

June 9, 2021

The Regular Meeting of the Rockingham County Board of Supervisors was held on Wednesday, June 9, 2021, 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

Also present:

- STEPHEN G. KING, County Administrator
- THOMAS H. MILLER, JR., County Attorney
- CASEY B. ARMSTRONG, Assistant County Administrator
- RHONDA H. COOPER, Director of Community Development
- PATRICIA D. DAVIDSON, Director of Finance
- KIRBY W. DEAN, Director of Parks & Recreation
- ANN MARIE FREEMAN, Director of Court Services
- JEREMY C. HOLLOWAY, Fire & Rescue Chief
- JENNIFER J. MONGOLD, Director of Human Resources
- TERRI M. PERRY, Director of Technology
- PHILIP S. RHODES, Director of Public Works
- BRADFORD R. R. DYJAK, Director of Planning
- KELLY S. GETZ, Zoning Administrator
- CARLEY A. STACKPOLE, Code Compliance Officer
- 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 3:00 p.m.

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

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APPROVAL OF MINUTES.

Chairman Chandler noted the June Community Criminal Justice Board (CCJB) meeting date listed in the May 26 draft minutes should be revised to state “June 7”.

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 approved the minutes of the regular meeting of May 26, 2021.

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AWARD OF SERVICE WEAPON – SERGEANT MICHAEL HARDESTY.

Chairman Chandler announced that Sergeant Hardesty retired on June 1, 2021 with 27 years of service with the Sheriff’s Office and Jail. Supervisor Ritchie expressed appreciation for Sergeant Hardesty’s service to the citizens of Rockingham County.

On motion by Supervisor Ritchie, 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; in accordance with Virginia Code Section 59.1-148.3, the Board declared Sergeant Hardesty’s Glock Model 22 with serial number KYY454 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.

Supervisor Breeden asked VDOT to keep the intersection of Island Ford Road (Route 649) and East Side Highway (Route 340) on the radar for safety improvements.

Chairman Chandler reminded Mr. Komara of a request for a stop bar on Mill Creek Church Road, and suggested considering a traffic study for Boyers Road (Route 704) since there have been several development buildouts since the last study in 2018.

Supervisor Kyger reminded Mr. Komara about the increased amount of truck traffic on Cecil Wampler Road (Route 704) and suggested a traffic count.

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PRESENTATION – COMMUNITY SENIOR NEEDS ASSESSMENT.

Carrie Budd, Vice President of Development and Community Relations for Bridgewater Retirement Community reviewed results of a Senior Community Profile conducted from April 2019 to October 2019 by Holleran Consulting. The senior community needs assessment was initiated by Bridgewater Retirement Community in partnership with Valley Program for Aging Services (VPAS) to help better understand and prioritize the needs of older adults and their families in the community.

The study was comprised of multiple data sources including three surveys along with statistical and demographic data. Key findings of the study were focused on Affordable Housing, Social Isolation, and Navigating the Healthcare System. Among the findings, Key Informants, Seniors and Caregivers reported concerns over lack of transportation services, knowledge of health care services offered, financial insecurity, chronic disease management, and lack of Alzheimer’s disease/dementia/memory loss care.

Ms. Budd indicated the Senior Community Profile enables Bridgewater Retirement Community and VPAS to take an in-depth look at the issues facing older adults. The findings from the profile will be used to inform and engage the community in a collective initiative to improve the quality of life of older adults. The full report is available at Valleyseniors.info.

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COURT SERVICES DIRECTOR’S STAFF REPORT.

The Board received and reviewed Mrs. Freeman’s staff report dated June 9, 2021.

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COUNTY ADMINISTRATOR’S STAFF REPORT.

The Board received and reviewed Administrator King’s staff report dated June 9, 2021.

Administrator King reported that based on concurrence from the Board of Supervisors at the May 26 meeting, staff will discontinue virtual broadcasting of Board meetings and Planning Commission meetings effective July 1, 2021.

Mr. King reported that the Middle River Regional Jail Board voted to proceed with core infrastructure renovations of the existing facility. He pointed out that the project does not include the addition of any bed space, but pointed out that in his opinion, it is short-sighted to undertake a capital project that does not add capacity to provide more appropriate housing for those with mental health conditions and housing to better facilitate a work release program. He said the MRRJ Board will move forward in addressing the needs where there is the collective will to do so.

Administrator King mentioned he recently met with Huck Nawaz, Executive Director of Harrisonburg-Rockingham SPCA. Mr. King commended Mr. Nawaz for successful operations at the SPCA and indicated meetings will be arranged for Mr. Nawaz to provide an update to Board members.

Related to the Lake Shenandoah Stormwater Control Authority, Administrator King reported that staff continue to push FEMA for consideration. He said although the process is long, there is a high degree of certainty the grant will be awarded.

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ASSISTANT COUNTY ADMINISTRATOR’S STAFF REPORT.

The Board received and reviewed Mr. Armstrong’s staff report dated June 9, 2021.

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FINANCE DIRECTOR’S STAFF REPORT.

The Board received and reviewed Mrs. Davidson’s staff report dated June 9, 2021.

Mrs. Davidson reported that the County received a quote for the purchase of an ambulance through the HGAC Cooperative Procurement contract. She indicated funding for the proposed purchase would be provided by the American Rescue Plan. Mrs. Davidson requested permission to issue a purchase order to Atlantic Emergency Solutions, Inc. at an amount not to exceed \$330,000.

On behalf of the Finance Committee, 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 authorized staff to issue a purchase order to Atlantic Emergency Solutions, Inc., for an amount not to exceed \$330,000 for the purchase of an ambulance.

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 adopted the following FY2022 supplemental appropriation:

Dental Insurance Fund

A supplemental appropriation of \$750,000 to start a self-funded dental insurance fund. Once the dental fund is established and collecting its own fund balance, the dental insurance fund will pay back the health insurance fund. Moving the dental insurance from fully funded to self-funded is a strategy the County can use to help achieve better dental rates and benefits for

its employees. The monthly premiums for the self-funded dental insurance program will still be 100 percent employee paid.

Supplemental Appropriation: \$750,000

\$750,000 GL Code: 1310-09401-00000-000-508399-000 Transfer to Dental Insurance Fund
 \$750,000 GL Code: 1310-00000-15201-000-352000-000 Health Insurance Fund Reserve
 \$750,000 GL Code: 1311-09301-00000-000-509511-000 Dental Insurance Fund Reserve
 \$750,000 GL Code: 1311-00000-15201-000-352000-000 Transfer from Dental Insurance Fund

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HUMAN RESOURCES DIRECTOR’S STAFF REPORT.

The Board received and reviewed Mrs. Mongold’s staff report dated June 9, 2021.

Mrs. Mongold reported that due to increased enrollment, the County’s dental claims were higher than the premiums collected. Staff researched several options and determined a self-funded method for the 2022-2023 plan year, with no change in premium, and the employee still paying 100% of the premium is the best option.

Concerning health insurance, Mrs. Mongold pointed out the number of large claims continue to remain high, however, overall claim costs have trended in a positive manner this year. The insurance consultants recommended increasing the Specific Stop Loss to \$250,000 from \$200,000; though the County will assume more risk with large claims, this will offset administrative costs with Anthem. It was also recommended to eliminate Aggregate Stop Loss, which the County pays for but will unlikely use. Other recommended changes were to cover insulin at no more than a \$50 co-pay; cover formula and enteral nutrition products for individuals with an inherited metabolic disorder; and coverage of certified nurse specialists. There is federal legislation planned for 2022 that should cover State Surprise Billing. The recommendations result in no premium increase for the upcoming plan year. The proposed rates for the plan year beginning October 2021 are the same as the current year’s rates.

On behalf of the Finance Committee, 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 awarded the health insurance plan as presented to Anthem, and awarded the dental insurance plan to MetLife Dental, for the plan year 2021-2022, effective October 1, 2021, with insurance rates as follows:

Anthem KC 20	2021-22 Employee	2021-2022 County	2021-2022 Total
Employee Only	\$66	\$602	\$688
Employee + Spouse	\$356	\$1,044	\$1,400
Employee + 1 Child	\$280	\$820	\$1,100
Employee + Children	\$420	\$1,230	\$1,650
Employee + Family	\$480	\$1,400	\$1,880
HDHP	2021-22 Employee	2021-2022 County	2021-2022 Total
Employee Only	\$40	\$480	\$520
Employee + Spouse	\$180	\$940	\$1,120
Employee + 1	\$146	\$766	\$912

Child			
Employee + Children	\$212	\$1,110	\$1,322
Employee + Family	\$242	\$1,270	\$1,512
*HSA		\$750 for employee only; \$1,500 for employee plus dependent options	\$750 for employee only; \$1,500 for employee plus dependent options

MetLife Dental Rates		
100% Employee Paid	10/1/2021 Monthly	10/1/2021 Per Pay Check
Employee Only	\$ 34.10	\$ 17.05
Employee + Spouse	\$ 63.44	\$ 31.72
Employee + Child	\$ 63.44	\$ 31.72
Employee + Children	\$ 100.38	\$ 50.19
Employee + Family	\$ 100.38	\$ 50.19

Mrs. Mongold reported the Commonwealth legalized the use of marijuana effective July 1, 2021 and recommended updating the current drug free workplace policy to reflect the change. She pointed out employees working in safety sensitive positions including Fire and Rescue, Sheriff’s Office, and all other positions falling under OSHA and/or DOT rules will continue to be drug tested per policy/practice, including marijuana due to the safety sensitive nature of those positions.

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 Drug Free Workplace/Substance Abuse Policy:

Drug Free Workplace/Substance Abuse Policy

If we are to continue to fulfill our responsibility to provide reliable and safe service to our customers and a safe working environment for our employees, employees of Rockingham County must be physically and mentally fit to perform duties in a safe and efficient manner. Therefore, no employee shall work or report to work while under the influence of alcohol or drugs (drugs include prescription medications that impair or might impair the employee’s mental or cognitive abilities). Violation of this policy shall lead to disciplinary action, up to and including termination of employment.

Should an employee be required to take any kind of prescription or non-prescription medication that might affect job performance, including impair mental or cognitive abilities, the employee is required to report this immediately to his or her supervisor. The supervisor, in consultation with Human Resources, will determine if it is necessary to temporarily place the employee on another assignment to ensure safety of the employee and other employees, and the public.

An employee suspected of being under the influence of alcohol or drugs at work, including a state-registered medical marijuana user, may be sent for a drug or alcohol screening at an approved medical facility chosen and paid for by the County.

An employee involved in an accident on the job and who requires the care of a physician as a result of the accident may be required to cooperate with a drug test at the time of care for the accident.

Employees in safety sensitive positions including Fire and Rescue, Sheriff's Office, and all other staff falling under OSHA and/or DOT rules, will be drug and alcohol tested from time-to-time as required by federal, state, and local regulations, and good management practices. Due to the nature of these positions and their public health and safety elements, marijuana will be treated similarly to alcohol and other substances that might impair mental and cognitive abilities. If a test returns positive, the employee will be subject to disciplinary action, up to and including termination.

An employee failing to consent to drug or alcohol screening as required will be subject to termination of employment.

All samples required for the tests will be taken under supervision at the testing facility designated by the County. Samples shall be taken in sufficient quantity to allow for a second test, as described below. The testing facility will be responsible for sending the samples to the certified laboratory and receiving the reports from the laboratory. The County's Director of Human Resources will be notified of the test results in writing. Results of drug tests may be forwarded to the employee's supervisor and others in management who have an employment or management duty with respect to the suspected violation.

If an employee questions the accuracy of a test, he or she may have a portion of the sample taken sent to another testing facility of the employee's choice, at the employee's expense.

If test results are positive, the employee will be subject to disciplinary action, up to and including termination.

To protect the best interests of employees and the public, the County will take whatever measures necessary to determine if alcohol or drugs are located on or are being used on County property, in vehicles or at job sites. Measures that may be used will include, but not be limited to, searches of people and of personal property located on County premises. Searches may be conducted by law enforcement authorities or management. The above-mentioned searches and drug tests will not be conducted if an individual refuses to consent; however, refusal to consent to a drug test or search will result in termination of employment.

Employees experiencing problems with alcohol or other drugs are urged to voluntarily seek assistance to resolve such problems. The County provides an Employee Assistance Program (EAP) to help in these matters. Please contact the Human Resources Department for additional information. Successful treatment will be viewed positively but will not prevent normal disciplinary action for a violation which may have already occurred; nor will it relieve an employee of the responsibility to perform assigned duties in a safe and efficient manner.

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PUBLIC WORKS STAFF REPORT.

The Board received and reviewed Mr. Rhodes' staff report dated June 9, 2021.

Mr. Rhodes reported that fifteen proposals were reviewed by staff for general engineering services in four categories: Water/Sewer, Landfill, Environmental/Stormwater, and Civil Transportation & Land Development. He stated that each proposal was ranked in the

category that it was being submitted for using weighted criteria, followed by interviews with top firms.

Mr. Rhodes noted staff felt that awarding contracts to multiple firms per category would allow the County flexibility in utilizing each company’s strengths. The exception to having multiple firms is the landfill category, which requires coordination and overlap on many of its projects, he explained.

On behalf of the Public Works Committee, on motion by Supervisor Ritchie, 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 authorized staff to contract with the following engineering firms as listed per category, for a three-year period, July 1, 2021 until June 30, 2024, with an option of two, one-year renewals:

Water/Sewer	Landfill	Environmental/ Stormwater	Civil Transportation & Land Development
Peed and Bortz, LLC	SCS Engineers	Timmons Group	Timmons Group
Wiley Wilson		Wiley Wilson	McCormick Taylor
Valley Engineering		Valley Engineering	Valley Engineering
		Thompson & Litton	Thompson & Litton
		Monteverde Engineering	Monteverde Engineering

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COMMUNITY DEVELOPMENT DIRECTOR’S STAFF REPORT.

The Board received and reviewed Ms. Cooper’s staff report dated June 9, 2021.

Planning Director Dyjak noted the Bicycle Advisory Committee Update was included with the staff report.

Additionally, on behalf of staff, Mr. Dyjak requested authorization to draft a zoning ordinance to establish a Business Interchange District. The proposed zoning district would enable services to be provided to the interstate-travelling public within concentrated locations at interchanges, which could be situated either within or outside of Urban Growth Areas. Since the proposed district would adjoin interchanges, it would offer targeted, yet flexible, options for applicants seeking opportunities to better serve motorists.

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 authorized staff to draft a proposed ordinance establishing a Business Interchange District for future consideration.

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TECHNOLOGY DIRECTOR’S STAFF REPORT.

The Board received and reviewed Mrs. Perry’s staff report dated June 2021.

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FIRE AND RESCUE CHIEF’S STAFF REPORT.

The Board received and reviewed Chief Holloway’s staff report dated June 2021.

Chief Holloway provided an update concerning COVID vaccination clinics in the County.

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PARKS AND RECREATION DIRECTOR’S STAFF REPORT.

The Board received and reviewed Mr. Dean’s staff report dated June 3, 2021.

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COMMITTEE REPORTS.

COMMUNITY CRIMINAL JUSTICE BOARD (CCJB)

Chairman Chandler reported the next CCJB meeting is scheduled for Monday, September 13, 2021.

VIRGINIA ASSOCIATION OF COUNTIES (VACo) LIAISON

Supervisor Kyger reviewed the following VACo Steering Committee appointments:

- Economic Development and Planning – Casey B. Armstrong
- Education – William B. Kyger, Jr.
- Environment and Agriculture – Sallie Wolfe-Garrison/Dewey L. Ritchie
- Energy – Sallie Wolfe-Garrison
- Finance – Patricia D. Davidson
- General Government – Thomas H. Miller
- Health and Human Resources – Rick L. Chandler/Michael A. Breeden
- Transportation – Stephen G. King

He reminded staff of the VACo County Officials Summit on August 19 in Richmond; that the deadline to register for the Certified County Supervisor Program is August 13, 2021; and, VACo’s Annual Conference is scheduled for November 13-16 at the Norfolk Hilton in Norfolk Virginia.

Supervisor Kyger also reported that the National Association of Counties (NACo) Annual Conference will be available in-person and virtually July 9-12, 2021, in Prince George’s County. He indicated a voting delegate will need to be assigned prior to the conference.

On motion by Supervisor Wolfe-Garrison, 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 designated William B. Kyger, Jr. as primary voting delegate to cast the County’s vote at the 2021 Annual NACo Conference in Prince George’s County.

OTHER

County Attorney Miller announced that the application for REZ20-333, Baum Investments, LLC had been withdrawn. Mr. Miller pointed out that as a result of the applicants’ withdrawal, no public hearing or Board action would be required on the matter.

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CLOSED MEETING.

On motion by Supervisor Wolfe-Garrison, 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 4:30 p.m. to 4:44 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 WOLFE-GARRISON RESOLUTION NO: 21-09
SECOND: SUPERVISOR KYGER MEETING DATE: June 9, 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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RECESS.

Chairman Chandler recessed the meeting for dinner at 4:45 p.m.

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PUBLIC HEARING – SPECIAL USE PERMITS.

Chairman Chandler opened the public hearing at 6:02 p.m.

County Attorney Miller announced that REZ20-333, Baum Investments, LLC was withdrawn by the applicant and no public hearing will occur. Additionally, SUP21-092 and SUP21-103 were withdrawn.

Zoning Administrator Getz reviewed the following special use permit requests:

SUP21-075 Hank Hensley, 4765 Pleasant Valley Road, Rockingham, for a small contractor business, located on the northeast side of Pleasant Valley Road (Rt. 679) approximately .4 mile west of Cross Keys Road (Rt. 276) in Election District 3. Zoned A2-General Agricultural. Tax Map # 139-(A)-L120B3.

The applicant was present.

In response to questions from Supervisor Wolfe-Garrison, Mr. Hensley said he built the storage building on the property less than a year ago and indicated he has operated his business without a special use permit.

Adjacent property owner, David Brown, provided Board members with a letter including concerns and offering conditions for consideration if the request is approved. He asked the Board to consider a sunset clause revoking the permit upon the applicant's retirement, limit hours of operation, and require OSHA-approved storage containers on the property. Mr. Brown asked how conditions of special use permits are enforced. In response, Zoning Administrator Getz stated that the County's Code Compliance Officer is responsible for enforcing conditions of special use permits.

Neighbor Karen Robertson indicated she is opposed to the request as currently presented. She indicated if and when there is an effective way to enforce conditions, and if the applicant is willing to respect neighbors and abide by proper zoning regulations, she would then consider supporting the request.

SUP21-112 Dave Yutzy, 15638 Sparmine Road, Timberville, for an event center and bed and breakfast located on the east and west side of North Valley Pike, (Rt. 11) .33 mile north of Moore Mill Road in Election District #1. Zoned A1-Prime Agricultural. Tax Map # 53-(A)-L105 & 54-(A)-L19 & 54-(A)-L19A.

Mr. Yutzy stated that he was fortunate to be able to purchase the property last year. He said the property is special and deserves to be used by the community and not as a private residence. The manor house was originally built in the 1800's and has great potential to be used as a bed and breakfast. He said he is a fulltime farmer and would like to use the historic round barn and manor house for weddings and/or farm activities. The lake is secluded and would provide a great location for weddings.

Nearby property owner, Thomas Garth, asked how guests would access the lake from the main house, inquired about the specific details of parking areas, expressed numerous concerns related to additional traffic, noise, rowdy events, alcohol use, and an increase of strangers coming into the neighborhood.

Barbara Blay Sutmoller indicated she lives close to the property in the request. She expressed concerns over viewshed, increased noise, lights and traffic. She prefers the surrounding agricultural property remain quiet and harmonious, and urged the Board to set limitations if the request is approved.

Neighbor Carolyn Snow expressed concerns over the amount of land that could be used for events, the types of events which would be permitted, the number of attendees, increased traffic, trash, noise, and lights.

Chairman Chandler closed the public hearing at 6:40 p.m.

For clarification, Mr. Yutzy explained parking areas would be gravel, any required lighting would meet County zoning requirements, and he said there would be no lake access from Moores Mill Road. In response to a question from Supervisor Ritchie, Mr. Yutzy clarified that the property encompasses 865 acres, but his intent is to use less than 50-acres for events. The 500-acre figure listed in the report was incorrect and should be revised to 50-acres. Mr. Getz pointed out the site plan defines the specific areas for events.

In response to a question from Carolyn Snow, Mr. Getz said agritourism activities do not require special use permits.

SUP21-075, HANK HENSLEY

Chairman Chandler said there are a number of concerns about the proposed request that should be addressed before he proceeds with a recommendation.

On behalf of Chairman Chandler, 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 tabled SUP21-075 Hank Hensley, 4765 Pleasant Valley Road, Rockingham, for a small contractor business, located on the northeast side of Pleasant Valley Road (Rt. 679) approximately .4 mile west of Cross Keys Road (Rt. 276) in Election District 3. Zoned A2-General Agricultural. Tax Map # 139-(A)-L120B3.

SUP21-112, DAVE YUTZY

Supervisor Ritchie pointed out that he is familiar with the area. He stated that the proposed use will supplement the agricultural enterprise and will be limited to the 50-acres designated in the site plan governed by a proper special use permit.

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 SUP21-112 Dave Yutzy, 15638 Sparmine Road, Timberville, for an event center and bed and breakfast located on the east and west side of North Valley Pike, (Rt. 11) .33 mile north of Moore Mill Road in Election District #1. Zoned A1-Prime Agricultural. Tax Map # 53-(A)-L105 & 54-(A)-L19 & 54-(A)-L19A.

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.

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RECESS.

Chairman Chandler recessed the meeting at 6:56 p.m.

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PUBLIC HEARING – ORDINANCE AMENDMENTS.

At 7:00 p.m., Chair Chandler opened the public hearing and Director of Planning Dyjak reviewed two ordinance amendments: the first, a result of a County initiated review of the Ottobine Agricultural & Forestal District (AFD) according to the Code of Virginia, §15.2-4300 through §15.2-4314; and the second, a housekeeping amendment for codification.

OA/AFD21-122 Amending Section 17-508 Ottobine AFD to revise the total acreage and renew the District for a 10-year period.

OA/AFD21-126 Amendment to Sections 17-504, 505, 506, and 509 Dry River, Keezletown North & South, and Spring Creek Agricultural & Forestal Districts to update the parcels and total acreage within each respective district resulting from prior Board action.

No members of the public spoke regarding the ordinance amendments.

At 7:05 p.m., Chair Chandler 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 adopted the following ordinance amendments:

ORDINANCE
REPEALING AND RE-ENACTING
SECTION 17-508
OF THE CODE OF ORDINANCES
OF
ROCKINGHAM COUNTY, VIRGINIA

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

That Section 17-508. Ottobine Agricultural and Forestal district be repealed and re-enacted as follows:

Sec. 17-508.01. Creation.

Pursuant to the Agricultural and Forestal Districts Act of the Commonwealth of Virginia, the Ottobine Agricultural and Forestal district (hereinafter referred to as district) is hereby created subject to the conditions and district term set forth in this division and as otherwise provided by sections 15.2-4300 through 15.2-4314 of the Code of Virginia, mutatis mutandis, the provisions of which, except as specifically modified herein, are adopted and incorporated herein by reference.

Sec. 17-508.02. Description.

The Ottobine Agricultural and Forestal district shall consist of the following land: twenty-six (26) parcels spanning a one thousand one hundred forty two (1,142,) acres core area 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:

89-(A)- L35A1, 90-(A)- L101, 90-(A)- L101A, 90-(A)- L102, 90-(A)- L103, 103-(A)- L171C, 103-(A)- L173, 104-(A)- L1, 104-(A)- L1C, 104-(A)- L8, 104-(A)- L13, 104-(A)- L14, 104-(A)- L14A, 104-(A)- L20, 104-(A)- L21, 104-(A)- L22, 104-(A)- L23, 104-(A)- L24, 104-(A)- L24A, 104-(A)- L25, 104-(A)-L127, 104-(A)- L127A, 104-(A)- L133, 104-(A)- L133B, 104-(A)- L134, and 104-(A)- L145A.

Sec. 17-508.03. Conditions.

The intent of these conditions is to strengthen the existing agricultural community in order to ensure its continued economic viability. The Ottobine Agricultural and Forestal district shall comply with the following conditions:

- (a) Uses, structures, and accessory businesses shall be permitted on a parcel in compliance with the regulations that apply to the zoning of that parcel. However, the following uses shall be prohibited throughout the district:
 - (1) Golf courses;

- (2) Golf driving ranges;
 - (3) Campgrounds;
 - (4) Shooting ranges;
 - (5) Auto graveyards or junkyards;
 - (6) Recreational or amusement enterprises operating outside a building for profit.
- (b) All parcels included in the district must be located fully within the district; no portion of a district parcel shall lie outside the district.
- (c) Parcels of land, as now defined in the county real estate records, within the district may be sold in their entirety but not subdivided to a nonfamily member during the term of district status. However, the parcel under new ownership shall remain in district status at least until the time of the next scheduled district renewal.
- (d) Parcels of land, as now defined in the county real estate records, within the district may only be subdivided by purchase or gift to immediate family members. However, this family subdivision shall remain in district status for at least as long as the parent parcel remains in the district.
- (e) Residences for persons who earn a substantial part of their livelihood from agricultural or forestal operations on the same property, or for members of the immediate family of the owner, shall be permitted in accordance with the County Code.

Sec. 17-508.04. Term review.

The district shall be in effect for ten (10) years, from July 12, 2021, to July 12, 2031. A review of the district, including any additions to the district, may be made by the board of supervisors as provided by, and in accordance with sections 15.2-4309 through 15.2-4312 of the Code of Virginia.

This ordinance shall be effective from the 9th day of June 2021.

ORDINANCE
REPEALING AND RE-ENACTING
SECTIONS 17-504, 505, 506, AND 509
OF THE CODE OF ORDINANCES
OF
ROCKINGHAM COUNTY, VIRGINIA

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

SECTION ONE.

That Section 17-504. Dry River Agricultural and Forestal district be repealed and re-enacted as follows:

Sec. 17-504.01. Creation.

Pursuant to the Agricultural and Forestal Districts Act of the Commonwealth of Virginia, the Dry River Agricultural-Forestal District (hereinafter referred to as district) is hereby created subject to the conditions and district term set forth in this division and as otherwise provided by sections 15.2-4300 through 15.2-4314 of the Code of Virginia, mutatis mutandis, the provisions of which, except as specifically modified herein, are adopted and incorporated herein by reference.

Sec. 17-504.02. Description.

The Dry River Agricultural and Forestal district shall consist of the following land: two hundred thirty (230) parcels spanning five thousand seven hundred (5,700) acres, 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:

90-(A)- L135, 90-(A)- L136, 90-(A)- L137, 91-(8)- L1, 91-(8)- L1A, 91-(8)- L2, 91-(8)- L3, 91-(A)- L69, 91-(A)- L71, 91-(A)- L214A, 104-(2)- L1, 104-(2)- L1G, 104-(A)- L96, 104-(A)- L149A, 104-(A)- L149C, 104-(A)- L152, 105-(2)- L1, 105-(2)- L2, 105-(A)- L51, 105-(A)- L65A, 105-(A)- L66B, 105-(A)- L67, 105-(A)- L69, 105-(A)- L70, 105-(A)- L71, 105-(A)- L72, 105-(A)- L76, 105-(A)- L82D, 105-(A)- L115E, 105-(A)- L121, 105-(A)- L122, 105-(A)- L148, 105-(A)- L149, 105-(A)- L149A, 105-(A)- L150, 105-(A)- L150A, 105-(A)- L151, 105-(A)- L152, 105-(A)- L153, 105-(A)- L154, 105-(A)- L155, 105-(A)- L156, 105-(A)- L165, 105-(A)- L167, 105-(A)- L169, 105-(A)- L171, 105-(A)- L172A, 105-(A)- L172B1, 105-(A)- L172C, 105-(A)- L173, 105-(A)- L173A, 105-(A)- L175, 105-(A)- L176, 105-(A)- L177, 105-(A)- L178A, 105-(A)- L178B, 105-(A)- L183F, 105-(A)- L189B, 105-(A)- L190, 105-(A)- L191, 106-(1)- L1, 106-(1)- L2B, 106-(A)- L2A, 106-(A)- L2A1, 106-(A)- L3, 106-(A)- L4, 106-(A)- L6, 106-(A)- L10, 106-(A)- L17, 106-(A)- L18, 106-(A)- L21, 106-(A)- L25, 106-(A)- L25A, 106-(A)- L27, 106-(A)- L28, 106-(A)- L28A, 106-(A)- L30, 106-(A)- L31, 106-(A)- L32, 106-(A)- L33, 106-(A)- L33A, 106-(A)- L34A, 106-(A)- L35, 106-(A)- L35A, 106-(A)- L36, 106-(A)- L37, 106-(A)- L46, 106-(A)- L47A, 106-(A)- L48, 106-(A)- L49, 106-(A)- L49A, 106-(A)- L52A1, 106-(A)- L53, 106-(A)- L62A, 106-(A)- L62B, 106-(A)- L62D, 106-(A)- L62F, 106-(A)- L63A, 106-(A)- L63B, 106-(A)- L69, 106-(A)- L70, 106-(A)- L70A, 106-(A)- L71, 106-(A)- L73, 106-(A)- L75, 106-(A)- L75A, 106-(A)- L76, 106-(A)- L80, 106-(A)- L80A, 106-(A)- L80B, 106-(A)- L91, 106-(A)- L92, 106-(A)- L93, 106-(A)- L94, 106-(A)- L95, 106-(A)- L96, 106-(A)- L97, 106-(A)- L98, 106-(A)- L98A, 106-(A)- L99A, 106-(A)- L101, 106-(A)- L101A, 106-(A)- L105, 106-(A)- L107, 106-(A)- L108, 106-(A)- L120, 106-(A)- L121, 106-(A)- L124, 106-(A)- L128, 106-(A)- L128A, 106-(A)- L129, 106-(A)- L130, 106-(A)- L132A, 106-(A)- L133, 106-(A)- L134, 106-(A)- L136, 106-(A)- L137, 106-(A)- L140, 106-(A)- L141, 106-(A)- L141A, 106-(A)- L142, 106-(A)- L144, 106-(A)- L146, 106-(A)- L147, 106-(A)- L148, 106-(A)- L149, 106-(A)- L149B, 106-(A)- L150A, 106-(A)- L151, 106-(A)- L152, 107-(A)- L2A6, 107-(A)- L85, 107-(A)- L86, 107-(A)- L88, 107-(A)- L88B, 107-(A)- L90, 107-(A)- L91, 107-(A)- L92, 107-(A)- L95, 107-(A)- L96, 107-(A)- L100, 107-(A)- L103, 107-(A)- L105, 107-(A)- L106, 107-(A)- L107, 107-(A)- L108, 107-(A)- L109, 107-(A)- L112, 107-(A)- L116, 107-(A)- L117, 107-(A)- L118, 107-(A)- L122A1, 107-(A)- L123A, 107-(A)- L130B, 107-(A)- L131, 107-(A)- L133A, 107-(A)- L144B, 107-(A)- L144B1, 107-(A)- L149, 107-(A)- L150, 122-(4)- L1A, 122-(4)- L3A, 122-(4)- L4B, 122-(4)- L5, 122-(5)- L1, 122-(5)- L2, 122-(5)- L3, 122-(A)- L1, 122-(A)- L1C, 122-(A)- L28, 122-(A)- L33, 122-(A)- L34A, 122-(A)- L77, 122-(A)- L78, 122-(A)- L80, 122-(A)- L85, 122-(A)- L85A, 122-(A)- L85B, 122-(A)- L87, 122-(A)- L88, 122-(A)- L94B, 122-(A)- L94B1, 122-(A)- L94B2, 122-(A)- L98, 122-(A)- L107A, 122-(A)- L107B, 122-(A)- L109, 122-(A)- L110, 122-(A)- L111, 122-(A)- L114, 122-(A)- L132, 122-(A)- L133, 122-(A)- L134, 122-(A)- L142, 122-(A)- L144, 122-(A)- L144A1, 122-(A)- L144A2, 122-(A)- L145, 122-(A)- L145A, 122-(A)- L145B, 122-(A)- L145C, 122-(A)- L147A, 122-(A)- L148, 122-(A)- L148A, 122-(A)- L150, 123-(1)- L1, 123-(1)- L1B, 123-(1)- L2C, 123-(A)- L8, and 123-(A)- L24.

Sec. 17-504.03. Conditions.

- (a) District landowners recognize that some of the land parcels included in the district may be in the Town of Dayton; or in the designated growth areas of Dayton, Bridgewater, or the county, as indicated in the comprehensive plans of both towns and of the county; or in the agreements defining annexation rights between the county and the Towns of Dayton and Bridgewater. Also, some parcels may be within the Harrisonburg Area Transportation Study plan area.
- (b) The Dry River Agricultural-Forestal District shall comply with chapter 16 and with sections 15.2-4300 through 15.2-4314 of the Code of Virginia.
- (c) Parcels of land owned by sole owners, co-owners, partnerships, trusts, corporations, or limited liability companies shall be eligible for inclusion in this agricultural and forestal

district as long as all owners, or their designated representatives, sign the application indicating their desire that the parcel be included in the district.

- (d) Any new nonagricultural or nonforestal uses and/or buildings, including dwellings, shall be in compliance with the following:
 - 1) The uses shall be located on property where there is an ongoing agricultural or forestal operation that qualifies for land use taxation.
 - 2) The use shall be permitted to operate only as long as the agricultural or forestal operation continues on the property.
 - 3) Construction of a dwelling shall be for: (1) persons who earn a substantial part of their livelihood from agricultural or forestal operations on the same property, or (2) members of the immediate family of the owner.
 - 4) Construction of community churches, with or without adjunctive cemeteries and/or church-related private schools shall be permitted. Land for this purpose may be transferred by gift or purchase from district landowners.
- (e) Parcels of land (as now defined on the Rockingham County real estate maps) within the district may be sold to a nonfamily member during the term of district status. However, the parcel under new ownership shall remain in district status at least until the time of the next scheduled district renewal.
- (f) Land within the district may be subdivided by purchase or gift to immediate family members in compliance with chapter 16. However, this subdivision shall remain in district status for at least as long as the parent parcel remains in the district.
- (g) All included tracts shall be shown as separate parcels on the county real estate maps.

Sec. 17-504.04. Term review.

The district shall be in effect for ten (10) years, from January 27, 2020, to January 27, 2030. A review of the district, including any additions to the district, may be made by the board of supervisors as provided by, and in accordance with sections 15.2-4309 through 15.2-4312 of the Code of Virginia.

SECTION TWO.

That Section 17-505. Keezletown North Agricultural and Forestal district be repealed and re-enacted as follows:

Sec. 17-505.01. Creation.

Pursuant to the Agricultural and Forestal Districts Act of the Commonwealth of Virginia, the Keezletown North Agricultural and Forestal district (hereinafter referred to as "district") is hereby created subject to the conditions and district term set forth in this division and as otherwise provided by section 15.2-4300 through section 15.2-4314 of the Code of Virginia, mutatis mutandis, the provisions of which, except as specifically modified herein, are adopted and incorporated herein by reference.

Sec. 17-505.02. Description.

The Keezletown North Agricultural and Forestal district shall consist of the following land: fifty nine (59) parcels spanning one thousand eight hundred twenty two (1,822) acres 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:

96-(A)- L36A, 96-(A)- L50, 96-(A)- L53A, 97-(A)- L38, 97-(A)- L41, 97-(A)- L46, 97-(A)- L47, 97-(A)- L54, 97-(A)- L55, 97-(A)- L57, 97-(A)- L57A, 97-(A)- L57A1, 97-(A)- L61, 97-(A)- L62, 97-(A)- L62A, 97-(A)- L62B, 97-(A)- L62C, 97-(A)- L62D, 97-(A)- L63, 110-(A)- L124, 110-(A)- L125A, 111-(4)- L1E, 111-(4)- L1F, 111-(A)- L8B, 111-(A)- L13, 111-(A)- L15A, 111-(A)- L33, 111-(A)- L35, 111-(A)- L36, 111-(A)- L42, 111-(A)- L43, 111-(A)- L44D1, 111-(A)- L48, 111-(A)- L49, 111-(A)- L49A, 111-(A)- L49B, 111-(A)- L49B1, 111-(A)- L49B2, 111-(A)- L57A, 111-(A)- L57B, 111-(A)- L71, 111-(A)- L71A, 111-(A)- L72, 111-(A)- L72A, 111-(A)- L72B, 111-(A)- L88, 111-(A)- L90, 111-(A)- L98, 111-(A)- L100A, 111-(A)- L101, 111-(A)- L101C, 111-(A)- L101D, 111-(A)- L101E, 112-(A)- L1, 126-(A)- L174, 126-(A)- L177, and 126-(A)- L177A.

Sec. 17-505.03. Conditions.

The Keezletown North Agricultural and Forestal district shall comply with the following conditions:

- (a) Uses, structures, and accessory businesses shall be permitted on a parcel in compliance with the regulations that apply to the zoning of that parcel. However, the following uses shall be prohibited throughout the district:
 - (1) Golf courses;
 - (2) Golf driving ranges;
 - (3) Public campgrounds; and
 - (4) Auto graveyards or junkyards.
- (b) All parcels included in the district must be located fully within the district; no portion of the district parcel shall lie outside the district.
- (c) Parcels of land, as now defined in the county real estate records, within the district may be sold in their entirety but not subdivided to a nonfamily member during the term of the district status. However, the parcel under new ownership shall remain in the district status at least until the time of the next scheduled district renewal.
- (d) Parcels of land, as now defined in the county real estate records, within the district may only be subdivided by purchase or gift to immediate family members. However, this family subdivision shall remain in the district status for at least as long as the parent parcel remains in the district.
- (e) Residences for persons who earn a substantial part of their livelihood from agricultural or forestal operations on the same property, or for members of immediate family of the owner, shall be permitted in accordance with the Rockingham County Code.
- (f) The existing commercial transmission towers and supporting structures on Lairds Knob on parcel 112 (A) L1 may be expanded in compliance with then-current county permitting guidelines.

Sec. 17-505.04. Term review.

The district shall be in effect for seven (7) years, from June 24, 2019, to June 24, 2026. A review of the district, including any additions to the district, may be made by the board of supervisors as provided by, and in accordance with, sections 15.2-4309 through 15.2-4312 of the Code of Virginia.

SECTION THREE.

That Section 17-506. Keezletown South Agricultural and Forestal district be repealed and re-enacted as follows:

Sec. 17-506.01. Creation.

Pursuant to the Agricultural and Forestal Districts Act of the Commonwealth of Virginia, the Keezletown South Agricultural and Forestal district (hereinafter referred to as "district") is hereby created subject to the conditions and district term set forth in this division and as otherwise provided by section 15.2-4300 through section 15.2-4314 of the Code of Virginia, mutatis mutandis, the provisions of which, except as specifically modified herein, are adopted and incorporated herein by reference.

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 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:

126-(2)- LB, 126-(2)- LB3, 126-(2)- LB4, 126-(2)- LE, 126-(A)- L103, 126-(A)- L107A, 126-(A)- L108, 126-(A)- L112, 126-(A)- L112A, 126-(A)- L112B, 126-(A)- L150, 126-(A)- L171, 126-(A)- L172, 126A-(A)- L11, 126A-(A)- L14, 126A-(A)- L16, and 127-(A)- L4.

Sec. 17-506.03. Conditions.

The Keezletown South Agricultural and Forestal district shall comply with the following conditions:

- (a) Uses, structures, and accessory businesses shall be permitted on a parcel in compliance with the regulations that apply to the zoning of that parcel. However, the following uses shall be prohibited throughout the district:
 - (1) Golf courses;
 - (2) Golf driving ranges;
 - (3) Public campgrounds; and
 - (4) Auto graveyards or junkyards.
- (b) All parcels included in the district must be located fully within the district; no portion of the district parcel shall lie outside the district.
- (c) Parcels of land, as now defined in the county real estate records, within the district may be sold in their entirety but not subdivided to a nonfamily member during the term of the district status. However, the parcel under new ownership shall remain in the district status at least until the time of the next scheduled district renewal.
- (d) Parcels of land, as now defined in the county real estate records, within the district may only be subdivided by purchase or gift to immediate family members. However, this family subdivision shall remain in the district status for at least as long as the parent parcel remains in the district.
- (e) Residences, for persons who earn a substantial part of their livelihood from agricultural or forestal operations on the same property or for members of immediate family of the owner, shall be permitted in accordance with chapter 17.

Sec. 17-506.04. Term review.

The district shall be in effect for seven (7) years, from June 24, 2012 2019, to June 24, 2019 2026. A review of the district, including any additions to the district, may be made by the board of supervisors as provided by, and in accordance with sections 15.2-4309 through 15.2-4312 of the Code of Virginia.

SECTION FOUR.

That Section 17-509. Spring Creek Agricultural and Forestal district be repealed and re-enacted as follows:

Sec. 17-509.01. Creation.

Pursuant to the Agricultural and Forestal Districts Act of the Commonwealth of Virginia, the Spring Creek Agricultural and Forestal district (hereinafter referred to as district) is hereby created subject to the conditions and district term set forth in this division and as otherwise provided by sections 15.2-4300 through 15.2-4314 of the Code of Virginia, mutatis mutandis, the provisions of which, except as specifically modified herein, are adopted and incorporated herein by reference.

Sec. 17-509.02. Description.

The Spring Creek Agricultural and Forestal district shall consist of the following land: sixty two (62) parcels spanning two thousand four hundred six (2,406) acres, more or less, generally located south of Ottobine, west of the Town of Bridgewater, east of Windy Cove Road/Lambert Town Road (Route 755), and north of the Augusta County line, which includes the parcels, shown on the county real estate maps, as of the effective date of this district, numbered as:

104-(A)- L121, 104-(A)- L126, 104-(A)- L129, 105-(A)- L91A, 105-(A)- L103, 105-(A)- L111, 105-(A)- L111B, 105-(A)- L113, 105-(A)- L181B, 105-(A)- L189C, 105-(A)- L189D, 120-(1)- L1, 120-(1)- L1B, 120-(1)- L2, 120-(1)- L3, 120-(1)- L3A, 120-(1)- L4, 120-(A)- L59, 120-(A)- L65, 121-(1)- L1, 121-(1)- L2, 121-(A)- L1, 121-(A)- L1A, 121-(A)- L2, 121-(A)- L4, 121-(A)- L5, 121-(A)- L9, 121-(A)- L15, 121-(A)- L24, 121-(A)- L24A, 121-(A)- L32, 121-(A)- L38H, 121-(A)- L39A, 121-(A)- L39A1, 121-(A)- L40, 121-(A)- L42, 121-(A)- L43A, 121-(A)- L45, 121-(A)- L50A, 121-(A)- L52, 121-(A)- L54B, 121-(A)- L61A, 121-(A)- L66A, 121-(A)- L70, 121-(A)- L71, 121-(A)- L73, 121-(A)- L74, 121-(A)- L75, 121-(A)- L75B, , 121-(A)- L77, 121-(A)- L84, 121-(A)- L84A, 121-(A)- L84D, 121-(A)- L96, 121A-(1)- L12, 122-(A)- L3, 122-(A)- L20A, 122-(A)- L25A, 122-(A)- L26, 122-(A)- L26A, 135-(A)- L1, 135-(A)- L2, and 135-(A)- L20.

Sec. 17-509.03. Conditions.

The Spring Creek Agricultural and Forestal district shall comply with the following conditions:

- (a) District landowners recognize that some of the land parcels included in the district may be in the designated growth areas of the Town of Bridgewater or the county, as indicated in the Comprehensive Plans of Bridgewater and of the county; or in the agreements defining annexation rights between the county and the Town of Bridgewater. Also, some parcels may be within the Harrisonburg Area Transportation Study plan area.
- (b) The Spring Creek Agricultural and Forestal district shall comply with chapter 16 (subdivision of land) of the County Code and with sections 15.2-4300 through 15.2-4314 (Agricultural and Forestal Districts Act) of the Code of Virginia.
- (c) Parcels of land owned by sole owners, co-owners, partnerships, trusts, corporations, or limited liability companies shall be eligible for inclusion in this agricultural and forestal district as long as all owners, or their designated representatives, sign the application indicating their desire that the parcel be included in the district.
- (d) Any new nonagricultural or nonforestal uses and/or buildings, including dwellings, shall be in compliance with the following:
 - (1) The uses shall be located on property where there is an ongoing agricultural or forestal operation that qualifies for land use taxation.
 - (2) The use shall be permitted to operate only as long as the agricultural or forestal operation continues on the property.

- (3) Construction of a dwelling shall be for: (1) persons who earn a substantial part of their livelihood from agricultural or forestal operations on the same property, or (2) members of the immediate family of the owner. The uses shall be located on property where there is an ongoing agricultural or forestal operation that qualifies for land use taxation.
- (4) Construction of community churches, with or without adjunctive cemeteries and/or church-related private schools shall be permitted. Land for this purpose may be transferred by gift or purchase from district landowners.
- (e) Parcels of land (as now defined on the county real estate maps) within the district may be sold to a nonfamily member during the term of district status. However, the parcel under new ownership shall remain in district status at least until the time of the next scheduled district renewal.
- (f) Land within the district may be subdivided by purchase or gift to immediate family members in compliance with subsection 16-9(c) of the County Code. However, this subdivision shall remain in district status for at least as long as the parent parcel remains in the district.
- (g) All included tracts shall be shown as separate parcels on the county real estate maps.

Sec. 17-509.04. Term review.

The district shall be in effect for ten (10) years, from January 27, 2020, to January 27, 2030. A review of the district, including any additions to the district, may be made by the board of supervisors as provided by, and in accordance with sections 15.2-4309 through 15.2-4312 of the Code of Virginia.

This ordinance shall be effective from the 9th day of June 2021.

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ADJOURN.

Chairman Chandler declared the meeting adjourned at 7:06 p.m.

_____,
Chairman