

January 23, 2019

The Regular Meeting of the Rockingham County Board of Supervisors was held on Wednesday, January 23, 2019, at 6:00 p.m. at the Rockingham County Administration Center, Harrisonburg, Virginia. The following members were present:

- PABLO CUEVAS, Election District #1
- SALLIE WOLFE-GARRISON, Election District #2
- RICK L. CHANDLER, Election District #3
- WILLIAM B. KYGER, JR., Election District #4
- MICHAEL A. BREEDEN, Election District #5

Also present:

BRYAN F. HUTCHESON, Sheriff

- STEPHEN G. KING, County Administrator
- THOMAS H. MILLER, JR., County Attorney
- CASEY B. ARMSTRONG, Assistant County Administrator
- PHILIP S. RHODES, Director of Public Works
- RHONDA H. COOPER, Deputy Director of Community Development
- BRADFORD R. R. DYJAK, Director of Planning
- KELLY S. GETZ, Code Compliance Officer
- TAMELA S. GRAY, Deputy Clerk
- DONALD F. KOMARA, Residency Administrator
Virginia Department of Transportation
- C. BURGESS LINDSEY, Assistant Residency Administrator
Virginia Department of Transportation

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CALL TO ORDER
INVOCATION
PLEDGE OF ALLEGIANCE.

Chairman Breeden called the meeting to order at 6:01 p.m.

Supervisor Cuevas gave the Invocation and County Administrator King led the Pledge of Allegiance.

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APPROVAL OF MINUTES.

On motion by Supervisor Cuevas, seconded by Supervisor Chandler, and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; CUEVAS – AYE; KYGER – AYE; WOLFE-GARRISON – AYE; the Board approved the minutes of the regular meeting of January 9, 2019.

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RECOGNITION OF GUESTS.

Supervisor Kyger recognized Bridgewater Town Councilman Fontaine Canada and Chris Runion.

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TRANSPORTATION DEPARTMENT.

The Board heard Mr. Komara's report on the activities of the Transportation Department, including updates to bridge, road and rural rustic projects.

Mr. Komara announced that the East Point Road (Route 602) truss bridge project near the Town of Shenandoah was completed.

Mr. Komara noted a public hearing for the Friedens Church Road (Route 682) bend project will be held on March 20, 2019 from 4 to 6 p.m. at Turner Ashby High School.

Mr. Komara received a recommended funding list, which included three projects submitted for the County. The most expensive project (sidewalk on North Valley Pike (Route 11) to the Valley View Mobile Home Court for \$1.3 to \$1.6 million) was approved. Mr. Komara and Ms. Cooper will discuss utilizing safety funds for the two projects not approved (turn lanes on Cross Keys Roads (Route 276) and extension of the Indian Trail Road (Route 620) turn lane).

Maintenance items included grading Cemetery Road (Route 843) to place stone on it, brush cutting, pipe work and touching up gravel roads.

Mr. Armstrong announced that an \$800,000 industrial access grant was awarded for the Crowe Drive Extension Road Improvement Project. He said VDOT will provide \$650,000 to be matched by \$150,000 of local funds for a total contribution of \$800,000. After the match, any expenses above \$800,000 are the responsibility of the developer (Interchange Development).

Mr. Armstrong reported that two bids were received and opened on January 22, 2019, for Crowe Drive. Based on the recommendation from staff and the engineer, Mr. Armstrong asked the Board to award the project to the low bidder, A & J Development and Excavation, Inc., for \$1,839,219.

On behalf of the Finance Committee and Public Works Committee, Supervisor Cuevas made a motion that the Board accept the recommendation and award the bid to A & J Development and Excavation, Inc. in the amount of \$1,839,219. Supervisor Kyger seconded the motion, and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; CUEVAS – AYE; KYGER – AYE; WOLFE-GARRISON – AYE; the Board awarded the bid for the Crowe Drive Extension Road Improvement Project to A & J Development and Excavation, Inc. in amount of \$1,839,219.

Administrator King noted that further action may be needed later to accept the grant for the Crowe Drive Extension Road Improvement Project.

Supervisor Wolfe-Garrison thanked VDOT staff for taking care of the roads during weather events.

Supervisor Kyger said he thought the Mt. Crawford park and ride was going to be expanded. He noted vehicles are double-parking and the lot is overflowing. He asked about the ownership of a portion of the parking area and requested more lighting since commuters use the park and ride from early morning, before daylight, until late in the evening. Mr. Komara is not sure where the ownership of the lot changes from VDOT to the adjacent farmer, but indicated VDOT provides lighting.

Supervisor Kyger asked Mr. Komara to remember Friedens Church Road (Route 682), particularly the spot with shrubs, during the spring cleanup.

Supervisor Chandler expressed appreciation to VDOT for pre-treating the roads prior to the recent snow.

Mr. Komara informed Supervisor Chandler that he repaired the sign indicating a 90-degree turn on Main Street (Route 605) in the Village of Port Republic.

Supervisor Chandler indicated there was a near accident at the top of the hill just north of the East Side Highway (Route 340)/Port Republic Road (Route 253) intersection. He said there is a blind spot in the northbound lane, but there is no "School Bus Stop" sign or caution sign indicating there is an approaching school bus stop.

Mr. Komara informed Chairman Breeden that the water running across East Side Highway (Route 340) into drainage ditches in yards was from a basement pump and has stopped.

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INTERSTATE 81 IMPROVEMENTS DISCUSSION.

Chris Runion indicated he is part of a group, with 32 businesses, educational institutions and individuals from Blacksburg to Winchester, that has been focusing on Interstate 81 improvements to help move the process along and make I-81 a safe, reliable and economically-sensible highway. He noted there have been discussions in Richmond regarding a toll road, fuel tax, sales tax, and commercial real estate funding. Mr. Runion said it is critical for the community to ensure elected officials know the local government and citizens support them in solving the I-81 problem. He said VDOT did a great job determining what is needed for I-81, and he believes there are several good ways to work out the project funding. Mr. Runion asked the Board to contact the elected officials along Interstate 81, not just County officials. He stated this is a bipartisan issue as Independents, Republicans and Democrats all agree Interstate 81 improvements are necessary.

Supervisor Kyger stated the I-81 project will move rapidly in the General Assembly.

Mr. Runion indicated Senator Obenshain's legislation went to a committee or sub-committee earlier in the day, but a hearing is not yet scheduled. He understood there would be discussions on January 29, but said the direction of the I-81 improvement project will be known by crossover.

Supervisor Kyger stated all citizens living along the I-81 corridor receive goods transported via Interstate 81 and will profit from the improvements. If citizens do not share in paying for the improvements, Interstate 81 will remain as it is, freight will not move, there will be more accidents and traffic will be forced onto local roads, Supervisor Kyger said. Since there are accidents on Interstate 81 on a weekly basis in Augusta and Rockingham counties, the Board and citizens need to support senators and delegates who have shown courage in moving the I-81 improvement project forward. He said creative fair and equitable ways can be established to pay for the improvements.

Mr. Runion indicated his business has more than 30 employees and his trucks travel on Interstate 81 every day. He said it costs him money when the trucks are sitting on the interstate due to accidents. Mr. Runion noted his business will not be greatly impacted by a fuel tax or toll; the real impact to his business is the loss of employees who miss events with their families because they are delayed by accidents on Interstate 81.

Supervisor Chandler thanked Mr. Runion for his efforts. He stated financing will be worked out, but said the bottom line is improvements need to be made to Interstate 81. He noted jurisdictions might provide resolutions showing support for the improvements.

Supervisor Kyger indicated it is too late to adopt resolutions because the General Assembly will vote on the I-81 improvements before the Board's next meeting.

Mr. Runion said the group of businesses, educational institutions and individuals he is working with uses the Kemper Group, consultants that were involved with the Hampton Roads transportation issue several years ago. The Kemper Group indicates a decision needs to be made this year, or the project will be delayed another 10 years.

Mr. Runion said Governor Northam provided a bi-partisan solution, and encouraged the Board to show him their support.

Supervisor Kyger said the County will participate in the VACo County Legislative Day on January 31, and will discuss the I-81 improvement project with the delegation.

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ASSISTANT COUNTY ADMINISTRATOR'S STAFF REPORT.

The Board received and reviewed Mr. Armstrong's Community Development staff report dated January 23, 2019.

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FINANCE DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mrs. Davidson's staff report dated January 18, 2019.

On motion by Supervisor Cuevas, seconded by Supervisor Wolfe-Garrison, and carried by a vote of 5 to 0, voting recorded as follows BREEDEN – AYE; CHANDLER – AYE; CUEVAS – AYE; KYGER – AYE; WOLFE-GARRISON – AYE; the Board declared the following items surplus, to be disposed of through the public surplus auction website:

Items to Declare Surplus – January 2019

Description	Quantity
Desk	2
Desk Chair	1
Table	1
HP Computers	4
LCD Monitor	1
Sony Monitor	1
HP Servers	2
Wireless Access Points	18
Server Rack Mount with Storage Device	2
Cisco System Catalyst	1
Ethernet Switches and Hubs	15
Video/Audio Switching System Parts	4
Miscellaneous Computer Parts	6
Printers/Fax Machine	5
Monitors	8
Cash Drawer – Computer Controlled	3
IP Phones and Head Set Parts	5
Ram Memory	30
Monitor Power and VGA Cables	39
Apple Airport Extreme Base Station	4
Fiber to Ethernet Converters	7
Desk Chair	1

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PUBLIC WORKS DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mr. Rhodes' staff report dated January 23, 2019.

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PUBLIC WORKS COMMITTEE REPORT.

Bids were received and opened on January 11, 2019, for five chemicals to be used at Three Springs Water Treatment plant, and the bid evaluation was based on the estimated annual cost of all five chemicals. The following bids were received:

Gilmer Industries	\$40,810.44
George Coyne Chemical Company	\$13,602.33 (only bid on two of the chemicals)

Since George Coyne Chemical Company did not provide bids for three of the chemicals, and was the low bidder on only one chemical (by \$5.67 for the year), staff recommended Gilmer Industries be awarded the bid in the amount of \$40,810.44.

Bids were received and opened on January 15, 2019, for modifications to the landfill gas collection system. The modifications required by the Virginia Department of Environmental Quality are due to high methane gas levels in several existing monitoring wells. The work consists of drilling three new extraction wells and connecting into the County's existing gas collection system. The lone bid was received from SCS Field Services in the amount of \$98,665.

Staff requested that the Public Works Committee recommend approval of the SCS Field Services bid.

On motion by Supervisor Cuevas, seconded by Supervisor Chandler, and carried by a vote of 5 to 0, voting recorded as follows BREEDEN – AYE; CHANDLER – AYE; CUEVAS – AYE; KYGER – AYE; WOLFE-GARRISON – AYE; the Board awarded the bid in the amount of \$40,810.44 to Gilmer Industries for the purchase of five chemicals to be used at Three Springs Water Treatment Plant, and awarded the bid for modifications to the landfill gas collections system to SCS Field Services in the amount of \$98,665.

When Supervisor Cuevas asked if companies hesitate to work with gas wells due to an environmental risk, Mr. Rhodes said it is specialized work and it is necessary to tap into the gas collection system. Staff discussed separating the project into two phases to hire a driller and a separate contractor to perform the connections, but it was determined that would not be beneficial, Mr. Rhodes said.

In response to a comment from Supervisor Cuevas, Mr. Rhodes indicated SCS Field Services is the County's consultant and they have a separate field services crew. SCS is a national company, but the group the County works with is based in Richmond, Virginia.

Administrator King indicated staff should continue to impress upon SCS Field Services that they not take advantage since they have performed a lot of work for the County, because each project will be scrutinized. Mr. Rhodes said Public Works did not receive any other bids for the modifications to the landfill gas collections system.

ADDITIONAL COMMITTEE REPORTS.

The Board heard the following committee reports from Board members and staff:

BUILDINGS AND GROUNDS

Supervisor Chandler announced that the Building and Grounds Committee will meet on January 30, 2019.

COMMUNITY CRIMINAL JUSTICE BOARD (CCJB)

Prior to the March CCJB meeting, Supervisor Chandler plans to talk with Administrator King and city officials about upcoming items so the CCJB is prepared to move forward at that meeting.

MASSANUTTEN REGIONAL LIBRARY

Supervisor Chandler said he introduced Supervisor Wolfe-Garrison at a recent Library Committee meeting, and she has been receiving information regarding the library.

SOCIAL SERVICES

Supervisor Breeden reported the Social Services Committee will meet January 24, 2019.

VIRGINIA ASSOCIATION OF COUNTIES (VACo) LIAISON

Supervisor Kyger reminded the Board about the Rural Caucus Banquet on January 30, 2019, and the VACo County Legislative Day on January 31, 2019. VACo will also host the Chairpersons’ Institute in Richmond on February 1 and 2, 2019.

Supervisor Kyger will represent the County at the National Association of Counties (NACo) National Legislative Conference held in Washington, D.C. from March 2 to 6, 2019.

STORMWATER ADVISORY

Supervisor Wolfe-Garrison indicated staff will provide a proposal regarding possible funding solutions to the Stormwater Advisory Committee on February 15, 2019. The advisory group will meet on February 25, and prepare a recommendation for the Board.

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COMMITTEE APPOINTMENTS.

On motion by Supervisor Cuevas, seconded by Supervisor Kyger, and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; CUEVAS – AYE; KYGER – AYE; WOLFE-GARRISON – AYE; the Board recommended Randy Whitmore (District 1) for appointment by the Circuit Court to the Board of Zoning Appeals, to fill a term from July 1, 2019 to June 30, 2024.

On motion by Supervisor Chandler, seconded by Supervisor Kyger, and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; CUEVAS – AYE; KYGER – AYE; WOLFE-GARRISON – AYE; the Board appointed Valerie Kramer to the Rockingham Bicycle Advisory Committee for a term to expire December 31, 2021.

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RECESS.

At 6:40 p.m., Chairman Breeden recessed the meeting until the Public Hearing scheduled to begin at 7:00 p.m.

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PUBLIC HEARINGS.

At 7:00 p.m., Chairman Breeden opened the public hearing and Mr. Dyjak reviewed the following rezoning request:

REZ18-339 Skylar & Talli, LLC, P.O. Box 1039, Harrisonburg, VA 22803, to rezone a 6.302-acre parcel located on the west side of Reservoir Street (Route 710) approximately 100' north of Fieldale Place from R-3C (General Residential with Conditions) to PMF (Planned Multi-Family) district. The parcel is identified in the Comprehensive Plan as Mixed Use Center in the Urban Development Area, Tax Map #125-(A)-L160, Election District 3.

Mr. Dyjak pointed out that the parcel in the request was previously part of the Robinson Park rezoning approved in 2017, but only one section was constructed. He said an amendment by the new applicant limits the project to residential apartments with a shared-use path and common space for internal use.

The Planning Commission tabled the request on November 30, 2018, to allow the applicant time to address outstanding issues. Subsequent to the tabling of the rezoning request, the applicant met with County staff and VDOT staff to consider the construction of improvements on Reservoir Street to meet VDOT requirements and allow for the U-Turn of a single box truck at the Talmadge Drive intersection. The applicant's agent presented a proposed, unsigned proffer statement, which included the applicant's commitment to construct the U-Turn-related improvements on Reservoir Street in accordance with VDOT standards. Since the request was otherwise consistent with the Comprehensive Plan and met the PMF District and Master Plan requirements, the Planning Commission recommended approval by a 5-0 vote on January 2, 2019, with the contingency that the proffer statement offered by the applicant be signed prior to the Board of Supervisors public hearing.

Mr. Dyjak indicated the applicant noted revisions will be made to the Master Plan. Staff recommended the Board table the rezoning request until the final Master Plan is provided.

Supervisor Wolfe-Garrison asked about the targeted audience for the apartments and whether the individual units will be rented or owned by those who live in them.

Dick Blackwell from Blackwell Engineering, who was representing the developer, indicated the apartments will be owned by the developer.

Mr. Blackwell said since it will take two years to complete the development, the school situation might change. He noted the biggest challenge is working with VDOT regarding right-in and right-out access because there was no VDOT standard when Reservoir Street was designed. Motorists traveling from the development to Harrisonburg will have to make a U-turn. He noted residents of Hillmont Apartments and Avalon Woods have to make a U-turn, and the City indicates there have been no problems.

Mr. Blackwell indicated VDOT understands cars and SUVs can make a U-turn, but trucks will go up on the curb when making a U-turn. Mr. Blackwell said his client has been asked to spend money on a U-turn that is not required elsewhere or by other developers.

Since Mr. Blackwell does not anticipate school buses will enter the development, he indicated a school bus stop, which is not on the drawing, will be needed on Reservoir Street.

Mr. Blackwell noted water for the Skylar & Talli, LLC development will come from the other side of the road, and sewer from two of the buildings will need to be pumped to the gravity line. He stated the project, which is similar to the Reserve at Stone Port, is a good project.

Supervisor Kyger confirmed the Skylar & Talli development will target the same rental clients as the Reserve at Stone Port. Mr. Blackwell noted the applicant has constructed numerous apartments in the city.

In response to a question from Supervisor Chandler, Mr. Blackwell said he would give more thought to providing a place for school buses to pull off the road for children to get on and off the bus.

Mac Nichols stated Skylar & Talli, LLC will build upscale apartments similar to the Reserve at Stone Port. He noted the impact on schools will be minimal, and said the anticipated tax revenue will be substantial compared to the number of students attending County schools. Since VDOT did not design the streets in the City, there has not been a problem with the crossovers and it has not been determined that an apron is needed; he believes it would be unreasonable for his client to build an apron. Mr. Nichols encouraged the Board to approve the Skylar & Talli, LLC rezoning.

Mr. Nichols confirmed for Supervisor Chandler that the proposed Skylar & Talli, LLC apartment complex will be in the same price range as the Reserve at Stone Port. Mr. Nichols said families may rent the apartments, but the developer is targeting young professionals and retired residents.

Mr. Blackwell noted that he talked with VDOT about a crossover at the existing median to accommodate the proposed development and the property across the street, but VDOT indicated there is not enough room for a crossover. He noted the Retreat at Harrisonburg proffered contributing partial funding for a traffic light, if one is needed within five years from its rezoning approval – now nearly three years ago. When Mr. Blackwell asked VDOT if adjoining land owner John Bailey would need to pay for a traffic signal when his property is developed, VDOT said based on the amount of property being developed similar to nearby projects, they do not think a traffic light will be warranted.

Since there are numerous apartment complexes in the proposed area, Supervisor Kyger said he would be interested in knowing how many acres it would take to house the same population in single-family homes versus an apartment complex, so the Board can compare the density versus sprawl. Supervisor Kyger suggested to staff that it might be worth including that information for comparison in future rezoning case reports.

No one spoke in opposition to the rezoning request.

Mr. Dyjak reviewed the following proposed ordinance amendment:

OA18-343 Amendment to the Rockingham County Code, Chapter 17 (Zoning), Sections 17-700 Ownership, and 17-701 Streets: to authorize the provision of either public or private roads within apartment and rowhouse subdivisions in the R-3 General Residential zoning district.

Mr. Dyjak indicated the ordinance amendment is staff-initiated and came forward because of a developer seeking a potential rowhouse and apartment development in an R-3 General Residential zoning district. Prior to 2014, the Code allowed rowhouses or apartments to utilize a public or private street. With the 2014 Code revision, any development, regardless of type in the R-3 district, has to front on a public street maintained by VDOT. Recently, staff noted there were numerous requests from developers wanting to utilize the R-3 district for rowhouses and apartments, but they were having difficulty meeting standards for public streets, which requires more land consumption to meet VDOT standards. In May 2018, the Board authorized staff to proceed with the study, and staff developed an ordinance to address the deficiency. The proposed ordinance also includes housekeeping amendments to clarify property owners association and home owners association ownership and maintenance standards.

Mr. Dyjak reviewed and explained specific recommended ordinance changes.

Mr. Dyjak noted staff recommends a friendly amendment to Section 17-701.02(c) regarding the timing of when streets are brought into the VDOT system, to clarify that the applicant would be required, after the third certificate of occupancy is issued, to initiate the

process for public acceptance, and that application must be completed once seventy-five percent of the certificates of occupancy have been issued.

By a 5 to 0 vote on January 2, 2019, the Planning Commission recommended approval of the proposed ordinance amendment, with a caveat that staff and the County Attorney review the ordinance to determine whether a notice provision should be included in the property owners association section of the Code, Section 17-700.03(d), in the event an association fails to maintain its common property.

Mr. Dyjak explained that, currently, if the property owners association fails to live up to its obligations and maintain the streets, the County has the option, through court action, to force the property owners association to bring the streets into compliance, or the County can perform the task and bill the association. The Planning Commission recommended staff determine if the failure to comply notice or a cure period needed to be defined. Mr. Dyjak noted that staff, including County Attorney Miller, determined the current language is sufficient to compel a property owners association into compliance.

Dick Blackwell said he is in favor of the ordinance amendment because County staff currently interprets the ordinance in a reasonable manner. He noted that he is confident the current staff will do so, but he provided some situations where differences of interpretation may occur.

Mr. Miller noted that, if the County indicates the private street must meet certain specifications, the County is deferring to VDOT's expertise and VDOT will determine whether VDOT specifications are met, not the County. He indicated the ordinance is worded in this manner because residents living along the street may desire that the street be taken into the VDOT system one day. If so, Mr. Miller noted the streets must be built in accordance with VDOT specifications as interpreted by VDOT. He noted there are VDOT specifications, VDOT standards and VDOT regulations, which are each different. Mr. Miller questioned whether the ordinance should be approved on the basis that "County staff will interpret it reasonably" because VDOT will be interpreting the ordinance and applying their rules, rather than County staff providing the interpretations.

Mr. Blackwell expressed concern about private streets being bound by VDOT specifications, standards and regulations so that the County does not have the freedom to make street decisions. Mr. Blackwell reiterated that the current staff does not tend to look at things that way, but future staff may.

Ms. Cooper suggested considering what is currently before the Board and finding out from Mr. Blackwell what he would like staff to review. She said the County does not want any part of the ordinance to be an arbitrary interpretation because no one wins.

Ms. Cooper indicated VDOT subdivision street standards allow reverse-angle parking, but they do not like it. She said VDOT and the County need to come to an agreement so there is consistency between the Staunton District Office and Harrisonburg Residency Office to support what is outlined within VDOT's subdivision street manual.

Mr. Dyjak stated language is currently in the code as it stands; it was not contemplated as part of the revision but it bears further consideration. The section Mr. Blackwell referenced is specifically for private streets that are to be paved and constructed to VDOT standards. It depends on how "paved and constructed" is defined – whether it is the actual material and sub-grade or whether it includes parking and different turning radii.

Mr. Miller said following Ms. Cooper's recommendation, the Board can consider adopting the amendment since it deals with other housekeeping issues that need to happen and the Board can instruct staff to consider specifying a distinction between "design or construct" in accordance with particular specifications, standards and regulations over which the County has no control or interpretation.

Mr. Miller reiterated the Board can approve the ordinance, but needs to ensure the County understands the consequences and everyone is comfortable with those consequences.

Supervisor Kyger said the consequences should be anticipated before they occur, to the best degree possible. He noted it is prudent for the County to look further at the private street standards within the ordinance.

Administrator King indicated the County needs to clarify what is being discussed because the pavement cross section is different from the shoulder or parking. The County does not want a private developer to develop a property and skimp on the pavement design. If the developer wants the road to meet VDOT standards 20 years later and the structure is not there, the road will need to be rebuilt.

Mr. Miller reiterated the Board can adopt the ordinance amendment with the understanding that staff will continue to refine and improve the language in the standards section of the Code.

Chairman Breeden closed the public hearing at 7:49 p.m.

Supervisor Chandler thanked Messrs. Blackwell and Nichols for their work on the Skylar & Talli, LLC rezoning. He suggested the Board visit the property and look at the items mentioned. He also noted Mr. Dyjak offered to lead a meeting to address Mr. Bailey's questions. Supervisor Chandler expressed appreciation for the explanation regarding VDOT and agreed it does not make sense to do something like this when it was not addressed for nearby developments. The County cannot predict what future developments will be on nearby properties so the Board does not need to look at a situation prematurely and make decisions based on that. He noted the crossover might still be a possibility.

Supervisor Chandler made a motion to table REZ18-339, Skylar & Talli, LLC with the caveat that a meeting will be scheduled to address concerns and for the Board to make a site visit. Supervisor Kyger seconded the motion.

Supervisor Cuevas hopes the Board will keep in mind that the design of streets and turnarounds are not just for the residents. He noted there are many rural subdivisions where Fire and Rescue is expected to protect citizens' property but there is not enough space for fire and rescue equipment to provide that protection.

Carried by vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; CUEVAS – AYE; KYGER – AYE; WOLFE-GARRISON – AYE; the Board tabled REZ18-339, Skylar & Talli, LLC, P.O. Box 1039, Harrisonburg, VA 22803, to rezone a 6.302-acre parcel located on the west side of Reservoir Street (Route 710) approximately 100' north of Fieldale Place from R-3C (General Residential with Conditions) to PMF (Planned Multi-Family). The parcel is identified in the Comprehensive Plan as Mixed Use Center in the Urban Development Area, Tax Map #125-(A)-L160, Election District 3.

Supervisor Kyger made a motion to approve Ordinance Amendment OA18-343, and the Board directed staff to consider the VDOT standards on private streets to make sure the County is very clear, and make additional changes as necessary based upon that research. Supervisor Chandler seconded the motion.

Supervisor Cuevas said the ability to protect citizens' property is also impacted by insurance companies as they establish insurance fees to protect the properties.

Mr. Dyjak wanted to clarify whether Supervisor Kyger would entertain the friendly amendment staff requested to Section 17-701.02(c) regarding the timing of when streets are brought into the VDOT system. Supervisor Kyger said he would include that in his motion. Supervisor Chandler seconded the revised motion.

Carried by a roll call vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; CUEVAS – AYE; KYGER – AYE; WOLFE-GARRISON – AYE; the Board adopted the following ordinance amendment:

**ORDINANCE AMENDING
SECTIONS 17-700 AND 17-701
OF THE CODE OF ORDINANCES
OF
ROCKINGHAM COUNTY, VIRGINIA**

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

That Sections 17-700 and 17-701. “Ownership” and “Streets” hereby is amended as follows:

Chapter 17 “Zoning”: Article VII. – Development Standards.

Sec. 17-700.03. - Ownership.

- (a) At the time of rezoning approval, all community property, including common area, private streets, and any undeveloped land, shall be under unitary ownership or under unified control.
- (b) *Organization:* A property owners association (POA) shall be established to own, care and maintain all common areas and other common improvements.
 - (1) The applicant or a designee shall prepare documents which provide at a minimum that the POA shall accept title to any community property, including common area, private streets, common improvements and undeveloped land.
 - (2) The documents shall establish voting and use rights and shall provide for the collection of dues, levies, or assessments to cover expenses including, but not limited to, tax liabilities, maintenance, insurance, and municipal or state assessments. The POA shall have the authority to acquire a lien upon the property of any of its members in order to secure collection of any amounts due. A residential POA and a commercial POA may be established within the same district.
- (c) Ownership and maintenance of common areas and other common improvements;
General requirements:
 - (1) *Ownership:* All common areas and common improvements shall be dedicated to the POA. No land within privately owned lots shall be considered common areas.
 - (2) Common Improvements may include, but are not limited to, any of the following: sidewalks, curbs, gutters, culverts and other drainage facilities, stormwater management facilities and private streets.
 - (3) *Covenants:* All POAs shall be created by covenants and restrictions recorded among the land records of the County. All such covenants shall include provisions for the maintenance of common areas and common improvements.
- (d) If private ownership, including a POA, fails to function as required by the bylaws and covenants, the county is authorized to maintain any of the community property and/or improvements and assess the private ownership accordingly. The costs to maintain any of the common areas and/or improvements maintained by the county shall be recovered from the property owners in the form of a tax lien if not paid by owner.

Sec. 17-701. - Streets.

- (a) Streets shall be coordinated with the existing or planned streets shown on an approved subdivision plat, approved general development plans, current master plans, and with the major transportation network shown in the comprehensive plan or any other plan adopted by the county.

Sec. 17-701.01. - Street names.

- (a) Streets shall be named according to the established procedures set forth in the Road/Street and Subdivision Naming Manual, as amended.
- (b) Temporary street identification signs shall be placed at each intersection by the developer prior to any construction beginning in the subdivision. The developer shall contact the agent when temporary signs have been erected. No building permits shall be issued within a subdivision prior to verification by the agent that the signs have been erected. Developer shall be responsible for keeping these signs in place until such time as permanent signs are erected.
- (c) Permanent signs conforming to standard county specifications shall be erected by the county at the developer's expense, and the developer shall pay the county for the cost of the signs prior to the agent signing the final plat. If the cost of signs increases, and the funds paid by the developer to the county are insufficient to cover the cost of the signs, the developer shall pay the additional funds prior to the bond being released by the county.

Sec. 17-701.02. - Public streets.

- (a) All public streets shall comply with all VDOT regulations and shall become part of the VDOT state-maintained system.
- (b) In the R-1, R-2, and R-3 zoning districts, all streets shall be public streets and parcels must front on a public street, except apartment structures and rowhouses in the R-3 zoning district may front on either a public or private street.
 - (1) If an apartment structure or rowhouse lots have frontage on a public street, access from the public street to the parking lot may be by a private access easement meeting the requirements of fire department access roads as outlined in the Rockingham County Fire Prevention Code and comply with VDOT regulations.
 - (2) In manufactured home parks in the MH-1 zoning district, no streets shall be public streets. In mixed home subdivisions in the MH-1 zoning district and in all other zoning districts, streets may be public streets or private streets.
- (c) Application to have a street accepted into the state secondary highway system shall be completed by the developer and submitted to the county and VDOT no earlier than after the county has issued a certificate of occupancy for at least three (3) structures addressed on said street and no later than after the county has issued certificates of occupancy for seventy-five (75) percent of the structures addressed on said street. The process shall be the same for each street within the development or subdivision in which the developer seeks acceptance into the state secondary highway system.

Sec. 17-701.03. - Private streets.

- (a) In manufactured home parks in the MH-1 zoning district, all streets shall be private streets. In the R-1 and R-2 zoning districts, no streets shall be private streets. In the R-3 zoning district all streets shall be public streets, except that parcels containing apartment structures and rowhouses may front on a either a public or private street. In all other zoning districts, streets may be public streets or private streets.
 - (1) All private streets in the RR-1 zoning district shall meet the requirements of article VII, with the exception of those requirements in direct conflict with those

requirements under section 17-305. In such case, the requirements of section 17-305 shall control.

- (2) All private streets in the MH-1 zoning district shall meet the requirements of article VII, with the exception of those requirements in direct conflict with those requirements under section 17-309. In such case, the requirements of section 17-309 shall control.
- (b) Private streets shall not exceed the maximum grades for local rural roads as defined in the AASHTO manual. Fire & Rescue shall inspect any private streets with grades greater than fifteen (15) percent grade.
- (c) All private streets shall be paved and constructed according to VDOT standards and specifications.
- (d) Sight distances for all intersections and entrances shall conform to VDOT regulations.
- (e) Private streets shall be constructed to ensure proper drainage and adequate base and surface construction capable of supporting imposed loads or fire apparatus as required in chapter 8, fire and protection.
- (f) Private streets shall be the responsibility of the developer to construct and maintain until such time as maintenance responsibility is legally passed to a property owners association. Private streets shall be fully constructed at the time maintenance responsibility is transferred.
- (g) For the purpose of this chapter, "maintenance of the road" shall be deemed to mean maintenance of the streets, curb, gutter, ditches, stormwater management facilities, utilities, street signs, or other street improvements, including the correction of defects or damages, so as to keep such road open for public usage.

Table 17-701.03. Minimum Private Street Requirements.

Vehicles Per Day	Number of Traffic Lanes	Width of Traffic Lanes	Number of Parking Lanes (Optional)
No maximum	1 (One-way traffic only)	12 feet	2
Up to 400	2	10 feet	1*
401 to 3,000	2	11 feet	2*
3,001 to 5,500	2	12 feet	2**
Over 5,500	4	12 feet	2**

* If no curbing is installed, shoulders shall be a minimum of five (5) feet wide.

** If no curbing is installed, shoulders shall be a minimum of eight (8) feet wide.

- (h) No streets shall be constructed with a curvature radius of less than one hundred (100) feet measured at the center line.
- (i) Shoulders shall be constructed to the same specifications as the street.
- (j) Wherever possible, private streets shall intersect private streets at right angles, Private streets shall intersect private streets at angles of not less than sixty (60) degrees, unless approved by the zoning administrator. Intersection curb radii may be twenty-five (25) feet minimum for minor streets, and thirty-five (35) feet minimum for major streets.

- (k) The intersection of a private street with a public street shall conform to VDOT standards and regulations.
- (l) All alleys shall be private and shall meet the standards for private streets with the following exceptions:
 - (1) Alleys may be permitted for residential and service vehicle access only. Alleys shall have a pavement width of no less than ten (10) feet. No on-street parking shall be permitted on the alley.
 - (2) Alleys constructed in a development project shall be designed and constructed based on sound engineering principles to be practical and functional and shall be certified as such by an engineer.

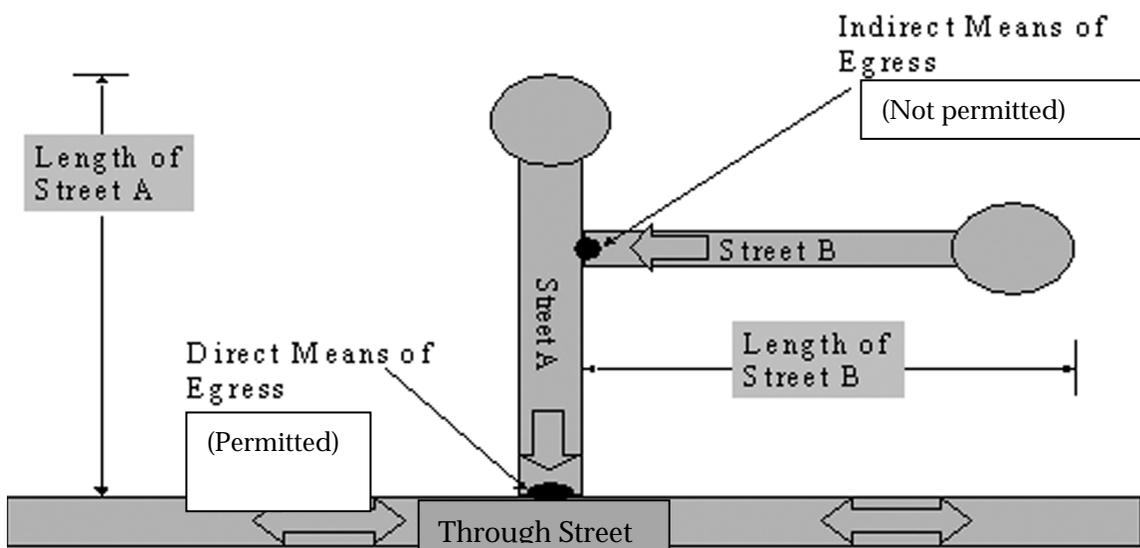
Sec. 17-701.04. - Connectivity.

- (a) To facilitate the appropriate movement of pedestrian and automobile traffic, the roads and streets in each development project shall provide sufficient connections in multiple directions, to multiple properties, and, if applicable, to local and higher order roadways.
- (b) Proposed streets shall be constructed to the boundary line of every adjoining property where an existing street terminates at the property line, where a future street is planned to terminate at the property line, and to multiple directions within urban growth areas designated in the comprehensive plan or any other plan adopted by the county.
- (c) In the compact area, streets shall be interconnected in a system of blocks. Not more than twenty (20) percent of the total number of blocks in the project may exceed a total of two thousand (2,000) feet in total perimeter length, measured from the centerline of the street.
- (d) In the suburban area, networks of streets, sidewalks, and multi-use paths shall provide direct pedestrian movement throughout the development and to adjoining property.
- (e) In the rural area, roadways shall provide connections to adjoining properties or streets in varying directions.
- (f) Road construction may be phased, but connectivity requirements shall be met at full build-out.
- (g) Exceptions.
 - (1) The connectivity standards may be reduced by the zoning administrator where constrained by one (1) or more the following features:
 - a. Railroad tracks;
 - b. Limited access highway;
 - c. An existing navigable river or a standing body of water with a depth greater than four (4) feet under normal conditions;
 - d. Jurisdictional wetlands;
 - e. Terrain grades in excess of twenty (20) percent; and
 - f. Government-owned property with restrictions upon development such as military installations; parks, as defined, and in existence prior to the submission of the development proposal for the network addition; and land under conservation easements recognized by the county.

Sec. 17-701.05. - Dead-end streets, public and private.

- (a) All dead-end streets shall terminate in a VDOT approved cul-de-sac that meets the standards of the VDOT Road Design Manual and is approved by the fire marshal.
- (b) Dead-end streets shall not be less than two hundred (200) feet in length.
- (c) The length shall be measured from the end of the cul-de-sac to the closest intersection, which provides a means of egress from the development project, either directly or indirectly (see figure 1).
- (d) Dead-end streets shall connect to a through street that provides a direct means of egress (see figure 1).

Figure 1



- (e) Dead-end streets greater than eight hundred (800) feet in length shall be allowed if the following conditions are met:
 - (1) Approval in writing, by the fire marshal, VDOT, and director of public works;
 - (2) An easement from the turnaround to another street to provide a looped water system or the system is otherwise looped, unless otherwise approved by the director of public works.

This ordinance shall be effective from the 23rd day of January, 2019.

Supervisor Cuevas said he understands Supervisor Kyger means well in the conservation of space, but indicated saving land by building 200 apartments results in more schoolchildren per acre. He also noted some people do not get along well living in close proximity to neighbors, and said the manner in which owners manage their property (whether they allow smoking and pets; how well they enforce the regulations) affects the appearance of the apartment complex.

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ADJOURNMENT.

Chairman Breeden declared the meeting adjourned at 7:58 p.m.

Chairman