

February 24, 2021

The Regular Meeting of the Rockingham County Board of Supervisors was held on Wednesday, February 24, 2021, at 6:00 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

Also present:

- STEPHEN G. KING, County Administrator - left the meeting at 7:00 p.m.
- THOMAS H. MILLER, JR., County Attorney
- RHONDA H. COOPER, Director of Community Development
- PATRICIA D. DAVIDSON, Director of Finance
- PHILIP S. RHODES, Director of Public Works
- BRADFORD R. R. DYJAK, Director of Planning
- KELLY S. GETZ, Zoning Administrator
- JESSICA G. KILBY, Deputy Clerk
- DONALD F. KOMARA, Residency Administrator
Virginia Department of Transportation
- C. BURGESS LINDSEY, Assistant Residency Administrator
Virginia Department of Transportation

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

Chairman Chandler called the meeting to order at 6:00 p.m.

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

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APPROVAL OF MINUTES.

On motion by Supervisor Kyger, seconded by Supervisor Wolfe-Garrison, 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 February 10, 2021.

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AWARD OF SERVICE WEAPON – SERGEANT MICHAEL DEEDS.

Chairman Chandler announced that Sergeant Deeds retired on February 1, 2021 with 25 years of service with the Sheriff’s Office and Jail. Mr. Chandler expressed appreciation for Sergeant Deeds’ service to the citizens of Rockingham County.

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; in accordance with Virginia Code Section 59.1-148.3, the Board declared Sergeant Deeds’ Glock Model 22 with serial number KYY481 as surplus, to be awarded as a retirement gift.

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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.

Mr. Komara indicated that the Revenue Sharing funds have been received for the Spotswood High School turn-lane improvement. Finance Director Davidson indicated the County’s allocation has been set aside and she will bring an appropriation to the Board for consideration at the March 10 Board meeting.

Board members commended VDOT staff for the excellent job clearing and maintaining roadways during the recent winter weather events.

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ASSISTANT COUNTY ADMINISTRATOR’S STAFF REPORT.

The Board received and reviewed Mr. Armstrong’s staff report dated February 24, 2021.

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FINANCE DIRECTOR’S STAFF REPORT.

The Board received and reviewed Mrs. Davidson’s staff report dated February 24, 2021.

On behalf of the Finance Committee, on motion by Supervisor Kyger, 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 declared the 2002 Ford Van formally used by social services as surplus to be disposed of through the public surplus website.

FINANCE COMMITTEE

Mrs. Davidson recalled that the Sheriff requested to purchase twelve vehicles at the beginning of fiscal year 2021. The Board appropriated the funds to purchase half of the vehicles prior to December for a total of \$164,789. The Sheriff requested to purchase the additional vehicles prior to the end of the fiscal year, which requires an additional \$165,000. In addition, two vehicles were totaled in December. The County received insurance proceeds in the amount of \$12,494.88. The cost to replace one of those vehicles is \$29,550. Mrs. Davidson reported that the fiscal year 2021 budget includes contingency funds to cover the purchase.

On behalf of the Finance Committee, on motion by Supervisor Kyger, seconded by Supervisor Wolfe-Garrison, 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 Supplemental Appropriation to purchase vehicles for the Sheriff’s Department:

Supplemental Appropriation: \$194,550

(\$182,055)	1001-09110-00000-000-505800-000	General Fund: Contingency
\$12,495	1001-00000-14101-000-341100-000	General Fund: Insurance Proceeds
\$194,550	1001-03102-00000-000-508005-000	Sheriff: Vehicles

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COMMUNITY DEVELOPMENT DIRECTOR’S STAFF REPORT.

The Board received and reviewed Ms. Cooper’s staff report dated February 24, 2021.

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COMMITTEE REPORTS.

COMMUNITY CRIMINAL JUSTICE BOARD (CCJB)

Chairman Chandler said the CCJB will meet virtually on Monday, March 1, 2021, at 4 p.m.

VIRGINIA ASSOCIATION OF COUNTIES (VACo)

Supervisor Kyger encouraged the Board to check VACo’s Capitol Contact Alerts on a routine basis.

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COMMITTEE APPOINTMENT.

On motion by Supervisor Breeden, seconded by Supervisor Kyger, 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 appointed Randy Snow to the Rockingham Recreation Commission for District 5, to fill an unexpired term ending on December 31, 2023.

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RECESS.

Chairman Chandler recessed the meeting at 6:29 p.m., for a meeting of the Countryside Sanitary District.

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CLOSED MEETING.

At 6:39 p.m., Chairman Chandler reconvened the regular meeting of the Board of Supervisors for a closed meeting related to economic development matters.

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 recessed the meeting from 6:39 p.m. to 6:56 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.

MOTION: SUPERVISOR KYGER
SECOND: SUPERVISOR BREEDEN

RESOLUTION NO: 21-04
MEETING DATE: February 24, 2021

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.

At 7:00 p.m., Chairman Chandler reconvened the meeting and opened the public hearing. Zoning Administrator Getz reviewed the following special use permit requests:

SUP21-022 Monte & Debbie Shoemaker, 16276 New Market Road, Timberville VA, for an increase in the maximum allowed height for an accessory structure, located on the south side of New Market Road (Rt. 211) approximately 800' west of Piney Woods Road (Rt. 799) in Election District #1, zoned R1-General Residential. Tax Map #41-A(1)-L3.

The applicants were present.

No members of the public spoke concerning the request.

SUP21-006 Joseph Ulmer, 907 Dinkel Avenue, Mount Crawford VA, for a farm market located on the north side of Friedens Church Road (Rt. 257) approximately 0.1 mile west of Interstate 81 in Election District #4, zoned A2-General Agricultural. Tax Map #137-(A)-L79.

In response to a question from Supervisor Wolfe-Garrison, Mr. Ulmer explained that the farm market will be located directly inside the commercial entrance where it is easy for customers to access.

No members of the public spoke regarding the request.

Chairman Chandler closed the public hearing at 7:08 p.m.

SUP21-022 MONTE & DEBBIE SHOEMAKER

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, subject to the following conditions, approved SUP21-022 Monte & Debbie Shoemaker, 16276 New Market Road, Timberville VA, for an increase in the maximum allowed height for an accessory structure, located on the south side of New Market Road (Rt. 211) approximately 800' west of Piney Woods Road (Rt. 799) in Election District #1, zoned R1-General Residential. Tax Map #41-A(1)-L3.

Conditions:

1. Use shall be in substantial accordance with the submitted site plan.
2. The use and structures shall comply with all applicable federal, state, and local regulations.

SUP21-006 JOSEPH ULMER

Supervisor Kyger stated that the request meets the special-use requirements and the intent of the zoning ordinances for agribusiness.

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, subject to the following conditions, approved SUP21-006 Joseph Ulmer, 907 Dinkel Avenue, Mount Crawford VA, for a farm market located on the north side of Friedens Church Road (Rt. 257) approximately 0.1 mile west of Interstate 81 in Election District #4, zoned A2-General Agricultural. Tax Map #137-(A)-L79.

Conditions:

1. Use shall be in substantial accordance with the submitted site plan.
2. The use and structures shall comply with all applicable federal, state, and local statutes, ordinances, and regulations.

PUBLIC HEARING – REZONING.

At 7:10 p.m., Chairman Chandler reopened the public hearing and Planning Director Dyjak reviewed the following rezoning request:

REZ20-255 Pleasant Run, LC., c/o Mike Pugh, 2340 S. Main Street, Harrisonburg, VA 22801. Request to rezone parcel from R-2C (Medium Density Residential with conditions) to R-5C (Planned Neighborhood with conditions) to allow for up to 337 total dwelling units. Situated south side of Pleasant Valley Road (Rt 679), about 700' east of Osceola Springs Road (Rt. 704). TM # 124-(A)- L98 totaling 71.502 acres. Election District 4.

Mr. Dyjak reported that the property was initially rezoned in 2009 and amended in 2016. The current proposal would allow for an increase in the density, from 166 dwelling units to 337 units, and would allow for the inclusion of townhouses, rowhouses and duplexes. Mr. Dyjak noted the projected impact to Turner Ashby High School and Wilbur Pence Middle School would be minimal; however, the request could potentially put Pleasant Valley Elementary School slightly over capacity, combined with approved and anticipated future development at full build-out. He said he worked with Rockingham County Public Schools (RCPS) central office staff on projections and they indicated accommodations can be made, as there is existing capacity elsewhere in the school system. Additionally, Mr. Dyjak pointed out that VDOT performed and approved a Traffic Impact Analysis. Though it was determined that a turn lane will be warranted at full build-out, Mr. Dyjak pointed out that it would be warranted regardless of the proposed rezoning. Mr. Dyjak said the applicant indicated they are willing to make added playground amenities to the common area.

The Planning Commission recommended approval by a vote of 4-1 on February 2, 2021.

Supervisor Ritchie stated that he does not want to get into a situation where schools are over capacity and the County is spending millions to accommodate through expansions or construction of new schools.

Mr. Dyjak explained that enrollment projections were completed in coordination with RCPS. He said the projections reflected in the case report include the proposed increase by Pleasant Run, LC.'s request, recent rezoning approvals, and future anticipated development data based upon Comprehensive Plan land use designations.

Mike Pugh, partner with Pleasant Run, LC., said there is a desperate need for housing in this area. He said last year at this time, there were 196 properties for sale in the City and County, and as of this week, there are 107 properties for sale, a 46-percent decrease. Mr. Pugh said the proposed rezoning will address the need for housing.

In response to questions from Supervisor Wolfe-Garrison, Mr. Pugh indicated it is not uncommon for multiple builders to be involved in a project such as the one proposed. He pointed out that Pleasant Run, LC. will control the entire project from start to finish regardless.

Craig Short, resident of Barrington, questioned how this rezoning will affect future decisions of the Board. Specifically, concerning proposed rezonings on parcels of land not identified in the Comprehensive Plan for development, when some Schools are almost at capacity with current projections.

Supervisor Kyger noted the enrollment projections are based on full build-out and potentially affect one school. He indicated Schools are accustomed to dispersing enrollment via redistricting when necessary.

Mr. Dyjak reiterated that school projection data includes all existing and approved development, expected future development based upon land use designations, and the potential increase in density for the current proposal. Mr. Dyjak noted that nearly all RCPS schools are under capacity. He stated that enrollment projections will be taken into account during the Comprehensive Plan update process this year.

Mr. Short asked whether there had been consideration in the County for mixed-income housing communities versus entry-level housing developments. He said there appears to be a need for affordable homes, not starter homes. Alternatives for lower-income individuals other than subsidized-housing communities should be offered, such as the opportunity to live in an upscale community like Osceola Springs, he said. Mr. Short stated that he had seen the devastation of concentrated poverty in developments and had seen the benefits of mixed-income communities. He indicated individuals benefit just from their proximity to people who make more money than they do. Mr. Short suggested the County and developers work together on housing communities that are comprised of different affordability and offer a percentage of lots to lower-income households.

Ms. Cooper reported that an extensive housing analysis was conducted in 2017, with data revealing a substantial lack of housing inventory for the entry-level workforce. She said since that time, staff and developers have worked to address the need in the County. Ms. Cooper indicated the County works with the Virginia Department of Housing and others to offer opportunities for lower-income individuals. She indicated the type of mixed-income community suggested by Mr. Short would require some type of contractual arrangement on behalf of a developer.

Board members and staff pointed out that Mr. Short brought forth valid points which will be taken into consideration during the Comprehensive Plan update process.

Chairman Chandler closed the public hearing at 7:53p.m.

Supervisor Kyger said while there is a potential for increased school enrollment figures, there is equal potential for individuals looking to downsize as they age in place. He indicated the County needs to consider the affordability factor and ensure there is not only housing available, but affordable housing.

He noted the request complies with the Comprehensive Plan and meets applicable Zoning Codes.

On motion by Supervisor Kyger, seconded by Supervisor Breeden, and carried by a roll call vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; RITCHIE – AYE; WOLFE-GARRISON – AYE; the Board, subject to the following proffers, approved REZ20-255 Pleasant Run, LC., c/o Mike Pugh, 2340 S. Main Street, Harrisonburg, VA 22801. Request to rezone parcel from R-2C (Medium Density Residential with conditions) to R-5C (Planned Neighborhood with conditions) to allow for up to 337 total dwelling units. Situated south side of Pleasant Valley Road (Rt 679), about 700' east of Osceola Springs Road (Rt. 704). TM # 124-(A)- L98 totaling 71.502 acres. Election District 4.

The following conditions and proffers are approved and made part of the rezoning application:

1. Pleasant Run, LLC requests that the current existing proffers be rescinded, and the following proffers be placed on the property:
2. Land use is restricted to single family attached, single-family detached and multifamily attached (townhouses) units within the requested R-5 zoning.
3. A minimum of 25% common area shall be included in the development scheme.
4. All lots shall be served by public water and sewer; individual sewage disposal systems and/or wells are prohibited. The developer shall install all water and sewer lines necessary to serve the development.
5. The development’s roadway network shall be within substantial conformance to the attached “R-5 Plan of Development” prepared by Balzer and Associates and dated September 18th, 2020, with the understanding that minor deviations may be necessary during the engineering process.
6. The total number of residential units shall be 337. The developer reserves the option to modify the attached site layout of product mix not to exceed 337 units total, (detached and attached).
7. A homeowner’s association (HOA) shall be established to provide for maintenance of the common areas and restrictive covenants shall be placed on record to ensure the compatibility of all proposed improvements.

The conditions set forth in this proffer statement supersede all conditions set forth in previous proffer statements submitted as part of this application and those approved on June 8, 2016 as part of Case #REZ16-095.

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ADJOURN.

Chairman Chandler declared the meeting adjourned at 7:56 p.m.

Chairman