



**STEPHEN G. KING**  
County Administrator



**ROCKINGHAM COUNTY**

**BOARD OF SUPERVISORS**  
**DEWEY L. RITCHIE**  
Election District No. 1  
**SALLIE WOLFE-GARRISON**  
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**  
October 26, 2022

- 3:00 P.M. PRESENTATION OF SERVICE AWARDS
- 3:45 P.M. SITE VISITS
- 4:45 P.M. DINNER AND UPDATE PROVIDED BY EXTENSION LEADERSHIP COUNCIL  
FIRE AND RESCUE TRAINING ROOM
- 6:00 P.M. CALL TO ORDER – CHAIR SALLIE WOLFE-GARRISON  
INVOCATION – SUPERVISOR RICK L. CHANDLER  
PLEDGE OF ALLEGIANCE – ASSISTANT COUNTY ADMINISTRATOR FOR OPERATIONS  
CASEY B. ARMSTRONG
- 1. Approval of Minutes – Regular Meeting of October 12, 2022
- 2. Report – Virginia Department of Transportation – Residency Administrator Donald F. Komara
- 3. Staff Reports:
  - a. County Administrator – Stephen G. King
  - b. County Attorney – Thomas H. Miller, Jr.
  - c. Assistant County Administrator for Development – Casey B. Armstrong
  - d. Assistant County Administrator for Finance & Operations – Patricia D. Davidson
    - Finance Committee
  - e. Director of Public Works – Philip S. Rhodes
  - f. Director of Community Development – Rhonda H. Cooper
- 4. Committee Reports: Airport, Buildings and Grounds, Central Shenandoah Planning District Commission, Chamber of Commerce, Community Criminal Justice Board, Harrisonburg-Rockingham Metropolitan Planning Organization, Harrisonburg-Rockingham Regional Sewer Authority, Massanutten Regional Library, Shenandoah Valley Partnership, Social Services, Technology, VACo Liaison, Chairman, Other
- 7:00 P.M. 5. Public Hearings:
  - a. Ordinance Amendments:
    - OA22-2095 Amendment to the Rockingham County Code, Chapter 17 (Zoning Ordinance), Section 17-405 Planned Neighborhood district (R-5), Subsection 17-405.02 (f) to clarify repetitive language and make clear that designated ‘neighborhood center’ areas in R-5 (Planned Neighborhood) zoning districts shall not exceed twenty (20) percent of the total project area.
    - OA22-1216 Staff-generated ordinance amendment to amend sub section 17 607 (a) Solar Energy Facility, Large, be so that the ordinance as repealed and reenacted November 17, 2021, shall not apply to applications for special use permits for large solar energy facilities if the application was accepted as complete prior to November 17, 2021.
  - b. Rezoning - REZ22-1801 Jonathan Mannix, 3210 Wansleigh Pl, Rockingham VA. This is a request to rezone 3.393 acres from A-2 (General Agricultural) to B-1 (General Business). The property is located immediately southeast of the intersection of Ridgedale Road (Rt 710) and M & N Drive (private). Tax Map #125-(23)- LA. Election District 4.
  - c. Vacation And Abandonment of an undeveloped alley or street located on the west side of Panorama Drive approximately 1000’ west of North East Side Highway (Rt 340). Said alley runs east-west across tax parcel #115-(A)-L160D4. Election District 5.
- 6. Unfinished Business

October 12, 2022

The Regular Meeting of the Rockingham County Board of Supervisors was held on Wednesday, October 12, 2022, at 3:00 p.m., at the Rockingham County Administration Center, Harrisonburg, Virginia.

The following members were present:

- DEWEY L. RITCHIE, 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:

- J. DANIEL CULLERS, Commissioner of the Revenue
- BRYAN F. HUTCHESON, Sheriff

- STEPHEN G. KING, County Administrator
- THOMAS H. MILLER, JR., County Attorney
- CASEY B. ARMSTRONG, Assistant County Administrator for Development
- PATRICIA D. DAVIDSON, Assistant County Administrator for Finance & Operations
- RHONDA H. COOPER, Director of Community Development
- KIRBY W. DEAN, Director of Parks & Recreation
- JENNIFER J. MONGOLD, Director of Human Resources
- ROSS C. MORLAND, Director of Engineering
- TERRI M. PERRY, Director of Technology
- PHILIP S. RHODES, Director of Public Works
- MICHAEL L. BOWEN, Deputy Director of Technology
- KELLY S. GETZ, Zoning Administrator
- DYLAN L. NICELY, Land-Use Planner
- RACHEL A. SALATIN, Deputy Director of Community Development
- JESSICA G. KILBY, Deputy Clerk

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

Chair Wolfe-Garrison called the meeting to order at 3:00 p.m.

Supervisor Kyger provided the invocation, and Assistant County Administrator Davidson led the Pledge of Allegiance.

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**APPROVAL OF MINUTES.**

On motion by Supervisor Ritchie, seconded by Supervisor Chandler, and carried by a roll call vote of 4 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – ABSTAIN; RITCHIE – AYE; WOLFE-GARRISON – AYE; the Board approved the minutes of the regular meeting of September 28, 2022.

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**COMMISSIONER OF THE REVENUE – REFUND REQUESTS.**

Commissioner of the Revenue Cullers presented refund requests for overpayment of real estate taxes paid in tax years 2019, 2020, 2021, and 2022.

On motion by Supervisor Chandler, seconded by Supervisor Kyger, and carried by a roll call vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; RITCHIE – AYE; WOLFE-GARRISON – AYE; the Board directed the Treasurer to issue a tax refund of \$18,731.27 to Perdue Foods Partnership LLC, for overpayment of real estate taxes paid in tax year 2022.

On motion by Supervisor Chandler, seconded by Supervisor Kyger, and carried by a roll call vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; RITCHIE – AYE; WOLFE-GARRISON – AYE; the Board directed the Treasurer to issue the following tax refunds for overpayment real estate taxes paid in tax years 2019, 2020, and 2021:

- 1. Elkmont Manor LLC \$17,451.77
- 2. Grottoes Manor LLC \$12,795.17
- 3. Grottoes II Limited Partnership \$16,563.36
- 4. Grottoes III Limited Partnership \$ 9,402.98

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**PRESENTATION – ANAEROBIC DIGESTER FEASIBILITY STUDY.**

Mark Gutberlet, P.E., EA Engineering, reviewed a Feasibility Study for Anaerobic Digestion of organic waste processing in the County. Data from the study concluded that 1.9 million tons of organic feedstocks are generated per year in the County. Of that, the study group focused on four main sources: Landfill, Innovation Village, McGaheysville Lagoon, and North River Wastewater Treatment Facility.

It was noted that the Landfill is well-suited for an Anaerobic Digester facility. Mr. Gutberlet reviewed a conceptual facility design and economic analysis. Capital costs were estimated at \$50 to \$60 million, with an annual operating cost of \$1 million, and an estimated tipping fee of \$63-68 dollars to break even. As far as revenue, biogas generation was estimated at 600 cubic feet per minute, which could be used for facility electricity. Digestate generation of 90,000 tons per year is expected according to the study.

In summary, data from the study concluded there is sufficient agricultural waste, dairy waste, and food processing residuals to pursue an Anerobic Digester in the County; however, additional data is required to refine economic analysis. Mr. Gutberlet noted that a Public-Private Partnership would shift expenses and risk to a private entity.

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**ASSISTANT COUNTY ADMINISTRATOR FOR FINANCE AND OPERATIONS.**

Mrs. Davidson presented proposed revisions to the Financial Policy Guidelines. She noted that the accounting, auditing and financial reporting section was updated to include regular quarterly financial reports. The operating budget section was revised to include developing and updating a five-year financial plan. The general fund reserve section was modified to set aside one percent of the County’s general fund revenues as an unassigned budget stabilization reserve.

On behalf of the Finance Committee, on motion by Supervisor Chandler, seconded by Supervisor Ritchie, and carried by a roll call vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; RITCHIE – AYE; WOLFE-GARRISON – AYE; the Board approved the revisions to the County’s Financial Policy Guidelines.

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Mrs. Davidson reviewed updates to the Federal Grants Manual and pointed out the revisions are required by the Code of Federal Regulations.

On behalf of the Finance Committee, on motion by Supervisor Chandler, seconded by Supervisor Kyger, and carried by a roll call vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; RITCHIE – AYE; WOLFE-GARRISON – AYE; the Board approved the updates to the Federal Grants Manual as required by law.

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Mrs. Davidson recalled the County issued a Request for Proposals (RFP) for an Employee Compensation & Classification Study. Four proposals were submitted, and interviews were held on October 6 by the Review Committee, which recommended awarding the study to Baker Tilly at a cost not to exceed \$57,200.

On behalf of the Finance Committee, on motion by Supervisor Chandler, seconded by Supervisor Kyger, and carried by a roll call vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; RITCHIE – AYE; WOLFE-GARRISON – AYE; the Board authorized the County Administrator to award the Employee Compensation & Classification Study to Baker Tilly, and enter into a contract not to exceed \$57,200.

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Two bids were received for the Fieldale Sanitary Sewer Replacement per Mrs. Davidson. She reported that after a review of both bids, staff recommended awarding the project to Aaron J. Conner.

On behalf of the Finance Committee, on motion by Supervisor Chandler, seconded by Supervisor Ritchie, and carried by a roll call vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; RITCHIE – AYE; WOLFE-GARRISON – AYE; the Board authorized the County Administrator to award the Fieldale Sanitary Sewer Replacement to Aaron J. Conner, and enter into a contract not to exceed \$1,030,880; and approved the following Fiscal Year 2022-2023 supplemental appropriation:

**Fieldale Place Sewer Replacement**

The Fieldale Place Sewer Replacement project was originally budgeted as a rehabilitation project. The rehabilitation project was awarded; however, once the project began, it was determined that the infrastructure could not be rehabilitated but needed to be rebuilt. The County cancelled the project with the contractor and re-bid the project as a replacement. The low bid for the project was Aaron J. Conner in the amount of \$1,030,880.

Supplemental Appropriation: \$1,030,880

\$1,030,880	1401-00000-15201-000-352000-000	Miscellaneous Revenue
\$1,030,880	1401-04402-00000-000-508307-000	Sewer Line Construction

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On behalf of the Finance Committee, on motion by Supervisor Chandler, seconded by Supervisor Kyger, and carried by a roll call vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; RITCHIE – AYE; WOLFE-GARRISON – AYE; the Board approved the following Fiscal Year 2021-2022 Supplemental Appropriation:

**General Fund Appropriations**

The County was required to implement a new lease accounting budget line in fiscal year 2022. The entry required a re-class of lease payments to a special department causing that department to be over budget. The amount of the lease expenses for fiscal year 2022 is \$64,398.

The Health and Human Services function was over budget in fiscal year 2022 by \$250,000 largely due to the public assistance given for the tax relief for the elderly program. The payment to the Regional Health Department was also over budget by \$8,099. This was due to an error made by the health department during the FY22 budget process. The County Administrator approved the change to the FY22 allotted payments to the health department; however, an appropriation is still needed.

Supplemental Appropriation: \$313,498

\$ 64,398	GL Code: 1001-09601-00000-000-509150-000	General Fund: Leases
\$241,000	GL Code: 1001-05302-00000-000-505736-000	General Fund: Tax Relief
\$ 1	GL Code: 1001-05205-00000-000-509214-000	Community Services Board
\$ 8,099	GL Code: 1001-05101-00000-000-505601-000	General Fund: Health Dept.
\$313,498	GL Code: 1001-00000-15201-000-352000-000	General Fund: Fund Reserve

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On behalf of the Finance Committee, on motion by Supervisor Chandler, seconded by Supervisor Ritchie, and carried by a roll call vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; RITCHIE – AYE; WOLFE-GARRISON – AYE; the Board approved the following Fiscal Year 2021-2022 Supplemental Appropriation:

**Children’s Services Act**

The FY22 Children’s Services Act budget is over the amount allocated for the year due to the programs provided. Total expenditures for the year were \$12,667,320 compared to \$11,689,686 in FY21, with a City share of \$3,820,323 and the County share of \$8,899,512.

Supplemental Appropriation: \$1,676,951

\$ 750,000	GL Code: 1225-00000-15101-000-351000-000	CSA: Transfer from General Fund
\$ 926,951	GL Code: 1225-00000-12401-000-324200-000	CSA: State Revenue
\$1,676,951	GL Code: 1225-05318-10100-000-505714-000	CSA: Mandated Services, County
\$ 750,000	GL Code: 1001-09301-00000-000-509528-000	General Fund: Transfer to CSA
\$ 750,000	GL Code: 1001-00000-15201-000-352000-000	General Fund: Fund Reserve

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On behalf of the Finance Committee, on motion by Supervisor Chandler, seconded by Supervisor Kyger, and carried by a roll call vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; RITCHIE – AYE; WOLFE-GARRISON – AYE; the Board approved the following Supplemental Appropriations:

**Fiscal Year 2021-2022 Innovation Village @ Rockingham**

A supplemental appropriation in the amount of \$220,000 in order to cover the overage for Innovation Village @ Rockingham. The overage is primarily due to retainage being held for a contractor at the end of the fiscal year. The supplemental appropriation will be reversed in FY23. Staff recommended that the Board of Supervisors appropriate funds from the capital projects fund balance to cover the overage.

Supplemental Appropriation: \$220,000

\$220,000	GL Code: 1101-09401-00000-000-508330-000	Capital Projects: IV@R
\$220,000	GL Code: 1101-00000-15201-000-352000-000	Capital Proj Fund: Fund Balance

**Fiscal Year 2022-2023 Innovation Village @ Rockingham**

(\$220,000)	GL Code: 1101-09401-00000-000-508330-000	Capital Projects: IV@R
(\$220,000)	GL Code: 1101-00000-15201-000-352000-000	Capital Proj Fund: Fund Balance

**Fiscal Year 2021-2022 Road Improvement Projects**

A supplemental appropriation in the amount of \$65,000 to cover the overage for road improvements in fiscal year 2022. Staff recommended that the Board of Supervisors appropriate funds from the capital projects fund balance to cover the overage.

Supplemental Appropriation: \$65,000

\$65,000 GL Code: 1101-09401-00000-000-508358-000 Capital Projects: Road Improvement  
 \$65,000 GL Code: 1101-00000-15201-000-352000-000 Capital Proj Fund: Fund Balance

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On behalf of the Finance Committee, on motion by Supervisor Chandler, seconded by Supervisor Kyger, and carried by a roll call vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; RITCHIE – AYE; WOLFE-GARRISON – AYE; the Board approved the following Fiscal Year 2022-2023 Supplemental Appropriation:

**Road Improvements**

The county received funds from developers over the years for specific road improvement projects. VDOT was able to complete the road improvement projects without using the funds. The funds should be used for future road improvement projects. A supplemental appropriation in the amount of \$400,429.12 to earmark the funds specifically for future road improvement projects.

Supplemental Appropriation: \$400,429.12

\$400,429.12 GL Code: 1101-09401-00000-000-508318-000 Capital Proj: Future VDOT Road Improv.  
 \$400,429.12 GL Code: 1101-00000-11899-000-318990-000 Capital Proj: Misc Revenue

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On behalf of the Finance Committee, on motion by Supervisor Chandler, seconded by Supervisor Kyger, and carried by a roll call vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; RITCHIE – AYE; WOLFE-GARRISON – AYE; the Board approved the following Fiscal Year 2022-2023 Supplemental Appropriation:

**Massanutten Regional Library**

The County posted a receivable to the balance sheet in the amount of \$375,000 many years ago (beyond 2009), related to the building construction/renovation. During the timeframe the County’s level of financial support of the Library was mandated by the State, the County also granted partial forgiveness of the Note in lieu of providing an increased cash contribution. The balance is currently \$253,959. Staff recommended the County forgive the loan and remove it from the balance sheet.

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On behalf of the Finance Committee, on motion by Supervisor Chandler, seconded by Supervisor Breedon, and carried by a roll call vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; RITCHIE – AYE; WOLFE-GARRISON – AYE; the Board approved the following Fiscal Year 2023 Budget Amendment for Rockingham County Public Schools (RCPS):

**RCPS Budget Amendment**

Budget amendment to appropriate additional state funds received for a bonus, and to cover the non-cash lease expenditure that is required to be recorded based on new accounting standards.

\$1,163,417	2201-00000-22402-000-408999-000	Other State
\$1,163,417	2201-61100-00000-101-601800-100	Bonus
\$1,310,000	2201-00000-24201-000-400043-000	Other Financing Source
\$1,310,000	2201-68100-00000-900-608201-000	Lease Purchase

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On behalf of the Finance Committee, on motion by Supervisor Chandler, seconded by Supervisor Kyger, and carried by a roll call vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; RITCHIE – AYE; WOLFE-GARRISON – AYE; the Board approved the following FY2022-2023 Supplemental Appropriation:

**Water/Sewer Fund**

A supplemental appropriation in the amount of \$649,725 to pay off the loan with Truist for the Penn Laird Sewer Authority and Smith Creek Water & Wastewater Authority.

Once the debt is paid off, and pending proper approval from the Board and Authority, the Penn Laird customers will become Three Springs Water and Sewer customers. The rate will change slightly as the Penn Laird rate is currently \$6.00 for the first 1,000 gallons and \$5.15 for every 1,000 gallons thereafter. The new rate will be \$7.00 for the first 1,000 gallons and \$5.40 for every 1,000 gallons thereafter. Public Works will send a letter to all Penn Laird customers letting them know of the change.

The Smith Creek customers will not see a difference. The debt owed to Truist of \$449,725 will become debt owed to the County Water and Sewer fund, with the same rate and payment schedule.

Supplemental Appropriation: \$649,725

\$449,725	GL Code: 1401-09301-00000-000-509544-000	Transfer to Smith Creek
\$200,000	GL Code: 1401-09301-00000-000-509547-000	Transfer to Penn Laird
\$649,725	GL Code: 1401-00000-15201-000-352000-000	Water/Sewer Fund: Fund Bal.

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**DIRECTOR OF HUMAN RESOURCES.**

Mrs. Mongold presented a proposed 2023 holiday schedule for consideration.

On motion by Supervisor Ritchie, seconded by Supervisor Chandler, and carried by a roll call vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; RITCHIE – AYE; WOLFE-GARRISON – AYE; the Board accepted the following 2023 holiday schedule:

<u>Holiday</u>	<u>Date Observed</u>
New Year’s Day	Monday, January 2
Martin Luther King, Jr. Day	Monday, January 16
George Washington’s Birthday	Monday, February 20
Memorial Day	Monday, May 29
Juneteenth	Monday, June 19
Independence Day	Tuesday, July 4
Labor Day	Monday, September 4
Columbus Day/ Yorktown Victory Day	Monday, October 9

Veteran’s Day	Friday, November 10
Offices Close at Noon	Wednesday, November 22
Thanksgiving Day	Thursday, November 23
Day after Thanksgiving	Friday, November 24
Offices Close at Noon	Friday, December 22
Christmas Holiday	Monday, December 25
New Year’s Day (2024)	Monday, January 1, 2024

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Mrs. Mongold reviewed a proposed Resolution that would authorize the County to provide enhanced hazardous duty benefits to eligible employees for VRS benefits equivalent to those provided to the Department of State Police. After a discussion, Supervisor Chandler made a motion to approve the Resolution as presented.

Seconded by Supervisor Kyger, and carried by a roll call vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; RITCHIE – AYE; WOLFE-GARRISON – AYE; the Board adopted the following Resolution:

**RESOLUTION  
ENHANCED HAZARDOUS DUTY BENEFITS**

WHEREAS, subject to the approval of the Virginia Retirement System ("VRS") Board of Trustees, *Code of Virginia* § 51.1-138 permits a political subdivision of the Commonwealth of Virginia currently participating in VRS to make an irrevocable election to provide enhanced hazardous duty retirement benefits for its eligible employees as outlined in § 51.1-138; and

NOW, THEREFORE, BE IT RESOLVED, that the County of Rockingham, does hereby elect to have such employees of Employer who are employed in positions as full time Law Enforcement Officers and Firefighters, and whose tenure is not restricted as to temporary or provisional appointment; become eligible, effective the first day of July 1, 2023, for VRS benefits equivalent to those provided for state police officers of the Department of State Police, as set out in §51.1-138 including the retirement multiplier 1.85% in lieu of the benefits that would otherwise be provided to such employees, and Employer agrees to pay the employer cost for providing such benefits; and

NOW, THEREFORE, the officers of Employer are hereby authorized and directed in the name of Employer to carry out the provisions of this resolution and to pay to the Treasurer of Virginia from time to time such sums as are due to be paid by Employer for this purpose.

Adopted this 12<sup>th</sup> day of October  
in the year two thousand twenty-two, A.D.

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**DIRECTOR OF PUBLIC WORKS.**

Public Works Director Rhodes reported that the Landfill has partnered with Harmony Harvest Farm and will provide a collection site at the Landfill for residents to drop off fall leaves for composting.

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**DIRECTOR OF ENGINEERING.**

Director of Engineering Morland provided an update concerning the Lake Shenandoah Stormwater detention basin project, reporting that earthwork above the basin is completed and stabilized, and indicated embankment construction is in progress.

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**COMMITTEE REPORT.**

VIRGINIA ASSOCIATION OF COUNTIES (VACo)

Supervisor Kyger reported the County will receive an additional \$141,091.54 of Payments in Lieu of Taxes (PILT) funding for the next two years. Mr. Kyger recalled that PILT funding is Federal money provided to local governments to help offset losses in property taxes due to the existence of nontaxable Federal lands. He noted that these payments are one-time monies from the Federal Government, and he recommended that the funds be expended for one-time expenses.

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**RECESS.**

Chair Wolfe-Garrison recessed the meeting at 4:34 p.m., for meetings of the Smith Creek Waste and Water Authority and Penn Laird Sewer Authority.

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**RECONVENE.**

Chair Wolfe-Garrison reconvened the meeting at 4:40 p.m. for a discussion about the proposed Kennel Operation Commercial ordinance amendment tabled at the September 28, 2022, Board of Supervisors meeting. Board members shared feedback received since the public hearing. Discussion ensued concerning topics such as what constitutes a commercial kennel operation, the definition of "litter," and the number of adult dogs permitted. With no consensus on details discussed, Board members determined more deliberation is necessary. Chair Wolfe-Garrison indicated future discussions relating to the proposed ordinance amendment will be included on Board meeting agendas.

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**RECESS.**

Chair Wolfe-Garrison recessed the meeting at 5:19 p.m. for dinner.

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**PUBLIC HEARINGS.**

REZ22-1611 CATHCART PROPERTIES INC.

At 6:00 p.m., Chair Wolfe-Garrison opened the public hearing and Land-Use Planner Nicely reviewed the following request:

REZ22-1611 Cathcart Properties Inc. (The Wentworth), 200 Reserve Boulevard, Suite 200, Charlottesville, VA, request to rezone 3.32 acres from B-1 (General Business) to PMF (Planned Multi-Family) and 15.94 acres from A-2 (General Agricultural) to PMF (Planned Multi-Family). The property is located between Apple Valley Road (Route 726) and Stone Spring Road (Route 280), approximately 0.2 mile east from the intersection of Stone Spring Road (Route 280) and Peach Grove Avenue, Portion of Tax Map #125-(A)- L8B & #125-(A)- L7A1. Election District 4.

The Planning Commission recommended approval on September 6, 2022, by a vote of 5-0.

Todd Dofflemyer, Cathcart Properties CEO, spoke on behalf of the rezoning and was available to answer questions.

No members of the public commented.

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At 6:13 p.m., Chair Wolfe-Garrison closed the public hearing.

On motion by Supervisor Kyger, seconded by Supervisor Chandler, and carried by a roll call vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; RITCHIE – AYE; WOLFE-GARRISON – AYE; the Board approved REZ22-1611 Cathcart Properties Inc. (The Wentworth), 200 Reserve Boulevard, Suite 200, Charlottesville, VA, to rezone 3.32 acres from B-1 (General Business) to PMF (Planned Multi-Family) and 15.94 acres from A-2 (General Agricultural) to PMF (Planned Multi-Family). The property is located between Apple Valley Road (Route 726) and Stone Spring Road (Route 280), approximately 0.2 mile east from the intersection of Stone Spring Road (Route 280) and Peach Grove Avenue, Portion of Tax Map #125-(A)- L8B & #125-(A)- L7A1. Election District 4.

SUP22-1931 PETR BORODIN

Chair Wolfe-Garrison opened the public hearing, and Mr. Getz reviewed the following special use permit request:

SUP22-1931 Petr Borodin, 2460 Osceola Spring Road, Rockingham, VA, for an additional dwelling located on the north side of Osceola Springs Road (Route 704), approximately 0.5 miles west of Port Republic Road (Route 253). Zoned A-2 (General Agricultural). Tax Map #125-(A)- L48. Election District 4.

Applicant Petr Borodin explained that his family has outgrown their existing home on the property and wishes to build a larger dwelling.

No members of the public spoke concerning the request.

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The public hearing was closed at 6:18 p.m.

On motion by Supervisor Kyger, seconded by Supervisor Breeden, and carried by a roll call vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; RITCHIE – AYE; WOLFE-GARRISON – AYE; the Board approved SUP22-1931 Petr Borodin, 2460 Osceola Spring Road, Rockingham, VA, for an additional dwelling located on the north side of Osceola Springs Road (Route 704), approximately 0.5 miles west of Port Republic Road (Route 253). Zoned A-2 (General Agricultural). Tax Map #125-(A)- L48. Election District 4.

SUP22-1934 SUN RIDGE SOLAR, LLC

Mr. Getz reviewed the following request:

SUP22-1934 Sun Ridge Solar, 700 Universal Boulevard, Juno Beach, FL 33408, for a Large Solar Energy Facility located on the south side of South East Side Highway (Route 340), approximately 0.5 miles east of Lynnwood Road (Route 708). Zoned A-2 (General Agricultural). Tax Map #153-(A)- L84 & 153-(A)- L73A. Election District 5.

Zoning Administrator Getz stated that Table 17-606 of the County Code allows for the use of a "Solar energy facility, large" by special use permit in the A-2 zoning district. He indicated a portion of the property in the request was previously a quarry. The southern tract in the project has not been quarried and is mostly mixed hardwood forest. The applicant has estimated that approximately 30 acres of that parcel will need to be cleared for the project. On the larger tract the preliminary site plan shows approximately 40 acres of the project in an area containing mature pine trees that would also need to be cleared. A portion of the project area is in the Port Republic Battlefield Study Area but is limited to an area that has been previously disturbed by the quarry operation. Mr. Getz noted that to date, the Board has approved 168 acres of the 1,800-acre large-scale solar aggregate cap. He indicated if the Board approves Sun Ridge Solar, LLC's request, an additional 150 acres will be subtracted from the remaining balance.

Virginia land use attorney Rob Beaman represented the applicant and introduced other representatives from Sun Ridge Solar, LLC and NextEra Energy. He explained the application proposes a fifty (50) megawatt solar energy facility on two parcels of land totaling 563 acres, and of that, only 210 acres are suitable for development in connection with the proposed solar facility. Attorney Beaman pointed out the applicant used the County's Zoning Ordinance and Solar Policy in every aspect of the project design. Additionally, he reported that the applicants conducted significant public outreach throughout the community.

Teddy Ivanko, Senior Project Manager for Sun Ridge Solar, LLC, reviewed details of the design and operation of the proposed facility, focusing on four points: the project will not cause a reduction of agricultural land; will essentially be invisible from any location in the Valley; will rehabilitate an undeveloped quarry; and is supported by surrounding landowners. Mr. Ivanko indicated the project will use approximately 210 acres, with less than 150 acres of land actually under solar panels. He noted that although the project will require 70 acres of tree removal, it will reduce more greenhouse gases per year than a 240-acre forest would reduce in 93 years. He indicated the life of the project will generate three million dollars in tax revenue for the County.

In response to questions from Supervisor Wolfe-Garrison, Mr. Ivanko explained that 150 acres is the at-most acreage that would be under panel. He said the current site plan includes 100 acres under panel and indicated that could increase as the final site plan is formed.

In reference to the project area, County Attorney Miller inquired as to the applicant's definition of "under-panel" and asked if the method of calculation was the square footage of one panel multiplied by the number of panels proposed for the project, to which Mr. Ivanko confirmed. County Attorney Miller pointed out using that method of calculation means the 150-acre estimate only includes literal land under the panels, leaving out other project areas in sight.

Board members asked if there is a way to minimize the number of trees to be removed, specifically the 30-acres of hardwoods. Mr. Ivanko replied that given the project design, major design changes would make the project unfeasible, but said his team will be happy to conduct further analysis.

Chair Wolfe-Garrison opened the public hearing at 6:49 p.m.

Adjacent property owner, Paul Marshall, spoke in favor of the request. He indicated a solar facility is preferred over a housing development.

Matthew Di Stefano asked who benefits from the energy produced by the solar facility.

Jack Owens, Resource Management Associate for Shenandoah Valley Battlefields Foundation, commended Sun Ridge Solar, LLC for its constant communication and transparency. Mr. Owens stated that if the special use permit is granted, it will not encompass any core Battlefield area.

Kim Sandum pointed out the application includes panel sizes of 20-foot and 15-foot. She indicated the County's definitions of aggregate cap and project cap need to be tightened up in order to know when caps have been met. Additionally, Ms. Sandum stated that removing thirty acres of hardwood trees is contradictory to what is being proposed as an environmental project.

Discussion ensued concerning tree removal mitigation and whether Sun Ridge Solar, LLC, had verified with the Department of Energy and Mines & Minerals if the required Restoration Plan had been met by the Quarry.

Dave Walker, member of Lynnwood Land, LLC, said the property has been in his family since the mid 1960's. He noted that 500 plus acres was cleared in the 1970's and replanted with pines. Then in the mid-1970's, his family contracted with the Quarry. Later in 2014-2015, Lynnwood Land, LLC, contracted with a timber harvester. Mr. Walker said the timber harvester either ran out of time or was not able to access the trees that remain on the property today. Mr. Walker pointed out that the harvesting was done years ago, with no anticipation of a future solar facility.

With no further comments from the public, Chair Wolfe-Garrison closed the public hearing at 7:28 p.m.

Supervisor Breeden brought forth a motion to approve SUP22-1934, seconded by Supervisor Kyger.

County Attorney Miller interjected, and recommended recessing for a closed meeting Pursuant to Section 2.2-3711.A (7), Consultation with legal counsel.

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**CLOSED MEETING.**

On motion by Supervisor Chandler, seconded by Supervisor Breeden, and carried by a roll call vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; RITCHIE – AYE; WOLFE-GARRISON – AYE; the Board recessed the meeting from 7:30 p.m. to 7:49 p.m., for a closed meeting pursuant to Section 2.2-3711.A(7), Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body.

MOTION: SUPERVISOR CHANDLER  
SECOND: SUPERVISOR KYGER

RESOLUTION NO: 22-15  
MEETING DATE: October 12, 2022

**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, KYGER, RITCHIE, WOLFE-GARRISON  
NAYS: NONE  
ABSENT:

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**RECONVENE.**

Chair Wolfe-Garrison reconvened the meeting at 7:49 p.m.

With no objections, Supervisor Breeden withdrew his motion for approval of SUP22-1934.

In anticipation of a motion to table, and on behalf of the Board, County Attorney Miller said there are matters that need to be clarified on the site plan, most specifically, the area occupied and how it is calculated in relation to the site cap. He also indicated the special use permit needs to include language addressing what is decided among the applicant and the County to mitigate tree removal, as discussed in length during the public hearing.

Supervisor Breeden motioned to table the request, seconded by Supervisor Chandler. Carried by a roll call vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; RITCHIE – AYE; WOLFE-GARRISON – AYE; the Board tabled SUP22-1934 Sun Ridge Solar, LLC.

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**CLOSED MEETING.**

On motion by Supervisor Chandler, seconded by Supervisor Kyger, and carried by a roll call vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; RITCHIE – AYE; WOLFE-GARRISON – AYE; the Board recessed the meeting from 7:53 p.m. to 8:25 p.m., for a closed meeting pursuant to Section 2.2-3711.A(7), Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body.

MOTION: SUPERVISOR CHANDLER  
SECOND: SUPERVISOR KYGER

RESOLUTION NO: 22-16  
MEETING DATE: October 12, 2022

**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, KYGER, RITCHIE, WOLFE-GARRISON  
NAYS: NONE  
ABSENT:

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**ADJOURN.**

Chair Wolfe-Garrison declared the meeting adjourned at 8:28 p.m.

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Chairman

**BOARD ACTION REQUESTED**

None.

**PLANNING COMMISSION ACTIONS**

At its October 4 meeting, the Planning Commission acted on the following items:

Case #	Applicant	Request	Location	Status
OA22-2095	Staff-Generated	Amendment to the Rockingham County Code, Chapter 17 (Zoning Ordinance), Section 17-405 Planned Neighborhood district (R-5), Subsection 17-405.02 (f) to clarify repetitive language and make clear that designated 'neighborhood center' areas in R-5 (Planned Neighborhood) zoning districts shall not exceed twenty (20) percent of the total project area.		PC recommended approval 10/4. To be heard by BOS 10/26
OA22-1216	Staff-Generated	Staff-generated ordinance amendment to amend sub section 17 607 (a) Solar Energy Facility, Large, be so that the ordinance as repealed and reenacted November 17, 2021, shall not apply to applications for special use permits for large solar energy facilities if the application was accepted as complete prior to November 17, 2021.		PC recommended approval requesting clarification on how the amendment will affect the aggregate cap. To be heard by BOS 10/26
REZ22-1801	Jonathan Mannix	This is a request to rezone 3.393 acres from A-2 (General Agricultural) to B-1 (General Business).	The property is located immediately southeast of the intersection of Ridgedale Road (Rt 710) and M & N Drive (private).	PC recommended denial. Applicant has withdrawn application.

## TRANSPORTATION APPLICATIONS

### 2022 SMART SCALE TRANSPORTATION PROJECT APPLICATIONS Awards Made by CTB in June 2023

Location	Proposed Improvement(s)	Approximate Cost in 2022 Dollars (No Cost to County)
US 33 & Rockingham Park Way	Convert existing intersection to an unsignalized restricted crossing U-turn and construct a new US 33 median crossover to accommodate the U-turn movement for eastbound vehicles, as recommended in US 33 Arterial Management Plan.	\$4.5 M
US 33 & Cross Keys Rd Intersection	Convert intersection of US 33 and VA 276-Cross Keys Rd/Rt 610-Indian Trail Rd to signalized restricted crossing U-turn intersection. Divert left turn and through movements on Cross Keys Road/Indian Trail Road to make a right turn, then a U-turn at traffic signals. As proposed in US 33 Arterial Management Plan	\$9.6 M
US 33 & Rockingham Park Way & Cross Keys Rd (Combined as one project)	See above two descriptions.	\$13.2 M
US 33 & Island Ford Rd Intersection	Construct additional northbound turn lane on Island Ford Rd to create a dedicated left turn lane and left/thru/right turn lane	\$11.3 M
US 340 & Island Ford Rd Intersection	Traffic signal and left-turn lane on US 340; Island Ford Rd stop bar moved west of railroad crossing.	\$3.2 M

## SOLAR PROJECTS APPROVED WITH AGGREGATE CAP TOTALS\*

Project Name	Projects of 50 Acres or Less	Projects of 50 to 150 Acres
SolAmerica (Scenic L Farms)	18	
Caden Energix Endless Caverns, LLC		149
<b>SUBTOTAL</b>	<b>18</b>	<b>149</b>
<b>TOTAL ACREAGE=167</b>		

\*Aggregate cap is 1800 acres for all facilities. Up to 450 acres of the cap can be projects occupying areas between 50 and 150 acres.

## PROJECTS AND REPORTS

Projects & Committees	Staff Lead(s)	Status	Target Date
<b>Comprehensive Plan Rewrite</b>	Rachel & Rhonda	Tour of County held September 19 Joint Kickoff Work Session (BOS & PC) held September 19 Focus Group Interviews- October 11, 13, 25, and November 10 Public Input Meetings, 6-8 p.m.- October 11, 13, 25, and November 10 See webpage for all updates: <a href="https://www.rockinghamcountyva.gov/CivicAlerts.aspx?AID=609">https://www.rockinghamcountyva.gov/CivicAlerts.aspx?AID=609</a>	2024
<b>Rockingham Bicycle &amp; Pedestrian Advisory Committee (RBPAC)</b>	Rachel	September meeting was canceled. Next meeting will be held when there are items to be discussed.	Standing Committee
Ongoing Review/Tasks	Staff Lead(s)	Status	
<b>Deed/Plat Review</b>	Donna	1 deeds/plats under review as of 10/21/22: 4 pending review, 2 awaiting revision.	
<b>Code Compliance</b>	Kelly & Carley	87 active complaints & 24 cases pending legal action as of 10/21/22.	
<b>Building Inspections &amp; Plan Review</b>	Joe	2,016 building/other inspections conducted in September (averaged 91.63 daily) 47 residential plans under review as of 9/30/22 7 commercial plans under review as of 9/30/22 2 rezoning requests under review as of 9/30/22 7 site plans under review as of 9/30/22 4 special use permits under review as of 9/30/22	

**REQUESTS TABLED BY BOARD OF SUPERVISORS**

<b>SPECIAL USE PERMIT APPLICATION(S)</b>				
<b>Date Tabled</b>	<b>Case #</b>	<b>Applicant</b>	<b>Request</b>	<b>Election District</b>
1/8/20	19-286	Soil Health Technologies	Composting site (like-use to a refuse and recycling center)	2
12/9/20	20-297	Todd White	Two additional dwellings	3
6/9/21	21-075	Hank Hensley	Small contractor business	3
1/12/22	21-213	Knight Solar, LLC	Large-scale utility solar	5
1/12/22	21-219	Linda Cowasjee	Commercial dog kennel	1
8/24/22	22-1788	Amy Sheppard	Commercial dog (boarding) kennel	1
10/12/22	22-1934	Sun Ridge Solar	Large-scale utility solar	5
<b>REZONING REQUEST(S)</b>				
<b>Date Tabled</b>	<b>Case #</b>	<b>Applicant</b>	<b>Request</b>	<b>Election District</b>
-	-	-	-	-
<b>ORDINANCE AMENDMENT(S)</b>				
<b>Date Tabled</b>	<b>OA #</b>	<b>Applicant</b>	<b>Request</b>	
9/28/22	22-1581	-	Supplemental standards for 'Kennel Operation, Commercial'	
9/14/22	22-1846	-	Require waiting period for division after purchase of A1 and A2 zoned property.	

## PLANNING COMMISSION

### MINUTES

October 4, 2022

The Rockingham County Planning Commission met on Tuesday, October 4, 2022, in the Board of Supervisors Room in the Rockingham County Administration Center. The following members were present: Chairman Bill Loomis, Vice Chairman Michael Harvey, Commissioner Kevin Flint, Commissioner Keith Sheets, and Commissioner Jordan Rohrer. The following staff members were present: Director of Community Development Rhonda Cooper, Zoning Administrator Kelly Getz, Planner Kayla Yankey, and Planner Dylan Nicely.

Chairman Loomis called the meeting to order at 6:30 p.m.

Commissioner Rohrer provided the Invocation and led the Pledge of Allegiance.

#### **APPROVAL OF MINUTES.**

On motion by Commissioner Harvey, seconded by Commissioner Sheets, and carried by a roll call vote of 5 to 0, the Planning Commission minutes from September 6, 2022, were approved: Flint AYE; Harvey AYE; Loomis AYE; Rohrer AYE; Sheets AYE.

#### **PUBLIC HEARING.**

##### **Ordinance Amendments**

Mr. Nicely presented the following:

**OA22-2095** Amendment to the Rockingham County Code, Chapter 17 (Zoning Ordinance), Section 17-405 Planned Neighborhood district (R-5), Subsection 17-405.02 (f) to clarify repetitive language and make clear that designated 'neighborhood center' areas in R-5 (Planned Neighborhood) zoning districts shall not exceed twenty (20) percent of the total project area.

Mr. Nicely explained that this is a staff generated ordinance amendment to amend Section 17-405.02 subsection [f] of Chapter 17. The ordinance currently states two different percentage requirements when referring to the maximum allowable size of areas designated as 'neighborhood centers' in the R-5 (Planned Neighborhood) districts. Staff noticed this discrepancy while reviewing a recent proposal. 'Neighborhood center' areas in the R-5 District allow for commercial uses and apartments, being the only areas within an R-5 development where commercial uses are permitted. The ordinance states in one section that "Neighborhood centers shall total no more than 10% of the total project area"; while in a following section, the ordinance states that "Neighborhood centers shall not exceed 20% of the total project area". To clarify this discrepancy, staff referenced the pre-2014 zoning ordinance ("commercial uses shall not total more than 20% of the total project area") that makes clear that 20% was the original intent. This is consistent with how the ordinance has been interpreted and appears consistent with current market demands, as this offers for more design flexibility in providing for commercial and mixed-uses in the R-5 districts. In summary, this staff generated ordinance amendment is a simple strike through of Section 17-405.02 subsection (f) referring to the 10% maximum, to instead make clear that

“neighborhood centers shall not exceed 20% of the total project area” as stated in Section 17-405.05 subsection (d).

Chairman Loomis asked if there were any specific cases where an applicant questioned which required percentage applied?

Mr. Nicely explained that there was no particular case leading to this ordinance amendment. Ms. Cooper stated that this is simply a house keeping matter to address an inconsistency in the ordinance.

Chairman Loomis opened the public hearing at 6:34 p.m.

County resident, Angie Lambert, asked which property this ordinance amendment referred to.

Mr. Getz explained that this does not apply to a specific property or project but is rather an amendment to the zoning ordinance.

Seeing as there was no one else to speak in favor or opposition of the amendment, Chairman Loomis closed the public hearing at 6:35 p.m.

Chairman Loomis asked if there was any further discussion on the matter.

Commissioner Harvey stated that the amendment is straightforward and continued forward with the motion.

On a motion by Commissioner Harvey, seconded by Commissioner Rohrer, and carried by a roll call vote of 5 to 0, voting recorded as follows, Flint AYE; Harvey AYE; Loomis AYE; Rohrer AYE; Sheets AYE; the rezoning was recommended for approval.

Mr. Getz presented the following:

**OA22-1216** Staff-generated ordinance amendment to amend sub section 17 607 (a) Solar Energy Facility, Large, be so that the ordinance as repealed and reenacted November 17, 2021, shall not apply to applications for special use permits for large solar energy facilities if the application was accepted as complete prior to November 17, 2021.

Mr. Getz explained that this is a staff generated ordinance amendment to section 17-607, supplemental standards for the use ‘Large Solar Facility’. Three complete Special Use Permit applications for solar facilities were submitted prior to the adoption of the “Large Solar Facility” ordinance, adopted in November 2021. This proposed ordinance amendment helps to clarify which ordinance applies to these applications. This ordinance amendment sets an effective date of November 17, 2021, so that any complete applications submitted prior to that date would be subject to the previous supplemental standards. As with any special use permit, the Board could impose additional conditions, including conditions based on the new ordinance.

Commissioner Sheets asked how this proposed ordinance amendment would affect the acreage caps of the solar ordinance.

Mr. Getz explained that if this amendment were adopted as written, then it would be left to the Board's discretion at the time of placing conditions on a special use permit as to whether or not a given application would be excluded from the aggregate cap of the solar ordinance.

Commissioner Sheets asked how many solar applications were submitted prior to November 17, 2021, which the proposed amendment would apply to.

Mr. Getz explained that there were three applications submitted prior to the adoption of the 'Large Solar Facility' ordinance on November 17, 2021. One of which has since been approved by the board, one of which has been denied by the Board, and the one other remains tabled by the Board. Thus, there is only one application which would be affected by this ordinance amendment, the one still on the table with the Board of Supervisors.

Commissioner Sheets asked how large the proposed solar project is, still on the table with the Board. Mr. Getz stated that this project was approximately 300 acres.

Commissioner Flint asked if there was a possibility that language be included in the ordinance amendment that could clarify how the aggregate cap would be affected. Commissioner Flint continued that if the application currently on the table were not to affect the aggregate cap, then this would essentially raise the aggregate cap from 1,800 acres to 2,100 acres, which he did not believe was the original intent of the Solar Committee.

Mr. Getz stated that it would be at the Planning Commission's discretion as to whether their recommendation to the Board should include a further recommendation to include language clarifying how this amendment would affect the previously passed aggregate cap.

Mr. Getz explained that this ordinance amendment, if approved as written, would effectively say that anything submitted prior to November 17, 2021, would adhere to the old ordinance which did not contain any acreage caps. Mr. Getz further explained that the Board could decide at the special use permit level through the imposing of conditions on the application.

Chairman Loomis opened the public hearing at 6:44 p.m.

Seeing as there was no one to speak in favor/opposition to the rezoning, Chairman Loomis closed the public hearing at 6:44 p.m.

Commissioner Flint stated that he would like to see some clarifying language in regard to the aggregate cap and would not feel comfortable with the amendment being approved without such clarifying language. Commissioner Flint further stated that he would be willing to work with staff and the Board in drafting such language.

On motion by Commissioner Flint, seconded by Commissioner Sheets, and carried by a roll call vote of 5 to 0, voting recorded as follows, Flint AYE; Harvey AYE; Loomis AYE; Rohrer AYE; Sheets AYE; the ordinance amendment was recommended for approval with a further recommendation that the Board include clarifying language as to how this ordinance amendment would affect the 1,800-acre aggregate cap.

**Rezoning Request.**

Ms. Yankey presented the following request:

**REZ22-1801 Jonathan Mannix**, 3210 Wellsleigh Pl, Rockingham VA. This is a request to rezone 3.393 acres from A-2 (General Agricultural) to B-1 (General Business). The property is located immediately southeast of the intersection of Ridgedale Road (Rt 710) and M & N Drive (private). Tax Map #125-(23)-LA. Election District 4.

Ms. Yankey explained that the request is to rezone 3.393 acres immediately southeast of the intersection of Ridgedale Road and M & N Drive in Election District 4 from A-2 (General Agricultural) to B-1 C (General Business with Conditions). The applicant has submitted proffers that exclude some B-1 uses. As noted in the considerations, the listed exclusions provide no predictability to the County or surrounding landowners, whereas stating the uses that shall be retained does so in case there were to be an ordinance change. Also included in the proffers is a vegetative buffer between the commercial development and the residential area. If the property is rezoned a formal declaration will be made to include the subject parcel into the Coffman's Corner Subdivision. Per the submitted proffers a Property Owners Association has been established and shall have the authority to review all proposed building designs, to manage and maintain common space, to enforce proper maintenance and upkeep of each property, to provide for street maintenance and snow removal and other corporate interests of the Coffman's Corner subdivision. The second consideration included in the report is related to the Stone Spring Urban Development Area Plan designation of this property which is a T-4 Neighborhood Center transect zone. This zone consists of higher density mixed use buildings that accommodate residential (townhouses and apartments), commercial, office, and retail uses. The location of this site between Coffman's Corner and residential development should be used in a manner that buffers these dissimilar uses. This is an important factor to consider in this request, because many B1 uses do not meet the vision of the T4 Neighborhood Center within the Stone Spring UDA. Staff has provided a comprehensive list of uses available in B1 in your packet and has highlighted the uses the applicant has excluded in his proffers.

Commissioner Sheets asked if this parcel could be subdivided upon its rezoning. Ms. Yankey explained that the parcel could be subdivided with a final plat.

Chairman Loomis opened the public hearing at 6:51 p.m.

Speaking against the rezoning request, Susanna U. Finn, an adjacent property owner, expressed several concerns with the proposed rezoning regarding stormwater runoff, traffic, and lighting. Ms. Finn also questioned what use the parcel would be used for, stating that the submitted proffer statement excluded minimal uses.

Commissioner Harvey explained that all lighting on the parcel would be required to be in compliance with county code which includes downward facing lighting.

Ms. Cooper referenced the staff case report, explaining the concerns raised in regard to the abundance of uses available on the parcel in an area designated in the Stone Spring Urban Development Area Plan as a Neighborhood Center. Ms. Cooper further explained that commercial development is expected in this area, however, it should be compatible with the surrounding area.

Speaking against the rezoning request, Angie Lambert, an adjacent property owner, stated that she concurred with each of the concerns raised by the previous speaker, especially those related to stormwater runoff. Ms. Lambert asked for clarification about the vegetated buffer expressed in the

proffer statement, specifically in regard to its location and if the buffer would be included along Autumn Lane.

Ms. Yankey read aloud the proffer statement submitted by the applicant with the application.

Before closing the public hearing, Chairman Loomis asked if the applicant or their representative were present and would like to speak.

Seeing as there was no one else to speak in favor or opposition to the rezoning, Chairman Loomis closed the public hearing at 7:05 p.m.

Commissioner Harvey stated that many of the concerns raised during the public hearing could likely be answered by the applicant or their representative.

Commissioner Sheets stated that with the lack of limited uses, there is little predictability provided as to what the potential use of the parcel would be if rezoned.

Commissioner Flint stated that, with the inadequate information provided with the application and the unanswered questions and concerns raised during the public hearing, I would be inclined to make a recommendation to deny the request as presented.

Ms. Cooper explained that if the Planning Commission were to recommend denial, then the applicant would have the opportunity to address the raised concerns prior to the request going before the Board of Supervisors.

On motion by Commissioner Harvey, seconded by Commissioner Flint, and carried by a roll call vote of 5 to 0, voting recorded as follows, Flint AYE; Harvey AYE; Loomis; AYE Rohrer AYE; Sheets AYE; the rezoning was recommended for denial.

#### **Unfinished Business**

There was no unfinished business.

#### **NEW BUSINESS.**

Ms. Cooper explained that the Code of Virginia requires the Planning Commission appoint members to the CIP Advisory Committee. David Rees, who served on the 2023-2026 CIP Advisory Committee, requested to not serve this year. Ben Craig has agreed to fill this vacancy for the 2024-2028 CIP Advisory Committee, if appointed. Prior to his employment with the RMH Foundation, Ben Craig served as Executive Director of Way to Go for many years.

Commissioner Flint stated that he has had the opportunity to work with Mr. Craig in a number of capacities of the years and would be comfortable making a motion to appoint Mr. Craig to fill the vacancy on the 2024-2028 CIP Advisory Committee.

On motion by Commissioner Flint, seconded by Commissioner Sheets, and carried by a roll call vote of 5 to 0, voting recorded as follows, Flint AYE; Harvey AYE; Loomis AYE; Rohrer AYE; Sheets AYE; Mr. Craig was appointed to the 2024-2028 Capital Improvement Program (CIP) Advisory Committee.

#### **ONGOING BUSINESS.**

**A. City Planning Commission Liaison Report**

Commissioner Harvey provided an overview of the agenda items from the September 14, 2022, Harrisonburg City Planning Commission Meeting.

**B. Upcoming City Planning Commission Liaison Report**

Commissioner Sheets is the liaison for the October 12, 2022, Harrisonburg City Planning Commission Meeting.

**STAFF REPORT OVERVIEW.**

Ms. Cooper stated that the Planning Commission has a copy of her written report in their packet. Ms. Cooper stated that the County has four Revenue Share projects it is planning to submit this year and included in the upcoming Capital Improvements Plan.

Commissioner Flint stated that the survey for the Comprehensive Plan Update is live on the County's website and that he would encourage as much public feedback and involvement as possible.

**ADJOURNMENT.**

Having no further business, the Commission adjourned at 7:21 p.m.

DRAFT

**ORDINANCE AMENDING SECTION 17-405 OF THE CODE OF  
ORDINANCES  
OF  
ROCKINGHAM COUNTY, VIRGINIA**

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

**That Section 17-405. Planned Neighborhood district (R-5), Subsection 17-405.02 (f) is hereby amended as follows:**

**17-405. Planned Neighborhood district (R-5).**

**Sec. 17-405.01. Definition.**

The R-5 district provides opportunities for creative designs for the development of master-planned residential neighborhoods which differ from conventional suburban development. The R-5 district provides a variety of housing types and affordability; services and neighborhood-oriented businesses within neighborhood centers; parks and open space for recreation, conservation, or other common benefits; preservation of natural landscape features and amenities; transportation networks within the development that accommodate vehicles, bicycles, pedestrians, and, where appropriate, transit; and streets, sidewalks, and paths that interconnect internally and to adjoining properties. While allowing for a variety of uses, the R-5 district is primarily residential.

**Sec. 17-405.02. Requirements.**

- (a) The R-5 district shall be located in urban growth areas designated in the comprehensive plan or in any other area or corridor plan adopted by the county.
- (b) All nonresidential uses shall be compatible with the residential nature of the district.
- (c) Uses in the R-5 district shall be permissible only in the general location shown on the approved master plan;
- (d) The use of any area within the R-5 district shall be shown on the site plan.
- (e) Lot design, arrangement, and shape shall be such that lots will provide satisfactory and desirable sites for buildings, be properly related to topography, and provide convenient and safe access.
- ~~(f) Neighborhood centers shall total no more than ten (10) percent of the total project area.~~

**Sec. 17-405.03. Minimum area.**

- (a) The minimum acreage required for the R-5 district shall be five (5) contiguous acres.

- (b) No minimum acreage shall be required for additions that adjoin or form a logical extension of an existing R-5 district.

**Sec. 17-405.04. Water and sewer.**

- (a) All uses requiring water service shall be served by public water.
- (b) All uses requiring sewage treatment shall be served by public sewer.

**Sec. 17-405.05. District area.**

- (a) Within the district, five (5) types of development areas shall be permitted.
  - (1) "A" area: Single-family detached, accessory dwelling;
  - (2) "B" area: Single-family detached, accessory dwelling, duplexes, rowhouses;
  - (3) "C" area: Single-family detached, accessory dwelling, duplexes, rowhouses, apartments;
  - (4) "D" area: Timeshare: Single-family detached, accessory dwelling, duplexes, rowhouses, apartments;
  - (5) "Neighborhood center" area: Commercial uses, apartments;
- (b) Neighborhood centers shall be light commercial and office areas within which neighborhood-related commercial uses are located.
- (c) Neighborhood centers contain public uses which serve the social, cultural, and service needs of the community.
- (d) Neighborhood centers shall not exceed twenty (20) percent of the total project area.

**Sec. 17-405.06. Common areas.**

- (a) Common area shall comprise a minimum of twenty (20) percent of the total project area.
- (b) A minimum of fifteen (15) percent of the neighborhood center shall be common area.
- (c) The common area within the neighborhood center shall be considered a portion of the twenty (20) percent common area required for the total project.

**Sec. 17-405.07. Land uses.**

See article VI, land uses.

**Sec. 17-405.08. Development standards.**

See article VII, development standards.

**Sec. 17-405.09. Area, setback, and height standards.**

See article VIII, area, setback, and height standards.

**All other parts of Section 17-405 are re-affirmed.**

**ORDINANCE AMENDING  
SUB-SECTION 17-607 (a)  
SUPPLEMENTAL STANDARDS FOR CERTAIN LAND USES  
SOLAR ENERGY FACILITY, LARGE  
OF THE CODE OF ORDINANCES  
OF  
ROCKINGHAM COUNTY, VIRGINIA**

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

That the “supplemental standards for certain land uses” for Solar energy facility, large, in sub-section 17-607 (a), be and hereby is amended so that the ordinance as repealed and re-enacted November 17, 2021, shall not apply to applications for special use permits for large solar energy facilities if the application was accepted as complete prior to November 17, 2021. Applications for special use permits for large solar energy facilities that were accepted as complete prior to November 17, 2021, shall be considered pursuant to the Rockingham County Zoning Ordinance as it existed prior to the November 17, 2021, repeal and re-enactment. This ordinance shall not be construed to in any way limit special use permit terms and conditions that may be imposed by the Board of Supervisors. Acreage occupied by a solar energy facility, large, approved pursuant to this ordinance shall be counted against the aggregate cap for solar energy facilities, large, established in the Rockingham County Zoning Ordinance. This ordinance shall be spread on the minutes of the Board of Supervisors of Rockingham County and retained by its Clerk but shall not be codified in the Rockingham County Code of Ordinances.

This ordinance shall be effective from the \_\_\_ day of \_\_\_\_\_, 2022.

Adopted the \_\_\_ day of \_\_\_\_\_, 2022.