

AT A REGULAR MEETING OF THE ROCKBRIDGE COUNTY BOARD OF SUPERVISORS
HELD IN THE ROCKBRIDGE COUNTY ADMINISTRATIVE OFFICE BUILDING
AT 150 SOUTH MAIN STREET, LEXINGTON, VIRGINIA
ON MONDAY, FEBRUARY 28, 2022 AT 5:30 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 McDaniel called the meeting to order at 5:30 p.m.

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

Supervisor Day offered an invocation for anyone who wished to participate and then led in the Pledge of Allegiance.

Chairman McDaniel advised of the following announcements:

"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:

County Administrator Spencer Suter asked to add two (2) items to the agenda: Consideration to confirm the School Board's use of the School Capital reserve to fund A&E services for study and design of Floyd S Kay improvements and consideration to set public hearing for Old Courthouse Transaction.

Supervisor Day moved to modify the agenda as presented by adding these two items. Supervisor Ayers provide the second, and the motion carried by the following roll call vote by the Board:

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

Recognitions and Presentations:

Introduction of new County employees:

Fleet Services Supervisor Steve Kingery introduced new employees to his department. He noted that some had been working in his department for some time, but due to Covid, had not been introduced to the Board. He then recognized David Crawford who started his employment with the County January 1, 2020; Robert Conner who started his employment with the County March 23, 2020; and, Blaine Black who recently started on February 1, 2022.

Mr. Suter shared his appreciation to Mr. Kingery and staff who worked through Covid - at times short-staffed - until employees were hired.

Director of Community Development Chris Slaydon introduced the County's new Zoning Technician, Zachary Seastrom, who began working with the County on February 1, 2022.

Chairman McDaniel welcomed these employees.

Citizens Comments:

There were no citizens comments.

Approval of the February 2, 2022 Budget Meeting Minutes and the February 14, 2022 Regular Meeting Minutes:

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

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

Consideration of Farmers Market Application for Steve Hart:

Mr. Slaydon reviewed the agenda item that contained the following information:

" Mr. Steve Hart has submitted an application for Outdoor Events to hold a Farmers Market per Chapter Four (Amusement and Entertainment) Section 5 (Farmer's Market Market) of the Rockbridge County Code.

This will be the third year of the Kerrs Creek Community Market. The property is located at 2766 W Midland Trail Lexington, Virginia 24450 and if further identified as tax map number 47-A-54 (84.775 acres) per tax records."

Mr. Hart, who was present virtually, reiterated the plans for the Farmers Market.

Supervisor Lewis asked Mr. Slaydon if Farmers Market Applications were reviewed annually and if there were any associated fees.

Mr. Slaydon confirmed the applications were reviewed annually per County Code and there were no associated fees.

Supervisor Lyons moved to approve application. Supervisor Lewis provide the second, and the motion carried by the following roll call vote by the Board:

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

Declaration of Surplus Property:

Mr. Suter reviewed the following information:

"The Rockbridge County Fleet Services Department is holding four (4) vehicles at their facility for consideration of disposal as surplus property. These items are provided in the table below. There are no governmental departments who requested a need for these assets.

In accordance with sound governmental policy, surplus property should be declared as such by the governing body and disposed of in a manner which is open and equitable. We jumped the gun a bit and these are already advertised on GovDeals - but when we realized the mistake, we simply extended the auction closing date to past this board meeting."

Mr. Suter further explained that Fleet Services Supervisor Steve Kingery keeps maintenance logs on County vehicles, and should they be in good enough condition to be reused verses sold, they are. However, in this case, the listed vehicles were not in any condition to reuse.

Chairman McDaniel asked if the vehicles are not reused because of age and mileage or wear-and-tear.

Mr. Suter replied, yes, all that was mentioned plus the replacement cycle. He added that staff supports the recommendation brought forth by Mr. Kingery.

Supervisor Day moved to adopt the resolution declaring the vehicles listed as surplus. Supervisor Lewis provide the second, and the motion carried by the following roll call vote by the Board:

Ayes: Day, Lewis, Ayers, Lyons, McDaniel
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 FEBRUARY
28, 2022

**RESOLUTION TO DECLARE VEHICLES HELD AT ROCKBRIDGE COUNTY
FACILITIES AS SURPLUS AND TO AUTHORIZE DISPOSAL THROUGH PUBLIC
SALE OR AUCTION, INCLUDING ONLINE PUBLIC AUCTION**

WHEREAS, County Departments have turned in four vehicles formerly used in staff operations to the Rockbridge County Sheriff's Department, and these assets are the property of the County of Rockbridge; and,

WHEREAS, staff has evaluated the need for use of the former staff vehicles by other County departments or governmental agencies, and recommends that the items be declared as surplus and sold through public sale or auction, including online public auction.

NOW, THEREFORE, be it RESOLVED by the Board of Supervisors of Rockbridge County, Virginia, as follows:

1. That the following Rockbridge County vehicles be, and hereby are, declared surplus property:

Year	Make	Model	VIN/SN	~Mileage/Hours
2014	Dodge	Charger	2C3CDXAT3EH125794	142,381
2011	Ford	Crown Victoria	2FABP7BV9BX185133	126,958
2011	Ford	Crown Victoria	2FABP7BV5BX185131	161,464
2013	Ford	Explore	1FM5K8AR1DGC40338	174,621

2. That the County Administrator is hereby authorized to dispose of said surplus property through public sale or auction, including online public auction, and to sell said property to the highest competitive bidder.

3. That the proceeds of the sale be paid into the General Fund of the County.

4. That the County Administrator is hereby authorized to execute such documents and take such actions on behalf of the County as are necessary and appropriate to accomplish the sale of said property, all of which shall be on form approved by the County Attorney.

5. That this resolution shall be effective on and from the date of its adoption.

Adopted this 28th day February, 2022.

Added Items to the Agenda:

Consideration to confirm the School Boards use of the School Capital reserve to fund A&E services for study and design of Floyd S Kay improvements:

Mr. Suter provided the following overview:

"You may recall that, last year in a joint meeting with the School Board, the FSK upgrade project was discussed. The Boards agreed to move ahead with planning and that required issuance of an RFP by the RCPS for A&E services. They have reviewed and ranked proposals and have negotiated a price with Spectrum Design.

Dr. Thompson contacted me late last week to ensure in advance that the Schools and the County were still on the same page before they sign a

contract. The original discussion included a rough estimate of \$725,000 for A&E costs. I've provided you with the school's meeting minutes (the applicable discussion is recorded halfway down on the second page). The number that they have negotiated is right around \$600,000. Our collective recollection is that the funds would be taken from the school capital reserve account and then reimbursed after a bond sale, which could be done this fall.

I think that an original concern was that we could spend \$725,000 only to find that the construction cost estimate exceeded our ability to pay. However, I confirmed with Dr. Thompson that the A&E contract has a phased approach. In other words, pay as we go. At a certain point in the contract, both Boards would be able to review the preliminary plans and budget estimate.

At this point, we would like to see if there is consensus for the School Division to execute a contract and begin the phased work, utilizing the school's capital reserve fund, with the understanding that if and when there is a borrowing, we would seek a reimbursement resolution to replenish that fund with bond proceeds. Ms. Huffman and I would work with bond counsel on the timing."

Chairman McDaniel stated that he had spoken with Dr. Thompson and confirmed the estimate is from start-to-finish. He noted that the only change could be slight cost overrun for changes of required visits by the design firm and those costs would come from escrow and be reimbursed in the reimbursement resolution. He added that the facility has reached an

age where something needs to be done and it will be good for the students and the community.

Supervisor Ayers moved to allow the schools to access their escrow account to pay for the A&E study. Supervisor Day provide the second, and the motion carried by the following roll call vote by the Board:

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

Consideration to schedule a public hearing on the Old Courthouse

Transaction:

Mr. Suter provided the following overview:

"You may recall that the County sold the old courthouse to Rockbridge Partners LLC back in the late 2000's. They repurposed the building and leased it to W&L for office space. The covenants of the sale included language that they would basically do what they said they would do regarding the renovation (leaving it in good condition, preserving the historic aspects, etc.)

John Adamson, a partner in the group, contacted me late last week requesting a letter of certification confirming that they did just that. This requires a public hearing. Of course, in order to schedule a public hearing, we need the Board's consensus to schedule for your next regularly scheduled meeting on March 14th.

We've provided the Board with the applicable section of the recorded deed and also a letter from the VA Dept of Historic Resources confirming successful completion.

We recommend adding this public hearing to the March 14 meeting for these purposes.”

Supervisor Lyons moved to schedule a public hearing on this matter on March 14, 2022. Supervisor Lewis provide the second, and the motion carried by the following roll call vote by the Board:

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

Community Services Board Member Jade Knick no longer serving after December 2021: [*Applications received by John Coleman, Torben Pedersen, and Sharon Burgess*]

Supervisor Lyons noted that Mr. Coleman’s application suggests he is available for meeting only in the evenings and the Community Services Board meets during the day.

Supervisor Lewis stated that he believed this was inaccurate and Mr. Coleman stated he could attend meetings any time of day.

Supervisor Day moved to appoint Sharon Burgess to the Community Services Board for a term that will expire 12/31/2024. Supervisor Ayers provide the second, and the motion carried by the following roll call vote by the Board:

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

Community Services Board Member Malcolm Brownlee Resigned- Term

Expires 12/31/2023: [*Applications received by John Coleman, Torben Pedersen, and Sharon Burgess*]

Supervisor Ayers suggested Mr. Coleman be contacted to confirm his availability to attend evening meetings and be considered at another time if so.

Supervisor Lyons moved to appoint Torben Pedersen to the Community Services Board for a term that will expire 12/31/2023. Supervisor Ayers provide the second, and the motion carried by the following roll call vote by the Board:

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

RARO Board of Directors- Fill unexpired term for David Hinty

effective 01/06/2022 - 06/30/2025:

No appointment was made to fill this term as there were no applications to be considered.

Recess:

At 5:57 p.m., Chairman McDaniel called for a recess until the 6:00 p.m. Public Hearings could be heard.

Reconvened:

At 6:02 p.m., Chairman McDaniel reconvened the Board of Supervisors meeting.

Public Hearings at 6:00 p.m.:

**Crown Hardwood Co. - (3505 West Midland Trail, Lexington Virginia)
-Application for a Special Exception Permit to operate a Wood Yard in the
Agricultural and General Uses (A-2) Zoning District:**

Mr. Slaydon introduced Gavin Worley of Perkins and Orrison, Inc., and representatives of Crown Hardwood who were all present in-person. He then reviewed the agenda item which included the following information:

"Crown Hardwood Co., 1270 Baltimore Pike, West Grove, PA 19390, has made an application for a special exception permit to develop and operate a wood yard in the Agricultural and General Uses (A-2) Zoning District. The property is located on the south side of West Midland Trail (Route 850), approximately 0.28 miles east of the intersection of West Midland Trail (Route 850) and White Rock Road (Route 629), and is further identified as tax map number 46-A-62. The property is located in, and surrounded by, the Agricultural and General Uses (A-2) Zoning District.

This property consists of 5.14 acres (per current tax records). The applicant has provided an unrecorded plat that increases the acreage to 6.136 acres.

The property is located in special flood hazard zone 'A' (area within the 100-year floodplain). Section 716.01 of the Regulations state that 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. Section 608.13 (1-12) of the County of Rockbridge details the additional factors that are required to be satisfied for development in the floodplain

Per section 603.03-25 of the County of Rockbridge Land Development Regulations, Wood Yards, subject to the provisions set forth in Section 716.01 of the Regulations are a use by special exception in the A-2 Zoning District. The zoning text amendment that provides for wood yards by special exception in the A-2 Zoning District was approved by the Board of Supervisors on December 13, 2021.

On September 8, 2021, the Planning Commission held a public hearing for the Crown Hardwood application. The application was contingent on the approval of the Zoning Text Amendment. On October 6, 2021, Crown Hardwood requested a postponement of the review of the special exception application to allow for the Zoning Text Amendment process to be completed. Due to the timeframe with the Zoning Text Amendment and the fact that the plan associated with the special exception permit has been modified to include the required plan to secure the logs on site during flooding events, a second Public Hearing with the Planning Commission seemed warranted due to the significant substantive change.

Mr. Russ Orrison with Perkins and Orrison submitted a plan that proposed to utilize wooden posts (6" to 7" treated post in dirt and re-purposed utility poles set in concrete at the fence corners) with steel cables through the wooden posts to secure the logs on the site. The Planning Commission had some suggestions to reenforce the proposed fencing and the plans have been updated accordingly. The plan now calls for steel I-beams rather than the re-purposed utility poles. Additionally, the Planning Commission added one I-beam in the middle of the fence on the eastside of the property. Further, Mr. Orrison has submitted a Special Exception Narrative pertaining to Section 608.13 (1-12) of the Regulations.

On September 8, 2021 and January 12, 2022, the Planning Commission held a Public Hearing and has recommended approval of the special exception application with the following conditions:

1. Substantial Compliance with the plan prepared by Perkins and Orrison titled Crown Hardwoods Co., INC. "Site & Special Exception Plan" dated December 20, 2021, and revised on December 29, 2021, January 7, 2022, and January 20, 2022.
2. 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.
3. Sunday operations shall not be allowed and no equipment shall be used on Sundays except as needed for the following permitted activities:

- a. Property maintenance and repairs
 - b. Equipment repairs, maintenance, installation and improvements
 - c. Log grading and scaling, not to include sorting. Exterior activities that produce noise shall be limited to between the hours of 12:00 noon to 4:00 P.M.
4. Conditions #2 and #3 will not apply during preparing site for potential flooding.
 5. The log yard is to be watered down as needed to control dust.
 6. Approval contingent on erosion and sediment/stormwater management and Virginia Department of Transportation approvals.

The Special Exception Application was originally on the January 24, 2022 Board of Supervisors agenda but due to Board Members being absent for that meeting the agenda item and Public Hearing for the Special exception was rescheduled to the February 28, 2022 Board of Supervisors meeting."

In regard to Condition #6, Mr. Slaydon advised that, earlier in the day, VDOT approved the proposed entrance with improvements. He then noted that, as the draft Conditions are written, it would not be a violation if logs were swept downstream during a flooding event. However, staff recommends adding language stating that it would be a violation of the Special Exception Permit for logs to be swept off the property high water/flooding events. Mr. Slaydon provided sample language to be considered:
"In addition to adhering to the site preparedness plan referenced above,

it shall be a violation of the Special Exception Permit for any logs to be displaced off of the property during high water/flooding events".

Supervisor Day stated that adding that language would constitute issuing a violation for an act of nature.

Supervisor Lewis stated that there is a required engineering plan that would include ways to mitigate potential problems.

Mr. Worley then reviewed the details of the site plan. He stated that Crown Hardwood would ensure all logs are stacked in event of forecasted flooding as having them stacked makes it more difficult for water to move them. He advised that the location of the property is not in a FEMA study and there is not a defined flood way. He added that the property is a good distance off of Kerrs Creek and he did not anticipate that there would be significant velocity associated with floodwaters; and velocity is what will move logs off the property. In addition, he added, there will be a requirement for the fence to catch any moving logs.

Supervisor Lewis inquired about the distance between the steel I-beams.

Mr. Worley replied, it is proposed to use treated posts 10' in the center between the steel I-beams.

Supervisor Ayers asked if the proposed plan is stating that, in event of a flood warning, the logs would be moved to higher ground.

Mr. Worley replied, it is proposed that Crown Hardwood will be sure there are no lose logs on site and will stack the logs to make them more stable in event of high water.

Supervisor Ayers then stated that, given the proposed plan to move the logs to higher ground, it is indicating the logs cannot be kept on site in high water?

Mr. Worley replied that Crown Hardwood would be stacking the logs to make them more stable as an approach to prevent the logs from moving. The second approach, he noted, would be to move the logs to higher ground and then stack them.

Gunner Beverly, representative of Crown Hardwood, stated that they would do everything in their power to keep logs on site in event of high water, and should a log leave the property, Crown Hardwood will do their job and reclaim the log.

Mr. Slaydon advised that, when reviewing the possibility of moving the logs off site, he found it to be problematic. Thus, the idea came about to move the logs to higher ground.

Chairman McDaniel opened the public hearing at 6:17 p.m.

C.S. Fitzgerald of the South River Magisterial District shared that, in reviewing the property map, if one is worried about the logs leaving the property due to high water, the rest of the County will be in really bad shape. He advised that his family had been in the sawmill business and had an operation in Buena Vista along the Maury River. He noted that there

were times when the logs had been washed away but only because there was a current in that area. In knowing the location of the proposed location, he advised, he did not see where there is a current problem. Should flooding be that severe, he added, there will be worse problems to worry about than 15 logs floating down the river. In closing, Mr. Fitzgerald stated that, in having previous dealings with Crown Hardwood, he felt they would do everything in their power to do what is supposed to be done.

Tim Goodbar of the Kerrs Creek Magisterial District stated that he resides about two and a half miles from the proposed location. He encouraged the Board to strongly consider the permit. He stated that Crown Hardwoods current location is small and dangerous. Mr. Goodbar shared that he lived through the floods of 69, 85, and 95 and feels the draft conditions and requirements will be sufficient enough to keep the logs in the log yard. In closing, he stated that he personally could not see Crown Hardwood allow upward of 6 million dollars to float down the creek.

Steve Hart of the Kerrs Creek Magisterial District stated that this is important to business development and engineers have done a reasonable job on ways to keep the logs on the property. He noted that the fact remains that something could still leave the property, and if it does, there is a high probability of blocking one of the bridges either at Still House Drive or West Midland Trail. However, he added, we need a place for our logs and be able to get the product transported out of the County. He suggested that an appropriate amount of insurance may be a way to mitigate the risk and continue with this business opportunity for the County.

Mr. Slaydon then read aloud a comment staff received by email:

"Good Day,

Again, work out of town on the proposed day. And did receive a certified letter Re: the meeting. 2/28/2022.

IMAGINE: The yellow school buses drive down W Midland Trail, 2-3 times a week day. And the Safety issues to our children and community. Well documented. This is an agricultural area. How about we support agricultural growth and animal safety. The proposed business is not only High Risk to the local neighbors, but to our Kerr creek. The noise of big heavy trucks is loud and unsafe in our rural community.

Counter proposal, is that the Supervisors or other community groups help this business find another location, that will meet their needs and afford them to prosper.

Sincerely, C. McCarthy Deeply apposed."

At the request of Chairman McDaniel, Mr. Suter confirmed that there were no additional online requests to provide comment.

Chairman McDaniel closed the public hearing at 6:23 p.m.

Supervisor Lyons asked Mr. Slaydon for the language he would propose be added to the Conditions.

Mr. Slaydon provided the following draft language that could be added after Condition #4:

"In addition to adhering to the site preparedness on the plan referenced above, it shall be a violation of the special exception permit

for any logs to be displaced from the property during high water/flooding events.”

Mr. Slaydon advised that, as the Conditions currently stand, it would not be a violation for logs to be displaced from the property during high water/flooding events.

Supervisor Ayers ask if it is a requirement to keep logs from floating down stream.

Mr. Slaydon replied there is a requirement to keep logs secured on site.

Supervisor Ayers then asked if the plan fulfills that requirement.

Mr. Slaydon referred the question to Mr. Worley noting that he did not believe the plan could guarantee the logs would not move off site should there be a similar flood like the one in 1985. He added that the plan is sealed by an engineer on how to secure the logs on site.

Mr. Worley concurred with Mr. Slaydon that there is never a guarantee something will not leave the site as there is always a bigger flood.

Supervisor Ayers noted that people plan around flooding all the time in flood zones.

Mr. Worley replied, correct, but there is always risk analysis and never a guarantee. He added that FEMA does not guarantee their flood plain delineations nor their elevations. He stated that it is only documentation they put out for engineers, the public, and government entities to use for planning purposes. Mr. Worley stated that Russ Orrison of Perkins and

Orrison used engineering judgement based on his license and his years of practice to determine the fence recommendation.

In regard to Mr. Hart's comment pertaining to insurance, Chairman McDaniel asked if this was ever brought up during the Planning Commission meetings.

Mr. Slaydon replied, no.

Chairman McDaniel then agreed with a previous speaker that the logs are their inventory and they will do everything they can to save their inventory. He then noted that it was his understanding the bridge nearer to the property had previously had sediment issues.

Mr. Slaydon responded, the bridge being referred to is a tributary of Kerrs Creek that gets backed up. He shared that there has been discussion on that particular bridge, that is obstructed with large boulders because of flooding events, to have VDOT clean out the bridge at the request of Mr. Orrison. Mr. Slaydon advised that this bridge is not the one Mr. Hart was concerned with as he was concerned about the downstream, not the upstream.

Supervisor Lyons advised that he had visited the site several times, and has met with others, and it is his understanding that even during the flood of 1985 not a lot of water runs through that piece of property. He shared his appreciation of how the applicant is planning to handle the project and believes they have done everything they can. In regard to traffic, he stated that it would not be any different than it currently is. He added that the water that runs across the property has not been

water from the creek but water from across the road as the path it usually takes is blocked.

Supervisor Lyons made a motion to adopt the ordinance adding the following language as provided by Mr. Slaydon: "In addition to adhering to the site preparedness on plan referenced above, it shall be a violation of the special exception permit for any logs to be displaced from the property during high water/flooding events." Supervisor Ayers provided the second.

Chairman McDaniel asked Mr. Slaydon what the repercussions would be if the language is added and logs leave the property during flooding.

Mr. Slaydon responded, potential civil penalties and or revoking the Special Exception Permit. He stated that this is uncommon, and noted that they would start with civil penalties if it gets to that point.

Chairman McDaniel asked Mr. Slaydon to clarify what "off the property" meant. He asked if it would be considered off the property if a log were to lean over the fence or washed down 100'.

Mr. Slaydon replied, "off the property" would mean off the property.

Chairman McDaniel stated that he was for the project and issuance of the Special Exception Permit, just unsure how to acknowledge an act of God or a historical flooding event.

Mr. Slaydon responded, the Planning Commission had a lot of discussion on prohibiting this use in the floodplain. He added discussion

then went to the Planning Commission to the Board of Supervisors and was referred back to the Planning Commission.

Supervisor Lewis stated that he was not in favor of adopting the ordinance with the added language and asked County Attorney Vickie Huffman if there is a certain period of time this could not be brought up again should the motion be defeated.

Ms. Huffman responded, 12 months. She then explained to Supervisor Lewis that, if he wanted to approve the motion but with change, he could make a motion to amend the current motion on the floor. If that motion passes, she added, then the Board can make another motion to amend to motion on the floor with the change.

Supervisor Ayers asked why the motion needed to be amended as the Board allowed such business in a flood plain because there would be a plan to keep logs on site. She stated that the applicant has provided a plan and said they would keep the logs on site, and asked why it is a problem to give them repercussions if they don't. She added that the repercussion would simply be to request a change to the plan.

Supervisor Day replied that it would be an act of God or nature if a flood comes and we shouldn't penalize the business because they are a victim of a flood.

Supervisor Lewis added that the applicant was required to have an engineering study which is an additional step compared to others. He stated that the applicant would be required to adhere to that plan or it could necessitate a violation.

Supervisor Ayers commented that authorizing such a business in a flood zone is dangerous and the plan suggests they will comply and keep logs on site but neighbors need to see something that holds them accountable. Further, she added, holding applicants accountable for violation is not uncommon. She stated that any new owners would need to also comply or a violation be issued.

Supervisor Lyons asked Mr. Slaydon to explain what occurs when there is a violation.

Mr. Slaydon explained that the Office of Community Development would write a zoning violation letter and the landowner has the right to appeal the letter with the Board of Zoning Appeals. He further explained that if they do not appeal the letter, it just goes in their file.

Mr. Worley advised that chances of flooding in this area are 1 percent in any given year.

Mr. Slaydon noted that the Board of Supervisors has stated that they like to review each Special Exception Permit on a case-by-case basis when in the flood zone.

Chairman McDaniel asked Mr. Slaydon if the applicant was made aware of the draft language regarding the violation if logs are removed off site during a flooding event.

Mr. Slaydon replied, yes, and there was not much concern expressed on the proposed amendment.

Supervisor Day called for the question.

Supervisor Lyons asked Mr. Beverly if he had an issue with the added language.

Mr. Beverly responded that they had an engineering study completed but there is no guarantee when it comes to flooding. He noted that the houses built along that creek were engineered in the floodplain and there was no guarantee they would not be washed down by flooding.

In regard to houses built in a floodplain, Mr. Slaydon advised that you can build in the floodplain with a base flood elevation and build the house up on elevated footers; and in addition, required to be one foot above the 100-year floodplain. He stated that staff was expecting that type of engineering on this particular application but did not receive it. He further stated that staff does not know the base flood elevation or velocity of the water. Mr. Slaydon advised that the Planning Commission made significant modifications to the fence plan after the engineer submitted. Those modifications included changing the number of poles from 4 to 5 and wooden poles to I-beams.

Mr. Beverly asked that the requirements be fair with their business in comparison with other businesses in the County that are in the floodplain.

Chairman McDaniel stated that the current Board may issue a violation one day but Supervisor's change. He shared his concern about the wording to revoke the permit. He stated that, if they are putting all their time and energy into fixing the property to abide with the engineering report,

we should hold them accountable when not in compliance but not revoke their permit so they can continue to conduct business.

Supervisor Lyons agreed he did not think that was the Board's intention and we should hold them accountable for a violation which usually begins with a letter. He then asked Mr. Slaydon if a permit has ever been revoked for an initial violation.

Mr. Slaydon replied, not in the 19 years he has worked for the County.

Ms. Huffman advised that such action would require presentation to the Board, and allow for public comment.

Supervisor Lewis asked Ms. Huffman if there was precedence.

Ms. Huffman stated she could not think of a similar situation to compare what is being considered. She added that this is fairly unique and she believes the entire process has been unique in terms of addressing what the requirements should be for a business like this. She added that the Special Exception process is set up so that the Board can consider conditions that relate directly to the situation and on that given property.

Supervisor Lewis moved that the Board amend the previous motion to not include the additional language and to consider what was originally presented. Supervisor Day seconded this motion.

Mr. Slaydon advised that amending the previous motion by removing the additional language of will remove the requirement to include the site

preparedness notes in the conditions. He stated that he and Ms. Huffman would agree that it would be a good idea to include that requirement in the conditions. He stated that staff is not looking just for substantial compliance with the site preparedness but are looking for strict guidelines that what is included in those notes will happen.

Supervisor Lewis stated that he thought that language was already included in the conditions.

Supervisor Lyons advised that the language was not already in the conditions but he would support amending the motion to remove the violation portion and keep the requirement of having the site preparedness notes included in the conditions.

Supervisor Lewis moved to modify his previous motion to include the site preparedness notes in the ordinance as a condition.

Supervisor Ayers asked if it were correct to say the business would not be penalized for logs leaving the property even if they did not follow the site preparedness notes.

Mr. Slaydon responded, it would be a violation to not move the logs during storm warnings.

Supervisor Ayers asked if there were no financial penalty for noncompliance.

Mr. Slaydon replied, there certainly could be a financial penalty for noncompliance. He added that the goal is compliance.

The current motion on the floor was made by Supervisor Lewis to modify his previous motion to include the site preparedness notes in the ordinance as a condition. Supervisor Day provided a second to this motion. The motion to amend the original motion made by Supervisor Lyons and Seconded by Supervisor Ayers was approved by the following roll call vote by the Board:

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

Supervisor Lyons moved to amend the original motion adding the condition for the site preparedness notes but not for violation for logs leaving the property. Supervisor Lewis provided the second, and the motion carried by the following roll call vote by the Board:

Ayes: Lyons, Lewis, Day, McDaniel
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,
FEBRUARY 28, 2022

Ordinance Granting a Special Exception Permit to Crown Hardwood Co., for Operation of a Wood Yard in the Agricultural and General Uses District (A-2), Located at 3505 West Midland Trail, on a 5.14-Acre Parcel of Land Owned by B.B. Ayers and Sons, Inc., Identified as Tax Map #46-A-62, in the Kerrs Creek Magisterial District

WHEREAS, Crown Hardwood Co. has filed an application for a Special Exception Permit to develop and operate a Wood Yard in the Agricultural and General Uses (A-2) Zoning District, on a 5.14-acre parcel of land owned by B.B. Ayers and Sons, Inc., located at 3505 West Midland Trail in the Kerrs

Creek Magisterial District, and identified on the Rockbridge County Land Records as Tax Map #46-A-62; and,

WHEREAS, the Rockbridge County Planning Commission held a public hearing on this application on September 8, 2021, and recommended approval subject to specified conditions; and,

WHEREAS, the application was contingent upon approval of a text amendment to the Rockbridge County Land Development Regulations to allow Wood Yards in the Agricultural and General Uses (A-2) Zoning District, which was referred back to the Planning Commission for further consideration; and,

WHEREAS, Crown Hardwood requested that review of the special exception permit application be postponed during completion of the zoning text amendment process; and,

WHEREAS, by Ordinance adopted by the Board on December 13, 2021, the Rockbridge County Land Development Regulations were amended to define Wood Yards, to allow Wood Yards as a use by special exception in the Agricultural and Limited Uses (A-1) District and the Agricultural and General Uses (A-2) District, subject to the provisions of LDR Section 716.01, and to allow Wood Yards as a permitted use in the General Industrial (I-1) District; and,

WHEREAS, Crown Hardwood modified its site plans to address the requirements of LDR Section 716.01 for a Wood Yard in a flood hazard district; and,

WHEREAS, the Planning Commission held a second public hearing on the modified application on January 12, 2022, and recommended approval with conditions to the Board of Supervisors; and,

WHEREAS, after public notice pursuant to Va. Code § 15.2-2204 and § 802.03 of the Land Development Regulations, the Rockbridge County Board of Supervisors held a public hearing on the adoption of this Ordinance on February 28, 2022; 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 Crown Hardwood Co. to develop and operate a Wood Yard per Section 603.03-25 and Section 716.01 of the Land Development Regulations in the Agricultural and General Uses (A-2) Zoning District, on a 5.14-acre parcel of land owned by B.B. Ayers and Sons, Inc., located at 3505 West Midland Trail in the Kerrs Creek Magisterial District, 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 in 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 28th day of February, 2022.

EXHIBIT A

CROWN HARDWOOD CO. SPECIAL EXCEPTION PERMIT CONDITIONS FOR WOOD YARD

1. Substantial Compliance with the plan prepared by Perkins and Orrison titled Crown Hardwoods Co., INC. "Site & Special Exception Plan" dated December 20, 2021, and revised on December 29, 2021, January 9, 2022, and January 20, 2022.
2. 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.
3. Sunday operations shall not be allowed and no equipment shall be used on Sundays except as needed for the following permitted activities:
 - a. Property maintenance and repairs
 - b. Equipment repairs, maintenance, installation and improvements

- c. Log grading and scaling, not to include sorting. Exterior activities that produce noise shall be limited to between the hours of 12:00 noon to 4:00 P.M.
4. Owner shall adhere to the Site Preparedness on the "Site & Special Exception Plan" referenced in Condition #1.
5. Conditions #2 and #3 will not apply during preparing site for potential flooding.
6. The log yard is to be watered down as needed to control dust.
7. Approval contingent on erosion and sediment/stormwater management and Virginia Department of Transportation approvals.

Thunder Bridge Campground LLC - (1425 Arnolds Valley Road, Natural Bridge Station, Virginia) - Application for a Special Exception Permit for a Cultural Art Center in the Agricultural Transitional (A-T) Zoning District:

Mr. Slaydon reviewed the agenda item which included the following information:

"At the October 13, 2021 Planning Commission Meeting, after hearing the request from Mr. James Panabaker, the Commission directed staff to research and prepare information concerning the definition of a Cultural/Music Center to expand the definition to include a cultural art center. Mr. Panabaker is the owner of Thunder Bridge Campground and would like to have the ability to rent spaces to artists and have the ability for those artists to hold workshops and art shows.

At its January 12, 2022 meeting, the Planning Commission recommend approval of the proposed zoning text amendment that provides for Cultural Art Centers by special exception in the Agricultural and General Uses (A-

2) Zoning District and the Agricultural Transitional (A-T) Zoning District. At its January 24, 2022 meeting, the Board of Supervisors approved the zoning text amendment.

Per section 302.56 of the County of Rockbridge Land Development Regulations, a Cultural Art Center is defined as a facility, or group of facilities, where a leasing fee or an admission fee is charged and groups or individuals gather for the purpose of participating in the creation of or enjoying arts and/or crafts, either within an enclosed structure or its vicinity, and where art shows, craft shows, and classes/demonstrations may be held.

With the zoning text amendment finalized, Thunder Bridge Campground LLC has made an application for a special exception permit in order to develop and operate a Cultural Art Center. The property is located in the Agricultural Transitional (A-T) Zoning District. Per section 608B.03-13 of the County of Rockbridge Land Development Regulations, a Cultural Art Center is a use by special exception in the A-T District. The property (1425 Arnolds Valley Road, Natural Bridge Station, VA 24579) is on the eastside and westside of Arnolds Valley Road (Route 759), approximately .41 miles south of the intersection of Arnolds Valley Road (Route 759) and Back Run (Route 781) and is further identified as tax map number 113-A-7 (94.651 ac. per tax records). The property is located in the Natural Bridge Magisterial District.

Per the enclosed plans, plans include utilizing existing buildings on the property for rental space for artists and craftspeople to create arts

and crafts, display/sell the arts to the public through art/craft shows on the property. Additionally, the use would allow for the artist and craftspeople to host classes and demonstrations. The applicant has identified seventeen buildings, including cottages, barracks, and classroom buildings that would be utilized for the Cultural Art Center. The applicant states that they anticipate accommodating two studios in each structure

On February 9, 2022, the Planning Commission held a Public Hearing and has recommended approval of the special exception application with the following conditions:

1. Substantial compliance with development plan titled Thunder Bridge Cottages, Barracks, and Classroom Buildings, dated February 9, 2022.
2. Cultural Art Center limited to 34 art and/or craft studios.
3. Cultural Art Center limited to 36 events - art shows and/or craft shows - per calendar year.
4. Owner and tenants shall not engage in any large-scale production.
5. Adequate off-street parking facilities and traffic controls will be provided. No parking along Arnolds Valley Road (Route 759).
6. All trash shall be taken directly to the landfill and not to County collection centers or County green boxes.

7. Lighting shall be in compliance with 1303.00 of the Rockbridge County Land Development Regulations.

8. Approval contingent on Virginia Department of Transportation (VDOT), Health Department, and Building Department approvals.”

Mr. Panabaker urged the Board to approve the application for a Cultural Art Center special exception. He stated that on May 24, 2021, the Board approved the special exception for a campground and private seasonal camp and the approval incorporated the plan that was submitted that specifically mentioned the buildings to be used for athletic and exercise activities, arts, crafts, and music. However, the Planning Department determined that any use of the buildings needed to be related to the campers, and wanted to be able to offer access to the general public, they worked together on the Cultural Arts Center Zoning Text Amendment approved last month. Mr. Panabaker stated that he then applied for this cultural arts special exception and the Planning Commission received at least 30 letters supporting the special exception including many from neighbors. He then referenced some of the letters which were read at the Planning Commission meeting.

Chairman McDaniel opened the public hearing at 7:15 p.m.

Mr. Slaydon read aloud the following emailed comments sent to the Board of Supervisors citizens comments email:

“To: Mr. Slaydon and members of the Rockbridge County Planning Commission

I'm a Rockbridge County Resident who supports Thunder Bridge's Cultural Arts Center special exception. Opening their arts and craft studios to the general public will offer many benefits to the members of our community. It would be nice to be able to see adults and children coming and going to engage in arts and crafts activities.

Thank you,

Deneise P. Shafer

40 Manor View CT

Natural Bridge Station, VA 24579"

"Mr. Slaydon and Members of the Rockbridge County Planning Commission,

My husband and I have lived in Rockbridge County for 20+ years. We were pleased when the Youth Correctional Facility on Arnold's Valley Road was purchased.

We support Thunder BRidge Cultural Arts Center special exception.

Opening the art studios and craft resources to the general public will offer many benefits to the members of the Rockbridge Community.

We would welcome the public and look forward to participating with our county residents at Thunder BRidge, engaging in the arts and creating crafts and art pieces at the Cultural Arts Center. These activities will benefit all residents, children, adults and even the older population.

Thank you for considering this special exception that will benefit the valley in positive ways.

Tom Craft

Wendy Brugger

236 Hill Cemetery Road

NBS, VA"

"Dear Mr. Slaydon and Members of the Rockbridge County Planning Commission,

I've learned that there's a proposal to create an Arts Center on the beautiful Rockbridge acreage that's now called Thunder BRidge.

As an area resident, and artist, I'm writing to express my support. A cultural arts center, that welcomes residents from all our surrounding areas and, perhaps, will offer programs and arts opportunities for kids and families, is a needed opportunity for our beautiful area. We'd all benefit from the vibrancy and activities this kind of enterprise would encourage.

I'm asking that you consider granting a special exception for this proposal, and the opportunities it will generate.

Thanks so much,

Karen Waller

172 Cold Run Dr., Lexington, VA 24450

757-375-0761"

Mr. Slaydon advised that the Planning Commission did receive a large number (more than 30) of similar comments in support.

After checking to see if there were any online requests to speak (there were none) Chairman McDaniel closed the public hearing at 7:18 p.m.

Supervisor Lewis asked Mr. Slaydon if music would be included in what is being proposed.

Mr. Slaydon stated that, in his opinion, it would not be included.

Ms. Huffman advised that the application did not include anything regarding a music center and it was not advertized for a music center. She added that there are two very specific separate definitions and one could not be interpreted to mean the other.

Chairman McDaniel asked Ms. Huffman if the applicant would need to apply for a separate permit in order to have music.

Ms. Huffman replied, yes, and reiterated that they are listed as separate uses within that district.

Mr. Slaydon advised that they could apply for an outdoor music festival similar to Boxerwood which applies for an annual permit aside from the cultural music center definition.

Supervisor Lewis asked for further explanation of what is permissible for arts and crafts.

Mr. Slaydon stated that it would have to incorporate manual dexterity for a craft.

Mr. Suter compared weaving a wicker chair or a post and peg project creating a table or chair, it is different than stamping them out in production.

Chairman McDaniel advised that there is a woodshop on the property and maybe even an auto mechanic facility, and asked how teaching a class to area citizens about how to build a picnic table using the tools that are there is not a cultural experience having passed on knowledge to someone else.

Mr. Slaydon stated that it was made very clear before, during, and after the original presentation that the campers could utilize all the services as an amenity and provide some of these activities as amenities for the campers. He added that it would be completely different to lease out the amenities to non-campers. He advised that allowing a woodworking shop in an agricultural zone would be a separate text amendment.

Chairman McDaniel spoke to the applicants stating that, as they grow in their property and find new uses or ways that the property can be used

by the citizens, please consult with him and he would be happy to bring it before the Board.

Supervisor Lewis moved to adopt the ordinance with the removal of the following condition: "Owner and tenants shall not engage in any large-scale production." Supervisor Ayers provide the second, and the motion carried by the following roll call vote by the Board:

Ayes: Lewis, Ayers, Lyons, Day, McDaniel
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 CENTER ON MONDAY, FEBRUARY 28, 2022

Ordinance Granting a Special Exception Permit to Thunder BRidge Campground, LLC, to Develop and Operate a Cultural Art Center on a 99.08-Acre Tract of Land in the Agricultural Transitional (A-T) Zoning District, Located on the East and West Sides of Arnolds Valley Road (Route 759) and Back Run (Route 781), Identified as Tax Map #113-A-7 in the Natural Bridge Magisterial District

WHEREAS, Thunder BRidge Campground, LLC, the owner, has filed an application for a special exception permit to develop and operate a Cultural Art Center in the Agricultural Transitional (A-T) zoning district, located on the east and west sides of Arnolds Valley Road (Route 759) and Back Run (Route 781), on property identified as Tax Map #113-A-7, in the Natural Bridge Magisterial District; and,

WHEREAS, the Planning Commission held a public hearing on this matter on February 9, 2022, 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 February 28, 2022; 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 Thunder BRidge Campground, LLC, to develop and operate a Cultural Art Center per LDR Section 608B.03-13, in the Agricultural Transitional (A-T) zoning district, on property located on the east and west sides of Arnolds Valley Road (Route 759) and Back Run (Route 781), identified on the Rockbridge County Land Records as Tax Map #113-A-7, in the Natural Bridge Magisterial District, 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 28th day of February, 2022.

EXHIBIT A

SPECIAL EXCEPTION PERMIT CONDITIONS

Owner/Applicant: Thunder BRidge Campground, LLC,

1. Substantial compliance with development plan titled Thunder Bridge Cottages, Barracks, and Classroom Buildings, dated February 9, 2022.
2. Cultural Art Center limited to 34 art and/or craft studios.
3. Cultural Art Center limited to 36 events - art shows and/or craft shows - per calendar year.
4. Adequate off-street parking facilities and traffic controls will be provided. No parking along Arnolds Valley Road (Route 759).

5. All trash shall be taken directly to the landfill and not to County collection centers or County green boxes.
6. Lighting shall be in compliance with 1303.00 of the Rockbridge County Land Development Regulations.
7. Approval contingent on Virginia Department of Transportation (VDOT), Health Department, and Building Department approvals.

Closed Meeting:

Staff recommended changing the closed meeting language from what was advertised to the following:

At 7:31 p.m., Supervisor Day moved to enter into a closed meeting as permitted by Virginia Code §2.2-3711(A) (3), discussion or consideration of a matter involving acquisition of real property for public purposes where discussion in open meeting would adversely affect the County's bargaining position or negotiating strategy. Supervisor Lyons provided the second, and the motion carried by the following roll call vote by the Board:

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

Supervisor Day moved to reconvene in open session following the closed meeting. A second was provided by Supervisor Lyons, and the motion carried by the following roll call vote by the Board.

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

Supervisor Day moved that the Board certify that, in the closed meeting just concluded, to the best of each member's knowledge, nothing was heard, discussed or considered except the matter or matters (1) specifically identified in the motion to convene in closed session and (2) lawfully permitted to be so discussed as exempt from open meeting requirements under the provisions of the Virginia Freedom of Information Act cited in that motion, as to both matters for which the closed meeting was convened. A second was provided by Supervisor Lyons, and the motion carried by the following roll call vote by the Board.

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

Adjournment:

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

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

