

January 26, 2022

The Regular Meeting of the Rockingham County Board of Supervisors was held on Wednesday, January 26, 2022, at 6:00 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:

- STEPHEN G. KING, County Administrator
- THOMAS H. MILLER, JR., County Attorney
- CASEY B. ARMSTRONG, Assistant County Administrator
- RHONDA H. COOPER, Director of Community Development
- PATRICIA D. DAVIDSON, Director of Finance
- PHILIP S. RHODES, Director of Public Works
- KELLY S. GETZ, Zoning Administrator
- RACHEL A. SALATIN, Director of Planning
- CARLEY A. STACKPOLE, Code Compliance Officer
- TAMELA S. GRAY, Deputy Clerk

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CALL TO ORDER
INVOCATION
PLEDGE OF ALLEGIANCE.

Chair Wolfe-Garrison called the meeting to order at 6:00 p.m.

Supervisor Kyger provided the Invocation and Public Works Director Rhodes led the Pledge of Allegiance.

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APPROVAL OF MINUTES.

On motion by Supervisor Chandler, seconded by Supervisor Kyger, and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; RITCHIE – AYE; WOLFE-GARRISON – AYE; the Board approved the minutes of the January 12, 2022 meeting.

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THE BRENT BERRY FAMILY COMMUNITY FOOD DRIVE UPDATE.

Bucky Berry said he has donated his time to food drives since he was 15 years old, and his son, Brent, started working on his first food drive when he was seven.

Mr. Berry commended Sheriff Hutcheson for being the only Sheriff who has helped unload food from the trucks. Mr. Berry and Brent’s goal for 2022 is to fill six buses and two trailers with food. He also commended the Rockingham County Public Schools for providing school buses.

Mr. Berry closed by thanking the Rockingham County Sheriff’s Department and County staff for allowing him to speak, and for making a difference in the community.

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FINANCE DIRECTOR'S STAFF REPORT.

Mrs. Davidson stated the Notice of Proposed Real Property Tax Increase needs to be provided to the *Daily News-Record* for publication the week of January 31, 2022, and she requested direction on the tax rate advertisement.

Chair Wolfe-Garrison indicated the Board of Supervisors held its Annual Budget Work Session, which was open to the public, in the afternoon. The tax rate and other items related to the budget for fiscal year 2023 were discussed during the work session.

Chair Wolfe-Garrison indicated the current real estate tax rate is \$0.74 cents per \$100 of the assessed real estate value. She explained that the Virginia Statute requires the County to advertise the upper limit of the tax rate so citizens know the tax rate will not exceed the amount advertised.

Chair Wolfe-Garrison noted that the Board is required to determine the proposed real estate tax range. Later in the budget process, depending on the amount of money the State contributes to the County, the Board will set a tax rate between the upper and lower limit to cover the County's needs and expenses over the next four years.

Chair Wolfe-Garrison announced that a public hearing regarding the real estate tax rate will be held on March 9, 2022. She stated this public hearing is to discuss the tax rate only, not the reassessment. The tax rate must be determined 30 days before the March 9th public hearing, she said.

Chair Wolfe-Garrison confirmed for Supervisor Ritchie that by advertising the maximum tax rate at \$0.70 cents per hundred, the rate cannot exceed that amount.

Supervisor Kyger noted there is a dilemma every year waiting on the amount set for the State budget. Each jurisdiction in Virginia needs to know the amount of funding to be provided by the State in order to set their budget and make up the balance of funds needed.

Supervisor Kyger said if the new tax rate is set too low, services for citizens will need to be cut, so it is better to set the tax rate higher than anticipated and reduce it later.

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 authorized staff to advertise the proposed real estate tax rate for the fiscal 2023 budget at \$0.70 cents per hundred for the advertisement.

Supervisor Kyger indicated he would like to explain the reassessment process in Rockingham County. All real estate in the County has to be reassessed every four years. This year, Pearson's Appraisal Service, Inc performed the reassessment, and their staff is currently meeting with citizens who question the value Pearson placed on their real estate.

Supervisor Kyger said the County will recommend a Board of Equalization in March. Citizens may schedule a meeting with the Board of Equalization to challenge their real estate value. He stated the Board of Equalization has the authority to reset the value of property in the County.

Supervisor Kyger advised that if the Board of Equalization determines the value of a property is lower than the assessment, the Board of Equalization will set the value lower. However, if the Board of Equalization determines the property's value is higher than it was assessed, the value of the property will be increased.

Supervisor Kyger stated that the County and the Commissioner of the Revenue do not have authority to change the value of real estate.

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PUBLIC WORKS DIRECTOR’S STAFF REPORT.

Mr. Rhodes indicated three bids were received on January 22, 2022, for HVAC-controlled building and automation upgrades at the Health and Human Services building. After meeting with Applied Building Systems, staff recommended accepting their bid of \$132,304.

On behalf of the Public Works Committee, on motion by Supervisor Ritchie, 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 accepted the bid of \$132,304 from Applied Building Systems.

Supervisor Ritchie requested that the days of operation and closures for the County’s container sites be discussed. He noted the Bergton container site is scheduled to be closed on Sundays due to staffing issues. Since many citizens in the Bergton community take their refuse to the container site on Saturday and Sunday, Supervisor Ritchie recommended that the Bergton container site be closed on Tuesday and open on Saturday and Sunday.

Supervisor Breeden confirmed with Mr. Rhodes that the Elkton container site has the highest volume of refuse and Mauzy has the second highest volume. Supervisor Breeden expressed concern about start-up issues at the Elkton site on Monday mornings after that site has been closed the previous day.

Mr. Rhodes noted an additional reason for the container sites to be closed on Sunday is that the trucks picking up containers to be transported to the landfill run Monday through Saturday. He noted that all container sites except those at Mauzy and Elkton are closed on Wednesday.

Mr. Rhodes said he hopes the closures will be temporary.

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COMMUNITY DEVELOPMENT DIRECTOR’S STAFF REPORT.

The Board received and reviewed Ms. Cooper’s staff report dated January 26, 2022.

Ms. Cooper noted that a Department of Engineering report will be included in the Community Development Staff Report starting in February.

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COMMITTEE REPORTS.

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

AIRPORT

Supervisor Kyger announced Governor Youngkin appointed Gregory Campbell, the current executive director of the Shenandoah Valley Regional Airport (SVRA), to serve as Director of the Virginia Department of Aviation, effective February 14, 2022. The Airport Commission appointed Lisa Botkin, who has worked with Mr. Campbell as the executive director, to serve as the interim director at SVRA. Supervisor Kyger said he is confident that Ms. Botkin will continue good work.

CHAMBER OF COMMERCE

Chair Wolfe-Garrison announced a meeting is scheduled on January 28, 2022, with Christopher Quinn, President and CEO of the Harrisonburg-Rockingham Chamber of Commerce.

HARRISONBURG-ROCKINGHAM METROPOLITAN PLANNING ORGANIZATION (MPO)

Supervisor Chandler indicated he attended his first MPO meeting via Zoom.

Supervisor Kyger asked if the MPO is taking suggestions on-line. He noted that Harrisonburg Councilwoman Laura Dent mentioned during a radio show that the MPO is in the information gathering stage and said suggestions will be provided for public comments later. Supervisor Kyger indicated he wanted to make sure the Brocks Gap Road (Route 259) corridor is addressed.

Supervisor Chandler reminded the Board and public that a meeting regarding Spotswood Trail (Route 33) will be held at Spotswood High School on February 3, 2022 from 5-7 p.m. He noted there are a lot of proposed changes at the intersections, so this is a big undertaking.

MASSANUTTEN REGIONAL LIBRARY

Chair Wolfe-Garrison announced Rochelle Carr will start her position as Library Director on February 1, 2022.

SOCIAL SERVICES

Supervisor Breeden reported that the Social Services Advisory Board would be meeting the following day.

VIRGINIA ASSOCIATION OF COUNTIES (VACo) LIAISON

Supervisor Kyger reminded Board members that legislators are in session, and suggested they be attentive to what is occurring.

Supervisor Kyger reminded the Board members that VACo meetings will be held in Richmond on February 2 - 3, 2022, and some meetings may be held virtually.

Supervisor Kyger noted the National Association of Counties (NACo) National Legislative conference in Washington, DC is also approaching. He said some of the conference may be available on-line.

CHAIR

For future planning, Chair Wolfe-Garrison reiterated that the public hearing to set the real estate tax rate will be held on March 9, 2022 at 6:00 p.m. The meeting will be available for viewing via live stream. She noted the speakers will be allowed three minutes to talk. Chair Wolfe-Garrison stressed that the public hearing has nothing to do with real estate assessments.

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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 6:32 p.m. to 7:03 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 RITCHIE

RESOLUTION NO: 22-02
MEETING DATE: January 26, 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 MEETING.

At 7:03 p.m., Chair Wolfe-Garrison reconvened the January 26, 2022 meeting of the Rockingham County Board of Supervisors.

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PUBLIC HEARING – AGRICULTURAL & FORESTAL DISTRICT (ORDINANCE AMENDMENT).

At 7:04 p.m., Chair Wolfe-Garrison opened the public hearing and Zoning Administrator Getz reviewed the following request:

AFDM21-339, The Town of Dayton requested the removal of a 0.570-acre portion of parcel 107-(A)- L116, from the Dry River Agricultural and Forestal District. The parcel is located approximately 0.5 mile west of College Street (Route 701) on the north side of Bowman Road (Route 732). The Comprehensive Plan identifies the area as Agricultural Reserve. The parcel is in Election District 2.

Mr. Getz explained a rezoning has been requested to remove 0.570-acre from a 43-acre property owned by Leon and Elaine Rohrer from the Dry River Agricultural and Forestal District. This will facilitate a boundary line adjustment between the County and Dayton, with the Town of Dayton acquiring the 0.570-acre of land to expand Dayton’s wastewater treatment plant.

Mr. Getz noted there was no addition to the Agricultural and Forestal District, and notices were sent to all affected property owners. The remainder of tax parcel 107-A-116 will continue to be owned by Leon and Elaine Rohrer and will remain in the Dry River Agricultural and Forestal District, Mr. Getz said.

Angela Lawrence, Dayton Town Manager, expressed appreciation to the County for working with the Town of Dayton on this matter.

At 7:07 p.m., Chair Wolfe-Garrison closed the public hearing.

On behalf of Chair Wolfe-Garrison, 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 adopted the following ordinance amendment:

**ORDINANCE
REPEALING AND RE-ENACTING
SECTION 17-504.02
OF THE CODE OF ORDINANCES
OF
ROCKINGHAM COUNTY, VIRGINIA**

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

SECTION ONE.

That Section 17-504.02. - Description – Dry River Agricultural and Forestal district be repealed and re-enacted as follows:

Sec. 17-504.02. - Description.

The Dry River Agricultural and Forestal district shall consist of the following land: two hundred thirty (230) parcels spanning five thousand seven hundred (5,700) acres, more or less, generally located south of Hinton, west of John Wayland Highway (Route 42), east of Ottobine, and north of the Town of Bridgewater, which includes the parcels shown on Rockingham County real estate maps, as of the effective date of this district, numbered as:

- 90-(A)- L135, 90-(A)- L136, 90-(A)- L137, 91-(8)- L1, 91-(8)- L1A, 91-(8)- L2, 91-(8)- L3, 91-(A)- L69, 91-(A)- L71, 91-(A)- L214A, 104-(2)- L1, 104-(2)- L1G, 104-(A)- L96, 104-(A)- L149A, 104-(A)- L149C, 104-(A)- L152, 105-(2)- L1, 105-(2)- L2, 105-(A)- L51, 105-(A)- L65A, 105-(A)- L66B, 105-(A)- L67, 105-(A)- L69, 105-(A)- L70, 105-(A)- L71, 105-(A)- L72, 105-(A)- L76, 105-(A)- L82D, 105-(A)- L115E, 105-(A)- L121, 105-(A)- L122, 105-(A)- L148, 105-(A)- L149, 105-(A)- L149A, 105-(A)- L150, 105-(A)- L150A, 105-(A)- L151, 105-(A)- L152, 105-(A)- L153, 105-(A)- L154, 105-(A)- L155, 105-(A)- L156, 105-(A)- L165, 105-(A)- L167, 105-(A)- L169, 105-(A)- L171, 105-(A)- L172A, 105-(A)- L172B1, 105-(A)- L172C, 105-(A)- L173, 105-(A)- L173A, 105-(A)- L175, 105-(A)- L176, 105-(A)- L177, 105-(A)- L178A, 105-(A)- L178B, 105-(A)- L183F, 105-(A)- L189B, 105-(A)- L190, 105-(A)- L191, 106-(1)- L1, 106-(1)- L2B, 106-(A)- L2A, 106-(A)- L2A1, 106-(A)- L3, 106-(A)- L4, 106-(A)- L6, 106-(A)- L10, 106-(A)- L17, 106-(A)- L18, 106-(A)- L21, 106-(A)- L25, 106-(A)- L25A, 106-(A)- L27, 106-(A)- L28, 106-(A)- L28A, 106-(A)- L30, 106-(A)- L31, 106-(A)- L32, 106-(A)- L33, 106-(A)- L33A, 106-(A)- L34A, 106-(A)- L35, 106-(A)- L35A, 106-(A)- L36, 106-(A)- L37, 106-(A)- L46, 106-(A)- L47A, 106-(A)- L48, 106-(A)- L49, 106-(A)- L49A, 106-(A)- L52A1, 106-(A)- L53, 106-(A)- L62A, 106-(A)- L62B, 106-(A)- L62D, 106-(A)- L62F, 106-(A)- L63A, 106-(A)- L63B, 106-(A)- L69, 106-(A)- L70, 106-(A)- L70A, 106-(A)- L71, 106-(A)- L73, 106-(A)- L75, 106-(A)- L75A, 106-(A)- L76, 106-(A)- L80, 106-(A)- L80A, 106-(A)- L80B, 106-(A)- L91, 106-(A)- L92, 106-(A)- L93, 106-(A)- L94, 106-(A)- L95, 106-(A)- L96, 106-(A)- L97, 106-(A)- L98, 106-(A)- L98A, 106-(A)- L99A, 106-(A)- L101, 106-(A)- L101A, 106-(A)- L105, 106-(A)- L107, 106-(A)- L108, 106-(A)- L120, 106-(A)- L121, 106-(A)- L124, 106-(A)- L128, 106-(A)- L128A, 106-(A)- L129, 106-(A)- L130, 106-(A)- L132A, 106-(A)- L133, 106-(A)- L134, 106-(A)- L136, 106-(A)- L137, 106-(A)- L140, 106-(A)- L141, 106-(A)- L141A, 106-(A)- L142, 106-(A)- L144, 106-(A)- L146, 106-(A)- L147, 106-(A)- L148, 106-(A)- L149, 106-(A)- L149B, 106-(A)- L150A, 106-(A)- L151, 106-(A)- L152, 107-(A)- L2A6, 107-(A)- L85, 107-(A)- L86, 107-(A)- L88, 107-(A)- L88B, 107-(A)- L90, 107-(A)- L91, 107-(A)- L92, 107-(A)- L95, 107-(A)- L96, 107-(A)- L100, 107-(A)- L103, , 107-(A)-

L105, 107-(A)- L106, 107-(A)- L107, 107-(A)- L108, 107-(A)- L109, 107-(A)- L112, 107-(A)- L116, 107-(A)- L117, 107-(A)- L118, 107-(A)- L122A1, 107-(A)- L123A, 107-(A)- L130B, 107-(A)- L131, 107-(A)- L133A, 107-(A)- L144B, 107-(A)- L144B1, 107-(A)- L149, 107-(A)- L150, 122-(4)- L1A, 122-(4)- L3A, 122-(4)- L4B, 122-(4)- L5, 122-(5)- L1, 122-(5)- L2, 122-(5)- L3, 122-(A)- L1, 122-(A)- L1C, 122-(A)- L28, 122-(A)- L33, 122-(A)- L34A, 122-(A)- L77, 122-(A)- L78, 122-(A)- L80, 122-(A)- L85, 122-(A)- L85A, 122-(A)- L85B, 122-(A)- L87, 122-(A)- L88, 122-(A)- L94B, 122-(A)- L94B1, 122-(A)- L94B2, 122-(A)- L98, 122-(A)- L107A, 122-(A)- L107B, 122-(A)- L109, 122-(A)- L110, 122-(A)- L111, 122-(A)- L114, 122-(A)- L132, 122-(A)- L133, 122-(A)- L134, 122-(A)- L142, 122-(A)- L144, 122-(A)- L144A1, 122-(A)- L144A2, 122-(A)- L145, 122-(A)- L145A, 122-(A)- L145B, 122-(A)- L145C, 122-(A)- L147A, 122-(A)- L148, 122-(A)- L148A, 122-(A)- L150, 123-(1)- L1, 123-(1)- L1B, 123-(1)- L2C, 123-(A)- L8, and 123-(A)- L24.

This ordinance shall be effective from the 26th day of January, 2022.

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PUBLIC HEARING – SPECIAL USE PERMITS.

At 7:08 p.m., Chair Wolfe-Garrison opened the public hearing and Code Compliance Officer Carley Stackpole reviewed the following special use permit requests:

SUP21-289 Gregory M. and Valerie S. Weaver, 7798 Indian Trail Road, Rockingham, VA for a private cemetery, located on the east side of Indian Trail Road (Route #717) approximately 0.7 mile south of Fellowship Road (Route #721) in Election district 3. Zoned A-1 (Prime Agricultural). Tax Map #96-(A)- L81

Representing the applicant, Attorney Katherine Mann was in attendance to speak on behalf of Mr. and Mrs. Weaver.

It was noted that the land card indicates there is a cistern on the property. Ms. Mann said there is actually a well on the property. In response to a question from Chair Wolfe-Garrison, Ms. Mann indicated the well currently provides water to the Weaver’s house. She noted the minimum distance from the proposed cemetery for either type water source is 100 feet, and she thinks the water source is outside of that distance.

Attorney Miller suggested a condition could be placed on the special use permit regarding the minimum distance between the proposed cemetery and the well. Mr. Getz indicated one of the conditions of a special use permit is that they always comply with applicable federal, state, and local regulations. He noted that is a health department regulation.

Supervisor Kyger asked if the cemetery plot would be platted so that the deed of record indicates there is a family cemetery on the property. If the property is sold in the future, the new owner needs to know there is a cemetery on the property, he said.

Attorney Miller responded that the County has not required private cemeteries be platted. Supervisor Kyger reminded the Board that there was a private cemetery on County-owned property that was used for a public project, and he stressed that it cost the County a lot of time and money. When Chair Wolfe-Garrison asked if it was possible to include a condition that the cemetery be platted and included in the recorded land records, Mr. Miller responded that he did not know of any reason why it could not be recorded.

Supervisor Kyger questioned if this will be a natural decomposing cemetery or if the deceased will be embalmed. Ms. Mann did not know if there was currently a specific plan but said the Weavers will follow the required health department regulations.

Mr. Miller informed the attendees that embalming is not required in Virginia.

SUP21-219 Linda Cowasjee, 14225 Hupp Road, Timberville, VA for a commercial dog kennel located on the west side of Hupp road approximately 0.3 mile north of Long Meadow Drive, in Election District 1. Zoned A-1 (Prime Agricultural). Tax Map #53-(A)- L59A.

Mr. Getz said the applicant was not able to attend the public hearing.

Mr. Getz noted Ms. Cowasjee plans to put the kennel in her backyard.

Supervisor Chandler said when the special use permit request was discussed a few months ago, he thought an ordinance would be adopted, but an ordinance has not been completed. Mr. Miller indicated the ordinance should be finalized in the next month.

Susan Mansfield pointed out that the application indicates the applicant breeds her dogs to have one to three litters of puppies in her home each year, and Ms. Cowasjee's application provides the impression that will continue. Ms. Mansfield went onto say the kennel is large and can accommodate many dogs. She asked if the special use permit limits the maximum number of dogs the applicant can have and stated there needs to be a limit on the number of litters a dog has. Ms. Mansfield's understanding is that the proposed kennel will not be very close to Ms. Cowasjee's home, and there are no restrictions on running water, heated floors, or central air.

Ms. Mansfield stated she objects to this special use permit until stronger boundaries are set.

At 7:20 p.m., Chair Wolfe-Garrison closed the public hearing to address the following special use permits:

SUP21-289, Gregory M. and Valerie S. Weaver

Supervisor Chandler expressed appreciation for the points brought forward during the public hearing. He said if a private cemetery is not fenced or maintained, it can be difficult to locate. Recording a platted survey of the proposed cemetery plot, along with the deed, will apprise future home purchasers that there is a cemetery on the property and its location, he said.

In response to a question from Chair Wolfe-Garrison, Mr. Miller said, if the proposed cemetery plot is surveyed and recorded with the original deed but the property is sold before anyone is buried in the family cemetery, the special use permit will remain with the property.

Supervisor Chandler said if the special use permit is approved and the Weavers have the cemetery platted and recorded, it will be open to the public. Mr. Miller pointed out that there is a state law-imposed easement of ingress and egress, which is a "no specified pathway" for decedents of people buried there, and for the general public performing historical research.

In response to a question from Ms. Mann, Mr. Miller confirmed that the Weavers should have the proposed cemetery plot surveyed and spread on the land records, so it shows up on the grantee's index to perfect the special use permit.

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, subject to the following conditions, approved SUP21-289, Gregory M. and Valerie S. Weaver, 7798 Indian Trail Road, Rockingham, Virginia for a private cemetery, located on the east side of Indian Trail Road (Route 717), approximately 0.7 mile south of Fellowship Road (Route 721) in Election district 3. Zoned A-1 (Prime Agricultural). Tax Map #96-(A)- L81.

Conditions:

1. Use shall be in substantial accordance with the submitted site plan.
2. The use and structures shall comply with all applicable federal, state, and local regulations.
3. The applicant shall cause a plat to be recorded showing the location of the cemetery.

SUP21-219, Linda Cowasjee

Supervisor Ritchie indicated he and Mr. Getz tried to get in touch with Ms. Cowasjee, but neither of them received a response from her. Supervisor Ritchie made a motion to table SUP21-219 for Linda Cowasjee until the February 9, 2022 meeting, to give her an opportunity to contact him or Mr. Getz.

Chair Wolfe-Garrison said when Supervisor Ritchie wants to bring this special use permit off the table, he can do so at any time, without notice.

The motion was 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 tabled SUP21-219 for Linda Cowasjee. Linda Cowasjee, 14225 Hupp Road, Timberville, VA for a commercial dog kennel located on the west side of Hupp road approximately 0.3 mile north of Long Meadow Drive, in Election District 1. Zoned A-1 (Prime Agricultural). Tax Map #53-(A)-L59A.

RESUME PUBLIC HEARING – KNIGHT SOLAR LLC SPECIAL USE PERMIT.

At 7:26 p.m., Chair Wolfe-Garrison resumed the following public hearing, which remained in session from the December 8, 2021 Board meeting.

SUP21-213 Knight Solar LLC, 148 Cobble Ridge Drive, Pittsboro, NC 27312 for a large-scale solar facility located on the west side of East Point Road (Route 602) approximately 475 feet south of Gum Tree Lane (Route 947) in Election District 5. Zoned A-1 (Prime Agricultural). Tax Map # 99-(A)-L59, 99-(A)-L59E, & 99-(A)-L58A.

Mr. Getz received additional information regarding Knight Solar LLC following the December 8, 2021 Board meeting, and that information was provided to the Board members. He noted there were no additions to the original report, but the site plan has been updated.

Matt Delafield, who is the co-founder and Chief Operating Officer of Renewable Energy Services (RES), indicated RES is the owner and developer of the Knight Solar LLC project. He noted that their Attorney Jonathan Puvak, and Knight Solar's landlord J. R. Freeze and Mr. Freeze's wife were present.

Mr. Delafield focused on the efforts and progress RES made since the December 8, 2021 meeting. As previously mentioned, the site plan was updated to incorporate voluntary changes and address some of the comments discussed at the December portion of the public hearing. He noted Knight Solar expanded the public engagement effort and sent approximately 290 letters to the general public, held a virtual public information meeting, and continued direct communication with neighbors.

RES refined the landscape and ground cover plan, completed an appraisal impact report. A comprehensive report was created by an experienced, independent Member Appraisal Institute (MAI) appraiser, who concluded there was no measurable impact on property values for residences that adjoin solar facilities, Mr. Delafield said.

Mr. Delafield reviewed site plan changes, and RES continued community engagement, which included reaching out to every landowner within a one-mile radius of Knight Solar's property lines. A packet was provided to the neighbors introducing Knight Solar and the proposed development. A Frequently Asked Questions (FAQ) list was also provided, he said.

Mr. Delafield indicated four households attended the meeting. Those families wanted to know what was proposed, where it was proposed, how it would work, whether there were safety issues and the impact on the environment. Mr. Delafield stated all four families noted they did not oppose the project. Knight Solar staff will schedule additional communications with the attendees and provide an updated site plan.

The same information was shared with three other landowners who could not attend the initial meeting. Those landowners asked similar questions and all three indicated they were not opposed to the project.

Mr. Delafield reported that G. R. Freeze, the owner of the proposed solar property, took it upon himself to reach out to neighbors who adjoin the proposed solar property. Mr. Freeze explained why he wanted to have a solar farm and what it would entail. His neighbors rallied around Mr. Freeze and 15 of them signed a letter of support, Mr. Delafield said.

Brett Shifflett, who was not opposed to the solar farm, asked whether there would be a devaluation of neighboring properties, and what would be done to control stormwater runoff. Mr. Shifflett pointed out that there are already flooding issues in the area, and he is not able to access his driveway after heavy rainfalls.

Mr. Delafield noted the ground cover was re-evaluated by the landscape architect, who put together a seed mix that meets the Department of Environmental Quality (DEQ) requirements.

Mr. Delafield noted Knight Solar submitted 20 conditions to comply with the spirit of the new ordinance. Even though they cannot commit to everything in the ordinance, Mr. Delafield said Knight Solar will stand by the neighbors.

Mr. Delafield indicated before the solar project begins, an engineer will meet with neighboring property owners to understand the current stormwater issues. The engineer will take those issues into consideration and may be able to provide some relief for the neighbors.

An appraisal study was prepared to provide the impact on property values in the area. Information was gathered regarding solar farms in other Virginia Counties, and it was determined that the solar farms did not have an impact on the value of the homes in that area.

Attorney Jonathan Puvak said Knight Solar designed their project in 2020, before the solar regulations were in place. Knight Solar applied for a special use permit before the ordinance was adopted, he said.

Brett Shifflett, who spoke at the previous public hearing, said he had concerns, but he has since communicated with Mr. Delafield and Mr. Freeze, who have worked with him to address his concerns. Mr. Shifflett said he and his family are now in support of the project.

G. R. Freeze indicated he reached out to all the neighbors. He invited some to come tonight, but they had no complaints, and indicated there was no need for them to attend a meeting. Mr. Freeze expressed appreciation for the support provided to him, and said he hopes everything goes well for the County, Mr. Delafield, and himself.

Bob Threewitts expressed concern regarding the size of the solar site, noting the ordinance specifies 150-acre solar sites and this proposed site is larger than that. He said a lot of work was put into the recommended ordinance presented to the Board, which the

Board has expanded upon. The majority of the committee proposed solar farms be a maximum of 50 to 75 acres. That number was stretched to 150 acres and now it is being stretched further, he said.

Mr. Threewitts said there was previously no mention of grandfathering anything into the solar ordinance, and his understanding was that previous applications would not be considered for grandfathering into the special use permit. Mr. Threewitts questioned the purpose of the work performed on the ordinance, and said it appears it will not be followed. Mr. Threewitts reported that within 40 days, he received 25-3/4 inches of rain on his farm, as well as two five-inch rains, which have not been taken into consideration. He noted these rain events occur on a regular, annual basis.

Mr. Threewitts reiterated that the large solar site greatly concerns him because when the ground gets stripped bear and is replanted it will never be the same and the water will run off. Mr. Threewitts does not understand how the proposed solar site complies with anything the committee accomplished.

At 7:54 p.m., Chair Wolfe-Garrison closed the public hearing.

SUP21-213, Knight Solar LLC

Supervisor Breeden noted he received new information regarding this special use permit today, which he would like to consider.

On motion by Supervisor Breeden, 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 tabled SUP21-213, Knight Solar LLC, 148 Cobble Ridge Drive, Pittsboro, NC 27312 for a large-scale solar facility located on the west side of East Point Road (Rt. 602) approximately 475 feet south of Gum Tree Lane (Route 947) in Election District 5. Zoned A-1 (Prime Agricultural). Tax Map # 99-(A)-L59, 99-(A)-L59E, & 99-(A)-L58A.

Chair Wolfe-Garrison indicated SUP21-213 for Knight Solar LLC is tabled and the public discussion is over. The special use permit can be removed from the table at any time, without notice.

Chair Wolfe-Garrison stated it was her understanding that Supervisor Breeden and County Attorney Miller will be in close communication with the applicant and their representatives.

At 7:59 p.m., Chair Wolfe-Garrison closed the public hearing.

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ADJOURNMENT.

Chair Wolfe-Garrison declared the meeting adjourned at 8:00 p.m.

_____,
Chair