

AT A CALLED WORK SESSION OF THE ROCKBRIDGE COUNTY BOARD OF SUPERVISORS
HELD IN THE ROCKBRIDGE COUNTY ADMINISTRATIVE OFFICE BUILDING
AT 150 SOUTH MAIN STREET, LEXINGTON, VIRGINIA
ON MONDAY, DECEMBER 13, 2021 AT 5:00 P.M.

BOARD MEMBERS PRESENT: D. E. LYONS
L.E. AYERS
R. W. DAY
A.J. "JAY" LEWIS, II.
D.B. MCDANIEL

COUNTY ADMINISTRATOR: SPENCER H. SUTER

COUNTY ATTORNEY: VICKIE L. HUFFMAN

CALLED TO ORDER:

Chairman Lyons called the Work Session to order at 5:00 p.m.

Redistricting Discussion:

County Administrator Spencer Suter provided the following overview:

"As you know, we have been looking at redistricting options for the past couple of meetings. With assistance from Brandon Moore of King/Moore Inc., we have presented four options for your consideration. To recap, based on the 2020 census data, the biggest population changes were in Kerrs Creek, which grew in population and Natural Bridge, which lost population. Therefore, in order to balance the districts, Kerrs Creek needs to shrink in size and Natural Bridge must grow in size. As the Buffalo district geographically in between the two, it will be impacted as well.

The latest development occurred on Friday when we took a look at the proposed House and Senate redistricting maps released last week by the Supreme Court. Heretofore, the entirety of the County was included in a single House or Senate district. The new proposal by has the entire county in the same Senate district but the House districts split the County.

This really has no effect on the four magisterial district options you have been considering but it would impact a couple of precinct boundaries. I've spoken with Harry Stone, Chair of Electoral Board and we looked at potential options / impacts for shifting precincts.

The main goal of the work session is for the board to discuss any thoughts you may have on redistricting options, and we will also show you the information on the House and Senate proposal. Should, after the work session, the Board be prepared to direct staff to advertise a magisterial district option, it can do so as an action item later on the regular agenda.

Also, Ms. Huffman has laid out the potential processes for public input and adoption in the Board report and can answer any questions you may have.

Again, Brandon Moore is with us to go through any of the options you would like to revisit."

Chairman Lyons asked Mr. Suter if one (1) of the options would have less of an impact on voting precincts.

Mr. Suter asked Mr. Moore to review the changes to precincts.

Mr. Moore reviewed Option A that would change one polling place and the district of a newly elected School Board member.

Chairman Lyons indicated that he was more concerned about the House and Senate.

Mr. Moore reviewed the proposed House 37 and House 35 split, and noted that they are following the current precinct lines between Walkers Creek and Kerrs Creek district. He highlighted where the biggest change (in the VoTech precinct) would be, stating that it would split a precinct.

Mr. Suter stated that he had communicated with the Board that it is not permissible to split a precinct. He stated that, in the past, one may have entered a polling place that was split by house and senate and it is no longer permissible per State Code.

Supervisor Ayers asked if changes to the House and Senate are going to delay the County's redistricting timeline.

County Attorney Vickie Huffman stated that it could be done all at one time.

Chairman Lyons asked Mr. Stone, who was present, if the proposed changes would hurt polling places in any way.

Mr. Stone confirmed that changes would not hurt the polling places and they would make any changes work.

Mr. Moore then reviewed geographical maps of the other three (3) plans.

Chairman Lyons suggested eliminating plan C as it would take away a polling place and there isn't another facility that could be used as a polling place.

Mr. Moore stated that it would be a similar situation as plan A. He then added that plan B would move a School Board member. He noted that incumbents, however, can be moved out and would fill their term representing the same district. However, when they re-run for office, they would have to run for the district they were moved to. Plan D, he stated, would alleviate the issue with that School Board member.

Mr. Suter noted that the change to the House and Senate would not impact any decision the Board makes on the options being reviewed.

Supervisor Day asked Mr. Moore if the voting precincts and elected officials would be okay in option D.

Mr. Moore replied, correct.

At the conclusion of discussions, Mr. Suter advised that the Board could take option on proceeding with one of the plans during the regular meeting at 5:30 p.m.

Chairman Lyons closed the Work Session at 5:25 p.m.

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CALLED TO ORDER:

Chairman Lyons called the meeting to order at 5:31 p.m.

Assistant to the County Administrator Brandy Whitten conducted a roll call of the Board members present. All Supervisors attended in-person.

Chairman Lyons asked for a moment of silence for those who were affected in recent tornados that touched down in parts of Kentucky.

The Board then led in the Pledge of Allegiance.

Chairman Lyons advised of the following announcements:

"Per the Governor of the Commonwealth of Virginia Executive Order 72, persons who have been fully vaccinated for the COVID-19 virus are not required to wear a mask.

We will hold citizens comments near the beginning of the meeting.

We will do our best to take citizen comment remotely. There are two options for citizens to offer comment:

- 1) To join by Telephone, you may dial in to one of the numbers listed on the County Website. Webinar ID and Password are there for your convenience. Citizens wishing to simply view the meeting live or after the fact can do so on the Rockbridge County Board of Supervisors YouTube Channel, also available on the County website.
- 2) If you wish to make a citizen comment as a Zoom meeting participant, you will use the "Raise your Hand" feature. You can press the "Raise Hand" button on the bottom of your Zoom window, or press *9 if you are calling in by telephone.

Changes to the Agenda:

Chairman Lyons called for changes to the agenda.

There were none.

Recognitions and Presentations:

Years of Service Recognitions for County Staff:

County Administrator Spencer Suter briefly reviewed the agenda item and recognized those individuals listed:

"In 2019, the Board of Supervisors adopted a Years of Service program that is intended to recognize and reward dedication of staff.

The program provides for recognition of staff longevity milestones each December at a regular meeting of the Board of Supervisors. Staff reaching a 5-year milestone will be presented a certificate of

achievement/appreciation and an award of \$50 for their first 5-year milestone and an additional \$25 for each 5 years of service. For example, an employee reaching the 5-year milestone would receive the base of \$50. An employee reaching the 15-year milestone would receive \$100 (\$50 + \$25 + \$25). Awards are calculated in gross amounts to account for any taxes taken out. In this way, employees would receive the full, round number of the award.

Most importantly however, the recognition includes a certificate memorializing the dedicated service each staff member has provided to the citizens of Rockbridge County.

The following employees reached a service milestone in 2021:

John Harlow, Recycling Department-5 Years of Service

Jonathan Griffin, Erosion and Sediment Control-5 Years of Service

Shane Watts, Fire-Rescue-5 Years of Service

Nathan Ramsey, Fire-Rescue-5 Years of Service

Steve Bolster, Fiscal Services-10 Years of Service

Brandy Whitten, County Administration-10 Years of Service

Hank Leech, GIS-15 Years of Service

Their certificates will be presented to staff during the annual holiday luncheon on December 16th."

Citizens Comments:

Executive Director of RARO Chad Coffey provided a RARO update at the request of Supervisors Ayers. He advised that RARO is currently in their winter season. He stated that there were 370 participants in basketball spanned across 39 teams; wrestling is scheduled to begin after the first of the year and 37 wrestlers are signed up; and, RARO is working with the Rockbridge pickleball club for potential to provide the a RARO sponsored program over the next few months.

Approval of the November 22, 2021 Minutes:

Supervisor McDaniel moved to approve the minutes. Supervisor Ayers provided the second, and the motion carried by the following roll call vote by the Board:

Ayes: McDaniel, Ayers, Lewis, Day, Lyons
Nays: None
Absent: None
Abstain: None

Consideration of County Financial Package:

Fiscal Services Director Steven Bolster briefly reviewed his monthly memorandum which included the following information:

Section I - Commissioner of the Revenue

Activities for Month:

1. Preparing to send out CY 2022 forms by December 31, 2021 (business licenses, business personal property forms, meals and lodging forms, tax relief, volunteer discount, admissions, etc.).

2. Working monthly DMV report.
3. Continue work on 2022 Land Use revalidations.
4. Monthly real estate transfers.
5. Continuing to prepare for cigarette stamp tax.
6. Assisting citizens with second half real estate tax questions.
7. Assisting Wingate with reassessment.

Section II - Treasurer

Activities for Month:

1. Collecting delinquent Personal Property tax.
2. Collecting 2nd half 2021 real estate tax; due: December 6th.
3. Debt Set-off collections involving 21 individuals in the amount of \$3,060.97.
4. Preparing delinquent files to register for "new" Debt Set-off Claims at year end.

He then provided a FY2023-2027 CIP update stating that the Finance Committee met on December 7th and there were two (2) updates which would have no fiscal impact. They were: \$39,216 in expenditures so far for the Natural Bridge Station Collection Center and one (1) invoice of \$3,065 for the Murat Collection Center upgrade. He noted that this would impact the carryover so adjustments were made. Mr. Bolster advised that he would be coming back before the Board in January for consideration of provisional adoption of the CIP.

Mr. Bolster presented the County's Appropriation Resolution and recommended approval as presented.

Supervisor Lewis moved to adopt the resolution. Supervisor Day provided the second, and the motion carried by the following roll call vote by the Board:

Ayes: Lewis, Day, Ayers, McDaniel, Lyons
Nays: None
Absent: None
Abstain: None

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY, VIRGINIA, HELD AT THE COUNTY ADMINISTRATIVE BUILDING, 150 SOUTH MAIN STREET, LEXINGTON, VIRGINIA, ON MONDAY, DECEMBER 13, 2021 AT 5:30 P.M.

On motion by Supervisor Lewis, seconded by Supervisor Day, the Board, by record vote, adopted the following appropriation resolution and payment of bills for the month as follows:

APPROPRIATION RESOLUTION

GENERAL FUND:

BE IT RESOLVED: By the Board of Supervisors of Rockbridge County, Virginia, that the following appropriations are, and the same hereby is made, for the period ending **June 30, 2022**, from the UNAPPROPRIATED SURPLUS of the **GENERAL FUND** and expended as follows:

4-11-32020-3006 CERT.....	\$500.00
4-11-32021-3002 Contracted Services.....	\$320.00
4-11-32021-5101 Electricity.....	\$466.00
4-11-32021-5104 Heating.....	\$25.00
4-11-99010-6501 Transfer to School Fund (Ops).....	<u>\$250,000.00</u>
Total General Fund Appropriations	\$251,311.00

Total Appropriations **\$251,311.00**

Current County

11 - General Fund	\$844,404.51
94 - Central Stores	\$9,356.48
205 - ARPA Fund	\$3,611.76
372 - Construction Project Fund	\$2,371.50

376 - Capital Purchases Fund	<u>\$26,207.32</u>
Total County Bills	\$885,951.57
Current Fiscal Agent	
80 - Jail Fund	\$167,620.91
241 - E-Summons Fees	<u>\$1,000.31</u>
Total Fiscal Agent	\$168,621.22
TOTAL ALL BILLS	\$1,054,572.79

Consideration of Municipal Software Consulting Service Contract:

At its regular August 23rd meeting, the Board approved issuance of a Request for Proposals (RFP) for Municipal Software Evaluation Consulting Services. Two proposals were received by the October 14th submission deadline and reviewed/ranked by an evaluation team consisting of County and Constitutional Officer personnel using criteria listed in the RFP. On November 22nd, the Board authorize staff to enter into negotiations based on the evaluation team's ranking and to return to the Board with a contract for approval at the Board's next meeting. The following ranking of the two proposals are below:

- 1) Virtual IT, Inc.
- 2) Berry Dunn McNeil & Parker, LLC"

Mr. Bolster stated that there was a resolution for the Board's consideration as well as a request from staff to accept the proposed Municipal Software Consulting Service contract and authorize the County Administrator to execute the contract documents on behalf of the Board of Supervisors of Rockbridge County, and to take such other and further

actions as may be necessary and appropriate to accomplish this agreement, which shall be approved as to form by the County Attorney.

Supervisor Ayers moved to approve. Supervisor McDaniel provided the second, and the motion carried by the following roll call vote by the Board:

Ayes: Ayers, McDaniel, Day, Lewis, Lyons
Nays: None
Absent: None
Abstain: None

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY, VIRGINIA, HELD AT THE ROCKBRIDGE COUNTY ADMINISTRATIVE OFFICES ON MONDAY, DECEMBER 13, 2021

RESOLUTION TO APPROVE CONTRACT BETWEEN THE COUNTY OF ROCKBRIDGE AND VIRTUAL IT, INC., FOR MUNICIPAL SOFTWARE CONSULTING SERVICES

WHEREAS, on August 23, 2021, the County of Rockbridge issued a Request for Proposals (RFP) to procure services from qualified consulting firms or individuals for services to assess the County's comprehensive municipal software needs, to make a recommendation to senior leadership on alternative software options available, to develop an RFP for financial management system solutions, to assist County staff in selecting a vendor, and successfully negotiating a contract that is advantageous to the County; and,

WHEREAS, two firms submitted proposals in accordance with RFP Number 2021-09-001 by the October 14th response date and time; and,

WHEREAS, the members of an evaluation committee objectively ranked each proposal using the criteria listed in the RFP; and,

WHEREAS, the evaluation committee determined that the highest-ranking proposer is Virtual IT, Inc. ("VIT"); and,

WHEREAS, on November 22, 2021, the Board approved the committee's recommended ranking and authorized negotiation of a municipal software consulting services contract with VIT; and,

WHEREAS, staff has negotiated an agreement dated December 6, 2021, presented herewith to the Board for approval.

NOW THEREFORE, BE IT RESOLVED as follows:

1. That the Contract for Consulting Services dated December 6, 2021, with Virtual IT, Inc., to provide the necessary scope of services communicated in the RFP, at a contract sum of \$165,840, is hereby authorized and approved.

2. That the County Administrator is hereby authorized to execute the Agreement and such other documents and to take such further actions, on behalf of the Board of Supervisors, as are necessary to accomplish this transaction, all of which shall be approved as to form by the County Attorney.

3. That this Resolution shall be effective upon the date of its adoption.

Adopted this 13th day of December, 2021.

Consideration of Rabies Clinics for Various Fire and Rescue Agencies:

Mr. Suter briefly reviewed the agenda item which included the following information:

"The Code of Virginia requires that Counties in the Commonwealth ensure that a rabies clinic is held for residents at least once every two years. We are fortunate to have proactive residents, veterinarians, and Volunteer Fire Departments, who advocate for, administer and host such clinics.

Currently, rabies clinics have been scheduled for 2022 at South River, Raphine, and Goshen Volunteer Fire Departments. Dates have been scheduled as shown below, but are subject to change due to inclement weather etc.

- South River Volunteer Fire Department: January 22, 2022
- Raphine Volunteer Fire Department: January 22, 2022
- Goshen Volunteer Fire Department: January 30, 2022"

Supervisor Day asked if these clinics were ever held on the south end of the County.

Mr. Suter replied, they have been held at the Natural Bridge Fire Department.

Supervisor Day moved to approve. Supervisor McDaniel provided the second, and the motion carried by the following roll call vote by the Board:

Ayes: Day, McDaniel, Lewis, Ayers, Lyons
 Nays: None
 Absent: None
 Abstain: None

Consideration of Resolution Petitioning the Commonwealth to Accept all State Responsible Inmates into the State Prison System:

Mr. Suter provided the following overview:

"The Code of Virginia requires the DOC to receive eligible inmates within 60 days of sentencing. The Rockbridge Regional Jail routinely houses in excess of 200% of its rated capacity. These housing challenges are exacerbated by the fact that, despite good faith efforts by the Virginia Department of Corrections (VADOC), state responsible inmates historically stay in the Rockbridge Regional Jail beyond the compliancy date when they should be transferred to a state correctional facility. Further, the Commonwealth only reimburses our regional jail at a rate of

\$12 per day, per state-responsible inmate. The true cost locally is \$52.46. (Data from 2020 Jail Cost Report published annually by the Virginia Compensation Board).

Staff has been working with Rockbridge Regional Jail administration and other localities to formulate a request for the General Assembly to take up and resolve these issues. In that we have recently been in discussions with member localities of Alleghany Regional Jail, we collectively drafted a joint resolution toward this goal. If in support, approve the resolution and direct staff to provide a signed copy to Senator Creigh Deeds and Delegate Ronnie Campbell."

Supervisor Lewis shared his full support and stated that this is one of the multitudes of unfunded mandates. He asked if we would be looking at doing this once a month for unfunded mandates.

Supervisor McDaniel also shared his full support and stated it is costing the County money and time to send a resolution to the State asking them to do what they are already supposed to be doing.

Mr. Suter stated that there were other localities who are passing a similar resolution to submit to the State. He stated that he would be happy to draft resolutions for other issues to send to the State at the Board's request.

Supervisor McDaniel moved to approve as presented. Supervisor Lewis provided the second, and the motion carried by the following roll call vote by the Board:

Ayes: McDaniel, Lewis, Ayers, Day, Lyons
Nays: None
Absent: None
Abstain: None

**RESOLUTION URGING THAT THE GENERAL ASSEMBLY REQUIRE AND FUND TIMELY TRANSFERS OF INMATES
AND FULLY REIMBURSE LOCAL HOUSING COSTS**

WHEREAS, Section 53.1-20 of the Code of Virginia requires the Director of the Virginia Department of Corrections to receive eligible State-responsible inmates¹ within sixty days of the date on which the inmate's final sentencing order is transmitted to the Director; and

WHEREAS, a significant number of State-responsible inmates remain in local and regional jails well after this sixty-day period; and

WHEREAS, the funding provided by the State to house state-responsible inmates is routinely less than twenty-five percent of the actual cost for the localities to house such inmates; and

WHEREAS, localities are subsequently and unduly burdened by costs to house State-responsible inmates, resulting in the redirecting of local funding critical to such core services as education, other public safety activities, public works, human services and economic development to absorb unfunded State corrections costs; and

WHEREAS, the General Assembly has by law directed the Virginia Department of Corrections to house state responsible inmates and is responsible for funding such costs.

WHEREAS, though the Virginia Department of Corrections has made and continues to make efforts to accept state-responsible inmates into state operated facilities, local and regional jails remain overcrowded; and,

NOW, THEREFORE, BE IT RESOLVED that the undersigned request that the Virginia General Assembly fund the actual cost of housing state-responsible inmates as described in the Virginia Compensation Board report to the General Assembly entitled Annual Jail Revenues and Expenditures Report, and

¹ Defined in § 53.1-20 as any inmate convicted of a felony before January 1, 1995 having a sentence of more than two years or any inmate convicted of a felony on or after January 1, 1995 having a sentence of more than one year.

BE IT FURTHER RESOLVED that the General Assembly develop additional inmate capacity in the State-supported penal system in order to reduce the strain on local and regional jails.

Adopted December 13, 2021.

Consideration of Redistricting Plan to Schedule for Public Hearing:

Chairman Lyons stated that the Board looked at redistricting plans during the work session and asked if they were ready to move forward with one of the plans.

Supervisor McDaniel shared his support of option D.

Supervisor Lewis shared thoughts from the work session discussions related to Mr. Stone's comment that moving forward would not affect the County with regard to precincts. He asked if it would be more prudent to wait, although plan D appeared to be the best plan so far, but who could know what could happen between now and when the State adopts House and Senate Districts. He then stated that, prior to the work session, he believed there was no time to wait on making a decision; however, after hearing comments during the work session, perhaps there is time to wait.

Mr. Suter replied that the State had already broken their rules by not meeting its own deadline by October 23rd. He shared that, in moving ahead and depending on whether or not there would be a primary, one issue could be that the schedules and requirements of some of the options could push out to March. He noted that too much delay could impact a citizen's decision as to whether or not they are going to primary. He shared that he did not have any information yet on when the General Assembly is going to be able to adopt the House and Senate plan.

Supervisor Lewis stated that he was fine moving ahead but wanted to see if there was any advice to be heard.

Supervisor McDaniel stated that, should the State's decision have a negative impact on the County, the Board could just revisit this.

Ms. Huffman concurred, stating that the Board would have to revisit this if there were a negative impact. She added that, at this point, the Board would not be able to act on precinct changes as it is just a proposal rather than approved plan.

Supervisor Lewis stated that he was just trying to prevent having to revisit this if the Board didn't have to.

Supervisor McDaniel moved to proceed with plan D. Supervisor Day provided the second, and the motion carried by the following roll call vote by the Board:

Ayes: McDaniel, Day, Ayers, Lewis, Lyons
Nays: None
Absent: None
Abstain: None

Ms. Huffman asked the Board if they had a preference as to which advertising method they preferred. She provided three options. The first, advertise for 30 days and hold a public hearing, another 15 days after if there were any changes, for a total of 75 days, minimum. The second, move forward with the standard notice and public hearing process, 60 days maximum beyond that adoption period for Attorney General's review. The third, a hybrid of the first two, publishing for 30 days and holding a public hearing at the first meeting in January, act at the second meeting in January and file with the Attorney General.

Supervisor Ayers asked Ms. Huffman if she had a preference.

Ms. Huffman replied, given the current circumstances and because the Board would be doing it again to deal with the precincts, she believed the Board should proceed with its regular publication for 30 days and having a public hearing the first meeting of January and consideration of adoption at the second meeting in January and thereafter submitting to the Attorney General. for approval.

Supervisor Lewis moved to proceed with Ms. Huffman's recommendation. Supervisor Ayers provided the second, and the motion carried by the following roll call vote by the Board:

Ayes: Lewis, Ayers, McDaniel, Day, Lyons
Nays: None
Absent: None
Abstain: None

Appointments:

Planning Commission member Lee McLaughlin will no longer be serving after December 2021:

Supervisor Lewis recommended the appointment of Timmy Alphin to fill the unexpired term of Mr. McLaughlin on the Planning Commission. Supervisor Day provided the second, and the motion carried by the following roll call vote by the Board:

Ayes: Lewis, Day, Ayers, McDaniel, Lyons
Nays: None
Absent: None
Abstain: None

TCO member Lee McLaughlin will no longer be serving after December 2021:

This appointment was carried over to the January 10, 2022 agenda.

Community Services Board Member Jade Knick will no longer be serving after December 2021:

This appointment was carried over to the January 10, 2022 agenda.

Public Hearings at 6:00 P.M.:

Chairman Lyons reordered the list of public hearings.

Ordinance to Amend and Reenact County Decal for Permanent Decal:

Mr. Suter provided the following overview:

"As you know, after a recommendation by the Board Finance Committee, The Board directed staff to advertise establishment of a permanent decal, beginning in the spring of 2022. The ordinance attached in your Board package has been duly advertised and is prepared for public hearing. To date, my office has received one written comment from Mitchell Cochrane who resides in the Buffalo Magisterial District. We have provided the Board with copies.

Key points of the ordinance include:

- The decal cost would be \$25.00

- It would apply to all vehicles registered in the County, as well as motorcycles and trailers.
- In the future, when a resident buys / trades for a vehicle, motorcycle or trailer they would be required to buy a new, permanent decal from the Treasurer within 30 days of the purchase/transfer.
- If a permanent decal is lost or destroyed a new decal would need to be purchased.
- No future annual decal purchase would be required.
- Display requirements of the permanent decal would remain the same as they are now for the annual decal.
- Enforcement of decal display would remain with the Sheriff's Office.
- Effective date to display the new permanent decal would be April 15, 2022.

As there would be no annual sale of decals in future years there would need to be budget adjustments in revenues. Based on estimates from Commissioner Whitesell, an annual reduction in revenue could be in the range of \$300,000."

Chairman Lyons opened the public hearing at 6:03 p.m.

Mr. Suter read a letter from Mickey Cochrane that included the following information:

"ROCKBRIDGE COUNTY STICKER PROPOSAL: The following information offers an alternative to the proposal being considered by the Rockbridge County Board of Supervisors regarding county stickers. 1) Rockbridge County

stickers must remain to allow revenue for Rockbridge County. 2) Rockbridge County stickers must be maintained to allow law enforcement to maintain control over non county residents using unmanned dumpster sites. The following proposal allows for both above issues to be met and improve revenue collection. Based on my research, there are 24,000 +/- registered vehicles in Rockbridge County in 2021. At \$25 per sticker, revenue expected would be approximately \$600,000.00. According to the Treasurer of Rockbridge County, approximately 18,200 stickers have been sold in 2021. Total revenue collected \$455,000.00. A shortage of \$145,000.00. When speaking with the Treasurer, she advised that additional stickers might be purchased later in this fiscal year. I would suppose this would come from new vehicles moving into the county. What is evident is that currently, 1 of every 4 vehicles in Rockbridge County does not have a county sticker. Additionally, there is no current method to enforce having a sticker displayed. Please consider the following proposal. Maintain the current yellow sticker until October, 2022. In August, 2022, when personal property tickets are distributed, include a permanent Rockbridge County sticker for each vehicle registered in Rockbridge County and charge a fee of \$25.00 for each sticker that would be payable with personal property fees. Sticker would remain with vehicle until sold, traded, or removed from use. If a taxpayer disposes of his/her vehicle, he/she could remove the permanent sticker and transfer same to the new vehicle or pick up a new one (no charge) from the Rockbridge County Treasurer's office. New residents to the county would be given a sticker when they notify the Commissioner of Revenue of their move and be billed for the stickers in October. Each year Rockbridge County should collect the entire amount from

taxpayers, without loss of revenue and would maintain a way to police unmanned dumpster site use. Additionally, there would be a savings of no longer having to prepare and mail county sticker bills in February-March. While I am aware that Rockbridge County has projected sales of \$470,000.00 next April (in the current fiscal year) and under this proposal, those funds would be lost. The funds would be collected at a higher rate in the next fiscal year. The county has a surplus from increased vehicle values and pandemic funds that may cover this shortage. This proposal is for the future when there may not be surplus funds. There is no guarantee that used vehicle values will remain high for any extended period of time and there is no guarantee that COVID 19 or pandemic funds will be extended. These situations have led to the current increase in county funds but, it may not continue. Currently, local law enforcement is hindered by recent legislation that will not allow stops for reasons such as no county sticker, old/no inspection stickers, and outdated license plates. This has allowed citizens to cost the County of Rockbridge and the Commonwealth of Virginia a loss of revenue. This proposal may correct the sticker issue as there are current methods to collect overdue taxes, and we are aware a Rockbridge County sticker is a form of tax. Mickey Cochrane."

Chairman Lyons closed the public hearing at 6:07 p.m.

Supervisor Day stated that he and Mr. Cochrane agree, as well as a former Supervisor who recently called him, that the County cannot afford to lose the revenue.

Supervisor Ayers stated that citizens in her district were much more concerned with the overall cost of personal property taxes and would like

to see a reduction in those personal property taxes. She noted that she prefers the decal method as it secures a base of revenue and is one of the few ways that the County has to get revenue. She reiterated a previous comment from Supervisor Lewis that the State is constantly giving localities many things to pay for. She stated that she would prefer lowering the rate each year or raising the rate whichever is needed in terms of budgeting rather than give up a sole source of revenue and not be able to then do that the following year.

Supervisor McDaniel stated that the decal was just an additional property tax and would be all in favor of looking at the personal property tax during the budget season to see if it could be lowered for the citizens as well. He reiterated that the decal was an additional tax and he supported reducing some of that tax burden on the citizens.

Supervisor Lewis shared his support of doing away with the annual decal stating that the process only costs everyone time and money.

Chairman Lyons agreed with Supervisor McDaniel's statement that the decal was a tax and elimination of the annual decal would reduce the tax burden for everyone who owns a vehicle.

Supervisor McDaniel shared that eliminating the annual decal would be reducing the tax burden equally among everyone in the County who has a vehicle, whereas with the personal property tax, some see a bigger difference than others.

Supervisor Day asked the Board if they supported forgoing the revenue amount collected on the decal.

Chairman Lyons stated that it would not be forgoing the revenue if it is reducing the amount of taxes on citizens.

Supervisor Day asked how the Board would make up for the loss of this revenue.

Supervisor Ayers asked if the personal property tax would be raised.

Supervisor Day commented that, for 20 years he submitted a budget to the Board of Supervisors and could identify where the funding would be coming from for the State Compensation Board to pay for salaries, what money would be coming from grants, and what money would be coming from a contract. He shared that he never really gave a lot of thought to where the Board comes up with the rest of the money to balance the budget. However, when appointed as Board member, he was already in a budget season and having to come up with a balanced budget. Thus, he asked, if the Board is now going to give up \$300,000 in revenue, has the Board been over-taxing its citizens for years.

Supervisor McDaniel replied that he did not think that was the case, and as stated previously, the Board did not adjust the personal property tax rate this past year; however, the values of vehicles increased, which ultimately increased the revenue collected, giving a surplus.

Supervisor Ayers shared her support of giving some of that surplus back to the citizens this year because it was not expected, but in not knowing what will happen two years ahead, she shared concern.

Supervisor Day advised that the Board is aware of additional expenses that will be approaching if it proceeds in this path.

Supervisor Lewis stated that those expenses would be handled in the budget season. He reiterated that the decal is an additional process that makes the budget season harder. He stated that the Board has an immediate solution for not giving up the revenue and then have a solution going forward for equalizing that rate.

Supervisor Day asked Supervisor Lewis what the solution would be.

Supervisor Lewis replied, the budgeting process, wherein we look at what revenues streams we have and determine where the rates need to be adjusted.

Supervisor Ayers asked, in the future, when noticing the missing \$300,000, would we then look at increasing property taxes or personal property taxes?

Supervisor McDaniel responded that the Board looks at this each year and determines whether to increase revenues to account for expenditures or cut expenditures to the revenue levels that you have. He stated that this is a decision of each individual Board, each year during the budget process.

Supervisor Ayers stated that she could only speak on what the citizens in her district have commented on and that is they are concerned with their personal property taxes overall and their property taxes.

Supervisor McDaniel moved to approve the change as presented. Supervisor Lewis provided the second, and the motion carried by the following roll call vote by the Board:

Ayes: McDaniel, Lewis, Lyons
Nays: Ayers, Day
Absent: None
Abstain: None

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY,
VIRGINIA, HELD AT THE ROCKBRIDGE COUNTY ADMINISTRATIVE OFFICES ON MONDAY,
DECEMBER 13, 2021

**ORDINANCE TO AMEND AND REENACT ARTICLE IV – MOTOR VEHICLE
LICENSE TAX OF CHAPTER 25 - TAXATION, TO IMPLEMENT A SINGLE \$25
DECAL LICENSE TAX PER VEHICLE, TRAILER OR SEMI-TRAILER AND TO
PROVIDE FOR A PERMANENT UNDATED COUNTY DECAL TO BE ISSUED AS
EVIDENCE OF PAYMENT AND FOR ENTITLEMENT TO COUNTY SERVICES**

1. BE IT ENACTED by the Rockbridge County Board of Supervisors that, pursuant to §46.2-752 of the Code of Virginia (1950, as amended), Chapter 25 - Taxation, Article IV – MOTOR VEHICLE LICENSE TAX of the Rockbridge County Code is hereby amended and reenacted as follows:

ROCKBRIDGE COUNTY CODE

Chapter 25

TAXATION

ARTICLE IV. MOTOR VEHICLE LICENSE TAX*

Sec. 25-96. Persons affected.

Every resident of the County who shall own or have in his custody or under his control a motor vehicle duly registered, or required to be registered, by the Department of Motor Vehicles of the Commonwealth of Virginia or any comparable licensing authority of any state or foreign nation, normally garaged, stored, or parked in the County and operated on the public highways of the Commonwealth of Virginia, shall purchase a permanent County license decal for such motor vehicle. The permanent county decal shall also serve as evidence of a resident’s entitlement to certain services in the County, as may be determined from time to time under this Code or County policies and procedures. The term “resident” as used herein shall be construed to embrace any person having a place of abode in the County irrespective of any intention on a part of such person to return to, or to establish residence outside of, the County at some future date, and the term “resident” shall also be construed to embrace any corporation, firm or person having an office or place of business in the County.

* **Cross reference(s)**--Motor vehicles and traffic, Ch. 20.

State law reference(s)--Authority for tax, Code of Virginia, §46.2-752.

(Ord. of 9-23-85, §1; Ord. of 6-28-93, §1)

Sec. 25-97. Decal License Tax.

A. A single license tax of twenty-five dollars (\$25.00) is hereby imposed on each and every motor vehicle, trailer or semi-trailer for which a County decal is required. Upon payment, a permanent County decal will be issued for the vehicle and will remain in effect as long as such vehicle remains under the ownership, custody or control of that resident.

B. Upon obtaining any motor vehicle, trailer or semi-trailer for which a County decal is required, a resident shall, within thirty (30) days of obtaining the motor vehicle, trailer or semi-trailer, purchase a new permanent County decal, to be issued upon payment of the single license tax of twenty-five dollars (\$25.00).

C. For purposes of this Article, "motor vehicle" shall include, but not be limited to, any passenger car, motorcycle, truck, bus, trailer, or semi-trailer.

(Ord. of 9-23-85, §2; Ord. of 6-28-93, §2; Sec. 97 Amended by Ord. of 6-28-04)

Sec. 25-98. Preconditions for issuance.

All applicants for a license decal under this Article for each motor vehicle, trailer, or semi-trailer, shall present to the County Treasurer satisfactory evidence that all due and outstanding personal property taxes have been paid on all motor vehicles, trailers or semi-trailers, or other items of personal property owned by the applicant and subject to assessment for personal property taxes by the Commissioner of the Revenue, before a license decal shall be issued for any one vehicle owned by the applicant. Evidence of the assessment as of the date of ownership shall be supplied by a certificate from the Commissioner of the Revenue.

(Ord. of 9-23-85, §4; Ord. of 6-28-93, §4)

Sec. 25-99. Issuing decals.

A. A permanent county decal shall be purchased from the Treasurer for each motor vehicle, trailer or semi-trailer. Any resident coming under the provisions of this Article shall complete such forms as may be prescribed by the Treasurer or the Commissioner of the Revenue of the County, and upon payment of the license tax shall be issued the decal, which shall be displayed as hereafter provided.

B. In addition to constituting a violation of this Article, failure to display the decal shall preclude the use of such motor vehicle in obtaining County services, and use of County services without a decal will be treated for enforcement purposes as if the user is a non-resident.

C. The decal shall be conspicuously placed to the right of the inspection sticker on the windshield of the vehicle in such manner as to be plainly visible as prescribed for State automobile inspection decals. The top edge of the decal is to be approximately four (4) inches from the bottom of the windshield. The left side edge of the decal, adjacent to the official inspection sticker, shall not be more than ¼ inch from the right edge of the official inspection sticker when viewed from inside the vehicle. On all trailers and semi-trailers, the decal must be affixed to the trailer body or frame and shall be placed on the left side of the trailer near the front corner, adjacent to the right side of the official State inspection sticker when viewed from the inside of the trailer or semi-trailer. On all motorcycles and motor bikes, the decal is to be placed on the left side of the cycle where it will be most visible after mounting, adjacent to the right side of the State inspection sticker, or may be placed to the right of the State inspection sticker on a plate securely fastened on the left side of the motorcycle where it will be most visible, if adequate space is available without overlapping the State inspection sticker. A decal issued to a vehicle displaying an antique motor vehicle license issued in conformance with Va. Code §46.2-730,

if required, may be retained within the vehicle and available for inspection upon request, in lieu of being displayed on the windshield of the vehicle.

D. At such time as any resident sells, transfers, or otherwise relinquishes a motor vehicle, trailer, or semi-trailer, the County decal shall be removed and destroyed. No decal may be transferred to another owner or any other vehicle. A new decal shall be purchased for any new, used, replacement or additional vehicle acquired or under the custody or control of the resident.

(Ord. of 9-23-85, §7; Ord. of 6-28-93, §7; Sec. 102 Amended by Ord. of 4-23-18, to be effective on and from the date of adoption; provided, however, that any County decal placed in the center of the vehicle windshield may remain in such location after relocation of the official State inspection sticker, until the next County decal is obtained, but in any event, the County decal shall be relocated adjacent to the official State inspection sticker as provided herein no later than April 15, 2019)

State law reference(s)--Authority for above Section, Code of Virginia, §46.2-752.

Sec. 25-100. Replacement decals.

In the event that a decal is lost or destroyed, any permanent replacement will be issued only upon payment of the license tax of twenty-five dollars (\$25.00).

(Ord. of 9-23-85, §8; Ord. of 6-28-93, §8)

Sec. 25-101. Exemption.

A. Nothing in this Article shall be construed to require a license tax of a person, firm or corporation exempted under the provisions of the laws of the State of Virginia, or the United States of America; nor is a license tax required of residents of any incorporated town or city that now issues separate license tags or decals.

B. Nothing in this Article shall be construed to require a license tax for any one motor vehicle owned and used personally by any veteran who holds a current state motor vehicle registration card establishing that he has received a disabled veteran's exemption from the Division of Motor Vehicles and has been issued a disabled veteran's motor vehicle license plate as prescribed in Virginia Code §46.2-739, or for individuals on active military duty.

Provided, however, that any person, corporation or firm exempted from the payment of the license tax imposed herein shall, nevertheless, apply for and prominently display the County decal required by this Article.

(Ord. of 9-23-85, §9; Ord. of 10-10-89; Ord. of 6-28-93, §9)

Sec. 25-102. Records.

The County Treasurer may keep a record of each such license decal issued by the Treasurer, showing the number of such decal, and the person to whom it was issued.

(Ord. of 9-23-85, §10; Ord. of 6-28-93, §10)

Sec. 25-103. Unlawful acts; penalty.

(A) It shall be unlawful for any person, who is not a resident of the County of Rockbridge, to display a County decal on a motor vehicle or otherwise use a County decal for access to services in the County.

(B) Any violation of this Article shall constitute a misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed the sum of Two Hundred Fifty Dollars (\$250.00); and trial of all violations of this Article shall be enforced by proceedings before the Rockbridge County General District or Juvenile and Domestic Relations District Court in the manner and with like right of appeal as provided in misdemeanor

cases; and the Sheriff or his deputies and officers of the County are hereby authorized to issue summons in writing to violators of this Article for appearance before said court.
(Ord. of 9-23-85, §11; Ord. of 6-28-93, §11)

Secs. 25-104--25-120. Reserved.

2. This Ordinance shall be effective on and from the date of its adoption. A permanent county decal purchased in accordance with the provisions of this Ordinance shall be displayed upon any motor vehicle no later than April 15, 2022.

Adopted this 13th day of December, 2021.

Jeremiah & Sara Holland - (280 Rosa Le Drive) - Application for a Special Exception Permit to Operate a Campground in the Agricultural and General Uses (A-2) Zoning District:

Director of Community Development Chris Slaydon briefly reviewed the agenda item and supplemental materials as follows:

"Jeremiah & Sara Holland have made an application for a special exception permit to operate a campground in the Agricultural and General Uses (A-2) Zoning District. The property is located at 280 Rosa Le Drive, Fairfield, VA 24435, on the north side of Timber Ridge Road (Route 716), approximately 0.28 miles west of the intersection of Timber Ridge Road (Route 716) and Borden Grant Trail (Route 706). The property is owned by Jeremiah Holland and is further identified as tax map number 51-23-26A (8.79 acres per tax records).

Per Section 603.03-15 of the County of Rockbridge Land Development Regulations, campgrounds are a use by special exception in the A-2 Zone. Per section, 302.34 of the regulations, campgrounds are defined as any

plot of ground used, maintained, or held out to the public, wholly, or in part, as temporary accommodation of tents, expandable camp trailers, travel trailers, converted buses or trucks, or such other devices as may be developed and marketed for camping; whether privately or publicly owned; and whether use of such accommodations is granted free of charge or for compensation.

The application proposes a primitive campground with no access to water, no trash collection, and no on-site sewage disposal. The guests will have access to a porta-john but will be required to bring all other amenities and remove their own trash. There is currently a canvas teepee on the property that has been utilized for camping. The proposal includes bringing the existing teepee site in to compliance and to add two additional camping areas to the property.

On December 8, 2021, the Planning Commission held its Public Hearing and has recommended approval of the special exception application with the following conditions:

1. Campground is limited to primitive tent camping only. No motorhomes, tow-behind campers (such as pop-up campers, toy haulers, teardrop trailers, standup trailers, etc.) or other recreational vehicles permitted.
2. Campground is limited to a total of three (3) primitive camping sites.
3. No camping within fifty feet (50') of any property line.

4. Campground is limited to six (6) vehicles and shall not exceed twelve (12) people.
5. Approval contingent upon final VDOT, Office of Fire, Rescue & Emergency Management, and Health Department approvals."

The applicants came forward to answer any questions the Board had. Mr. Holland shared his intentions to have friends come and stay on the property.

Chairman Lyons opened the public hearing at 6:20 p.m. There were no comments. Chairman Lyons closed the public hearing.

Supervisor McDaniel moved to approve. Supervisor Ayers provided the second, and the motion carried by the following roll call vote by the Board:

Ayes: McDaniel, Ayers, Day, Lewis, Lyons
Nays: None
Absent: None
Abstain: None

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY,
VIRGINIA, HELD AT THE ROCKBRIDGE COUNTY ADMINISTRATIVE
OFFICES ON MONDAY, DECEMBER 13, 2021

Ordinance to Grant a Special Exception Permit to Sara Holland and Jeremiah Holland, to Develop and Operate a Primitive Campground in the Agricultural and General Uses District (A-2), on a Parcel of Land Containing 8.79 Acres, +/-, Located at 280 Rosa Le Drive, Fairfield, Virginia, and Identified as Tax Map #51-23-26A, Owned by Jeremiah Holland, in the South River Magisterial District

WHEREAS, Sara Holland and Jeremiah Holland have filed an application for a special exception permit to develop and operate a primitive campground in the Agricultural and General Uses (A-2) Zoning District, on a parcel of land containing 8.79 acres, more or less, located at 280 Rosa Le Drive, Fairfield, Virginia, on the north side of Rosa Le Drive (private road) approximately 0.65 miles

north of the intersection of Rosa Le Drive and Timber Ridge Road (Route 716), and identified as Tax Map #51-23-26A, as shown on the site plan titled “Holland – Campground Special Exception Site Map” dated December 2, 2021; and,

WHEREAS, the Planning Commission held a public hearing on this matter on December 8, 2021, and recommended approval with the specified conditions; and,

WHEREAS, legal notice and advertisement has been provided in accordance with §15.2-2204 of the Code of Virginia (1950, as amended) and in accordance with the Rockbridge County Land Development Regulations; and,

WHEREAS, the Board of Supervisors has held a public hearing on this matter on December 13, 2021; and,

WHEREAS, the Board of Supervisors, after review of the application and all other documentation submitted by the applicant, the Planning Commission and the public, after due consideration to the presentations and comments at the public hearing hereon, and after evaluation of the factors set forth in §802.03-5 of the Rockbridge County Land Development Regulations, finds and determines that the proposed use, with the herein specified conditions, is consistent with the Comprehensive Plan, the policies of Rockbridge County, and the public interest.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Rockbridge County, Virginia, as follows:

1. That the Board finds that the granting of a special exception permit to Sara Holland and Jeremiah Holland to develop and operate a primitive campground per Section 603.03-15 of the Rockbridge County Land Development Regulations in the Agricultural and General Uses (A-2) Zoning District, on a parcel of land containing 8.79 acres, more or less, located at 280 Rosa Le Drive, Fairfield, Virginia, in the South River Magisterial District, identified as Tax Map #51-23-26A, as shown on the site plan titled “Holland – Campground Special Exception Site Map” dated December 2, 2021, is substantially in accord with the Comprehensive Plan of the County adopted pursuant to the

provisions of Section 15.2-2232 of the Code of Virginia (1950, as amended), and said special exception permit is hereby approved with and subject to the conditions set out on Exhibit A attached hereto and incorporated herein by reference.

2. That this ordinance shall be effective on the date of its adoption. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Adopted this 13th day of December, 2021.

EXHIBIT A

SPECIAL EXCEPTION PERMIT CONDITIONS

Owner: Jeremiah Holland

Applicant: Jeremiah Holland and Sara Holland

1. Campground is limited to primitive tent camping only. No motorhomes, tow-behind campers (such as pop-up campers, toy haulers, teardrop trailers, standup trailers, etc.) or other recreational vehicles permitted.
2. Campground is limited to a total of three (3) primitive camping sites.
3. No camping within fifty feet (50') of any property line.
4. Campground is limited to six (6) vehicles and shall not exceed twelve (12) people.
5. Approval contingent upon final VDOT, Office of Fire, Rescue & Emergency Management, and Health Department approvals.

Andrew Ludtke - (1051 Ross Road) -Application for a Special Exception Permit to Operate a Bed & Breakfast Homestay in the Residential General (R-1) Zoning District:

Mr. Slaydon briefly reviewed the agenda item and supplemental materials as follows:

"Andrew Ludtke has submitted an application for a special exception to operate a bed and breakfast homestay in the Residential General (R-1) Zoning District. The property is located at 1051 Ross Road, Lexington, VA 24450, and consists of 2.73 acres. The property is owned by Andrew & Jennifer Ludtke and is further identified by tax map number 74B-2-E. The property is located on the south side of Ross Road (Route 687), approximately 0.15 miles east of the intersection of Ross Road (Route 687) and Woods Edge Drive (Route 1026). Per §604.03-1 of the County of Rockbridge Land Use Development Regulations, bed and breakfast homestays are a use by special exception. Per Section 302.24 of the County of Rockbridge Land Development Regulations, Bed and Breakfast Homestay is defined as a short-term rental where overnight accommodations plus breakfast in a private, owner-occupied home that provides one (1) to three (3) guest rooms for occasional bed and breakfast guests. Primary use of the home remains as a residence, not as a lodging establishment. Signs are generally not displayed on the property and all reservations are made in advance. Income derived from the bed and breakfast activity is a source of supplemental income and does not usually represent a primary source of income. The applicant is proposing to rent out a section of his home which includes a kitchen, bathroom, living room, and two bedrooms (commonly referred to as a "mother inlaw suite") to guests. The rented portion of the home is an addition that was added and separated from the main home by a breezeway entrance. The house is serviced by city sewer and private water. On December 8, 2021, the Planning Commission held its Public Hearing and has recommended approval of the special exception application without conditions."

The applicant came forward to answer and questions by the Board. Mr. Ludtke reiterated his plans for the property.

Chairman Lyons opened the public hearing at 6:26 p.m. There were no comments. Chairman Lyons closed the public hearing.

Supervisor Ayers moved to approve. Supervisor Lewis provided the second, and the motion carried by the following roll call vote by the Board:

Ayes: Ayers, Lewis, McDaniel, Day, Lyons
Nays: None
Absent: None
Abstain: None

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY,
VIRGINIA, HELD AT THE ROCKBRIDGE COUNTY ADMINISTRATIVE
OFFICES ON MONDAY, DECEMBER 13, 2021

Ordinance to Approve a Special Exception Permit for Andrew W. Ludtke to Operate a Bed and Breakfast Homestay in the Residential General District (R-1) Per Section 604.03-1 of the Land Development Regulations, in the Applicant's Home Located at 1051 Ross Road, Lexington, Virginia 24450, in the Buffalo Magisterial District and Further Identified as Tax Map #74B-2-E

WHEREAS, Andrew W. Ludtke has filed an application for a special exception permit to operate a Bed and Breakfast Homestay out of his home in the Residential General District (R-1), located at 1051 Ross Road, Lexington, Virginia 24450, in the Buffalo Magisterial District, identified upon the Rockbridge County Land Records as Tax Map #74B-2-E; and,

WHEREAS, legal notice and advertisement has been provided in accordance with §15.2-2204 of the Code of Virginia (1950, as amended) and in accordance with the Rockbridge County Land Development Regulations; and,

WHEREAS, the Rockbridge County Planning Commission held a public hearing on this matter on December 8, 2021, and recommended to the Board of Supervisors that the special exception permit be approved; and,

WHEREAS, the Board of Supervisors has held a public hearing on this matter on December 13, 2021; and,

WHEREAS, the Board of Supervisors, after review of the application and all other documentation submitted by the applicant, the Planning Commission and the public, and after due consideration to the presentations and comments at the public hearing hereon, and after evaluation of the factors set forth in Sections 802.03-5 and 604.03-1 of the Rockbridge County Land Development Regulations, finds and determines that the proposed use is consistent with the Comprehensive Plan, the policies of Rockbridge County and the public interest.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Rockbridge County, Virginia, as follows:

1. That the application of Andrew W. Ludtke for a special exception permit to operate a Bed and Breakfast Homestay in the applicant's home in the Residential General District (R-1) per Section 604.03-1 of the Land Development Regulations, located at 1051 Ross Road, Lexington, Virginia, 24450, in the Buffalo Magisterial District of Rockbridge County, identified upon the Rockbridge County Land Records as Tax Map #74B-2-E, is hereby approved.

2. That this ordinance shall be effective on and from the date of its adoption. All ordinances or parts of ordinances in conflict with the provisions of this ordinance shall be, and the same hereby are, repealed.

Adopted this 13th day of December, 2021.

Amendment of Penalty on Delinquent Meals Tax:

Ms. Huffman reviewed the agenda item as follows:

"Staff recently discovered that the penalty provisions of County Code Section 25-203 require amendment to correspond with the state code enabling legislation. The penalty is currently 10% per month, up to a maximum of 25%, of the tax due. The amendment provides for a 10% penalty in the first month of delinquency, with a 5% penalty per month for each month thereafter, up to a maximum of 25%. An amendment to County Code requires adoption of an ordinance, following a public hearing. At the November 22nd meeting, the Board authorized notice and public hearing on the proposed amendment for December 13, 2021."

Chairman Lyons opened the public hearing at 6:28 p.m. There were no comments. Chairman Lyons closed the public hearing.

Supervisor Ayers moved to approve. Supervisor McDaniel provided the second, and the motion carried by the following roll call vote by the Board:

Ayes: Ayers, McDaniel, Day, Lewis, Lyons
Nays: None
Absent: None
Abstain: None

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY, VIRGINIA, HELD AT THE ROCKBRIDGE COUNTY ADMINISTRATIVE OFFICES ON MONDAY, DECEMBER 13, 2021

ORDINANCE TO AMEND THE ROCKBRIDGE COUNTY CODE, CHAPTER 25 - TAXATION, ARTICLE X – TAX ON CERTAIN FOODS AND BEVERAGES (A/K/A MEALS), TO AMEND SECTION 25-203, TO ADJUST THE RATE OF PENALTY ON DELINQUENT REMITTANCE OF COLLECTED TAXES ON FOODS AND BEVERAGES

1. BE IT ENACTED by the Rockbridge County Board of Supervisors that, pursuant to Section 58.1-3916 of the Code of Virginia (1950, as amended), Section 25-203 of Article X in Chapter

25 -TAXATION, of the Rockbridge County Code be and hereby is amended and reenacted, as follows:

ROCKBRIDGE COUNTY CODE

Chapter 25

TAXATION

ARTICLE X. TAX ON CERTAIN FOODS AND BEVERAGES

Sec. 25-203. Penalty for late remittance or false return.

A. If any seller whose duty it is to do so shall fail or refuse to file any report required by this Article or to remit to the County Treasurer the tax required to be collected and paid under this Article within the time and in the amount specified in this Article, there shall be added to such tax by the County Treasurer a penalty in the amount of ten percent (10%) if the failure is not more than thirty (30) days, with an additional five percent (5%) of the total amount of tax owed along with all penalties for late payment previously levied for each additional thirty (30) days or fraction thereof during which the failure continues, not to exceed twenty-five percent (25%) in the aggregate, with a minimum penalty of ten dollars (\$10.00); provided, however, that the penalty shall in no case exceed the amount of the tax assessable. Any such penalty when so assessed shall become a part of the tax.

2. This Ordinance shall be effective on and from the date of its adoption.

Adopted this 13th day of December, 2021.

Shawn Wampler - (Steeles Fort Road) - Application for a Rezoning from the Agricultural and General Uses (A-2) Zoning District and the Agricultural Transitional (A-T) Zoning District to the Residential Mixed (R-2) Zoning District:

Mr. Slaydon briefly reviewed the agenda item and supplemental materials as follows:

"Shawn Wampler has submitted an application to rezone 28.45 acres from the Agricultural and General Uses (A-2) Zoning District and the Agricultural Transitional (AT) Zoning District to the Residential Mixed (R-2) Zoning District. The property is located on the east side of Steeles Fort Road (Route 706) at the northeastern corner of the intersection of Steeles Fort Road (Route 706) and North Lee Highway (Route 11). The property is owned by Melvin Bender and is further identified as tax map number 40-2-1A. The property consists of 30.83 acres with approximately 12.4 acres located in the Agricultural and General Uses (A-2) Zoning District and approximately 18.4 acres located in the Agricultural Transitional (A-T) Zoning District. The owner has proffered a plan consisting of 19 single-family homes, four duplexes, and two multi-family condominium buildings, each consisting of 16 units. Additionally, the proposed development includes two assisted living facilities, each with 20 beds. Per section 604B.03-2 of the County of Rockbridge Land Development Regulations, the assisted living facilities require a special exception permit which will be presented during the next agenda item and are contingent upon the proposed rezoning. Per Table 2 of the County of Rockbridge Land Development Regulations, the required acreage for the proposed development, including the assisted living facilities, is 18.72 acres. The proposed development includes a loop road with two entrances onto Steeles Fort Road (Route 706). Per section 904.02-2 of the Regulations, the road is required to be designed to VDOT Rolling Terrain Standards. The proposed road will not be dedicated to public use (private road). The buildings will be serviced by County water and sewer which is currently located along Steeles Fort Road (Route 706). Each condominium

building will be serviced with 24 off-street parking spaces in accordance with section 703.03-1 of the County of Rockbridge Land Development Regulations. The current owner has submitted a proffer that states the development of the property (portion of TM# 40-2-1A) for which the application is being made shall be in substantial accordance with the rezoning plan prepared by Blackwell Engineering, PLC. On December 8, 2021, the Planning Commission held its Public Hearing and has recommended approval of the rezoning with the acceptance of the proffer statement."

Engineer, Ed Blackwell, came forward to answer any questions the Board had. He reiterated the plans for the project, noting the number of proposed units were in line with what would be like a single-family subdivision. He stated that there would be a lot of green space and some ponds. He added that traffic would be under any threshold VDOT has for a traffic impact analysis.

Supervisor McDaniel inquired about the type of assisted living facility and whether or not there would be large trucks coming and going delivering food and picking up and delivering laundry.

Applicant, Mr. Wampler, shared that it is considered an expansion of South campus across Rt. 11 which is a private, non-profit organization. He stated that trucks would be delivering food and laundry about once per week

Chairman Lyons opened the public hearing at 6:40 p.m.

Mr. Slaydon read aloud a comment received by neighboring property owner Peggy Vaughan, as follows, while noting the primary concern is the main entrance to the general store:

"This correspondence to you is regarding the information I received from you recently for a special exception application made by Shawn Wampler/Melvin Bender. They are asking for a special exception permit to construct and operate retail, construct and operate a continuing care facility and to construct single family housing and multi-family dwellings off of Route 706 and North Lee Highway. Since the acreage involved in all of this construction surrounds my property (40 Steeles Fort Rd.) I am very concerned about the impact it would have on me and other neighboring residents. First, it would increase the volume of traffic on 706 which is heavily used as a cut through to Raphine Road and all of the development and high traffic at that intersection. I do wonder why Mr. Wampler/Bender would not want to construct their country store at that location which is already commercially oriented. I do not see the need or value in construction of a retail business in the middle of otherwise residential and farming location. I currently mow the right of way and keep the trash cleaned up on 706 from Rt. 11 to Moore's Trail Road. I can only imagine the extra time involved with the increased traffic and a retail operation. I do realize that the property involved here is Mr. Bender's and he does have the financial investment in it but I am hopeful that he will consider the community at large. I am a 79-year-old single woman living on a tight fixed income. I am sure that with this development around me the value of my home will decrease while the property tax will

increase. Will he be prepared to help his neighbors offset that - I don't think so! In closing I would remind the Planning and Zoning board and the Board of Supervisors that Lee Highway (Rt.11) is a scenic highway however if land development and construction continue it will appear as all other places that are consumed with development for individual gain. I ask you to review my concerns and convey to all other parties involved in this zoning hearing ie. Board of Supervisors and Planning Board."

Chairman Lyons closed the public hearing at 6:44 p.m.

Supervisor McDaniel asked if the Planning Commission recommended retaining a certain amount of green space near Ms. Vaughan's property that is shown as undeveloped. He asked if it could later be developed.

Mr. Slaydon stated that, with a rezoning process, it could theoretically be developed and the same approval process would be required in order to amend the current rezoning plan. He further stated that there is a proffer statement by the current landowner that is proffering to develop the property in substantial accordance with the plan being presented. He noted that, while it may look like a cluster subdivision, the single-family dwellings are over the minimum lot size and may or may not be approved as a cluster subdivision.

Supervisor Ayers asked if the green space was required.

Mr. Slaydon replied, it will be with this rezoning plan, but potentially not under a cluster subdivision. He then rereviewed the plan and noted that it was a primary concern of the Planning Commission that,

during dark hours, headlights will shine on the Vaughan residence when parking at the General Store.

Supervisor Day moved to approve. Supervisor Lewis provided the second, and the motion carried by the following roll call vote by the Board:

Ayes: Day, Lewis, Ayers, McDaniel, Lyons
Nays: None
Absent: None
Abstain: None

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY, VIRGINIA,
HELD AT THE ROCKBRIDGE COUNTY ADMINISTRATIVE
OFFICES ON MONDAY, DECEMBER 13, 2021

Ordinance to Change the Zoning Classification from Agricultural and General Uses (A-2) and Agricultural Transitional (A-T) to Residential Mixed (R-2), of a 28.45-Acre Tract of Land, Owned by Melvin C. Bender, Located at the Northeast Corner of the Intersection of Steeles Fort Road (Route 706) and North Lee Highway (Route 11), Identified as Tax Map #40-2-1A, in the South River Magisterial District

WHEREAS, the Rockbridge County Planning Commission held a public hearing on this matter on December 8, 2021, and recommended to the Board of Supervisors that the proposed zoning classification amendment, with acceptance of proffered conditions, be approved; and,

WHEREAS, legal notice and advertisement has been provided in accordance with §15.2-2204 of the Code of Virginia (1950, as amended) and in accordance with the Rockbridge County Land Development Regulations; and,

WHEREAS, the Board of Supervisors held a public hearing on this matter on December 13, 2021; and,

WHEREAS, the Board of Supervisors has determined that the conditional rezoning of the subject parcel of land would generally promote the health, safety, convenience and general welfare of the public, and that it accomplishes one or more of the objectives set forth in §15.2-2200 of the Code of Virginia (1950, as amended), and serves one or more of the purposes set forth in §15.2-2283 of the Code of Virginia.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Rockbridge County, Virginia, as follows:

1. That the zoning classification of a 28.45-acre tract of real estate, shown on the site plan entitled 'Rezoning – Preliminary Layout – Drawing No. 1 and Drawing No. 2' and plat entitled 'Rezoning – Preliminary Plat', all dated October 14, 2021, prepared by Blackwell Engineering, PLC, on file in the Office of Community Development, owned by Melvin C. Bender, and identified upon the Rockbridge County Land Records as Tax Map #40-2-1A, located on the east side of Steeles Fort Road (Route 706) at the northeastern corner of its intersection with North Lee Highway (Route 11) in the South River Magisterial District of Rockbridge County, is hereby changed from the Agricultural and General Uses (A-2) Zoning District and the Agricultural Transitional (A-T) Zoning District to the Residential Mixed (R-2) Zoning District, for a mixed-use development including single family dwellings, a duplexes, condominium units, and two assisted living facilities, with and subject to the conditions voluntarily proffered in writing by the property owner as set forth on Exhibit A attached hereto and incorporated herein, and which the Board of Supervisors of Rockbridge County hereby accepts.

2. That this action is taken upon the application of the property owner, Melvin C. Bender.

3. That this ordinance shall be effective on the date of its adoption. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed. The Zoning Administrator is directed to amend the zoning district map to reflect the change in zoning classification authorized by this ordinance.

Adopted this 13th day of December, 2021.

Shawn Wampler - (Steeles Fort Road) - Application for a Special Exception Permit to Build and Operate an Assisted Living Facility in the Residential Mixed (R-2) Zoning District:

Mr. Slaydon briefly reviewed the agenda item and supplemental materials as follows:

"Shawn Wampler has submitted an application for a special exception to build and operate an assisted living facility in the Residential Mixed (R-2) Zoning District. The property is located on the east side of Steeles

Fort Road (Route 706) at the northeastern corner of the intersection of Steeles Fort Road (Route 706) and North Lee Highway (Route 11). The property is owned by Melvin Bender and is further identified as tax map number 40-2-1A. The property consists of 30.83 acres with a pending rezoning application to rezone 28.45 acres from the Agricultural and General Uses (A-2) Zoning District and the Agricultural Transitional (A-T) Zoning District to the Residential Mixed (R2) Zoning District. The special exception application is contingent upon the approval of the pending rezoning application. Per section 604B.03-2 of the County of Rockbridge Land Development Regulations, Nursing home, Continuing Care Retirement Community are a use by special exception in the R-2 Zoning District. Per section 713.01 of the regulations, a continuing care retirement community is a planned development designed to provide residence and services for adults in a multi-use building complex in which buildings may be spaced closer than would generally be permitted under ordinance requirements for lot area, width or setbacks with the decrease in lot area, width or setbacks compensated by maintenance of equivalent common open space. Residences may include a mixture of freestanding single or multi-family homes/cottages, and apartments for independent residents who require minimal assistance with daily living. Adult residential care and skilled nursing services may be provided as a part of a continuum of care for all residents of the community as required by resident entry fees and care contracts. The application proposes the development of two buildings, each housing 20 beds. The proposed single-family dwellings, two family (duplex), and the multi-family dwelling proposal is not part of the special exception application. While the proposed road is to remain

private, per section 904.02-2 of the Regulations, the road is required to be designed to VDOT Rolling Terrain Standards. Each building will provide 12 off-street parking spaces and be served by County water and sewer. On December 08, 2021, the Planning Commission held its Public Hearing and has recommended approval of the special exception application with the following conditions: 1. Substantial compliance with the site plan entitled 'Rezoning - Preliminary Layout - Drawing No. 1 and Drawing No. 2' and plat entitled 'Rezoning - Preliminary Plat' all dated October 14, 2021, on file in the Office of Community Development, with a revision date of December 09, 2021." Mr. Slaydon asked that the following Condition be added: "Approval contingent upon final VDOT, Office of Fire, Rescue & Emergency Management, Rockbridge County Public Service Authority, and Tourism Corridor Overlay Board approvals."

Mr. Blackwell stated that neighboring property owner, C.S. Fitzgerald, had concerns about working his farm at night. Therefore, they have agreed to the double row of buffer between the two properties. He added that there are no plans to build on the green space next to Ms. Vaughan's property but they may put in walking trails.

Supervisor Ayers asked if it were possible to add some woodland plantings for stormwater management.

Mr. Blackwell replied, they not discussed that but would most likely do something like that.

Supervisor Ayers asked if the General Store would be for those within the development or for those passing by on Route 11.

Mr. Wampler replied, it is for both.

Chairman Lyons opened the public hearing at 6:57 p.m. There were no comments. Chairman Lyons closed the public hearing at 6:58 p.m.

Supervisor Lewis inquired about the rezoning of the property for the General Store.

Mr. Slaydon responded, Country Stores are a use by special exception in the A-2 and A-T zoning district and are not a permitted use nor a use by special exception in the residential zone. He then requested that Condition #2 "Approval contingent upon final VDOT, Office of Fire, Rescue & Emergency Management, Rockbridge County Public Service Authority, and Tourism Corridor Overlay (TCO) Board approvals" be added to the ordinance for adoption.

Supervisor Lewis asked what role the TCO would play.

Mr. Slaydon replied, per ordinance, the TCO is required to review all commercial development and multi-family development within the corridor and clarified that the assisted living facility is considered commercial development. He further stated that, because the location is within the TCO district, the TCO board will review not only the site plan but the building elevations if determined it can be seen from Route 11.

Supervisor Day moved to approve with the added Condition. Supervisor McDaniel provided the second, and the motion carried by the following roll call vote by the Board:

Ayes: Day, McDaniel, Ayers, Lewis, Lyons
Nays: None
Absent: None

Abstain: None

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY,
VIRGINIA, HELD AT THE ROCKBRIDGE COUNTY ADMINISTRATION OFFICES ON MONDAY,
DECEMBER 13, 2021

Ordinance Granting a Special Exception Permit for Development and Operation of a Continuing Care Retirement Facility, in the Residential Mixed (R-2) Zoning District, on a 28.45-Acre Property, Owned by Melvin C. Bender, Located at the Northeast Corner of the Intersection of Steeles Fort Road and North Lee Highway, Identified as Tax Map #40-2-1A, in the South River Magisterial District

WHEREAS, Shawn Wampler, Site Administrator for Blue Ridge Christian Homes, has filed an application for a special exception permit to develop and operate a continuing care retirement facility in the Residential Mixed (R-2) Zoning District per LDR Section 604B.03-2, on a 28.45-acre tract of land owned by Melvin C. Bender, and located on the east side of Steeles Fort Road (Route 706) at the northeastern corner of its intersection with North Lee Highway (Route 11), in the South River Magisterial District and identified as Tax Map #40-2-1A; and,

WHEREAS, the Planning Commission, following a public hearing, reviewed this application on December 8, 2021, and recommended approval with the specified conditions to the Board of Supervisors; and,

WHEREAS, legal notice and advertisement has been provided in accordance with §15.2-2204 of the Code of Virginia (1950, as amended) and in accordance with the Rockbridge County Land Development Regulations; and,

WHEREAS, the Board of Supervisors, after review of the application and all other documentation submitted by the applicant, the Planning Commission and the public, after due consideration to the presentations and comments at the public hearing hereon, and after evaluation of the factors set forth in §802.03-5 of the Rockbridge County Land Development Regulations, finds and determines that the proposed use, with the herein specified conditions, is consistent with the Comprehensive Plan, the policies of Rockbridge County, and the public interest.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Rockbridge County, Virginia, as follows:

1. That the Board of Supervisors finds that the granting of a special exception permit to Shawn Wampler, Site Administrator for the Blue Ridge Christian Homes, and Melvin C. Bender, Owner, to develop and operate a continuing care retirement facility in the Residential Mixed (R-2) Zoning District per Section 604B.03-2 of the Rockbridge County Land Development Regulations, on a 28.45-acre tract of land located on the east side of Steeles Fort Road (Route 706) at the northeastern corner of its intersection with North Lee Highway (Route 11), in the South River Magisterial District of Rockbridge County, and identified upon the Rockbridge County Land Records as Tax Map #40-2-1A, is substantially in accord with the Comprehensive Plan of the County adopted pursuant to the provisions of Section 15.2-2232 of the Code of Virginia (1950, as amended), and said special exception permit is hereby granted and approved, with and subject to the conditions set forth on Exhibit A attached hereto and incorporated herein by reference.

2. That this ordinance shall be effective on and from the date of its adoption. All ordinances or parts of ordinances in conflict with the provisions of this ordinance shall be, and the same hereby are, repealed.

Adopted this 13th day of December, 2021.

EXHIBIT A

SPECIAL EXCEPTION PERMIT CONDITIONS

Applicant: Shawn Wampler, Site Administrator for Blue Ridge Christian Homes

Owner: Melvin C. Bender

(TM# 40-2-1A)

1. Substantial compliance with site plan entitled 'Rezoning – Preliminary Layout – Drawing No. 1 and Drawing No. 2' and plat entitled 'Rezoning – Preliminary Plat', all dated October 14, 2021, and revised December 9, 2021, on file in the Office of Community Development.
2. Approval contingent upon final VDOT, Office of Fire, Rescue & Emergency Management, Rockbridge County Public Service Authority, and Tourism Corridor Overlay Board approvals.

Shawn Wampler - (Steeles Fort Road) -Application for a Special Exception Permit to Build and Operate a Country General Store in the Agricultural and General Uses (A-2) Zoning District and the Agricultural Transitional (A-T) Zoning District:

Mr. Slaydon briefly reviewed the agenda item and supplemental materials as follows:

"Shawn Wampler has submitted an application for a special exception to build and operate a Country General Store in the Agricultural and General Uses (A-2) Zoning District and Agricultural Transitional (A-T) Zoning District. The property is located on the east side of Steeles Fort Road (Route 706) at the northeastern corner of the intersection of Steeles Fort Road (Route 706) and North Lee Highway (Route 11). The property is owned by Melvin Bender and is further identified as tax map number 40-2-1A. The property consists of 30.83 acres with the proposed development

being located upon a 2.3-acre lot which will be subdivided off from the current parcel. Per section 603.03-7 and section 603B.03-1 of the County of Rockbridge Land Development Regulations, a Country General Store is a use by special exception in the A-2 and A-T Zones, respectively. Per section 302.95 of the County of Rockbridge Land Development Regulations, a Country General Store is defined as a single store which offers for sale primarily, most of the following articles: bread, milk, cheese, fresh meats and vegetables, canned and bottled foods and drinks, tobacco products, candy, papers and magazines, and general hardware articles. Gasoline may also be offered for sale but only as a secondary activity of a country general store. The development proposes the building of a single country store which will be serviced by County water and sewer with access from a private road that will adjoin Steeles Fort Road (Route 706). The store will have off-street parking including 36 spaces, which would provide for 7,200 square feet of retail space per section 703.03-4 of the County of Rockbridge Land Development Regulations. On December 8, 2021, the Planning Commission held its Public Hearing and has recommended approval of the special exception application with the following conditions: 1. Substantial compliance with site plan entitled 'Rezoning - Preliminary Layout - Drawing No. 1 and Drawing No. 2' and plat entitled 'Rezoning - Preliminary Plat', all dated October 14, 2021, on file in the Office of Community Development, with a revision date of December 09, 2021." Mr. Slaydon asked the Board to consider adding the following Condition to the ordinance: "Approval contingent upon final VDOT, Office of Fire, Rescue & Emergency Management, Rockbridge County Public Service Authority, and Tourism Corridor Overlay (TCO) Board approvals".

Mr. Blackwell shared that they did not want to block Ms. Vaughan's view and planned to work with her when planting the trees. He stated that they planned to put in the row of trees as shown, but if she asked that some be reduced closer to the road, they would reduce the plantings at her request.

Chairman Lyons opened the public hearing at 7:06 p.m. There were no comments. Chairman Lyons closed the public hearing at 7:07 p.m.

Supervisor Day moved to approve with staffs request to add a Condition. Supervisor McDaniel provided the second, and the motion carried by the following roll call vote by the Board:

Ayes: Day, McDaniel, Ayers, Lewis, Lyons
Nays: None
Absent: None
Abstain: None

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY, VIRGINIA, HELD AT THE ROCKBRIDGE COUNTY ADMINISTRATION OFFICES ON MONDAY, DECEMBER 13, 2021

Ordinance Granting a Special Exception Permit to Build and Operate a Country General Store in the for Development and Operation of a Continuing Care Retirement Facility, in the Agricultural and General Uses (A-2) District and the Agricultural Transitional (A-T) District, on a on a 2.3-Acre Parcel of Land, Owned by Melvin C. Bender, Located at the Northeast Corner of the Intersection of Steeles Fort Road and North Lee Highway, Identified as a portion of Tax Map #40-2-1A, in the South River Magisterial District

WHEREAS, Shawn Wampler, Site Administrator for Blue Ridge Christian Homes, has filed an application for a special exception permit to build and operate a country general store in the Agricultural and General Uses (A-2) Zoning District and the Agricultural Transitional (A-T) Zoning District, per LDR Section 603.03-6, on a 2.3-acre portion (to be subdivided) of a 30.83-acre tract of land, owned by Melvin C. Bender and located at the northeast corner of Steeles Fort Road (Route

706) and North Lee Highway (Route 11), in the South River Magisterial District and identified as a portion of Tax Map #40-2-1A; and,

WHEREAS, the Planning Commission, following a public hearing, reviewed this application on December 8, 2021, and recommended approval with the specified conditions to the Board of Supervisors; and,

WHEREAS, legal notice and advertisement has been provided in accordance with §15.2-2204 of the Code of Virginia (1950, as amended) and in accordance with the Rockbridge County Land Development Regulations; and,

WHEREAS, the Board of Supervisors, after review of the application and all other documentation submitted by the applicant, the Planning Commission and the public, after due consideration to the presentations and comments at the public hearing hereon, and after evaluation of the factors set forth in §802.03-5 of the Rockbridge County Land Development Regulations, finds and determines that the proposed use, with the herein specified conditions, is consistent with the Comprehensive Plan, the policies of Rockbridge County, and the public interest.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Rockbridge County, Virginia, as follows:

1. That the Board of Supervisors finds that the granting of a special exception permit to Shawn Wampler, Site Administrator for the Blue Ridge Christian Homes, and Melvin C. Bender, Owner, to build and operate a country general store in the Agricultural and General Uses (A-2) Zoning District and the Agricultural Transitional (A-T) Zoning District, per Section 603.03-6 of the Rockbridge County Land Development Regulations, on a 2.3-acre portion (to be subdivided) of a 30.83-acre tract of land, located at the northeast corner of Steeles Fort Road (Route 706) and North Lee Highway (Route 11), in the South River Magisterial District of Rockbridge County, and identified upon the Rockbridge County Land Records as a portion of Tax Map #40-2-1A, is substantially in accord with the Comprehensive Plan of the County adopted pursuant to the provisions of Section

15.2-2232 of the Code of Virginia (1950, as amended), and said special exception permit is hereby granted and approved, with and subject to the conditions set forth on Exhibit A attached hereto and incorporated herein by reference.

2. That this ordinance shall be effective on and from the date of its adoption. All ordinances or parts of ordinances in conflict with the provisions of this ordinance shall be, and the same hereby are, repealed.

Adopted this 13th day of December, 2021.

EXHIBIT A

SPECIAL EXCEPTION PERMIT CONDITIONS

Applicant: Shawn Wampler, Site Administrator for Blue Ridge Christian Homes

Owner: Melvin C. Bender

(portion of TM# 40-2-1A)

1. Substantial compliance with site plan entitled 'Rezoning – Preliminary Layout – Drawing No. 1 and Drawing No. 2' and plat entitled 'Rezoning – Preliminary Plat', all dated October 14, 2021, and revised December 9, 2021, on file in the Office of Community Development.
2. Approval contingent upon final VDOT, Office of Fire, Rescue & Emergency Management, Rockbridge County Public Service Authority, and Tourism Corridor Overlay Board approvals.

Rockbridge County – Zoning Text Amendment to Define and Provide for Wood Yards as a Use in the Agricultural Zoning Districts:

Mr. Slaydon explained that the intent of the proposed ordinance is to define wood yards. He reviewed the changes to the ordinance as shown below:

Adding and changing language in the ordinance to show the following:

302.229A Wood Yard. Any parcel of land, or portion thereof, where the primary use of the land is for the commercial storing and marketing of logs.

602.03-14 Wood Yards, subject to the provisions set forth in Section 716.00 of these Regulations.

603.03-25 Wood Yards, subject to the provisions set forth in Section 716.00 of these Regulations.

607.02-10 Coal yards, lumber yards, feed and seed stores.

607.02-24 Wood Yards, subject to the provisions set forth in Section 716.01 of these Regulations.

716.00 WOOD YARDS

716.01 In addition to the regulations stipulated in section 608-13 of these Regulations, the placement or storage of logs in the flood hazard district is only allowed if properly secured on the site in accordance with a sealed plan prepared by a professional engineer, licensed with the Commonwealth of Virginia.

716.02 No use of machinery, grading or sorting of logs, loading or unloading of trucks, or other activities creating excess light or noise shall be conducted between the hours of 10 P.M. and 6 A.M., with the exception of one to two idling trucks waiting to be unloaded.

716.03 Vegetative buffers along all property lines and public roads shall be required, at a minimum of fifty (50) feet in width, and shall otherwise comply with Section 1302.05 of the County of Rockbridge Land

Development Regulations, except as may be modified by the Planning Commission as provided therein.

Following is review of the proposed changes to the ordinance, Mr. Slaydon stated that he and Ms. Huffman had further reviewed the Planning Commissions recommendation in section 716.03 and staff recommends removing "Planning Commission" as it plays an advisory role in the special exception process.

Supervisor Lewis asked what the difference is between a wood yard and a lumber yard.

Mr. Slaydon stated that the proposed definition of a wood yard is the commercial storing and marketing of logs whereas a lumber yard would not be a raw material of logs but cut lumber.

Supervisor Lewis then asked what "properly secured" means in section 716.01.

Mr. Slaydon replied, properly secured during high water events including up to 100-year storm event to ensure the logs can properly be secured on the site and not be detrimental downstream.

Supervisor Lewis asked why "No use of machinery, grading or sorting of logs" is included in section 716.02.

Mr. Slaydon replied that this particular section was piggybacked off of existing conditions associated with, at minimum, two special exceptions for sawmills. He stated that sawmills not only have the milling activity on site but also have a wood yard on site as well. He noted that the grading would not generate noise but the sorting of it would.

Supervisor McDaniel asked if there was a request for the 10:00 p.m. timeframe in section 716.02.

Mr. Slaydon replied that there was some discussion at the Planning Commission level on a timeframe. He reiterated that language in this section piggybacked off of two other special exception processes that have similar language for noise activities for sawmills.

Chairman Lyons asked if those times could be site-specific or time restraints be eliminated and make that part of the special exception.

Mr. Slaydon replied that the time restraints could be modified or eliminated.

Chairman Lyons opened the public hearing at 7:21 p.m.

Calvin Fitzgerald, II. of the South River Magisterial District stated that his family has been in the lumber/log industry for close to 100 years. He stressed that there are a lot of areas in the County that a log yard would benefit in an agricultural area. He advised that a log yard is completely different than the manufacturing log business. Mr. Fitzgerald stated that, at the Planning Commission, the reason the asked for the 10:00 timeframe was in case there was any trouble getting trucks unloaded.

Jerry Deacon of the Kerrs Creek Magisterial District shared that he runs a sawmill that has restrictions they obey and are comfortable with. He stated that, should an emergency occur, they should be able to take care of that emergency. He then stated that the Board should look at hay being washed away in flood zones verses heavy logs. Mr. Deacon asked the Board to work with the prospective wood yard business in the County.

Supervisor Lewis recommended removing the grading language from section 716.02 and shared his concern about the language "properly secured". He stated that he struggled with the level of requirements that are being put on businesses such as the 50-foot buffer requirement and time restraints. Supervisor Lewis stated that the special exception process takes care of these requirements.

Supervisor McDaniel questioned if all the added language is necessary as the special exception process takes care of some of it and looks at each property individually.

Chairman Lyons agreed that each property is looked at individually and agreed with having an engineering plan as the County does not have an engineer to provide such services. He stated that he would be willing to strike section 716.02 entirely and let it be determined when the individual applies for the special exception. In advance to applying, he added, the individual needs to know that the engineer will determine if logs can safely be stored on the proposed site.

Supervisor McDaniel asked how securing the logs will be interpreted.

Ms. Huffman stated that there would be a sealed plan from an engineer indicating how something is to be secured and then the business owner proceeds under the plan if the Board of Supervisors issues the special exception permit. She stated that the permit could be even more restrictive than what is provided for in the ordinance as the ordinance provides for the minimum requirements.

Supervisor Ayers stated that the requirements address concerns in a flood zone and instead of striking flood zones; this was the idea to try to fix the issue. However, she questioned, does this language say that the engineer is guaranteeing that the logs will stay in place during a flood event?

Ms. Huffman replied that there is no guarantee of anything.

Supervisor Ayers stated this was the point she was making. She shared that she was thrilled to be able to take agricultural property and have a wood yard instead of limiting it to just industrial; however other Counties, for very good reasons, are restricting this use from flood zones.

Chairman Lyons shared that the term flood zone has so many various definitions. He stated that some areas in the County are identified in the flood zone but would not likely ever see a flood. He added that an engineer could determine ways to keep logs in place, but ultimately there is no guarantee. However, he shared his support of having an engineer review the property to make a project as safe as possible.

Supervisor McDaniel stated that, if he were an owner of a wood yard, the logs are the inventory and wouldn't want to see them washed downstream. Thus, the owner would do everything they could to move the logs to a safer location in bad weather.

Supervisor Lewis recommended removing the 50' buffer requirement or reducing that number.

Mr. Slaydon advised that some felt as though 50' would not be enough of a buffer.

Supervisor Lewis stated that his motion would be to only go with section 716.01 and strike 716.02 and 716.03.

Chairman Lyons stated that striking those sections does not mean they can not be added if needed.

Supervisor Lewis agreed that a buffer could be added in the special exception process and a width of a buffer could be defined.

Mr. Slaydon noted that, at the September 27, 2021 Board of Supervisors meeting, the Board held a public hearing and was very supportive of this use in the agricultural district but were concerned on approving a zoning text amendment without additional parameters and criteria for use. Ultimately, he noted, the Board referred this back to the Planning Commission for wood yards for further consideration related to the 100-year flood plain, minimum lot size, buffer requirements, and scale of operation.

Chairman Lyons stated that he agrees with section 716.01 and will add, as needed, any other requirements as people come forward.

Supervisor Lewis moved to approve section 716.01. Supervisor McDaniel provided the second after receiving confirmation that each wood yard would be under the special exception process and an engineering plan.

Mr. Slaydon clarified that the wood yard definition, section 602.03-14, section 603.03-25, would stay the same as presented. However, section

607.02-24 would read: Wood Yards, subject to the provisions set forth in Section 716.00 of these Regulations.

The motion carried by the following roll call vote by the Board:

Ayes: Lewis, McDaniel, Day, Lyons
Nays: Ayers
Absent: None
Abstain: None

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY, VIRGINIA, HELD AT THE ROCKBRIDGE COUNTY ADMINISTRATIVE OFFICES ON MONDAY, DECEMBER 13, 2021

Ordinance to Amend Section 302.00 – Specific Definitions of Article 3 – Definitions; Section 602.00 – Agricultural and Limited Uses District (A-1); Section 603.00 – Agricultural and General Uses District (A-2); and Section 607 – General Industrial District (I-1) of Article 6 – Uses in Districts; and Article 7 – Use Regulations, of the County of Rockbridge Land Development Regulations to Define Wood Yards and Provide for Wood Yards as a Use by Special Exception in the A-1 and A-2 Zoning Districts; as a Permitted Use in the I-1 Zoning District; and Provide Regulations for Wood Yards in Article 7

WHEREAS, the Rockbridge County Planning Commission held a public hearing on these amendments to the Land Development Regulations on December 8, 2021, and recommended approval to the Board; and,

WHEREAS, the Rockbridge County Board of Supervisors held a public hearing on these amendments on December 13, 2021; and,

WHEREAS, legal notice has been provided in accordance with Section 15.2-2204 of the Code of Virginia (1950, as amended) and the County of Rockbridge Land Development Regulations; and,

WHEREAS, the Board of Supervisors of Rockbridge County, Virginia, has determined that the provisions of this ordinance generally promote the health, safety and general welfare of the public, that the amendment is required by good zoning practice and accomplishes the objectives set forth in Va. Code Section 15.2-2200, and that the amendment serves one or more of the purposes set forth in Va. Code Section 15.2-2283 of the Code of Virginia.

NOW, THEREFORE, BE IT ORDAINED by the Rockbridge County Board of Supervisors:

1. That Section 302.00 – Specific Definitions of Article 3 – Definitions; Section 602.00 – Agricultural and Limited Uses District (A-1); Section 603.00 – Agricultural and General Uses District (A-2); and Section 607 – General Industrial District (I-1) of Article 6 – Uses in Districts; and Article 7 – Use Regulations, be amended and reenacted, as follows:

ARTICLE 3. DEFINITIONS

301.00 GENERAL

Except as otherwise provided herein, all words shall have the customary dictionary meaning. The present tense includes the future tense. The singular number includes the plural and the plural includes the singular. The masculine gender includes the feminine and neuter genders. The word “person” includes a firm, corporation, association, organization, partnership. The word “lot” includes “plot” or “parcel”. The word “building” includes “structure”. The word “shall” is always mandatory. The word “used” or “occupied” as applied to any land or building shall be construed to include the words “intended, arranged, or designed to be used or occupied.”

302.00 SPECIFIC DEFINITIONS

When used in this Ordinance the following words and phrases shall have the meaning given in this Section:

302.229A Wood Yard. Any parcel of land, or portion thereof, where the primary use of the land is for the commercial storing and marketing of logs.

(Sec. 302.229A Added by Ord. of _____)

ARTICLE 6. USES IN DISTRICTS

602.00 AGRICULTURAL AND LIMITED USES DISTRICT - A-1

602.02 Permitted Uses. In the A-1 District, structures to be erected or land to be used, shall be for one (1) or more of the following uses:

602.03 Special Exceptions. In the A-1 District, Special Exception Use Permits may be granted for one (1) or more of the following uses:

602.03-14 Wood Yards, subject to the provisions set forth in Section 716.01 of these Regulations.
(Sec. 602.03-14 Added by Ord. of _____)

603.00 AGRICULTURAL AND GENERAL USES DISTRICT - A-2

603.02 Permitted Uses. In the A-2 District, structures to be erected or land to be used, shall be for one (1) or more of the following uses:

603.03 Special Exceptions. In the A-2 District, special exceptions may be issued for one (1) or more of the following uses:

603.03-25 Wood Yards, subject to the provisions set forth in Section 716.01 of these Regulations.
(Sec. 603.03-25 Added by Ord. of _____)

607.00 GENERAL INDUSTRIAL DISTRICT - I-1

607.02 Permitted Uses. Within the General Industrial District I-1, the following uses are permitted:

607.02-10 Coal yards, lumber yards, feed and seed stores.

607.02-24 Wood Yards, subject to the provisions set forth in Section 716.01 of these Regulations.
(Sec. 607.02-24 Added by Ord. of _____)

ARTICLE 7. USE REGULATIONS

716.00 WOOD YARDS

716.01 In addition to the regulations stipulated in section 608-13 of these Regulations, the placement or storage of logs in the flood hazard district is only allowed if properly secured on the site in accordance with a sealed plan prepared by a professional engineer, licensed with the Commonwealth of Virginia.

2. That this ordinance shall be in full force and effect on and from the date of its adoption.

Adopted this 13th day of December, 2021.

Monthly Staff Reports:

Supervisor McDaniel moved to approve the Monthly Staff Reports.

Supervisor Lewis provided the second, and the motion carried by the following roll call vote by the Board, with Supervisor Ayers being absent during the vote:

Ayes: McDaniel, Lewis, Day, Lyons
Nays: None
Absent: Ayers
Abstain: None

Adjournment:

Chairman Lyons adjourned the meeting at approximately 7:41 p.m.