valley Road (Route 620), and west

of Massanutten Peak, which includes the parcels shown on Rockingham County Real Estate Maps, as of the effective date of this district, numbered as:

All other portions of Section 17-506 are re-affirmed.

Section Five.

That Sec. 17-507.02. Description hereby is repealed and re-enacted as follows:

Sec. 17-507.02. Description.

The Oak Grove Agricultural and Forestal district shall consist of the following land: sixty-two (62) parcels totaling one thousand three hundred seventy-three (1,373) acres, more or less, centered at the intersection of West Mosby Road (Route 701) and Pike Church Road (Route 712). The western boundary of the district abuts the Town of Dayton; the southern boundary of the district abuts the Town of Bridgewater; the western edge of the district lies approximately one thousand six hundred (1,600) feet from the City of Harrisonburg; and the northern edge of the district lies approximately one-half (0.5) mile from the City of Harrisonburg, numbered as:

All other portions of Section 17-507 are re-affirmed.

Section Six.

That Sec. 17-508.02 Description hereby is repealed and re-enacted as follows:

Sec. 17-508.02 Description.

The Ottobine Agricultural and Forestal district shall consist of the following land: thirty-three (33) parcels spanning one thousand six hundred eighty-six (1,686) acres, more or less, generally located west of Ottobine in the southwestern portion of Rockingham County. In relation to the other nearby agricultural-forestal districts, the district is west of Dry River, northwest of Spring Creek and southwest of Western Rockingham. The district is compact rather than sprawling, extending in the north to Wheelbarger Hollow (Layman Hollow Lane), in the northeast to Union Springs Road, and to Briery Branch in the south. An isolated one-acre parcel, surrounded by the Spring Creek Agricultural and Forestal district, is even farther south at the southeast junction of Briery Branch Road and Spring Creek Road (Route 613). In the east, the district is adjacent to Ottobine Elementary School and on the west borders George Washington National Forest. The following parcels shown on county real estate maps, as of the effective date of this district, are part of the Ottobine district and numbered as:

All other portions of Section 17-508 are re-affirmed.

Section Seven.

Sec. 17-510.02. Description hereby is repealed and re-enacted as follows:

Sec. 17-510.02. Description.

The Western Rockingham Agricultural and Forestal district shall consist of the following land: one hundred thirty-eight (138) parcels spanning five thousand four hundred sixty-seven (5,467) acres, more or less, generally located north of Rawley Pike (Route 33) and south of Greenmount Road (Route 772), west of the Harrisonburg city limits and east of the George Washington National Forest. The following parcels shown on county real estate maps, as of the effective date of this district, are numbered as:

All other portions of Section 17-510 are re-affirmed.

At 6:59 p.m., Chair Wolfe-Garrison opened the public hearing and reviewed the following proposed ordinance:

Intent to adopt a proposed ordinance to reduce the personal property tax rate for certain personal property, including personal and business vehicles, and other vehicles, from \$3.00 to \$2.65 per \$100.00 of assessed value. If adopted, the proposed ordinance will be effective for tax years 2022, 2023, and 2024.

Chair Wolfe-Garrison explained that the County's main sources of revenue are real estate and personal property taxes. As the current approved budget indicates the personal property tax multiplier of \$3.00 results in excess funds, the Board has been asked to consider a reduction to \$2.65.

No members of the public spoke regarding the request.

Chair Wolfe-Garrison closed the public hearing at 7:06 p.m.

On motion by Supervisor Ritchie, seconded by Supervisor Kyger, and carried by a roll call vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; RITCHIE – AYE; WOLFE-GARRISON – AYE; the Board approved the ordinance as presented. (The Board intends to adopt the ordinance during the September 28, 2022, meeting).

ooooOoooo

ADJOURN.

Chair Wolfe-Garrison declared the meeting adjourned at 7:07 p.m.

Chairman

**ORDINANCE ENACTING
CERTAIN PERSONAL PROPERTY
TAX RATES
FOR
ROCKINGHAM COUNTY, VIRGINIA**

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

That, pursuant to authority granted by the General Assembly in Section 58.1-3506 of the Code of Virginia, 1950, (the Code), and specifically subsections 58.1-3506.A.48 and 58.1-3506.C.3, for the tax years 2022, 2023 and 2024, a tax year beginning on January 1 and ending on December 31, the personal property tax rate shall be Two and 65/100 Dollars (\$2.65) per One Hundred and no/100 Dollars (\$100.00) of assessed value for automobiles as described in Subsection 58.1-3503.A.3 of the Code; trucks of less than two tons as described in Subsection 58.1-3503.A.4 of the Code; trucks and other vehicles as described in Subsection 58.1-3503.A.5 of the Code; motor vehicles with specially designed equipment for use by the handicapped as described in Subsection 58.1-3503.A.9; and motorcycles, mopeds, all-terrain vehicles, off-road motorcycles, campers and other recreational vehicles as described in Subsection 58.1-3503.A.10 of the Code. Those classifications listed in the preceding sentence are to be understood to include “business vehicles”, “personal vehicles”, “campers”, “trailers”, and “RVs”, as these terms have been used by Rockingham County.

This ordinance shall be effective from the 1st day of January, 2022.

Adopted the 28th day of September, 2022.



Finance Department Staff Report

September 28, 2022

Constitutional Officer Agreements - Attached is a proposed agreement with the Clerk of Court for your review. The agreement outlines that the employees of the Constitutional Officer will fall under all County Personnel Policies except the grievance policy. If there is a consensus, action to adopt the agreement is requested.

Procurement:

Action:

Parking Lot Sealing and Painting - Both parking lots for the Administration Center and the Jail facilities are somewhat dated with some signs of deterioration. We would like to extend the life of these two parking lots by sealing cracks and applying several coats of sealant together with remarking the parking spaces along with other required markings as per existing layout. The bid closed on September 22nd at 3:00PM with one response. Partners Excavating placed a bid \$50,466 to perform the work. Staff requests that the Board approve the County Administrator to enter into a contract with Partners Excavating for the work.

No Action:

ITB Fieldale Sanitary Sewer Replacement - The purpose of this Invitation to Bid (ITB) is to request formal competitive sealed bids through the Invitation to Bid process to establish a contract to perform the replacement of sanitary sewer main and associated service laterals and manholes located along Fieldale Place between Robin Hood Court and Memorial Lane in Rockingham, Virginia 22802. The bid closed September 22 at

2:00pm with two responses. Staff is reviewing the responses and plan to have a recommendation for the board to consider in October.

Employee Compensation & Classification Study RFP - The County is seeking proposals from individuals, corporations, partnerships and other legal entities authorized to do business in the State of Virginia, to obtain firm fixed price proposals from qualified firms to:

1. Conduct an employee compensation and classification study of public and private employers who are providing equitable services and,
2. Based on that study, prepare a comparative analysis that identifies the County's competitive position in the labor market and,
3. Provide a recommendation for salaries and salary ranges and,
4. Prepare recommendations for compensation procedures and policies.

Responding firms should have significant experience conducting salary surveys and comparative analyses, preferably involving both public and private employers, but with an emphasis on public sector employers. The RFP closed September 16th with four responses. Interviews will be held September 28th.

BOARD ACTION REQUESTED

None.

PLANNING COMMISSION ACTIONS

At its September 6 meeting, the Planning Commission acted on the following items:

| Case # | Applicant | Request | Location | Status |
|------------|--|---|---|---|
| OA22-1307 | Staff-Generated | To amend Section 17-1004.01 (b) so that any demonstrative materials submitted with a rezoning application shall become legally binding elements of the rezoning. | -- | PC forwarded OA with no recommendation. To be heard by BOS on September 28. |
| OA22-1581 | Staff-Generated | Amendment to the Rockingham County Code, Chapter 17 (Zoning Ordinance), Section 17-607, Supplemental Standards for Certain Land Uses, to add supplemental standards for "Kennel Operation, Commercial". | -- | PC forwarded OA with no recommendation. To be heard by BOS on September 28. |
| OA22-1958 | Staff-Generated | Amendment to the Rockingham County Code, Chapter 17 (Zoning Ordinance), Table 17-806.01 Area, Setback, and Height - Conventional to update front setbacks in the B-1, B-2, and I-1 zoning districts. | -- | PC recommended approval September 6. To be heard by BOS September 28. |
| REZ22-1611 | Cathcart Properties Inc (The Wentworth) | Request is to rezone 3.32 acres from B-1 (General Business) to PMF (Planned Multi-Family) and 15.94 acres from A-2 (General Agricultural) to PMF (Planned Multi-Family). | Between Apple Valley Rd (Rt 726) & Stone Spring Rd (Rt 280) approximately 0.2 mile southeast of the intersection of Stone Spring Rd (Rt 280) & Peach Grove Ave. | PC recommended approval September 6. To be heard by BOS October 12. |
| REZ22-1798 | S&B Ventures LLC (Boyers Crossing) | This is a request to rezone 5.69 acres from A-2 (General Agricultural) to R-5 (Planned Neighborhood). | Northeast corner of the Boyers Rd (Rt 704) & Port Republic Rd (Rt 253) intersection. | PC recommended approval September 6. To be heard by BOS September 28. |
| REZ22-1799 | Joshua Helmuth | This request is to rezone 8.239 acres from A-2 (General Agricultural) to I-1 C (Industrial with Conditions). | Northeast corner of the intersection of Cecil Wampler Rd (Rt 704) & S Valley Pike (US 11). | PC recommended approval September 6. To be heard by BOS September 28. |
| REZ22-1800 | J&D Group LLC (Zephyr Hill) | This is a request to rezone 6.77 acres from A-2 (General Agricultural) to R-5 (Planned Neighborhood). | Adjoins south side of City of Harrisonburg, between Pear Street & existing Cobbler's Valley | PC recommended approval September 6. To be heard by BOS September 28. |

TRANSPORTATION APPLICATIONS

2022 SMART SCALE TRANSPORTATION PROJECT APPLICATIONS Awards Made by CTB in June 2023

| Location | Proposed Improvement(s) | Approximate Cost in 2022 Dollars (No Cost to County) |
|--|--|---|
| US 33 & Rockingham Park Way | Convert existing intersection to an unsignalized restricted crossing U-turn and construct a new US 33 median crossover to accommodate the U-turn movement for eastbound vehicles, as recommended in US 33 Arterial Management Plan. | \$4.5 M |
| US 33 & Cross Keys Rd Intersection | Convert intersection of US 33 and VA 276-Cross Keys Rd/Rt 610-Indian Trail Rd to signalized restricted crossing U-turn intersection. Divert left turn and through movements on Cross Keys Road/Indian Trail Road to make a right turn, then a U-turn at traffic signals. As proposed in US 33 Arterial Management Plan | \$9.6 M |
| US 33 & Rockingham Park Way & Cross Keys Rd (Combined as one project) | See above two descriptions. | \$13.2 M |
| US 33 & Island Ford Rd Intersection | Construct additional northbound turn lane on Island Ford Rd to create a dedicated left turn lane and left/thru/right turn lane | \$11.3 M |
| US 340 & Island Ford Rd Intersection | Traffic signal and left-turn lane on US 340; Island Ford Rd stop bar moved west of railroad crossing. | \$3.2 M |

SOLAR PROJECTS APPROVED WITH AGGREGATE CAP TOTALS*

| Project Name | Projects of 50 Acres or Less | Projects of 50 to 150 Acres |
|------------------------------------|------------------------------|-----------------------------|
| SolAmerica (Scenic L Farms) | 18 | |
| Caden Energix Endless Caverns, LLC | | 149 |
| SUBTOTAL | 18 | 149 |
| TOTAL ACREAGE=167 | | |

*Aggregate cap is 1800 acres for all facilities. Up to 450 acres of the cap can be projects occupying areas between 50 and 150 acres.

PROJECTS AND REPORTS

| Projects & Committees | Staff Lead(s) | Status | Target Date |
|--|-----------------|---|--------------------|
| Comprehensive Plan Rewrite | Rachel & Rhonda | Tour of County held September 19 Joint Kickoff Work Session (BOS & PC) held September 19 Focus Group Interviews- October 11, 13, 25, and November 10 Public Input Meetings, 6-8 p.m.- October 11, 13, 25, and November 10 See webpage for all updates: https://www.rockinghamcountyva.gov/CivicAlerts.aspx?AID=609 | 2024 |
| Rockingham Bicycle & Pedestrian Advisory Committee (RBPAC) | Rachel | September meeting was canceled. Next meeting will be held when there are items to be discussed. | Standing Committee |
| Ongoing Review/Tasks | Staff Lead(s) | Status | |
| Deed/Plat Review | Donna | 2 deeds/plats under review as of 9/21/22: 9 pending review, 3 awaiting revision. | |
| Code Compliance | Kelly & Carley | 87 active complaints & 24 cases pending legal action as of 9/8/22. | |
| Building Inspections & Plan Review | Joe | 2,476 building/other inspections conducted in August (averaged 107.65 daily) 60 residential plans under review as of 8/31/22 16 commercial plans under review as of 8/31/22 1 rezoning request under review as of 8/31/22 8 site plans under review as of 8/31/22 3 special use permits under review as of 8/31/22 | |

REQUESTS TABLED BY BOARD OF SUPERVISORS

| SPECIAL USE PERMIT APPLICATION(S) | | | | |
|--|---------------|--------------------------|---|--------------------------|
| Date Tabled | Case # | Applicant | Request | Election District |
| 1/8/20 | 19-286 | Soil Health Technologies | Composting site (like-use to a refuse and recycling center) | 2 |
| 12/9/20 | 20-297 | Todd White | Two additional dwellings | 3 |
| 6/9/21 | 21-075 | Hank Hensley | Small contractor business | 3 |
| 1/12/22 | 21-213 | Knight Solar, LLC | Large-scale utility solar | 5 |
| 1/12/22 | 21-219 | Linda Cowasjee | Commercial dog kennel | 1 |
| 8/24/22 | 22-1788 | Amy Sheppard | Commercial dog (boarding) kennel | 1 |
| REZONING REQUEST(S) | | | | |
| Date Tabled | Case # | Applicant | Request | Election District |
| - | - | - | - | - |
| ORDINANCE AMENDMENT(S) | | | | |
| Date Tabled | OA # | Applicant | Request | |
| - | - | - | - | |

Virginia Association of Counties

Connecting County Governments since 1934



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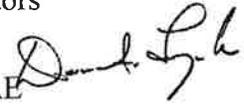
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TO: Chairs, County Board of Supervisors
County Administrators

FROM: Dean A. Lynch, CAE 
Executive Director

SUBJECT: Voting Credentials for the 2022 VACo Annual Business Meeting

DATE: September 21, 2022

The 2022 Annual Business Meeting of the Virginia Association of Counties will be held on Tuesday, November 15, at 10:00 a.m. at the Greater Richmond Convention Center, Richmond, VA.

Article VI, VACo Bylaws, states that each county shall designate a representative of its board of supervisors to cast its vote(s) at the Annual Business Meeting.

However, if a member of the board of supervisors cannot be present for this meeting, the Association's Bylaws allow a county to designate a non-elected official from your county or a member of a board of supervisors from another county to cast a proxy vote(s) for your county.

For your county to be certified to vote at the Annual Business Meeting, a completed Voting Credentials Form or a Proxy Statement must be submitted to VACo by November 7, 2022.

We look forward to your participation at the VACo Annual Conference November 13-15, 2021.

1207 E. Main St., Suite 300
Richmond, Va. 23219-3627

Phone: 804.788.6652
Fax: 804.788.0083

Email: mail@vaco.org
Website: www.vaco.org

OA22-1307

ORDINANCE REPEALING AND RE-ENACTING SECTION 17-1004.01(b)

OF

ROCKINGHAM COUNTY, VIRGINIA

Sec. 17-1004.01. - Application.

(b) A complete application shall be made to the zoning administrator including a boundary map of the property to be rezoned. Applications to rezone portions of a parcel shall include a metes and bounds description of the area to be rezoned. Any demonstrative materials submitted with the application shall become part of the record of the hearing on the application and become legally binding elements.

This ordinance shall be effective from the ____ day of _____, 2022.

Adopted the ____ day of _____, 2022.

Aye

Nay

Abstain

Absent

Supervisor Ritchie

District 1

Supervisor Wolfe-Garrison

District 2

Supervisor Chandler

District 3

Supervisor Kyger

District 4

Supervisor Breeden

District 5

Sallie Wolfe-Garrison,
Chairman of the Board of Supervisors

ATTESTE:

Stephen King,
Clerk to the Board of Supervisors

OA22-1307

ORDINANCE REPEALING AND RE-ENACTING SECTION 17-1004.01(b)

OF

ROCKINGHAM COUNTY, VIRGINIA

Sec. 17-1004.01. - Application.

(b) A complete application shall be made to the zoning administrator including a boundary map of the property, ~~showing a metes and bounds description of the area~~ to be rezoned. Applications to rezone portions of a parcel shall include a metes and bounds description of the area to be rezoned. Any demonstrative materials submitted with the application shall become part of the record of the hearing on the application and become legally binding elements.

This ordinance shall be effective from the ____ day of _____, 2022.

Adopted the ____ day of _____, 2022.

Aye

Nay

Abstain

Absent

Supervisor Ritchie

District 1

Supervisor Wolfe-Garrison

District 2

Supervisor Chandler

District 3

Supervisor Kyger

District 4

Supervisor Breeden

District 5

Sallie Wolfe-Garrison,
Chairman of the Board of Supervisors

ATTESTE:

Stephen King,
Clerk to the Board of Supervisors

**ORDINANCE AMENDING
SECTION 17-607
OF THE CODE OF ORDINANCES
OF
ROCKINGHAM COUNTY, VIRGINIA**

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

That Section 17-607 “Supplemental standards for certain land uses” be and hereby is amended by adding to the supplemental standards already existing for “Kennel operation, commercial” the following:

Kennel operation, commercial.

(a) Purpose: This purpose of these supplemental standards is to enforce and ensure the health, safety and wellbeing of the residents and property owners of Rockingham County and their canine companion animals.

(b) All kennel operations: All kennel operations, commercial, unless modified below shall comply with:

(1) Any runs, or containment areas associated with a commercial kennel operation shall meet the following setbacks:

(i) One hundred fifty (150) feet from any property line, reducible to seventy-five (75) feet if notarized consent is obtained from the affected adjoining landowner and submitted as a part of the application.

(ii) One hundred (100) feet from any public road. This setback is not reducible and shall be submitted as part of the application.

(2) The owner of the kennel operation shall submit a plan for waste disposal meeting all regulatory requirements.

(3) All companion animals in a commercial kennel operation shall be housed in a fully enclosed building from 9:00 p.m. until 7:00 a.m.

(c) Commercial breeding kennels: Paragraphs (c) through (o), inclusive, apply to kennel operations, commercial, at which puppies are bred, kept, or housed, for sale or transfer for any consideration. Such commercial kennel operations are sometimes referred to herein as commercial breeding kennels. Properties on which no more than two litters are bred for commercial purposes per [two consecutive calendar years] [calendar year] shall be exempt from these requirements.

(d) Definitions: Words used in these supplemental standards, such as but not limited to, “dog”, “canine”, and “companion animal”, that are also used in Title 3.2, Chapter 65 of the Code of Virginia, shall have the meaning here as in the referenced State Code Chapter.

(e) Number ~~of adult animals; number~~ of litters: A commercial breeding kennel may have no more than [four (4) - eight (8) litters per calendar year] [no more than five (5) litters in two consecutive calendar years] ~~4 adult, breeding females on the premises of the kennel during any rolling twelve-month period. An adult, breeding dog may be on the premises for a portion of the rolling twelve-month period and be removed and replaced by another adult, breeding dog for another portion of the period and the two may be counted as one for purposes of this supplemental standard.~~

Each breeding female may have no more than two (2) litters ~~in a rolling twelve-month period~~ per calendar year.

(f) Location: Commercial breeding kennels may only be located on appropriately zoned parcels containing no less than 5 acres. No enclosure, pen, cage, exercise, or play area, or any other feature in which dogs are housed or confined, may be closer than 150 [feet], reducible to [100 feet - 75 feet] with notarized consent of the adjoining property owner, to the property line of the parcel on which the kennel lies and the adjoining parcel owned by a third party.

(g) Physical requirements, shelter, exercise: ~~Pens for individual dogs shall have minimum floor space of three feet by four feet, except giant breeds shall have a minimum of four feet by five feet. All pens shall have sufficient head room for the dog to stand fully erect and have six inches of head room.~~

Cages or pens for individual dogs shall, at a minimum be long enough and wide enough for the dog to easily turn around, but in any case, no less than 120% of the measurement of the dog from nose tip to rump, and no less than 120% of the maximum natural height of the dog's head when the dog is standing or sitting fully erect, whichever is higher.

Pens or cages for a mother and her pups shall have adequate floor space to allow free and easy movement of the mother and all the puppies and adequate head room as described for pens and cages for individual dogs.

The temperature in animal enclosures or shelters shall be maintained at all times between 45°F and 82°F unless the special use permit applicant demonstrates to the Board of Supervisors that the dog they breed requires a different temperature range.

All enclosures used to shelter dogs shall be well ventilated to ensure fresh or filtered air for the dogs and visitors. All enclosures used to shelter dogs shall be well lit by natural and artificial means for the well being of the dogs; the comfort

and convenience of visitors; and to facilitate cleaning, maintenance, and inspection.

All dogs shall have daily exercise and play periods. During inclement weather, exercise and play shall be in an open area provided within a kennel enclosure. In good weather, exercise and play shall be outside of enclosures in areas that are maintained with grass or similar vegetative cover appropriate for dog exercise areas. Exercise and play periods shall occur at least once before noon, and once after noon. Outside exercise and play areas shall be fenced to ensure the dogs and puppies are confined to the kennel premises.

All dogs shall be housed in an enclosure between sundown and sunup, and shall have protection from the elements available during times of inclement weather. Inclement weather shall include when the outside temperature is colder than 45* or hotter than 82*.

Feces shall not be permitted to accumulate in exercise areas in a manner that risks the health and wellbeing of dogs, staff or visitors.

Sufficient staff shall be available to give each dog, including all puppies, daily individual attention aimed at socializing and beginning behavioral training so the dogs and puppies will be well adapted to life in a household.

(g) Inspections: Each commercial breeding kennel shall be inspected once every twelve months on an announced and by-appointment basis, and shall be inspected at least once randomly and unannounced between annual inspections. The kennel operator shall permit the agent of the county charged with enforcement of this supplemental standard access to the property and to all records for the kennel.

(h) Enforcement and violations: Enforcement of these supplemental standards shall be by the Code Enforcement Officer and the Zoning Official. Violations shall be handled as zoning violations and may include revocation of the special use permit.

(i) Records: All records required by these supplemental standards are subject to inspection by the County's enforcement officials, and shall be presented to such enforcement officials during the annual inspection and any random inspection in between annual inspections.

Kennel owners and operators shall ensure that the County has on file current information regarding the names of all owners and operators, and a phone number, email address, and physical address where each owner and operator may be contacted.

Kennel owners and operators shall maintain written records of the following:

(1) Identifiers for each breeding dog, both male and female, that will enable an inspector and a potential purchaser of a puppy to identify the breeding female. Such identifiers shall include, but not be limited to, name, breed, description of markings, and tattoos and identification chips, if any.

(2) Lineage of each breeding male and female going back three generations prior to the dog in question.

(3) Parentage, date of birth and method of identification of each puppy born to the kennel.

(4) All vetting performed on each canine.

(5) Other records as required by these supplemental standards.

(j) Required vetting: Each commercial breeding kennel shall establish a relationship with a veterinarian or veterinarian clinic duly licensed and certified by the Commonwealth of Virginia.

The kennel shall arrange for the veterinarian to make regular wellness checks on and supervise the administration of all vaccines and shots to, all canines that are part of the commercial breeding operation. Shots and vaccines may be administered by kennel staff as trained and generally overseen by the veterinarian. Illnesses and injuries shall be treated promptly by the veterinarian with follow-up treatment carried out as prescribed and advised by the veterinarian.

No puppy may leave the kennel before eight weeks of age and only after the veterinarian advises it is healthy and mature enough to go to a new home, and only after all usually and customarily advised and prescribed shots and vaccines have been administered. A complete health record of vaccinations administered and future vaccination and worming dates shall accompany the puppy to its new home.

Complete records of all vetting of all canines in the commercial breeding kennel shall be maintained and made available to inspectors and customers.

(l) Customers: The intended customer of the commercial breeding kennel shall be an individual person or household that intends to keep the puppy as a pet, companion animal, hunting animal or show animal. The intended customer shall not be a pet store or laboratory, or other commercial, medical or research establishment or facility. The kennel shall take reasonable precautions to ensure that any customer to whom the kennel sells a puppy is, in fact, an individual or family customer who does not intend to transfer or resell the puppy to another, unless as a gift to another individual or family. Records of the kennel's good faith

effort to work toward this goal shall be kept with the other records required by these supplemental standards and shall include the name or names of the individual or family to whom the puppy was sold and the physical address where the puppy will live, and a brief description of the efforts undertaken to verify the bonafides of the customer. As guidance for how to carry out the goals of this supplemental standard, the kennel shall familiarize itself with best practices for ethical kennels as discussed by kennel operators, kennel associations, federal agencies such as the USDA, agencies of the Commonwealth and other states, and organizations such as, but not limited to the Humane Society of the United States and the Society for the Prevention of Cruelty to Animals.

(m) Training and socialization: All puppies, and their parents, shall receive daily attention and training that will socialize the puppy to a life within a household of adults, children and other companion animals. The goal is for the customer to leave the commercial breeding kennel with a puppy that is physically, mentally and emotionally healthy and happy and ready to become a part of the household. The kennel shall familiarize itself with best practices for ethical kennels as discussed by kennel operators, kennel associations, federal agencies and agencies of the Commonwealth and other states, and organizations such as, but not limited to the Society for the Prevention of Cruelty to Animals.

(n) Waste Management: Animal waste on the commercial breeding kennel premises, both within enclosures and in outdoor exercise and play areas, shall be managed at all times in accordance with best management practices so that all canines live, exercise and play in a healthy and safe environment, so that visitors to the kennel are not unduly aware of odors generated by waste, and so that no odors generated by waste leave the kennel premises. Disposal in sewage disposal systems approved by the state, county, Virginia Department of Health, and the Virginia Department of Environmental Quality, is preferred. All necessary measures shall be taken to ensure that no animal waste leaves the

kennel premises and arrives on neighboring properties in any manner, including but not limited to, stormwater runoff or kennel washdown procedures.

(o) State and federal regulations: These supplemental standards for zoning ordinance purposes shall be construed to be in addition to, and not as substituting, applicable state and federal statutes and regulations regarding dog breeding and kennel operations.

This ordinance shall be effective from the ___ day of _____, 201__.

Adopted the ___ day of _____, 201__.

| | Aye | Nay | Abstain | Absent |
|---|-----|-----|---------|--------|
| Supervisor Ritchie District One | | | | |
| Supervisor Wolfe-Garrison District Two | | | | |
| Supervisor Chandler District Three | | | | |
| Supervisor Kyger District Four | | | | |
| Supervisor Breedon District Five | | | | |

Chairman of the Board of Supervisors

ATTESTE:

Clerk

**ORDINANCE AMENDING
PORTIONS OF TABLE 17-806.01
OF THE CODE OF ORDINANCES
OF
ROCKINGHAM COUNTY, VIRGINIA**

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

That Table 17-806.01 Area, Setback, and Height - Conventional be and hereby is amended by updating the following front setbacks in the B-1, B-2, and I-1 zoning districts.

| Table 17-806.01. Area, Setback, and Height—Conventional | | | | | | |
|---|-------------------------|--------------------------|--------------------------------------|--|--|---|
| Structures or Uses by Zoning Districts | Minimum Lot Size | Minimum Lot Width | Minimum Front Setback | Minimum Side Setback | Minimum Rear Setback | Maximum Building Height |
| B-1, General Business | | | | | | |
| Primary structures | — | — | see footnotes *** and ^o . | If abutting agricultural or residential zoning: 15 feet. | If abutting agricultural or residential zoning: 15 feet. | 45 feet outside the Urban Growth Area or Urban Development Area; 60 feet within the Urban Growth Area or Urban Development Area. |
| Accessory structures, which are no greater square footage than primary structure | — | — | see footnotes *** and ^o . | If abutting agricultural or residential zoning: 15 feet. | If abutting agricultural or residential zoning: 15 feet. | 45 feet outside the Urban Growth Area or Urban Development Area; 60 feet within the Urban Growth Area or Urban Development Area, but no higher than primary structure, whichever is less. |

B-2, Neighborhood Business

| | | | | | | |
|--|-----|-----|--------------------------------------|--|--|---|
| Primary structures | --- | --- | see footnotes *** and ^o . | If abutting agricultural or residential zoning: 15 feet. | If abutting agricultural or residential zoning: 15 feet. | 45 feet outside the Urban Growth Area or Urban Development Area; 60 feet within the Urban Growth Area or Urban Development Area. |
| Accessory structures, which are no greater square footage than primary structure | --- | --- | see footnotes *** and ^o . | If abutting agricultural or residential zoning: 15 feet. | If abutting agricultural or residential zoning: 15 feet. | 45 feet outside the Urban Growth Area or Urban Development Area; 60 feet within the Urban Growth Area or Urban Development Area, but no higher than primary structure, whichever is less. |

I-1, Industrial

| | | | | | | |
|--|-----|-----|----------------|--|--|----------|
| Primary structures | --- | --- | See footnote*. | If abutting agricultural or residential zoning: 30 feet. | If abutting agricultural or residential zoning: 30 feet. | 60 feet. |
| Accessory structures, which are no greater square footage than primary structure | --- | --- | See footnote*. | If abutting agricultural or residential zoning: 30 feet. | If abutting agricultural or residential zoning: 30 feet. | 60 feet. |

Notes:

*** Minimum front setback requirements consist of two (2) distances:**

Thirty-five (35) feet is the required distance from the road right-of-way if the right-of-way is fifty (50) feet or greater; or Sixty (60) feet is the required distance from the centerline of the road if the right-of-way is less than fifty (50) feet.

**** In R-1, R-2 and R-3, minimum front setback requirements consist of two (2) distances:**

Twenty-five (25) feet is the required distance from the road right-of-way if the right-of-way is fifty (50) feet or greater; or Fifty (50) feet is the required distance from the centerline of the road if the right-of-way is less than fifty (50) feet.

***** In B-1 and B-2, minimum front setback requirements consist of two (2) distances:**

Ten (10) feet is the required distance from the road right-of-way if the right-of-way is fifty (50) feet or greater; or thirty-five (35) feet is the required distance from the centerline of the road if the right-of-way is less than fifty (50) feet.

◊ In B-X, B-1 and B-2, for private roads, there shall be no front setback requirements except that no structures shall be located within sidewalk easements or any other easement.

All other parts of Section 17-806.01 are re-affirmed.

This ordinance shall be effective from the ____ day of _____, 2022.

Adopted the ____ day of _____, 2022.

Aye Nay Abstain Absent

Supervisor Ritchie

District 1

Supervisor Wolfe-Garrison

District 2

Supervisor Chandler

District 3

Supervisor Kyger

District 4

Supervisor Breeden

District 5

Sallie Wolfe-Garrison,
Chairman of the Board of Supervisors

ATTESTE:

Stephen King,
Clerk to the Board of Supervisors

**ORDINANCE AMENDING
PORTIONS OF TABLE 17-806.01
OF THE CODE OF ORDINANCES
OF
ROCKINGHAM COUNTY, VIRGINIA**

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|---|-------------------------|--------------------------|---|--|--|---|
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| B-1, General Business | | | | | | |
| Primary structures | — | — | See footnote* . For private roads, see footnotes *** and ^o. | If abutting agricultural or residential zoning: 15 feet. | If abutting agricultural or residential zoning: 15 feet. | 45 feet outside the Urban Growth Area or Urban Development Area; 60 feet within the Urban Growth Area or Urban Development Area. |
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B-2, Neighborhood Business

| | | | | | | |
|--|----|----|--|--|--|---|
| Primary structures | -- | -- | See footnote*. For private roads, see footnotes *** and ^o . | If abutting agricultural or residential zoning: 15 feet. | If abutting agricultural or residential zoning: 15 feet. | 45 feet outside the Urban Growth Area or Urban Development Area; 60 feet within the Urban Growth Area or Urban Development Area. |
| Accessory structures, which are no greater square footage than primary structure | -- | -- | — see footnotes *** and ^o . | If abutting agricultural or residential zoning: 15 feet. | If abutting agricultural or residential zoning: 15 feet. | 45 feet outside the Urban Growth Area or Urban Development Area; 60 feet within the Urban Growth Area or Urban Development Area, but no higher than primary structure, whichever is less. |

I-1, Industrial

| | | | | | | |
|--|----|----|------------------|--|--|----------|
| Primary structures | -- | -- | See footnote*. | If abutting agricultural or residential zoning: 30 feet. | If abutting agricultural or residential zoning: 30 feet. | 60 feet. |
| Accessory structures, which are no greater square footage than primary structure | -- | -- | — See footnote*. | If abutting agricultural or residential zoning: 30 feet. | If abutting agricultural or residential zoning: 30 feet. | 60 feet. |

Notes:

*** Minimum front setback requirements consist of two (2) distances:**

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**** In R-1, R-2 and R-3, minimum front setback requirements consist of two (2) distances:**

Twenty-five (25) feet is the required distance from the road right-of-way if the right-of-way is fifty (50) feet or greater; or Fifty (50) feet is the required distance from the centerline of the road if the right-of-way is less than fifty (50) feet.

***** In B1 and B2, minimum front setback requirements consist of two (2) distances:**

Ten (10) feet is the required distance from the road right-of-way if the right-of-way is fifty (50) feet or greater; or thirty-five (35) feet is the required distance from the centerline of the road if the right-of-way is less than fifty (50) feet.

◇ In B-X, B-1 and B-2, for private roads, there shall be no front setback requirements except that no structures shall be located within sidewalk easements or any other easement.

All other parts of Section 17-806.01 are re-affirmed.

This ordinance shall be effective from the ____ day of _____, 2022.

Adopted the ____ day of _____, 2022.

Aye Nay Abstain Absent

Supervisor Ritchie

District 1

Supervisor Wolfe-Garrison

District 2

Supervisor Chandler

District 3

Supervisor Kyger

District 4

Supervisor Breeden

District 5

Sallie Wolfe-Garrison,
Chairman of the Board of Supervisors

ATTESTE:

Stephen King,
Clerk to the Board of Supervisors

Department of Community Development



Rezoning Conventional District Case Report 20221798

| | |
|------------------------------------|---|
| Applicant | S&B Ventures LLC |
| Address/Location | Corner of Boyers Rd (704) and Port Republic Rd (253) |
| Comprehensive Plan | Located within the Boyers Crossing Neighborhood Concept area designated in the Stone Spring Urban Development Area Plan |
| Tax Map# | 125-(A)- L20D1 |
| Present Zoning | A-2 - General Agricultural District |
| Proposed Zoning | R-5 – Planned Neighborhood District |
| Acreage | 5.690 |
| Election District | District 3 |
| Planning Commission Action | Recommendation of Approval, September 6, 2022 |
| Board of Supervisors Action | |

General Information:

Overview and Background

The subject parcel is undeveloped and borders another undeveloped A-2 (General Agricultural) parcel owned by Sentara RMH Medical Center to the north, an existing midwifery fronting on Boyers Road to the northeast, and several A-2 parcels to the west fronting on Port Republic Road. In addition to a church on the opposing corner of the intersection, properties on the southeastern side of Boyers Road are zoned for residential uses including single-family detached homes within the Barrington subdivision.

The applicant requests rezoning the parcel, approximately 5.69 acres, to R-5 (Planned Neighborhood). This application designates the project as "Boyers Crossing" and includes a master plan proposing a mixed-use building and up to 85 residential units consisting of townhomes and apartments.

Staff and Agency Analysis:

Building Services

No comment or concern at this time.

Fire

This rezoning request is located within the Port Republic Road Emergency Response Station and Harrisonburg Volunteer Rescue Squad's first due area. Our office has no concerns with the request.

Planning & Zoning

Comprehensive Plan:

This parcel is designated as a Mixed-Use Center in the Comprehensive Plan and is located within the Stone Spring Urban Development Area (UDA) – Boyers Crossing West Neighborhood Center.

The Stone Spring UDA Plan states that the area at the intersection of Boyers Road and Port Republic Road, the Boyers Crossing West Neighborhood Center, is planned with a neighborhood park with development located within a quarter-mile walking distance. Commercial uses line the frontage along Port Republic Road, with residential uses located within its interior. New developments in this neighborhood are recommended to meet the design and streetscape guidelines of the Stone Spring UDA Plan.

The proposed Boyers Crossing Master Plan:

- displays a Mixed-Use Building at the southwest corner of the site along the Port Republic Road frontage.
- includes a gateway pedestrian plaza at the corner of Boyers Road and Port Republic Road, in addition to a Community Green area at the center of the site, each of which are within a quarter-mile walking distance of all proposed residential units located within the development.

The UDA Plan also states that the Boyers Crossing West Neighborhood Center is designated as the Transition (T3) Zone, in which residential density should gradually decrease from apartments to townhouses to fully detached houses. This Transition Zone consists of primarily residential uses but with some commercial emphasis along Port Republic Road. Streets have curbs and sidewalks with medium-sized blocks.

The proposed Boyers Crossing Master Plan:

- displays apartment buildings on the north end of the site with townhomes along the Boyers Road frontage providing a gradual transition to the existing single-family detached dwellings on the southern side of Boyers Road within the existing Barrington subdivision.

Zoning Ordinance: (17-405.01)

The R-5 district provides opportunities for creative designs for the development of master-planned residential neighborhoods which differ from conventional suburban development. The R-5 district provides a variety of housing types and affordability; services and neighborhood-oriented businesses within neighborhood centers; parks and open space for recreation, conservation, or other common benefits; preservation of natural landscape features and amenities; transportation networks within the development that accommodate vehicles, bicycles, pedestrians, and, where appropriate, transit; and streets, sidewalks, and paths that interconnect internally and to adjoining properties. While allowing for a variety of uses, the R-5 district is primarily residential.

R-5 (Planned Neighborhood) Zoning District Requirements: (Sec. 17-405.02)

- (a) The R-5 district shall be located in urban growth areas designated in the comprehensive plan or in any other area or corridor plan adopted by the county.
- (b) All nonresidential uses shall be compatible with the residential nature of the district.
 - Planning Staff Comment: The Master Plan and Plan Description provide no specific indication of the type of commercial uses to be provided in the Mixed-Use Building along Port Republic Road; however, the Land Use Table (*Table 17-606*) limits the permitted uses in the R-5 district to commercial uses which tend to be compatible with the residential nature of the district.
- (f) Neighborhood centers, which are limited to commercial uses and apartments, shall not exceed twenty (20) percent of the total project area.

Public Works

County water and sewer are available to this site by crossing through several other properties which would require easements dedicated to Rockingham County. These easements will be reviewed during the plan review process along with any water and sewer line comments.

- Planning Staff Comment: The applicant has provided such copy of their deed of easement, which is on file in the Department of Community Development.

Public Schools

Rockingham County Public Schools offer the following comments on the proposed rezoning application:

- According to our generation reports we would expect 85 townhomes to have the following impacts on the school division.
 - Spotswood High School = 5 additional students
 - Montevideo Middle School = 5 additional students
 - Cub Run Elementary School = 10 additional students
- Currently there is capacity at Spotswood High School, and Cub Run Elementary. Montevideo Middle school is at capacity.
- Additional bus routes are needed in this area to accommodate the rapid growth.
- There appears to be good pedestrian access to Boyers Road and Port Republic Road that will assist with students getting to bus stops.

VDOT

VDOT has reviewed the request to rezone the above property from A2 to R-5. 5.69 acres, Mixed Use: Multi-Use Building, Townhouses, Apartments.

- Rte. 253 (Port Republic Road) 12,000 vpd (2019) 45 mph, Minor Arterial
- Rte. 704 (Boyers Road), prior to construction of Rte. 280: 5,200 vpd (2015), 35 mph, Local

The proposed development will not have a substantial impact on adjacent roadways; therefore, a VDOT Chapter 527 Traffic Impact Analysis (TIA) is not warranted.

The street(s) will be designed in accordance with the Secondary Street Acceptance Requirements and Standards (GS-SSAR).

Any access to a VDOT-maintained roadway must be in accordance with the VDOT Road Design Manual and would be reviewed at the site plan stage of development, if this proposed rezoning is approved.

- 1) The proposed access on Port Republic Road (right-in, right-out only) may require a right turn taper depending on final peak hour trips using the entrance. The warrants and detailed entrance design will be required at the time of site plan review.
- 2) The proposed entrance on Boyers Road is not expected to warrant turn lane treatments. The geometrics of the entrance may vary from the master plan depending on specifics of the site plan review. Special design-grade considerations may be required to ensure that the intersection sight distance toward Port Republic Road is optimized.

Additional site design elements will be reviewed in greater detail during the site plan review if this proposed rezoning is approved.

VA Dept. of Health Environmental

No comment from local health department; public utilities to serve.

Considerations:

Comprehensive Plan: The proposal is not inconsistent with the intent of the Boyers Crossing West Neighborhood Center designated in the Stone Spring Urban Development Area (UDA) Plan, further referenced in the Planning Comments within this case report above.

Access: Based on estimated vehicle trips per day, VDOT commented the proposal will not have a substantial impact on the adjacent roadways and did not warrant a Traffic Impact Analysis (TIA).

- Proposed Port Republic Road (Rte. 253) access will be a partial access entrance (right-in, right-out only). This entrance may require a right turn taper, to be determined by VDOT during site plan review, depending on final peak hour trips.
- Boyers Road (Rte. 704) access includes a full entrance with a proposed public street extending through the development, providing interconnections to the undeveloped parcels east and north of the site. VDOT commented that this Boyers Road entrance is not expected to warrant any turn lane treatments.

Zoning: The proposal meets all R-5 (Planned Neighborhood) zoning requirements.

Parking: The Stone Spring Urban Development Area (UDA) Plan emphasizes parking to be placed behind buildings with building frontages close to streets. The proposed Master Plan displays a mixed-use building along Port Republic Road with parking to the rear, and enhanced landscape screening in areas where parking may be visible from adjacent public roads.

Pedestrian Accessibility: Consistent with the vision of the Boyers Crossing Neighborhood Concept, as set forth in the Stone Spring UDA Plan, a proposed shared-use path extends along the site's Boyers Road frontage and connects to the existing sidewalk and shared-use pathway along Port Republic Road. Additionally, a network of sidewalks and pathways are proposed, connecting all functional areas of the project.

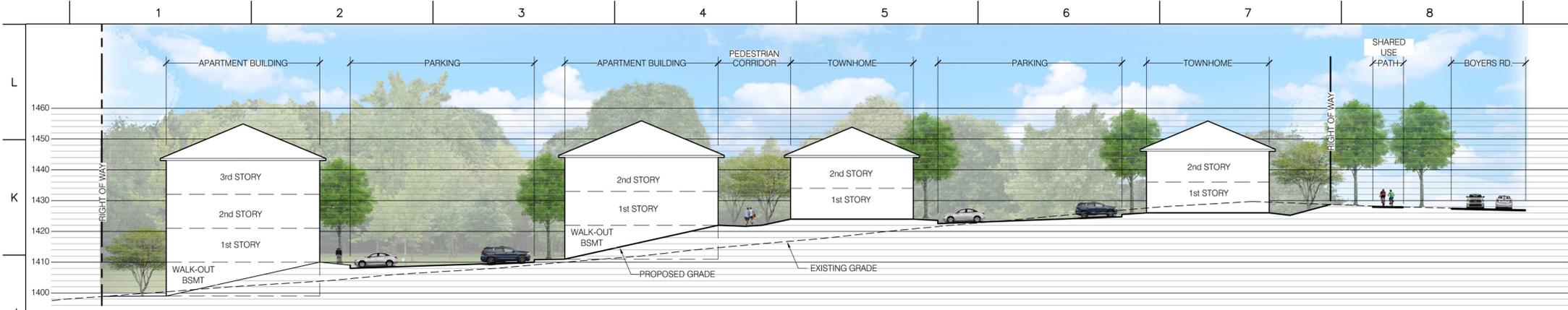
Amenities: Proposed amenities for residents include a corner gateway pedestrian plaza, a common central green space, and a two-story mixed-use building.

Density: The proposed Master Plan limits development to a maximum of 85 residential units, 14.94 dwelling units per gross acre, consisting of a mix of townhomes and apartments. The R-5 (Planned Neighborhood) district is broken up into 5 types of development, each with their own respective maximum densities and permitted residential uses. The "C" area, which includes the townhomes and apartments, limits density to a maximum of 32 units per gross acre while the "Neighborhood center" area, including the mixed-use building and associated parking, does not limit density. Thus, the proposed density of the project is well below the maximum dwelling units per acre permitted in R5.

Viewshed: Impact on the Boyers Road viewshed has been limited, as the proposed design utilizes site topography so that the residential apartment structures to the rear (west) of the site would be equivalent in elevation to the two-story townhomes fronting along Boyers Road. Buildings will be modulated both horizontally and vertically, with varied rooflines. Additionally, proposed landscape screening limits the view of parking areas from adjacent public roadways.

Planning Commission Action:

On September 6, 2022, the Planning Commission recommended approval with a roll call vote of 5-0.



CROSS SECTION
SCALE: 1"=20'

NOTE: STRUCTURE HEIGHTS AND RELATIONSHIPS DEPICTED IN THIS CROSS SECTION AND PRELIMINARY AND SUBJECT TO MODIFICATION BASED ON FIELD RUN TOPOGRAPHY AND DETAILED ARCHITECTURAL PLANS.



MASTER PLAN
for
BOYERS CROSSING
ROCKINGHAM COUNTY, VA

VALLEY ENGINEERING
IDEAS MADE REAL

4901 CROWE DRIVE
MOUNT CRAWFORD, VIRGINIA 22841

TELEPHONE (540) 434-6365
OR (800) 343-6365
FAX (540) 432-0685
www.valleyesp.com

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DEVELOPMENT DATA

| | | |
|--|-------------|---|
| TAX MAP #: | 125-A-L20D1 | RESIDENTIAL/COMMERCIAL |
| SITE AREA: | ± 5.69 AC | COMMON AREA REQUIRED (20%): 1.14 AC. |
| EXISTING ZONING: | A-2 | COMMON AREA PROVIDED: 1.14 AC.* |
| PROPOSED ZONING: | R-5 | MAXIMUM NEIGHBORHOOD CENTER AREA (20%): 1.14 AC. |
| PROPOSED USE: | | PROPOSED NEIGHBORHOOD CENTER AREA: ± 1.13 AC. |
| | | REQUIRED COMMON AREA IN NEIGHBORHOOD CENTER: 0.17 AC (15%) |
| | | PROPOSED COMMON AREA IN NEIGHBORHOOD CENTER: 0.17 AC. MIN.* |
| | | "C" AREA: ± 4.56 AC |
| | | MAXIMUM RESIDENTIAL UNITS: 85 |
| | | PROPOSED DENSITY: ± 14.94 DU/AC. |
| DEVELOPMENT STANDARDS | | |
| SETBACK-INTERIOR LOT LINES: | NA | |
| SETBACK-EXTERIOR LOT LINES: | NA | |
| MAX. BLDG. HEIGHT-"C" AREA: | | |
| ROWHOUSES: | 45' | |
| APARTMENTS: | 75' | |
| MAX. BLDG. HEIGHT-NEIGHBORHOOD CENTER: | 75' | |

* COMMON AREA NOTE: COMMON AREAS DEPICTED ON MASTER PLAN ARE PRELIMINARY AND SUBJECT TO MODIFICATION AT SITE PLAN PHASE. COMMON AREAS MUST MEET REQUIREMENTS SET FORTH IN SECTION 17-700.02 OF THE ZONING ORDINANCE.

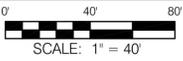


REVISIONS:
8-15-22 PER PLANNING COMMENTS
8-25-22 PER PLANNING COMMENTS
9-22-22 REVISED SHARED USE PATH LABEL

DATE: 7/12/2022

PROJECT No.: 126869

EXP./CLIENT No.: 126869



MASTER PLAN

SHEET NO.:
1 OF 1

MARVINE SANDERS CLINE
REVOCABLE TRUST
TM# 125-A-L35
DB: 3912 PG:17
ZONED A2

STANLEY B CLINE REVOCABLE TRUST
TM# 125-A-L20D
DB: 3912 PG:23
ZONED A2

N43° 47' 25.00"E
532.430

PORT REPUBLIC ROAD
(STATE ROAD 253)

N21° 13' 01.00"W
341.210

S&B VENTURES LLC
TM# 125-A-L20D1
DB: 5531 PG:674
EXISTING ZONING: A2

MPB INC C/O SENTARA
HEALTHCARE TAX DEPT.
TM# 125-A-L122
DB: 5367 PG:545
ZONED A2

N27° 37' 57.00"W
40.271
S79° 34' 30.00"W
88.560

256.360
S47° 16' 17.00"E

CEDAR HOUND
ESTATE LLC
TM# 125-A-L123
DB: 5406 PG:326
ZONED A2

144.690
S47° 12' 06.00"E

624.830
S43° 57' 09.00"W

BOYERS ROAD
(STATE ROAD 704)

HARRISONBURG FIRST CHURCH OF THE NAZARENE
TM# 125-A-L113B
DB:3234 PG:296
ZONED A2

JAMES A STURGESS &
JOAN D HALL
TM# 125H-8-L71
DB:3377 PG:352
ZONED R2

ROBERT E JR & TRACEY M MAY
TM# 125H-8-L45
DB:4498 PG:626
ZONED R2

**BOUNDARY
EXHIBIT**

BOYERS CROSSING
ROCKINGHAM COUNTY, VA

VALLEY IDEAS MADE REAL
4901 CROWE DRIVE
MOUNT CRAWFORD, VIRGINIA 22841
TELEPHONE: (540) 434-6365 OR (800) 343-6365
FAX: (540) 432-0685 | WEBSITE: www.valleyesp.com

SCALE: 1" = 60'

PROJECT No.: 126869

EXP./CLIENT No.: 126869

DATE: 7/12/22

REV:

SHEET NO.:

BND-1

BOYERS CROSSING

PLAN DESCRIPTION

July 12, 2022 (Rev 9-22-22)

The property owner, S&B Ventures, LLC submits this Plan Description as part of its proposal to rezone County TMP # 125-(A)-L20D1, containing 5.69 acres, more or less, to a R-5 (Planned Neighborhood) District Master Planned community. Together, the Plan Description and Master Plan make up the “Boyers Crossing Plan”. The Master Plan depicts the proposed development at the corner of Boyers Road and Port Republic Road in Rockingham County. The subject parcel lies within the Boyers Crossing West Neighborhood Center portion of the Stone Spring Urban Development Area (UDA). The nodal site at the corner of these two important roadways is directed for commercial development along the Port Road corridor with compact mixed residential uses on the balance of the site.

Project Objective and Character

The Boyers Crossing Plan incorporates many of the key features found in the Boyers Crossing West Neighborhood Center portion of the County Comprehensive Plan. These features include (1) commercial uses along Port Republic Road with parking to the rear, (2) a corner gateway pedestrian plaza, (3) a common central green space easily accessible to all residents at the site, (4) an installed shared-use path along the Boyers Road frontage, (5) interconnected pedestrian sidewalks and pathways for internal circulation and (6) a dedicated public street providing interconnection to parcels east and north of the site. Enhanced landscape screening will be provided in the areas shown on the plan where parking areas to the rear of the Port Road Commercial center front on Boyers Road.

Water and Sewer

The community will be served by public water and sewer for all uses shown on the Master Plan.

Residences

The townhomes and apartment structures located on the site have been oriented to provide improved “fronts” to the Boyers Road viewshed. The structures will be

constructed with high quality materials such as brick, stone, stucco and hardiplank. The use of exposed cinderblock, vinyl siding and metal siding will be prohibited. The townhome and apartment structures on site have been designed using site topography so that the residential apartment structures to the rear of the site will be equivalent in elevation to the two-story townhomes with roofline immediately fronting along Boyers Road. Building facades will be modulated both horizontally and vertically to provide distinct architectural features and varied rooflines. A maximum of 85 residential units shall be permitted on the site.

POA

A Property Owners' Association shall be established under a Declaration for the property to provide for the maintenance of common areas, architectural review and controls and restrictive covenants and to ensure for the quality and compatibility of improvements and uses on the property.

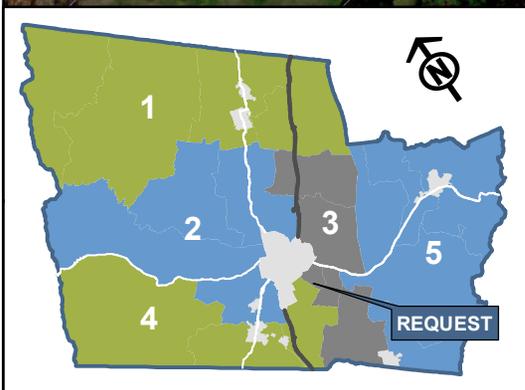
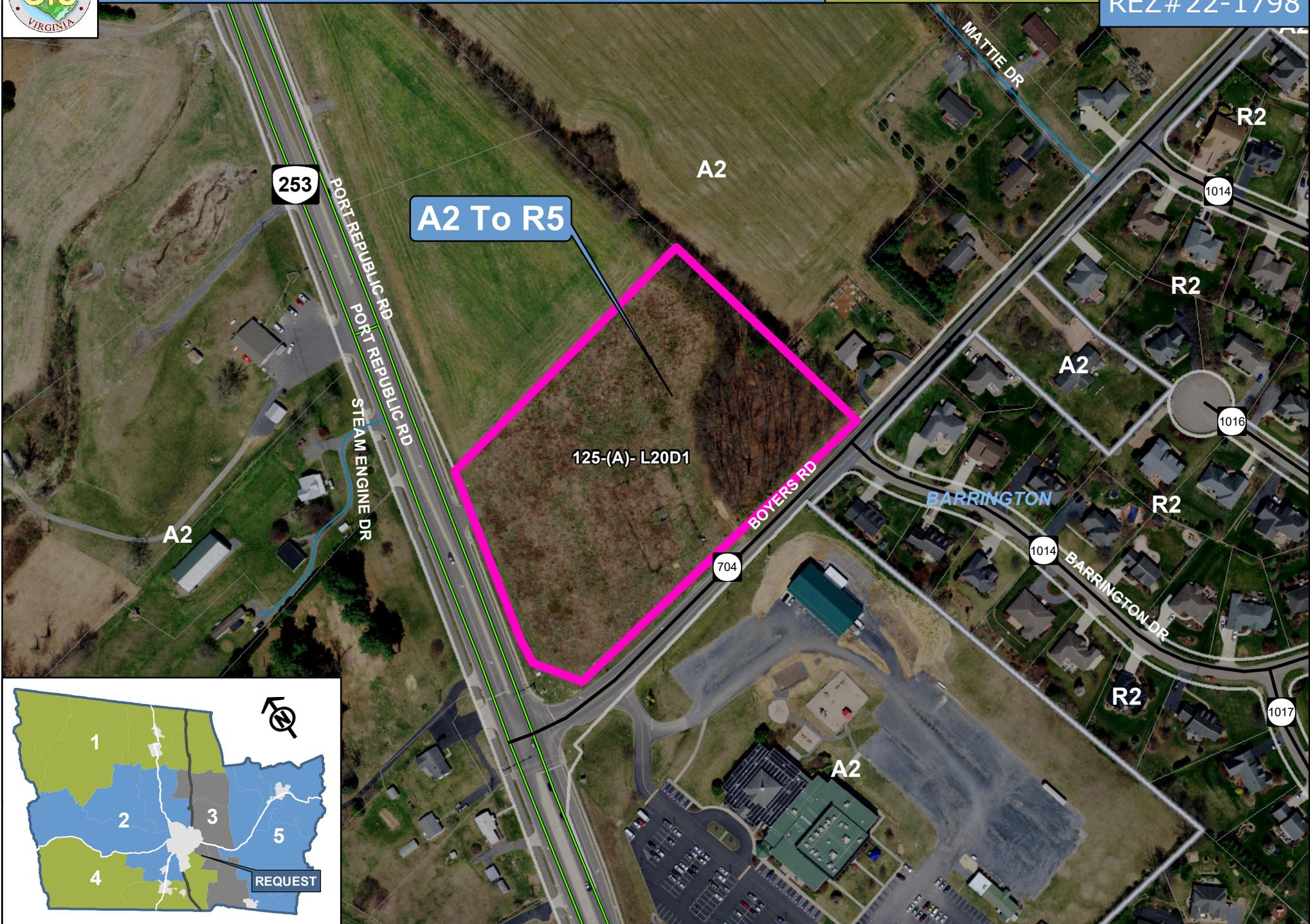


S&B Ventures LLC Rezoning Request



PC Hearing Date: 9/6/2022

REZ#22-1798





Rockingham County Rezoning Application

Office Use Only

Application Date Received: _____

Project Number: _____

Application Procedure

The rezoning process usually takes about eight weeks from time of application submittal. However, timing can vary depending on application submission date in connection to scheduled public hearings.

1. Applicant participation in a recommended Pre-Application Meeting to receive early input from county and agency staff. Call (540) 564-5074 for more information and scheduling.
2. Submission of complete application (as a guide, use the check list provided below).
3. Staff and agency application review and comments from the County departments of Building, Engineering, Planning, Fire & Rescue, Public Works, Environmental, Zoning, Economic Development, Public Schools; Virginia Department of Health (VDH); and Virginia Department of Transportation (VDOT). Other applicable agencies may be contacted if needed.
4. Notification letters of public hearing mailed to adjoining landowners.
5. Rezoning sign placed on property in public view.
6. Public hearing advertisement placed in the local paper.
7. Planning Commission public hearing*, review, and recommendation to the Board of Supervisors.
8. Board of Supervisors public hearing*, review, and final rezoning determination. The decision to approve or deny the rezoning request is ultimately determined by the Rockingham County Board of Supervisors.

**The applicant, or representative, is encouraged to attend both related public hearings.*

Application Checklist (please submit with application)

It is the responsibility of the applicant to gather all information and submit a complete rezoning application to the Rockingham County Department of Community Development. Applications can be mailed, dropped off in person, or [emailed](#).

- A completed and signed application (digital PDF preferred). *Multiple copies of the application signature sheets can be submitted to provide space for all landowners to sign.*
- A boundary map of the property, showing the metes and bounds description of the area to be rezoned. The submitted map cannot be larger than 11" x 17".
- If rezoning to a [Planned District](#), a [master plan and plan description](#) are required.
- If rezoning to a [Conventional District](#), a [statement of proffers](#) may be submitted.
- Required fee determined by the chart below. Checks should be made payable to "Rockingham County" and credit card payments are subject to a 2.5% convenience fee. **Total included fee:** \$900

| Planned Development District Rezoning Request | |
|---|--|
| Fee | \$750 + \$25/acre (\$750 + \$150= \$900) |
| Amendments Involving a Public Hearing | \$750 + \$25/acre |
| Proffer Amendments Not Involving a Public Hearing | \$750 |
| Conventional District Rezoning Request | |
| Agricultural (for agricultural uses) | \$150 |
| Single – or Two-family Residential | \$525 + \$25/acre |
| Residential for More than Two Families | \$525 + \$25/acre |
| Commercial/Industrial | \$525 + \$25/acre |
| Other | \$525 + \$25/acre |

Rezoning Application Form

Property Owner: S&B Ventures LLC
Address: 6011 E Timber Ridge, Mount Crawford, VA 22841
Telephone: 540-421-3240 Email: bobkent2000@aol.com

Other Applicant Party (such as a contract purchaser) if applicable: _____
Address: _____
Telephone: _____ Email: _____

Other Contact Person (such as a law or engineering firm) if applicable: Craig George, PLA
Address: 4901 Crowe Drive, Mount Crawford, VA 22841
Telephone: 540-820-6365 x107 Email: cgeorge@valleyesp.com
Todd Rhea/ Clark & Bradshaw/ 540-433-2601/tcrhea@clark-bradshaw.com

Application Contact: Bob Bakhtiar

Property Location: (N S E W) of (Road Name) Boyers Rd. (Route #) 704
approximately 0 miles/feet (N S E W) of (Road Name) Port Republic Rd.
(Route #) 253. Election District #: 3

Property Tax Map Number(s): 125-A-L20D1

Number of acres in rezoning request: 5.69 **Current Zoning:** A-2 **Proposed Zoning:** R-5

Indicate Method of:

Water Supply

- County Water
- City Water *
- Community System
- Well
- Cistern

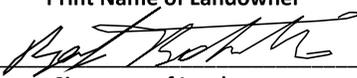
Sewage Disposal

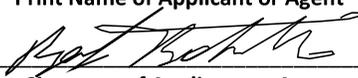
- County Sewer
- City Sewer *
- Community System
- Septic System
- Alternative: _____

** If City water and/or sewer are selected, applicant must have full approval by City & County prior to submitting this application.*

Please check attachments included:

- For Conventional District Rezoning:** A Statement of Proffers, in compliance with Section 17-1004.03 of Rockingham County's Zoning Ordinance, may be submitted with this form.
- For Planned District Rezoning:** A Master Plan and Plan Description, in compliance with Section 17-1004.04 of Rockingham County's Zoning Ordinance, shall be submitted with this form.

Bob Bakhtiar
Print Name of Landowner

Signature of Landowner

Bob Bakhtiar
Print Name of Applicant or Agent

Signature of Applicant or Agent



Rezoning Conventional District Case Report: REZ22-1799

| | |
|----------------------|--|
| Applicant | Josh Helmuth |
| Address/Location | Northeast corner of the intersection of S. Valley Pike (Rt 11) and Cecil Wampler Road (Rt 704) |
| Comprehensive Plan | Industrial Use |
| Tax Map# | Portion of 123-(A)- L83 |
| Present Zoning | A-2 - General Agricultural District |
| Proposed Zoning | I-1 C - Industrial District with Conditions |
| Acreage | 8.239 |
| Election District | District 2 |
| Planning Commission | Recommendation of Approval, September 6, 2022 |
| Board of Supervisors | |

General Information:

Overview and Background

The applicant is requesting to rezone 8.239 acres from A-2 (General Agricultural) to I-1 C (Industrial with Conditions). This portion of the parcel is part of a greater tract of land that crosses Rt. 11 which is currently zoned I-1. The 8.239-acre portion of the parcel will be subdivided from the parent tract prior to any site plan submittal. The applicant has submitted proffers that limit the use of the property to the following uses, either by right, special use, or accessory:

- Agriculture
- Agriculture-related business, not otherwise listed
- Animal Hospital
- Animal Shelter
- Bulk Storage of liquid petroleum gas
- Cabinet, furniture, woodworking, upholstery shop
- Carpet and rug cleaning service
- Company store
- Contractor's operation
- Electrical substation
- Electronic data storage or processing center
- Farm building
- Greenhouse
- Industry, heavy
- Industry, light
- Machinery and equipment center
- Metal-working facility
- Mini-storage facility
- Motor vehicle repair shop
- Motor vehicle tow service
- Office
- Research facility
- Retail use not otherwise listed
- Sale of manufactured homes
- Shooting range, indoor
- Small appliance or small engine repair shop
- Solar energy, small
- Storage Container
- Temporary structure
- Utility building
- Warehouse
- Water storage tank
- Wireless telecommunications facility

Staff and Agency Analysis:

Planning & Zoning

Comprehensive Plan:

The Comprehensive Plan designates this property as an Industrial Area. Manufacturers, both large and small, are to be located in these areas that are or will be served by public water and sewer systems and offer good access to primary roads and I-81. Other appropriate uses include distribution centers, wholesale and warehouse establishments, research and development companies, flex space, and offices.

Zoning Ordinance:

The I-1 district provides a wide range of industries at concentrated locations. The I-1 district is primarily oriented to primary roads, major intersections, interstate interchanges, and rail. Industrial uses shall have minimal public interaction. Sites with adequate frontage and depth shall be provided to prevent the scattering or stripping of industrial development and to permit controlled access to public streets.

Building Services

The overall project has been discussed with Mr. Helmuth, and there are no additional comments at this time. Building plans are required to be designed by a Registered Design Professional (RDP).

Engineering

The southern portion of the property is located within the 100-year floodplain. Prior to any construction activities, approval will be required from the County Floodplain Manager.

Fire

This rezoning request is located within the Bridgewater Volunteer Fire Department and Bridgewater Volunteer Rescue Squad's first due area.

Public Works

County water and sewer are available to this parcel. Additional comments will be made during the site plan review phase.

Rockingham County Public Schools

RCPS has no comments.

Virginia Department of Transportation

- Rte. 704 (Cecil Wampler Road): 4,400 vpd (2019), 45 mph, Minor Collector
- Rte. 11 (S. Valley Pike): 12,000 vpd (2019), 45 mph, Minor Arterial

VDOT prefers this property to have a shared entrance and inter-parcel connectivity with the adjacent property (Sysco Food Services). Otherwise, as noted in the following comments, the access to the parcel is uncertain.

There is one area on Rt. 11, 250' north of Rt. 704 that a partial access entrance (right in/right out) could be located to meet VDOT access management spacing requirements (a median will be built with the Route 11 widening project). There is a planned stormwater BMP near this location associated with the future Route 11 widening project. It appears that an entrance could potentially coincide with the BMP, but the design has not been finalized at this time.

An entrance on Rt. 704 (Cecil Wampler) would need to meet the minimum corner clearance requirement of 225' from Rt. 11 and be outside the 95th percentile queue of the traffic signal. The frontage is limited between Route 11 and the creek; an analysis would be required to evaluate the current and future traffic queue on Rt. 704 to determine if this entrance could be granted.

Considerations:

- **Comprehensive Plan Consistency:** The property offers direct access to Rt 11 and proximity to I-81, and the availability of public water and sewer. This request is not inconsistent with the Comprehensive Plan.
- **Access:** Access to the parcel is limited to a right in/right out on Rt 11. Some high traffic-generating uses were excluded by the applicant in proffers. Although the uses were limited, some uses still permitted could generate high traffic and require tractor and trailers with large oversize loads to maneuver the right in/right out and the expected, future restricted crossing U-turn (RCUT) intersection.
- **Interconnectivity:** With the limited access, interparcel connectivity to the northern parcel would allow better circulation of traffic.

Planning Commission Action:

September 6, 2022, on a roll call vote of 5-0 the Planning Commission recommended approval contingent on the applicant separating the uses by right, special use, and accessory use.

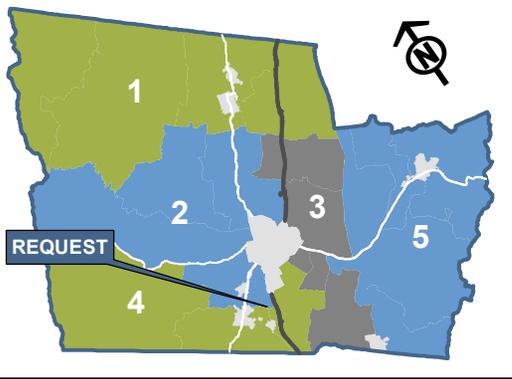
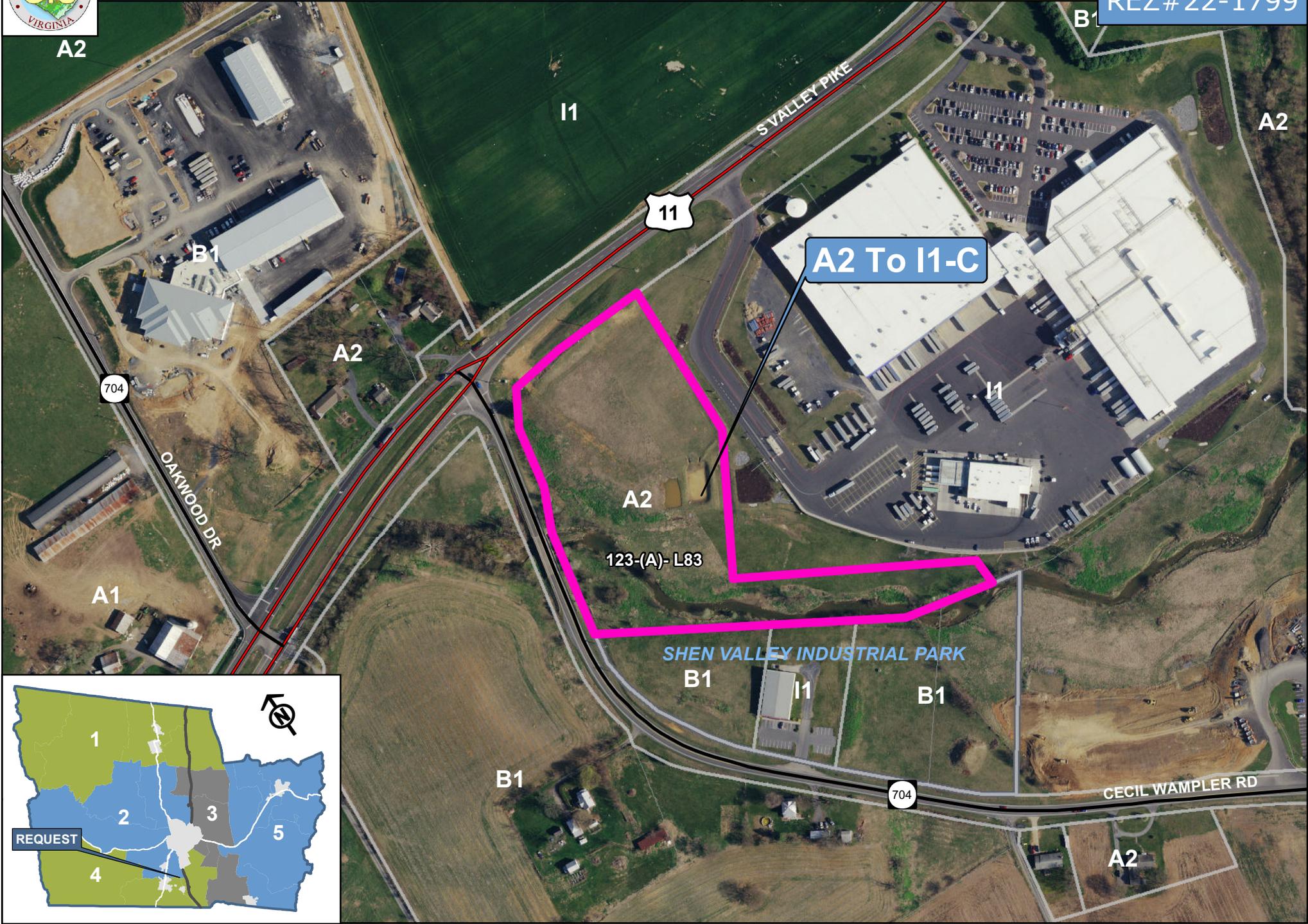


Josh Helmuth Rezoning Request



PC Hearing Date: 9/6/2022

REZ#22-1799



Date: 9-8-2022

Applicant/Contract Purchaser: Josh Helmuth

Property Owner: WSG Investors LLC

Rezoning Case Number: REZ22 -1799

Tax Map Number(s): Portion of 123-(A)- L83

I, Josh Helmuth, hereby proffer that the use and development of this property shall be in strict accordance with the following conditions:

1. The uses of the property will be limited to the following permitted uses:

- Agriculture
- Agriculture-related business, not otherwise listed
- Animal Hospital
- Animal Shelter
- Cabinet, furniture, woodworking, upholstery shop
- Carpet and rug cleaning service
- Contractors' operation
- Electrical substation
- Electronic data storage or processing center
- Farm building
- Greenhouse
- Industry, light
- Machinery and equipment center
- Metal-working facility
- Mini-storage facility
- Motor vehicle repair shop
- Motor vehicle tow service
- Office
- Research facility
- Retail use not otherwise listed
- Shooting range, indoor
- Small appliance or small engine repair shop
- Solar energy, small
- Utility Building
- Warehouse
- Water Storage Tank

2. The uses of the property will be limited to the following special uses:

- Bulk Storage of liquid petroleum gas
- Industry, heavy
- Sale of manufactured homes
- Wireless telecommunications facility

3. The uses of the property will be limited to the following accessory uses:

- Company store
- Storage container
- Temporary structure



Applicant/Contract Purchaser

GSW Investors LLC
By: 

Co Manager
Property Owner



Rockingham County Rezoning Application

| | |
|----------------------------|---------|
| Office Use Only | |
| Application Date Received: | 7/12/22 |
| Project Number: | 22-1799 |

Application Procedure

The rezoning process usually takes about eight weeks from time of application submittal. However, timing can vary depending on application submission date in connection to scheduled public hearings.

1. Applicant participation in a recommended Pre-Application Meeting to receive early input from county and agency staff. Call (540) 564-5074 for more information and scheduling.
2. Submission of complete application (as a guide, use the check list provided below).
3. Staff and agency application review and comments from the County departments of Building, Engineering, Planning, Fire & Rescue, Public Works, Environmental, Zoning, Economic Development, Public Schools; Virginia Department of Health (VDH); and Virginia Department of Transportation (VDOT). Other applicable agencies may be contacted if needed.
4. Notification letters of public hearing mailed to adjoining landowners.
5. Rezoning sign placed on property in public view.
6. Public hearing advertisement placed in the local paper.
7. Planning Commission public hearing*, review, and recommendation to the Board of Supervisors.
8. Board of Supervisors public hearing*, review, and final rezoning determination. The decision to approve or deny the rezoning request is ultimately determined by the Rockingham County Board of Supervisors.

*The applicant, or representative, is encouraged to attend both related public hearings.

Application Checklist (please submit with application)

It is the responsibility of the applicant to gather all information and submit a complete rezoning application to the Rockingham County Department of Community Development. Applications can be mailed, dropped off in person, or [emailed](#).

- A completed and signed application (digital PDF preferred). *Multiple copies of the application signature sheets can be submitted to provide space for all landowners to sign.*
- A boundary map of the property, showing the metes and bounds description of the area to be rezoned. The submitted map cannot be larger than 11" x 17".
- If rezoning to a [Planned District](#), a [master plan and plan description](#) are required.
- If rezoning to a [Conventional District](#), a [statement of proffers](#) may be submitted.
- Required fee determined by the chart below. Checks should be made payable to "Rockingham County" and credit card payments are subject to a 2.5% convenience fee. **Total included fee:** _____

| | |
|--|-------------------|
| Planned Development District Rezoning Request | |
| Fee | \$750 + \$25/acre |
| Amendments Involving a Public Hearing | \$750 + \$25/acre |
| Proffer Amendments Not Involving a Public Hearing | \$750 |
| Conventional District Rezoning Request | |
| Agricultural (for agricultural uses) | \$150 |
| Single – or Two-family Residential | \$525 + \$25/acre |
| Residential for More than Two Families | \$525 + \$25/acre |
| <u>Commercial/Industrial</u> | \$525 + \$25/acre |
| Other | \$525 + \$25/acre |

Rezoning Application Form

Property Owner: WSG Investors LLC (Steve Weaver)
Address: _____
Telephone: 540-476-1933 Email: steveandelsie@gmail.com

Other Applicant Party (such as a contract purchaser) if applicable: Josh Helmuth
Address: 3093 HillGap Rd. Bridgewater, VA 22812
Telephone: 540-578-2278 Email: josh@helmuthbuilders.com

Other Contact Person (such as a law or engineering firm) if applicable: _____
Address: _____
Telephone: _____ Email: _____

Application Contact: 540-578-2278 Josh Helmuth

Property Location: (N S W) of (Road Name) South Valley Pike (Route #) 11
approximately 1 miles/feet (N S W) of (Road Name) Cecil Wampler
(Route #) 704 Election District #: _____

Property Tax Map Number(s): 123-A-183 portion of

Number of acres in rezoning request: 8.239 acres Current Zoning: A2 Proposed Zoning: I1

Indicate Method of:

Water Supply

- County Water
- City Water *
- Community System
- Well
- Cistern

Sewage Disposal

- County Sewer
- City Sewer *
- Community System
- Septic System
- Alternative: _____

* If City water and/or sewer are selected, applicant must have full approval by City & County prior to submitting this application.

Please check attachments included:

- For **Conventional District** Rezoning: A Statement of Proffers, in compliance with Section 17-1004.03 of Rockingham County's Zoning Ordinance, may be submitted with this form.
- For **Planned District** Rezoning: A Master Plan and Plan Description, in compliance with Section 17-1004.04 of Rockingham County's Zoning Ordinance, shall be submitted with this form.

WSG Investors LLC
Print Name of Landowner

Josh Helmuth
Print Name of Applicant or Agent

By [Signature] Manager
Signature of Landowner

[Signature]
Signature of Applicant or Agent

Department of Community Development



Rezoning Planned District Case Report: REZ22-1800

| | |
|-----------------------------|---|
| Applicant | J&D Group LLC (Zephyr Hill) |
| Address/Location | South of the City/County line between Pear St. and the existing Cobbler's Valley Subdivision |
| Comprehensive Plan | Community Residential |
| Tax Map# | 108-(A)- L164B & a portion of 108-(A)- L164 |
| Present Zoning | A-2 - General Agricultural District |
| Proposed Zoning | R-5 - Planned Neighborhood District |
| Acreage | 6.770 |
| Election District | District 2 |
| Planning Commission Action | Recommendation of Approval, September 6, 2022 |
| Board of Supervisors Action | |

General Information:

Overview and Background

This is a request to rezone 6.77 acres to R-5 (Planned Neighborhood). The proposed Master Plan includes 55 townhomes with common area and access to the City portion of the parcel. The project would connect to the existing Cobbler's Valley development with a public street extension of Saddler Street to Pear Street.

Staff and Agency Analysis:

Building Services

Building Services has no comments.

Fire

This rezoning request is located within the Broadway Volunteer Fire Department and Broadway Volunteer Rescue Squad's first due area. This project will need to meet the requirements of the Rockingham County Fire Prevention Code.

Planning & Zoning

Comprehensive Plan:

The Comprehensive Plan designates this area as Community Residential within the Urban Growth Area in the Comprehensive Plan. Community Residential Areas, shown on the Conceptual Land Use map, encompass the primary future urban residential neighborhoods in Rockingham County. These residential neighborhoods are concentrated in defined growth areas around the City of Harrisonburg, the Towns, the Village of McGaheysville and Massanutten Resort. This project is a proposal for residential townhomes that border the City of Harrisonburg.

Zoning Ordinance:

The R-5 district provides opportunities for creative designs for the development of master-planned residential neighborhoods which differ from conventional suburban development. The R-5 district allows a variety of housing types and affordability; services and neighborhood-oriented businesses within neighborhood centers; parks and open space for recreation, conservation, or other common benefits; preservation of natural landscape features and amenities; transportation networks within the development that accommodate vehicles, bicycles, pedestrians, and, where appropriate, transit; and streets, sidewalks, and paths that interconnect internally and to adjoining properties. While allowing for a variety of uses, the R-5 district is primarily residential.

Public Works

Water and sewer for this project will be available through connections in the Cobblers Valley subdivision. Rockingham County Public Works has no other comment at this time.

Rockingham County Public Schools (RCPS)

According to generation reports 55 townhomes would be expected to have the following impacts on the school division.

- Turner Ashby High School = 9 additional students
- Pence Middle School = 6 additional students
- Mountain View Elementary School = 11 additional students (No available data, John Wayland Elementary data used)

Current enrollment at each school shows there would be capacity for these additional students. RCPS will need to evaluate additional school buses in this area to accommodate this development and the neighboring development.

- Planning staff note: RCPS suggested that facilities be included for bus pick up locations at one or each entrance to accommodate a bus stop and the potential for parents waiting with their children, these facilities have been

added on the Master Plan at the intersection of Saddler St and the new private street.

Virginia Department of Transportation (VDOT)

- Pear Street (Harrisonburg City Street): 1,800 vpd (2019) 25 mph

VDOT Chapter 527 Traffic Impact Analysis (TIA) is not warranted by this request alone; however, the connections proposed from Cobblers Valley to Pear Street are expected to alter the traffic distributions from Cobblers Valley and this development due to the access being closer to West Mosby Road. For this reason, the applicant has revisited the West Mosby/Pear Street intersection by revising the trip distributions and amending the previous TIA. The revised trip distributions show that the increase in traffic will warrant a right turn lane and taper from West Mosby to Pear Street. VDOT understands that the applicant is working with the City on a Memorandum of Understanding (MOU) for the off-site improvements of a right turn lane and taper pending approval of the mitigation summary by the City of Harrisonburg (the intersection is within the City limits). VDOT recommends that the Engineer evaluate the feasibility of constructing the right turn lane within existing right of way limits before committing to the off-site improvement.

The streets to be considered public or to have public access will be designed in accordance with the Secondary Street Acceptance Requirements and Standards (GS-SSAR).

Any access to a VDOT maintained roadway must be in accordance with the VDOT Road Design Manual and will be reviewed at the site plan stage of development.

City of Harrisonburg

A Traffic Infrastructure Improvement Agreement (on file) has been reached between the City of Harrisonburg and the J&D Group, LLC in reference to the proposed rezoning. An analysis was performed by Valley Engineering, LLC, on behalf of the J&D Group, LLC, that indicated this improvement was required in order to mitigate the impacts of the proposed rezoning.

Virginia Department of Health (VDH)

No comment: public utilities to serve.

Considerations:

- **Amenities:** Proposed amenities for residents would include a walking path, playground equipment, benches, and open space for activities.
- **Bus Stops:** Since RCPS does not typically take buses on private streets a bus stop has been added to the Plan at the intersection of Saddler St (public) and the private street of Zephyr Hill.
- **Connectivity:** Although Zephyr Hill is a separate development from Cobblers Valley, the applicant has provided connectivity to the existing and proposed Cobblers Valley development. This request would provide a public road connection via Saddler Rd to Pear St and disburse traffic that would otherwise be limited to an entrance further west on Pear St. An extension of Shoeshine Dr, through the proposed townhome development, back to Cobblers Valley would provide another connection of the two developments if the City portion of the parcel and a Cobblers Valley parcel, also in the City, were to be rezoned
- **Offsite Improvements:** Although the development did not warrant a full TIA, the existing TIA was revisited to amend the trip distributions. This analysis warranted a right turn lane and taper from West Mosby Rd to Pear St. These improvements have been handled through an agreement with the City and the developer. The City has provided a letter to this effect, which follows this rezoning case report.

Planning Commission Action:

On September 6, 2022 the Planning Commission recommended approval on a roll call vote of 5-0.

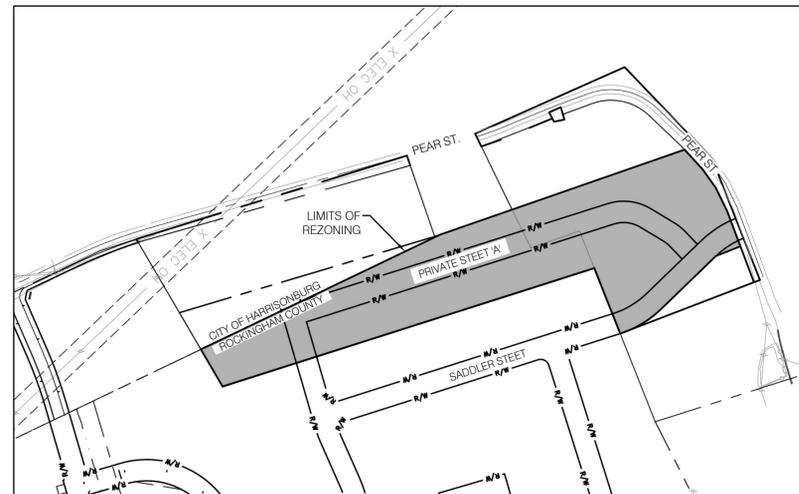
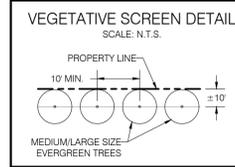
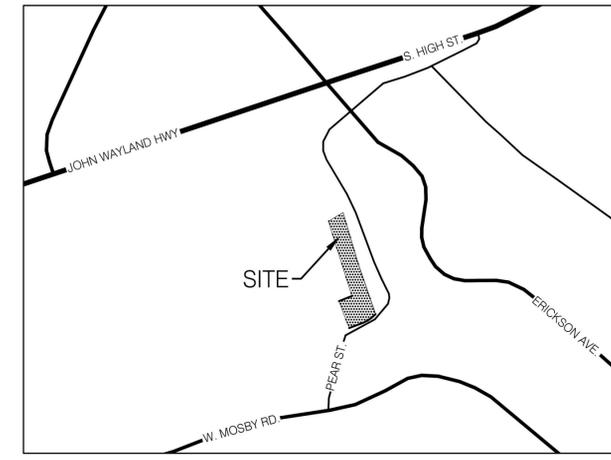


EXHIBIT - LIMITS OF REZONING
1" = 200'



| | |
|----------------------------------|--|
| DEVELOPMENT DATA: | |
| TAX MAP PARCELS: | 108-A-164 (PORTION) 08-A-164B (COUNTY PORTION ONLY) |
| EXISTING ZONING (COUNTY): | A-2 |
| TOTAL AREA IN OVERALL PARCELS: | ±6.77 ACRES (COUNTY AND CITY) |
| AREA IN CITY OF HARRISONBURG: | 0.70 ACRES |
| AREA TO REMAIN A-2: | 0.35 ACRES |
| TOTAL AREA TO BE REZONED TO R-5: | 5.72 ACRES |
| MIN. OPEN SPACE REQUIRED (20%): | ±1.14 ACRES |
| MIN. OPEN SPACE PROVIDED: | ±1.14 ACRES MIN. |
| TOTAL PROPOSED UNITS: | 55 TOWNHOUSES |
| PROPOSED DENSITY: | 55 TOWNHOUSES / 5.72 AC = 9.62 DU / ACRE |



VICINITY MAP
1" = 1000'



ZEPHYR HILL

ROCKINGHAM COUNTY, VA



4901 CROWE DRIVE
MOUNT CRAWFORD, VIRGINIA 22841

TELEPHONE (540) 434-6365
OR (800) 343-6365
FAX (540) 432-0685
www.valleyesp.com

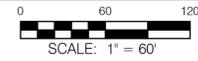
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REVISIONS:
8-29-22 PER PLANNING COMMENTS

DATE: 07/12/2022

PROJECT No.: 12584-6

EXP./CLIENT No.: 9014-4



MASTER PLAN

SHEET NO.:
1 OF 1

ZEPHYR HILL ZONING AMENDMENT REQUEST (R-5)

PLAN DESCRIPTION

DATE: JULY 12, 2022 (REV. 8-29-22)

Zephyr Hill is a planned residential neighborhood located in Rockingham County, adjoining Harrisonburg City limits along the eastern portion of the proposed rezoning request. The site is located between Pear Street and the existing R-5 Cobbler's Valley subdivision. The community lies within a designated County Urban Growth Area. The planned neighborhood will be comprised of townhomes as illustrated in the Master Plan layout. The proposed development will include designated common areas to serve the residents of the development.

The development shall be limited to 55 townhome units, with a density of approximately 9.62 dwelling units per acre. This density is comparable to City rezoned townhouse acreage and the larger County townhouse portion of the Cobbler Valley Master Plan. It is anticipated that the City portion of the Zephyr Hill development will be rezoned and developed at a later date in order to form an extension of the medium-density residential development. The proposed townhome units will be a mixture of two and three story units, with and without garages based largely on topography. Townhome facades will have a variety of building materials to create a contrast when viewed from the street.

Primary vehicular access will be provided by the construction of a new public street connection to Pear Street. This public street will be an extension of the future Saddler Street within the adjacent Cobblers Valley development. A second access point will be from the extension of the future Shoeshine Avenue within Cobbler's Valley. The proposed section of street connecting the Shoeshine Avenue and Saddler Street extensions will be private (private Street 'A' on the Master Plan). Three street stubs shall be provided that will connect to the future City of Harrisonburg portion of the Zephyr Hill Development.

Per R-5 zoning requirements, at least 20% of the project area shall be preserved as common area. This area will offer residents features that include a sidewalk/path in the center portion of the property, a common area with amenities such as but not limited to benches and playground equipment to the north, and multiple common areas in the southern portion of the

site. The proposed sidewalk/paths and amenity area will be maintained by the owner/developer if ownership of the townhomes is maintained under common ownership and control, or a homeowner's association, which will be established to regulate the community if the townhomes are sold to private individual owners.

Public water and sewer services will be extended from the adjacent Cobbler's Valley development (Rockingham County water and sewer). Parking will be accomplished through a mixture of off-street parking via driveways for each townhome and on-street parking.



CITY OF HARRISONBURG
**PUBLIC
WORKS**

320 EAST MOSBY ROAD, HARRISONBURG, VA 22801

OFFICE (540) 434-5928 • FAX (540) 434-2695

August 31, 2022

Kayla R. Yankey

Planner

Rockingham County Community Development

20 East Gay Street

Harrisonburg, VA 22802

Ms. Yankey,

This letter is to provide notification to Rockingham County that a Traffic Infrastructure Improvement Agreement has been reached between the City of Harrisonburg and the J&D Group, LLC in reference to the proposed rezoning of Rockingham County Tax Map parcel 108-(A)-L164 and 108-(A)-L164B, called Zephyr Hills.

Regards,

Thomas Hartman, PE, PMP, LEED AP

Director of Public Works

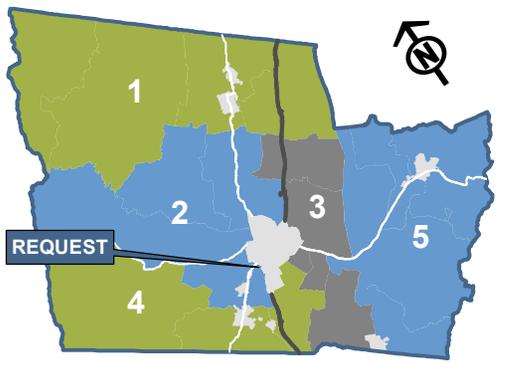
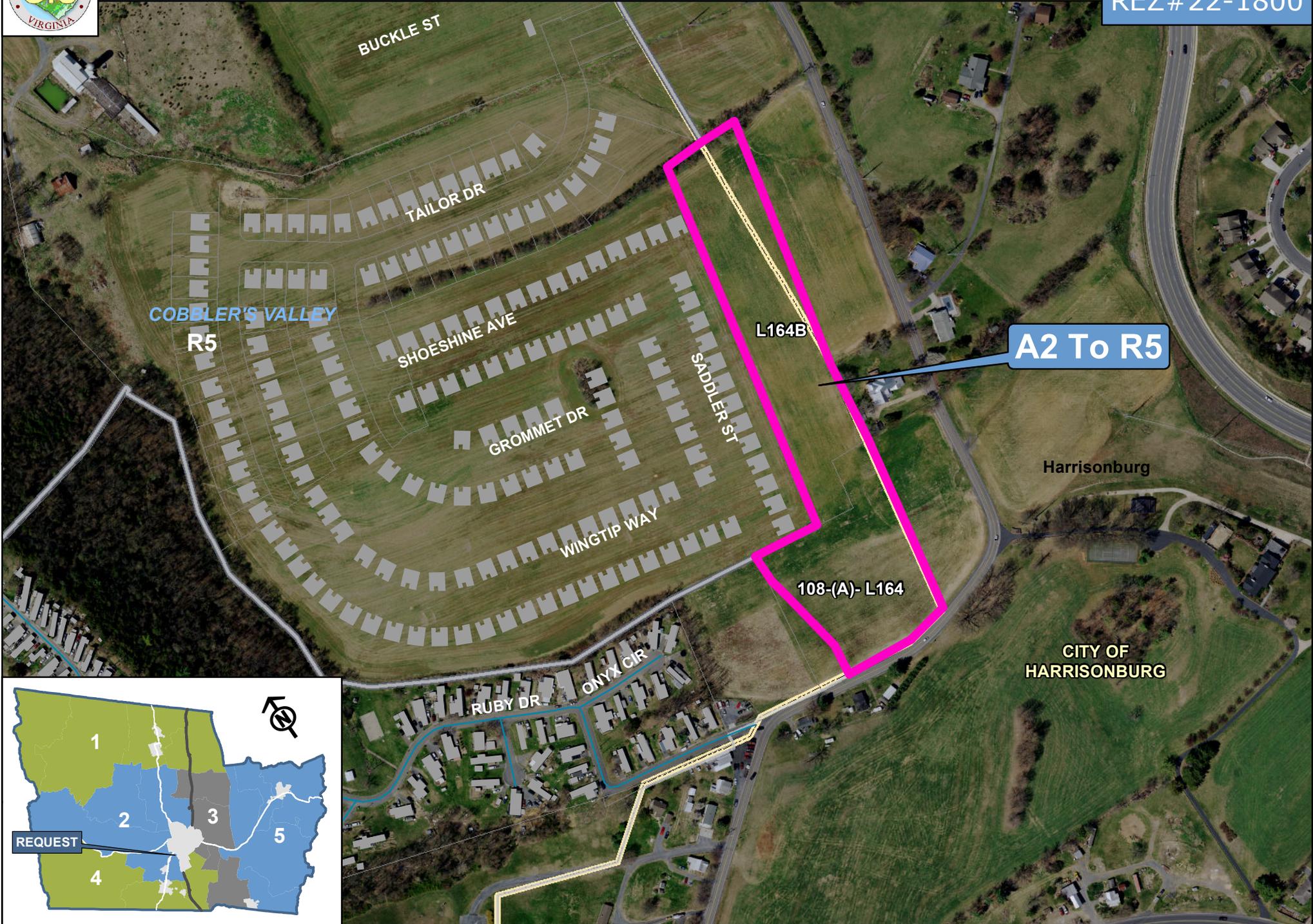


J&D Group LLC Rezoning Request



PC Hearing Date: 9/6/2022

REZ#22-1800





Rockingham County Rezoning Application

Application Procedure

The rezoning process usually takes about eight weeks from time of application submittal. However, timing can vary depending on application submission date in connection to scheduled public hearings.

1. Applicant participation in a recommended Pre-Application Meeting to receive early input from county and agency staff. Call (540) 564-5074 for more information and scheduling.
2. Submission of complete application (as a guide, use the check list provided below).
3. Staff and agency application review and comments from the County departments of Building, Engineering, Planning, Fire & Rescue, Public Works, Environmental, Zoning, Economic Development, Public Schools; Virginia Department of Health (VDH); and Virginia Department of Transportation (VDOT). Other applicable agencies may be contacted if needed.
4. Notification letters of public hearing mailed to adjoining landowners.
5. Rezoning sign placed on property in public view.
6. Public hearing advertisement placed in the local paper.
7. Planning Commission public hearing*, review, and recommendation to the Board of Supervisors.
8. Board of Supervisors public hearing*, review, and final rezoning determination. The decision to approve or deny the rezoning request is ultimately determined by the Rockingham County Board of Supervisors.

**The applicant, or representative, is encouraged to attend both related public hearings.*

Application Checklist (please submit with application)

It is the responsibility of the applicant to gather all information and submit a complete rezoning application to the Rockingham County Department of Community Development.

- A completed and signed application (digital PDF preferred).
- A boundary map of the property, showing the metes and bounds description of the area to be rezoned. The submitted map cannot be larger than 11" x 17".
- If rezoning to a Planned District, a master plan and plan description are required.
- If rezoning to a Conventional District, a statement of proffers may be submitted.
- Required fee determined by the chart below. Checks should be made payable to "Rockingham County" and credit card payments are subject to a 2.5% convenience fee. **Total included fee:** 925

| | |
|--|-------------------|
| Planned Development District Rezoning Request | |
| Fee | \$750 + \$25/acre |
| Amendments Involving a Public Hearing | \$750 + \$25/acre |
| Proffer Amendments Not Involving a Public Hearing | \$750 |
| Conventional District Rezoning Request | |
| Agricultural (for agricultural uses) | \$150 |
| Single – or Two-family Residential | \$525 + \$25/acre |
| Residential for More than Two Families | \$525 + \$25/acre |
| Commercial/Industrial | \$525 + \$25/acre |
| Other | \$525 + \$25/acre |

Rezoning Application Form

Property Owner: J & D Group LLC
Address: P.O. Box 717 Dayton, VA 22821
Telephone: 540-476-2141 Email: jerryh@ptogen.com

Other Applicant Party (such as a contract purchaser) if applicable: _____
Address: _____
Telephone: _____ Email: _____

Other Contact Person (such as a law or engineering firm) if applicable: Valley Engineering
Address: 4901 Crowe Drive Mt Crawford, VA 22841
Telephone: 540-434-6365 Email: csnyder@valleyesp.com

Application Contact: Carl Snyder - Valley Engineering

Property Location: (N S E W) of (Road Name) Pear St. (Route #) _____
approximately .3 miles/feet (N S E W) of (Road Name) Erickson Avenue
(Route #) _____ **Election District #:** 2

Property Tax Map Number(s): 108-(A)-L164 108-(A)-L164B

Number of acres in rezoning request: 5.72 **Current Zoning:** A-2 **Proposed Zoning:** R-5

Indicate Method of:

Water Supply

- County Water
- City Water *
- Community System
- Well
- Cistern

Sewage Disposal

- County Sewer
- City Sewer *
- Community System
- Septic System
- Alternative: _____

** If City water and/or sewer are selected, applicant must have full approval by City & County prior to submitting this application.*

Please check attachments included:

- For Conventional District Rezoning:** A Statement of Proffers, in compliance with Section 17-1004.03 of Rockingham County's Zoning Ordinance, may be submitted with this form.
- For Planned District Rezoning:** A Master Plan and Plan Description, in compliance with Section 17-1004.04 of Rockingham County's Zoning Ordinance, shall be submitted with this form.

Gerald R. Horst
Signature of Landowner

Gerald L. Horst
Signature of Applicant or Agent

Guide: Statement of Proffer for Conventional Zoning Districts *(if applicable)*

The Rockingham County Zoning Ordinance allows applicants for Conventional District rezoning to offer a statement of proffers (conditions) to be placed on the land as a part of the rezoning application. If approved by the Board of Supervisors, such proffers shall become legally binding regulations applying to the land rezoned in addition to existing zoning regulations. The existence of such proffers will be notated on the County's zoning map and will apply to the land, regardless of changes in ownership, unless or until the proffers are changed through a future ordinance amendment process.

Reference Section 17-1004.03 of the Zoning Ordinance located on the County's website for more information and formatting requirements.

Guide: Master Plan & Plan Description for Planned Zoning Districts *(required)*

The Rockingham County Zoning Ordinance requires Planned District rezoning applications to include a master plan and plan description. The master plan, plan description, and any demonstrative materials submitted with the application will become part of the record of the hearing on the application and become legally binding elements of the zoning ordinance and map if the rezoning is approved by the Board of Supervisors. A separate statement of proffers are not a component of a Planned District rezoning.

Master plan and plan description shall include the following information as a minimum:

1. A vicinity map at a scale of not less than one (1) inch equal to one thousand (1,000) feet showing surrounding properties, surrounding public streets, and private roads.
2. An accurate boundary survey of the tract.
3. An existing conditions map(s) showing elements specified in Section 17-1004-04.
4. A master plan showing elements specified in Section 17-1004-04.
5. A plan description, to include a summary of design elements such as lot characteristics, building heights, and common area characteristics, and to convey any items required above which cannot be effectively illustrated with images.

Reference Section 17-1004.04 of the Zoning Ordinance located on the County's website for more information and requirements.