

February 28, 2018

The Regular Meeting of the Rockingham County Board of Supervisors was held on Wednesday, February 28, 2018, at 6:00 p.m. at the Rockingham County Administration Center, Harrisonburg, Virginia. The following members were present:

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

FREDERICK E. EBERLY, Election District #2 was absent

Also present:

BRYAN F. HUTCHESON, Sheriff

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
JENNIFER J. MONGOLD, Director of Human Resources
PHILIP S. RHODES, Director of Public Works
JAMES B. MAY, Senior Planner
DIANA C. STULTZ, Zoning Administrator
TAMELA S. GRAY, Deputy Clerk
DONALD F. KOMARA, Residency Administrator
Virginia Department of Transportation
C. BURGESS LINDSEY, Assistant Residency Administrator
Virginia Department of Transportation
MAURICIO CAMPOS, Engineer Trainee
Virginia Department of Transportation

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

Vice-Chairman Cuevas called the meeting to order at 6:03 p.m. Vice-Chairman Cuevas gave the Invocation and County Attorney Miller led the Pledge of Allegiance.

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RECOGNITION – JAMES WILLIAM “BUCKY” BERRY AND BRENT BERRY.

Administrator King recognized James William “Bucky” Berry and his son, Brent, as incredible community servants. He noted that Mrs. Berry is also involved with the food drives.

Administrator King read the inscription on a plaque expressing the Board’s continued appreciation for 10 years of the “Bust Hunger in the ‘Burg and Rockingham County” food drive spearheaded by Brent Berry and his family to donate food to the Salvation Army food pantry.

Vice-Chairman Cuevas presented the plaque to Bucky and Brent Berry, stating it is with a great deal of pride and appreciation that the Board recognizes the Berry family for their contribution to the community by consistently conducting food drives that receive large quantities of food.

Mr. Berry complimented Sheriff Hutcheson and his staff for assisting with the food drives, and noted Supervisor Kyger and Turner Ashby High School students have gone the extra mile in collecting food. He noted the percentage of students that receive reduced lunches in various jurisdictions.

Mr. Berry thanked the Board for their support.

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WELCOME – ERIC D. CAMPBELL, HARRISONBURG CITY MANAGER.

Harrisonburg City Councilman Ted Byrd introduced the new city manager, Eric Campbell. Mr. Campbell, a native of Richmond, Virginia, has worked for local governments in eastern Virginia; Charlotte, North Carolina; and Dallas, Texas. Mr. Byrd stated that the City will continue to work jointly and cooperatively with the County to build a positive local government for future generations.

Mr. Campbell said he was aware of the positive relationship between the City and County when he applied for the position and he hopes to continue the tradition of cooperation and collaboration. Mr. Campbell noted he has had several conversations with Administrator King since his arrival and looks forward to working with the Board and County staff.

On behalf of the Board, Vice-Chairman Cuevas welcomed Mr. Campbell and presented him with mementoes representative of Rockingham County and its rich agricultural heritage.

Vice-Chairman Cuevas also recognized Councilman Byrd and expressed appreciation for the relationship he cultivated with the Board over the years as one of the City's representatives on the City/County Liaison Committee.

Administrator King said he is excited about Mr. Campbell joining the community, and the experience he brings from working in larger cities. He believes Mr. Campbell will be able to provide guidance with decision making and actions affecting the City and County. Administrator King noted it has been a privilege to work with Mr. Campbell so far, and he looks forward to the future and a continued friendly relationship.

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INTRODUCTION OF STUDENTS.

Students from Turner Ashby High School introduced themselves to the Board.

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APPROVAL OF MINUTES.

On motion by Supervisor Chandler, seconded by Supervisor Breeden, and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; CUEVAS – AYE; EBERLY – ABSENT; KYGER – AYE; the Board approved the minutes of the regular meeting of February 14, 2018.

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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 noted a public hearing regarding the realignment of Oakwood Drive (Route 704) and Cecil Wampler Road (Route 704), and converting South Valley Pike

(Route 11) into a four-lane, divided highway from the Harrisonburg City limits south to Cecil Wampler Road and Oakwood Drive (Route 704) will be held in the spring or early summer. In response to a question from Administrator King, Mr. Komara said construction on the project is scheduled to begin in 2021.

Mr. Komara reported improvements will be made to the curve on Friedens Church Road (Route 682) near the Friedens Church.

Mr. Komara noted he and his staff attended a public hearing earlier in the day regarding realigning the northbound exit 245 ramp from Interstate 81 with Forest Hills Drive at Port Republic Road (Route 253).

Recent maintenance work includes brush cutting, road grading, building shoulders and pipe lining.

Mr. Komara reported that the Spring Transportation Conference will be held May 3, 2018, but a location has not yet been determined.

Supervisor Kyger asked Mr. Komara if Oakwood Drive (Route 704) is wide enough for a left and right turn lane from Oakwood Drive onto South Valley Pike (Route 11). Supervisor Kyger said a right turn lane would ease traffic on Oakwood Drive temporarily until the intersection improvement is completed. He hopes there will be a right and left turn lane when the project is completed. Mr. Komara said there are some improvements slated for that project and he will look into that possibility.

Supervisor Kyger reported that a citizen spoke with Chairman Eberly about the condition of Slab Road (Route 734) during the winter. The dirt road is scheduled for rough tire and chipping in 2022, but it is an important connector road for agricultural commerce since it serves as a cut-through for poultry and feed trucks, as well as traffic going to the Shenandoah Valley Produce Auction. He said many farm vehicles also use Slab Road and tear it up. Supervisor Kyger requested that Slab Road be advanced on the schedule, and noted there should not be a problem obtaining rights of way.

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COUNTY ADMINISTRATOR’S STAFF REPORT.

The Board received and reviewed Administrator King’s staff report dated February 23, 2018.

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COUNTY ATTORNEY’S STAFF REPORT.

Mr. Miller reported on County Code Section 17-603 pertaining to zoning ordinances and issuing special use permits. He said the manner in which the ordinance is currently worded led the Rockingham County Circuit Court to rule that the Board needs to make explicit findings of fact prior to issuing special use permits. Mr. Miller drafted language that makes it clear those statements do not need to be explicit findings of fact when issuing a special use permit, but are a guideline to be considered. Rather than modify Section 17-603, another option is to repeal the section and add concepts to another section of the County Code in Article X, Section 17-1003. If the Board so desires, he asked that it instruct staff to finalize both options to be submitted for consideration by the Planning Commission and recommendation to the Board for a possible amendment to the Zoning Ordinance.

On motion by Supervisor Kyger, seconded by Supervisor Breeden, and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; CUEVAS – AYE; EBERLY – ABSENT; KYGER – AYE; the Board authorized the County Attorney and staff to draft amendments to County Code Section 17-603 and Article X, Section 17-1003, to be forwarded to the Planning Commission for consideration and recommendation to the Board.

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ASSISTANT COUNTY ADMINISTRATOR'S STAFF REPORT.

Mr. Anas said he attended the Virginia 2018 Governor’s Wine Cup Awards in Richmond, where two Rockingham County vineyards won awards. Bluestone Vineyard won two gold medals and Cross Keys Vineyard was selected for the Governor’s case. He noted 400 wines from 100 wineries were tasted by 40 judges, and Cross Keys was rated in the top 12.

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COMMUNITY DEVELOPMENT DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mr. Armstrong’s staff report dated February 28, 2018.

Supervisor Breeden asked Mr. Miller to read into record the “Board of Supervisors of Rockingham County, Virginia, Resolution Regarding Certain Findings of Fact Pursuant to Rockingham County Code Section 17-603.” Mr. Miller read the following:

**BOARD OF SUPERVISORS OF ROCKINGHAM COUNTY, VIRIGINA,
RESOLUTION REGARDING
CERTAIN FINDINGS OF FACT PURSUANT TO
ROCKINGHAM COUNTY CODE
SECTION 17-603**

WHEREAS on May 24, 2017, the Board of Supervisors of Rockingham County conducted public hearings on requests for a rezoning (REZ17-058) from A-1 to A-2 and a special use permit (SUP17-059) for a 7.7-acre portion of tax parcel 114-(A)-127, located on the south side of Bethel Church Road, approximately 1100’ west of River Road, and

WHEREAS during the hearings oral and written comments were received from members of the public, comprised largely of people who live, work, operate farms and own real estate in the vicinity of the subject property, and

WHEREAS the comments received were both in favor of and opposed to the rezoning and the special use permit, and

WHEREAS comments in favor were offered by numerous neighbors who stated that the vehicle and equipment repair operation that was the subject of the rezoning and the special use permit applications provided an important service to the surrounding agricultural community, that the repair facility would add no noise to the area greater than that noise already associated with the existing poultry operation, that the architectural design fits well with its surroundings, one farmer noting that he could not remain in business without his farm truck, which had been repaired at the subject facility numerous times, others noting the reputation of the applicant for good character, work ethic, facility cleanliness and environmental awards, and

WHEREAS comments in opposition were offered primarily by members of one family that owns property across Bethel Church Road from the subject property, the family members stating that the repair facility had been established without obtaining the proper permits, a business road had been completed without consulting VDOT, a 12-foot drainage pipe had been run to Quail Run presumably to carry farm waste to the stream, that no buffering was proffered, that an automotive repair shop does not fit into and that it would change the character of the area, that the repair facility would increase traffic at a dangerous point on Bethel Church Road, namely, a 90 degree turn, and that the repair facility would be no less convenient if located in a business district one mile distant from the subject property, and

WHEREAS, the Board heard additional concerns about hours of operation, lighting signage not being addressed by proffers or conditions, and the Board heard from staff that these issues were dealt with in the County Code, and

WHEREAS the Board of Supervisors tabled both applications until the Board could visit the site and further examine the concerns and oppositions raised, and

WHEREAS, at its regular meeting on June 14, 2017, after a site visit, the Board took REZ17-058 and SUP17-059 off the table and approved both by 5 – 0 votes, with conditions to the special use permit taking into account and directly addressing comments and concerns raised during the public hearing, such as but not limited to, which entrance to the property would be used for the repair facility, signage only in accordance with the County Code, the business entrance would be paved to cut down on dust and noise, lighting would be downward only, and all county supplemental standards would be followed, and

WHEREAS one neighboring family challenged both the rezoning and the special use permit in circuit court, the rezoning primarily on the grounds it constituted spot zoning and the special use permit primarily on the grounds the Board of Supervisors failed to follow the requirements of Rockingham County Code Section 17-603, to wit, to make certain findings of fact, and

WHEREAS the Circuit Court of Rockingham County ruled in a letter opinion dated February 12, 2018, that the rezoning does not constitute illegal spot-zoning and was therefore upheld, but that County Code Section 17-603 does not permit implicit findings of fact, but rather requires explicit findings on the four facts enumerated therein, and that the Board failed to make such explicit findings of facts, and

WHEREAS the Court noted that the “Planning Commission’s Special Use Permit Report did outline these four factors . . . [h]owever, this report did not detail whether these factors were found or issue any recommendation to the Board”, and

WHEREAS the Court also noted that “It would not have been difficult for the Board to issue a resolution specifying that it found as a fact that each of the four items described in the Ordinance were satisfied. Nevertheless, the Board failed to make any record that it considered the four factors or found that any of them were satisfied”, and

WHEREAS the four factors referred to by the Court, found in County Code Section 17-603 are, that the proposed use (1) is compatible with the surrounding uses and the comprehensive plan, (2) is not detrimental to the character of adjacent land, (3) is consistent with the intent of Chapter 17, Zoning, of the County Code, and (4) is in the public interest, and

WHEREAS the Board of Supervisors of Rockingham County, having given due consideration to all matters and issues raised in its own record and the record of the proceedings in the Circuit Court, including the Court’s Opinion, and

WHEREAS the Board, desiring and intending to follow the ruling of the Circuit by “issu[ing] a resolution specifying that it [finds] as a fact that each of the four items described in the Ordinance were satisfied”,

BE IT THEREFORE RESOLVED THAT the Board of Supervisors of Rockingham County, Virginia, based upon the records before it, and taking into consideration all comments, questions and concerns, both in favor and in opposition to the requested special use permit, by the adoption of this Resolution, specifically and explicitly finds, as matters of fact, that SUP17-059, with those 13 conditions set forth in the Board’s minutes of its June 14, 2017 meeting,

1. is compatible with the surrounding uses and the comprehensive plan,
2. is not detrimental to the character of adjacent land,
3. is consistent with the intent of Chapter 17, Zoning, of the County Code, and
4. is in the public interest.

BE IT FURTHER RESOLVED THAT SUP17-059, with those conditions previously referred to and the additional conditions that (1) the hours during which the repair facility

is open to the public shall not begin before 7:00 a.m. and shall not continue past 7:00 p.m. and, (2) if the owner is working in the repair facility after 7:00 p.m. and before 7:00 a.m. the overhead doors facing the public road shall remain shut, is hereby approved.

Mr. Miller noted adoption of the resolution would result in the reissuance of special use permit 17-059 for Willis L. Heatwole/Bethel Bend Farm, LLC after making those specific findings and facts.

On motion by Supervisor Breeden, seconded by Supervisor Kyger, and carried by a roll call vote of 4 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; CUEVAS – AYE; EBERLY – ABSENT; KYGER – AYE; the Board adopted the resolution entitled “Board of Supervisors of Rockingham County, Virginia, Resolution Regarding Certain Findings of Fact Pursuant to Rockingham County Code Section 17-603.”

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COMMITTEE REPORTS.

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

AIRPORT

Supervisor Kyger said he did not attend the Shenandoah Valley Regional Air Service Forum on February 23, 2018, but understood there was an appeal encouraging travelers in the community to fly from Shenandoah Valley Regional Airport, rather than larger airports. He noted a top flight air carrier is coming to Shenandoah Valley Regional Airport in April, but passengers are required in order for them to remain as the regional airport carrier.

Vice-Chairman Cuevas indicated he, Administrator King and Assistant County Administrator Anas attended the meeting. He said if there are not enough passengers traveling to Dulles and Chicago, the Valley could lose the air services.

MASSANUTTEN REGIONAL LIBRARY

Supervisor Chandler indicated the library committee met recently to discuss their preliminary budget.

OTHER

County Attorney Miller advised that Richard Monger declined the February 10, 2018 nomination to the Board of Equalization.

On motion by Supervisor Breeden, seconded by Supervisor Chandler and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; CUEVAS – AYE; EBERLY – ABSENT; KYGER – AYE; the Board nominated Basil Hangemanole (District 5) for appointment by the Circuit Court to the Board of Equalization for the general reassessment of real estate currently underway in the County.

Supervisor Breeden indicated Mr. Hangemanole is a realtor with Kline & May Realty, and he already spoke with Commissioner of the Revenue Barb.

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COMMITTEE APPOINTMENT.

On motion by Supervisor Chandler, seconded by Supervisor Kyger and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE;

CUEVAS – AYE; EBERLY – ABSENT; KYGER – AYE; the Board appointed Peter Dula to the Rockingham Bicycle Advisory Committee for a term which will expire December 31, 2020.

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CLOSED MEETING.

On motion by Supervisor Breeden, seconded by Supervisor Chandler, and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; CUEVAS – AYE; EBERLY – ABSENT; KYGER – AYE; the Board recessed the meeting from 6:50 p.m. to 7:11 p.m., for a closed meeting pursuant to 2.2-3711.A, (1), Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body.

MOTION: SUPERVISOR KYGER RESOLUTION NO: 18-02
SECOND: SUPERVISOR CHANDLER MEETING DATE: FEBRUARY 28, 2018

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, KYGER
NAYS: NONE
ABSENT: EBERLY

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RECESS.

At 7:12 p.m., Vice-Chairman Cuevas declared the regular meeting recessed for a meeting of the Smith Creek Water and Waste Authority.

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CALL TO ORDER.

At 7:16 p.m., Vice-Chairman Cuevas called the regular meeting back to order.

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PUBLIC HEARING – REZONING REQUESTS.

At 7:16 p.m., Vice-Chairman Cuevas opened the public hearing and explained the public hearing procedures. Mr. May reviewed the following rezoning requests:

REZA17-329 Durwood Michael, 2340 South Main Street, Harrisonburg VA
22801, request to rezone the R-1, Low Density Residential portion

of a 32.125-acre property located at the end of Town Reservoir Lane (private), approximately 1000' east of Forestville Road (Route 42), to A1C-Prime Agricultural with Conditions. The Comprehensive Plan identifies this area as Agricultural Reserve. Election District 1.

Mr. May explained that the applicants wish to execute a division of the property. By rezoning the residentially-zoned portion of the parcel to A-1, they can eliminate the requirement for a VDOT-maintained right of way, which would be expensive. The A-1 division requirements will be enforced.

Mr. May noted that the Timberville Town Council had concerns about specific intensive agricultural uses. In response to the concern, the applicants submitted a proffer statement eliminating a feedlot operation, dairy operation, swine operation and biomass facility.

In response to a question from Administrator King, Mr. May explained that a biomass facility converts agricultural waste into energy.

The Planning Commission recommended approval on February 6, 2018.

No one spoke in favor or opposition to the request.

REZ17-330 Sunnyside Retirement Community, 566 East Market Street, Harrisonburg VA 22801, request to rezone a 27.11-acre portion of a 46.994-acre parcel, located on the east side of Massanetta Springs Road (Route 687) approximately 0.6 mile north of Shen Lake Drive (Route 689) from R-2, Medium Density Residential, to R-5, Planned Neighborhood. The Comprehensive Plan identifies the area for Community Residential development. Tax map #126-(A)-L44B, Election District 3.

Mr. May noted the Sunnyside Master Plan has been amended along with the rezoning request to accommodate better traffic flow and change the development layout. The current amendment to the Master Plan includes the construction of 10 cottages, 18 villas, and a memory care unit; expansion of the café; and relocation of the entrance. If Sunnyside wants to redevelop or add more units, they will have to request another amendment to the Master Plan.

The Planning Commission recommended approval on February 6, 2018.

Jack Broaddus, President and Chief Executive Officer of Sunnyside, indicated the retirement village has been part of the County since 1955. There has been continuous growth within the Sunnyside community, and they want to continue that growth to be an option for the 10,000 baby boomers that turn 65 each day.

Mr. Broaddus reminded the Board that Sunnyside purchased property from Lakeview Development Corp. in January 2017 for further expansion. Sunnyside wants to move forward on a wellness center and new entrance into their campus. No time line has been set, but the strategic plan is to move forward on the critical items. Mr. Broaddus noted that Sunnyside employs 350 full-time and part-time staff, and the expansion will bring additional employment to the campus.

Mr. Broaddus noted that Josh Lyons, Sunnyside Executive Director, and Dick Blackwell from Blackwell Engineering, were in attendance.

Lynn Smith stated she lives near the property Sunnyside purchased from Lakeview, and asked if there was a map showing the future expansion at Sunnyside. Ms. Smith expressed concern that Lakeview Golf Course wanted to construct a road and build a development on the property. She asked if the road would still be constructed. Ms. Smith

hopes the wetlands, stream and large trees on the property will be protected as a resource for future generations.

Ms. Smith said she knows people who have lived at Sunnyside and their families are grateful for the amenities. She wishes Sunnyside well, but hopes attention will be given to the beauty of the area.

Dick Blackwell stated the wetlands and stream on the property will be maintained as they are currently. That was part of the commitment to Lakeview when Sunnyside purchased the property, he said.

Mr. Broaddus noted Sunnyside's intent is to create a park environment, not a massive development. They will upgrade the paths used by golf carts and plan to turn the acreage behind Massanetta Springs into a green park area. Sunnyside has a commitment to sustainability and desire a balance between resources for retirees and protecting the environment.

No one spoke in opposition to the request.

REZ17-334 Rockingham County, 20 East Gay Street, Harrisonburg VA 22802, request to rezone a 4-acre portion of tax map #142-(A)-L89, located on the south side of Three Springs Road (Route 650) approximately 3000' west of Power Dam Road (Route 651), from A-1, Prime Agricultural, to S-1, Public Service for public water treatment facility/well. In the Comprehensive Plan the property is shown as Agricultural Reserve. Election District 5.

The Planning Commission recommended approval on February 6, 2018.

No one spoke in favor or opposition to the request.

Vice-Chairman Cuevas closed the public hearing at 7:34 p.m.

Vice-Chairman Cuevas said he visited the Durwood Michael (Mildred Baum Farm Division) site and spoke with the Timberville Town Manager about the request. He has not heard any concerns from neighbors. Vice-Chairman Cuevas noted the owner would like to separate an older house on the site from the rest of the 29 acres. The intent is to build a house and use the remaining acreage for recreational horses; there is no intent to place a housing development on the property, he said.

On behalf of Vice-Chairman Cuevas, on motion by Supervisor Kyger, seconded by Supervisor Chandler, and carried by a roll call vote of 4 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; CUEVAS – AYE; EBERLY – ABSENT; KYGER – AYE; the Board, subject to the following proffers, approved REZA17-329, Durwood Michael, 2340 South Main Street, Harrisonburg VA 22801, to rezone the R-1, Low Density Residential portion of a 32.125-acre property located at the end of Town Reservoir Lane (private), approximately 1000' east of Forestville Road (Route 42), to A1C-Prime Agricultural with Conditions. The Comprehensive Plan identifies this area as Agricultural Reserve. Election District 1.

Proffers:

Mildred Baum hereby proffer(s) that the use and development of this property shall be as follows:

The property shall not be used for:

1. Feedlot operation

- 2. Dairy operation
- 3. Swine operation
- 4. Biomass facility

This proffer shall run with the land, approximately 29 acres

My intent is to pasture cattle and horses.

Supervisor Chandler said Sunnyside has developed an aesthetically-appealing, environmentally-friendly campus and the property expansion fits well with the neighborhood.

Supervisor Chandler made a motion, which was seconded by Supervisor Breeden, to approve REZ17-330, Sunnyside Retirement Community, 566 East Market Street, Harrisonburg VA 22801, to rezone a 27.11-acre portion of a 46.994-acre parcel, located on the east side of Massanetta Springs Road (Route 687) approximately 0.6 mile north of Shen Lake Drive (Route 689) from R-2, Medium Density Residential, to R-5, Planned Neighborhood. The Comprehensive Plan identifies the area for Community Residential development. Tax map #126-(A)-L44B, Election District 3.

Vice-Chairman Cuevas said due to the diversity of people moving into retirement communities, Sunnyside makes a special effort not to offend anyone who may be environmentally minded.

Carried by a roll call vote of 4 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; CUEVAS – AYE; EBERLY – ABSENT; KYGER – AYE; the Board, subject to the Master Plans, approved REZ17-330, Sunnyside Retirement Community, 566 East Market Street, Harrisonburg VA 22801, to rezone a 27.11-acre portion of a 46.994-acre parcel, located on the east side of Massanetta Springs Road (Route 687) approximately 0.6 mile north of Shen Lake Drive (Route 689) from R-2, Medium Density Residential, to R-5, Planned Neighborhood. The Comprehensive Plan identifies the area for Community Residential development. Tax map #126-(A)-L44B, Election District 3.

(Note: A copy of the Sunnyside Retirement Community Master Plan dated December 15, 2017 is attached to and made a part of these minutes.)

Supervisor Breeden noted that the County developed a well on the Three Springs Road/Power Dam Road site, and he indicated the request meets the following criteria:

- The use is compatible with surrounding uses, and the comprehensive plan
- Is not detrimental to the character of adjacent land,
- Is consistent with the intent of Chapter 17, Zoning, of the County Code, and
- Is in the public interest.

On motion by Supervisor Breeden, seconded by Supervisor Chandler, and carried by a roll call vote of 4 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; CUEVAS – AYE; EBERLY – ABSENT; KYGER – AYE; the Board approved REZ17-334, Rockingham County, 20 East Gay Street, Harrisonburg VA 22802, to rezone a 4-acre portion of tax map #142-(A)-L89, located on the south side of Three Springs Road (Route 650) approximately 3000' west of Power Dam Road (Route 651), from A-1, Prime Agricultural, to S-1, Public Service for public water treatment facility/well. In the Comprehensive Plan the property is shown as Agricultural Reserve. Election District 5.

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PUBLIC HEARING - ORDINANCE AMENDMENTS.

At 7:40 p.m., Vice-Chairman Cuevas opened the public hearing and Ms. Stultz reviewed the following proposed ordinance amendments.

OA17-317 Amendment to the Rockingham County Code, Chapter 17 (Zoning), Table 17-606 (Land Use and Zoning Table) to add sports complex as a permitted use with supplemental standards (P*) in the I-1, Industrial Zoning District.

Ms. Stultz noted the supplemental standards would include:

- A. All outdoor events shall be scheduled so as to complete all activity by 11:00 p.m.
- B. A lighting plan shall be submitted and shall include the lighting requirements for each sports field, the specifications and technical measures showing how those requirements will be achieved.

The Planning Commission recommended approval on February 6, 2018.

No one spoke in favor or opposition to the proposed ordinance amendment.

OA17-318 Amendment to the Rockingham County Code, Chapter 17 (Zoning), Table 17-806.01 Area, Setback, and Height Standards – Conventional, to reduce the setbacks in the RR-1, Residential or Recreational Zoning District as follows: Single-family detached dwellings and manufactured homes reduce minimum side setback from 35' to 15' and minimum rear setback from 35' to 25'; accessory structures which are 580 sq. ft. or less of floor area, reduce minimum side setback from 35' to 5' and minimum rear setback from 35' to 5'; and accessory structures which are more than 580 sq. ft. of floor area, reduce side setback from 35' to 15' and minimum rear setback from 35' to 25'.

Ms. Stultz noted that currently in the RR-1 Residential or Recreation, all structures, dwellings and accessory structures have to be 35' from the property line. In looking at this, it seemed the County was forcing garages to be farther away from the property line or house, and not the best place for it to be located on the property, she said.

The change will be the same as in the A-1 and A-2 zoning districts to allow better use of the land due to the terrain and enable the landowner to better locate their structures.

The Planning Commission recommended approval on February 6, 2018.

No one spoke in favor or opposition to the request.

At 7:44 p.m., Vice-Chairman Cuevas closed the public hearing.

On motion by Supervisor Chandler, seconded by Supervisor Kyger, and carried by a roll call vote of 4 to 0, voting recorded as follows: BREEDEN - AYE; CHANDLER - AYE; CUEVAS - AYE; EBERLY – ABSENT; KYGER - AYE; the Board approved the following two ordinance amendments:

**ORDINANCE AMENDING
TABLE 17-606
OF THE CODE OF ORDINANCES
OF
ROCKINGHAM COUNTY, VIRGINIA**

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

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

ADD:

Sports Complex as a permitted use with supplemental standards (P*) in the I-1 zoning district.

This ordinance shall be effective from the 28th day of February, 2018.

**ORDINANCE AMENDING
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 Table 17-806.01 Area, Setback, and Height Standards - Conventional be and hereby is amended as follows:

Table 17-806.01 Area, Setback, and Height Standards - Conventional

RR-1, Residential or Recreational

Single-family detached dwellings and Manufactured homes reduce Minimum Side Setback from 35 feet to 15 feet and Minimum Rear Setback from 35 feet to 25 feet.

Accessory structures which are 580 sq. ft. or less of floor area, reduce Minimum Side Setback from 35 feet to 5 feet and Minimum Rear Setback from 35 feet to 5 feet.

Accessory structures, which are more than 580 sq. ft. of floor area, reduce Minimum Side Setback from 35 feet to 15 feet and Minimum Rear Setback from 35 feet to 25 feet.

This ordinance shall be effective from the 28th day of February, 2018.

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CLOSED MEETING.

On motion by Supervisor Kyger, seconded by Supervisor Chandler, and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; CUEVAS – AYE; EBERLY – ABSENT; KYGER – AYE; the Board recessed the meeting from 7:45 p.m. to 8:21 p.m., for a closed meeting pursuant to 2.2-3711.A, (1), Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body; and (8), Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel.

MOTION: SUPERVISOR CHANDLER RESOLUTION NO: 18-03
SECOND: SUPERVISOR BREEDEN MEETING DATE: FEBRUARY 28, 2018

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, KYGER
NAYS: NONE
ABSENT: EBERLY

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ADJOURNMENT.

Vice-Chairman Cuevas declared the meeting adjourned at 8:22 p.m.

Vice-Chairman