



Casey B.
Armstrong
Director

COUNTY of ROCKINGHAM
Department of Community Development

February 2, 2016

1. Call To Order
2. Pledge Of Allegiance And Invocation- Rodney Burkholder
3. Approval Of Minutes
 - 3.I. Minutes From January 5, 2016

Documents: [PC 1-5-16.PDF](#)

4. Public Hearing
 - 4.I. Rezoning

4.I.i. REZ15-338

Robert. S. Fulk, 14131 Brocks Gap Road, Fulks Run, VA 22830, to amend the proffered conditions on TM# 36-(A)- L140, located north of Brocks Gap Road (Rt 259) and approximately 0.1 mile east of Little Dry River Road (Rt 818), totaling 2.034 acres, currently zoned General Industrial District Conditional (I-1C). The Comprehensive Plan identifies this area as Agricultural Reserve. It is located in Election District 1.

Documents: [REZ15-338 - ADMIN REPORT.PDF](#), [REZ15-338 - AREA MAP.PDF](#),
[REZ15-338 - PROFFER.PDF](#)

4.II. Ordinance Amendments

4.II.i. OA16-007

Amendment to the Rockingham County Code, Chapter 17 (Zoning), Article II. Definition of Terms, Section 17-201. Definitions generally to add the definition of Solar energy facility, large and the definition of Solar energy facility, small.

Documents: [OA16-007 ARTICLE 2, SOLAR ENERGY FACILITY.PDF](#)

4.II.ii. OA16-008

Amendment to the Rockingham County Code, Chapter 17 (zoning), Table 17-606 Land Use and Zoning Table to allow solar energy facility, large by permitted use with supplemental standards (P*) in the I-1, I-2, PID, PMR, MXU, PCD, R-4, R-5, and S-1 zoning districts and by special use permit with supplemental standards (SU*) in the A-1, A-2, RV, PG, RR-1, B-1, and B-2 zoning districts. This amendment would also allow solar energy, small by permitted right with supplemental standards (P*) in all zoning districts.

Documents: [OA16-008 TABLE 17-606 SOLAR ENERGY FACILITY.PDF](#)

4.II.iii. OA16-009

Amendment to the Rockingham County Code, Chapter 17 (Zoning), Section 17-

607, Supplemental Standards for Certain Land Uses to add supplemental standards for Solar energy facility, large, and for Solar energy facility, small.

Documents: [OA16-009 SEC. 17-607 SUPP. STANDARD SOLAR ENERGY.PDF](#)

4.ii.iv. OA16-010

Amendment to the Rockingham County Code, Chapter 17 (Zoning), Table 17-606 Land Use and Zoning Table to add Dwelling, single-family detached with independent living quarters to the A-1, A-2, RV, PSF, PG, R-4, R-5, MH-1, MXU, and PMR zoning districts as a permitted use with supplemental standards (P*).

Documents: [OA16-010 TABLE 17-606 INDEPENDENT LIVING QUARTERS.PDF](#)

4.ii.v. Capital Improvements Program

The County proposes to amend the capital improvements program (CIP), a five-year plan to guide the construction or acquisition of capital projects, to add two road improvement projects. A CIP is an important fiscal planning tool that helps a locality replace or repair existing major facilities or meet new capital improvement needs. A CIP is a form of short-term planning.

Documents: [CIP AMENDMENTS.PDF](#)

5. Unfinished Business

5.I. OA15-322

Amendment to the Rockingham County Code, Chapter 17 (Zoning), Article 2 (Definition of Terms) to add a definition for agriculturally-related business, not otherwise listed.

Documents: [OA15-322 DEF. OF AGRICULTURALLY-RELATED BUSINESS.PDF](#)

5.II. OA15-323

Amendment to the Rockingham County Code, Chapter 17 (Zoning), Table 17-606 (Land Use and Zoning Table) to allow agriculturally-related business, not otherwise listed as a special use permit with supplemental standards (SU*) in the A1, A2, & RV zoning districts.

Documents: [OA15-323 AG-RELATED BUSINESS BY SUP WITH SUPPLICMENTAL STANDARDS.PDF](#)

5.III. OA15-324

Amendment to the Rockingham County Code, Chapter 17 (Zoning), Section 17-607 (Supplemental Standards for Certain Land Uses) to set standards for agriculturally-related business, not otherwise listed.

Documents: [OA15-324 SEC. 17-607 AG RELATED BUSINESS.PDF](#)

6. Miscellaneous

7. City Planning Commission Liaison Report

7.I. January 13, 2016- Brent Trumbo

8. Upcoming City Planning Commission Liaison Report

8.I. February 10, 2016- Bill Loomis

9. Site Visit

10. Staff Report Overview

10.I. Staff Report 1-27-16

Documents: [STAFF REPORT 1-27-16.PDF](#)

11. Adjournment

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PLANNING COMMISSION

MINUTES

January 5, 2016

The Rockingham County Planning Commission met on Tuesday, January 5, 2016, in the Board of Supervisors Room in the Rockingham County Administration Center. Members present were, Chairman Rodney Burkholder, Vice Chair Mr. Bill Loomis, Mr. Brent Trumbo, Mr. Steven Pence, and Mr. David Rees. Staff members present were Director of Planning, Rhonda Cooper; Planner, James May; Zoning Administrator Diana Stultz; and Secretary Amanda Thomas.

At 6:31 p.m., Chairman Burkholder called the meeting to order.

Mr. Trumbo offered the Pledge of Allegiance and Invocation.

MINUTES

On motion by Mr. Pence, and seconded by Mr. Rees, the November 4, 2015, minutes, and the December 1, 2015, minutes were approved with a 5-0 vote.

PUBLIC HEARING

REZONING REQUESTS

REZ15-314 Go-Mart, Inc., 915 Riverside Drive, Gassaway, WV 26624, to rezone TM# 130-(A)- L9B, totaling 2.071 acres, located west of Mount Hermon Road (Rt 979) and north of Spotswood Trail (US 33), zoned General Agricultural District (A-2), to General Business District (B-1). The Comprehensive Plan identifies this area as Mixed Use Center. The property is located in Election District 5.

Mr. May presented the request.

In response to a question by Mr. Trumbo, Mr. May stated that this property is considered valid, non-conforming and this request, if approved, would bring the property into compliance. Mrs. Stultz added that in the previous zoning ordinance, a convenience store was permitted on A-2 property, by Special Use Permit.

At 6:40 p.m., Chairman Burkholder opened the public hearing.

Mr. Cooper Youell, present on behalf of the applicant, stated that the proposed change will be within the footprint of the building and that they are prepared to address the parking issues and other site concerns.

In response to a question by Mr. Rees, Mr. Youell stated that there would be very limited seating inside the property.

Mr. Patrick Beddou, an adjoining landowner, stated that he is concerned about trash that blows onto his property and feels that a restaurant will increase the amount of trash.

At 6:43 p.m., Chairman Burkholder closed the public hearing.

Mr. May presented the staff recommendation of approval.

Mr. Pence motioned for the Planning Commission to recommend approval of the proposed rezoning; Mr. Trumbo seconded the motion.

On a vote of 5-0, the Commission recommended the approval of this rezoning.

REZ15-317 Lispen, LLC, 1346 Pleasants Drive, Suite 6, Harrisonburg, VA 22801, to rezone portions of TM# 123-(A)- L74 and TM# 124-(A)- L40, totaling 28.521 acres, located south of Cecil Wampler Road (Rt 704) and east of Interstate Highway 81, zoned General Industrial District with Conditions (I-1C), to General Industrial District with Conditions (I-1C). The Comprehensive Plan identifies this area as Industrial. The property lies in Election District 4.

Mr. May presented the request.

Mr. Trumbo questioned if, at this point, VDOT's concerns were resolved. Mr. May replied that VDOT has reviewed the amended proffers and resubmitted their comments. Their main concern was service to the property and the impact it would have on Cecil Wampler Road. The applicant has proffered that service to the property will be off of Crowe Drive, which will be built to VDOT standards, regardless if it is taken into the system or not. Mr. Trumbo questioned if VDOT reversed their comment on traffic impact. Mr. May stated that VDOT's concern was over the use of the words "Truck Terminal", however; their definition of Truck Terminal varied significantly from Rockingham County's definition of Truck Terminal. After discussing the proposed use with VDOT, it was determined that the use was closer to that of a warehouse without the storage. Thus was the reasoning that there would not be as much of an impact.

Mr. Rees questioned if there would only be twenty five (25) trucks going into and coming off of the property. Mr. May responded that that was VDOT's previous concern, but they have retracted that statement. Ms. Cooper added that the number of trucks and employees has not been proffered.

Mr. Loomis questioned if this use would essentially be a warehouse where trucks would leave their freight and come back for it at a later time. Mr. May stated that this would be like a transition station, moving freight from larger trucks to smaller trucks and vice versa.

At 6:54 p.m., Chairman Burkholder opened the public hearing.

Mr. Devon Anders, owner of Lispen, LLC, stated that their request is to add "Truck Terminal" to allowable uses and modify the proffers which are currently on that property. Mr. Anders clarified that there is no intention of having a travel center or truck stop on the property. The plan is for a cross dock warehouse facility. He also mentioned that the proffers are being revised to take into the account of the updated zoning ordinance, as many proffers on the property are now requirements. Mr. Anders indicated there is a contract purchaser for a portion of the parcel that has agreed to all proffers, but the

contract is subject to contingencies. He stated that it is his belief that this property is a prime location for a truck terminal use, due to the proximity to the interstate and the use is currently permitted on surrounding parcels. Mr. Anders stated that after speaking with staff and VDOT, he does not believe this use will be a strain on the immediate transportation infrastructure. In 2014 there was a privately funded \$500,000.00 road expansion to accommodate industrial expansion in that area. He feels this will allow further investment to widen the County tax base and allow for current County businesses to have services in close proximity to their manufacturing and distribution centers.

Mr. Rees questioned if the products that would be distributed from this location would be distributed locally. Mr. Anders stated that this facility would be for larger trucks to bring less than full loads which would be transferred to smaller delivery trucks and delivered in the area, and vice versa.

At 6:58 p.m., Chairman Burkholder closed the public hearing.

Mr. Trumbo stated that his company, Trumbo Electric, occasionally works with Mr. Anders. Mr. Trumbo discussed this with Tom Miller, County Attorney, and it is felt that he can vote on this rezoning, unless someone opposes.

Mr. May presented the staff recommendation of approval.

Mr. Rees stated that there are concerns over the limited Fire and Rescue operations.

Mr. Rees motioned for the Planning Commission to recommend approval of the proposed rezoning; Mr. Pence seconded the motion.

On a vote of 5-0, the Commission recommended the approval of this rezoning.

ORDINANCE AMENDMENTS

OA15-322 Amendment to the Rockingham County Code, Chapter 17 (Zoning), Article 2 (Definition of Terms) to add a definition for agriculturally-related business, not otherwise listed.

OA15-323 Amendment to the Rockingham County Code, Chapter 17 (Zoning), Table 17-606 (Land Use and Zoning Table) to allow agriculturally-related business, not otherwise listed as a special use permit with supplemental standards (SU*) in the A1, A2, & RV zoning districts.

OA15-324 Amendment to the Rockingham County Code, Chapter 17 (Zoning), Section 17-607 (Supplemental Standards for Certain Land Uses) to set standards for agriculturally-related business, not otherwise listed.

Mrs. Stultz presented the requests.

Mr. Rees questioned how this will affect the current businesses. Mrs. Stultz responded that so long as they are legal, they will become legally non-conforming.

Mr. Pence questioned if there would be some small businesses that required more than 2,500 sq. ft. Mrs. Stultz stated that staff looked back through records into the early 1980's and were not able to find any businesses that had less than 1,800 sq. ft. or more than 2,500 sq. ft., other than seed and feed stores, which have been left separate because of that.

Mr. Rees questioned the limit of outside storage. Mrs. Stultz stated that many of the business owners she spoke to said that outside storage was not needed. Mrs. Stultz mentioned that the Commission could recommend approval without limited storage.

Mr. Pence questioned if a tracker dealer would fall into this category. Mrs. Stultz replied that it would.

In response to a question by Mr. Rees, Mrs. Stultz stated that this amendment is dealing with only limited agricultural related businesses.

Mr. Pence stated that items such as fence posts would not likely be kept inside. Mrs. Stultz responded that many of those types of businesses are on properties that are zoned business. She also stated that they want to be sure these businesses are smaller.

Mr. Trumbo stated that he agrees with the practical storage, but the issue with fence posts is that many of them are pressure treated which can cause stormwater problems. Mrs. Stultz replied that the Stormwater Manger looks at every site plan and would be able to determine what measures needed to be taken.

In response to a question by Mr. Burkholder, Mrs. Stultz stated that the outside storage would be limited by area, not by number of product.

Mr. Pence questioned if there were other examples of possible uses. Mrs. Stultz stated that some uses would fall under the farm bill, there was a request for a seed and feed store.

Mr. Loomis stated he knows of a current facility selling mulch and dirt in his district. He questioned if that would qualify under this amendment. Mrs. Stultz replied that it may, or the owners may need to go through the special use permit process.

Mr. Rees stated that he currently does business with an old order Mennonite who has a small shop and questioned if this gentleman would need a special use permit. Mrs. Stultz stated that he may already have one, and the use would have to be reviewed but many have individuals already have a special use permit.

At 7:11 p.m., Chairman Burkholder opened the public hearing.

At 7:12 p.m., seeing as there was no one to speak in favor of or opposition to the ordinance amendment, Chairman Burkholder closed the public hearing.

Mr. Pence motioned for the Planning Commission to table the proposed amendments; Mr. Trumbo seconded the motion.

On a vote of 5-0, the Commission recommended to table these amendments.

OA15-325 Amendment to the Rockingham County Code, Chapter 17 (Zoning), Section 17-701.02 (Public Streets) to state that while R-3 apartment complex lots must front on a public street, there may be a private access easement from the public street to the parking lot, and it shall meet the requirements of Fire Department access roads as outlined in the Rockingham County Fire Prevention Code.

Mrs. Stultz presented the request.

At 7: 15 p.m., Chairman Burkholder opened the public hearing.

At 7: 16 p.m., seeing as there was no one to speak in favor of or opposition to the ordinance amendment, Chairman Burkholder closed the public hearing.

Mr. Rees motioned for the Planning Commission to recommend approval of the proposed ordinance amendment; Mr. Trumbo seconded the motion.

On a vote of 5-0, the Commission recommended the approval of the amendment.

OA15-327 Amendment to the Rockingham County Code, Chapter 17, Zoning, to remove the term "final plan" and replace with the term "site plan" in Sections 17-400.02(d) Requirements; 404.02(c) Requirements; 405.02(d) Requirements; 702.07 Shared parking; 17-703.01(c) Landscape plan; 703.08(b) Utility easements; 17-1004.10(b)(2) Effect of acceptance: Map references; conformance to existing conditions.

Ms. Cooper presented the request.

At 7:17 p.m., Chairman Burkholder opened the public hearing.

At 7:17 p.m., seeing as there was no one to speak in favor of or opposition to the ordinance amendment, Chairman Burkholder closed the public hearing.

Mr. Trumbo motioned for the Planning Commission to recommend approval of the proposed ordinance amendment; Mr. Pence seconded the motion.

On a vote of 5-0, the Commission recommended the approval of the amendment.

UNFINISHED BUSINESS

MISCELLANEOUS

Ms. Cooper presented the 2015 Annual Report.

The 2016 County Liaison Schedule was set.

CITY PLANNING COMMISSION LIAISON REPORT

Steve Pence gave a report for the December 9, 2015 Harrisonburg City Planning Commission Meeting.

[Upcoming Harrisonburg City Planning Commission Meeting](#)

The Liaison for the January 13, 2016 Harrisonburg City Planning Commission Meeting is Brent Trumbo.

SITE VISIT

A site visit would be available at the request of the Commissioners.

STAFF REPORT OVERVIEW

Ms. Cooper reviewed the staff report.

ADJOURNMENT

At 7:27 p.m., having no further business, the Commission adjourned.

Rodney Burkholder, Chair

Amanda Thomas, Secretary

DRAFT



Community Development Rezoning Report REZ15-338

Planning Commission
February 2, 2016

Board of Supervisors
February 24, 2016

Applicant	Robert S. Fulk
Tax Map Id	36-(A)- L140
Present Zoning	General Industrial District with Conditions (I-1C)
Proposed Zoning	General Industrial District with Conditions (I-1C)
Location	North of Brocks Gap Road (Rt 259) and approximately 0.1 mile east of Little Dry River Road (Rt 818)
Acreage	2.034 acres`
Election District	1
Comprehensive Plan	Agricultural Reserve

Staff Recommendation :	Approval	January 25, 2016
Planning Commission:		
Board of Supervisors:		

GENERAL INFORMATION

OVERVIEW / BACKGROUND

The Board approved the rezoning of this parcel in 1993 from Agricultural/Residential District (A-3) to General Industrial District with Conditions (M-1C). In 2014, the Board adopted a revised zoning ordinance that recoded the General Industrial District as I-1 and changed the names and definitions of some of the permitted uses. The applicant seeks to amend the proffered conditions to allow a post office and to revise the list of permitted uses to conform to the zoning ordinance adopted in 2014.

PROFFERS¹

The applicant has proffered a list of permitted uses which has been attached to this report.

COMPREHENSIVE PLAN

One of the primary goals of the Comprehensive Plan is to preserve the agricultural industry and economy. The Agricultural Reserve is planned for agricultural uses and uses that support agriculture as a viable way of life and economic enterprise. The rural centers, including Fulks Run, are a mix of residences and neighborhood-scale businesses that have served the surrounding communities for many years. This plan recommends limiting the expansion of rural centers to reduce potential impacts on agricultural activities.

ZONING AND EXISTING LAND USE

The Zoning Administrator has identified no concerns.

Adjoining Properties and Uses

Direction From Site	Zoning	Existing Land Use
North	Rural Village (RV)	Wooded
East	Rural Village (RV)	Home Site
South	Rural Village (RV)	Home Site/Agriculture

¹ Proffers are voluntary contributions made by developers to the County through the conditional zoning process. Proffers are binding commitments which become a part of the County's zoning ordinance as it pertains to a specific property.

West	Rural Village (RV) General Agricultural District (A-2)	Trailer Site/Pasture
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STAFF AND AGENCY ANALYSIS

UTILITIES

Public Works

Public Works has no comments on the rezoning request. No County water and sewer facilities are available to the property.

Health Department

The local health department does not object to the rezoning amendment. Any change of use at the property would require further review to ensure the sewage disposal system and water supply would be adequate to serve the uses.

ENVIRONMENTAL

Soils



1B – Slopes are 1 to 7 percent. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is moderately high. Available water to a depth of 60 inches is moderate. Shrink-swell potential is low. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. This soil does not meet hydric criteria.

40C - Slopes are 7 to 15 percent. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is moderately high. Available water to a depth of 60 inches is low. Shrink-swell potential is low. This soil is not flooded. It is not ponded. A seasonal zone of water saturation is at 39 inches during January, February, and March. This soil does not meet hydric criteria.

Environment

No comments submitted.

PUBLIC FACILITIES

Schools

No comments submitted.

Fire & Rescue

The Office of the Fire Marshal has no concerns with the updating of terms to match the current requirements.

Sheriff

No comments submitted

TRANSPORTATION

Traffic Counts

Road	Classification	Geometry	Traffic Count*	Posted Speed
Brocks Gap Road (Route 259)	Minor Arterial	2-Lane Highway	2,800 VPD (2014)	45 MPH

* Vehicles Per Day (VPD)

VDOT

The proposed rezoning to allow a postal facility on the subject parcel should not have a measurable impact on the roadway network.

The addition of a postal facility could, however, cause the need for entrance modifications due to increased traffic volume utilizing the site. The existing entrance configuration will be evaluated at the site plan review. Entrance improvements up to and including the closing of one of the existing entrances and the addition of a left or right turn lane/taper may be required.

SUMMARY

Considerations

- The amendment brings the proffered conditions into conformance with the current zoning ordinance.
- The amendment permits a previously prohibited use of mail services.
- Mail services can be considered “uses that support agriculture as a viable way of life and economic enterprise.”
- The amendment permits a new use for a developed parcel while “limiting the expansion” of Fulks Run, thereby reducing “potential impacts on agricultural activities.”
- Agency officials identified no issues with the rezoning request.

Staff Recommendation: Approval

January 25, 2016

Whereas this amendment brings the proffered conditions for this parcel into conformance with the existing zoning ordinance, and whereas the proffered conditions permit uses that support agriculture as a viable way of life and economic enterprise while providing an alternative to the expansion of Fulks Run, staff recommends approval.

Planning Commission Recommendation:

Board Decision:

REZ15-338
Fulk, Robert S.
Zoning from I-1C to I-1C

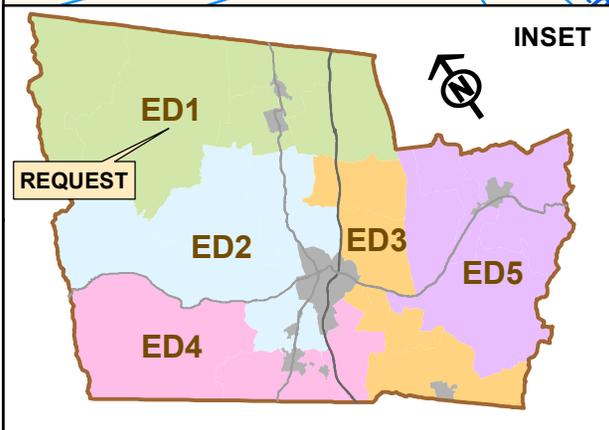
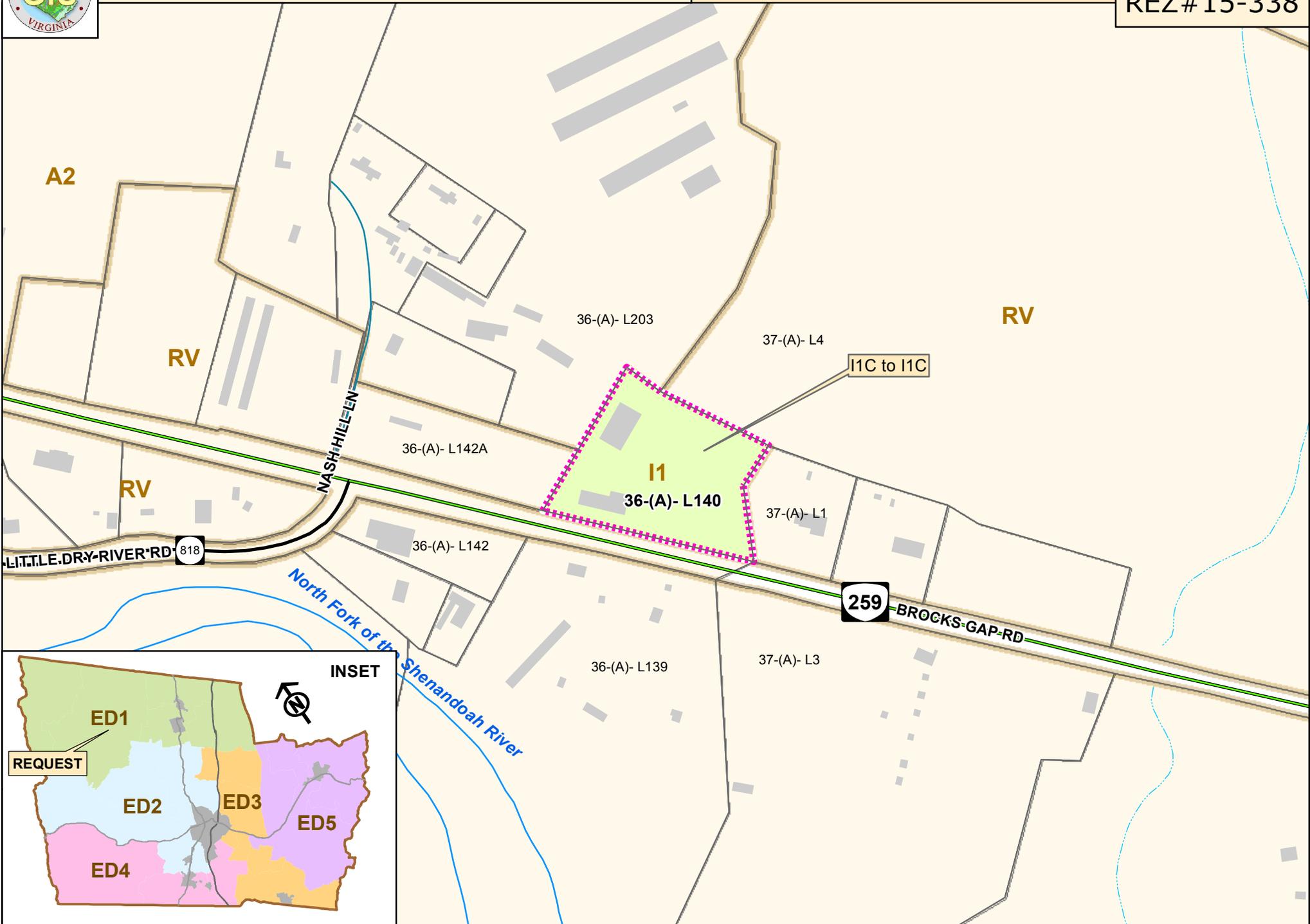


Robert S. Fulk Rezoning Request



PC Hearing Date: 2/02/2016
BOS Hearing Date: 2/24/2016

REZ# 15-338



RE: Robert S. Fulk

Date: 12/28/15

REZ15-338

TM#: 36-(A)- L140

Robert S. Fulk hereby proffers that the use and development of this property shall be limited to the following uses only:

1. Retail use not otherwise listed
2. Mail services
3. Warehouse
4. Contractor's operation
5. Industry, light
6. Motor vehicle repair shop
7. Sawmill or lumber mill

Robert. S. Fulk

Robert S. Fulk

12/28/15

ORDINANCE
ADDING NEW DEFINITIONS
SECTION 17-201
OF THE CODE OF ORDINANCES
OF
ROCKINGHAM COUNTY, VIRGINIA

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

That Section 17-201, Definitions generally, be and hereby is amended as follows:

Chapter 17. Zoning, Article II. Definitions of Terms, Section 17-201. Definitions generally

ADD alphabetically)

Solar energy facility, large. An energy conversion system consisting of photovoltaic panels, support structures, and associated control, conversion, and transmission hardware occupying one-half acre or more of total land area. Also known as solar energy systems, solar energy arrays, or solar energy farms.

Solar energy facility, small. An energy conversion system consisting of photovoltaic panels, support structures, and associated control, conversion, and transmission hardware occupying less than one-half acre of total land area.

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

Adopted the ___ day of _____, 201_.

	Aye	Nay	Abstain	Absent
Supervisor Cuevas				
Supervisor Eberly				
Supervisor Chandler				
Supervisor Kyger				
Supervisor Breeden				

Chairman of the Board of Supervisors

ATTESTE:

Clerk

STAFF RECOMMENDATION

APPROVAL

January 12, 2016

After a request was made by Dominion Power for an amendment to the Zoning Ordinance to allow Solar Energy in the County, a committee was formed that included both Dominion and SVEC as well as JMU, EMU, private citizens and several other companies along with staff to review and draft an ordinance. After meeting and coming up with ideas, a draft ordinance was prepared and has been reviewed by all persons involved with the committee. This is the final draft to come out of that work.

As solar energy becomes more popular, it is the intent of the County to stay in the forefront on this. With the help of the committee to prepare an ordinance that addresses solar energy on both a large scale and small scale, staff is of the opinion that we are prepared for solar energy in Rockingham County.

Staff recommends approval.

**ORDINANCE ENACTING
CERTAIN CHANGES TO TABLE 17-606
OF THE CODE OF ORDINANCES OF
ROCKINGHAM COUNTY, VIRGINIA**

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

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

Table 17-606 Land Use and Zoning Table

Industrial Uses

ADD (alphabetically)

Solar energy facility, large:

By permitted use with supplemental standards (P*) in the I-1, I-2, PID, PMR, MXU, PCD, R-4, R-5, and S-1 zoning districts

By special use permit with supplemental standards (SU*) in the A-1, A-2, RV, PG, RR-1, B-1 and B-2 zoning districts.

Solar energy facility, small:

By permitted use with supplemental standards (P*) in all zoning districts.

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

Adopted the ___ day of _____, 201_.

Aye Nay Abstain Absent

Supervisor Cuevas

Supervisor Eberly

Supervisor Chandler

Supervisor Kyger

Supervisor Breeden

Chairman of the Board of Supervisors

ATTESTE:

Clerk

STAFF RECOMMENDATION APPROVAL January 12, 2016

After a request was made by Dominion Power for an amendment to the Zoning Ordinance to allow Solar Energy in the County, a committee was formed that included both Dominion and SVEC as well as JMU, EMU, private citizens and several other companies along with staff to review and draft an ordinance. After meeting and coming up with ideas, a draft ordinance was prepared and has been reviewed by all persons involved with the committee. This is the final draft to come out of that work.

As solar energy becomes more popular, it is the intent of the County to stay in the forefront on this. With the help of the committee to prepare an ordinance that addresses solar energy on both a large scale and small scale, staff is of the opinion that we are prepared for solar energy in Rockingham County.

Staff recommends approval.

**ORDINANCE AMENDING A PORTION OF
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 to include Solar energy facility, large and Solar energy facility, small (in alphabetical order)

Section 17-607. Supplemental Standards for Certain Land Uses.

ADD:

Solar energy facility, large

- (a) Ground-mounted:
- (1) Solar energy facilities shall not exceed 25 feet in height when oriented at maximum tilt.
 - (2) Any glare generated by the system must be mitigated or directed away from an adjoining property or from any road when it creates a nuisance or safety hazard.
 - (3) An ocular-impact study must be performed for airports within five miles of the project site and for public roads within sight of the system. The analysis shall be performed using FAA Solar Glare Hazard Analysis Tool (SGHAT) to demonstrate compliance with FAA standards for measuring ocular impact.

- (4) In the zoning districts that have required setbacks, the array shall, at a minimum, meet setback requirements for primary structures except among and between participating landowners' parcels.
 - (5) In zoning districts that have no required setbacks, the array shall be located in such a manner that it does not encroach on any adjoining property except among and between participating landowners' parcels.
 - (6) Solar energy facilities shall not encroach into any easements.
- (b) Roof-mounted:
- (1) Separate flush or frame-mounted solar energy facilities installed on the roof or structure shall not:
 - a. Project vertically more than one (1) foot above the peak of the sloped roof to which it is attached; or
 - b. Project vertically more than five (5) feet above a flat roof installation.
 - (2) The combined height of a roof-mounted facility and the primary structure to which it is attached shall not exceed the maximum height for the zoning district in which it is located.
 - (3) It shall be demonstrated that the placement of the facility shall not adversely affect safe access to the roof, pathways to specific areas of the roof, and safe egress from the roof.
 - (4) Any glare generated by the system must be mitigated or directed away from adjoining property or road when it creates a safety hazard.
 - (5) An ocular-impact study shall be performed for airports within five miles of the project site and for public roads within sight of the system. The analysis shall be performed using FAA Solar Glare Hazard Analysis Tool (SGHAT) to demonstrate compliance with FAA standards for measuring ocular impact.
- (c) Appearance
- (1) The solar energy facility shall be maintained in the color or finish that was originally applied by the manufacturer.

- (2) All signs, other than the manufacturer's identification, installer's identification, appropriate warning signs, or owner's identification shall be prohibited.
- (d) Removal.
- (1) At such time that a solar energy facility is scheduled to be abandoned or discontinued, the owner of the facility shall notify the County by certified U.S. mail of the expected date of abandonment or discontinuation of operations.
 - (2) Within three hundred sixty-five (365) days of the date of abandonment or discontinuation, the owner of the system shall physically remove all components of the solar energy facility. If not removed within the allotted time, the County may have it removed at the expense of the property owner.

Solar energy facility, small

Ground-mounted:

- (1) Solar energy facilities shall not exceed 25 feet in height when oriented at maximum tilt.
- (2) Any glare generated by the system must be mitigated or directed away from an adjoining property or from any road when it creates a nuisance or safety hazard.
- (3) In the zoning districts that have required setbacks, the array shall, at a minimum, meet setback requirements for primary structures except among and between participating landowners' parcels.
- (4) In zoning districts that have no required setbacks, the array shall be located in such a manner that it does not encroach on any adjoining property except among and between participating landowners' parcels
- (5) Solar energy facilities shall not encroach into any easements.

(b) Roof-mounted:

- (1) Separate flush or frame-mounted solar energy facilities installed on the roof or structure shall not:

- a. Project vertically more than one (1) foot above the peak of the sloped roof to which it is attached; or
 - b. Project vertically more than five (5) feet above a flat roof installation.
 - (2) The combined height of a roof-mounted system and the principal structure to which it is attached shall not exceed the maximum height for the zoning district in which it is located.
 - (3) It shall be demonstrated that the placement of the system shall not adversely affect safe access to the roof, pathways to specific areas of the roof, and safe egress from the roof.
 - (4) Any glare generated by the system shall be mitigated or directed away from adjoining property or road when it creates a safety hazard.
- (c) Appearance
- (1) The solar energy system shall be maintained in the color or finish that was originally applied by the manufacturer.
 - (2) All signs, other than the manufacturer's identification, installer's identification, appropriate warning signs, or owner's identification shall be prohibited.
- (d) Notification
- (1) Consumer shall notify the utility company prior to purchasing and installing the small solar energy facility.
 - (2) Installations shall require an electrical permit and inspection by County personnel.
 - (3) County personnel shall notify the utility company that the small solar energy facility has been inspected and approved.
 - (4) All installations shall comply with IEEE 1547, shall be UL Listed and shall be approved for interconnection by the local utility company. All equipment shall be UL listed for its installed purpose.

- (5) All installations shall comply with all state regulations for small generator interconnections.

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

Adopted the ___ day of _____, 201__.

Aye Nay Abstain Absent

Supervisor Cuevas

Supervisor Eberly

Supervisor Chandler

Supervisor Kyger

Supervisor Breeden

Chairman of the Board of Supervisors

ATTESTE:

Clerk

STAFF RECOMMENDATION APPROVAL January 12, 2016

After a request was made by Dominion Power for an amendment to the Zoning Ordinance to allow Solar Energy in the County, a committee was formed that included both Dominion and SVEC as well as JMU, EMU, private citizens and several other companies along with staff to review and draft an ordinance. After meeting and coming up with ideas, a draft ordinance was prepared and has been reviewed by all persons involved with the committee. This is the final draft to come out of that work.

As solar energy becomes more popular, it is the intent of the County to stay in the forefront on this. With the help of the committee to prepare an ordinance that addresses solar energy on both a large scale and small scale, staff is of the opinion that we are prepared for solar energy in Rockingham County.

Staff recommends approval.

**ORDINANCE ENACTING]
CERTAIN CHANGES TO TABLE 17-606
OF THE CODE OF ORDINANCES
OF
ROCKINGHAM COUNTY, VIRGINIA**

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

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

Table 17-606 Land Use and Zoning Table

Residential Uses

Dwelling, single-family detached with independent living quarters

ADD:

As a permitted use with supplemental standards (P*) in the A-1, A-2, RV, PSF, PG, R-4, R-5, MH-1, MXU, and PMR zoning districts

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

Adopted the ___ day of _____, 201_.

Aye

Nay

Abstain

Absent

Supervisor Cuevas

Supervisor Eberly

Supervisor Chandler

Supervisor Kyger
Supervisor Breeden

Chairman of the Board of Supervisors

ATTESTE:

Clerk

STAFF RECOMMENDATION

APPROVAL

January 12, 2016

This is a housekeeping item that is being brought forth after staff realized that the use was inadvertently omitted from the ordinance in many districts that allow single-family detached dwellings. This amendment, if approved, would permit single-family detached dwellings with independent living quarters in all zoning districts that all single-family dwellings. Staff recommends approval.

PW-17 South Valley Pike (US 11) Road Improvements

Location

South Valley Pike (US 11) from the Harrisonburg City Limit to the intersection of Cecil Wampler Road (Rt 704)

Description

The 1.3-mile project will begin just south of the intersection of US 11 (South Valley Pike) and Rt. 704 East (Cecil Wampler Road) and include a signalized intersection at this location .This signal would need to be synchronized with the signal at Rt. 704 West (Oakwood Drive). The project will proceed north on US 11 to the south corporate limits of the City of Harrisonburg and taper back to the existing two-lane typical section at this location. Widening will be to the west of the existing US 11 for a four-lane divided highway with wide shoulders for bicycles and pedestrians. A new intersection, with signals, will be at the entrance to the Rockingham County fairgrounds. Turn lanes will be provided at all intersections requiring, them based on an engineering analysis, so as to adequately and safely serve the existing transportation network.

South Valley Pike (US 11) Road Improvements	5 Year Total	FY2017	FY2018	FY2019	FY2020	FY2021
Planning, Design, & Engineering	\$ 1,533,285	\$306,657	\$306,657	\$306,657	\$306,657	\$306,657
Purchase of Land	\$ 809,294	\$ -	\$ -	\$ -	\$404,647	\$404,647
5 YEAR COST	\$2,342,579	\$306,657	\$306,657	\$306,657	\$711,304	\$711,304

5 YEAR FUNDING	\$2,342,579	\$306,657	\$306,657	\$306,657	\$711,304	\$711,304
State Funds	\$ 2,342,579	\$306,657	\$306,657	\$306,657	\$711,304	\$711,304

Comprehensive Plan Goals

GOAL 10: Preserve and Improve Free Flow of Traffic and Improve the Safety of the Road System.

Widening South Valley Pike and providing a signal at the Cecil Wampler intersection will help the free flow of traffic from Mount Crawford and the industrial area of the County to the City of Harrisonburg and Interstate-81.

PW-18 Spotswood Trail (US 33) Road Improvements

Location

Spotswood Trail (US 33) from the intersection of Massanetta Springs Road (Rt. 687) to the intersection of Stone Spring Road (VA 280).

Description

This project provides a 3rd lane on eastbound Spotswood Trail (US 33) from Stone Spring Road (VA 280) to Massanetta Springs Road (Rt 687). This project will provide greater access to Massanetta Springs Road (Rt 687) for eastbound traffic and will reduce the instances of blocking the through lanes while cueing for the right turn onto Massanetta Springs Road (Rt 687).

Spotswood Trail (US 33) Road Improvements	5 Year Total	FY2017	FY2018	FY2019	FY2020	FY2021
Construction	\$ 500,000	\$ -	\$ 500,000	\$ -	\$ -	\$ -
5 YEAR COST	\$ 500,000	\$ -	\$ 500,000	\$ -	\$ -	\$ -
5 YEAR FUNDING	\$ 500,000	\$ -	\$ 500,000	\$ -	\$ -	\$ -
State Funds	\$ 500,000	\$ -	\$ 500,000	\$ -	\$ -	\$ -

Comprehensive Plan Goals

GOAL 10: Preserve and Improve Free Flow of Traffic and Improve the Safety of the Road System.

Providing a dedicated right turn lane onto Massanetta Springs Road from Spotswood Trail will help the free flow of traffic from the City of Harrisonburg and Stone Spring Road

**ORDINANCE ENACTING
CERTAIN CHANGES TO CHAPTER 17, ARTICLE 2
OF THE CODE OF ORDINANCES OF
ROCKINGHAM COUNTY, VIRGINIA**

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

That Chapter 17, Article 2, definition of terms be and hereby is amended as follows (in alphabetical order):

Enact:

Agriculturally-related business, not otherwise listed. A small-scale business selling agricultural supplies, such as agricultural fencing, nails, bolts, and hand tools, in direct support of the local agricultural community.

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

Adopted the __ day of _____, 201_.

Aye	Nay	Abstain	Absent
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Supervisor Cuevas
Supervisor Eberly
Supervisor Chandler
Supervisor Kyger
Supervisor Breeden

Chairman of the Board of Supervisors

ATTESTE:

Clerk

STAFF RECOMMENDATION APPROVAL December 11, 2015

At the direction of the Board of Supervisors, staff drafted an ordinance to allow for small-scale agricultural businesses, not otherwise listed. Staff recommends approval.

ORDINANCE ENACTING
CERTAIN CHANGES TO TABLE 17-606
OF THE CODE OF ORDINANCES OF
ROCKINGHAM COUNTY, VIRGINIA

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

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

Under Retail Uses, add "Agriculturally-related business, not otherwise listed" as a special use (SU*) with supplemental standards in the A-1, A-2, and RV Districts.

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

Adopted the __ day of _____, 201__.

Aye Nay Abstain Absent

- Supervisor Cuevas
- Supervisor Eberly
- Supervisor Chandler
- Supervisor Kyger
- Supervisor Breeden

Chairman of the Board of Supervisors

ATTESTE:

Clerk

STAFF RECOMMENDATION APPROVAL December 11, 2015

By requiring the agriculturally related businesses by special use permit, the applicant would specify the type of business he was requesting. That would allow the Board to look at each request on its own merit. Staff recommends approval.

ORDINANCE REPEALING
AND RE-ENACTING
A PORTION OF
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 repealed and re-enacted to include Agriculturally-related businesses (not otherwise listed (to be added in alphabetical order)

17-607. Supplemental Standards for Certain Land Uses.

ADD:

Agriculturally-related business, not otherwise listed:

- (a) Total building area for any business shall not exceed 2,500 square feet.
- (b) Outside storage shall be limited to no more than one-half (1/2) acre and shall meet the requirements of Section 17-705. Outdoor Commercial Storage.
- (c) There shall be no lighted signs.

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

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PERSONNEL

AUTHORIZED POSITIONS- 31.5

Filled Positions- 21.0

Department Director (Casey Armstrong)

ADMINISTRATIVE

Administrative Assistant (Amanda Thomas)

PERMIT INTAKE & PROCESSING

Permit Specialist II (Leslie Dodrill)

Permit Specialist I (Kelley Ann Weatherholtz)

BUILDING CODE ENFORCEMENT

Building Official (Joe Shifflett)

Building Plan Reviewer (Jay Carter)

Electrical Inspector (J.N. Riddel)

Electrical Inspector (Terry Derrer)

Inspector (Ricky Davis)

Building Inspector (James E. Campbell)

LAND DEVELOPMENT REVIEW

Development Plan Manager (Peter Kesecker)

PLANNING: SHORT- AND LONG-RANGE

Director of Planning (Rhonda Cooper)

Senior Planner (James May)

ZONING CODE ENFORCEMENT

Zoning Administrator (Diana Stultz)

Deputy Zoning Administrator (Diane Lepkowski)

Code Compliance Officer (Kelly Getz)

GEOGRAPHIC INFORMATION SYSTEMS

GIS Specialist (Mark Rathke)

GIS Technician (Kendrick Smith)

ENVIRONMENTAL SERVICES

Environmental Manager (Lisa Perry)

Environmental Inspector (Adam Hancock)

Environmental Inspector (Blake Barnes)

Vacant Positions- 10.5

Permit Specialist II

Permit Specialist I

Permit Specialist I- Part-time

Deputy Building Official

Building and Plumbing Inspector

Inspector

Plumbing Inspector

GIS Coordinator

Addressing Technician

Planner

Erosion & Sediment Control Administrator

BOARD ACTION REQUESTED

None.

PROJECTS AND REPORTS

PROPOSED VOLUNTARY CONSERVATION EASEMENT ORDINANCE (Rhonda Cooper)

Following a presentation to the Board on January 13, the Board requested staff to provide additional research to them at its February 10 meeting.

A Voluntary Conservation Easement Ordinance, initially drafted by an advisory committee in 2009, has been revised by the Shenandoah Valley Battlefields Foundation (SVBF) for consideration by the Board. The SVBF has encountered a number of opportunities to conserve land in the battlefields, but the conservation of these properties would necessitate the establishment of a local government as a co-holder of the easement. At the request of County staff, in June, John Hutchinson of the SVBF provided an explanation of this need and outlined the differences between the 2009 and 2015 drafts. That information was provided to the Board in the department's January 13 staff report.

PLANNING COMMISSION'S ANNUAL REPORT (Rhonda Cooper)

The 2015 Annual Report was presented to the Planning Commission at its January 5 meeting. The report is attached.

HOUSE BILL 2 TRANSPORTATION PROJECT APPLICATIONS (Rhonda Cooper)

Staff has submitted applications for HB 2 funding of three road projects: Mayland Road (VA 259), South Valley Pike (U.S. 11), and Rawley Pike (U.S. 33). From October through January, projects from across Virginia will be screened and evaluated by the Office of Intermodal Planning and Investment (OIPI), VDOT, and the Department of Rail and Public Transportation (DRPT). In mid-January, the results will be presented to the Commonwealth Transportation Board (CTB) for its approval. Between February and April, the CTB will consider projects for inclusion in the Six Year Improvement Plan (SYIP).

ROCKINGHAM BICYCLE ADVISORY COMMITTEE (RBAC) (Rhonda Cooper)

The next regularly scheduled meeting of the RBAC is February 18. The Committee has received and will comment on the final draft of the Rockingham County Bicycle and Pedestrian Plan. The Planning Commission will receive the final draft after February 18.

MPO & NON-MPO BICYCLE AND PEDESTRIAN PLANS (Rhonda Cooper)

The MPO Subcommittee and Rockingham Bicycle Advisory Committee are in the final review period of the draft Plan. When this review is complete, the MPO TAC will forward the plan to the Policy Board, requesting that the Policy Board release it for public comment on March 21. The MPO and County Bicycle and Pedestrian Plans will be presented at a public meeting. The public meeting will be the citizens' and stakeholders' opportunity to review the draft plans and maps within an open house and formal presentation format.

PORT REPUBLIC RURAL VILLAGE GRANT PROJECT (Rhonda Cooper)

The Shenandoah Valley Network (SVN) and Community Alliance for Preservation (CAP) staff are using the summer and fall months to hold informal meetings with members of The Society of Port Republic Preservationists and other landowners in the Port Republic area to describe the planning process and to publicize upcoming community

planning workshops. In January 2016, SVN and its consultant, Paradigm Design, will hold the first of three community workshops.

The SVN was awarded a Battlefield Protection Grant to study the potential for a Rural Village Overlay District for Port Republic. SVN has contracted with Paradigm Design to work with Port Republic’s village and area landowners to develop the landowners’ vision, then to develop guidelines to preserve special characteristics, and to develop a list of uses compatible with the traditional village and surrounding agriculture and battlefields. The resulting Rural Village Overlay District could become a general model for application in the County’s other rural villages. This grant was awarded by the National Park Service’s American Battlefield Protection Program.

MPO SOUTH REGIONAL CORRIDOR STUDY (Rhonda Cooper)

The ad hoc committee is reviewing revisions to the MPO Route 11 South Regional Study. The MPO Policy Board tabled the original Study on June 21, 2012. The study encompasses part of the County; City; and the Towns of Bridgewater, Dayton, and Mt. Crawford; from Port Republic Road (City) to Dinkel Avenue and from Interstate 81 to Route 42.

SOLAR ENERGY COMMITTEE (Diana Stultz)

The kick-off meeting of the Solar Energy Committee (approved by the Board at the October 14 meeting) was held on Thursday, October, 22. Representatives from Dominion Power, SVEC, JMU, EMU, Hecate Energy, McBride Energy, private individuals Kim Sandum and Chris Bolgiano, and County staff attended.

Staff has worked on a solar energy ordinance, and it was sent to committee members on November 23 for review and comments. After receiving comments, staff reworked the ordinance and sent it out to the committee members for review again on December 28. Comments were received back by January 11. The ordinance is scheduled to go to the Planning Commission for a public hearing on February 2, 2016.

PROJECTS AND REPORTS TABLED BY THE BOARD OF SUPERVISORS

NORTH VALLEY PIKE CORRIDOR STRATEGIC PLAN (Rhonda Cooper)

The Board tabled the North Valley Pike Corridor Strategic Plan (NVP Plan) on December 15, 2010. Staff recommends reworking this Plan as part of the Comprehensive Plan revisions.

PLANNING COMMISSION ACTIONS

At the January 5 meeting, the Commission considered the following items:

REZ15-314	Go-Mart, Inc., 915 Riverside Drive, Gassaway, WV 26624, to rezone TM# 130-(A)- L9B, totaling 2.071 acres, located west of Mount Hermon Road (Rt 979) and north of Spotswood Trail (US 33), zoned General Agricultural District (A-2), to General Business District (B-1). The Comprehensive Plan identifies this area as Mixed Use Center. The property is located in Election District 5.	Approval; to be heard by Board on 1/27
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REZ15-317	Lispen, LLC, 1346 Pleasants Drive, Suite 6, Harrisonburg, VA 22801, to rezone portions of TM# 123-(A)- L74 and TM# 124-(A)- L40, totaling 28.521 acres, located south of Cecil Wampler Road (Rt 704) and east of Interstate Highway 81, zoned General Industrial District with Conditions (I-1C), to General Industrial District with Conditions (I-1C). The Comprehensive Plan identifies this area as Industrial. The property lies in Election District 4.	Approval; to be heard by Board on 1/27
OA15-322	Amendment to the Rockingham County Code, Chapter 17 (Zoning), Article 2 (Definition of Terms) to add a definition for agriculturally-related business, not otherwise listed.	Tabled; PC requested staff revise limitations on outdoor storage
OA15-323	Amendment to the Rockingham County Code, Chapter 17 (Zoning), Table 17-606 (Land Use and Zoning Table) to allow agriculturally-related business, not otherwise listed as a special use permit with supplemental standards (SU*) in the A1, A2, & RV zoning districts.	Tabled; PC requested staff revise limitations on outdoor storage
OA15-324	Amendment to the Rockingham County Code, Chapter 17 (Zoning), Section 17-607 (Supplemental Standards for Certain Land Uses) to set standards for agriculturally-related business, not otherwise listed.	Tabled; PC requested staff revise limitations on outdoor storage
OA15-325	Amendment to the Rockingham County Code, Chapter 17 (Zoning), Section 17-701.02 (Public Streets) to state that while R-3 apartment complex lots must front on a public street, there may be a private access easement from the public street to the parking lot, and it shall meet the requirements of Fire Department access roads as outline in the Rockingham County Fire Prevention Code.	Approval; to be heard by Board on 1/27
OA15-327	Amendment to the Rockingham County Code, Chapter 17, Zoning, to remove the term "final plan" and replace with the term "site plan" in Sections 17-400.02(d) Requirements; 404.02(c) Requirements; 405.02(d) Requirements; 702.07 Shared parking; 17-703.01(c) Landscape plan; 703.08(b) Utility easements; 17-1004.10(b)(2) Effect of acceptance: Map references; conformance to existing conditions.	Approval; to be heard by Board on 1/27

The following item has not been scheduled for a Board hearing:

Item	Description	Comments/Recommendations
OA15-188	An amendment to Chapter 17 (Zoning), Article 7, Table 17-702.05 to change parking requirements for Dwelling, duplex and Dwelling, single-family detached to require one space for an efficiency or one bedroom unit.	Forwarded to Board with tie vote; Board hearing TBA

COUNTY-INITIATED AMENDMENTS

- Request and Reason:** At the November 18th Board meeting, the Board instructed staff to study and bring back an ordinance for agriculturally related retail businesses on a small scale in the A-1, A-2, and perhaps RV zoning districts. Staff has begun working on a draft ordinance.

Status: The Planning Commission tabled the request at its January 5 hearing, requesting staff to revise the proposed limitations on outdoor storage.

UPCOMING PUBLIC HEARINGS

January 27, 2016

Board of Supervisors

7:00 p.m.

Agricultural & Forestal District

None.

Special Use Permits

None.

Rezoning

REZ15-314 Go-Mart, Inc., 915 Riverside Drive, Gassaway, WV 26624, to rezone TM# 130-(A)- L9B, totaling 2.071 acres, located west of Mount Hermon Road (Rt 979) and north of Spotswood Trail (US 33), zoned General Agricultural District (A-2), to General Business District (B-1). The Comprehensive Plan identifies this area as Mixed Use Center. The property is located in Election District 5.

REZ15-317 Lispen, LLC, 1346 Pleasants Drive, Suite 6, Harrisonburg, VA 22801, to rezone portions of TM# 123-(A)- L74 and TM# 124-(A)- L40, totaling 28.521 acres, located south of Cecil Wampler Road (Rt 704) and east of Interstate Highway 81, zoned General Industrial District with Conditions (I-1C), to General Industrial District with Conditions (I-1C). The Comprehensive Plan identifies this area as Industrial. The property lies in Election District 4.

Ordinance Amendments

OA15-325 Amendment to the Rockingham County Code, Chapter 17 (Zoning), Section 17-701.02 (Public Streets) to state that while R-3 apartment complex lots must front on a public street, there may be a private access easement from the public street to the parking lot, and it shall meet the requirements of Fire Department access roads as outlined in the Rockingham County Fire Prevention Code.

OA15-327 Amendment to the Rockingham County Code, Chapter 17, Zoning, to remove the term "final plan" and replace with the term "site plan" in Sections 17-400.02(d) Requirements; 404.02(c) Requirements; 405.02(d) Requirements; 702.07 Shared parking; 17-703.01(c) Landscape plan; 703.08(b) Utility easements; 17-1004.10(b)(2) Effect of acceptance: Map references; conformance to existing conditions.

PRIORITY PROJECTS UNDERWAY BY STAFF

Projects	Lead Person	Status	Target Date
North Valley Pike Corridor Strategic Plan	Rhonda	Board tabled on 12/15/10. Plan elements to be addressed during Comprehensive Plan update.	2016
Rockingham Bicycle Advisory Committee (RBAC)	Rhonda	Next meeting is 2/18/16.	Ongoing
Solar Energy Committee	Diana	Kick-off meeting was held on 10/22/15.	1 st quarter - 2016

Ongoing Review/Tasks	Lead Person	Status
Deed Review	Diane	22 deeds in process as of 1/6/15: 5 pending review, 17 awaiting revisions
Violations	Kelly	51 active complaints, 15 cases pending legal action as of 1/5/16
Site Plans & Subdivisions	Pete	8 site plans and 2 subdivisions under review as of 1/6/16
Subdivision Ordinance Variances	Diana	0 requests under review, as of 1/20/16
Zoning Ordinance Variances	Diana	0 requests under review, as of 1/20/16
Zoning Appeals	Diana	0 requests under review, as of 1/20/16
Home Occupation Permits	Diana	0 permit requests under review, as of 1/20/16
Home Business Permits	Diana	0 permit requests under review, as of 1/20/16
Special Use Permits	Diana	2 permit requests under review, as of 1/20/16
Rezoning	Rhonda	3 rezoning requests under review, as of 1/19/16
Comprehensive Plan Amendments	Rhonda	0 request under review, as of 1/19/16
Permits and Fees Processed	Joe	486 total transactions for month of December 2015
Building Inspections	Joe	1004 inspections conducted during December 2015 (averaged 47.81 inspections per day)
Building Plans	Joe	25 Plans under review, as of 1/20/16
Environmental (E&S/Stormwater) Plan Review	Lisa	15 plans under review as of 01/19/16, 10 awaiting permit issuance
Environmental Inspections	Lisa	228 inspections conducted as of 1/19/2016
Addressing Commercial/Residential Structures	Kendrick	23 new structures addressed in December
Naming of New Roads	Kendrick	1 new private lane named in December

REQUESTS TABLED BY BOARD OF SUPERVISORS

SPECIAL USE PERMIT APPLICATION(S)					
Year Tabled	Date Tabled	File	Applicant	Request	Election District
2015	Oct 14	15-207	Walter & Cindy Carr	Event Center	2
2015	Dec. 9	15-277	Thomas Schmidt	Motor Vehicle Repair Shop	1

REZONING REQUEST(S) and PLAN(S)					
Year Tabled	Date Tabled	File	Applicant	Request	Election District
2010	Dec 15	NA	North Valley Pike Corridor Strategic Plan	Endorsement of Corridor Strategic Plan for North Valley Pike area from Gravels Road to Vine Street and I-81 to Kratzer Road	2
2015	Sep 23	REZ15-127	Eddie Mozingo	To rezone 2.707 acres from General Residential District (R-3) to Planned Single Family District (PSF)	3
2016	Jan 13	REZ15-281	Lakeview Development Corporation	To rezone a portion of TM# 126-(A)-L43A, totaling 10.33 acres, located north of Lakeview Drive (Rt 1025) approximately 0.25 mile north of Shen Lake Drive (Rt 689), from General Agricultural District (A-2) to Medium Density Residential District with Conditions (R-2C).	3

ORDINANCE AMENDMENTS				
Year Tabled	Date Tabled	File	Applicant	Request

TO: Rhonda Cooper, Rockingham County
FROM: John Hutchinson, Shenandoah Valley Battlefields Foundation (SVBF)
SUBJECT: Conservation Easement Ordinance Request
DATE: 4 June 2015

You asked several questions regarding our request that Rockingham County consider legislation to create a vehicle for it to approve its holding of conservation easements.

A. Please elaborate on:

- 1. The need for a government agency co-holder being required for the battlefield protection grant funding to be accessed, including what grant programs have this requirement.***

The Virginia Land Conservation Foundation (VLCF), a part of the Virginia Department of Conservation and Recreation, requires that the holders of an easement acquired with VLCF funds include a public body, i.e. a locality or agency of state or federal government. VLCF, with \$4 million appropriated in Fiscal Year 2016, is the largest single source of state funds for land conservation. VLCF requires a one-to-one match of its grants by non-state funds.

The largest sources of funding that SVBF has used in recent years is the US Department of Agriculture's Farm and Ranch Land Protection Program (FRPP). FRPP also requires a one-to-one match of its grants by non-federal funds. SVBF currently has a grant of \$850,000 from FRPP for the purchase of the 318-acre Cherry Grove farm at Port Republic, owned by the Harnsberger family. If the county can co-hold a conservation easement on the property we can apply to VLCF to match the FRPP funds. Without a county co-hold, SVBF would have to work with DHR on the project which may not be acceptable to the landowners.

- 2. What problems have arisen when landowners have pursued existing options for establishing conservation easements that warrant the importance of having the county be a co-holder.***

A number of state agencies have programs that promote and hold conservation easements. These include the Virginia Outdoors Foundation (VOF), Virginia Department of Historic Resources (DHR), Virginia Department of Forestry, and Virginia Department of Agriculture.

The vast majority of easements are held by VOF but it has been unwritten state policy since about 2008 that all easements on Civil War battlefields be held by DHR. SVBF co-holds easements on several thousand acres of land with DHR, including a 425-acre property at Port Republic that was placed under easement last year.

DHR has been a great partner for SVBF but increasingly over the last two years some of the terms they require in their easements have become more restrictive and less attractive to landowners. Two Rockingham County landowners have backed out of easement projects because of these more restrictive terms. They have told SVBF they would like to preserve their properties under easement but will not do so with DHR.

B. *Please outline the differences between the citizens' committee's draft and the new, stripped-down draft.*

1. The ordinance drafted by the citizen's committee (CC Draft) would set up a conservation easement program within the county and a system for evaluating easements that would be purchased by the county. Our proposal would simply set up a mechanism for the Board of Supervisors to agree to hold or co-hold donated easements on a case-by-case basis.
2. The CC Draft authorizes the County Administrator to establish a Program Committee with various powers and duties including:
 - promoting the program;
 - establishing and recommending ranking criteria to the Board of Supervisors;
 - ranking applications, and making recommendation to the Board of Supervisors as to which conservation easements should be purchased or accepted by donation;
 - preparing and recommending to the Board of Supervisors minimum terms and conditions for conservation easements to be purchased under the program;
 - annually reviewing the program's regulations, guidelines, administrative procedures and promotion; and
 - identifying, applying for and pursuing grants for the purchase of easements.

Our proposal simply authorizes the County Administrator to promote conservation easements through educational materials and informational meetings and to apply for funds for their purchase.

3. The CC Draft establishes eligibility criteria for easements the county will accept. Our proposal recommends taking the eligibility criteria and ranking criteria out of the ordinance and placing them in a policy statement that can be more easily altered by the Board of Supervisors as it desires.
4. The CC Draft establishes application and evaluation procedures for the program in anticipation of the county having a process for purchasing easements, including detailed:

- application materials to be provided to owner's;
- application form contents;
- procedures for submittal of applications;
- procedures for valuation of easements by program administrator;
- evaluation and ranking of easements by Program Committee;
- evaluation and ranking of easements by Board of Supervisors; and
- reapplication by an owner whose parcel is not selected for acquisition.

Our proposal would establish a procedure for the Board of Supervisors to accept or decline donated easements on a property-specific basis.

5. The CC Draft establishes valuation review committee to determine how much the county should pay for easements. Our proposal would not require this function because all easements would be donated to the county.

C. *What will be required of the County, if it were to serve as a co-holder? For example, how much staff time would be required to monitor each easement and what is the financial responsibility?*

We recommend that the county and SVBF enter into a separate memorandum of understanding to establish the roles that each party would play in the acquisition and management of each easement. An agreement we entered into with the Town of Strasburg last year is attached as an example. In general we recommend the following terms.

SVBF would

- prepare baseline documentation report for easement properties;
- obtain owner's title insurance policies insuring the title of SVBF and the county pursuant to each easement;
- inspect easement properties at least once annually with regard to compliance with the terms and restrictions of the conservation easements, and provide to the county a copy of SVBF 's monitoring reports specifically identifying any violations or deficiencies noted;

The County would

- provide written notice to SVBF of all zoning, building permit, land disturbance permit, stormwater management, subdivision applications, water and sewer applications, and other similar requests submitted to the county by easement property owners with regard to any work or improvements to easement properties.

Any financial obligation of the county pursuant to a conservation easement would be expressly subject to annual appropriation of funds by the county. If there was a violation of an easement that required legal action, the county could elect to participate in such action or not.

The County and SVBF would agree

- to notify the other in the event that either receives information suggesting any change in ownership or use of easement properties or any actual or threatened violation of a conservation easement;
- to cooperate in the investigation of any violation of a conservation easement and to take appropriate steps to address any violation, provided that either party may act independently in an enforcement action if the parties cannot agree on a common course of action; and
- That neither party could compel the other to take any action in connection with enforcement of a conservation easement, nor could either party compel the other to compensate it for costs of enforcement.

REVISED DRAFT March 25, 2015

**ROCKINGHAM COUNTY VOLUNTARY CONSERVATION EASEMENT
ORDINANCE**

Section A.I-100: Short title.

This Chapter shall be known and may be cited as the Rockingham County Conservation Easement Ordinance.

Section A.I-101: Purpose and Intent.

This Chapter enables Rockingham County to hold conservation easements to further the goals of the County's Comprehensive Plan and to further the following:

1. assisting landowners in the County in protecting and preserving the conservation values of their land, including but not limited to farm and forest lands; open space; scenic vistas; historic sites (including the Cross Keys, New Market, and Port Republic Civil War battlefields); water resources; and other environmentally sensitive lands;
2. preserving the rural character of Rockingham County;
3. promoting a healthy, economically viable agricultural base for the local economy;
4. protecting and enhancing the quality of life for the inhabitants of the County; and
5. promoting tourism through the preservation of scenic resources, historic resources, and the County's agricultural base.
6. assisting in shaping the character and direction of the development of the community.

Section A.I-102: Authority and Applicability.

The Conservation Easement Ordinance is established to enable the County to hold easements under the provisions of the Open Space Land Act, Chapter 17, Title 10.1 (10.1-1700 et. seq.), Code of Virginia and to co-hold easements with private entities under the provisions of the Virginia Conservation Easement Act, Chapter 10.1, Title 10.1 (10.1-1009 et. seq.), Code of Virginia. The Conservation Easement Program shall be available for all lands in Rockingham County, except those lands within the municipal boundaries of any Town or under the ownership or control of the United States of America, the Commonwealth of Virginia, or an agency or instrumentality thereof. Any conservation easement acquired under and this Ordinance shall be voluntarily offered by the owner. No easement acquired under this ordinance shall involve any power of condemnation by any unit of local, state, or federal government.

Section A.I-103: Definitions and construction.

The following definitions shall apply in the interpretation and implementation of this Chapter:

1. Conservation easement. The term “conservation easement” means a non-possessory interest in one or more parcels of real property, whether the easement is appurtenant or in gross, which is voluntarily offered by an owner and acquired by purchase and/or gift, and which imposes limitations and affirmative obligations for the purposes of retaining or protecting conservation values of the real property, assuring its availability for agricultural, forestal, recreational or open-space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving the historic, architectural or archaeological aspects of the real property.
2. Owner. The term “owner” means the owner or owners of fee simple title to real property.
3. Parcel. The term “parcel” means a lot or tract of land, with an assigned Tax Map number, lawfully recorded in the office of the Clerk of the Circuit Court of the County of Rockingham. A conservation easement under the Conservation Easement Program may cover all of a Parcel, more than one Parcel or less than all of a Parcel.

Section A.I-104: Promotion of Conservation Easements.

The County Administrator or his designee shall have the powers to promote Conservation Easements, in cooperation with potential Co-holders, by providing educational materials to the public and conducting informational meetings and to investigate and pursue state, federal, and other programs available to provide public and private resources to fund the use of conservation easements and to maximize private participation in the same.

Section A.I-108: Easement terms and conditions.

- A. Minimum standards. Each conservation easement accepted by the County shall conform to the requirements of the Open-Space Land Act of 1966 (Virginia Code §10.1-1700 et seq.) and shall meet any standards established by the Board of Supervisors. All easements acquired under the program shall be perpetual.
- B. Easement holder. The County may be the sole easement holder, or it may include as co-holders one or more other public bodies, as defined in Open Space Act, Virginia Code §10.1-1700 et seq., as co-holder(s) (including but not limited to the Virginia Outdoors Foundation) and/or one or more charitable corporation, charitable association or charitable trust which is authorized to hold conservation easements under the Virginia Conservation Easement Act, Virginia Code 10.1-1009 et seq..

Rockingham County Voluntary Conservation Easement Criteria
Draft March 26, 2015

Eligibility Criteria.

In order for a property to be eligible for a conservation easement, it must meet the following criteria:

- A. The use of the property subject to the conservation easement must be consistent with the Comprehensive Plan.**
- B. The easement shall be perpetual.**
- C. The proposed terms of the conservation easement must include the following minimum conservation easement terms and conditions pertaining to uses and activities allowed on the property, including, but not limited to, restrictions pertaining to:**
 - 1. the accumulation of trash, junk, and inoperable vehicles;
 - 2. the display of billboards, signs and advertisements;
 - 3. the management of forest resources;
 - 4. grading, blasting or earth removal;
 - 5. the number of new dwellings and the number and size of outbuildings and farm buildings or structures;
 - 6. the number of future subdivisions, if any;
 - 7. the conduct of industrial or commercial activities on the parcel; and
 - 8. monitoring of the easement.
- D. The property shall have some, but not necessarily all, of the characteristics described in the evaluation criteria described below.**

Evaluation Criteria.

A property for which an application has been received shall be evaluated according to the extent to which the property meets the following criteria.

- A. Farm and forest land protection.**
 - 1. The property contains prime farm land as identified by the Rockingham County Soil Survey.
 - 2. The property is currently located within an Agriculture and Forest District.
 - 3. The property has an approved nutrient management plan and/or employs agricultural best management practices as approved by the Shenandoah Soil and Water Conservation District or the Natural Resources Conservation Service.
 - 4. The property is a working family farm where at least one family member's principal occupation and income (more than half) is farming or foresting the parcel or at least one family member produces farm products derived from the parcel.
 - 5. The property is a Century Farm or qualifies as such.
- B. Natural resources protection.**
 - 1. The property fronts on the north or south fork of the Shenandoah River, the North River, or any perennial stream identified by the most recent USGS quad maps or other reliable sources.

2. The property is within a watershed identified as impaired on the Virginia Department of Environmental Quality's Impaired Waters List.
3. The property contains perennial springs or wetlands as identified on the most recent USGS quad maps or other reliable sources.
4. The property is within a sensitive groundwater recharging area as demonstrated by the presence of sinkholes or karst topography.
5. The property is located within the one-hundred-year floodplain.
6. The property is in watershed drinking water source recharge area.

C. Cultural, historical, recreational, and scenic resources.

1. The property is located within the Cross Keys and / or Port Republic Civil War battlefield.
2. The property shares a boundary with property owned or protected by the Shenandoah Valley Battlefields Foundation or other recognized preservation organization.
3. The property is listed on the Virginia Landmarks Register or National Register of Historic Places.
4. The property contains or adjoins a parcel containing an historic structure identified by the Rockingham County Architectural Survey or otherwise documented as being over 100 years old.
5. The property adjoins a designated Virginia scenic highway or byway.

D. Open space protection.

1. The property adjoins the National Forest, or any national, state, or local park or preserve.
2. The property adjoins an existing permanent conservation easement.
3. Acreage (preference for larger properties).

E. Fund leveraging.

4. Nonlocal government funding has been identified to leverage the purchase of the conservation easement.
5. Donation of all or a portion of the easement by the owner shall be considered fund leveraging.

Rockingham County Planning Commission 2015 Annual Report

January 1, 2015 to December 31, 2015

Under Section 15.2-2221.5 of the Code of Virginia, the local planning commission is charged with the duty of making an annual report to the governing body concerning the operation of the commission and the status of planning within the jurisdiction. In compliance with this requirement, the following report reviews the activities of the Rockingham County Planning Commission during 2015.

PLANNING COMMISSION MEMBERS

The members of the Commission are:

Brent Trumbo	Election District 1
Rodney Burkholder	Election District 2
Bill Loomis	Election District 3
David Rees	Election District 4
Steve Pence	Election District 5

On August 26, the Board appointed Bill Loomis to replace Jon Ritenour as the Election District 3 Commissioner, beginning his term on September 3. Mr. Ritenour was appointed by the Board of Supervisors on September 4, 2005, to complete the unexpired term of Bud Long. He was reappointed to serve two full consecutive terms, ending on September 2.

In October, Rod Burkholder replaced Brent Trumbo as chair, and Bill Loomis replaced Rod Burkholder as vice chair.

PLANNING COMMISSION MEETINGS

The Commission held twelve public hearings, one special meeting, one work session, and multiple field trips.

The 2016 regular meeting schedule and inclement weather policy was set on December 1, as follows:

All regular meetings of the Planning Commission will commence at 6:30 p.m. on the first Tuesday of every month, except the November meeting, which falls the day after Election Day:

January 5	July 5
February 2	August 2
March 1	September 6
April 5	October 4
May 3	November 2
June 7	December 6

If a meeting needs to be postponed due to inclement weather or for any reason as determined by the Chairman, or the Vice-Chairman if the Chairman is not available, the meeting will be held the following Tuesday at the same time, unless otherwise determined by the Planning Commission. The postponement will be announced on the County's website and on local radio.

PRIMARY RESPONSIBILITIES

Rezoning Requests

The Commission heard fifteen rezoning requests; one was recommended for denial, thirteen were recommended for approval, and one was withdrawn by the applicant just prior to a recommendation being made by the Commission. A list of the rezoning requests for 2015 is attached.

Ordinance Amendments

Forty-two zoning ordinance amendments were heard in 2015, the Commission recommended thirty-six for approval. Three were forwarded to the Board of Supervisors with tie votes, and three ordinance amendments were withdrawn by staff after being tabled. A list of the 2015 ordinance amendments is attached.

Agricultural and Forestal Districts

Of the forty-two ordinance amendments, eight were amendments to Agricultural and Forestal Districts (AFD).

- In March, the Commission supported the addition of 6.436 acres to the Spring Creek AFD.
- In June, .268 acre was added to Dry River AFD. That same month, to accommodate the acquisition of a .31-acre water well lot by the Town of Dayton, 10.909 acres were withdrawn from the Dry River AFD as permitted by Code of Virginia, and the next month the remaining 10.599 acres were added back to the AFD.
- In July, the Cross Keys North and South AFDs were combined to form the Cross Keys AFD and the district term was renewed for seven years.
- In December, the Commission supported housekeeping amendments to the Spring Creek and Western Rockingham AFDs.

These eight Agricultural and Forestal District ordinance amendments are included in the attached list of 2015 ordinance amendments.

Expansion of Urban Development Area

In September, the Commission supported amending the Comprehensive Plan 2020 and 2050 Conceptual Land Use Maps for the expansion of the Urban Development Area (UDA). The UDA, centered around the intersection of Port Republic Road and Stone Spring Road, was expanded to include the area generally located south of Spotswood Trail (Rt. 33) from the City line to Cross Keys Road (Rt. 276), north and south of Shen Lake Drive, north of Port Republic Road between Oak Ridge Road and Spaders Church Road, and north and south of Port Republic Road west of Spaders Church Road.

DEPARTMENT OF COMMUNITY DEVELOPMENT
Development Activity Report - December 2015

	Permits Issued					Fees Collected				
	Dec-15	Dec-14	One Year Change	Jan-Dec 2015	Jan-Dec 2014	Dec-15	Dec-14	One Year Change	Jan-Dec 2015	Jan-Dec 2014
Building										
Commercial/Industrial	11	13	-15.4 %	158	344	\$ 19,622.93	\$ 1,893.24	936.5 %	\$ 241,527.90	\$ 272,575.86
Manufactured	2	8	-75.0 %	40	34	\$ 222.36	\$ 928.97	-76.1 %	\$ 4,319.09	\$ 3,668.64
Single Family	13	16	-18.8 %	330	257	\$ 13,054.78	\$ 18,093.02	-27.8 %	\$ 322,260.25	\$ 261,520.09
Subtotal	26	37		528	635	\$ 32,900.07	\$ 20,915.23		\$ 568,107.24	\$ 537,764.59
Electrical										
	21	16	31.3 %	346	253	\$ 1,139.70	\$ 937.38	21.6 %	\$ 21,553.42	\$ 14,470.99
Subtotal	21	16		346	253	\$ 1,139.70	\$ 937.38		\$ 21,553.42	\$ 14,470.99
Mechanical										
	6	4	50.0 %	56	65	\$ 255.00	\$ 178.50	42.9 %	\$ 3,011.45	\$ 4,406.15
Subtotal	6	4		56	65	\$ 255.00	\$ 178.50		\$ 3,011.45	\$ 4,406.15
Other										
	44	25	76.0 %	610	588	\$ 7,404.78	\$ 4,884.82	51.6 %	\$ 257,038.59	\$ 142,939.33
Subtotal	44	25		610	588	\$ 7,404.78	\$ 4,884.82		\$ 257,038.59	\$ 142,939.33
Land Use Related										
Erosion and Sediment Permit:	1	2	-50.0 %	57	53	\$ 1,610.00	\$ 2,244.00	-28.3 %	\$ 165,760.00	\$ 66,544.00
Subtotal	1	2		57	53	\$ 1,610.00	\$ 2,244.00		\$ 165,760.00	\$ 66,544.00
Total	98	84		1597	1594	\$ 43,309.55	\$ 29,159.93		\$ 1,015,470.70	\$ 766,125.06