

March 8, 2023

The Regular Meeting of the Rockingham County Board of Supervisors was held on Wednesday, March 8, 2023, 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
MICHAEL A. BREEDEN, Election District #5

WILLIAM B. KYGER, JR., Election District #4 was absent.

Also present:

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

STEPHEN G. KING, County Administrator
THOMAS H. MILLER, JR., County Attorney
CASEY B. ARMSTRONG, Assistant County Administrator for Economic Development
PATRICIA D. DAVIDSON, Assistant County Administrator for Finance & Operations
MICHAEL L. BOWEN, Director of Technology
RHONDA H. COOPER, Director of Community Development
KIRBY W. DEAN, Director of Parks & Recreation
PAULA A. GREENHAGEN, Director of Human Resources
JEREMY C. HOLLOWAY, Fire & Rescue Chief
ROSS C. MORLAND, Director of Engineering
PHILIP S. RHODES, Director of Public Works
ANN MARIE RITCHIE, Director of Court Services
LOGAN T. BORROR, Deputy Director of Public Works
RACHEL A. SALATIN, Deputy Director of Community Development
KELLY S. GETZ, Zoning Administrator
JOSHUA J. GOODEN, Economic Development & Tourism Coordinator
DYLAN L. NICELY, Land-Use Planner
KAYLA R. YANKEY, Land-Use Planner
MOLLY S. BARNETT, Deputy Clerk
DONALD F. KOMARA, Residency Administrator
Virginia Department of Transportation
C. BURGESS LINDSEY, Assistant Residency Administrator
Virginia Department of Transportation

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CALL TO ORDER.

Chairman Ritchie called the meeting to order at 2:00 p.m.

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CLOSED MEETING.

On motion by Supervisor Wolfe-Garrison, seconded by Supervisor Chandler, and carried by a roll call vote of 4 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – ABSENT; RITCHIE – AYE; WOLFE-GARRISON – AYE; the Board recessed the meeting from 2:00 p.m. to 3:01 p.m., for a closed meeting pursuant to Section 2.2-3711.A(1), Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body; Section 2.2-3711.A(3), Discussion

or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body; and 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 BREEDEN

RESOLUTION NO: 23-04
MEETING DATE: March 8, 2023

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, RITCHIE, WOLFE-GARRISON

NAYS: NONE

ABSENT: KYGER

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**RECONVENE
PLEDGE OF ALLEGIANCE
INVOCATION.**

Chairman Ritchie reconvened the regular meeting at 3:01 p.m.

Supervisor Wolfe-Garrison provided the invocation, and County Administrator King led the Pledge of Allegiance.

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RECOGNITION OF HIGH SCHOOL STUDENTS.

Students from Turner Ashby, East Rockingham, and Spotswood High Schools introduced themselves to the Board.

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APPROVAL OF MINUTES.

On motion by Supervisor Chandler, seconded by Supervisor Wolfe-Garrison, and carried by a roll call vote of 4 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – ABSENT; RITCHIE – AYE; WOLFE-GARRISON – AYE; the Board approved the minutes of the regular meeting of February 22, 2023.

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REPORT – BOARD OF EQUALIZATION.

Jon Ritenour, Chair of the Board of Equalization, presented a report of property tax assessment appeals in the County for 2022.

The Board of Equalization Property Tax Assessment Appeals Report for 2022 is attached to and made a part of these minutes.

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TRANSPORTATION DEPARTMENT.

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

Mr. Komara announced Jeremy Mason has accepted the position of Assistant Residency Administrator with the Virginia Department of Transportation.

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COUNTY ADMINISTRATOR’S STAFF REPORT.

Administrator King said many County residents recently received a mailer from Massanutten Public Service Corporation (MPSC). He stated the mailers are part of a larger effort to convince MPSC customers it is against their best interests to purchase the water and sewer system, and to convince taxpayers of the County that they will pay for the acquisition. Mr. King emphasized this is inaccurate information; only Massanutten customers will pay for the purchase and operation of the system.

Mr. King expressed disappointment that misinformation was distributed to so many community members, including residents of the City of Harrisonburg. County Attorney Miller added that MPSC representatives continue to make false claims, despite having been informed otherwise.

Mr. Miller reiterated that the Board’s action is a response to years of complaints and requests from Massanutten residents, not a hostile takeover instigated by the Board itself. Mr. Miller added the Massanutten Water and Sewer Authority Board members will not be subject to political pressure to change rates. He stated under Virginia law, it is illegal for the Authority to function as a profit center, and that money collected can only be used for system operation.

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ASSISTANT COUNTY ADMINISTRATOR FOR DEVELOPMENT.

Economic Development and Tourism Coordinator Gooden reviewed a Tourism Grant Proposal for Massanutten Farmers Market. He stated the \$50,000 grant would fund a farmer’s market at Woodstone Meadows. Mr. Gooden said this would provide another venue for local agricultural producers in the County.

On motion by Supervisor Breeden, seconded by Supervisor Chandler, and carried by a roll call vote of 4 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – ABSENT; RITCHIE – AYE; WOLFE-GARRISON – AYE; the Board approved the \$50,000 Tourism Grant Proposal for Massanutten Farmers Market.

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ASSISTANT COUNTY ADMINISTRATOR FOR FINANCE AND OPERATIONS.

Ms. Davidson recalled staff has discussed the purchase of a pumper fire truck for Fire & Rescue. She stated the estimated lead time once the order is placed is FY25. Mrs. Davidson

pointed out that the Capital Improvement Plan indicates the County will have another fire station opening around 2025, and action is required now to ensure it will have a fire engine.

Mrs. Davidson stated ordering a demo engine is an option, and delivery would be summer of 2023. She said there is a unit on Helping Governments Across the Country Buy (HGAC Buy) contract with Atlantic Emergency Solutions, with a cost not to exceed \$1.1 million. Staff determined that the demo unit could be placed at Elkton until another station opened, she explained. Mrs. Davidson added that a pumper fire truck is currently on order for Elkton with projected delivery around 2025, and these purchases are covered by the Apparatus Replacement Fund without additional appropriation.

On motion by Supervisor Wolfe-Garrison, seconded by Supervisor Chandler, and carried by a roll call vote of 4 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – ABSENT; RITCHIE – AYE; WOLFE-GARRISON – AYE; the Board authorized staff to purchase a demo pumper fire truck from Atlantic Emergency Solutions at a cost not to exceed \$1.1 million.

Mrs. Davidson recalled the County issued a Request for Proposals (RFP) for auditing services. Three proposals were submitted, and staff recommended entering into a three-year contract with PBMares. In response to a question from Chair Ritchie, Mrs. Davidson elaborated that there is not a specified cost for the contract since there are many components.

On motion by Supervisor Wolfe-Garrison, seconded by Supervisor Chandler, and carried by a roll call vote of 4 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – ABSENT; RITCHIE – AYE; WOLFE-GARRISON – AYE; the Board awarded the auditing services proposal to PBMares for a three-year contract, including two optional one-year extensions.

Mrs. Davidson stated the County issued an Invitation to Bid (ITB) for food and related products for Rockingham-Harrisonburg Regional Jail. The bid closed on February 17, 2023, with Sysco being the only response. Mrs. Davidson said staff recommended entering into a contract with Sysco for one-year, with four-year renewals. She pointed out there is no price as food supplies are purchased ad hoc.

On motion by Supervisor Wolfe-Garrison, seconded by Supervisor Breedon, and carried by a roll call vote of 4 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – ABSENT; RITCHIE – AYE; WOLFE-GARRISON – AYE; the Board awarded the ITB to Sysco Virginia for a one-year contract, with four-year renewals, for food and related products for Rockingham-Harrisonburg Regional Jail.

Mrs. Davidson recalled the County issued an RFP for electrical services. Four responses were submitted, and staff recommended entering into three-year contracts with Trumbo Electric, Inc. and Leon's Electric, Inc., with two optional one-year extensions for each contract. Mrs. Davidson noted that the RFP was solicited using quotes for hourly rates of electricians and helpers, making an overall price quote unavailable.

On motion by Supervisor Wolfe-Garrison, seconded by Supervisor Breedon, and carried by a roll call vote of 4 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – ABSENT; RITCHIE – AYE; WOLFE-GARRISON – AYE; the Board awarded the electrical services proposal to Trumbo Electric, Inc. and Leon's Electric, Inc., for three-year contracts with two optional one-year extensions for each contract.

Mrs. Davidson stated the County issued an ITB to establish a contract for the removal and replacement of the complete undercarriage for a 2021 John Deere 850L crawler dozer. Carter Machinery was the only response in the amount of \$38,308.02 with a four-year guarantee.

On motion by Supervisor Wolfe-Garrison, seconded by Supervisor Chandler, and carried by a roll call vote of 4 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – ABSENT; RITCHIE – AYE; WOLFE-GARRISON – AYE; the Board awarded the John Deere 850L undercarriage replacement project to Carter Machinery in the amount of \$38,308.02.

Fire and Rescue Apparatus Replacement Fund

On motion by Supervisor Wolfe-Garrison, seconded by Supervisor Chandler, and carried by a roll call vote of 4 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – ABSENT; RITCHIE – AYE; WOLFE-GARRISON – AYE; the Board approved the following supplemental appropriation:

A supplemental appropriation of \$800,000 to transfer funds from the general fund to the apparatus replacement fund. This appropriation does not add funds for expenditure, it is a transfer. Funds were provided in the FY23 budget for a fire engine that was ordered in fiscal year 2022.

Transfer Appropriation: \$800,000

(\$800,000)	GL Code: 1001-03202-00000-000-508005-000	General Fund: Volunteer Fire
\$800,000	GL Code: 1001-09301-00000-000-509517-000	Transfer to Apparatus
	Replacement Fund	
\$800,000	GL Code 1104-03201-00000-000-508022-000	Apparatus: Fire Engine
\$800,000	GL Code: 1104-00000-15102-000-351000-000	Transfer from General Fund

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DIRECTOR OF PUBLIC WORKS.

Public Works Director Rhodes introduced Logan Borrer, who recently began employment with the County as Deputy Director of Public Works.

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DIRECTOR OF TECHNOLOGY.

Director of Technology Bowen announced that Dusty Moyer was promoted to Deputy Director of Technology, and Abigail Curinga joined the Technology Department as an Administrative Assistant.

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RECESS.

Chair Ritchie recessed the regular meeting at 4:11 p.m.

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CLOSED MEETING.

On motion by Supervisor Wolfe-Garrison, seconded by Supervisor Chandler, and carried by a roll call vote of 4 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – ABSENT; RITCHIE – AYE; WOLFE-GARRISON – AYE; the Board recessed the meeting from 4:16 p.m. to 5:11 p.m., for a closed meeting pursuant to Section 2.2-3711.A(1),

Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body; Section 2.2-3711.A(3), Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body; and 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 BREEDEN

RESOLUTION NO: 23-05
MEETING DATE: March 8, 2023

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VOTE:

AYES: BREEDEN, CHANDLER, RITCHIE, WOLFE-GARRISON

NAYS: NONE

ABSENT: KYGER

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RECONVENE.

At 5:11 p.m., Chair Ritchie reconvened the regular meeting, and immediately recessed for dinner.

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PUBLIC HEARINGS.

At 6:00 p.m., Chair Ritchie reconvened the regular meeting and Land-Use Planner Yankey presented the following request:

REZ22-2132 Travis Lam (Ridgeview Development), 589 Willow Rose Drive, McGaheysville VA, request to rezone 4.43 acres from A-2 (General Agricultural) to PMF (Planned Multi Family). The property is located approximately 800 feet northwest of the intersection of Spotswood Trail (Route 33) and Stone Spring Road (Route 280). Tax Map #125-(A)- L201, 202, 203, 204. Election District 3.

In response to a question from Chair Ritchie, Mrs. Yankey stated the applicant has dedicated a considerable amount of the right-of-way on the front of the property towards the right turn lane.

Ed Blackwell of Blackwell Engineering appeared on behalf of the applicant. He stated a turn lane would be built along the entire front of the development that would connect to the right through lane in front of the Holtzman Exxon. Mr. Blackwell noted the shared-use path would connect to Preston Lake, and a gas main and fiber optic lines would need to be relocated, which

has been factored into the development costs. There would be a maximum of 57 units in the development, he said.

Chair Ritchie opened the public hearing at 6:12 p.m.

Greg Smith, neighboring property owner, spoke in support of the request.

At 6:14 p.m., Chair Ritchie closed the public hearing.

On motion by Supervisor Chandler, seconded by Supervisor Breeden, and carried by a roll call vote of 4 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – ABSENT; RITCHIE – AYE; WOLFE-GARRISON – AYE; the Board approved REZ22-2132 Travis Lam (Ridgeview Development), 589 Willow Rose Drive, McGaheysville VA, request to rezone 4.43 acres from A-2 (General Agricultural) to PMF (Planned Multi Family). The property is located approximately 800 feet northwest of the intersection of Spotswood Trail (Route 33) and Stone Spring Road (Route 280). Tax Map #125-(A)- L201, 202, 203, 204. Election District 3.

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ORDINANCE AMENDMENT

Zoning Administrator Getz reviewed the following ordinance amendment:

OA22-2391 Staff-generated ordinance amendment to the Rockingham County Code, Chapter 17 (Zoning Ordinance), Table 17-606, Land Use and Zoning Table, and Section 17-607, supplemental standards, to require a special use permit for certain uses currently permitted of right in the B-1 (General Business District) and B-2 (Neighborhood Business District) located within the Urban Development Area.

Mr. Getz stated in 2021, the Board approved OA21-210, which amended the zoning ordinance to require a special-use permit within the County's Urban Development Area (UDA) for six specific B-1 and B-2 uses. He said the ordinance amendment under consideration would change an additional 18 B-1 and B-2 zoning district uses from by-right to special-use permit within the UDA. Outside of the UDA, these particular uses would remain by-right, said Mr. Getz. He explained that by requiring a special-use permit, this would give the Board discretion on whether uses are appropriate for the UDA.

At 6:22 p.m., Chair Ritchie opened the public hearing.

Kim Sandum spoke in support of the amendment.

At 6:23 p.m., Chair Ritchie closed the public hearing.

On motion by Supervisor Breeden, seconded by Supervisor Wolfe-Garrison, and carried by a roll call vote of 4 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – ABSENT; RITCHIE – AYE; WOLFE-GARRISON – AYE; the Board adopted the following ordinance amendment:

**ORDINANCE AMENDING PORTIONS OF TABLE 17-606
AND REPEALING AND REENACTING
CERTAIN LAND USES IN SECTION 17-607
OF THE CODE OF ORDINANCES OF
ROCKINGHAM COUNTY, VIRGINIA**

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

That Table 17-606. Land Use and Zoning Table be and hereby is amended by updating the following land uses in the B-1 and B-2 zoning districts, located in the Urban Development Area, to SU*:

	Table 17-606. Land Use and Zoning Table																							
	A-1	A-2	RV	RR-1	R-1	R-2	R-3	PSF	PM F	PG	R-4	R-5	MH-1	MH P	MX U	B-1	B-2	BX	PCD	PM R	I-1	PID	S-1	
P: Permitted; SU: Special Use; A: Permitted Accessory; Asterisk*: Supplemental Standards Apply																								
Bus or rail terminal																P / SU*	P / SU*							
Cabinet, furniture, woodworking, upholstery shop																P / SU*	P / SU*							
Car wash																P / SU*	SU							
Carpet and rug cleaning service																P / SU*	P / SU*							
Contractor's operation																P / SU*								
Event center																P / SU*	P / SU*							
Flea market																P / SU*								
Kennel operation, commercial																P* / SU*								
Motor vehicle parts sales																P / SU*	P / SU*							
Motor vehicle repair shop																P* / SU*	P* / SU*							
Motor vehicle tow service																P / SU*	P / SU*							
Nursery																P / SU*	P / SU*							
Parking facilities																P / SU*	P / SU*							
Retail use not otherwise listed																P / SU*	P / SU*							
Seed and feed store																P / SU*								
Service business, not otherwise listed																P / SU*	P / SU*							
Small appliance or small engine repair shop																P / SU*	P / SU*							
Solar Energy Facility, Small																P* / SU*	P* / SU*							

All other portions of Table 17-606 continue as they were, reaffirmed and unaffected.

Section 17-607. Supplemental standards for certain land uses.

That the following land uses in **Section 17-607. Supplemental standards for certain land uses** be and hereby are repealed and re-enacted as follows:

Bus or rail terminal.

(a) In the B-1 and B-2 zoning districts within the Urban Development Area shown on the comprehensive plan, Bus or rail terminals shall be by special use permit.

Cabinet, furniture, woodworking, upholstery shop.

(a) Shall be by special use permit in the B-1 and B-2 zoning districts within the Urban Development Area shown on the comprehensive plan.

Car wash.

(a) In the B-1 zoning district within the Urban Development Area shown on the comprehensive plan, Car wash shall be by special use permit.

Carpet and rug cleaning service.

(a) In the B-1 and B-2 zoning districts within the Urban Development Area shown on the comprehensive plan, Carpet and rug cleaning service shall be by special use permit.

Contractor's operation.

(a) In the B-1 zoning district within the Urban Development Area shown on the comprehensive plan, Contractor's operation shall be by special use permit.

Event center.

In the A-1 and A-2 districts, shall be either:

(1) A permitted use as an assembly building, as defined in the Uniform Statewide Building Code, where associated with and accessory to a licensed farm winery, farm brewery, farm cider mill, farm distillery, or an on-farm establishment as permitted under Virginia State Code Section 15.2-2288.6.

- a. Hours of operation shall be from 6:00 a.m. to 11:00 p.m. and may continue until 1:00 a.m. Saturday and Sunday mornings and holidays provided the event is held entirely indoors so that light and sound generated by the event do not leave the premises after 11:00 p.m.

(2) A special use permit where located within a residence or in a building on the same parcel as a residence, where:

- a. The owner or manager shall be present on the property during an event and shall provide full-time management of the establishment during the event.
- b. Hours of operation shall be limited to 6:00 a.m. to 11:00 p.m. and may continue until 1:00 a.m. Saturday and Sunday mornings and holidays provided the event is held entirely indoors so that light and sound generated by the event do not leave the premises after 11:00 p.m.

(3) All applicable local, state, and federal regulations shall be met, including, but not limited to the Uniform Statewide Building Code and Fire Code.

In the R-V districts:

- (1) The event center shall be located within a residence or in a building on the same parcel as a residence
- (2) The owner or manager shall be present on the property during an event and shall provide full-time management of the establishment during the event.
- (3) Hours of operation shall be limited to 6:00 a.m. to 11:00 p.m. and may continue until 1:00

a.m. Saturday and Sunday mornings and holidays provided the event is held entirely indoors so that light and sound generated by the event do not leave the premises after 11:00 p.m.

- (4) All applicable local, state, and federal regulations shall be met, including, but not limited to, the Uniform Statewide Building Code and Fire Code.

In the B-1 and B-2 zoning districts:

- (1) In the B-1 and B-2 zoning districts within the Urban Development Area shown on the comprehensive plan, Event centers shall be by special use permit.

Flea market.

- (a) In the B-1 zoning district within the Urban Development Area shown on the comprehensive plan, Flea markets shall be by special use permit.

Kennel operation, commercial

(a) Purpose: This purpose of these supplemental standards is to enforce and ensure the health, safety and wellbeing of the residents and property owners of Rockingham County and their canine companion animals.

(b) All kennel operations: All kennel operations, commercial, unless modified below shall comply with:

- (1) Any runs, or containment areas associated with a commercial kennel operation shall meet the following setbacks:
 - (i) One hundred fifty (150) feet from any property line, reducible to seventy-five (75) feet if notarized consent is obtained from the affected adjoining landowner and submitted as a part of the application.
 - (ii) One hundred (100) feet from any public road. This setback is not reducible and shall be submitted as part of the application.
- (2) The owner of the kennel operation shall submit a plan for waste disposal meeting all regulatory requirements.
- (3) All companion animals in a commercial kennel operation shall be housed in a fully enclosed building from 9:00 p.m. until 7:00 a.m.

(c) Commercial breeding kennels: Paragraphs (c) through (o), inclusive, apply to kennel operations, commercial, at which puppies are bred, kept, or housed, for sale or transfer for any consideration. Such commercial kennel operations are sometimes referred to herein as commercial breeding kennels. Properties on which no more than two (2) litters per calendar year are produced and/or kept for commercial purposes shall be exempt from these requirements.

(d) Definitions: Words used in these supplemental standards, such as but not limited to, "dog", "canine", and "companion animal", that are also used in Title 3.2, Chapter 65 of the Code of Virginia, shall have the meaning here as in the referenced State Code Chapter.

(e) Number of litters: A commercial breeding kennel may have no more than three (3) litters per calendar year. No female dog shall be bred more than one (1) time per calendar year.

(f) Physical requirements, shelter, exercise:

Cages or pens for individual dogs shall, at a minimum be long enough and wide enough for the dog to easily turn around, but in any case, no less than 200% of the measurement of the dog from nose tip to rump, and no less than 200% of the maximum natural height of the dog's head when the dog is standing or sitting fully erect, whichever is higher.

Pens or cages for a mother and her pups shall have adequate floor space to allow free and easy movement of the mother and all the puppies and adequate head room as described for pens and cages for individual dogs.

Feces shall not be permitted to accumulate in exercise areas in a manner that risks the health and wellbeing of dogs, staff or visitors.

(g) Inspections: Each commercial breeding kennel may be inspected once every twelve months on an announced and by-appointment basis, and may be inspected at least once randomly and unannounced between annual inspections. The kennel operator shall permit the agent of the county charged with enforcement of this supplemental standard access to the property and to all records for the kennel.

(h) Enforcement and violations: Enforcement of these supplemental standards shall be by the Code Enforcement Officer and the Zoning Official. Violations shall be handled as zoning violations and may include revocation of the special use permit.

(i) Records: All records required by these supplemental standards are subject to inspection by the County's enforcement officials, and shall be presented to such enforcement officials during the annual inspection and any random inspection in between annual inspections.

Kennel owners and operators shall ensure that the County has on file current information regarding the names of all owners and operators, and a phone number, email address, and physical address where each owner and operator may be contacted.

Kennel owners and operators shall maintain written records of the following:

- (1) Identifiers for each breeding dog, both male and female, that will enable an inspector and a potential purchaser of a puppy to identify the breeding female. Such identifiers shall include, but not be limited to, name, breed, description of markings, and tattoos and identification chips, if any.
- (2) Lineage of each breeding male and female going back three generations prior to the dog in question.
- (3) Parentage, date of birth and method of identification of each puppy born to the kennel.
- (4) All vetting performed on each canine.
- (5) Other records as required by these supplemental standards.

(j) Required vetting: Each commercial breeding kennel shall establish a relationship with a veterinarian or veterinarian clinic duly licensed and certified by the Commonwealth of Virginia.

Complete records of all vetting of all canines in the commercial breeding kennel shall be maintained and made available to inspectors and customers.

(k) Customers: The intended customer shall not be a pet store or laboratory, or other commercial, medical or research establishment or facility. The kennel shall take reasonable precautions to ensure that any customer to whom the kennel sells a puppy is, in fact, an individual or family customer who does not intend to transfer or resell the puppy to another, unless as a gift to another individual or family. Records of the kennel's good faith effort to work toward this goal shall be kept with the other records required by these supplemental standards and shall include the name or names of the individual or family to whom the puppy was sold and the physical address where the puppy will live, and a brief description of the efforts undertaken to verify the bonafides of the customer.

(l) Waste Management: Animal waste on the commercial breeding kennel premises, both within enclosures and in outdoor exercise and play areas, shall be managed at all times in accordance with best management practices so that all canines live, exercise and play in a healthy and safe environment, so that visitors to the kennel are not unduly aware of odors generated by waste, and so that no odors generated by waste leave the kennel premises. Disposal in sewage disposal systems approved by the state, county, Virginia Department of Health, and the Virginia Department of Environmental Quality, is preferred. All necessary measures shall be taken to ensure that no animal waste leaves the kennel premises and arrives

on neighboring properties in any manner, including but not limited to, stormwater runoff or kennel washdown procedures.

(m) State and federal regulations: These supplemental standards for zoning ordinance purposes shall be construed to be in addition to, and not as substituting, applicable state and federal statutes and regulations regarding dog breeding and kennel operations.

(n) In the B-1 zoning district within the Urban Development Area shown on the comprehensive plan, Commercial Kennel operations shall be by special use permit.

Motor vehicle parts sales

(a) In the B-1 and B-2 zoning districts within the Urban Development Area shown on the comprehensive plan, Motor vehicle parts sales shall be by special use permit.

Motor vehicle repair shop

(a) In the A-1, A-2, RV, MXU, B-1 and B-2 zoning districts:

- (1) No more than ten (10) vehicles awaiting service or pick-up shall be parked outside the structure.
- (2) No junked vehicles shall be located on the property.
- (3) No vehicles shall be sold from the site.
- (4) No outdoor display or outdoor storage of new or used automobile parts shall be permitted.
- (5) Hours of operation shall be limited to 6:00 a.m. to 9:00 p.m.
- (6) All repair work shall be done inside a building.

(b) In the MXU, B-2, and PCD zoning districts, no repair of any vehicle requiring a CDL license to operate or a gross vehicle weight of more than twenty-six thousand (26,000) pounds.

(c) In the B-1 and B-2 zoning districts within the Urban Development Area shown on the comprehensive plan, Motor vehicle repair shop shall be by special use permit.

(d) In the B-1 zoning district, outside of the Urban Development Area, repair of any vehicle requiring a CDL license to operate or a gross vehicle weight of more than twenty-six thousand (26,000) pounds shall be by special use permit.

(e) In the BX zoning district,

- (1) Areas for vehicles awaiting service or pickup shall be determined during site plan review.
- (2) No junked vehicles shall be located on the property.
- (3) No vehicles shall be sold from the site.
- (4) No outdoor display or outdoor storage of new or used automobile parts shall be permitted.
- (5) All repair work shall be done inside a building.

Motor vehicle tow service

(a) In the B-1 and B-2 zoning districts within the Urban Development Area shown on the comprehensive plan, Motor vehicle tow service shall be by special use permit.

Nursery

In the A-1, A-2, and RV zoning districts:

- (1) The sales area for companion products, including garden accessories, floral supplies, and other items directly related to the culture, care of use of horticultural products shall be limited to twenty-five (25) percent of the gross sales area.
- (2) Companion products shall not include lawn mowers, garden tractors, farm machinery and equipment (except hand tools, lawn ornaments, lawn furniture and other like items).
- (3) Hours of operation shall be limited to 6:00 a.m. and 9:00 p.m.

In the B-1 and B-2 zoning districts:

- (1) In the B-1 and B-2 zoning districts within the Urban Development Area shown on the comprehensive plan, Nursery shall be by special use permit.

Parking facilities

- (a) In the A-1, A-2, and RV zoning districts, parking facilities shall be park-and-ride facilities.
- (b) In the B-1 and B-2 zoning districts within the Urban Development Area shown on the comprehensive plan, Parking facilities shall be by special use permit.

Retail use not otherwise listed

- (a) In the RV zoning district, the retail use shall occupy no more than four thousand (4,000) square feet, except by special use permit.
- (b) In the MHP zoning district, the retail use shall serve primarily the residents of the manufactured home park in which it is located.
- (c) In the B-1 and B-2 zoning districts within the Urban Development Area shown on the comprehensive plan, Retail use not otherwise listed shall be by special use permit.

Seed and feed store

- (a) In the B-1 zoning district within the Urban Development Area shown on the comprehensive plan, Seed and feed store shall be by special use permit.

Service business, not otherwise listed

- (a) In the B-1 and B-2 zoning districts within the Urban Development Area shown on the comprehensive plan, 'Service business, not otherwise listed' shall be by special use permit.

Small appliance or small engine repair shop

- (a) No appliances or equipment shall be stored outdoors.
- (b) No junked appliances or equipment shall be allowed accumulate on the premises.
- (c) There shall be no sale of appliances or equipment associated with this use.
- (d) Hours of operation shall be limited to 6:00 a.m. to 9:00 p.m.
- (e) In the B-1 and B-2 zoning districts within the Urban Development Area shown on the comprehensive plan, 'Small appliance or small engine repair shop' shall be by special use permit.

Solar Energy Facility, Small

(a) Ground-mounted:

- (1) Setbacks for Small Solar Energy Facility, occupying between a half-acre and two (2) acres:
 - a. A Small Solar Energy Facility shall be located at least 100' from existing dwellings not on the same parcel as the facility.
 - b. Setback distance is reduceable by notarized consent from the owner(s) of the dwelling.
- (2) Setbacks for Small Solar Energy Facility panels, occupying less than a half-acre:
 - a. When total Small Solar Energy Facility panel area is 580 square feet or less, the solar array shall meet the same setback as accessory structures that are less than 580 square foot.
 - b. When total Small Solar Energy Facility panel area is more than 580 square feet and less than a half-acre, the solar array shall meet the same setbacks as primary structures.
- (3) Maximum Height: No part of a Small Solar Energy Facility shall exceed 15' in height.
- (4) In the B-1 and B-2 zoning districts within the Urban Development Area shown on the comprehensive plan, ground-mounted 'Solar Energy Facility, Small' shall be by special use permit.

(b) Roof-mounted:

- (1) Separate flush or frame-mounted solar energy facilities installed on the roof or structure shall not:
 - a. Project vertically more than one (1) foot above the peak of the sloped roof to which it is attached; or
 - b. Project vertically more than five (5) feet above a flat roof installation.
- (2) The combined height of a roof-mounted system and the principal structure to which it is attached shall not exceed the maximum height for the zoning district in which it is located.
- (3) It shall be demonstrated that the placement of the system shall not adversely affect safe access to the roof, pathways to specific areas of the roof, and safe egress from the roof.
- (4) Any glare generated by the system shall be mitigated or directed away from adjoining property or road when it creates a nuisance or safety hazard.

(c) Appearance:

- (1) The solar energy system shall be maintained in the color or finish that was originally applied by the manufacturer.
- (2) All signs, other than the manufacturer's identification, installer's identification, appropriate warning signs, or owner's identification shall be prohibited.

(d) Notification:

- (1) Consumer shall notify the utility company prior to purchasing and installing the small solar energy facility.
- (2) Installations shall require an electrical permit and inspection by County personnel.

- (3) County personnel shall notify the utility company that the small solar energy facility has been inspected and approved.
- (4) All installations shall comply with IEEE 1547, shall be UL listed and shall be approved for interconnection by the local utility company. All equipment shall be UL listed for its installed purpose.
- (5) All installations shall comply with all state regulations for small generator interconnections.

All other portions of Section 17-607 continue as they were, reaffirmed and unaffected.

This ordinance shall be effective from the 8th day of March, 2023.

Adopted the 8th day of March, 2023.

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REMOVAL FROM THE TABLE.

On motion by Supervisor Breeden, seconded by Supervisor Wolfe-Garrison, and carried by a roll call vote of 4 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – ABSENT; RITCHIE – AYE; WOLFE-GARRISON – AYE; the Board removed the following request from the table.

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.

Supervisor Breeden noted this request was initially too large, however, the applicant has updated their request to be in line with the County's solar ordinance.

Supervisor Wolfe-Garrison noted that with approval of this permit, the total allowance for exceptions for large scale solar arrays in excess of 50 acres has been met.

On motion by Supervisor Breeden, seconded by Supervisor Wolfe-Garrison, and carried by a roll call vote of 4 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – ABSENT; RITCHIE – AYE; WOLFE-GARRISON – AYE; the Board approved, with conditions, SUP21-213 Knight Solar LLC, 148 Cobble Ridge Drive, Pittsboro, NC 27312, 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.

CONDITIONS:

1. Use shall be in substantial accordance with the special use permit site plan approved March 8, 2023.
2. Compliance. The Project shall comply with all applicable local, state, and federal laws and regulations.
3. Height. Except for the collection areas, substation or otherwise as required by applicable building code, the maximum height of the solar panels and other above-ground equipment will be 25 feet.
4. Fencing. Fencing for the Project will comply with the National Electric Code (NEC) and shall be least 6 feet high. The Applicant shall maintain the fence for the life of the Project.
5. Vegetative Buffer. The Applicant will use all reasonable efforts to preserve existing vegetation around the perimeter of the Project. In addition to existing vegetation, the Applicant will install a vegetative buffer along the north and east sides of the Project in the areas where the adjoining uses are residential at the time of the SUP approval as shown on the special use permit site plan approved March 8, 2023.

The planted vegetative buffer on the north side will consist of four (4) rows of planted trees and shrubs with at least one row being a minimum of 8 feet at the time of planting, and the east side will consist of two (2) rows of planted trees and shrubs, with one row being a minimum of 6 feet at the time of planting. Prior to construction and final site plan approval, a final landscaping plan will be submitted to the Zoning Administrator, which shall detail the proposed plantings for the vegetative buffer and shall be generally consistent with the landscape plan submitted as a part of the SUP application. The Applicant shall maintain the vegetative buffer for the entire life of the Project.

6. Groundcover and Pollinators. The Applicant shall establish and maintain a minimum of ten (10) percent of the Project area as pollinator-friendly habitat in accordance with the Virginia Department of Conservation and Recreation's Virginia Pollinator Smart Program's Best Management Practices and Comprehensive Manual. The planting of pollinator vegetation will occur after construction of the solar panels is complete and the Project is ready for final site stabilization. All groundcover shall meet all erosion and sedimentation control regulations.
7. Construction Management and Mitigation. Prior to construction, the Applicant shall prepare and submit to the Zoning Administrator a construction management plan to address: traffic control methods, site access, temporary fencing, temporary lighting, and typical hours of construction activity.
8. Community Meeting. Prior to the commencement of construction, the Applicant shall hold a community meeting to answer questions and inform the community about the construction of the Project. The Applicant will submit meeting notes to the Zoning Administrator.
9. Approval Vesting. The approval of the Applicant's SUP request shall be valid for five (5) years, to accommodate timeline delays that were outside the control of the Applicant, caused by the interconnecting utility and regional transmission operator.

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ADJOURN.

Chairman Ritchie declared the meeting adjourned at 6:29 p.m.

Chairman