



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 August 24, 2016

- 3:30 p.m. Work Session – Presentation on the County Bicycle and Pedestrian Plan for the Metropolitan Planning Organization – Ann Cundy, Central Shenandoah Planning District Commission Planner and Rhonda Cooper, Rockingham County Director of Planning – Community Development Community Room
- 6:00 P.M. CALL TO ORDER – CHAIRMAN WILLIAM B. KYGER, JR.  
INVOCATION – SUPERVISOR FREDERICK E. EBERLY  
PLEDGE OF ALLEGIANCE – COUNTY ATTORNEY THOMAS H. MILLER, JR.
1. Approval of Minutes – Regular Meeting of August 10, 2016
  2. Report – Virginia Department of Transportation – Residency Administrator Donald F. Komara
  3. Report – Collections and Lists of Uncollectible and Delinquent Property Taxes - The Honorable L. Todd Garber, Treasurer
  4. Staff Reports:
    - a. County Administrator – Stephen G. King
    - b. County Attorney – Thomas H. Miller, Jr.
    - c. Assistant County Administrator – George K. Anas, II
    - d. Director of Finance – Patricia D. Davidson
    - e. Director of Public Works – Barry E. Hertzler
    - f. Director of Community Development – Casey B. Armstrong
  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. Planning Commission – District 5

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*Recess for Dinner*

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

a. Ordinance Amendment:

OA16-155, Amendment to the Rockingham County Code, Chapter 17 (zoning), Table 801.06.01 Area, Setback, and Height - Conventional to reduce the minimum rear setback for primary structures and for accessory structures which are more than 580 square feet of floor area from 35 feet to 25 feet, and to increase minimum rear setback for accessory dwellings from 5 feet to 25 feet in the A-1, A-2, and RV zoning districts

b. Rezoning:

REZ16-160, KKB, LLC, P.O. Box 2037, Harrisonburg, VA 22801, to rezone TM# 125-(A)- L6A, located west of Port Republic Road (Route 253), north of Stone Port Blvd (Route 726), and northeast of Apple Valley Road (Route 726), from General Residential District (R-3) to Planned Multifamily District (PMF). The Comprehensive Plan designates this area for Mixed Use. Election District 4.

REZ16-180, Oleg Kilimnik, 864 Switchboard Road, Rockingham, VA 22802, to rezone a portion of TM# 124-(A)- L51, located south of Cecil Wampler Road (Route 704) approximately 515 feet east of Scholars Road (Route 988), totaling 4.71 acres, from General Agricultural District (A-2) to Heavy Industrial District (I-1). The Comprehensive Plan identifies this area for Industrial Use. It is in Election District 4.

REZ16-181, Daniel H. Wylie, PO Box 1021, Broadway, VA 22815, to rezone TM# 52-(A)- L114 and L115, totaling 2.012 acres, located east of Daphna Road (Route 803) and west of Mayland Road (Route 259) from Low-Density Residential District (R-1) to General Agricultural District with Conditions (A-2C). The property is located within Election District 1 and identified by the Comprehensive Plan as Community Residential.

8. Unfinished Business

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

August 10, 2016

The Regular Meeting of the Rockingham County Board of Supervisors was held on Wednesday, August 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:

STEPHEN G. KING, County Administrator  
THOMAS H. MILLER, JR., County Attorney  
GEORGE K. ANAS, II, Assistant 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  
KELLY S. GETZ, Code Compliance Officer  
JAMES B. MAY, Senior Planner  
JESSICA G. KILBY, Deputy Clerk  
DONALD F. KOMARA, Residency Administrator  
Virginia Department of Transportation  
JOSHUA W. DUNLAP, Assistant Residency Administrator  
Virginia Department of Transportation

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

Chairman Kyger called the meeting to order at 3:00 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 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 approved the minutes of the regular meeting of July 13, 2016.

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**RECOGNITION – HARRISONBURG FIRE CHIEF LARRY W. SHIFFLETT.**

On behalf of the Board, Chairman Kyger read a resolution honoring newly-retired Harrisonburg Fire Chief Larry W. Shifflett for his 47 years of service to the community. Chairman Kyger stated that Chief Shifflett is a model citizen for the Central Shenandoah Valley and he is honored to have worked with him over the years.

On motion by Supervisor Chandler, seconded by Supervisor Breedon, 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 resolution:

**RESOLUTION**

**WHEREAS**, Larry W. Shifflett has been employed by the City of Harrisonburg Fire Department for 47 years; serving as Chief from July 7, 1983, to August 1, 2016; and

**WHEREAS**, Chief Shifflett is recognized statewide for his expertise in emergency management, and for his creativity and innovation in providing a high level of emergency services for the City of Harrisonburg and Rockingham County; and

**WHEREAS**, Chief Shifflett was instrumental in working cooperatively with the County and other jurisdictions in the Valley to establish uniform operating procedures, including regionalization of the Technical Rescue Team to share resources and personnel for specialized rescue; and

**WHEREAS**, Chief Shifflett supported Rockingham County with the adoption of mutual aid agreements for sharing resources to support fire and emergency medical services in Harrisonburg and Rockingham County; and

**WHEREAS**, Chief Shifflett willingly shared equipment with the County when County equipment was out of service for maintenance or repairs; and

**WHEREAS**, Chief Shifflett has always placed the interest of serving and protecting the citizens, visitors and emergency responders first and foremost, including providing staff and his expertise to assist with projects and responses in Rockingham County on numerous occasions; and

**WHEREAS**, it would be difficult to recognize an individual who more aptly exemplifies commitment toward a career of service dedicated to one locality in the Commonwealth; and

**WHEREAS**, Chief Shifflett leaves a legacy of professionalism and a record of accomplishment for many years of public service to the citizens of Harrisonburg, Rockingham County, and the Commonwealth of Virginia.

**NOW, THEREFORE, BE IT RESOLVED** that the Rockingham County Board of Supervisors, on behalf of the citizens of Rockingham County, hereby recognizes Larry W. Shifflett for his outstanding contributions benefiting our community for the past 47 years, and extends to him its sincere appreciation for his dedicated service, and wishes him well in his retirement.

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Chairman Kyger presented Chief Shifflett with the Resolution and expressed appreciation for the many years of dedication he provided to the citizens of Harrisonburg and Rockingham County.

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**TRANSPORTATION DEPARTMENT.**

The Board heard Mr. Komara’s report on the activities of the Transportation Department, which included updates on various road projects, paving, bridge improvements and routine maintenance.

As previously requested by Supervisor Chandler, Mr. Komara participated in a meeting regarding a speed study on Port Republic Road (Route 253) at Port Village. Supervisor Chandler requested the speed limit gradually be reduced as motorists approach Port Village in both directions on Port Republic Road.

Mr. Komara announced a meeting on August 30, 2016 regarding the Route 42 Corridor. He stated that VDOT received concerns regarding the bypass and encouraged anyone with concerns to attend the meeting.

Supervisor Breeden brought attention to the Ore Bank Road (Route 708) project, indicating a citizen requested lengthening the improvements to the road. Mr. Komara noted that he will touch base with the individual. Additionally, Supervisor Breeden extended appreciation to VDOT staff for a commendable paving job on Island Ford Road (Route 649).

Supervisor Chandler mentioned that James Madison University (JMU) is planning to

upgrade the University Farm on Alumnae Drive (Route 331) by renovating the farmhouse and constructing an amphitheater and parking lot. With that, he anticipates increased traffic to the narrow, gravel road and suggested VDOT contact JMU.

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## **PROPOSED 2016 SMART SCALE PROJECTS.**

Director of Planning, Ms. Cooper, reviewed the proposed 2016 Smart Scale Projects.

Following discussion, Supervisor Cuevas motioned to approve the submittal of the proposed Smart Scale Project applications as presented. 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 authorized staff to submit the following four projects for Smart Scale funding in 2016:

### Mayland Road (VA 259)

- From East Lee Street (in the Town of Broadway) to 400' north of Winsinger Drive (Rt. 1419) at a private road, Shady Oak Drive.
- Four-lane divided curb and gutter section with sidewalks and bicycle lanes on each side to approximately 350' south of the intersection of East Springbrook Road (Rt. 1421). The typical section will then change to a four-lane divided with shoulders to 400' north of Winsinger Drive (Rt. 1419).

### Oakwood Drive and Cecil Wampler Road (Rt. 704)

- Intersections of Route 704 (Oakwood Drive and Cecil Wampler Road) with South Valley Pike (US 11)
- Align Route 704 by extending Oakwood Drive across South Valley Pike (US 11) to tie in to Cecil Wampler Road west of Interstate 81.

### Friedens Church Road (Rt. 682) Improvements

- Scholars Road and Friedens Church Road Intersection
- Improve the sharp turn where Scholars Road and Friedens Church Road intersect to address tractor trailer hang-ups on the church's retaining wall.

### Mill Street (Town of Dayton)

- From High Street to Main Street, then from Main Street to Cooks Creek
- Correct flooding and drainage issues on Mill Street and surrounding area.

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Administrator King pointed out that VDOT was heavily involved with the project list and will remain involved throughout the submission process. He also expressed gratitude to Ms. Cooper for her hard work, as she essentially worked single-handedly on the project.

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**COUNTY ADMINISTRATOR'S STAFF REPORT.**

The Board received and reviewed Administrator King's staff report dated August 4, 2016.

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**FINANCE DIRECTOR'S STAFF REPORT.**

The Board received and reviewed Ms. Davidson's staff report dated August 10, 2016.

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

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

Included in Mrs. Mongold's staff report was the Affordable Care Act (ACA) Eligibility Policy. Ms. Mongold reported that the County's Insurance Consultant recommended the Board adopt the ACA Eligibility Policy, which defines the County's eligibility requirements for employees as they pertain to health insurance and the Affordable Care Act.

Mrs. Mongold pointed out that the County already practices the policies outlined, however, they were not in writing.

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 adopted the following Rockingham County Plan ACA Eligibility Policy:

**FORMAL RECORD OF ACTION**

The following is a formal record of action taken by the governing body of Rockingham County (the "County").

With respect to the ACA Eligibility Policy ("Eligibility Policy") of the Rockingham County Health Insurance Plan (the "Plan"), the following resolutions are hereby adopted:

**RESOLVED:** That the Eligibility Policy of the Plan is hereby adopted and approved;

**RESOLVED FURTHER:** That the appropriate officers of the County are authorized and directed to execute the Eligibility Policy on behalf of the County;

**RESOLVED FURTHER:** That the officers of the County are, authorized and directed to take any and all actions and execute and deliver such documents as they may deem necessary, appropriate or convenient to effect the foregoing resolutions including, without limitation, causing to be prepared and filed such reports documents or other information as may be required under applicable law.

### **ROCKINGHAM COUNTY PLAN ACA ELIGIBILITY POLICY**

**WHEREAS**, Rockingham County (the "**County**") maintains the health insurance (the "Plan") for the benefit of certain of its employees; and

**WHEREAS**, the County desires to adopt this ACA Eligibility Policy ("Eligibility Policy") to determine eligibility for the following underlying subsidiary contracts/benefits provided by the Plan ("Policy Benefits"): "**Group Health Insurance.**"

**NOW, THEREFORE**, effective August 10, 2016, the following Eligibility Policy is adopted for Policy Benefits and shall be considered part of the Plan and may be modified or amended in the same manner as the Plan:

#### **POLICY BENEFITS ELIGIBILITY**

The following provisions apply only with respect to eligibility for Policy Benefits. To the extent that this Eligibility Policy conflicts with any provision in the Plan or a subsidiary contract for Policy Benefits, the terms of this Eligibility Policy shall control.

This Eligibility Policy applies to Full Time Employees ("Employees").

#### **A. Applicable Definitions**

1. "Administrative Period" means the time during which the County determines Employee eligibility for Policy Benefits and allows time for enrollment and disenrollment.
2. "Administrative Period-Ongoing" means the Administrative Period associated with Ongoing Employees that starts on October 1st and ends on September 30th.
3. "Administrative Period-New Hired" means the Administrative Period for newly hired Variable Hour Employees that begins at the end of the Initial Measurement Period and lasts 90 days.

4. "Break in Service" means, following an Employee's termination of employment, a period of thirteen (13) or more consecutive weeks during which the Employee was not credited with an hour of service.
5. "Full-time Employee" is an Employee who, upon hire, is reasonably expected to work, on average, at least thirty (30) hours per calendar week. Determination of whether an Ongoing Employee is a Full-Time Employee will be made under the terms of this Eligibility Policy.
6. "Initial Measurement Period" means the period of time during which a new Variable Hour Employee's hours of service are measured to determine whether the Employee is a Full-time Employee eligible for Policy Benefits. The Initial Measurement Period lasts 12 consecutive months. The Initial Measurement Period starts on the first day of the month following the Employee's start date.
7. "Ongoing Employee" means an Employee who has been employed by the County for at least one complete Standard Measurement Period.
8. "Part-time Employee" means a new Employee who the County reasonably expects to work, on average, less than thirty (30) hours per week during the Initial Measurement Period.
9. "Policy Benefits" means the subsidiary contracts or benefits of the Plan for which this Eligibility Policy applies.
10. "Seasonal Employee" means an Employee who is hired into a position for which the customary annual employment period is six (6) months or less and which begins at approximately the same time of each calendar year.
11. "Stability Period" is the period in which the Employee is treated as full time or not full time for eligibility for Policy Benefits.
12. "Stability Period-New Hired" means the Stability Period for newly hired Variable Hour Employees that begins at the end of the Administrative Period-New Hired and lasts for twelve consecutive months, subject to Section B.3 of this Policy.
13. "Stability Period-Ongoing" means the twelve month Stability Period associated with the Standard Measurement Period which begins October 1<sup>st</sup> and ends September 30<sup>th</sup>.
14. "Standard Measurement Period" means the period during which the County counts an Ongoing Employee's hours of service to determine whether the Employee will be a Full-time Employee eligible for Policy Benefits during the Stability Period-Ongoing.

The Standard Measurement Period lasts twelve consecutive months. The Standard Measurement Period starts on October 1<sup>st</sup> and ends on September 30<sup>th</sup>.

15. "Variable Hour Employee" means an Employee for whom the County cannot determine, at the Employee's hire date, whether the Employee is reasonably expected to work an average of at least thirty (30) hours per week, and also includes Part-Time Employees and Seasonal Employees.

**B. Eligibility**

The County offers Policy Benefits to Full-time Employees and, if applicable, their dependents, children and/or spouses. Eligibility of dependents, children and spouses is addressed in the separate subsidiary contracts for Policy Benefits.

The County intends to follow IRS regulations and any subsequent guidance when administering the Eligibility Policy.

1. *Ongoing Employees*

For Ongoing Employees, the County will determine whether an individual is a Full-time Employee by looking at the Employee's hours of service during the Standard Measurement Period. If an Ongoing Employee was employed, on average, 30 hours per week or more during the Standard Measurement Period, the Employee will be treated as a Full-time Employee and will be eligible for Policy Benefits during the entire subsequent Stability Period-Ongoing. The Employee will remain eligible for Policy Benefits during the entire Stability Period-Ongoing, regardless of the Employee's actual number of hours of service during the Stability Period-Ongoing, as long as he or she remains an Employee of the County. Similarly, if an Employee is determined not to be a Full-time Employee during the Standard Measurement Period, he or she will not be eligible for Policy Benefits during the entire Stability Period-Ongoing.

2. *New Employees Expected to Work Full Time*

If the County reasonably expects a new Employee to be a Full-time Employee as of the Employee's hire date, the Employee will be offered Policy Benefits as of the 1<sup>st</sup> of the month after hire, or the 1<sup>st</sup> of the next month if hired after the 15<sup>th</sup> of the month. The Employee will be treated as a Full-time Employee through the date the Employee starts the first Stability Period-Ongoing, even if the Employee experiences a change in employment status causing the Employee to become a Variable Hour Employee. Once the new Full-time Employee has been employed for one Standard Measurement Period plus the associated Administrative Period, the measurement rules for Ongoing Employees will apply.

3. *New Variable Hour Employees*

New Variable Hour Employees must first complete an Initial Measurement Period during which they are not eligible to enroll in Policy Benefits. The hours of service for a new Variable Hour Employee will be determined during both the Initial Measurement Period and during the Employee's first Standard Measurement Period beginning after the Employee's date of hire. Eligibility of the new Variable Hour Employee for Policy Benefits (and the Employee's status as a Full-time Employee) for the Stability Period-New Hired and the Employee's first Stability Period-Ongoing will be determined as follows:

- If the Employee averages 30 hours of service per week or more during both the Initial Measurement Period and the first Standard Measurement Period, coverage will be offered beginning with the Stability Period-New Hired and ending upon completion of the first Stability Period-Ongoing.
- If the Employee does not average 30 hours of service or more per week during both the Initial Measurement Period and the first Standard Measurement Period, coverage will not be offered during either the Stability Period-New Hired or the Employee's first Stability Period-Ongoing.
- If the Employee averages 30 hours of service or more per week during the Initial Measurement Period but does not average 30 hours of service or more per week during the first Standard Measurement Period, the Employee will be offered coverage for the Stability Period-New Hired but not for any portion of the Employee's first Stability Period-Ongoing that continues after the end of the Stability Period-New Hired.
- If the Employee does not average 30 hours of service or more per week during the Initial Measurement Period but does average 30 hours of service or more per week during the first Standard Measurement Period, the Employee will not be offered coverage for the Stability Period-New Hired. However, the Employee will be offered coverage as of the first day of the Stability Period-Ongoing, even though it falls within the Stability Period-New Hired.

If a new Variable Hour Employee experiences a change in position with the County before the end of the Initial Measurement Period such that, if the Employee had begun employment in the new position, the Employee would have been treated as a newly hired Full Time Employee, that Employee will be eligible for Policy Benefits the 1<sup>st</sup> of the month after hire, or the 1<sup>st</sup> of the next month if hired after the 15<sup>th</sup> of the month. Generally, after the change in position, the Employee will be treated as a Full-time Employee until the Employee begins the first Stability Period-Ongoing. Once the Employee has been employed for one Standard Measurement Period plus the associated Administrative Period, the measurement rules for Ongoing Employees will apply.

C. **COBRA**

If a Policy Benefit is subject to COBRA and an Employee is enrolled in such a Benefit at the end of the Stability Period that includes the end of the Standard Measurement Period during which hours were reduced, any determination under this Policy based upon such Standard Measurement Period that the Employee is not a Full-Time Employee eligible for that Policy Benefit shall constitute a COBRA qualifying event as a reduction in hours. Any applicable COBRA coverage period and notice period shall commence with the loss of coverage at the beginning of the next Stability Period-Ongoing. Provided, however, that for a New Variable Hour Employee who is determined to be a Full-Time Employee based on his or her Initial Measurement Period but not a Full-Time Employee based on his or her first Standard Measurement Period any applicable COBRA coverage period and notice period shall commence with the loss of coverage at the end of the Stability Period-New Hired.

D. **Enrollment/Coordination with Section 125 Plan**

The County will use the Administrative Periods to determine whether an Employee is a Full-time Employee and to offer coverage to those Full-time Employees. Policy Benefits will then be offered during the applicable Stability Period described above; provided, however, that an Employee's eligibility for Policy Benefits shall also be subject to the County's rules regarding election of benefits during open enrollment and at such other periods of time as may be permitted by the underlying Policy Benefit or the County's Section 125 Plan. For example, if an Ongoing Employee is eligible for Policy Benefits for an upcoming Stability Period-Ongoing but makes an election not to enroll in those Policy Benefits during an open enrollment occurring in an Administrative Period-Ongoing, the Employee may be prohibited from electing Policy Benefits for the entire Stability Period-Ongoing unless the Employee has an event that would allow the Employee to change an election under the Policy Benefit and the County Section 125 Plan, if applicable.

E. **Break in Service/Leave**

**Break in Service**

If the Employee is reemployed after a Break in Service, eligibility for Policy Benefits will be determined as if the Employee were a newly hired Employee.

**Leave**

A special averaging method applies in determining hours of service under the Initial or Standard Measurement Periods when an Employee does not terminate employment but is on special unpaid leave (that is, leave under the Family and

Medical Leave Act or the Uniformed Services Employment and Reemployment Rights Act or jury duty leave). Under the averaging method, the County will either:

- Determine the average hours of service per week for the Employee during the applicable Measurement Period, excluding the special unpaid leave period, and use that average as the average for the entire applicable Measurement Period; or
- Treat Employees as credited with hours of service for special unpaid leave at a rate equal to the average weekly rate at which the Employee was credited with hours of service during the weeks in the applicable Measurement Period that are not special unpaid leave.

**IN WITNESS WHEREOF**, the County has executed this Eligibility Policy as of the date specified above.

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

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

Mr. Hertzler announced that the last household hazardous waste day this year will be August 20, 2016, at the City facility.

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

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

Mr. Armstrong introduced two new Community Development employees: Dominick Signorino, who filled the part-time Permit Specialist position, and Kenneth Lam, who accepted the Building Inspector position.

Mr. Armstrong brought attention to the "*Urban Development Area – Under Development*" map included in his staff report. He said the eastern part of the County is developing rapidly and the map is intended to provide insight as development progresses.

Senior Planner May requested approval for staff to conduct a review of GIS fees charged by the County. Currently, the County charges approximately \$9,000 for orthophotography- a digital format of aerial photos. He pointed out that the County's fees are significantly higher than the Virginia Base Mapping Program (VBMP), as VBMP charges around \$90 for orthophotography.

On motion by Supervisor Eberly, 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 directed staff to review the fee schedule for Geographic Information System products to ensure the County fees for printed and digital products are commensurate with other jurisdictions in the Commonwealth.

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**TECHNOLOGY DIRECTOR’S STAFF REPORT.**

The Board received and reviewed Mrs. Perry’s staff report dated August 2016.

Mrs. Perry reported that staff will begin laptop and iPad replacements soon.

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

The Board received and reviewed Chief Holloway’s staff report dated August 2016.

Chief Holloway expressed appreciation to the Board for allowing staff to continue with the SAFER grant and explained that he plans to hire additional personnel by October 1, 2016, with training occurring during October and November. His goal is to have personnel thoroughly trained and in place by the first of the year.

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Lieutenant Doug Gooden provided a detailed report of the Division II Technical Rescue Team’s deployment to West Virginia during the recent flooding event. He explained that the Technical Rescue Team, a multidisciplinary team that provides services to the citizens of Rockingham County and surrounding areas through mutual aid in the field of technical rescue operations, consists of emergency responders from Rockingham and Augusta Counties and the Cities of Harrisonburg, Waynesboro and Staunton.

Lieutenant Gooden reported that once notified of the need for service, the team was prepared for deployment within two hours. They provided rescue services to Greenbrier County and Rainelle, WV, rescuing nearly 80 individuals, 20-25 animals, and assisting with four body recoveries.

Chairman Kyger expressed sincere appreciation for the Technical Rescue Team’s outstanding work, noting the importance of the service they provide.

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

The Board received and reviewed Mrs. McQuain's staff report dated August 2016.

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

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

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**COMMITTEE REPORTS.**

The Board heard committee reports from Board members and staff.

FINANCE

On behalf of the Finance 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 approved the following carryover funds and supplemental appropriations:

**FY2015-2016 Carryover Funds to FY2016-2017**

**GENERAL FUND AND CAPITAL PROJECTS FUND**

**1. Fire & Rescue**

A carryover of unencumbered FY 2015-2016 funds in the amount of \$86,525 for the balance of Four-For-Life funding.

Carryover Appropriation: \$86,525

\$86,525	GL Code: 1001-03203-00000-000-505635-000	Four-For-Life Funding
\$86,525	GL Code: 1001-00000-15201-000-352000-000	General Fund Reserve

**2. Fire and Rescue**

A carryover of unencumbered FY 2015-2016 funds in the amount of \$28,269 for the balance of Fire Programs funding.

Carryover Appropriation: \$28,269

\$28,269 GL Code: 1001-03201-10357-000-506065-000 Minor Equipment  
 \$28,269 GL Code: 1001-00000-15201-000-352000-000 General Fund Reserve

### 3. Fire and Rescue

A carryover of unencumbered FY 2015-2016 funds in the amount of \$1,116 for the balance of Haz-mat funding.

Carryover Appropriation: \$1,116

\$1,116 GL Code: 1001-03201-10358-000-506065-000 Minor Equipment  
 \$1,116 GL Code: 1001-00000-15201-000-352000-000 General Fund Reserve

### 4. Fire and Rescue

A carryover of unencumbered FY 2015-2016 funds in the amount of \$600. These funds will be used to purchase smoke alarms and batteries for the smoke alarm program.

Carryover Appropriation: \$600

\$600 GL Code: 1001-03201-00000-000-506013-000 Educational Supplies  
 \$600 GL Code: 1001-00000-15201-000-352000-000 General Fund Reserve

### 5. Sheriff

A carryover of unencumbered FY 2015-2016 funds in the amount of \$6,627. These funds will be used for miscellaneous purchases and costs will be split with the City of Harrisonburg.

Carryover Appropriation: \$6,627

\$6,627 GL Code: 1001-03102-10309-000-506014-000 Other Operating Supplies  
 \$3,314 GL Code: 1001-00000-15201-000-352000-000 General Fund Reserve  
 \$3,313 GL Code: 1001-00000-11899-000-318600-000 Share of Costs - Harrisonburg

### 6. Technology

A carryover of unencumbered FY 2015-2016 funds in the amount of \$6,900. A firewall upgrade was anticipated to occur in FY16, however, the project was not completed by the end of the fiscal year.

Carryover Appropriation: \$6,900

\$6,900 GL Code: 1001-01220-00000-000-503109-000 Other Professional Services  
 \$6,900 GL Code: 1001-00000-15201-000-352000-000 General Fund Reserve

**7. Capital Projects Fund**

A carryover of unencumbered FY 2015-2016 funds in the amount of \$8,400. A purchase order was approved in FY16 for a Property Integration Fix, however, the project was not completed by the end of the fiscal year.

Carryover Appropriation: \$8,400

\$8,400 GL Code: 1101-09401-00000-000-508007-000 Computer Equipment  
 \$8,400 GL Code: 1101-00000-15201-000-352000-000 County Capital Fund Reserve

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**FY2016-2017 Supplemental Appropriation**

**Video Conferencing**

A supplemental appropriation in the amount of \$50,000 for the replacement of the current video conferencing equipment in the courtrooms. The funding is split 50/50 with the City of Harrisonburg.

Supplemental Appropriation: \$50,000

\$50,000 GL Code: 1001-02101-00000-000-508001-000 Machinery & Equipment  
 \$25,000 GL Code: 1001-00000-15201-000-352000-000 General Fund Reserve  
 \$25,000 GL Code: 1001-00000-11899-000-318600-000 City of Harrisonburg

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**FY2015-2016 Supplemental Appropriation**

**Harrisonburg-Rockingham Social Services District**

A supplemental appropriation in the amount of \$2,428 for the Virginia Juvenile Community Crime Control Act (VJCCCA). This supplemental will increase the budget to the full funding level which was unknown at the time of the budget projection. Funding will be provided by the State with no local funding required.

Supplemental Appropriation: \$2,428

\$2,428 GL Code: 1220-05337-10300-000-503109-000 Other Professional Services  
 \$2,428 GL Code: 1220-00000-12404-000-324987-000 VJCCCA

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**FY2016-2017 Supplemental Appropriation**

**Fire & Rescue**

A supplemental appropriation in the amount of \$4,945 for minor equipment costs associated with wild land fire mitigation. The County received a grant from the International Association of Fire Chiefs for the County’s community fuels mitigation program. No local funds are required.

Supplemental Appropriation: \$4,945

\$4,945 GL Code: 1001-03201-00000-000-506065-000 Minor Equipment  
 \$4,945 GL Code: 1001-00000-12404-000-318400-000 Grants - Local

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**FY2015-2016 Supplemental Appropriation**

**Electoral Board**

A supplemental appropriation in the amount of \$34,566 for payments to election workers during the March presidential primary. The County received reimbursement from the State for costs associated with the primary. No local funds are required.

Supplemental Appropriation: \$34,566

\$34,566 GL Code: 1001-01301-00000-000-503902-000 Election Workers  
 \$34,566 GL Code: 1001-00000-12404-000-324990-000 Other State Funds

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On behalf of the Finance Committee, on motion by Supervisor Cuevas, 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 authorized rescinding the Public Works carryover of \$65,340 from the FY16 budget to the FY17 budget for the Landfill Gas System Expansion project that was approved at the June 22, 2016 Board meeting.

For clarification, Ms. Davidson reported that the carryover is not necessary at this time. Public Works and Finance staff will closely monitor the project and review the need for any supplemental appropriations as work progresses throughout FY2017.

#### CENTRAL SHENANDOAH PLANNING DISTRICT COMMISSION

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 authorized staff to enter into a Joining Procurement Agreement made between the County and the Central Shenandoah Planning District Commission as follows:

#### JOINT PROCUREMENT AGREEMENT

This Agreement is made on this 10th day of August, 2016, between the Central Shenandoah Planning District Commission (“CSPDC”), a planning district commission with its principal office located at 112 MacTanly Place, Staunton, Virginia 24401, and Rockingham County. CSPDC and Rockingham County may be hereinafter referred to individually as a “party” and collectively as the “parties.”

WHEREAS, Virginia Code § 2.2-4304 authorizes public bodies to participate in a joint procurement agreement for the purpose of combining requirements to increase efficiency or reduce administrative expenses in any acquisition of goods, services, or construction;

WHEREAS, the parties desire to jointly conduct a procurement for services related to planning, zoning, engineering, management, architectural, public facility assessments, environmental studies, technical assistance, public outreach, grant preparation, and other projects (the “Services”); and

WHEREAS, the parties desire to enter into this Agreement for the purpose of increasing efficiency and reducing administrative expenses in the acquisition of the Services.

NOW, THEREFORE, in consideration of the mutual promises contained herein, the parties agree as follows:

1. The parties agree to enter into this Agreement for the joint procurement of the Services described herein.
2. The parties agree to jointly conduct a procurement or procurements for Services in accordance with the Virginia Public Procurement Act, and that the CSPDC will be responsible for the administration of the procurement process. The parties agree that the procurement or procurements will be advertised as a joint procurement under Virginia Code § 2.2-4304(A) and a cooperative procurement under Virginia Code § 2.2-4304(B).
3. Any contract awarded under this Agreement to a qualified offeror or offerors (the “Awardees”) will provide that the same terms and conditions shall be extended to all parties to this Agreement.

4. Nothing contained herein shall obligate either party to enter into a contract for the purchase of Services or to exclusively contract with the Awardees. However, either party shall have the right to enter into a contract with an Awardee for Services.
5. The parties agree that neither party will be liable to the other for any damages arising from this Agreement, including but not limited to consequential damages or liability for any third party claims arising out of a joint procurement conducted under this Agreement or a contract awarded as a result of a joint procurement.
6. Either party may terminate this Agreement with or without cause by providing written notification 30 days in advance of the date of termination. Termination of this Agreement shall not alter any obligations of the parties, including any obligation with respect to payment, under a contract entered into as a result of a joint procurement.
7. Any claim arising out of this Agreement shall be heard in the General District or Circuit Court of Augusta County, Virginia.

IN WITNESS WHEREOF, the parties hereto have executed this Joint Procurement Agreement as of the date written above.

#### MASSANUTTEN REGIONAL LIBRARY

Supervisor Chandler reported that staff are in the process of hiring new employees.

#### PUBLIC WORKS

Administrator King reported that staff received an unsolicited proposal from Partners Excavating Company under the County's Public-Private Education Facilities and Infrastructure Act of 2002 (PPEA) and Public-Private Transportation Act of 1995 (PPTA) Policy for completion of the grading, earthwork, stormwater facilities, and roadwork for the new Albert Long Park along Route 33. Staff recommended accepting the unsolicited proposal from Partners for conceptual phase consideration and authorized advertisement for competing proposals in accordance with the Policy.

On behalf of the Public Works Committee, on motion by Supervisor Breeden, 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 authorized staff to accept the unsolicited proposal from Partners Excavating Company; and authorized staff to advertise for competing proposals.

TECHNOLOGY

Supervisor Eberly reported that the Technology Committee met to discuss upgrading the video conferencing hardware for the court system. The current hardware is approximately 20 years old and is no longer compatible with the Supreme Court’s systems. Supervisor Eberly pointed out that video conferencing is valuable, as it allows inmates to appear without the sheriff’s department constantly transporting them from one location to another.

VIRGINIA ASSOCIATION OF COUNTIES (VACo) LIAISON

Chairman Kyger announced that the VACO summer meetings will be held in Midlothian on August 18 and 19.

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**COMMITTEE APPOINTMENTS.**

On behalf of Chairman Kyger, 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 appointed Annette Sprinkel to represent District 4 on the Harrisonburg-Rockingham Community Services Board for a term to expire June 30, 2019.

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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 appointed Rodney Burkholder to represent District 2 on the Planning Commission for a term to expire August 31, 2020.

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**RECESS.**

At 4:09 p.m., Chairman Kyger recessed the meeting for dinner.

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**PUBLIC HEARING - SPECIAL-USE PERMITS.**

At 7:02 p.m., Chairman Kyger opened the public hearing and Ms. Stultz reviewed the following special-use permits:

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SUP16-141 Rafiq Shahswar, 9245 Lee Highway, Mt. Crawford 22841 for a motor vehicle repair shop on property located on the east side of Lee Highway (Route 11) approximately 260' south of Spring Valley Circle (Route 675), Election District #4, zoned A-2. Tax Map #149-(A)-27

The applicant was present.

No one spoke in opposition to the request.

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SUP16-154 Sergiy Bohdan, 2149 Cecil Wampler Road, Mt. Crawford 22841 for an expansion to existing welding shop on property located on the southwest side of Pleasant Valley Road (Route 679) and Cecil Wampler Road (Route 704), Election District #4, zoned A-2. Tax Map #124-(A)-94

Ms. Stultz noted that she received a phone call requesting the Board consider hours of operation in the event that the property is ever sold.

Ken Peachy indicated he is in favor of the request, however he would like a condition added specifying hours of operation.

The applicant's wife was present. In response to Chairman Kyger, she said she did not think her husband would have an issue adding a condition restricting hours of operation from 6 a.m. to 8 p.m.

No one spoke in opposition to the request.

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SUP16-174 Sandra G. Heatwole, 917 Muddy Creek Rd., Rockingham 22802 for an indoor flea market and a farm market on property located on the west side of Muddy Creek Road (Route 752) approximately 9/10 mile north of Rawley Pike (Route 33), Election District #2, zoned A-2. Tax Map #91-(6)-8 and #91-(6)10.

The applicant was present. She discussed the history of the property and explained why a flea market is a good fit. After meeting with several artisan groups and talking with members of the community, Ms. Heatwole realized there is a demand for unique, repurposed items and fresh produce in the County.

Tammy Kline, the applicant's daughter, provided pictures to give the Board an idea of what would be offered at the flea market.

Kim Sandum asked if the parking area would affect the request since a portion is located in the floodplain. She also asked if the applicant would be willing to add a condition defining hours of operation. Ms. Sandum stated that the scale of the project is important, since it is located on a relatively narrow road, where the entrance is located near a curve.

In response to Ms. Sandum, Community Development Director Armstrong stated that parking facilities are permitted within a floodplain, as long as they are constructed at grade and do not raise base flood elevation.

Neighbor, Thomas Kesner, stated that he is not opposed to the request, but has a concern as to how large the flea market could become. He also asked how close the parking area will be to his property.

Ms. Heatwole indicated the parking area will not extend toward Mr. Kesner's property line.

After a brief discussion, it was agreed to add a condition stipulating hours of operation to Fridays and Saturdays from 8 a.m. to 5 p.m. and Sundays from 1 p.m. to 5 p.m.

Supervisor Eberly stated that, although Muddy Creek Road is a winding country road, it is his opinion that VDOT's approved location for the commercial entrance provides good site distance. He also stated that the farm market is a great way for neighbors to buy and sell local fresh produce.

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SUP16-185 Joan Schweigert, 13281 Hawse Road, Linville 22834 for a dwelling for farm worker on property located on the east side of Turleytown Road (Route 613) approximately 1400' north of Morning View Road (Route 776), Election District #2, zoned A-2. Tax Map #49-(A)-99. Property Address: 10624 Turleytown Road

Ms. Schweigert stated that she raised 750,000 chickens last year, and maintained 50 head of cattle and eight horses on her 150-acre farm. She explained that she needs dependable help in order to continue farming. The dwelling will be used for her granddaughter, who will be working on the farm.

No one spoke in opposition to the request.

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At 7:40 p.m., Chairman Kyger closed the public hearing.

On behalf of Chairman Kyger, 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, with the following conditions, approved SUP16-141 Rafiq Shahswar, 9245 Lee Highway, Mt. Crawford 22841 for a motor vehicle repair shop on property located on the east side of Lee Highway (Route 11) approximately 260' south of Spring Valley Circle (Route 675), Election District #4, zoned A-2. Tax Map #149-(A)-27.

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.
3. As required by the Health Department, there shall be no public or non-family use of the garage restroom without further Health Department approval.
4. All requirements of the Rockingham County Fire Prevention Code shall be met.
5. 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 no building permits shall be issued until such time as a site plan is approved.
6. All work shall be done inside the building, and there shall be no accumulation of parts outside the building.
7. There shall be no accumulation of junk, trash, and debris allowed on the property, and there shall be no junked vehicles allowed to accumulate on the property.
8. No vehicles shall be sold from the site.
9. Hours of operation shall be limited to 6:00 a.m. to 9 p.m.
10. There shall be no more than six vehicles either awaiting repair or waiting to be picked up following repair allowed outside the building at any one time.
11. Any on-premise advertising sign associated with this business shall comply with the Rockingham County Code.
12. There shall be no off-premise signs permitted unless all County and State regulations are met.
13. Parking shall comply with the Rockingham County Code.

14. 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.

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On behalf of Chairman Kyger, 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, with the following conditions, approved SUP16-154 Sergiy Bohdan, 2149 Cecil Wampler Road, Mt. Crawford 22841 for an expansion to existing welding shop on property located on the southwest side of Pleasant Valley Road (Route 679) and Cecil Wampler Road (Route 704), Election District #4, zoned A-2. Tax Map #124-(A)-94.

Conditions:

1. Use shall be located in substantial accordance to plot plan submitted with the application.
2. Addition shall comply with the Statewide Building Code and the proper permits shall be obtained.
3. The proposed entrance on Pleasant Valley Road shall meet all VDOT requirements for a commercial entrance, and permits shall be obtained from VDOT.
4. The existing commercial entrance on Cecil Wampler Road shall remain open for tractor trailer access.
5. Applicant shall either connect to public sewer or meet Health Department requirements for upgrading existing sewage disposal system.
6. All requirements of the Rockingham County Fire Prevention Code shall be met.
7. As this is an expansion to an existing welding shop that was allowed by a special use permit under the previous zoning ordinance, the supplemental standard requiring the business to service only farm-related equipment and farm-related facilities is waived.
8. Parking shall comply with the Rockingham County Code.
9. This permit is contingent upon a site plan being submitted to and approved by the County. No work on the addition shall be started until such time as site plan is approved.
10. All work shall be done inside the building, and all storage of supplies shall be kept inside the building.
11. No junk, trash, or debris shall be allowed to accumulate on the property.

12. Operating hours shall be from 6 a.m. until 8 p.m.
13. The addition shall not go into 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.

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Supervisor Eberly stated that he likes the idea of a market that sells fresh produce provided by the community. He finds the entrance sufficient, as does VDOT. Additionally, he pointed out that the applicants are the original owners of the property, and he feels they will be receptive to any criticism from neighbors.

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, with the following conditions, approved SUP16-174 Sandra G. Heatwole, 917 Muddy Creek Rd., Rockingham 22802 for an indoor flea market and a farm market on property located on the west side of Muddy Creek Road (Route 752) approximately 9/10 mile north of Rawley Pike (Route 33), Election District #2, zoned A-2. Tax Map #91-(6)-8 and #91-(6)10.

Conditions:

1. Use shall be located in substantial accordance to plot plan submitted with the application.
2. As required by the Building Official the applicant shall obtain a structural evaluation by a Registered Design Professional to determine if the building is structurally safe to be used for the proposed use.
3. If determined to be structurally safe, the building shall comply with the Uniform Statewide Building Code, and all necessary permits shall be obtained.
4. This permit is contingent upon applicant obtaining permits for sewage disposal. A copy of such permit shall be submitted to the Community Development Department prior to obtaining change of use building permits.
5. Applicant shall contact a private sector soil evaluator and/or septic system designer to address their sewage disposal system for this business. A copy of the report shall be submitted to the Health Department for the sewage disposal permit.
6. Portable toilets shall not be permitted.
7. Health Department requirements for wells shall be met.

8. This business shall comply with the requirements of the Rockingham County Fire Prevention Code.
9. A commercial entrance permit shall be obtained from VDOT's Residency Office and submitted to the Community Development Department prior to issuance of a building permit. Entrance shall be located as approved by VDOT.
10. The three existing ingress/egress points at the barn and accessory building shall be removed as required by VDOT in such a way as approved by VDOT.
11. 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 no building permits shall be issued until such time as a site plan is approved.
12. Any on-premise advertising sign associated with this business shall comply with the Rockingham County Code.
13. There shall be no off-premise signs permitted unless all County and State regulations are met.
14. Parking shall comply with the Rockingham County Code.
15. 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.
16. Hours of operation shall be from 8 a.m. until 5 p.m. on Fridays and Saturdays and from 1 p.m. to 5 p.m. on Sundays.

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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, with the following conditions, approved SUP16-185 Joan Schweigert, 13281 Hawse Road, Linville 22834 for a dwelling for farm worker on property located on the east side of Turleytown Road (Route 613) approximately 1400' north of Morning View Road (Route 776), Election District #2, zoned A-2. Tax Map #49-(A)-99. Property Address: 10624 Turleytown Road.

Conditions:

1. Use shall be located in substantial accordance to plot plan submitted with the application.
2. Residence shall comply with the Statewide Building Code and the proper permits shall be obtained.

3. The manufactured home shall be skirted within 30 days following final inspection. Additionally if the tongue is left on the manufactured home, it shall be included in the skirting.
4. This permit is contingent upon the applicant obtaining approval for a sewage disposal system and water supply to serve the proposed residence. Permit shall be obtained from the Health Department and submitted to the Community Development Department prior to issuance of building permit.
5. As required by VDOT, the existing entrance shall be moved approximately 100' north to create improved sight distance for the shared driveway that will serve the two dwellings.
6. A VDOT land use permit shall be obtained from VDOT and submitted to the Community Development Department prior to building permit approval.
7. This residence shall not be used for rental purposes.
8. This residence shall not be occupied until a certificate of occupancy is obtained from the County. No certificate of occupancy shall be issued until all other conditions of this permit are met.

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**RECESS.**

Chairman Kyger recessed the meeting at 7:44 p.m. to allow guests to exit the room.

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**PUBLIC HEARING – REZONING.**

Chairman Kyger opened the public hearing at 7:46 p.m. and Senior Planner May reviewed the following rezoning request:

REZ16-161 Great Eastern Resort Corporation, P.O. Box 6006, Charlottesville, VA 22901, to amend the Master Plan for Woodstone Meadows on TM# 128-(A)- L122A, L122A1, L122A2, L123, & 129-(A)- L16A, totaling 53.61 acres, located east of Resort Drive (Rt 644) approximately 500 feet north of Bloomer Springs Rd (Rt 646), while retaining the existing Planned Residential District (R-5) zoning. The Comprehensive Plan designates this area for Community Residential. Election District 5.

Mike Shiflet, Peak Construction Company Vice President was present on behalf of Great Eastern Resort.

No one spoke in opposition to the request.

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At 7:49 p.m., Chairman Kyger closed public hearing.

Supervisor Breeden stated that the rezoning will reduce the number of units, which he believes will improve the traffic pattern.

On motion by Supervisor Breeden, 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, subject to the attached proffers, approved REZ16-161 Great Eastern Resort Corporation, P.O. Box 6006, Charlottesville, VA 22901, to amend the Master Plan for Woodstone Meadows on TM# 128-(A)- L122A, L122A1, L122A2, L123, & 129-(A)- L16A, totaling 53.61 acres, located east of Resort Drive (Rt 644) approximately 500 feet north of Bloomer Springs Rd (Rt 646), while retaining the existing Planned Residential District (R-5) zoning. The Comprehensive Plan designates this area for Community Residential. Election District 5.

*(Proffers are attached to and made a part of these minutes)*

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**PUBLIC HEARING - SPECIAL-USE PERMT.**

At 7:50 p.m., Chairman Kyger opened the public hearing and Ms. Stultz reviewed the following request.

SUP16-112 Verizon Wireless LLC, 536 Pantops Center - PMB#405, Charlottesville 22911 for a 199' monopole tower and supporting equipment on property located on a private right-of-way at the dead end of Three Leagues Road (Route 1090) approximately 2/3 mile south of McGaheysville Road (Route 996), Election District #5, zoned A-1. Tax Map #142-(A)-51. Property Address: 1168 Hodge Lane.

Ms. Stultz provided the Board with five emails of opposition.

In response to a question from Supervisor Breeden, Ms. Stultz said there are no available towers in the proposed area for Verizon to co-locate.

Lori Schweller, Attorney from LeClairRyan and Stephen Waller, Zoning Consultant with GDN Sites, provided a presentation on behalf of Verizon Wireless. Ms. Schweller provided photos of the proposed location, noting it is an area with no existing vertical structure. She indicated the closest residence is 900 feet from the proposed monopole location and explained that fencing will surround the monopole and the existing trees will remain in place to screen ground equipment. Ms. Schweller reported that no lighting is required for a monopole of this height. She reviewed a propagation map, highlighting existing coverage in the area, and pointed out the dead zones. She reported that depending on topography, cell towers have an approximate range of three miles. Photos from a 2014 balloon test were shown. Ms. Schweller reported that the proposed location is in an area within the County's Comprehensive Plan, identified as a growth area for the benefit of new business. She also noted that the request complies with the County's Zoning Ordinance.

In response to Supervisor Breeden, Mr. Waller stated that the tower would be able to accommodate four additional carriers and two dishes for co-location purposes.

Supervisor Cuevas inquired about the location where the photos were taken and noted that the monopole will be more visible at certain times of the year.

Gary Burner, landowner of the proposed property, spoke in favor of the request. He indicated that 91 percent of the population owns a cell phone, stating that communication is here to stay. Mr. Burner noted that he feels cell towers play an important role in safety, especially when narrowing down locations in missing person cases. The tower will not require overhead power lines, as underground service already exists, according to Mr. Burner. Mr. Burner's hope is that everyone will understand the long-term benefits the tower will provide to the area.

Fernando Pargas, a homeowner on Three Leagues Road, spoke in opposition to the request. He explained that the proposed cell tower is not compatible with the surrounding area. He and his wife purchased their home with security that the surrounding property was to be used for residential use only, as defined by their restrictive covenants. Mr. Pargas stated that the proposed tower will reduce property values and will create unnecessary traffic on their street. Further, he stated that the proposed location for the tower could be accessed without using Three Leagues Road. Mr. Pargas provided the Board with a petition signed by 52 individuals opposed to the proposed cell tower on their street.

Following Mr. Pargas, many homeowners and residents of Three Leagues Road expressed their concerns regarding the proposed cell tower. Robert Lucatorro, Jared and Sarah Lamb, Laura Hottinger, Clifton Furr, Mary Pargas, Mary West, Tom Ward, William Harris, and Dennis Maurer each spoke in opposition to the request, sharing similar concerns related to increased traffic affecting the safety of children, decreased property values, and obstruction of views. Additionally, the unique quality of the street and the small nature of the community was a significant opposing factor.

Kim Sandum remarked that regardless of whether or not the Board thinks the proposed tower location is appropriate, it is obvious that the access road is inappropriate. She stated that service access through a residential neighborhood makes no sense. Ms. Sandum reminded the Board that when approving special use permits, the use should be compatible with surrounding uses and should not be detrimental to the character of adjacent land. Ms. Sandum voiced that this particular request does not meet those criteria and stated that the access should be modified.

Robert Tolsma of 479 Three Leagues Road spoke in opposition to the request. He pointed out that the restrictive covenants associated with the property prohibit the lot from being used as an access road and questioned the legality.

At Chairman Kyger's request, County Attorney Miller explained that restrictive covenants are a matter of private contractual agreements between homeowners which local government cannot enforce. Mr. Miller stated that it is the responsibility of Property Owners Associations and similar entities to enforce restrictive covenants. Mr. Miller explained that the decision as to whether or not Mr. Burner has the ability to grant the ingress or egress easement to Verizon is not up to the County.

Chairman Kyger remarked that cell towers have become today's modern telephone poles and although no one prefers to have a cell tower in their yard, they have to be in someone's yard. Chairman Kyger said it is important to keep in mind that it is the Board's responsibility to protect each person's interest, while protecting public interest at the same time.

Ms. Schweller reiterated that Verizon's intention is to provide better service to the County, emphasizing that Verizon is not building towers to make money. In regard to decreased property value concerns, Ms. Schweller reported that realtors have said homes that do not have good wireless coverage do not sell. Ms. Schweller noted that she reviewed the protective covenants associated with the property and the covenants do not prohibit Mr. Burner from granting Verizon an easement. She also addressed traffic concerns, reporting that a service technician checking the tower once a month in a pickup truck would not create more traffic. In closing, Ms. Schweller indicated Verizon could explore other access options with the property owner if the Board so desired.

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Chairman Kyger closed the public hearing at 9:03 p.m.

Supervisor Breeden stated that after many conversations with concerned citizens and with Verizon, it is his desire to table the request until September 28, 2016, to allow time for Verizon to explore other access options.

On motion by Supervisor Breeden, 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 tabled SUP16-112 Verizon Wireless LLC, 536 Pantops Center - PMB#405, Charlottesville 22911 for a 199' monopole tower and supporting equipment on property located on a private right-of-way at the dead end of Three Leagues Road (Route 1090) approximately 2/3 mile south of McGaheysville Road (Route 996), Election District #5, zoned A-1. Tax Map #142-(A)-51. Property Address: 1168 Hodge Lane until September 28, 2016.

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**CLOSED MEETING.**

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 recessed the meeting from 9:09 p.m. to 9:57 p.m., for a closed meeting pursuant to 2.2-3711. (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: 16-10  
SECOND: SUPERVISOR CHANDLER      MEETING DATE: AUGUST 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:

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**ADJOURNMENT.**

Chairman Kyger declared the meeting adjourned at 9:59 p.m.

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Chairman

DRAFT



# COUNTY of ROCKINGHAM

## Office of the Treasurer

L. Todd Garber  
Treasurer

August 24, 2016

MEMBERS OF THE COUNTY BOARD  
Rockingham County, Virginia

Members of the Board:

I submit herewith lists of uncollectible and delinquent taxes in accordance with Section 58.1-3921 et seq. of the Code of Virginia.

**LIST 1 (58.1-3921.1)** covers improper assessments of real estate taxes for fiscal years 1996-2016 for accounts with taxes which total \$80,405.97. Please authorize the certification of this list by the Treasurer to the Real Estate Assessor for the correction of the assessment records, these abatements have been entered and credited to the proper accounts in the amount of \$80,405.97.

**LIST 2 (58.1-3921.2)** covers delinquent real estate taxes. It is comprised of three sections:

2A lists delinquent taxes for the tax year 2015 that were due on or before June 30, 2016 and were unpaid as of June 30, 2016, in the amount of \$802,824.36. Total Tax assessment for 2015 - \$48,778,694.65; 98.35% collected.

2B lists delinquent taxes assessed for tax years prior to 2015 that were unpaid on June 30, 2016 in the amount of \$1,133,228.02. Total Tax assessment for 1996-2014 - \$597,972,405.64; 99.81% collected.

2C lists delinquent Public Service real estate taxes that were due on or before June 30, 2016 and were unpaid as of June 30, 2016, in the amount of \$0.00. Total Tax assessment for 2015 - \$2,146,638.50; 100% collected.

Total delinquent real estate taxes contained in List 2 are \$1,936,052.38. Total Tax assessments for 1996-2015 - \$648,897,738.79; 99.70% collected.

**LIST 3 (58.1-3921.3)** covers delinquent taxes on tangible personal property, machinery and tools, merchants capital, farm machinery, and mobile homes. It is comprised of three sections:

3A covers delinquent personal property taxes for tax year 2015 that were due on or before June 30, 2016 and were unpaid on June 30, 2016 in the amount of \$306,477.61. Total Tax Assessment for 2015 - \$29,311,302.65; 98.95% collected.

3B covers delinquent personal property taxes assessed for tax years prior to 2015 that were unpaid as of June 30, 2016 in the amount of \$455,955.97. Total Tax Assessment for 2011-2014 - \$114,315,536.89; 99.60% collected.

3C covers delinquent public service personal property taxes for 2015 that were due on or before June 30, 2016 and were unpaid on June 30, 2016 in the amount of \$0.00. Total Tax Assessment for 2015 - \$48,729.63; 100% collected.

Total delinquent personal property taxes contained in List 3 are \$762,433.58. Total Tax assessments for 2011-2015 - \$143,675,569.17; 99.47% collected.

**LIST 4 (58.1-3921.4)** covers uncollected taxes amounting to less than twenty dollars each for which no bills were sent under 58.1-3912.

List 4 is not applicable.

**LIST 5 (58.1-3921.5)** covers uncollected balances of previously billed taxes amounting to less than twenty dollars each as to which the treasurer has determined that the costs of collecting such balances would exceed the amount recoverable, provided that the treasurer shall not include on such list any balance with respect to which he has reason to believe that the taxpayer has purposely paid less than the amount due and owing.

List 5 is not applicable.

**LIST 6 (58.1-3921.6)** covers uncollected balances of previously billed tangible personal property taxes on vehicles that were owned by taxpayers, now deceased, upon whose estates no qualification has been made.

List 6 is not applicable.

I request that the County Board recognize the applicability of sections 58.1-3921 and 58.1-3924, so that the applicable taxes shall no longer be deemed delinquent and proper credit is given to the Treasurer.

Respectfully,



L. Todd Garber  
Treasurer

List 1 (58.1-3921.1)

REAL ESTATE ABATEMENTS

*JULY 1, 2015  
THROUGH  
JUNE 30, 2016*

<u>YEAR</u>	<u>CLASS</u>	<u>FIRST HALF</u>	<u>SECOND HALF</u>	<u>TOTAL</u>
2016	Real Estate	\$ 20,364.05	\$ 22,824.80	\$ 43,188.85
2015	Real Estate	\$ 3,673.05	\$ 17,163.63	\$ 20,836.68
2014	Real Estate	\$ 1,040.00	\$ 3,224.32	\$ 4,264.32
2013	Real Estate	\$ 165.76	\$ 165.80	\$ 331.56
2012	Real Estate	\$ 1.60	\$ 1.60	\$ 3.20
2011	Real Estate	\$ 1.50	\$ 1.50	\$ 3.00
2010	Real Estate	\$ 1.50	\$ 1.50	\$ 3.00
2009	Real Estate	\$ 10.50	\$ 10.50	\$ 21.00
2008	Real Estate	\$ 10.50	\$ 10.50	\$ 21.00
2007	Real Estate	\$ 10.15	\$ 10.15	\$ 20.30
2006	Real Estate	\$ 10.15	\$ 10.15	\$ 20.30
2005	Real Estate	\$ 12.07	\$ 12.07	\$ 24.14
2004	Real Estate	\$ 12.07	\$ 12.07	\$ 24.14
2003	Real Estate	\$ 12.07	\$ 12.07	\$ 24.14
2002	Real Estate	\$ 0.00	\$ 12.07	\$ 12.07
2001	Real Estate	\$ 0.00	\$ 10.30	\$ 10.30
1999	Real Estate	\$ 9.86	\$ 9.86	\$ 19.72
1998	Real Estate	\$ 0.00	\$ 9.86	\$ 9.86
1995	Real Estate	\$ 0.00	\$ 13.20	\$ 13.20
2514	Public Service	\$ 248.64	\$ 9,334.44	\$ 9,583.08
	Rollback	\$ 1,972.11		\$ 1,972.11
	<b>TOTAL</b>	<b>\$ 27,555.58</b>	<b>\$ 52,850.39</b>	<b>\$ 80,405.97</b>

**LIST 2 (58.1-3921.2)**

This list will be submitted to the Board of Supervisors on August 24, 2016, afterwhich, this list will remain in the Treasurer's Office for a period of six years.

**LIST 3 (58.1-3921.3)**

This list will be submitted to the Board of Supervisors on August 24, 2016, afterwhich, this list will remain in the Treasurer's Office for a period of six years.

**ROCKINGHAM COUNTY  
TAX COLLECTION REPORT  
AS OF JUNE 30, 2016**

2016 REAL ESTATE TAXES – 1st HALF

ASSESSED	25,711,065
COLLECTED	24,668,131
UNCOLLECTED	1,042,934
PERCENTAGE COLL.	95.94

**2015 COUNTY TAXES**

	<u>REAL ESTATE(1<sup>ST</sup>)</u>	<u>REAL ESTATE(2<sup>ND</sup>)</u>	<u>PERSONAL PROPERTY</u>	<u>PUBLIC SERVICE P.P.</u>
ASSESSED	24,737,659	26,187,674	18,543,349	48,730
COLLECTED	24,377,466	25,745,042	18,271,101	48,730
UNCOLLECTED	360,193	442,631	271,248	0
PERCENTAGE COLL.	98.54	98.31	98.54	100.00
	<u>MACHINERY &amp; TOOLS</u>	<u>MERCHANTS CAPITAL</u>	<u>MOBILE HOMES</u>	<u>AGRICULTURE EQUIP.</u>
ASSESSED	8,744,210	1,249,718	159,092	451,736
COLLECTED	8,725,696	1,248,326	146,548	450,306
UNCOLLECTED	18,514	1,392	12,544	1,430
PERCENTAGE COLL.	99.79	99.89	92.12	99.68
	<u>LATE FILING FEES</u>	<u>RECREATIONAL VEHICLES</u>	<u>VEHICLE LICENSE FEES</u>	
ASSESSED	87,027	164,198	1,247,464	
COLLECTED	83,047	162,847	1,208,184	
UNCOLLECTED	3,980	1,351	39,280	
PERCENTAGE COLL.	95.43	99.18	96.85	

**ALL COUNTY TAXES**

<u>YEAR</u>	<u>ASSESSED</u>	<u>COLLECTED</u>	<u>UNCOLLECTED</u>	<u>% COLLECTED</u>
2016 RE(01)	25,711,065	24,668,131	1,042,934	95.94
2015	81,619,856	80,467,294	1,152,562	98.59
2014	77,321,548	76,670,191	651,357	99.16
2013	76,660,048	76,327,870	332,178	99.57
2012	77,183,051	76,943,462	239,589	99.69
2011	72,779,427	72,584,268	195,159	99.73

Submitted to the Rockingham County  
Board of Supervisors on August 24, 2016  
L. Todd Garber, Treasurer

# TAX COLLECTION REPORT

## As of June 30, 2016

### REAL ESTATE

<u>Tax Year</u>	<u>Levy</u>	<u>Collected</u>	<u>Percentage Coll.</u>
2015	\$ 50,925,333	\$ 50,122,509	98.42%
2014	\$ 47,701,733	\$ 47,216,143	98.98%
2013	\$ 46,936,398	\$ 46,738,763	99.58%
2012	\$ 46,482,372	\$ 46,367,492	99.75%
2011	\$ 43,079,159	\$ 42,993,612	99.80%
2010	\$ 42,681,849	\$ 42,623,729	99.86%
2009	\$ 40,521,624	\$ 40,480,657	99.90%
2008	\$ 39,673,316	\$ 39,639,077	99.91%
2007	\$ 37,034,243	\$ 37,009,476	99.93%
2006	\$ 35,745,399	\$ 35,728,357	99.95%
2005	\$ 29,946,179	\$ 29,934,003	99.96%
2004	\$ 28,868,123	\$ 28,857,853	99.96%
2003	\$ 28,107,841	\$ 28,098,248	99.97%
2002	\$ 27,256,839	\$ 27,247,852	99.97%
2001	\$ 23,851,274	\$ 23,844,210	99.97%
2000	\$ 23,141,459	\$ 23,135,712	99.98%
1999	\$ 21,413,755	\$ 21,408,170	99.97%
1998	\$ 20,803,524	\$ 20,797,939	99.97%
1997	\$ 18,383,607	\$ 18,378,771	99.97%
1996	\$ 17,981,159	\$ 17,976,557	99.97%

### PERSONAL PROPERTY

<u>Tax Year</u>	<u>Levy</u>	<u>Collected</u>	<u>Percentage Coll.</u>
2015	\$ 29,447,059	\$ 29,136,602	98.95%
2014	\$ 28,372,076	\$ 28,226,073	99.49%
2013	\$ 28,473,398	\$ 28,353,706	99.58%
2012	\$ 29,399,968	\$ 29,292,918	99.64%
2011	\$ 28,402,560	\$ 28,307,753	99.67%



# COUNTY of ROCKINGHAM

## Office of the Treasurer

L. Todd Garber  
Treasurer

August 18, 2016

County of Rockingham  
Stephen G. King, Administrator  
20 East Gay Street  
Harrisonburg VA 22802

Dear Mr. King:

Kerri Fitzgerald from the Technology department has provided the following Personal Property Tax relief numbers for 2016:

Target Amount - \$5,860,515.27

46%	-	5,694,011.43
47%	-	5,812,292.16
48%	-	5,930,572.90

It is my recommendation to use 47% as the Personal Property Tax Relief percentage for 2016.

I would appreciate the Boards approval so that we can order tax bills and prepare for the October mailing.

Sincerely,

L. Todd Garber  
Treasurer



# Finance Department Staff Report

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August 24, 2016

**Final Audit** – The final audit with PB Mares is scheduled for the week of August 29<sup>th</sup> and September 5<sup>th</sup>. Staff has been working diligently to ensure everything is ready for a successful audit.

**Virginia Employment Commission** – The Director attending a VEC Conference in Charlottesville. Topics included identifying Employees vs Contractors, Employees and the use of Social Media and using the Labor Market Data available on the state website. The lunch speaker was the Secretary of Commerce and Trade, The Honorable Maurice Jones. The information provided in the sessions was very informative and reinforced the practices that the County currently follows.

**Purchasing** – The County currently has several RFP's open.

Toner Supplies – Closes August 19<sup>th</sup> at 2:00pm

Public Works 4WD Truck – Closes August 22<sup>nd</sup> at 9:00am

Wood, Waste and Stump Grinding – Closes August 26<sup>th</sup> at 2:00pm

General Engineering Services - Closes August 30<sup>th</sup> at 2:00pm

Albert Long PPEA – Closes September 30<sup>th</sup> at 2:00pm

All details regarding the open RFP's are listed on the County website. <http://va-rockinghamcounty.civicplus.com/bids.aspx>

**Pay Period Review** – The payroll department is reviewing the current pay period and is researching ways to give the employees more time to properly complete a time sheet in order to be processed. Currently, the timesheet is due to the payroll department before the workweek is complete, requiring many corrections just prior to running the payroll.

## Upcoming Dates:

- Final Audit - Week of August 29<sup>th</sup> and September 5<sup>th</sup>

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**AUTHORIZED POSITIONS- 30.5**

**Filled Positions- 21.5**

Department Director (Casey Armstrong)

ADMINISTRATIVE

Administrative Assistant (Amanda Thomas)

PERMIT INTAKE & PROCESSING

Permit Specialist II (Leslie Dodrill)

Permit Specialist II (Kelley Ann Weatherholtz)

Permit Specialist I- Part-time (Domenick Signorino)

BUILDING CODE ENFORCEMENT

Building Official (Joe Shifflett)

Building Plan Reviewer (Jay Carter)

Electrical Inspector (J.N. Riddel)

Building Inspector (Kenneth Lam)

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 & Land Use Manager (Lisa Perry)

Erosion & Sediment Control Administrator (Adam Hancock)

Stormwater Administrator (Blake Barnes)

**Vacant Positions- 9**

Permit Specialist II

Permit Specialist I

Deputy Building Official

Building and Plumbing Inspector

Inspector

Plumbing Inspector

GIS Coordinator

Addressing Technician

Planner

## BOARD ACTION REQUESTED

None.

## PROJECTS AND REPORTS

### SMART SCALE (HOUSE BILL 2) TRANSPORTATION PROJECT APPLICATIONS (Rhonda Cooper)

With half the funds and many more projects being proposed for 2016 Smart Scale (formerly HB2) applications, and many more projects being proposed by localities in 2016, staff will trim the scale of some projects to possibly enhance the County's opportunity for projects to score well. VDOT is assisting staff in refining these projects, and providing general design specifications and cost estimates for inclusion with each submittal. The following projects are being proposed:

#### Mayland Road (VA 259)

- From East Lee Street (in the Town of Broadway) to 400' north of Wisinger Drive (Rt. 1419) at a private road, Shady Oak Drive.
- Four-lane divided curb and gutter section with sidewalks and bicycle lanes on each side to approximately 350' south of the intersection of East Springbrook Road (Rt. 1421). The typical section will then change to a four-lane divided with shoulders to 400' north of Wisinger Drive (Rt. 1419).

#### Oakwood Drive and Cecil Wampler Road (Rt. 704)

- Intersections of Route 704 (Oakwood Drive and Cecil Wampler Road) with South Valley Pike (US 11)
- Align Route 704 by extending Oakwood Drive across South Valley Pike (US 11) to tie in to Cecil Wampler Road west of Interstate 81.

#### Friedens Church Road (Rt. 682) Improvements

- Scholars Road and Friedens Church Road Intersection
- Improve the sharp turn where Scholars Road and Friedens Church Road intersect to address tractor trailer hang-ups on the church's retaining wall.

#### Mill Street (Town of Dayton)

- From High Street to Main Street, then from Main Street to Cooks Creek
- Correct flooding and drainage issues on Mill Street and surrounding area.

The notices of intent to apply have been submitted. The deadline for the submittal of formal applications is September 30.

### ROCKINGHAM BICYCLE ADVISORY COMMITTEE (RBAC) (Rhonda Cooper)

The RBAC's next meeting will be after the Board takes action on the County Bicycle and Pedestrian Plan. The committee last met April 21 to update its Annual Work Plan in light of the draft County Bicycle and Pedestrian Plan. On February 18, the Committee recommended that the draft Rockingham County Bicycle and Pedestrian Plan move forward to public comment and then to Planning Commission and Board hearings.

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

On August 4, the MPO TAC recommended to the Policy Board the release of the draft MPO Plan for public comment. The Policy Board is expected to release it on August 18. The MPO and County Bicycle and Pedestrian Plans will be presented at a public meeting on September 7, from 5 p.m. to 7 p.m., in the Fire and Rescue Training Room. 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. Both plans are expected to be ready for final action this autumn.

The joint schedule is:

- Aug 18 Policy Board releases HRMPO Plan to public
- Aug 23 Public Meeting announcement
- Aug 24 Joint Planning Commission & Board of Supervisors Work Session for County Plan
- Sep 7 Public Meeting on both plans
- Sep 13 Public comment period ends
- ? HRMPO TAC recommends final approval (not required unless significant changes resulting from public comment)
- Sep 15 HRMPO Policy Board final approval
- Oct 4 Rockingham County Planning Commission Public Hearing
- Oct 26 Rockingham County Board of Supervisors Public Hearing

**PORT REPUBLIC RURAL VILLAGE GRANT PROJECT (Rhonda Cooper)**

Paradigm Design is expected to have a draft Rural Village Plan this summer. The Shenandoah Valley Network (SVN) and Community Alliance for Preservation (CAP) staff and the project consultant, Paradigm Design, held the last of three community workshops on April 7. The consultant presented the vision and values expressed by the group, and the community's preferences for implementation of its vision for the future. By early summer, the consultants will have a draft rural village report and recommendations.

Community workshops in Port Republic, held on January 21 and February 18, were used to describe the planning process, to receive input on what the community considers to be its assets and liabilities now and in the future, and to discuss techniques to maintain the character of the Port Republic village.

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 has recommended 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. No action has been taken.

**E-911 TO NEXT GENERATION 911 TRANSITION** (Kendrick Smith)

The Virginia E-911 services board has begun planning for a transition to NG-911. Currently, our 911 system is based on an aging technology, an analog network. Our 911 system is dependent on service providers, and they will soon be moving away from analog networks and into IP (Internet Protocol) networks. Due to this transition, our 911 system will soon have to be based on an IP network as well. In a 911 system based on an IP network, GIS will be the primary database for routing emergency calls rather than the MSAG (Master Street Address Guide) and the database of phone numbers maintained by service providers that are used now.

VITA (Virginia Information Technologies Agency) has been working with local government GIS technicians to begin the process of ensuring our GIS data is up to par. Rockingham County GIS recently submitted their data to VITA for analysis to gauge the readiness of the data. The results of the analysis were very positive, with 96.8% of our address points matching the addresses maintained by Verizon. Ninety-five percent of our road centerlines matched the MSAG that is maintained by HRECC. Both of these numbers were high across analyses that VITA has completed across the state of Virginia.

Although the County GIS data is in great shape currently, there is still a lot of work to be done. The NG-911 Regional Advisory Council has selected 2019-2020 as a preliminary target date for switching to IP based 911 systems. We should have no issues being able to be in compliance by that time. The current list of errors within our GIS data will most likely take two to three months to be corrected. Once the corrections have been made, we will send the data back to VITA for another analysis to gauge our accuracy again and see if other issues arise.

**CITYVIEW RE-ADOPTION PROJECT MANAGEMENT PLAN** (James May)

At the beginning of 2016, Community Development staff began meeting regularly with members of Technology staff to review the various issues that had arisen over ten years of CityView as the tracking software for the Department. This review generated a list of seven projects to improve the internal processes of the Department as a whole. These projects include improving the tracking of all internal processes through CityView, standardizing the file organization system, converting historic files and data for storage and analysis, opening the CityView Portal, and standardizing all letters and reports. The completion of this Project Management Plan will provide a path forward for addressing these issues. The outcome of this project will be a more efficient and coordinated administrative process fully utilizing the available tools through improved integration of multiple software packages and staff responsibilities.

**ROCKINGHAM COUNTY ROAD PROJECTS** (Casey Armstrong/Pete Kesecker)

**Route 33E. turn lane/road widening – Scope of Project to include:** 1) Starting at Stone Spring Rd., terminating into right-turn lane onto Massanetta Springs Rd. 2) Right-turn lane and right-in, right-out entrance into Preston Lake Marketplace 3) Water line extension for length of project. 4) Necessary modifications to traffic signals. 5) Necessary relocations of existing utilities (Verizon). VDOT Kick-off meeting was held on 7/18/16. In attendance were representatives from Valley Eng. and VDOT. Casey Armstrong acting as the LPA Administrator. Pete Kesecker acting as the Construction Onsite Project Coordinator. Geo-tech site work/borings completed on 7/17/16. Survey work for utility location and update of topo to begin 8/10/16 and complete on 8/17/16. Valley Eng. to prepare Utility Relocation Forms for submittal. Meeting on 8/18/16 with VDOT/Valley Eng. to review/discuss the 30% profile drawing/design. Project to go to bid December 2016.

## PROJECTS AND REPORTS TABLED BY THE BOARD OF SUPERVISORS

### NORTH VALLEY PIKE CORRIDOR STRATEGIC PLAN (Rhonda Cooper)

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

## PLANNING COMMISSION ACTIONS

The following items were heard by the Commission on July 5:

Item	Description	Comments/ Recommendations
<b>REZ16-160</b>	KKB, LLC, P.O. Box 2037, Harrisonburg, VA 22801, to rezone TM# 125-(A)-L6A, located west of Port Republic Rd (Rt. 253), north of Stone Port Blvd (Rt 726), and northeast of Apple Valley Rd (Rt. 726), from General Residential District (R-3) to Planned Multifamily District (PMF). The Comprehensive Plan designates this area for Mixed Use. Election District 4.	Tabled; Approval on August 2; to be heard by Board on August 24
<b>REZ16-161</b>	Great Eastern Resort Corporation, P.O. Box 6006, Charlottesville, VA 22901, to amend the Master Plan for Woodstone Meadows on TM# 128-(A)- L122A, L122A1, L122A2, L123, & 129-(A)- L16A, totaling 53.61 acres, located east of Resort Drive (Rt 644) approximately 500 feet north of Bloomer Springs Rd (Rt. 646), while retaining the existing Planned Residential District (R-5) zoning. The Comprehensive Plan designates this area for Community Residential. Election District 5.	Approval; was heard by Board on August 10
<b>OA16-155</b>	Amendment to the Rockingham County Code, Chapter 17 (zoning), Table 801.06.01 Area, Setback, and Height - Conventional to reduce the minimum rear setback for primary structures and for accessory structures which are more than 580 square feet of floor area from 35 feet to 25 feet, and to increase minimum rear setback for accessory dwellings from 5 feet to 25 feet in the A-1, A-2, and RV zoning districts.	Approval; to be heard by Board on August 24

The following items were heard by the Commission on August 2:

Item	Description	Comments/ Recommendations
<b>REZ16-180</b>	Oleg Kilimnik, 864 Switchboard Rd, Rockingham, VA 22802, to rezone a portion of TM# 124-(A)- L51, located south of Cecil Wampler Rd (Rt 704) approximately 515 feet east of Scholars Rd (Rt 988), totaling 4.71 acres, from General Agricultural District (A-2) to Heavy Industrial District (I-1). The Comprehensive Plan identifies this area for Industrial Use. It is in Election District 4.	Approval; to be heard by Board on August 24
<b>REZ16-181</b>	Daniel H. Wylie, PO Box 1021, Broadway, VA 22815, to rezone TM# 52-(A)-L114 and L115, totaling 2.012 acres, located east of Daphna Rd (Rt 803) and west of Mayland Rd (Rt 259) from Low-Density Residential District (R-1) to General Agricultural District with Conditions (A-2C). The property is located within Election District 1 and identified by the Comprehensive Plan as Community Residential.	Approval; to be heard by Board on August 24

## PLANNING COMMISSION ACTIONS, CONTINUED

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: After receiving several inquiries about enclosing decks, adding a room on a concrete patio, etc., (in old ordinance, decks, patios, etc. could encroach 50%) in rear yards of agricultural districts, the Board, at its May 18<sup>th</sup> meeting, authorized staff to review the rear yard setbacks in the agricultural districts and draft an ordinance if determined they should be changed.

Status: An ordinance amendment reducing rear yard setbacks to 25' for primary structures and for accessory structures over 580 sq. ft. and for increasing setbacks for accessory dwellings from 5' to 25' in the A-1, A-2, and RV zoning districts was taken to the Planning Commission on July 5, and approval was recommended. It will go to the Board of Supervisors on August 24.

Additionally, staff has begun working on the setbacks for the R-1, R-2, and R-3 zoning districts. Changes will be taken to the Planning Commission in September regarding these setbacks.

2. Request and Reason: Due to number of requests coming before the Board for waivers to the supplemental standards, after discussion with the Board, staff has been instructed to look at the supplemental standards and determine what changes are needed.

Status: Staff has begun working on the supplemental standards and is meeting weekly to work on those.

3. Request and Reason: With having received two inquiries in one day on what was needed to bury a family member on their property, the Board instructed staff to work on the requirements for a private cemetery in order that people are not caught unaware when a family member dies and are not held up with funeral arrangements because of the time it takes to obtain a special use permit.

Status: Staff is working on a definition of private cemetery.

## UPCOMING PUBLIC HEARINGS

August 24, 2016

Board of Supervisors

7:00 p.m.

### Agricultural & Forestal Districts

None.

### Special Use Permit

**SUP16-112** Verizon Wireless LLC, 536 Pantops Center - PMB#405, Charlottesville 22911 for a 199' monopole tower and supporting equipment on property located on a private right-of-way at the dead end of Three Leagues Road (Route 1090) approximately 2/3 mile south of McGaheysville Road (Route 996), Election District #5, zoned A-1. Tax Map #142-(A)-51. Property Address: 1168 Hodge Lane.

**SUP16-141** Rafiq Shahswar, 9245 Lee Highway, Mt. Crawford 22841 for a motor vehicle repair shop on property located on the east side of Lee Highway (Route 11) approximately 260' south of Spring Valley Circle (Route 675), Election District #4, zoned A-2. Tax Map #149-(A)-27

**SUP16-154** Sergiy Bohdan, 2149 Cecil Wampler Road, Mt. Crawford 22841 for an expansion to existing welding shop on property located on the southwest side of Pleasant Valley Road (Route 679) and Cecil Wampler Road (Route 704), Election District #4, zoned A-2. Tax Map #124-(A)-94

**SUP16-174** Sandra G. Heatwole, 917 Muddy Creek Rd., Rockingham 22802 for an indoor flea market and a farm market on property located on the west side of Muddy Creek Road (Route 752) approximately 9/10 mile north of Rawley Pike (Route 33), Election District #2, zoned A-2. Tax Map #91-(6)-8 and #91-(6)10.

**SUP16-185** Joan Schweigert, 13281 Hawse Road, Linville 22834 for a dwelling for farm worker on property located on the east side of Turleytown Road (Route 613) approximately 1400' north of Morning View Road (Route 776), Election District #2, zoned A-2. Tax Map #49-(A)-99. Property Address: 10624 Turleytown Road

### Rezoning- Not involving a public hearing

None.

### Rezoning- Requiring a public hearing

**REZ16-160** KKB, LLC, P.O. Box 2037, Harrisonburg, VA 22801, to rezone TM# 125-(A)- L6A, located west of Port Republic Rd (Rt 253), north of Stone Port Blvd (Rt 726), and northeast of Apple Valley Rd (Rt 726), from General Residential District (R-3) to Planned Multifamily District (PMF). The Comprehensive Plan designates this area for Mixed Use. Election District 4.

**REZ16-180** Oleg Kilimnik, 864 Switchboard Rd, Rockingham, VA 22802, to rezone a portion of TM# 124-(A)- L51, located south of Cecil Wampler Rd (Rt 704) approximately 515 feet east of Scholars Rd (Rt 988), totaling 4.71 acres, from General Agricultural District (A-2) to Heavy Industrial District (I-1). The Comprehensive Plan identifies this area for Industrial Use. It is in Election District 4.

**REZ16-181** Daniel H. Wylie, PO Box 1021, Broadway, VA 22815, to rezone TM# 52-(A)- L114 and L115, totaling 2.012 acres, located east of Daphna Rd (Rt 803) and west of Mayland Rd (Rt 259) from Low-Density Residential District (R-1) to General Agricultural District with Conditions (A-2C). The property is located within Election District 1 and identified by the Comprehensive Plan as Community Residential.

**Ordinance Amendments**

**OA16-155** Amendment to the Rockingham County Code, Chapter 17 (zoning), Table 801.06.01 Area, Setback, and Height - Conventional to reduce the minimum rear setback for primary structures and for accessory structures which are more than 580 square feet of floor area from 35 feet to 25 feet, and to increase minimum rear setback for accessory dwellings from 5 feet to 25 feet in the A-1, A-2, and RV zoning districts.

**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 after Board action on Bicycle and Pedestrian Plan.	Ongoing

Ongoing Review/Tasks	Lead Person	Status
Deed Review	Diane	30 deeds in process as 8/16/16: 13 pending review, 17 awaiting revisions
Violations	Kelly	52 active complaints, 19 cases pending legal action as of 8/16/16
Site Plans & Subdivisions	Pete	7 site plans and 2 subdivisions under review as of 8/1/16
Subdivision Ordinance Variances	Diana	0 requests under review, as of 8/1/16
Zoning Ordinance Variances	Diana	1 request under review, as of 8/1/16
Zoning Appeals	Diana	0 requests under review, as of 8/1/16
Home Occupation Permits	Diana	1 permit request under review, as of 8/1/16
Home Business Permits	Diana	0 permit requests under review, as of 8/1/16
Special Use Permits	Diana	6 permit requests under review, as of 8/1/16
Special Entertainment Permits	Diana	1 permit request under review, as of 8/1/16
Rezoning	Rhonda	5 rezoning requests under review, as of 8/17/16
Comprehensive Plan Amendments	Rhonda	0 request under review, as of 8/17/16
Permits and Fees Processed	Joe	571 total transactions for month of July 2016
Building Inspections	Joe	1006 inspections conducted during July 2016 (averaged 50.30 inspections per day)
Building Plans	Joe	34 plans under review, as of 7/31/16
Environmental (E&S/Stormwater) Plan Review	Lisa	20 plans under review as of 08/01/16; 15 awaiting permit issuance
Environmental Inspections	Lisa	709 inspections conducted in the month of July
Addressing Commercial/Residential Structures	Kendrick	27 new structures addressed in July 2016
Naming of New Roads	Kendrick	2 new private lane named in July 2016

**REQUESTS TABLED BY BOARD OF SUPERVISORS**

<b>SPECIAL USE PERMIT APPLICATION(S)</b>					
<b>Year Tabled</b>	<b>Date Tabled</b>	<b>File</b>	<b>Applicant</b>	<b>Request</b>	<b>Election District</b>
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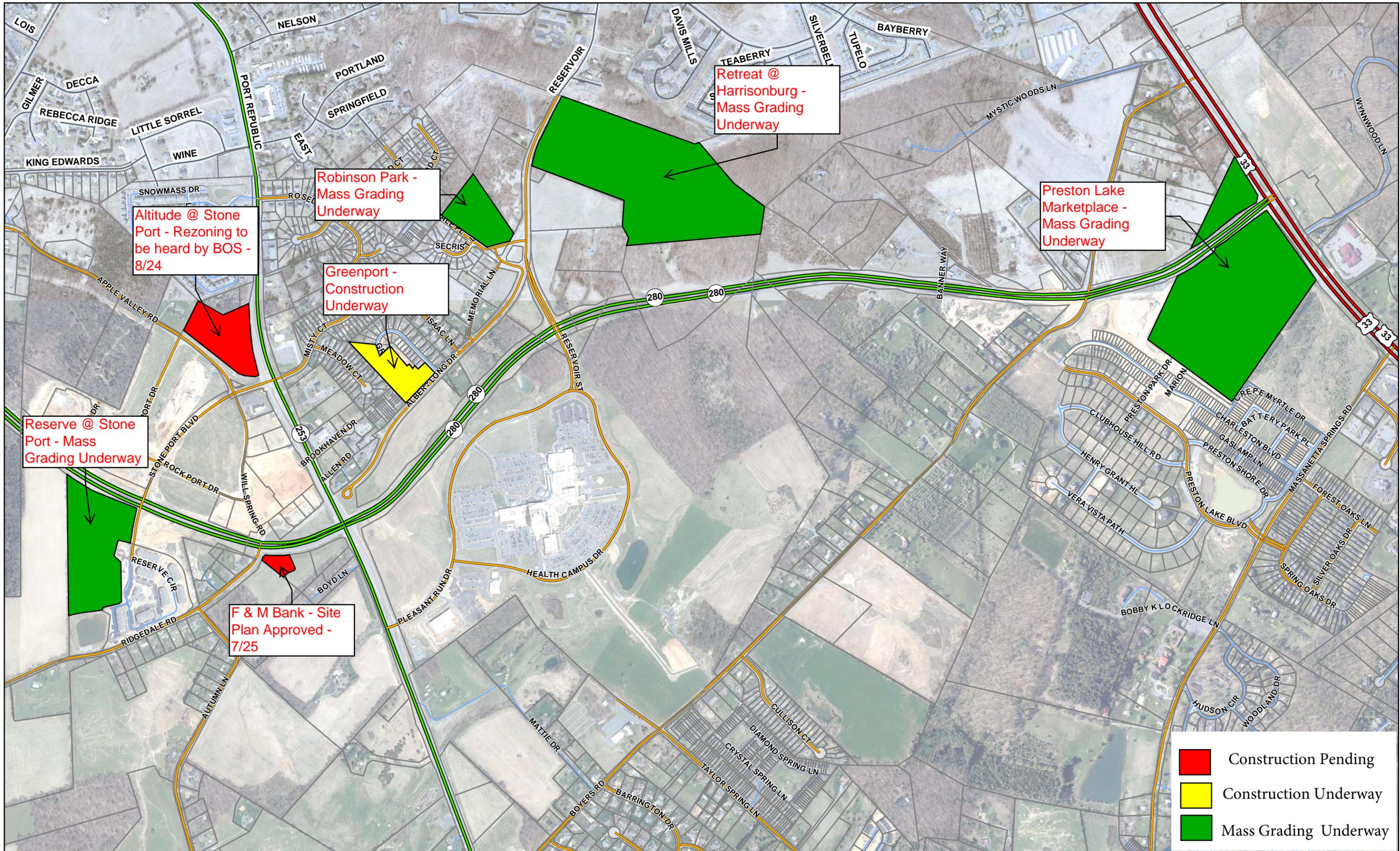
<b>REZONING REQUEST(S) and PLAN(S)</b>					
<b>Year Tabled</b>	<b>Date Tabled</b>	<b>File</b>	<b>Applicant</b>	<b>Request</b>	<b>Election District</b>
2010	Dec 15	NA	North Valley Pike Corridor Strategic Plan	Endorsement of Corridor Strategic Plan for North Valley Pike area from Gravels Road to Vine Street and I-81 to Kratzer Road	2
2016	Mar 23	REZ16-018	Sentara RMH Medical Center	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.	3

<b>ORDINANCE AMENDMENTS</b>					
<b>Year Tabled</b>	<b>Date Tabled</b>	<b>File</b>	<b>Applicant</b>	<b>Request</b>	
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## STAFF DIRECTORY

Name	Job Title	Office Number	Mobile Number
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
Kenneth Lam	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	Environmental Manager	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

# URBAN DEVELOPMENT AREA - UNDER DEVELOPMENT



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

	Permits Issued					Fees Collected				
	Jul-16	Jul-15	One Year Change	Jan-Jul 2016	Jan-Jul 2015	Jul-16	Jul-15	One Year Change	Jan-Jul 2016	Jan-Jul 2015
<b>Building</b>										
Commercial/Industrial	20	12	66.7 %	89	92	\$ 12,322.19	\$ 30,796.77	-60.0 %	\$ 99,971.72	\$ 116,978.08
Manufactured	4	0	0.0 %	29	0	\$ 409.70	\$ 0.00	0.0 %	\$ 3,212.93	\$ 0.00
Single Family	23	36	-36.1 %	189	191	\$ 27,153.67	\$ 32,236.04	-15.8 %	\$ 183,406.93	\$ 197,452.15
Subtotal	47	48		307	283	\$ 39,885.56	\$ 63,032.81		\$ 286,591.58	\$ 314,430.23
<b>Plumbing</b>										
	1	0	0.0 %	28	0	\$ 52.79	\$ 0.00	0.0 %	\$ 2,594.95	\$ 0.00
Subtotal	1	0		28	0	\$ 52.79	\$ 0.00		\$ 2,594.95	\$ 0.00
<b>Electrical</b>										
	20	33	-39.4 %	168	208	\$ 1,315.75	\$ 1,765.42	-25.5 %	\$ 9,491.26	\$ 12,547.38
Subtotal	20	33		168	208	\$ 1,315.75	\$ 1,765.42		\$ 9,491.26	\$ 12,547.38
<b>Mechanical</b>										
	2	3	-33.3 %	27	31	\$ 102.00	\$ 153.00	-33.3 %	\$ 1,885.62	\$ 1,555.50
Subtotal	2	3		27	31	\$ 102.00	\$ 153.00		\$ 1,885.62	\$ 1,555.50
<b>Other</b>										
	45	61	-26.2 %	333	348	\$ 40,293.38	\$ 23,504.00	71.4 %	\$ 109,373.13	\$ 163,079.63
Subtotal	45	61		333	348	\$ 40,293.38	\$ 23,504.00		\$ 109,373.13	\$ 163,079.63
<b>Land Use Related</b>										
Erosion and Sediment Permit:	8	7	14.3 %	29	34	\$ 34,698.00	\$ 12,744.00	172.3 %	\$ 65,000.00	\$ 109,274.00
Rezoning	1	0	0.0 %	7	0	\$ 2,300.00	\$ 0.00	0.0 %	\$ 13,500.00	\$ 0.00
Subtotal	9	7		36	34	\$ 36,998.00	\$ 12,744.00		\$ 78,500.00	\$ 109,274.00
<b>Total</b>	<b>124</b>	<b>152</b>		<b>899</b>	<b>904</b>	<b>\$ 118,647.48</b>	<b>\$ 101,199.23</b>		<b>\$ 488,436.54</b>	<b>\$ 600,886.74</b>

**ORDINANCE REPEALING  
AND  
RE-ENACTING  
PORTIONS OF  
TABLE 17-806.01  
OF THE CODE OF ORDINANCES  
OF  
ROCKINGHAM COUNTY, VIRGINIA**

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

That portions of Table 17-806.01 be and hereby are repealed and re-enacted as follows:

**Table 17-806.01. Area, Setback, and Height – Conventional**

In the A-1, A-2, and RV zoning districts, reduce minimum rear setback for primary structures from 35 feet to 25 feet.

In the A-1, A-2, and RV zoning districts, increase minimum rear setback for accessory dwellings from 5 feet to 25 feet.

In the A-1, A-2, and RV zoning districts, reduce minimum rear setback for accessory structures which are more than 580 square feet of floor area from 35 feet to 25 feet.

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 Breedon				

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Chairman of the Board of Supervisors

ATTESTE:

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Clerk

**STAFF RECOMMENDATION      APPROVAL      June 9, 2016**

In reducing the setbacks for primary dwellings and larger accessory buildings, it reduces the amount of agricultural land used up for dwelling lots and yet maintains the distance that Fire & Rescue considers a safe distance between dwellings. Additionally, it was determined by Community Development staff and Fire & Rescue that allowing the accessory dwellings to be only 5 feet from property lines does not allow for safety in fighting fires.

**PLANNING COMMISSION      APPROVAL      July 5, 2016**

Concurring with Staff's recommendation, with a vote of 4 to 0, the Planning Commission recommended approval.



# Community Development Rezoning Report REZ16-160

**Planning Commission**  
July 5, 2016

**Board of Supervisors**  
August 24, 2016

Applicant	KKB, LLC
Tax Map Id	125-(A)- L6A
Present Zoning	General Density Residential District with Conditions (R-3C)
Proposed Zoning	Planned Multifamily District (PMF)
Location	West of Port Republic Rd (Rt 253), north of Stone Port Blvd (Rt 726), and northeast of Apple Valley Rd (Rt 726)
Acreage	6.1
Election District	4
Comprehensive Plan	Community Residential

Staff Recommendation:	Table	June 28, 2016
Planning Commission:	Tabled Approval	July 5, 2016 August 2, 2016
Board of Supervisors:		

## **GENERAL INFORMATION**

### **OVERVIEW / BACKGROUND**

In 2012, the Board approved the request by KKB, LLC to rezone this property from General Agricultural District (A-2) to General Residential District with Conditions (R-3C). At that time the applicant proffered a master plan and conditions for the development of a multifamily complex. This property is located south of Aspen Heights within the Urban Development Area. The applicant has revised the Master Plan to bring the structures closer to the street, creating a sense of enclosure in keeping with Traditional Neighborhood Design Standards. The applicant describes this as an “upscale student housing residential community.”

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

The applicant has submitted a master plan as required for the Planned Multifamily District and a set of proffered conditions. These have been attached to this report.

### **COMPREHENSIVE PLAN**

Community Residential Areas encompass the primary future urban residential neighborhoods in Rockingham County. These areas are planned for a variety of housing types, but primarily single-family detached homes, at a net density of two (2) to six (6) dwelling units per acre for any particular project. Net densities for particular projects would be somewhat higher than gross densities due to the subtraction of non-residential sites, as well as floodplains and other non-buildable areas. Residential development at the high end of this density range is encouraged in order to make efficient use of the land within the growth areas and to prevent suburban sprawl.

### **ZONING AND EXISTING LAND USE**

Zoning has no concerns with this request as long as all road grades can be met without variances.

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<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.

### Adjoining Properties and Uses

Direction From Site	Zoning	Existing Land Use
North	General Business District (A-2)	Homesite
East	Medium Density Residential District (R-2)	Mt. Sinai United Methodist Church
South	General Business District (B-1)	Stone Port (Undeveloped)
West	General Business District (A-2)	Homesite

## STAFF AND AGENCY ANALYSIS

### UTILITIES

#### Public Works

Public water and sewer were extended to the property as part of prior projects and are available for connections. However, sewer approval is needed from the City of Harrisonburg for the project. The previous project at this site was granted approval from the City based upon a specific sewage flow design and the number of units and bedrooms for this proposal differs from the previous. The new flow design needs to be submitted to the City for review and approval.

The City of Harrisonburg Department of Public Utilities offers the following comment:

The sanitary sewer will possibly be routed through the Aspen Heights metering station, which discharges into the City public main. On 07/03/2012 the City issued an approval letter to Rockingham County for the Aspen Heights sewer connection. This approval was based on a design flow of 131 gpm; composed of Aspen Heights 184 units (96 gpm) plus reserve for developed and undeveloped lands in the City. On 08/02/2012 the City issued an informal acceptance of the 90 gpm Stone Spring Courtyard;  $522 - 431 = 91$  gpm capacity in the City main. Based on recent discussions with designers, their peak flow rate from the proposed rezoning development will be approximately 68 gpm. Per studies from the Department of Public Utilities in 2012, it appears the County may have this capacity available. If the trends show that Aspen Heights' sanitary sewer metering station is not experiencing peak flows above the design rate of 96 gpm, there should not be issues with the proposed rezoning development. However, this

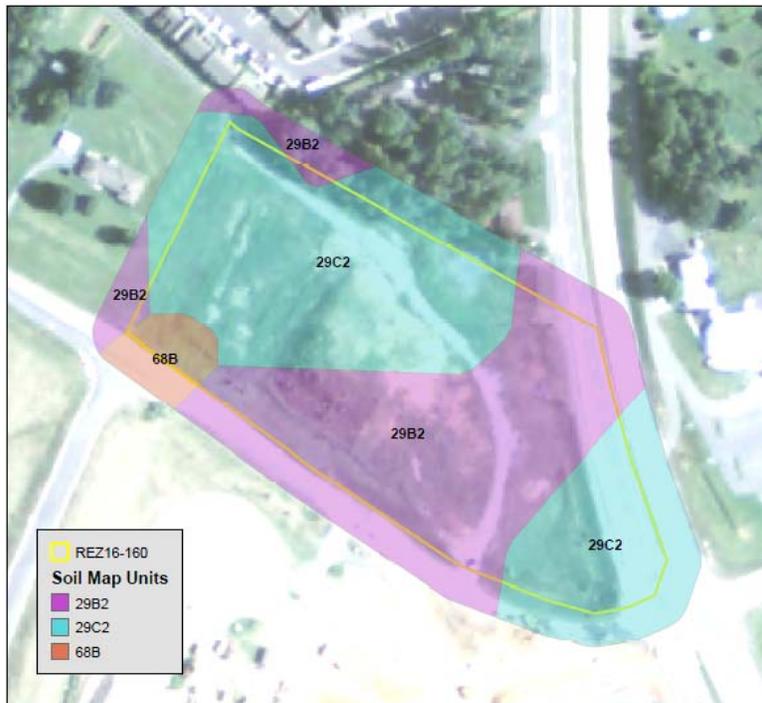
needs to be confirmed by reviewing the trends on the metering station and by possibly installing a temporary flow monitor.

### Health Department

If there are any existing private wells located on the parcel that will not be used the applicant should file an application for an abandonment permit with the local health department. If there are any existing onsite sewage disposal systems on the property that will no longer be used the applicant should ensure to abandon properly in place (septic tanks should be pumped, crushed and limed).

## **ENVIRONMENTAL**

### Soils



**29B2** – Slopes are 2 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 moderately high. Shrink-swell potential is moderate. 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.

**29C2** – 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 moderately high. Shrink-swell potential is moderate. 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.

**68B** – Slopes are 0 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 frequently 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.

### Environment

No comments submitted.

## **PUBLIC FACILITIES**

### Schools

No comments submitted.

### Fire & Rescue

The property is located within the Hose Company #4 Volunteer Fire Departments Port Republic Road Substation and Harrisonburg Volunteer Rescue Squads respective response areas. Our office has no concerns with the rezoning. This project must meet all the requirements of the Rockingham Fire Prevention Code as it moves through the process.

### Sheriff

The Sheriff's Office has concern with having the ability to provide the required services for this property.

## TRANSPORTATION

### Traffic Counts

Road	Classification	Geometry	Traffic Count*	Posted Speed
Apple Valley Road (Route 726)	Minor Arterial (Currently)	2-Lane Highway	430 vpd	35 mph
Port Republic Road (Rt. 253)	Minor Arterial	4-lane Divided Highway	11,000 vpd (2014)	45 mph
Stone Port Blvd. (Route tbd, not yet accepted into State System)	Local (Designed to be Collector at build out)	2-Lane Highway	N/A	30 mph (design speed, not posted yet)

\* Vehicles Per Day (VPD)

### VDOT

1. The proposed rezoning and associated proffer is limiting the development to 140 dwelling units (425 beds). This proposed use will significantly increase traffic on surrounding roadways; however, a Chapter 527 TIA is not warranted. A turn lane warrant analysis has been provided. VDOT concurs with the findings in the analysis; however, depending on when the site develops, the site entrances may need to be re-evaluated with current traffic volumes at that time.
2. Internal Streets will remain private, as proffered.
3. Access to the site will be in accordance to Appendix F of the VDOT Road Design Manual.

### Public Transit

Service provided in the area of this development was provided to allow Harrisonburg's citizen's access to Sentara, RMH. Thus those routes do not operate on a JMU schedule and do not provide the type of service necessary for students.

The City of Harrisonburg has taken a position that funding for bus service for housing located in the county must be funded by the developer until such time that the county decides to contribute to funding the system. JMU has indicated that their contribution to the system will not increase for new student housing projects. At this time Harrisonburg would require your project to pay \$118,180 for service to begin fall of 2017. This cost will increase 3% annually. This agreement must be approved by City Council.

HDPT would also require a bus stop location considered safe with adequate room. We will not go into private parking lots. We prefer a stop on with a turn around that provides room and minimal interaction with local traffic. HDPT will provide and install shelters on developer's property on a pad built to our specification. It will be the developer's responsibility to maintain the shelter and keep it presentable.

## **SUMMARY**

### Considerations

- The site currently has an approved Master Plan for multi-family structures.
- The applicant has revised the Master Plan to conform to the standards of Traditional Neighborhood Design as called for in the Comprehensive Plan.
- The property is located within the Urban Development Area along a major corridor.
- The property is in close proximity to other student housing developments and commercial developments.
- Public water will be provided by the County and is available to the site.
- Public sewer will be provided by the City of Harrisonburg.
- The applicant must submit a letter of verification from the City of Harrisonburg stating that adequate sewer capacity is available. The applicant has not yet submitted this letter.
- The Sheriff's Office has concerns with having the ability to provide the required services for this property.
- A turn warrant analysis has been submitted, but may need to be revised depending upon traffic levels when the site is developed.
- The applicant has initiated discussions with Harrisonburg Department of Public Transit to provide bus service to the site. This has not been resolved.
- The Master Plan shows approximately 400 parking spaces for the development, surpassing the minimum requirement of 239 spaces for 140 units.

Staff Recommendation: Table

June 28, 2016

Whereas this proposal revises an approved multi-family master planned development to more closely align with the standards of Traditional Neighborhood Design, and whereas this student housing development is within the Urban Development Area in close proximity to existing student housing, staff is prepared to recommend approval. However, the applicant has not submitted a

required letter from the City of Harrisonburg stating that public sewer capacity is available for this development. Until the applicant can submit a letter from the City of Harrisonburg, staff recommends tabling this request.

Planning Commission Recommendation: Tabled

July 5, 2016

On a 4-0 vote, the Commission tabled the request until the applicant receives a response from the City regarding the requested increase in City sewer capacity over what was approved for a different development project at this site in 2012. The Commission also expressed concern for the demand this proposal could place on law enforcement.

Staff Update

July 27, 2016

At the public hearing, the applicant noted that this development would be similar to the 865 East student housing development located in Harrisonburg, which, according to the applicant, experiences lower call volumes for law enforcement than other student housing developments. Staff contacted the Harrisonburg Police Department to verify this claim. According to the Community Resource Officer, 865 East experiences a “significantly lower” call volume for law enforcement. Over the last six months, law enforcement has responded to calls at this development 33 times: 15 for traffic stops, 2 for business alarms, 2 for traffic crashes, and 14 for calls within the housing portion.

The applicant has also been in contact with the City of Harrisonburg to resolve the question of sewer service. The City would like to run calculations based upon peak service after the beginning of the semester and after a heavy rain event. While the applicant would prefer to use the City sewer system, he has pursued an alternative service agreement with the landowner to his south to use County sewer service. With this option available, the developer is assured to have adequate sewer service.

Planning Commission Recommendation: Approval

August 2, 2016

Whereas this development appears to be a good fit for the area and the concerns regarding sewer service and police have been addressed, the Planning Commission recommends approval by a vote of 5 to 0.

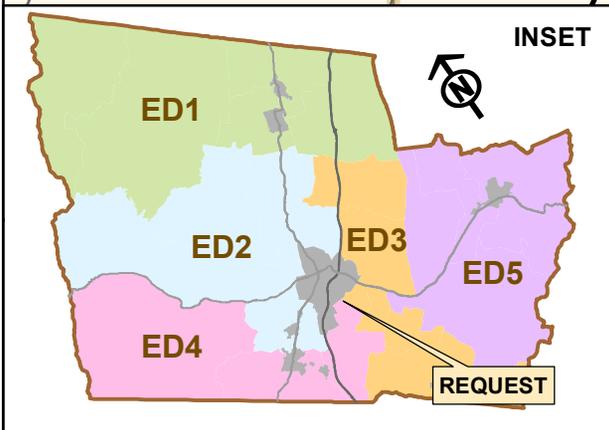
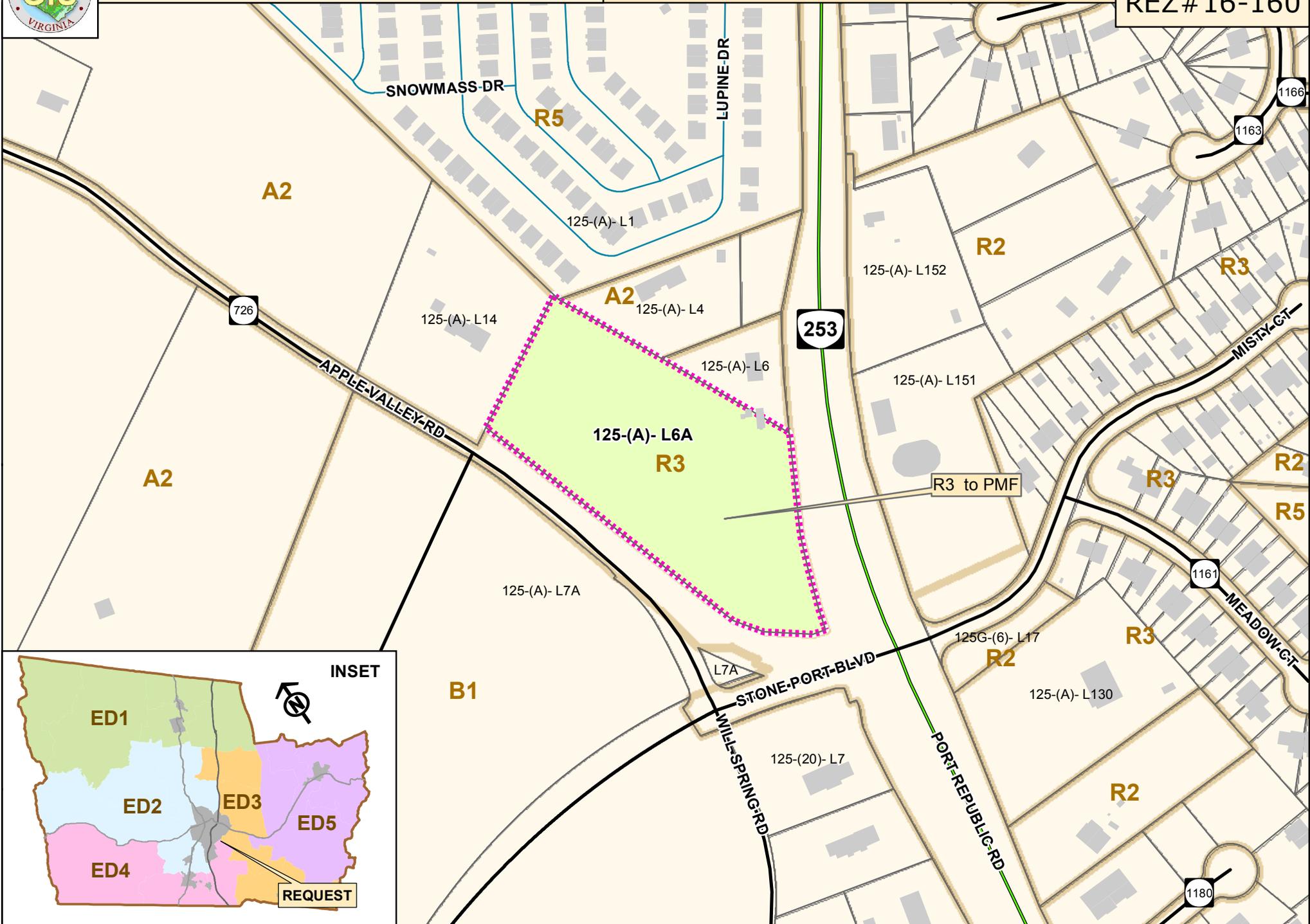
Board Decision:



# KKB, LLC Rezoning Request

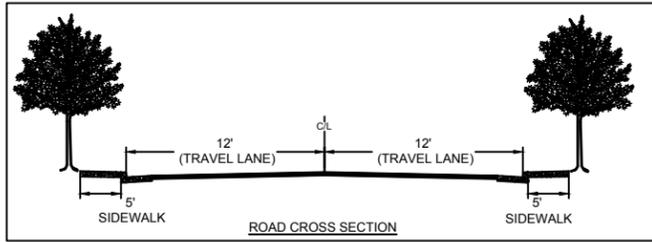
PC Hearing Date: 7/05/2016  
BOS Hearing Date: 7/27/2016

REZ# 16-160

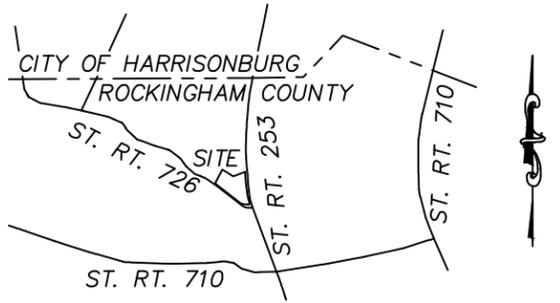




CONCEPT RENDERING

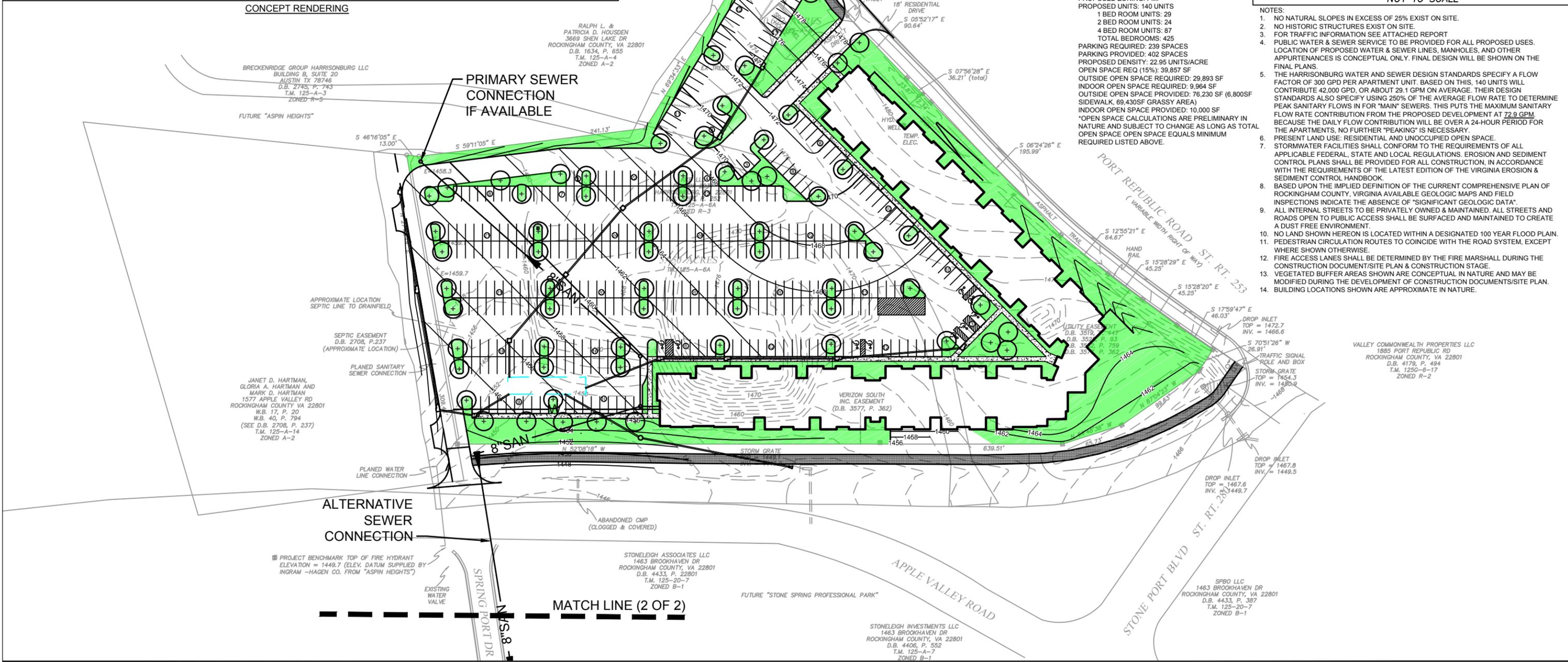


DEVELOPMENT DATA:  
 PARCEL ID: 125-A-6A  
 SITE AREA: 6.1 ACRES  
 PROPOSED USE: APARTMENT COMPLEX  
 EXISTING ZONING: R-3  
 PROPOSED ZONING: PMF  
 PROPOSED UNITS: 140 UNITS  
 1 BED ROOM UNITS: 29  
 2 BED ROOM UNITS: 24  
 4 BED ROOM UNITS: 87  
 TOTAL BEDROOMS: 425  
 PARKING REQUIRED: 239 SPACES  
 PARKING PROVIDED: 402 SPACES  
 PROPOSED DENSITY: 22.95 UNITS/ACRE  
 OPEN SPACE REQ (15%): 39,857 SF  
 OUTSIDE OPEN SPACE REQUIRED: 29,893 SF  
 INDOOR OPEN SPACE REQUIRED: 9,964 SF  
 OUTSIDE OPEN SPACE PROVIDED: 76,230 SF (6,800SF SIDEWALK, 69,430SF GRASSY AREA)  
 INDOOR OPEN SPACE PROVIDED: 10,000 SF  
 \*OPEN SPACE CALCULATIONS ARE PRELIMINARY IN NATURE AND SUBJECT TO CHANGE AS LONG AS TOTAL OPEN SPACE OPEN SPACE EQUALS MINIMUM REQUIRED LISTED ABOVE.



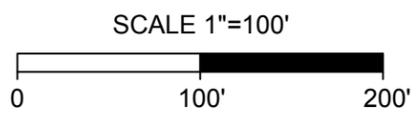
VICINITY MAP  
NOT TO SCALE

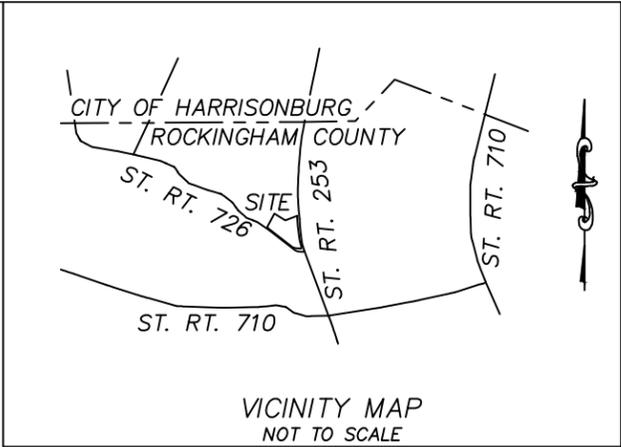
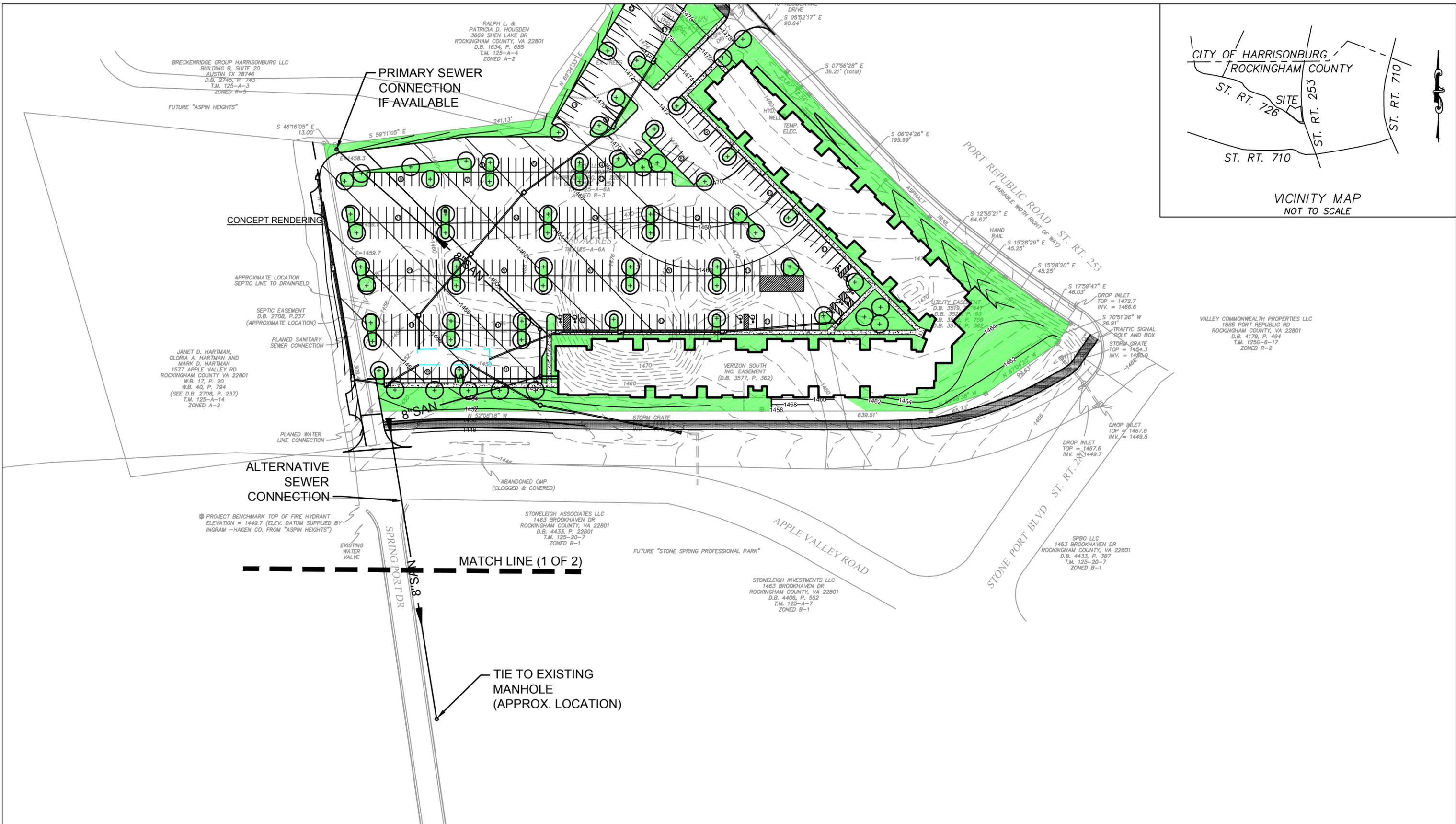
- NOTES:
1. NO NATURAL SLOPES IN EXCESS OF 25% EXIST ON SITE.
  2. NO HISTORIC STRUCTURES EXIST ON SITE.
  3. FOR TRAFFIC INFORMATION SEE ATTACHED REPORT
  4. PUBLIC WATER & SEWER SERVICE TO BE PROVIDED FOR ALL PROPOSED USES. LOCATION OF PROPOSED WATER & SEWER LINES, MANHOLES, AND OTHER APPURTENANCES IS CONCEPTUAL ONLY. FINAL DESIGN WILL BE SHOWN ON THE FINAL PLANS.
  5. THE HARRISONBURG WATER AND SEWER DESIGN STANDARDS SPECIFY A FLOW FACTOR OF 300 GPD PER APARTMENT UNIT. BASED ON THIS, 140 UNITS WILL CONTRIBUTE 42,000 GPD, OR ABOUT 29.1 GPM ON AVERAGE. THEIR DESIGN STANDARDS ALSO SPECIFY USING 250% OF THE AVERAGE FLOW RATE TO DETERMINE PEAK SANITARY FLOWS IN FOR "MAIN" SEWERS. THIS PUTS THE MAXIMUM SANITARY FLOW RATE CONTRIBUTION FROM THE PROPOSED DEVELOPMENT AT 72.9 GPM. BECAUSE THE DAILY FLOW CONTRIBUTION WILL BE OVER A 24-HOUR PERIOD FOR THE APARTMENTS, NO FURTHER "PEAKING" IS NECESSARY.
  6. PRESENT LAND USE: RESIDENTIAL AND UNOCCUPIED OPEN SPACE.
  7. STORMWATER FACILITIES SHALL CONFORM TO THE REQUIREMENTS OF ALL APPLICABLE FEDERAL, STATE AND LOCAL REGULATIONS. EROSION AND SEDIMENT CONTROL PLANS SHALL BE PROVIDED FOR ALL CONSTRUCTION, IN ACCORDANCE WITH THE REQUIREMENTS OF THE LATEST EDITION OF THE VIRGINIA EROSION & SEDIMENT CONTROL HANDBOOK.
  8. BASED UPON THE IMPLIED DEFINITION OF THE CURRENT COMPREHENSIVE PLAN OF ROCKINGHAM COUNTY, VIRGINIA AVAILABLE GEOLOGIC MAPS AND FIELD INSPECTIONS INDICATE THE ABSENCE OF "SIGNIFICANT GEOLOGIC DATA".
  9. ALL INTERNAL STREETS TO BE PRIVATELY OWNED & MAINTAINED. ALL STREETS AND ROADS OPEN TO PUBLIC ACCESS SHALL BE SURFACED AND MAINTAINED TO CREATE A DUST FREE ENVIRONMENT.
  10. NO LAND SHOWN HEREON IS LOCATED WITHIN A DESIGNATED 100 YEAR FLOOD PLAIN.
  11. PEDESTRIAN CIRCULATION ROUTES TO COINCIDE WITH THE ROAD SYSTEM, EXCEPT WHERE SHOWN OTHERWISE.
  12. FIRE ACCESS LANES SHALL BE DETERMINED BY THE FIRE MARSHALL DURING THE CONSTRUCTION DOCUMENT/SITE PLAN & CONSTRUCTION STAGE.
  13. VEGETATED BUFFER AREAS SHOWN ARE CONCEPTUAL IN NATURE AND MAY BE MODIFIED DURING THE DEVELOPMENT OF CONSTRUCTION DOCUMENTS/SITE PLAN.
  14. BUILDING LOCATIONS SHOWN ARE APPROXIMATE IN NATURE.



# ALTITUDE AT STONE PORT

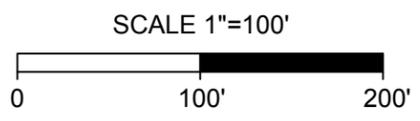
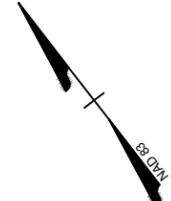
LAYOUT PLAN (1 of 2) 2016-07-28

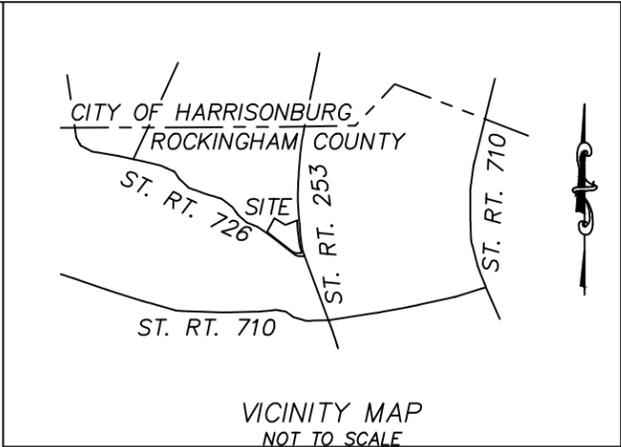




# ALTITUDE AT STONE PORT

LAYOUT PLAN (2 of 2) 2016-07-28



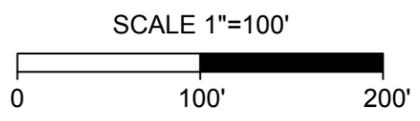
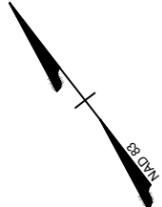


VICINITY MAP  
NOT TO SCALE

NOTES:  
1. NO NATURAL SLOPES IN EXCESS OF 25% EXIST ON SITE.  
2. NO HISTORIC STRUCTURES EXIST ON SITE.

# ALTITUDE AT STONE PORT

EXISTING CONDITIONS 2016-07-28



## KKB, LLC – PLAN DESCRIPTION

July 28, 2016

Rezoning Case No: TBD

Tax Map Numbers: 125-(A)-L6 and 125-(A)-L6A – Currently zoned R-C3 and seeking PMF designation

Altitude at Stone Port is a planned upscale student housing residential community to be located in Rockingham County, adjacent to the Harrisonburg City limits in the northwest quadrant of the Port Republic Road/Stone Spring Road intersection which is within a designated high density urban growth area. Altitude at Stone Port will not be phased but rather all units will be delivered during the same general timeframe and all unit rents will be considered “market” rents, i.e., no affordable rents will be offered.

The community will comprise of a centrally connected 2-3 story clubhouse with roof top deck flanked by 2 buildings – the apartment building along Port Republic Road will be 5-stories in height and the building along Apple Valley Road will be a split 4/5 stories in height (due to topography); the highest point for any of the 5-story portions will be 70’ (55’ for the five floors plus 15’ for stairs to roof and architectural/cap feature) which is less than the maximum 75’ allowance per the PMF zoning standard. The layout is shown conceptually on the Master Plan dated July 28, 2016 and prepared by Timmons Group.

The “urban” development concept includes, but is not limited to, amenities such as secured building entrances (key-fob access), elevators, a community clubhouse with fitness center and study/computer facilities, roof top deck, outdoor courtyard, storage units, bicycle storage room and additional study rooms with smart technology features. The residential development shall be capped at 140 residential units and 425 bedrooms. A tally of units by type is shown on the Master Plan, however, these counts may change provided that the total number of units does not exceed 140, and the total number of bedrooms does not exceed 425. Overall density has been set at approximately 22.95 dwelling units per gross acre, which is less than the PMF density allowance of 32 units per acre. The total preliminary parking count will be approximately 402 spaces which far exceeds the required 239 spaces.

As depicted on the Master Plan dated July 28, 2016 and prepared by Timmons Group, the building’s exterior will include a combination of upscale veneers such as faux stone, Exterior

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Insulation Finishing System (EFIS), metal panels, and cement panels. Vinyl siding products will not be utilized. Final curb appeal/aesthetics and color palates have yet to be finalized but the Master Plan is representative.

Primary vehicular access will be provided by a right in/right out on Port Republic Road and a full access driveway on Apple Valley Road. No signalization is currently planned or anticipated as needed at these locations. As neighboring development is expected to occur to the Northwest, i.e., the "Hartman" parcel, the Applicant and Hartman will enter into a shared access easement agreement (prior to Site Plan approval) for the driveway entrance on Apple Valley Road. The precise locations of the easements will be determined as to best accommodate connection design and construction.

Per the PMF zoning designation, at least 15% of the gross 6.1 acres will be reserved for "Common Area". This equates to approximately 39,857 sf of which 75% or 29,893 sf must be "Outdoor Common Space" and the remaining 9,964 sf must be "Indoor Common Space"; preliminary layouts provide approximately 76,230 sf of Outdoor Common Space and 10,000 sf of Indoor Common space and both of which meet its respective requirements. This Outdoor Common Space will consist of courtyard area(s) near the clubhouse and vegetative buffers to adjoining properties in keeping with sound landscaping practices.

Overall site grading and layout has been planned to facilitate pedestrian traffic. With the exception of possible irrigation wells, all water and sanitary sewer services will be connected to County-owned and County-maintained supply mains. No sanitary sewer pump stations are anticipated as necessary to serve this development. On-site measures are anticipated to meet stormwater management requirements of both water sheds (one draining toward the County, the other draining toward the City).

Contributions made to the County's benefit, along with the "urban" architectural details, project character descriptions, etc., are itemized in the list of proffered conditions associated with this development.

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KKB, LLC – PROFFER STATEMENT

July 28, 2016

Rezoning Case No: TBD

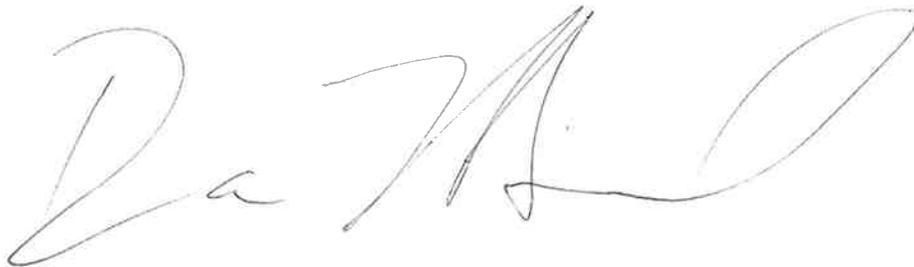
Tax Map Numbers: 125-(A)-L6 and 125-(A)-L6A – Currently zoned R-C3 and seeking PMF designation

KKB, LLC and/or Developer hereby proffer(s) that the use and development of this property shall be in strict accordance with the following conditions:

1. The community will be elevator serviced and have secured building entrances, i.e., key fob access;
2. Dwelling unit access will be via conditioned interior corridors;
3. A centralized clubhouse with a roof top deck amenity will be included;
4. Bicycle parking spaces will be provided; specifically, bicycle racks that can be anchored for security and accommodate at least 75 spaces (which exceeds the Code requirement of 17) will be installed within one of dwelling buildings;
5. Density of the development of the Property shall not exceed 140 dwelling units and 425 beds;
6. The construction shall consist of interconnected, contiguous framed buildings with fire separations (per Code) consisting of a combination of upscale veneers such as faux stone, Exterior Insulation Finishing System (EFIS), metal panels, and cement panels. Vinyl siding products will not be utilized.
7. Internal roadways and parking lot shall be private, with no public maintenance obligations;
8. There shall be two entrances to the Property which shall be constructed according to applicable VDOT standards. The entrances may vary in location and scope from what is shown on the attached Preliminary Site Layout if approved by VDOT and the County as part of the site plan approval process;
9. As part of development of the project, Developer will construct at its own expense a ten foot (10') wide shared use path along the perimeter of the Stone Spring Road/Apple Valley Road side; this path will be contiguous to the current shared path along Port Republic Road;

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10. The Developer will submit a landscaping and buffer plan along adjoining properties.
11. These Landscaped areas shall be installed within sixty (60) days after issuance of certificate of occupancy for the first dwelling in the project.
12. The Developer will provide a minimum of one (1) emergency call box in the parking lot; other crime prevention design principles shall be utilized in the design of onsite lighting and landscaping;
13. Any proffers that require improvements to land will be maintained in reasonably good repair at the Developer's expense, except improvements dedicated to and accepted by public agencies.

  
Manager, KKB, LLC



# Community Development Rezoning Report REZ16-180

**Planning Commission**  
August 2, 2016

**Board of Supervisors**  
August 24, 2016

<b>Applicant</b>	Oleg Kilimnik
<b>Tax Map Id</b>	Portion of 124-(A)- L151
<b>Present Zoning</b>	General Agricultural District (A-2)
<b>Proposed Zoning</b>	Heavy Industrial District (I-1)
<b>Location</b>	South of Cecil Wampler Rd (Rt. 704) approximately 515 feet east of Scholars Rd (Rt 988)
<b>Acreage</b>	4.7 acres of 19.09-acre parcel
<b>Election District</b>	4
<b>Comprehensive Plan</b>	Industrial

<b>Staff Recommendation:</b>	Approval	July 27, 2016
<b>Planning Commission:</b>	Approval	August 2, 2016
<b>Board of Supervisors:</b>		

## GENERAL INFORMATION

### OVERVIEW

The applicant plans to construct a parking area for his tractor trailer.

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

Proffers have been submitted.

### COMPREHENSIVE PLAN

The Industrial Area is designated for large- and small-scale industrial activity in areas with good access to primary roads and I-81, and that is served, or can be served, by public water and sewer. Accessory commercial uses are permitted, also.

### ZONING AND EXISTING LAND USE

Many industrial uses in the I-1 zoning district could be detrimental to the A-2 land around it. However, this is a very small parcel that is being rezoned, and all setbacks for any building in the future would be 30' from the agricultural parcels. Therefore, a large industrial use could not be placed on this property. For that reason, the Zoning Administrator has no major concerns with this request.

#### Adjoining Properties and Uses

Direction From Site	Zoning	Existing Land Use
North	General Agricultural District (A-2) General Business District (B-1)	Homesite Indoor Shooting Range
East	General Agricultural District (A-2)	Homesite
South	General Agricultural District (A-2)	Homesite
West	General Agricultural District (A-2)	Homesite

<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.

## **STAFF AND AGENCY ANALYSIS**

### **UTILITIES**

#### Public Works

Rockingham County's new 16" Pleasant Valley waterline is currently being installed along Cecil Wampler Road and should be available for connections within 30 days. It appears the property has a small amount of road frontage along Cecil Wampler Road where a connection could be made. County sewer is not readily available to the property. The closest is approximately 1,200' from the property but would require easements for access. The next closest is approximately 2,000' from the property which is located in VDOT right-of-way. Capacity in both of these sewer mains is limited due to the grade of the sewer further downstream. Total capacity in the mains would be 500,000 gallons per day of sewer with a portion of that capacity already being utilized by existing connections as well as a future truck terminal in the area.

#### Health Department

If persons will be working onsite or any permanent facilities will have plumbing, then a sewage disposal system will need to be approved. It appears that the request is simply to construct a parking lot at this time.

## ENVIRONMENTAL

### Soils



**23B2** - Slopes are 2 to 7 percent.

**23C2** - 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 moderate. Shrink-swell potential is moderate. 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.

**65B2 and 65C2**, depicted on the map above, are outside the subject area.

### Erosion and Sediment Control and Stormwater Management

No comments submitted.

## PUBLIC FACILITIES

### Schools

No comments submitted.

### Fire & Rescue

The property is located within the Hose Company #4 Volunteer Fire Department's Port Republic Road Sub-station and Harrisonburg Volunteer Rescue Squad's respective first due areas. With the continued construction and growth within the County, our office has concerns with being able to provide emergency services to new and upcoming projects and locations while maintaining current emergency responses.

### Sheriff

The Sheriff's Office has no comments.

## **TRANSPORTATION**

### Traffic Counts

<b>Road</b>	<b>Classification</b>	<b>Geometry</b>	<b>Traffic Count*</b>	<b>Posted Speed</b>
Cecil Wampler Road (Route 704)	Minor Collector	2-Lane Highway	2,500 vpd	45 mph

\* Vehicles per Day (VPD)

### VDOT

The proposed rezoning will not have a significant impact on traffic. Access to the site will be in accordance with Appendix F of the VDOT Road Design Manual. The limited frontage to Cecil Wampler Road (Rt. 704) will allow for a moderate volume commercial entrance, which is adequate for the proposed use. A VDOT land use permit will be required to construct the required entrance.

## **SUMMARY**

### Considerations

- The property is located within an Industrial Area of the Urban Growth Area and along a significant truck corridor.
- A substantial amount of land to the north, west, and east is zoned I-1, Heavy Industrial, or B-1, General Business, with agricultural land used for residences in immediate proximity.
- The proffers limit the use of this site to a truck parking lot. In the absence of buildings, no water and sewer service are required.

Staff Recommendation: Approval

July 27, 2016

This site is designated as an Industrial Area as in the Comprehensive Plan, has direct access to a truck route, and is not expected to negatively impact surrounding uses.

Planning Commission Recommendation: Approval

August 2, 2016

Whereas this property is identified as Industrial in the Comprehensive Plan, the Planning Commission concurs with staff's recommendation and recommends approval by a vote of 5 to 0.

Board Decision:

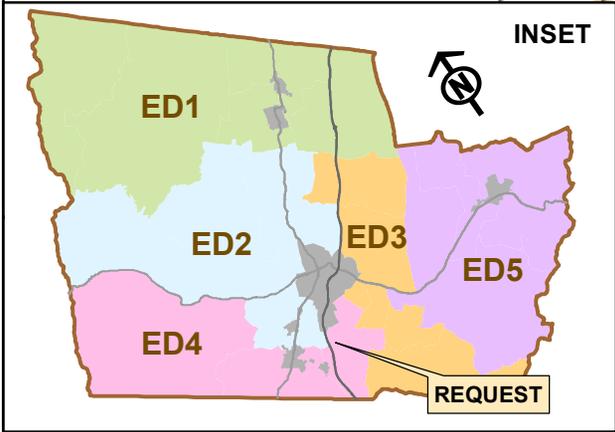
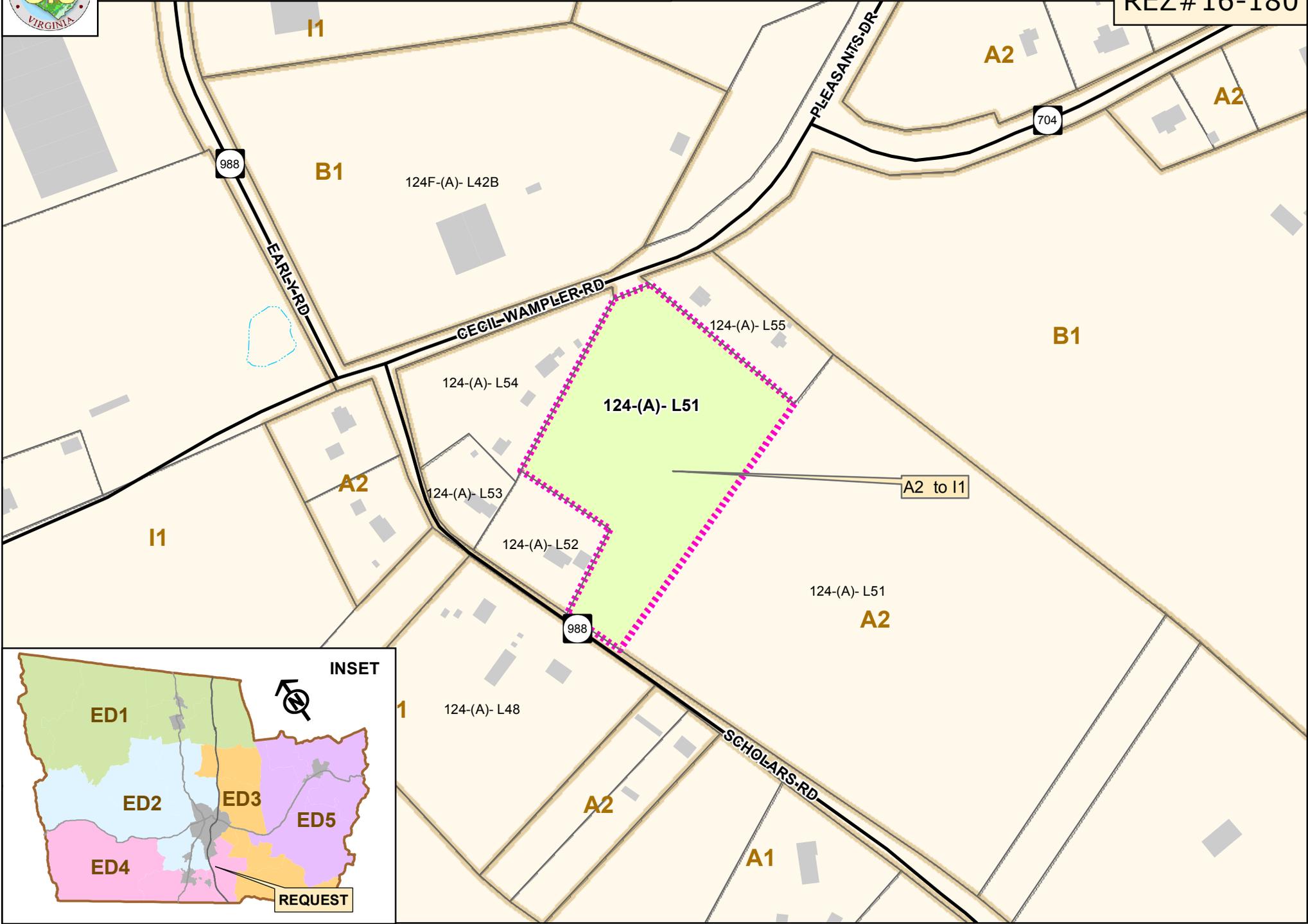


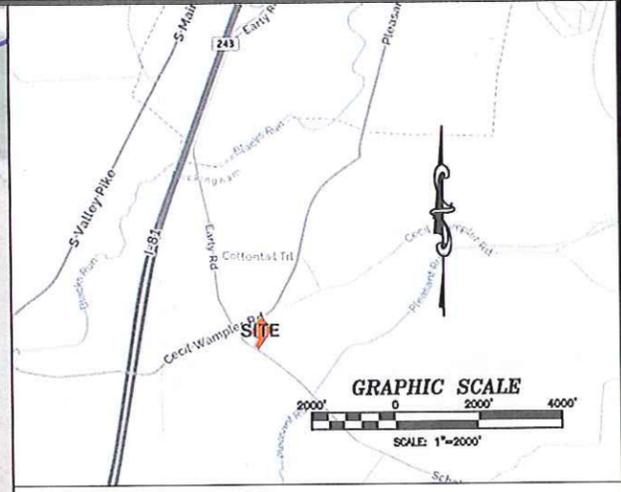
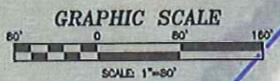
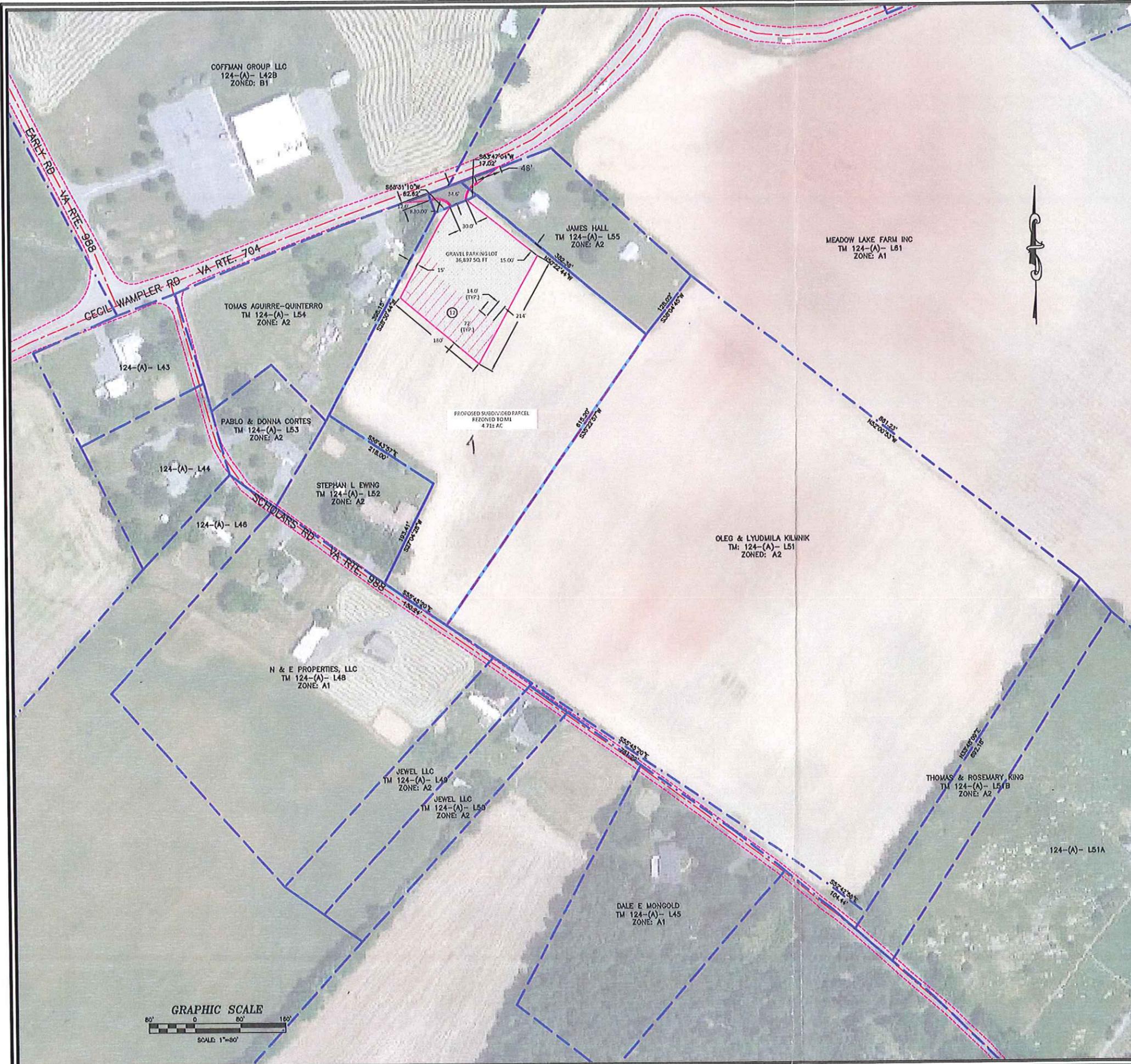
# Oleg Kilimnik Rezoning Request



PC Hearing Date: 8/02/2016  
BOS Hearing Date: 8/24/2016

REZ # 16-180





**SITE DESIGN:**  
 BLACKWELL ENGINEERING  
 ATTN: ED BLACKWELL  
 568 EAST MARKET STREET  
 HARRISONBURG, VA 22801  
 540-432-9555

**DEVELOPER:**  
 OLEG KILMNIK  
 864 SWITCHBOARD ROAD  
 HARRISONBURG, VA 22802  
 PHONE: 540-560-1475

**PROPERTY INFO:**  
 TM# 124-A-L51  
 4.7± ACRES OF  
 19.1± ACRES  
 ZONED: A2  
 PROPOSED: M1  
 USE: UNDEVELOPED  
 PROPOSED: PARKING  
 FEMA FLOOD ZONE C

- LEGEND**
- CENTER LINE
  - CITY/COUNTY LINE
  - SITE BOUNDARY
  - E/T — ELECTRIC/TELEPHONE
  - METER/ TRANSFORMER
  - GUY WIRE
  - EXISTING UTILITY POLE
  - EXISTING LIGHT POLES
  - PROPOSED UTILITY POLE
  - WATER LINES
  - FM — SANITARY SEWER FORCE MAIN
  - S — SANITARY LINES
  - SC — SANITARY SEWER CLEANOUT
  - SS — STORM SYSTEM
  - PROPOSED DITCH
  - GAS LINES
  - PL — EXISTING PROPERTY LINE
  - SETBACK LINE
  - EASEMENT LINE
  - EXISTING BUILDING
  - PROPOSED BUILDING
  - PROPOSED ROAD/EDP
  - PROPOSED PARKING
  - EXISTING ROAD
  - EXISTING PARKING
  - CURBING: CO-8 OR CO-7
  - CURBING: CO-2 OR CO-3
  - HANDICAP PARKING
  - CO-12/ASPHALT RAMP
  - DUMPSTER
  - EXISTING FIRE HYDRANT
  - PROPOSED FIRE HYDRANT
  - FIRE DEPARTMENT CONNECTION
  - WATER VALVE
  - WATER METER
  - EXISTING FENCE LINE
  - PROPOSED FENCE
  - CONCRETE PAVING
  - HEAVY PAVEMENT
  - LIGHT PAVEMENT
  - GRAVEL AREA
  - GRASS AREA

Not Proffered. Illustrative Purposes Only

Date: 6/17/16  
 Scale: AS NOTED  
 Designed by: EHB  
 Drawn by: NAK  
 Checked by: EHB

**Blackwell**  
 Engineering, PLLC  
 568 East Market Street  
 Harrisonburg, Virginia 22801  
 Phone: (540) 432-9555 FAX: (540) 434-7604  
 Email: BE@BlackwellEngineering.com



Revision Dates


**PROPOSED REZONING SITE PLAN**  
 SAFE ROAD LLC - PARKING LOT  
 OLEG KILMNIK  
 864 SWITCHBOARD ROAD  
 HARRISONBURG, VA 22802

Drawing No.  
**1**  
 of 1 Sheets

Job No. 2564



# Community Development Rezoning Report REZ16-181

**Planning Commission**  
August 2, 2016

**Board of Supervisors**  
August 24, 2016

Applicant	Daniel H. Wylie
Tax Map Id	52-(A)- L114 and L115
Present Zoning	Low Density Residential District (R-1)
Proposed Zoning	General Agricultural District (A-2)
Location	East of Daphna Rd. (Rt. 803) and west of Mayland Rd. (Rt. 259)
Acreage	2.012 acres
Election District	1
Comprehensive Plan	Commercial

Staff Recommendation:	.Approval	July 27, 2016
Planning Commission:		
Board of Supervisors:		

## **GENERAL INFORMATION**

### **OVERVIEW**

The subject properties were rezoned from General Agricultural District (A-2) to the Low-Density Residential District (R-1) during the 1985 comprehensive rezoning of the County.

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

Proffers limit the use of this site to a single-family dwelling, agriculture, and a contractor's business. If this rezoning request is granted, the operation of a contractor's business would require a special use permit.

### **COMPREHENSIVE PLAN**

Commercial Areas are generally comprised of existing or planned community retail, professional offices, and retail/office mixed use areas along primary roads. Commercial areas are planned for public water and sewer and should offer connecting streets and sidewalks where appropriate. New commercial areas must be landscaped to reduce the visual impacts of large parking lots. Most of the parking should be located to the sides or rear of buildings.

### **ZONING AND EXISTING LAND USE**

Adjoining properties to the west, north, and south are zoned residential. However, with the proffered conditions placed on the request by the applicant, a special use permit would be required for the contractor's business. With that special use permit, the Board could place conditions that would offer relief to the adjoining landowners. Based on the conditions proffered by the applicant and the fact a special use permit would be required for the contractor's business, the Zoning Administrator has no opposition to this request.

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<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.

### Adjoining Properties and Uses

Direction From Site	Zoning	Existing Land Use
North	Light Industrial District (I-2)	Multiple businesses
East	General Agricultural District (A-2)	Homesite
South	Low Density Residential District (R-1)	Church, Cemetery, and Undeveloped Land (Linville Creek Church of the Brethren)
West	Low Density Residential District (R-1)	Undeveloped Land (The Mennonite Foundation, Inc.)

## STAFF AND AGENCY ANALYSIS

### UTILITIES

#### Public Works

No County water and sewer is available to the property. The Town of Broadway could be contacted for potential connections.

#### Health Department

A sewage disposal system will need to be approved for the business. A private sector consultant/designer should be contacted to evaluate options.

## ENVIRONMENTAL

### Soils



**29B2** - 2 to 7 percent slopes.

**29C2** - 7 to 15 percent slopes.

**33C2** - 7 to 15 percent slopes.

**56D** - 15 to 45 percent slopes.

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 moderately high. Shrink-swell potential is moderate. 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.

### Erosion and Sediment Control and Stormwater Management

No comments submitted.

## PUBLIC FACILITIES

### Schools

No comments submitted.

## Fire & Rescue

The site is located within the Broadway Volunteer Fire Department and Broadway Volunteer Rescue Squad's respective first due areas. With the continued construction and growth within the County, our office has concerns with being able to provide emergency services to new and upcoming projects and locations while maintaining current emergency responses.

## Sheriff

The Sheriff's Office has no comments.

## **TRANSPORTATION**

### Traffic Counts

Road	Classification	Geometry	Traffic Count*	Posted Speed
Mayland Road (Route 259)	Minor Arterial	2-Lane Highway	8,400 vpd	45 mph
Daphna Road (Route 1437)	Local Road	2-Lane Highway	30 VPD	Un-posted (cul-de-sac)

\* Vehicles per Day (VPD)

## VDOT

1. The subject rezoning will not have a significant impact to the roadway network.
2. Access to the subject parcel will be via Daphna Road (Rt. 1437).
3. Access to the site will be in accordance to Appendix F of the VDOT Road Design Manual.

## **SUMMARY**

### Considerations

- The property is located within a Commercial Area of the Urban Growth Area.
- The applicant has proffered conditions to this request that limit the use of the property to a single-family dwelling, agriculture, or a contractor's business.
- The applicant has proffered a condition limiting the hours of operation.

- Should the applicant wish to pursue a contractor's business, a special use permit must be obtained.

Staff Recommendation: Approval

July 27, 2016

Whereas this request allows for a commercial use within an area designated as commercial in the comprehensive plan, staff recommends approval.

Planning Commission Recommendation: Approval

August 2, 2016

Whereas this request is near an existing commercial development and an in an area designated as Commercial in the Comprehensive Plan, the Planning Commission concurs with staff and recommends approval by a vote of 5 to 0.

Board Decision:



# Daniel H Wylie Rezoning Request

PC Hearing Date: 8/02/2016  
BOS Hearing Date: 8/24/2016

REZ# 16-181

