



JOSEPH S. PAXTON  
County Administrator



## ROCKINGHAM COUNTY

### BOARD OF SUPERVISORS

**PABLO CUEVAS**

Election District No. 1

**FREDERICK E. EBERLY**

Election District No. 2

**RICK L. CHANDLER**

Election District No. 3

**WILLIAM B. KYGER, JR.**

Election District No. 4

**MICHAEL A. BREEDEN**

Election District No. 5

## BOARD OF SUPERVISORS MEETING February 24, 2016

6:00 P.M. CALL TO ORDER – VICE CHAIRMAN RICKY L. CHANDLER  
INVOCATION – SUPERVISOR FREDERICK E. EBERLY  
PLEDGE OF ALLEGIANCE – COUNTY ATTORNEY THOMAS H. MILLER, JR.

1. Approval of Minutes – Regular Meeting of February 10, 2016
2. Presentation – Free Ranging Poultry – Don Hopson, DVM, Regional State Veterinary Supervisor, Virginia Department of Agricultural and Consumer Services, Office of Veterinary Services
3. Report – Virginia Department of Transportation – Residency Administrator Donald F. Komara
4. Staff Reports:
  - a. County Administrator – Joseph S. Paxton
  - b. County Attorney – Thomas H. Miller, Jr.
  - c. Deputy County Administrator – Stephen G. King
  - d. Assistant County Administrator – George K. Anas, II
  - e. Director of Finance – Patricia D. Davidson
  - f. Director of Public Works – Barry E. Hertzler
  - g. Director of Community Development – Casey B. Armstrong
  - h. Director of Parks & Recreation – Katharine S. McQuain
5. Committee Reports: Airport, Automobile, Buildings and Grounds, Central Shenandoah Planning District Commission, Chamber of Commerce, Community Criminal Justice Board, Finance, Harrisonburg-Rockingham Metropolitan Planning Organization, Harrisonburg-Rockingham Regional Sewer Authority, Massanutten Regional Library, Public Works, Shenandoah Valley Partnership, Social Services, Technology, VACo Liaison, Chairman, Other
6. Committee Appointments:
  - a. Community Policy and Management Team

7:00 p.m. 7. Public Hearings:

a. Rezoning:

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 (Route 259) and approximately 0.1 mile east of Little Dry River Road (Route 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.

b. 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, and 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.

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.

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.

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.

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\*).

- c. Intent to Adopt Section 2-44, Planning, Subdivision, and Zoning Fees, as authorized by Code of Virginia §15.2-2286.A.6, is to be amended by adding new application fees for Large Solar Energy Facilities requiring a special use permit (\$2,000 + any consultant fees), and Small Solar Energy Facilities (\$200).
  - d. 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.
  - e. Establish Memorial Plot for Headstones on Albert Long Park Property
8. Unfinished Business

\*\*\*\**ADJOURN*\*\*\*\*

February 10, 2016

The Regular Meeting of the Rockingham County Board of Supervisors was held on Wednesday, February 10, 2016 at 3:00 p.m. at the Rockingham County Administration Center, Harrisonburg, Virginia. The following members were present:

PABLO CUEVAS, Election District #1  
FREDERICK E. EBERLY, Election District #2  
RICKY L. CHANDLER, Election District #3  
WILLIAM B. KYGER, JR., Election District #4  
MICHAEL A. BREEDEN, Election District #5

Also present:

BRYAN F. HUTCHESON, Sheriff

JOSEPH S. PAXTON, County Administrator  
THOMAS H. MILLER, JR., County Attorney  
STEPHEN G. KING, Deputy County Administrator  
CASEY B. ARMSTRONG, Director of Community Development  
PATRICIA D. DAVIDSON, Director of Finance  
ANN MARIE FREEMAN, Director of Court Services  
BARRY E. HERTZLER, Director of Public Works  
JEREMY C. HOLLOWAY, Fire & Rescue Chief  
KATHARINE S. McQUAIN, Director of Parks and Recreation  
JENNIFER J. MONGOLD, Director of Human Resources  
TERRI M. PERRY, Director of Technology  
RHONDA H. COOPER, Director of Planning  
DIANA C. STULTZ, Zoning Administrator  
JAMES B. MAY, Senior Planner  
TAMELA S. GRAY, Deputy Clerk  
DONALD F. KOMARA, Residency Administrator  
Virginia Department of Transportation  
JOSHUA W. DUNLAP, Assistant Residency Administrator  
Virginia Department of Transportation

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

Chairman Kyger called the meeting to order at 3:04 p.m.

Supervisor Eberly gave the Invocation and County Attorney Miller led the Pledge of Allegiance.

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**APPROVAL OF MINUTES.**

On motion by Supervisor Chandler seconded by Supervisor Eberly and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN - AYE; CHANDLER - AYE; CUEVAS - AYE; EBERLY – AYE; KYGER - AYE; the Board approved the minutes of the regular meeting of January 27, 2016.

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**TRANSPORTATION DEPARTMENT.**

The Board heard Mr. Komara's report on the activities of the Transportation Department. He indicated work is moving along well on the South Valley Pike (Route 11) bridge project. The installation of turn lanes at the intersection of East Side Highway (Route 340) and Port Republic Road (Route 253) has been delayed due to the snow, but the contractor set up his trailer and survey work will begin soon.

Mr. Komara reported that there were so many inquiries for the Revenue Sharing Program that VDOT categorized the requests into three categories:

- Priority 1 – existing projects
- Priority 2 – new projects
- Priority 3 – maintenance projects

These categories were used to allocate funding to localities.

The County submitted two requests that fell into the Priority 2 category. VDOT agreed to fund the first one million dollars for Priority 2 projects, with the remaining requested amount prorated. In the County's case the amount will be prorated at 30.8 percent.

The County requested \$1.5 million for the Spotswood Trail (Route 33 East) project and was awarded \$1.15 million. \$100,000 was requested for the South Valley Pike (Route 11)/Cecil Wampler Road (Route 704) project and \$31,000 was received. The County will be required to match these funds in order to qualify for the state payment.

Utilities need to be moved on Cecil Wampler Road this summer or next summer. If the utilities are moved next summer, the project could be resubmitted for Revenue Sharing Funding and the project would be a Priority 1 since it will now be an existing project, and may receive the remainder of the funding. Mr. Komara recommended the County accept the proration amounts for the two projects.

On motion by Supervisor Cuevas seconded by Supervisor Chandler and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN - AYE; CHANDLER - AYE; CUEVAS - AYE; EBERLY – AYE; KYGER - AYE; the Board accepted the VDOT proration of \$1.15 million for the Spotswood Trail (Route 33 East) project and \$31,000 for the South Valley Pike (Route 11)/Cecil Wampler Road (Route 704) project.

Mr. Komara noted that Ms. Cooper talked about House Bill 2 (HB2) projects on January 27, 2016. The request submitted for Route 33 West to the West Virginia line scored very well as a safety project (third out of over 300 projects submitted in the state). It has been recommended that VDOT provide the full amount requested (\$9.3 or \$9.4 million) for the project. He further indicated that the Mayland Road (Route 259) and South Valley Pike (Route 11) projects fell just below the limit, so all three projects submitted by the County did very well.

Mr. Komara suggested that the Board consider submitting the bridge on Friedens Church Road (Route 682) next year, because Augusta County received funding for two secondary projects this year.

Chairman Kyger noted the Cross Keys Road (Route 276) project would provide another east to west corridor when Interstate 81 is closed due to accidents. If Friedens Church Road (Route 682) at Mt. Crawford is approved, traffic from Interstate 81 can travel east to Cross Keys Road (Route 276) to access eastern locations more rapidly than by driving through Bridgewater and Harrisonburg.

Mr. Komara said all recent maintenance items are associated with snow removal.

Supervisor Chandler reminded Mr. Komara about a curve on Port Republic Road (Route 253) and statistical records they previously discussed.

Administrator Paxton noted VDOT needs an easement from Countryside Sanitary District to perform bridgework on Ottobine Road (Route 257). Mr. Komara explained that VDOT is replacing the bridge near Mill Cabinet Shop on Dry River Road (Route 738) due to problems with the expansion concrete and an abutment. He said emergency work was performed on the bridge last year. He indicated the bridge, that is in a bundle contract with four or five other bridges, looks fine but needs to be replaced and a staging area is needed.

Administrator Paxton noted the property where the bridge is located is part of the Countryside Sanitary District so the sanitary district needs to authorize the easement.

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**RECESS.**

At 3:17 p.m., Chairman Kyger declared the regular meeting recessed for a meeting of the Countryside Sanitary District.

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**REOPEN MEETING.**

At 3:18 p.m., Chairman Kyger called the regular meeting back to order.

Supervisor Breeden noted he and Ms. Cooper have been working with a group to erect a monument, dedicated to families who were relocated from the National Park land when the park was formed. The proposed monument site is on VDOT property at the intersection of Mill Lane and Spotswood Trail (Route 33). Ms. Cooper indicated the proposed site is a small sliver of land that probably was not needed for a previous VDOT project. David Atwood at VDOT is trying to determine whether it is surplus land. Ms. Cooper asked Mr. Atwood if an entrance to the property could be granted for a small parking area at the monument.

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**COUNTY ADMINISTRATOR'S STAFF REPORT.**

The Board received and reviewed Administrator Paxton's staff report dated February 5, 2016.

Administrator Paxton reported the County incurred \$34,000 worth of cost for the January snowstorm cleanup. The biggest portion was for contractor work for snow removal and equipment repairs, some overtime for Public Works employees, and substantial overtime for Fire and Rescue since most stations normally covered by volunteers were manned by full-time employees over the weekend.

He reported that the Sheriff's Department did not incur overtime except for a cook to prepare food for the inmates. He noted that two inmate crews helped with snow removal. The County is determining if there is sufficient work for inmates to help with maintenance items on an ongoing basis, but there will be costs incurred for someone to supervise the inmates.

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At the January 27, 2016 Board meeting, Supervisor Cuevas requested that the County's members of the Middle River Regional Jail (MRRJ) Board obtain a report on the provision of medical care at MRRJ and provide an update to the Board. Administrator Paxton, Mr. King and City Manager Hodgen met with Middle River medical staff and learned there have been a lot of changes in medical procedures in the last three years.

Administrator Paxton reported the biggest issue was the increase in population at MRRJ (from 350 to 750 inmates over a three-year period). MRRJ is looking into an electronic medication administration process, which uses wristbands to ensure the correct medication is administered to the right person and that no one misses a dose of medicine. He noted the facility currently keeps paper medication records. The medical staff was increased to have two registered nurses and five licensed practical nurses. They plan to hire a full-time pharmacy technician in the next year.

On the mental health side, MRRJ increased their staff in a similar manner to the Rockingham County Jail, and plan to have one full-time and one part-time mental health professional to conduct programs. MRRJ contracts with a physician who was visiting the facility once a week and now comes twice a week; a psychiatrist and dentist who visit the facility once a month; and a medical administrator who is on call 24/7. They have noticed an increase in the number of inmates entering the jail with substance abuse issues, so they are considering changing their medical protocols to address the needs of those inmates. Middle River is also looking into drug screening all new inmates to determine what drugs they are taking. MRRJ will provide the members with the cost for the detailed drug screenings.

At this point, 80 percent of the MRRJ jailers have attended crisis intervention training, with a goal for all jailers to attend the training. All jailers are trained in CPR, first aid and suicide prevention. The medical request form procedures are being altered so the medical officer, rather than the correctional officer, obtains the forms directly.

Administrator Paxton said Middle River has instituted changes that are normal for a facility with a substantial population increase.

In response to a question from Supervisor Cuevas, Administrator Paxton said he expects an update on the electronic medication system at the March MRRJ meeting. He explained the jail had to go through an RFP process to obtain price quotes, and he assumes the program will begin as soon as a vendor is selected because the jail is anxious to start the electronic administration program.

Supervisor Cuevas said he understands the Channel 29 report about the jail aired before the media visited the facility to talk with jail staff so the media announcement may have been inaccurate.

Supervisor Cuevas said he hopes the Sheriff's department will watch the way inmates are moved between the two jail facilities and how they are dispersed through the facilities.

Administrator Paxton noted it is difficult for jail staff to discuss medical issues due to federal HIPPA regulations. The County's responsibility is to make sure procedures are in place and followed.

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Administrator Paxton reported that he attended the Senate Local Government Committee and the House Counties, Cities and Towns Subcommittee meetings in Richmond last week to speak regarding the extension of the annexation moratorium legislation. The original legislation, patroned by Senator Hanger and Delegate Wilt, was for a ten-year extension until June 30, 2028 and requires that the Commission on Local Government examine the County and City government structure to determine if modifications can be recommended to the General Assembly and how to provide a more permanent solution.

The timeframe for the Bill was reduced to end on June 30, 2026, and the Bill will be placed on the Senate and House consent agendas. Administrator Paxton is hopeful there will be a resolution, and has offered for the County and City of Harrisonburg to serve on any commission that works on this legislation.

Administrator Paxton briefly reviewed the Proffer Bill. Although the Bill has improved substantially since it was introduced, he met with the Legislative members and Home Builders Association to explain that the Bill shifts the burden of proof from the developer to the Board as it makes the Board responsible for not accepting unreasonable proffers. If the Bill is enacted, the County Attorney and community development staff will need to determine if every proffer needs to be examined by an independent person, which will increase fees. He noted that Rockingham County prides itself on a timely development process. If a consultant reviews each proffer, the process will be extended at least 30 to 45 days.

Administrator Paxton noted the Home Builders Association is willing to pay the additional fee. He was disappointed the localities were not involved in drafting the legislation. The General Assembly is trying to pass legislation that only applies to three or four localities that are charging excessive fees, he said.

Administrator Paxton noted that several County representatives will meet with General Assembly members tomorrow to discuss a number of issues. He said this seems to be the most activist the General Assembly has been in a long time in trying to limit the responsibility and authority of local government. Some Bills have been killed and he hopes more will be.

Chairman Kyger noted it is ironic that this is the same argument the Virginia General Assembly has about federal intrusion on the state government. They are trying to erode away the control and authority of the local government that is closest to the citizens. Chairman Kyger said VACo is doing a good job of providing information to the localities quickly. He asked Board members to be aware of VACo alerts and contact delegates to remind them they are there to serve the localities and citizens.

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**DEPUTY COUNTY ADMINISTRATOR'S STAFF REPORT.**

The Board received and reviewed Mr. King's staff report dated February 5, 2016.

Supervisor Cuevas asked if there are regulations to encourage people who walk or run along public roadways to wear clothing or safety apparel which permits them to be more easily seen. He indicated vehicles are often on top of people before they realize it. He thinks people should walk and run on the left side of the road, facing traffic. Mr. King indicated he was not aware of any such regulations.

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**ASSISTANT COUNTY ADMINISTRATOR'S STAFF REPORT.**

Administrator Paxton reported that Mr. Anas was in Richmond attending the Rural Caucus Reception and Dinner. He indicated there are a couple economic development items to be discussed during the closed meeting.

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**HUMAN RESOURCES DIRECTOR'S STAFF REPORT.**

The Board received and reviewed Mrs. Mongold's staff report dated February 10, 2016.

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**PUBLIC WORKS DIRECTOR'S STAFF REPORT.**

The Board received and reviewed Mr. Hertzler's staff report dated February 10, 2016.

Mr. Hertzler introduced his nephew who was in the audience, Luke Hertzler, a senior from Eastern Mennonite High School.

He indicated the landfill entrance project was advertised for bids, which are due February 16, 2016. Mr. Hertzler will have the bid results at the February 24, 2016 Board meeting.

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### **COMMUNITY DEVELOPMENT DIRECTOR'S STAFF REPORT.**

The Board received and reviewed Mr. Armstrong's staff report dated February 10, 2016.

Ms. Cooper provided an update on the proposed Voluntary Conservation Easement Ordinance, which presents an opportunity for the County to serve as the government co-holder for the Shenandoah Valley Battlefields Foundation to acquire easements on three properties. At the January 13, 2016 Board meeting, staff was asked to research alternatives to a countywide approach to the proposed ordinance.

Ms. Cooper highlighted and explained numerous data layers that staff mapped to help them evaluate three alternatives for consideration:

- 1) To include properties for consideration in and around the battlefield study areas of Cross Keys, Port Republic and New Market
- 2) To include properties in and around the battlefield core areas of Cross Keys and Port Republic, only
- 3) To include the study area of Port Republic and Cross Keys

Ms. Cooper explained the core area covers the majority of the study area but many key parcels are missing. The New Market option lacks cohesiveness with the remainder of the County properties due to its distance from the two battlefields. Land in the New Market vicinity has already been placed in a conservation easement or is comprised of very small parcels that lack conservation easement value.

In response to a questions from Administrator Paxton, Ms. Cooper responded that no one has requested the area in New Market, but it has been discussed.

Another option is the core area that is probably too small to capture significant troop movement and engagement.

Ms. Cooper indicated the third option (study area) was considered because of significant troop movement, hospitals and encampments. She pointed out a Cross Keys area that is not covered by the core area but is covered by the study area.

Ms. Cooper reported that staff recommends the alternative that includes the study area. The County could establish eligibility criteria to require properties be in or partially in the study area, and use properties rather than parcels to ensure farm parcels under one

ownership would remain intact. Parcels within the urban growth areas would be disallowed.

She noted there is a slight overlap in the northwest side of the Cross Keys area, which the County would recognize.

Chairman Kyger allowed citizens interested in the Voluntary Conservation Easement Ordinance to speak briefly, even though it was not a public hearing.

Lisa Hawkins was appearing as a private citizen interested in conservation of areas in the County but she also works with the Battlefields Foundation in a professional capacity. She is excited that the County is considering creating programs to help preserve land areas that cannot be regained, and doing so in a way that recognizes growth is necessary. She said growth decisions and changes in land are as permanent as conservation easements. She noted perpetuity is scary but is a “fact of life” in every land use decision. Ms. Hawkins asked the Board to support the Voluntary Conservation Easement Ordinance.

John Hutcheson from the Shenandoah Valley Battlefields Foundation indicated they have been working on a number of easements in Cross Keys and Port Republic. He would like the Board to serve as a co-holder to expand the options for landowners because many of the funds the group secures require a public body to serve as a co-holder. Sometimes state agencies that are available to serve as co-holders are not satisfactory to the landowners, he said.

In working with Ms. Cooper and Mr. May on drafting the ordinance, it was noted a Cross Keys and Port Republic preservation area were established in the most recent comprehensive plan. This corresponds with the battlefields and indicates these areas are appropriate for the application of preservation measures, including the purchase of development rights, land easements, and acceptance of donated development rights. Therefore, Mr. Hutcheson thinks including these areas in a conservation easement is in line with current County policy.

Administrator Paxton spoke to Ms. Hawkins’ mention of “perpetuity”. When the Board last discussed conservation easements, perpetuity was one of the concerns. He explained there is a difference between putting in a road and the perpetuity of a road because the road can be replaced. When property is put in a conservation easement, technically it is in perpetuity and cannot be changed. Since that is different from anything else the Board approves, Board members need to be aware of the significant step taken with voluntary conservation easements. Administrator Paxton pointed out one positive aspect of this alternative is that it applies to a small area of the County that is limited to historic significance, and it gives the Board an opportunity to see how much responsibility staff will have in monitoring the properties to ensure they remain in the manner designated. As a co-holder, the County will have a level of responsibility they would not otherwise

have. Administrator Paxton said he wants to make sure the Board considers those two points when making a decision.

Chairman Kyger questioned what is involved for the County as the co-holder and what liabilities and expenses the County will have.

Mr. Miller noted that “perpetuity” is a long time. Zoning decisions are not in perpetuity as the zoning can be changed later. The Board needs to realize that a conservation easement is an act of agreeing for private citizens to declare a very restrictive land use for a piece of property. He noted in this case, there has been a great amount of discussion with the local governing body. In theory, the local government can never again have input on how that land is used.

As to liability, Mr. Miller said the County would be a co-holder so someone else would enforce the terms of the easements. The way the co-holder agreement is written, there is to be no cost to the local government. He discussed a provision in the State Code (Section 10.1-1704) where a public body that is a holder of a conservation easement can look at diverting land to another use in the future if the land use is for the essential, orderly growth of the locality and in accordance with the Comprehensive Plan. If the County is a co-holder, it could possibly exchange land in the conservation easement if a certain parcel is essential for growth. He pointed out that when acreage is removed from a conservation easement, the same amount of acreage needs to be replaced from another parcel, which can be difficult.

Chairman Kyger asked if an underground water resource that would benefit the community is discovered within a conservation easement, whether the County could tap into it and pipe water from the easement.

Mr. Miller responded that the language of an easement could be worded to allow the County to tap into water without violating the easement, but the other holder would have to agree to breaking the easement for this purpose and replacement acreage would need to be identified. Mr. Miller indicated he is not suggesting the County not agree to be a co-holder but wanted to make the Board aware of the implications.

Ms. Hawkins explained that she was not implying a zoning decision can never be changed. She agreed with Mr. Miller that a conservation easement can be worded to allow flexibility. The ordinance indicates the County is open to citizens requesting protection for their land. The Board has an opportunity to evaluate and decide about each request on an individual basis. The conservation easement offers an opportunity for landowners that does not currently exist and gives the County a voice in the easement, which the County has not always had.

In response to a question from Supervisor Cuevas, Mr. Hutcheson noted the Battlefield has purchased easements and there is no tax benefit.

Discussion ensued following a question from Supervisor Cuevas regarding whether there is such a thing as permitted uses within an easement.

Chairman Kyger indicated that outside of the normal duties the Board has such as requiring a building permit for a building erected in those areas and charging taxes, the government has no say, but the holders do.

Administrator Paxton pointed out there are 10 parcels already in conservation easements that affect adjacent landowners who had no opportunity to discuss the easement. This process would allow the Board to have a public review and give the adjacent landowners an opportunity to participate. Even though he does not like the “in perpetuity” part, this limits the easements to an area that seems to make sense and provides a public process in front of the Board.

Chairman Kyger made sure the Board realizes when land is placed in a conservation easement, it will remain in the easement unless the state changes the law.

Supervisor Chandler said easements preserve agriculture and this particular one, will preserve historical sites.

Chairman Kyger indicated the Board should direct staff to prepare an ordinance, which will need to go before the Planning Commission and to the Board by the end of March to meet the deadline.

Mr. Hutcheson noted an extension is already needed so the March 31, 2016 deadline is no longer valid.

Ms. Cooper said Mr. Hutcheson has drafted some language that is appropriate to develop into an ordinance for Mr. Miller to review.

On motion by Supervisor Eberly, seconded by Supervisor Chandler and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; CUEVAS – AYE; EBERLY – AYE; KYGER – AYE; the Board directed staff to draft a Voluntary Conservation Easement Ordinance, to be forwarded to the Planning Commission and then to the Board of Supervisors.

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On motion by Supervisor Eberly, seconded by Supervisor Chandler and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; CUEVAS – AYE; EBERLY – AYE; KYGER – AYE; the Board removed from the table SUP15-207, Walter W. Carr, III & Cindy H. Carr, 1380 Blackberry Lane, Rockingham 22802 for a wedding venue and event center (including seminars and retreats) on property located on the north side of Blackberry Lane approximately 240' north of Mt. Clinton Pike (Route 763), Election District #2, Zoned A-2. Tax Map #93-(3)-2B.

Supervisor Eberly indicated a number of conditions have been offered on this special-use permit and the applicant has addressed questions.

Ms. Stultz noted part of the concern was whether the center would remain on the Health Department water and septic currently on the site or obtain water and sewer from the City of Harrisonburg. The applicants received approval from the City for both water and sewer, which the event center plans to connect to at some point. If, at any point, the event center no longer meets the Health Department requirements, it will need to utilize the City water and sewer. Ms. Stultz indicated the conditions state water and sewer will be served by either the City or the Health Department.

Since the facility has a commercial kitchen, the Health Department was concerned about the applicant cooking and preparing food for events. The applicant has not used the kitchen for food preparation and offered a condition that the kitchen will be used as a warming kitchen only, with no food prepared on site. The other condition they agreed to is a limit of no more than 200 people at any event, Ms. Stultz said.

On motion by Supervisor Eberly, seconded by Supervisor Chandler and carried by a vote of 5 to 0 , voting recorded as follows: BREEDEN - AYE; CHANDLER – AYE; CUEVAS - AYE; EBERLY - AYE; KYGER - AYE; the Board, with the following conditions, approved SUP15-207, Walter W. Carr, III & Cindy H. Carr, 1380 Blackberry Lane, Rockingham 22802 for a wedding venue and event center (including seminars and retreats) on property located on the north side of Blackberry Lane approximately 240' north of Mt. Clinton Pike (Route 763), Election District #2, Zoned A-2. Tax Map #93-(3)-2B.

Conditions:

1. Use shall be located in substantial accordance to plot plan submitted with the application.
2. As required by the Building Official, applicant shall obtain an evaluation of the structure from a RDP (Architect or Engineer) to determine if alterations will be required.
3. A change of use building permit shall be obtained to convert to an event center.
4. The kitchen shall be used as a warming kitchen only, and no food shall be prepared on site.
5. Should applicant provide food, a permit shall be obtained from the Health Department.
6. Applicant shall meet any VDOT requirements regarding upgrades to the existing entrance. If upgrades are required, a copy of permit shall be submitted to the

Community Development Department prior to obtaining a change of use building permit.

7. This approval includes waivers to the supplemental standards requiring the owner to live on the property and a residence to be on the property.
8. This permit is contingent upon a site plan being submitted to and approved by the County. No work shall be done on the property and the business shall not begin operation until such time as the site plan is approved.
9. Any on-premise advertising sign associated with this business shall comply with the Rockingham County Code.
10. There shall be no off-premise signs permitted unless all County and State regulations are met.
11. Parking shall comply with the Rockingham County Code.
12. All regulations of Fire Prevention Code shall be met.
13. The owners shall be present on the property at any time an event is taking place.
14. This permit is contingent upon the applicant obtaining approval from either the City of Harrisonburg for utility services or from the Health Department for upgraded sewage disposal and a regulated well.
15. Whether served by the City or by the Health Department, a copy of the sewage disposal approval shall be submitted to the Community Development Department prior to obtaining a change of use permit.
16. Any required work for the utilities, whether through the City or through the Health Department, shall be completed prior to continued use of the building as an event center and prior to issuance of a certificate of occupancy.
17. The business shall not begin operation until a certificate of occupancy is issued by the County. No certificate of occupancy shall be issued until all other conditions of this permit are met.
18. This use is limited to no more than 200 people at any event.

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On motion by Supervisor Chandler, seconded by Supervisor Eberly and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; CUEVAS – AYE; EBERLY – AYE; KYGER – AYE; the Board removed from the table

REZ15-127, Eddie Mozingo, 1409 Kentshire Drive., Harrisonburg, VA 22801 to rezone Tax Map #125-(A)- L236, totaling 2.707 acres, located east of Massanetta Springs Road (Route 687) and south of Taylor Springs Lane (Route 688), from General Residential District (R-3) to Planned Single Family District (PSF). The Comprehensive Plan identifies this area as Community Residential. The parcel lies in Election District 3.

Supervisor Chandler reported community meetings were held regarding the rezoning request, but it will not go forward as originally requested.

On motion by Supervisor Chandler, seconded by Supervisor Cuevas and carried by a vote of 5 to 0 , voting recorded as follows: BREEDEN - AYE; CHANDLER – AYE; CUEVAS - AYE; EBERLY - AYE; KYGER - AYE; the Board denied REZ15-127, Eddie Mozingo, 1409 Kentshire Drive., Harrisonburg, VA 22801 to rezone Tax Map #125-(A)- L236, totaling 2.707 acres, located east of Massanetta Springs Road (Route 687) and south of Taylor Springs Lane (Route 688), from General Residential District (R-3) to Planned Single Family District (PSF). The Comprehensive Plan identifies this area as Community Residential. The parcel lies in Election District 3.

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**TECHNOLOGY DIRECTOR’S STAFF REPORT.**

The Board received and reviewed Mrs. Perry’s staff report dated February 2016. She highlighted that Steve Moomaw was hired to fill the PC Network Technician position.

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**FIRE AND RESCUE CHIEF’S STAFF REPORT.**

The Board received and reviewed Chief Holloway’s staff report dated February 2016. He informed Mr. Breeden that Fire and Rescue held training at Coors and during a fire at Sandy Bottom, Fire and Rescue maintained 500 gallons of water a minute. No one was injured in the fire.

Chef Holloway noted that the Fire and Rescue Technical Rescue Team removed a cow from an icy pond during the snowstorm. Fire and Rescue is working with a local veterinarian to establish an on-call relationship to assist with animals in the future.

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**PARKS & RECREATION DIRECTOR’S STAFF REPORT.**

The Board received and reviewed Mrs. McQuain’s staff report dated January 2016. She noted the work at Albert Long Park stalled due to the snow but they hope to resume work in the next week or so.

Mrs. McQuain informed Supervisor Cuevas that people should run against/toward the traffic unless it is a one-way street, but it is not a law.

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**COURT SERVICES DIRECTOR'S STAFF REPORT.**

The Board received and reviewed Mrs. Freeman's staff report dated February 10, 2016.

Supervisor Cuevas asked Mrs. Freeman to obtain a copy of the Middle River Regional Jail medical report for her files.

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**CLOSED MEETING.**

On motion by Supervisor Eberly seconded by Supervisor Breeden and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN - AYE; CHANDLER - AYE; CUEVAS - AYE; EBERLY - AYE; KYGER - AYE; the Board recessed the meeting from 4:37 p.m. to 5:20 p.m., for a closed meeting pursuant to 2.2-3711.A, (1), Discussion of the assignment, promotion, demotion, performance, salary, discipline or resignation of a specific officer, appointee or employee; (5), Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community and (7), Consultation with legal counsel and staff members pertaining to actual or probable litigation where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the County; and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel.

MOTION: SUPERVISOR EBERLY            RESOLUTION NO: 16-4  
SECOND: SUPERVISOR CHANDLER      MEETING DATE: FEBRUARY 10, 2016

**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, CUEVAS, EBERLY, KYGER

NAYS: NONE

ABSENT: NONE

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#### **EMPLOYMENT CONTRACT FOR STEPHEN G. KING.**

Supervisor Cuevas read the following statement:

“Mr. Chairman, as requested at the last meeting, the Finance Committee has worked with the County Administrator and County Attorney to prepare a contract for your consideration for the appointment of Mr. Stephen G. King to the position of County Administrator of Rockingham County, effective July 1, 2016. The recommended contract has a three-year initial term, and is renewable with agreement by both parties. In determining the compensation package to offer Mr. King, the Committee looked at the compensation packages for Administrator's in the region. The Committee recommends a salary and vehicle allowance of \$157,000 for Mr. King. The average compensation package in the region is \$182,100. In addition, Mr. King will receive \$15,000 in deferred compensation compared to his current deferred compensation of \$11,000 per year.

Rockingham County is the third largest county in land size and 14th in population in the state. The County Administrator administers budgets of more than \$346 million dollars with over 2,500 full and part-time employees. Rockingham County is a large, complex organization providing a wide range of government services including law enforcement, fire and rescue response, landfill operations, water & sewer treatment and delivery, recreation, education, community development, economic development and courts. The Administrator is the primary point of contact for a number of city/county and regional agencies such as the Social Services District, Community Services Board, Emergency Communications Center, Middle River Regional Jail, Shenandoah Regional Airport, and the Massanutten Regional Library and its branches.

Mr. King will be the primary contact for the Board with the County's five constitutional officers, and will work closely with the members of the General Assembly and state agencies. This is a position with a great deal of importance to the County organization, but also for our community as he is the point person for the County government. As Chairman Kyger said at our last meeting, the Board is pleased with the current state of County operations and it is the unanimous agreement of the Board to contract with Mr. Stephen G. King to serve as the fourth County Administrator.”

Supervisor Cuevas explained that the Finance Committee looked at regional salaries and financial arrangements. It is the intent of the Finance Committee to bring this to the Board as a beginning and a place to start this contract.

Supervisor Cuevas appreciates that he currently can call Administrator Paxton any time to obtain an answer to a question he feels is important. He believes it is important for the Board of Supervisors, as well as other members of staff and the community, to be able to contact the County Administrator.

Supervisor Cuevas made a motion that the Board appoint Stephen G. King to the position of County Administrator, and authorize the Chairman and Clerk of the Board to execute the employment agreement on behalf of the County, with the stated salary arrangement.

Supervisor Eberly seconded the motion.

Carried by a vote of 5 to 0 , voting recorded as follows: BREEDEN - AYE; CHANDLER – AYE; CUEVAS - AYE; EBERLY - AYE; KYGER - AYE; the Board approved the Employment Agreement between the Board of Supervisors of Rockingham County, Virginia and Stephen G. King.

*(A copy of the Employment Agreement is included in the “Attachments – Board of Supervisors Minutes” notebook maintained in Administration).*

Chairman Kyger expressed appreciation to the Finance Committee for their diligent work in obtaining the numbers for the contract.

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**RECESS.**

At 5:28 p.m., Chairman Kyger declared the meeting recessed for dinner.

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**OPEN MEETING.**

Chairman Kyger opened the evening portion of the Board meeting at 6:05 p.m.

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**STUDENTS.**

Four students from Turner Ashby High School introduced themselves.

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**PUBLIC HEARING - SPECIAL-USE PERMIT.**

At 6:06 p.m., Chairman Kyger opened the public hearing and Ms. Stultz reviewed the following special-use permit:

SUP15-332 Knoll Meadow 1, LLC, PO Box 7, Bridgewater 22812 requesting a waiver to supplemental standard stating the primary dwelling must be completed prior to putting an accessory dwelling on property and a waiver to the size of the accessory dwelling on property located on the south side of Airport Road (Route 727) approximately 1/10 mile east of Waystation Road (Route 888), Election District #4, zoned A-2. Tax Map #136-(A)-54. Property address: 1675 Airport Road.

No one spoke regarding the request.

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Chairman Kyger closed the public hearing at 6:10 p.m.

On behalf of Chairman Kyger, on motion by Supervisor Chandler seconded by Supervisor Breeden and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN - AYE; CHANDLER - AYE; CUEVAS - AYE; EBERLY - AYE; KYGER - AYE; the Board, with the following conditions, approved SUP15-332, Knoll Meadow 1, LLC, PO Box 7, Bridgewater 22812 requesting a waiver to supplemental standard stating the primary dwelling must be completed prior to putting an accessory dwelling on property and a waiver to the size of the accessory dwelling on property located on the south side of Airport Road (Route 727) approximately 1/10 mile east of Waystation Road (Route 888), Election District #4, zoned A-2. Tax Map #136-(A)-54. Property address: 1675 Airport Road.

Conditions:

1. Use shall be located in substantial accordance to plot plan submitted with the application.
2. Building shall comply with the Statewide Building Code and the proper permits shall be obtained to convert from a farm building to a residence.
3. Approval shall be obtained from the Health Department for an approved sewage disposal system and water supply. Said permits shall be submitted to the Community Development Department prior to obtaining a building permit.
4. The barn, when renovated into a residence shall become the primary residence on the property, and the existing residence shall become the accessory residence.
5. The residence that is the subject of this permit shall not be used for rental purposes.
6. The 2015 special use permit, which granted a waiver to required setbacks, shall remain in effect.
7. Residence shall not be occupied until such time as a certificate of occupancy is issued by the County. No certificate of occupancy shall be issued until all other conditions of this permit are met.

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**INTENT TO ADOPT A RESOLUTION TO ABANDON UNDEVELOPED RIGHT-OF-WAY.**

Administrator Paxton reported the notice of intent to adopt a resolution to abandon an undeveloped right-of-way between Steel Road and Grassy Creek Road was discussed at the January 27, 2016 Board Meeting.

Mr. Miller indicated staff visited with neighbors who indicated they did not have a problem with the abandonment of the right-of-way between Steel Road and Grassy Creek Road.

Administrator Paxton said this request cleans up a paper street that needs to be taken off the books.

On motion by Supervisor Eberly, seconded by Supervisor Breeden and carried by a roll call vote of 5 to 0, voting recorded as follows: BREEDEN - AYE; CHANDLER - AYE; CUEVAS - AYE; EBERLY - AYE; KYGER - AYE; the Board approved the following resolution to abandon the right-of-way:

RESOLUTION ABANDONING THAT UNIMPROVED RIGHT-OF-WAY RUNNING  
BETWEEN STEEL ROAD (SR 629) AND GRASSY CREEK ROAD (SR 711)

WHEREAS, it has come to the attention of the Board of Supervisors of Rockingham County, Virginia, that there exists in Rockingham County a short section of unimproved right-of-way, that is not a part of the secondary state highway system, which unimproved right-of-way runs from Steel Road (SR 629) to Grassy Creek Road (SR 711) (the Right-of-way), and;

WHEREAS, the Board has given notice of its intention to abandon the Right-of-way by posting three signs along the Right-of-way, posting notice at the front door of the Rockingham County Circuit Court courthouse, and publishing notice in two issues of the Daily News Record, a newspaper of general circulation in Rockingham County, all such notices stating the date, time and place that the Board would consider the abandonment, and;

WHEREAS, no petition for a public hearing has been received, and;

WHEREAS, the matter having been duly considered as required by Section 33.2-914, *et seq.*, of the Code of Virginia (1950), as amended.

NOW, THEREFORE, upon motion properly seconded and unanimously approved, it is resolved that the Board of Supervisors of Rockingham County, Virginia, is satisfied that no public necessity exists for the continuance of the Right-of-way as a public road or right-of-way and that the right-of-way shall as of the date of this Resolution cease to be a public right-of-way.

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**REMOVE REZONING REQUEST FROM THE TABLE.**

On motion by Supervisor Chandler, seconded by Supervisor Eberly and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; CUEVAS – AYE; EBERLY – AYE; KYGER – AYE; the Board removed from the table REZ15-281 Lakeview Development Corporation, 4101 Shen Lake Drive, Harrisonburg VA 22801, to rezone a portion of TM# 126-(A)- L43A, totaling 10.33 acres, located north of Lakeview Drive (Route 1025) approximately 0.25 mile north of Shen Lake Drive (Route 689), from General Agricultural District (A-2) to Medium Density Residential District with Conditions (R-2C). The Comprehensive Plan identifies this area as Community Residential. The parcel is located in Election District 3.

Supervisor Chandler explained that the rezoning request came before the Board a month ago (January 13, 2016) with a lot of good discussion and suggestions. Lakeview neighbors asked the Board to table the request to provide them an opportunity to discuss

the proffers further. Supervisor Chandler announced there have been discussions, calls and emails regarding the request. Mr. Taylor informed Supervisor Chandler that a meeting was also held. Additional proffers, which Supervisor Chandler was told are the same as the proffers for Crossroads Farm Subdivision, are being applied to this request. He understands 95 percent of the issues have been resolved and there are other suggestions being considered, including establishing a Property Owner's Association. After discussion about what has transpired and since Lakeview Development Corporation is under a timetable, Supervisor Chandler said the biggest outstanding issue is the land use and rezoning. Therefore, the Board needs to go ahead and act. He understands the potential purchaser agreed to the proffers offered and will continue to talk with the neighbors regarding other outstanding items in question. He thanked the Lakeview neighbors and Mr. Taylor for their assistance over the last month on what has been accomplished to date. Supervisor Chandler said he hopes the process will continue.

Supervisor Chandler made a motion to approve REZ15-281 Lakeview Development Corporation, with the revised proffers as presented. The motion was seconded by Supervisor Eberly.

Supervisor Cuevas asked if the Board could hear the revised proffers.

When a man in the audience asked to speak, Chairman Kyger informed him this was not a public hearing; the public hearing was held on January 13, 2016.

Ms. Cooper read the proffers, which as stated, are the mirror image of those for Crossroads Farm Subdivision.

Chairman Kyger stated that he had a motion that was properly brought forward by a member of the Board of Supervisors and properly seconded. The request was tabled after an advertised public hearing took place and public comment came before the Board. Since there have been questions, he indicated the request remained open for discussion among the Board, but there were no further questions.

Carried by a vote of 5 to 0 , voting recorded as follows: BREEDEN - AYE; CHANDLER – AYE; CUEVAS - AYE; EBERLY - AYE; KYGER - AYE; and subject to the following proffers, the Board approved REZ15-281 Lakeview Development Corporation, 4101 Shen Lake Drive, Harrisonburg VA 22801, to rezone a portion of TM# 126-(A)- L43A, totaling 10.33 acres, located north of Lakeview Drive (Route 1025) approximately 0.25 mile north of Shen Lake Drive (Route 689), from General Agricultural District (A-2) to Medium Density Residential District with Conditions (R-2C). The Comprehensive Plan identifies this area as Community Residential. The parcel is located in Election District 3.

Proffers:

1. A Property Owner Association (POA), shall be established and shall review all proposed plans for dwellings and site layout.
2. All dwellings shall have a minimum of 2100 square feet of conditioned living area (garage, basements, porches, attics, attached storage sheds or any other unfinished rooms do not count towards conditioned living space).
3. All dwellings shall have an attached or detached garage housing at least one (1) car.
4. Houses shall not be more than 35 feet in height above a crawl space or basement.
5. The minimum roof pitch is 7/12.
6. All visible portions of exterior foundations shall be constructed of brick or stone.
7. Exterior siding shall be constructed of brick, stone, natural wood, concrete fiber or synthetic stucco. Vinyl siding may be used but shall be approved on a case by case basis by the POA.
8. Roof materials shall be at least 25 year dimensional asphalt/fiberglass composition shingles, or cedar shakes, cedar shingles, standing seam metal and/or slate.
9. All lots with trees must first have house and site plans approved before any trees may be cut. In general, the POA will encourage saving most existing trees in the rear 25' of yards as a buffer between other subdivisions. If no trees exist or significant trees cannot be saved, the POA reserves the right to require the planting of several nursery grown trees.
10. Screening of heat pumps, ventilators, air conditioning condensers, generators, propane tanks, and trash containers is required for units located on facades that face the street. Screening may be obtained using vertical board fence, lattice enclosures, a yard fence and using evergreen plants. Units in the rear yard shall also be screened.
11. Outdoor lighting is permitted but high intensity or pole mounted area or security lights are prohibited. No colored lighting is permitted except for temporary holiday lighting.
12. Decorative fences may be used but shall first be approved by the POA.
13. A landscaping plan shall be submitted to the POA for approval. Minimal landscaping shall be required as defined by the POA.

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**STUDENTS.**

Two additional students from Turner Ashby High School introduced themselves.

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**COMMITTEE REPORTS.**

The Board heard committee reports from Board members and staff.

**CHAMBER OF COMMERCE**

Supervisor Eberly reported the Chamber met January 28, 2016 with a full house and a lot of enthusiasm.

**FINANCE**

On behalf of the Finance Committee, on motion by Supervisor Cuevas seconded by Supervisor Chandler and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; CUEVAS – AYE; EBERLY – AYE; KYGER – AYE; the Board approved the following supplemental appropriations:

**FY2015-2016 Supplemental Appropriations**

**Transfer to Other Funds**

A supplemental appropriation in the amount of \$8,800 to cover the County’s portion of the insufficient Local Emergency Assistance (LEA) funds which assist local citizens who have crises related to rent or utilities and to pay for burials for indigent individuals. Funding will be provided by the General Fund Reserve.

Supplemental Appropriation: \$8,800

\$ 8,800	GL Code: 1001-09301-00000-000-509527-000	Transfer to H/R Social Services District
\$ 8,800	GL Code: 1001-00000-15201-000-352000-000	General Fund Reserve

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**FY2015-2016 Supplemental Appropriations**

**Harrisonburg-Rockingham Social Services District**

A supplemental appropriation in the amount of \$8,800 to cover the County’s portion of the insufficient Local Emergency Assistance (LEA) funds that assist local citizens who have crises related to rent or utilities and to pay for burials for indigent individuals. Funding will be provided by a transfer from the General Fund.

Supplemental Appropriation: \$8,800

\$ 8,800 GL Code: 1220-05302-10100-000-505724-000 Other Local Only  
 \$ 8,800 GL Code: 1220-00000-15101-000-351000-000 Transfer from General Fund

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The Finance Committee considered an addendum to the employment agreement with the outgoing County Administrator, Joseph S. Paxton. The Finance Committee asked the Board to consider and give positive response to an amendment whereby the County agrees to pay Mr. Paxton's health insurance for a period up to five years, until he reaches the Medicare age requirement. Mr. Paxton agrees to be available for consultation to the County at no charge for an average of three days per month, equal to approximately 36 days per year. The Finance Committee appreciates the service Mr. Paxton has given to the County and his agreement to be available ensures the County continuity as Mr. King and other County staff may need assistance.

On motion by Supervisor Cuevas, seconded by Supervisor Breeden and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN - AYE; CHANDLER – AYE; CUEVAS - AYE; EBERLY - AYE; KYGER - AYE; the Board approved An Amendment to the Employment Agreement Dated July 9, 2003 between the Board of Supervisors of Rockingham County, Virginia and Joseph S. Paxton.

*(A copy of the Amendment to the Employment Agreement is included in the "Attachments – Board of Supervisors Minutes" 'notebook maintained in Administration).*

#### PUBLIC WORKS

Supervisor Cuevas reported that the County properly solicited a Request for Qualifications (RFQ) for Design-Build services through December 31, 2017 from qualified firms to provide electrical, irrigation and landscaping services. The RFQ provides for contract renewal for two (2) additional two-year periods for a total of six (6) years through December 31, 2019. Proposals were received from the following firms in these areas of service:

Site Electrical: Mid Valley Electric and Trumbo Electric  
 Field amendments/landscaping services: Premier Sports Fields, Woodward Turf Farms  
 Irrigation: Weaver Irrigation  
 Field Lighting Electrical: Musco Sports Lighting

In accordance with the County's Design-Build Procedures, up to five companies may be pre-qualified in a specific area of service. Staff recommended that the Board determine all the above firms be pre-qualified for Design-Build projects initiated through December 31, 2017.

Supervisor Cuevas advised that Albert Long Park and the landfill entrance projects were identified for the initial term.

On behalf of the Public Works Committee, on motion by Supervisor Cuevas, seconded by Supervisor Breeden and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN - AYE; CHANDLER – AYE; CUEVAS - AYE; EBERLY - AYE; KYGER - AYE; the Board authorized the qualification of Mid Valley Electric, Trumbo Electric, Premier Sports Fields, Woodward Turf Farms, Weaver Irrigation and Musco Sports Lighting for Design-Build projects initiated through December 31, 2017, and authorized staff to solicit proposals from the qualified firms for Albert Long Park and the landfill entrance projects.

VIRGINIA ASSOCIATION OF COUNTIES (VACo) LIAISON

Chairman Kyger reminded the Board that the VACo Government (Legislative) Day meeting is tomorrow, February 11, 2016, in Richmond. He also reminded the Board to review the alerts from VACo.

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**UNFINISHED BUSINESS.**

After Supervisor Cuevas asked earlier about people running along roadways, Mr. Miller reviewed Section 46.2-928 of the State Code that indicates pedestrians shall not use the roadway for travel, except when there are no sidewalks. If they walk on the hard surface, or the main traveling portion of the roadway, they shall keep to the extreme left side or edge; or where the shoulders of the highway are of sufficient width to permit, they may walk on either shoulder.

Therefore, walkers and runners should use the extreme left side of the road, facing oncoming traffic.

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Mr. Miller noted that the easement approved earlier by Countryside Sanitary District should have also been approved by the Rockingham County Board of Supervisors. Mr. Miller said the County has no title interest in the property but VDOT asked that the Board of Supervisors also approve the easement to sign off for one of the utilities.

On motion by Supervisor Chandler, seconded by Supervisor Breeden and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN - AYE; CHANDLER - AYE; CUEVAS - AYE; EBERLY - AYE; KYGER - AYE; the Board authorized the County Administrator to execute, on behalf of the County, the easement between the County, Countryside Sanitary District and the Commonwealth of Virginia for VDOT to widen or

improve Route 257 (Ottobine Road), Project 0257-082-717, R201, from 0.178 miles west of Route 738 (Dry River Road) to 0.101 miles east of Route 738 to establish and/or relocate utility facilities.

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**ADJOURNMENT.**

Chairman Kyger declared the meeting adjourned at 6:30 p.m.

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Chairman

DRAFT

1. Personnel vacancies

Utilities: no vacancies

Landfill: no vacancies

Refuse & Recycle: no vacancies

Public Works Admin: Construction inspector (Miss Utility)

Facilities Maintenance: Maintenance Technician I

2. Utilities

Pleasant Valley 16" Waterline

Update: 58% of the pipe installed as of 2/22/16. The complete schedule is:

1. Begin Construction 10/19/15
2. Substantial Completion 3/24/16
3. Final Completion 4/24/16

3. Landfill

The Landfill Entrance bid was advertised and proper procurement procedures were followed. Three bids were received. Staff has reviewed the bids and submitted them to the Public Works Committee for review and recommendation to the Board of Supervisors.

The estimated schedule is below:

1. City plan approval 1/31/16
2. Advertise for bids 1/25/16
3. Bid due date 2/16/16
4. Board approval 2/24/16
5. Notice to Proceed 3/7/16
6. Substantial Completion 12/1/16
7. Final Completion 1/1/17

Recycling & Satellite Sites

Staff submitted to the VDEQ, Rockingham County's 2015 Recycling Rate Report as required by state law. There is a 15% mandated recycling rate. Based on the 2015 Recycling Rate Report, the County has achieved a 28% rate for 2015. Congratulations on this accomplishment to Linda Zirkle and her staff.

4. Facilities Maintenance

Staff is advertising for a Maintenance Technician position. The position will be open till filled.

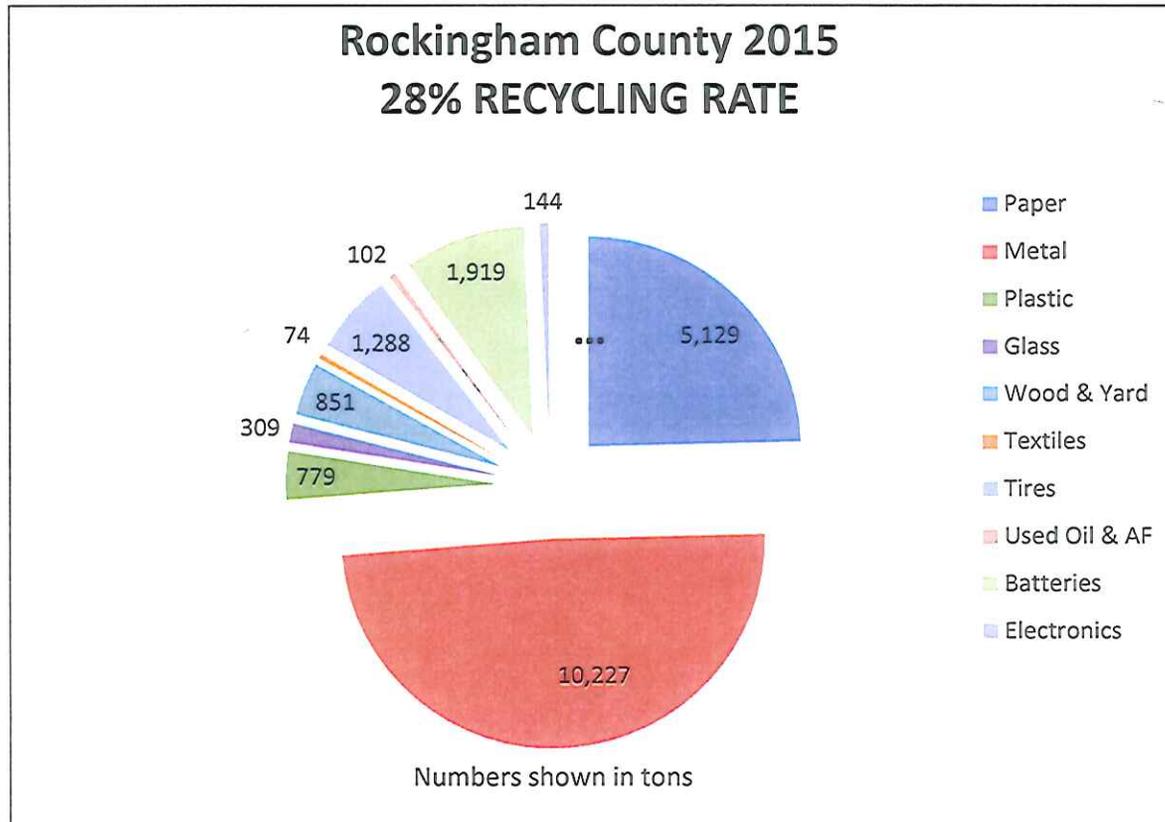
Director of Public Works  
Staff Report  
Page 2

5. Albert Long Park

The wet weather has slowed progress on the site work at the park. This was taken into consideration when the schedule was developed. The master plan from Timmons is anticipated to be complete by mid-March. No further update.

Respectfully Submitted,  
Barry E. Hertzler  
Director Public Works

Paper	5,129
Metal	10,227
Plastic	779
Glass	309
Wood & Yard	851
Textiles	74
Tires	1,288
Used Oil & AF	102
Batteries	1,919
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**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)

The Board requested staff to prepare a draft ordinance to enable the County to consider co-holding voluntary conservation easement in the Cross Keys and Port Republic Battlefield Study Areas. The ordinance will be heard by the Planning Commission on March 1.

Following a presentation to the Board on January 13, the Board requested staff to provide additional research to them at its February 10 meeting. Staff met with John Hutchinson of the Shenandoah Valley Battlefields Foundation (SVBF) and Kim Sandum of the Community Alliance for Preservation (CAP), to determine an alternative to a countywide approach to the Voluntary Conservation Easement Ordinance. A presentation and maps were presented at the February 10 meeting.

A Voluntary Conservation Easement Ordinance, initially drafted by an advisory committee in 2009, was revised in 2015 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 2015, 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.

### **HOUSE BILL 2 TRANSPORTATION PROJECT APPLICATIONS** (Rhonda Cooper)

The HB2 project scoring and recommendation phase has been completed by the Office of Intermodal Planning and Investment (OIPI), VDOT, and the Department of Rail and Public Transportation (DRPT). The recommended projects will be reviewed by the Commonwealth Transportation Board (CTB) this month. By June, the CTB is expected to adopt the Six Year Improvement Plan (SYIP). The tentative schedule is:

- February- CTB reviews recommended projects
- March to April- CTB to develop potential revisions to recommended projects
- April to May- Public hearings held on recommended projects and any revisions
- May- CTB revises funding scenario
- June- CTB adopts Six-Year improvement Program

The Rawley Pike (U.S. 33) project is included in the list of recommended projects. Staff will resubmit applications in the upcoming round for Mayland Road (VA 259), South Valley Pike (U.S. 11).

### **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)**

On February 4, the MPO Subcommittee and Rockingham Bicycle Advisory Committee reviewed bicycle and pedestrian facility prioritizations and recommendations. The MPO TAC is expected to forward a final draft 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 and the project consultant, Paradigm Design, held a community workshop in Port Republic on January 21 to describe the planning process and to seek input on what the community considers to be the its assets and liabilities now and in the future. The next workshop will be February 18 at the Port Republic town hall.

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 was recommended for approval by the Planning Commission at its public hearing on February 2, 2016. The Board will hear the ordinance on February 24.

### **SOLAR ENERGY FACILITY FEE SCHEDULE (Rhonda Cooper)**

At the same Board hearing as the Solar Energy Facility ordinance is heard, February 24, an amendment to Section 2-44, Planning, Subdivision, and Zoning Fees, will be presented to add new application fees for Large Solar Energy Facilities requiring a special use permit (\$2,000 + any consultant fees), and Small Solar Energy Facilities (\$200).

## LAND USE-RELATED FEE SCHEDULE (Rhonda Cooper)

In addition to the Solar Energy Facility fees mentioned above, the remainder of Section 2-44 is under review to bring it into compliance with the 2014 Zoning Ordinance terminology and to evaluate the fees, which were last revised about five years ago.

## 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 on December 15, 2010. Staff recommends reworking this Plan as part of the Comprehensive Plan revisions.

## PLANNING COMMISSION ACTIONS

The Planning Commission will consider the following items at its March 1 public hearing:

Item	Description	Comments/ Recommendations
<b>REZ16-018</b>	Sentara RMH Medical Center, 2010 Health Campus Dr., Harrisonburg, VA 22801, to rezone TM# 125-(17)- L1, L1A; 125-(A)- L121, L135, L136, totaling 238.61 acres, currently zoned General Business District (B-1) and General Agriculture District (A-2), to Planned Medical and Research District (PMR). The Comprehensive Plan identifies this area as Mixed Use. The property is located in Election District 3.	
<b>OA16-026</b>	Amendment to the Rockingham County Code, Chapter 17 (Zoning), Article 2, Definition of Terms, Section 17-201 Definitions generally to amend the definitions of camp and event center and to add a definition for retreat center.	
<b>OA16-029</b>	Amendment to the Rockingham County Code, Chapter 17 (Zoning), Table 17-606 Land Use and Zoning Table to add retreat center as a permitted use (P) in the R-4 zoning district and as a special use (SU) in the A-1, A-2, and RV zoning districts; and to add camp as a permitted use (P) in the R-4 zoning district and as a special use with supplemental standards (SU*) in the A-1, A-2, and RV zoning districts.	
<b>OA16-039</b>	Amendment to the Rockingham County Code, Chapter 17 (Zoning), Section 17-607 Supplemental Standards for Certain Land Uses to add supplemental standards for camp in the A-1, A-2, and RV zoning districts. Supplemental standards would allow for infilling of an existing camp by right but would require special use permit for expansion onto land not currently used for camp and for any new camp.	
<b>OA16-040</b>	Amendment to the Rockingham County Code, Zoning Ordinance (Chapter 17), Section 17-201 Definition of Terms. Modify definition of "Contractor's operation" to include landscapers and remove the definition "Landscaping service."	

<b>OA16-042</b>	Amendment to the Rockingham County Code, Zoning Ordinance (Chapter 17), 17-607 Supplemental Standards for Certain Land Uses. Remove Landscaping service from the supplemental standards. (Landscaping service to be included under the use and standards for Contractor's operation.) Add supplemental standards for the uses 'Greenhouse' and "Nursery."	
<b>OA16-044</b>	Amendment to the Rockingham County Code, Zoning Ordinance (Chapter 17), Table 17-606 Land Use and Zoning Table. Remove 'Landscaping service' from the use table, add "Greenhouse" under agricultural uses and "Nursery" under retail uses.	
<b>OA16-046</b>	Amendment of the Rockingham County Code, Chapter 17 (Zoning), Article 5, Overlay Districts, to adopt Sections 17-520, Rockingham County Voluntary Conservation Easement Ordinance, and all attending sub-parts of Section 17-520.	
<b>CIP</b>	The County proposes the adoption of the Capital Improvements Program (CIP), a five-year plan to guide the construction or acquisition of capital projects, for fiscal year 2017 through fiscal year 2021. 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.	

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

Item	Description	Comments/Recommendations
<b>OA15-188</b>	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; Staff revisions are underway; Board hearing TBA

## COUNTY-INITIATED AMENDMENTS

1. **Request and Reason:** At the November 18<sup>th</sup> 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.

**Status:** The Planning Commission tabled the request at its January 5 hearing, requesting staff to revise the proposed limitations on outdoor storage. On February 2, staff presented revisions to the outdoor storage requirements; the Commission recommended approval of the ordinance amendments as presented. The ordinance will be heard by the Board on February 24.

## UPCOMING PUBLIC HEARINGS

February 24, 2016

Board of Supervisors

7:00 p.m.

### Agricultural & Forestal District

None.

### Special Use Permits

None

### Rezoning

**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.

### 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.

**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.

**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.

**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.

**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\*).

## INTENT TO ADOPT

Section 2-44, Planning, Subdivision, and Zoning Fees, as authorized by Code of Virginia §15.2-2286.A.6, is to be amended by adding new application fees for Large Solar Energy Facilities requiring a special use permit (\$2,000 + any consultant fees), and Small Solar Energy Facilities (\$200).

## 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.

## 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	Heard by Planning Commission on 2/2/16	1 <sup>st</sup> quarter - 2016

Ongoing Review/Tasks	Lead Person	Status
Deed Review	Diane	15 deeds in process as of 2/12/15: 0 pending review, 15 awaiting revisions
Violations	Kelly	53 active complaints, 16 cases pending legal action as of 2/2/16
Site Plans & Subdivisions	Pete	8 site plans and 2 subdivisions under review as of 2/17/16
Subdivision Ordinance Variances	Diana	0 requests under review, as of 2/17/16
Zoning Ordinance Variances	Diana	1 request under review, as of 2/17/16
Zoning Appeals	Diana	0 requests under review, as of 2/17/16
Home Occupation Permits	Diana	0 permit requests under review, as of 2/17/16
Home Business Permits	Diana	0 permit requests under review, as of 2/17/16
Special Use Permits	Diana	1 permit requests under review, as of 2/17/16
Rezoning	Rhonda	2 rezoning requests under review, as of 2/17/16
Comprehensive Plan Amendments	Rhonda	0 request under review, as of 2/17/16
Permits and Fees Processed	Joe	493 total transactions for month of January 2016
Building Inspections	Joe	801 inspections conducted during January 2016 (averaged 47.81 inspections per day)
Building Plans	Joe	25 Plans under review, as of 1/31/16

Environmental (E&S/Stormwater) Plan Review	Lisa	16 plans under review as of 02/16/16, 14 awaiting permit issuance
Environmental Inspections	Lisa	248 inspections conducted as of 2/13/16
Addressing Commercial/Residential Structures	Kendrick	24 new structures addressed in January 2016
Naming of New Roads	Kendrick	0 new private lanes named in January 2016

**REQUESTS TABLED BY BOARD OF SUPERVISORS**

SPECIAL USE PERMIT APPLICATION(S)					
Year Tabled	Date Tabled	File	Applicant	Request	Election District
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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

ORDINANCE AMENDMENTS					
Year Tabled	Date Tabled	File	Applicant	Request	
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**STAFF DIRECTORY**

<b>Name</b>	<b>Job Title</b>	<b>Office Number</b>	<b>Mobile Number</b>
Casey Armstrong	Director	564-3031	578-2353
Blake Barnes	Environmental Inspector	564-3047	578-3515
James Campbell	Building Inspector	574-4381	578-1123
Jay Carter	Building Plan Reviewer	564-3046	578-1120
Rhonda Cooper	Director of Planning	564-3033	271-5061
Rick Davis	Building Inspector	432-3372	830-8018
Terry Derrer	Building Inspector	564-3042	578-1122
Leslie Dodrill	Permit Specialist II	564-3038	N/A
Kelly Getz	Code Compliance Officer	564-6063	810-5024
Adam Hancock	Environmental Inspector	564-1529	271-6523
Pete Kesecker	Development Plan Manager	564-5074	271-2952
Diane Lepkowski	Deputy Zoning Administrator	564-3037	578-1126
James May	Senior Planner	564-1513	N/A
Lisa Perry	Stormwater Management Program Administrator	564-6095	271-8760
Mark Rathke	GIS Specialist	564-5076	N/A
JN Riddel	Building Inspector	564-3045	578-1121
Joe Shifflett	Building Official	564-3041	578-1558
Kendrick Smith	GIS Technician	564-3029	830-5811
Diana Stultz	Zoning Administrator	564-3032	830-8017
Amanda Thomas	Administrative Assistant	574-3790	N/A
Kelley Ann Weatherholtz	Permit Specialist I	564-3040	N/A

**DEPARTMENT OF COMMUNITY DEVELOPMENT**  
**Development Activity Report - January 2016**

	Permits Issued					Fees Collected				
	Jan-16	Jan-15	One Year Change	Jan-Jan 2016	Jan-Jan 2015	Jan-16	Jan-15	One Year Change	Jan-Jan 2016	Jan-Jan 2015
<b>Building</b>										
Commercial/Industrial	12	7	71.4 %	12	7	\$ 15,492.96	\$ 7,210.19	114.9 %	\$ 15,492.96	\$ 7,210.19
Manufactured	3	4	-25.0 %	3	4	\$ 259.90	\$ 413.51	-37.1 %	\$ 259.90	\$ 413.51
Single Family	22	13	69.2 %	22	13	\$ 22,357.64	\$ 13,998.13	59.7 %	\$ 22,357.64	\$ 13,998.13
Subtotal	37	24		37	24	\$ 38,110.50	\$ 21,621.83		\$ 38,110.50	\$ 21,621.83
<b>Electrical</b>										
	15	18	-16.7 %	15	18	\$ 801.11	\$ 852.71	-6.1 %	\$ 801.11	\$ 852.71
Subtotal	15	18		15	18	\$ 801.11	\$ 852.71		\$ 801.11	\$ 852.71
<b>Mechanical</b>										
	6	6	0.0 %	6	6	\$ 688.50	\$ 204.00	237.5 %	\$ 688.50	\$ 204.00
Subtotal	6	6		6	6	\$ 688.50	\$ 204.00		\$ 688.50	\$ 204.00
<b>Other</b>										
	19	43	-55.8 %	19	43	\$ 6,421.84	\$ 12,202.80	-47.4 %	\$ 6,421.84	\$ 12,202.80
Subtotal	19	43		19	43	\$ 6,421.84	\$ 12,202.80		\$ 6,421.84	\$ 12,202.80
<b>Land Use Related</b>										
Erosion and Sediment Permit:	4	6	-33.3 %	4	6	\$ 3,834.00	\$ 7,844.00	-51.1 %	\$ 3,834.00	\$ 7,844.00
Subtotal	4	6		4	6	\$ 3,834.00	\$ 7,844.00		\$ 3,834.00	\$ 7,844.00
<b>Total</b>	<b>81</b>	<b>97</b>		<b>81</b>	<b>97</b>	<b>\$ 49,855.95</b>	<b>\$ 42,725.34</b>		<b>\$ 49,855.95</b>	<b>\$ 42,725.34</b>



**STAFF REPORT**  
February, 2016

**Agenda Item#**

**1. RECREATION**

A. Recreation:

1. The Broadway Little League, tenants of Plains District Community Center, operate the "Strike Zone" in the basement of the facility. The Broadway Little League is requesting permission to charge outside groups to use the facility, advising that the charge would help offset equipment cost and equipment maintenance. Please see attached information.

Supervisor Cuevas, Mr. Paxton, Bart Bridges, Athletic Supervisor and I recently met with the President of the Little League and the League's Strike Zone Coordinator to discuss this request. In the lease agreement with Broadway Little League (see attached), Article 1, Section 1.02 states that the Tenant may use the Property for activities related to the little league program for the northern Rockingham County area and other activities if approved by the Rockingham County Recreation Director. It further states in Article 4, Section 4.03 that the Tenant shall not sublease the facility without approval from the County. Charging outside individuals for using the facility is considered sub-letting the building; therefore, the Board's approval is required.

**Recommendation.** As the fee to be charged by the Little League to outside individuals and groups is to offset the wear and tear on the Little League's equipment, staff recommends that the Board approve the request and authorize the Parks & Recreation Director to notify the Little League of its approval.

2. The Bergton Book Station Commission is requesting approval to change from meeting four times a year to meeting three times a year. The current bylaws approved by the Board state that regular meetings of the Commission shall be held on the first Wednesday of January, April, July and October. The Commission is requesting that the Board allow the meeting to be on the same date in January, May and September.

**Recommendation.** Staff recommends that the Board authorize amendment to Section 9 of the Bylaws reduce the number of meetings as requested.

Respectfully submitted,  
Kathy McQuain  
Director of Parks & Recreation

# Strike Zone Use Policy

*After listening to the feedback received from our members, the Board of Directors revisited the Strike Zone Use Policy on November 15, 2015. In response, we have adopted a revised policy to allow non-little league members and teams access to the facility with certain restrictions. As always, the Strike Zone is open for unlimited use by registered Little League Members participating in a current season. For questions or to request a key, please contact Brett Martin, Strike Zone Coordinator, at [broadwayccl@gmail.com](mailto:broadwayccl@gmail.com).*

*BCLL Board of Directors*

## Individual Use:

1. Pay a fee of \$75 / year. Individual will receive a \$25 refund upon return of key.
2. Sign a Facility Use Waiver form.
3. Individual or guardian must be at least 18 years old.
4. Signing individual must accompany youth while using facility.

## Group/Team Use:

1. Pay a fee of \$500 / year for teams that have a roster of less than 80% of their athletes that are current, registered BCLL participants.
2. Teams that have 80% of their roster which are current, registered BCLL participants will pay a fee of \$200 / year.
3. Team roster must be supplied to the BCLL.
4. Coach / Supervisor of group sign a Facility Use Waiver form.
5. Coach / Supervisor must be present while facility is being used.
6. Schedule the use of the Strike Zone by the hour.
7. When a team signs up to use the facility they are given the following:
  - a. 1 hitting cage, 1 small (tee) cage, and 1 throwing zone

## General Guidelines:

- \*\* All Facility Use Waivers are good for one (1) year from date of signing.
- \*\* During the Little League season, preference for facility use will be given to Little League teams.
- \*\* No outside Groups/Teams will be permitted to use the Strike Zone during the Little League use time (for the upcoming year the dates are March 7, 2016 - April 9, 2016).
- \*\* Unlimited access for athletes currently participating in a Broadway Little League season.

February 16, 2016

Kathy McQuain  
Recreation Director, Rockingham County

Dear Ms. McQuain:

The Broadway Community Little League (BCLL) Board of Directors recently developed a use policy for the Strike Zone. This new policy would allow for the BCLL to charge both registered members of the BCLL and non-registered members of the BCLL to use the facility. The money generated from the fees will go directly back into the Strike Zone to assist in maintenance and upgrades of the facility. I have attached a copy of the new policy which specifically outlines the fees and requirements associated with acquiring a key.

Under the current lease agreement the BCLL has with Rockingham County for the facility we are required to seek approval from you before initiating the changes listed above. I ask that you review the proposed Strike Zone Use Policy and grant us permission to implement it. Please feel free to contact me if you should have any questions or need any clarification.

Sincerely,

Brett Martin  
BCLL Board Member; Strike Zone Coordinator



# Community Development Rezoning Report REZ15-338

**Planning Commission**  
February 2, 2016

**Board of Supervisors**  
February 24, 2016

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

<b>Staff Recommendation :</b>	Approval	January 25, 2016
<b>Planning Commission:</b>	Approval	February 2, 2016
<b>Board of Supervisors:</b>		

## **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.

### **PROFFERS<sup>1</sup>**

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**

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

<sup>1</sup> 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.

<b>SUMMARY</b>
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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: Approval

February 2, 2016

Whereas this amendment supports the goals of the Comprehensive Plan, the Planning Commission recommends approval by a vote of 5 to 0.

Board Decision:

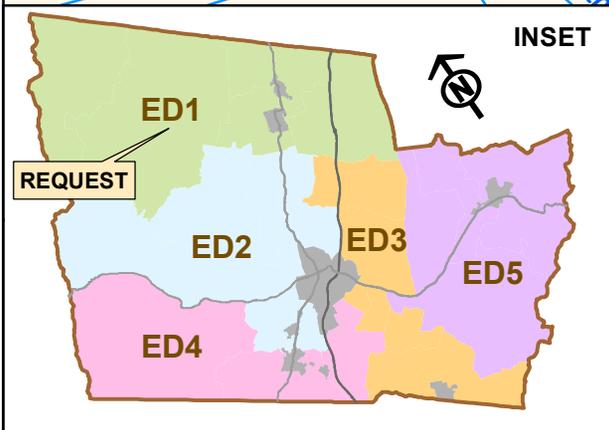
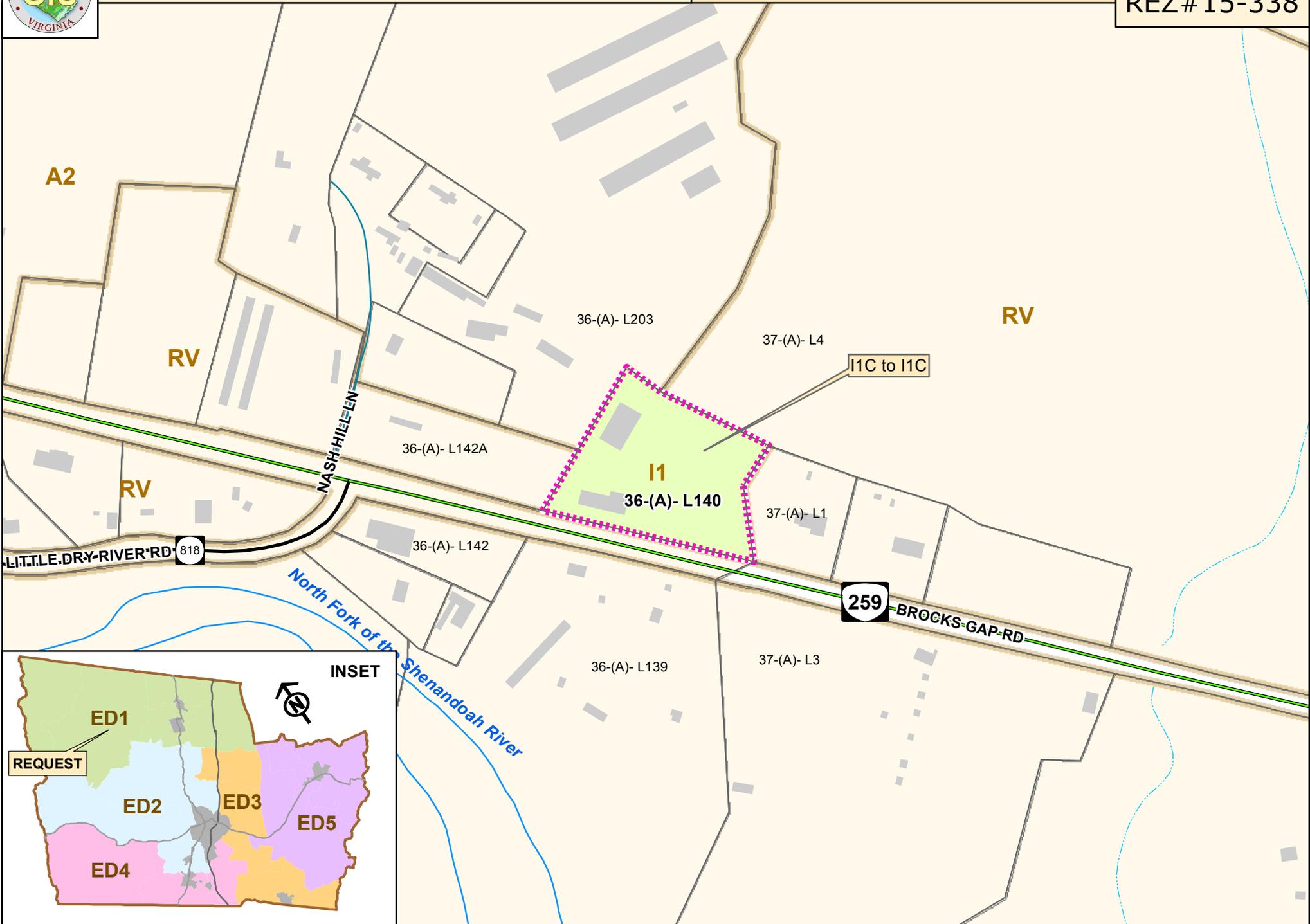


# Robert S. Fulk Rezoning Request



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 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

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Chairman of the Board of Supervisors

ATTESTE:

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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.

**PLANNING COMMISSION      TABLED      JANUARY 5, 2016**

After discussion of a change the Commission would like to see made to OA15-324, which is an incidental part of this amendment, with a vote of 5 to 0, the Planning Commission tabled this request to allow staff time to look at allowing a small amount of outdoor storage (OA15-324).

**STAFF RECOMMENDATION      APPROVAL      JANUARY 12, 2016**

With the change to OA15-324 regarding outdoor storage (as requested by the Planning Commission) staff recommends approval of the amendment.

**PLANNING COMMISSION      APPROVAL      FEBRUARY 2, 2016**

Concurring with staff's recommendation, with a vote of 5 – 0, the Planning Commission recommended 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

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Chairman of the Board of Supervisors

ATTESTE:

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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.

**PLANNING COMMISSION      TABLED      JANUARY 5, 2016**

After discussion of a change the Commission would like to see made to OA15-324, which is an incidental part of this amendment, with a vote of 5 to 0, the Planning Commission tabled this request to allow staff time to look at allowing a small amount of outdoor storage (OA15-324).

**STAFF RECOMMENDATION      APPROVAL      JANUARY 12, 2016**

With the change to OA15-324 regarding outdoor storage (as requested by the Planning Commission) staff recommends approval of the amendment.

**PLANNING COMMISSION      APPROVAL      FEBRUARY 2, 2016**

Concurring with staff's recommendation, with a vote of 5 – 0, the Planning Commission recommended 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\_.

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**

These supplemental standards would keep these businesses on a small scale and offer some protection to adjoining landowners.

**PLANNING COMMISSION      TABLED      JANUARY 5, 2016**

After discussion regarding the possible need to for very limited outdoor storage, on a vote of 5 to 0, the Commission tabled the request to allow staff time to look into limited outdoor storage.

**STAFF RECOMMENDATION      APPROVAL      JANUARY 12, 2016**

Staff amended the ordinance language from no outdoor storage being permitted to up to .5 acre of outdoor storage being permitted.

**PLANNING COMMISSION      FEBRUARY 2, 2016**

Concurring with staff's recommendation, the Planning Commission recommended approval of the amendment.

**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.

**PLANNING COMMISSION**

**APPROVAL**

**FEBRUARY 2, 2016**

Concurring with staff recommendation, with a vote of 5 to 0, the Planning Commission recommended 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.

**PLANNING COMMISSION**

**APPROVAL**

**FEBRUARY 2, 2016**

Concurring with staff recommendation, with a vote of 5 to 0, the Planning Commission recommended 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 nuisance or 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 nuisance or 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.

**PLANNING COMMISSION**

**APPROVAL**

**FEBRUARY 2, 2016**

Concurring with staff recommendation, with a vote of 5 to 0, the Planning Commission recommended 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

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Chairman of the Board of Supervisors

ATTESTE:

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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.

**PLANNING COMMISSION      APPROVAL      FEBRUARY 2, 2016**

Concurring with staff recommendation, with a vote of 5 to 0, the Planning Commission recommended approval.

**ORDINANCE ENACTING**  
**AS FOLLOWS:**  
**SECTION 2-44 (m) (1) and (m) (2)**  
**OF THE CODE OF ORDINANCES**  
**OF**  
**ROCKINGHAM COUNTY, VIRGINIA**

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

That the following section of Chapter 2, Administration, is enacted:

Section 2-44, Planning, subdivision, and zoning fees.

(m) Solar energy facilities

(1) Large solar energy facility- \$2,000.00

(2) Small solar energy facility- \$200.00

This ordinance shall be effective from the \_\_\_ day of \_\_\_\_\_, 2016.

Adopted the \_\_\_ day of \_\_\_\_\_, 2016.

Aye                      Nay                      Abstain                      Absent

Supervisor Cuevas

Supervisor Eberly

Supervisor Chandler

Supervisor Kyger

Supervisor Breeden

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Chairman of the Board of Supervisors

ATTESTE:

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Clerk

## 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
<b>5 YEAR COST</b>	<b>\$2,342,579</b>	\$306,657	\$306,657	\$306,657	\$711,304	\$711,304

<b>5 YEAR FUNDING</b>	<b>\$2,342,579</b>	\$306,657	\$306,657	\$306,657	\$711,304	\$711,304
<b>State Funds</b>	\$ 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	\$ -	\$ -	\$ -
<b>5 YEAR COST</b>	<b>\$ 500,000</b>	\$ -	\$ 500,000	\$ -	\$ -	\$ -

<b>5 YEAR FUNDING</b>	<b>\$ 500,000</b>	\$ -	\$ 500,000	\$ -	\$ -	\$ -
<b>State Funds</b>	\$ 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.

## **PUBLIC NOTICE**

The Rockingham County Board of Supervisors will hold a public hearing at its February 24, 2016 meeting, commencing at 7:00 p.m., at the Rockingham County Administration Center, 20 East Gay Street, Harrisonburg, Virginia, to take public comment and information concerning certain stones, appearing to have been headstones, found on the property being developed by the County as a park, sometimes referred to as the Albert Long park, located near the intersection of Route 33 and Indian Trail Road, and to receive comment on the Board's intention to establish a memorial plot for those stones in an appropriate place within the Park.

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Please publish in the Legal Notices section **Monday, February 22, 2016**, and send proof of publication to Jessica Kilby, Deputy Clerk, Rockingham County Administrator's Office, 20 East Gay Street, Harrisonburg, Virginia 22802. Phone: 540.564.3012