

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.

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.

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.

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

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

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

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

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

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.

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

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

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 12th 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.

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.

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

On motion by Supervisor Kyger, 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 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.

Chairman