

AT A WORK SESSION OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY, VIRGINIA, HELD IN THE ROCKBRIDGE COUNTY ADMINISTRATIVE OFFICE BUILDING, AT 150 SOUTH MAIN STREET, LEXINGTON, VIRGINIA, ON MONDAY, APRIL 25, 2022 AT 4:30 P.M.

PRESENT: CHAIRMAN: DAVID B. MCDANIEL  
MEMBERS: VICE CHAIRMAN LESLIE E. AYERS,  
DANIEL E. LYONS, ROBERT W. DAY,  
A.J. "JAY" LEWIS, II  
  
COUNTY  
ADMINISTRATOR AND  
CLERK TO BOARD: SPENCER H. SUTER  
COUNTY ATTORNEY: VICKIE L. HUFFMAN

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**Call to Order**

Chairman McDaniel called the Work Session to order. He apologized for being late to the meeting.

County Administrator, Spencer Suter, conducted a roll call of the Board members present. All members attended in person.

Chairman McDaniel advised that the community had experienced significant loss over the last week or so with the Whitten and Berkstresser families. He asked for a moment of silence before starting the meeting and advised that the Regular Meeting would also begin with a moment of silence.

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**Consideration of VDOT Six-Year Plan**

Chairman McDaniel advised that the Board had reviewed the VDOT Six-Year Plan and called upon Mr. Suter to report.

Mr. Suter provided the following information: "Annually, Ms. Hammond comes in April to review the current Six-Year Plan

and receive thoughts and ideas on the upcoming FY 2023 Plan. Annual adoption of the Six-Year Plan requires a joint Public Hearing of VDOT and the Board of Supervisors. Our typical process is to review the Plan in a Work Session and schedule the Public Hearing approximately 30 days later and, that way, should the Board wish to have additional follow-up discussion, it can be scheduled for the next Regular Meeting after the Work Session. The standard documents are included in your agenda package. At this point, I will turn the meeting over to Ms. Hammond to review with you. I will note that, after last year's adoption, I did create a log of road improvement requests that have come in either by the Board or by citizens in the order they were received. But, I think you are going to hear in a little bit due to the increase in costs of the current projects, there is not a lot of money to be had to add anything."

Mr. Suter next shared his screen so Ms. Hammond could review the Plan with the Board.

Ms. Hammond provided the following information: "As Spencer said, we have the same news to continue from last year which is that prices in materials have continued to escalate. Last year, we had an increase by average across the board, close to 30% in stone costs for any of the roadways that we are building and, this year, we have had an increase of about 300% in cross pipes. In some cases, it is more than 300% depending on the diameter of

the pipe, so we had to go back and evaluate each one of our projects to make sure that the budget is appropriate to cover the work that needs to be done. So, the first thing we did when our program was open was to look at this, along with the new allocation and go back and make sure that the estimates we have in here for each of the projects are accurate based on the dollar value that we know things are going to cost today.

After we did that, there was not a lot of extra money to spread around to actually have a meaningful start on another project. I do anticipate that, next year, we will be able to do that but, this year, we have been able to keep projects moving along at a reasonable pace and not have money sitting around. Hopefully, you will see that reflected in this same kind of decision-making to have an effective program and be able to get things accomplished. I did not want to add projects in there without having the existing projects in the priority they are listed already funded and ready to go."

Ms. Hammond next turned to a PowerPoint presentation and advised that there were two funding sources that each of the projects get funded under. One of those funding sources is the TeleFee, which is a dollar value that is collected within the County for utilities that are installed within the State right-of-way that is required to come back to the localities, so in

general, that is pretty consistent revenue, however, she stated, it is only about \$65,000.00 a year.

The next funding source is the District Grant-Unpaved roads and this is where the largest chunk of the County's money is. On the average, it ranges anywhere from \$416,000.00 up to a high of \$447,000.00. She advised that it does taper off a little bit, leaving the total Six-Year program with both dollar values being at a little over \$3 million.

Ms. Hammond next began reviewing projects listed on the PowerPoint, the projected completion dates and the fiscal year funding dates.

The projects to be completed this year included:

- Route 606 Project
- Rocky Hollow Project
- Anderson Farm Road
- Bird Forest Road
- Snakefoot Lane

Ms. Hammond advised that they have a couple of program issues, in that it is not cooperating when they mark a project that has been completed to show that it has been finalized. She stated that she hopes to have the program issues resolved by the time the Plan goes to Public Hearing. She reported that the projects that have been completed included Gilmore Lane, Old Chapel Road and Alum Springs Road.

Ms. Hammond continued with the current project list, advising that, except for the first one (Route 606), the upcoming projects are rural rustic projects and they allow them to do some improvements on the road without needing a full construction standard and allows them to improve the surface and the roadway. Most of these have 30-foot prescriptive rights-of-way and, by being able to work within those limits, it does help keep project costs down considerably, especially since the majority of the projects are projects that are within a relatively low travel volume and they are not anticipating any additional development. She continued with the list of upcoming projects:

- East Field Road
- Union Run, Route 674. She noted that the date on the PowerPoint says 8/12/2025, but it is actually fiscal year 2023.
- Jacob's Ladder, Route 701

Ms. Hammond noted that from about Jacob's Ladder on, the Board should see the impact regarding the increases that they saw both last year and this year, as far as the adjustment in these project schedules. She continued on with the list of upcoming projects:

- Millard Burke Memorial Highway

Supervisor Ayers noted the different dates.

Ms. Hammond concurred, advising that that is one of the adjustments she hopes to have corrected in advance of the Public Hearing. She continued on with the list of projects:

- Little Dry Hollow, Route
- Hollow Rock Road, Route 644
- Green Hill Road, Route 657
- Wee Darnock Way, Route 673
- Sunnybrook Road, Route 715
- Fredericksburg Road, Route 623

Ms. Hammond advised that the next set of projects are County-wide. They are not specific to an individual project. They try to keep a little bit of money in each one of those just so that if they have a project that they need to do some investigation on to see if it is worth moving forward, they can charge to this. There are also some that they have to do traffic services occasionally. If they have a speed study or something like that or some unusual signing, they can take care of it with this.

Ms. Hammond further advised that they also keep a small amount of money in the fertilization seeding and in the County right-of-way engineering. The legacy formula line is showing up in the Plan, but it does not have any allocation on it, so the "not applicable" is appropriate, but for some reason it is still

showing up on the Plan, but there is no dollar value that is associated with that.

She advised that the second attachment, if they want to delve a little bit deeper into each one of the individual projects, they can see how the funding distribution occurs throughout the Six-Year Plan. She stated that, normally, she does not go over that, but would if the Board wanted her to.

Ms. Hammond asked if there were any more questions and, if so, she would do her best to answer them tonight and if she could not answer any question, she would follow up.

Chairman McDaniel asked if the Board had any questions.

Mr. Suter replied that it sounded like there is not the ability to add this year, but that he could review his list that he has been tracking for the ones that they had been hearing about.

Chairman McDaniel asked for the list.

Mr. Suter replied, "I have got Adair Hill Drive, Round Hill Road - there are just pieces of some of these - McElwee Road, and Stillhouse Drive are the ones that I have listed so far. As we are focused on this over the next month for Public Hearing, if there are any other thoughts or whatever to add in for consideration in the future years or at any time through the year, I am happy to add to the list.

Supervisor Lewis replied, "I will get with you; I have got several that I have been working with Ms. Hammond on for years that are not on that list, so I will bring those to your attention. The reason I say that is and I do not know if she mentioned it on the qualifications for the rural rustic, but there is traffic count so you never can be sure. I do not bring them forward if I do not have the traffic count to support; that does not mean the citizens have not made requests."

Mr. Suter replied, "Thank you for that and let me clarify. None of these have had traffic counts. These would all need to be studied to confirm eligibility first. But if there are any that you have, I am happy to get them on the list that I have."

Ms. Hammond advised, "The last thing I have is to ask that you give us enough time to appropriately advertise for Public Hearing for two weeks. I would just ask the Board for consideration for the May 23<sup>rd</sup> meeting.

Mr. Suter advised that, following protocol, he has it on the Regular Meeting agenda.

Chairman McDaniel asked the Board if they had anything else for the Work Session and reiterated that if anyone had anything, to get with Mr. Suter and get it on his list.

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Chairman McDaniel ended the Work Session.

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY, VIRGINIA, HELD IN THE ROCKBRIDGE COUNTY ADMINISTRATIVE OFFICE BUILDING, AT 150 SOUTH MAIN STREET, LEXINGTON, VIRGINIA, ON MONDAY, APRIL 25, 2022 AT 5:30 P.M.

PRESENT: CHAIRMAN: DAVID B. MCDANIEL  
MEMBERS: VICE CHAIRMAN LESLIE E. AYERS,  
DANIEL E. LYONS, ROBERT W. DAY,  
A.J. "JAY" LEWIS, II  
COUNTY  
ADMINISTRATOR AND  
CLERK TO BOARD: SPENCER H. SUTER  
COUNTY ATTORNEY: VICKIE L. HUFFMAN

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**Call to Order**

Chairman McDaniel called the Regular Meeting to order.

Chairman McDaniel advised they had just concluded the Work Session where they had a moment of silence for some special people within the community and the County work family. He advised that they would begin the Regular Meeting in the same manner beginning with Brandy Whitten and her family's significant loss last weekend with the tragic loss of their daughter, who was also the granddaughter of Gary and Mary Cottee, Brandy's parents, who have worked in the County building for many years. He stated that the outpouring of support for the family from the work family had been outstanding.

Chairman McDaniel also advised that, on April 14<sup>th</sup>, they also lost Bobby Berkstresser, a community leader and entrepreneur, whose life left an incredible mark on the County and his hard work made the community better off. He also wanted

to recognize Mr. Berkstresser for his many years of service to the County.

He asked everyone to stand for a moment of silence as they remember those special families in their time of need.

County Administrator, Spencer Suter, conducted a roll call of the Board members present. All members attended in person.

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**Prayer and Invocation**

Chairman McDaniel announced that the Board would hold an invocation, and invited anyone who wished to participate to stand. Supervisor Day led the Board in prayer.

The Board next led in the Pledge of Allegiance.

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**Announcements**

Chairman McDaniel advised of the following announcements: "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.

3) You can press the "Raise Hand" button on the bottom of your Zoom window, or press \*9 if you are calling in by telephone."

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**Changes to the Agenda**

Chairman McDaniel asked if there were any changes to the agenda. There were none.

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**Recognitions and Presentations**

**Resolution Supporting Natural Bridge State Park's Dark Sky Application**

Supervisor Ayers read aloud the following Resolution:

**A RESOLUTION SUPPORTING NATURAL BRIDGE STATE PARK'S DARK SKY APPLICATION**

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**WHEREAS**, Natural Bridge State Park's mission is to ensure the protection of the Bridge for the Commonwealth's natural, historic, recreational, scenic, and cultural resources; and,

**WHEREAS**, the night sky, like forests, wildlife, soils, and water, is a natural resource that should be protected for future generations to experience and enjoy; and,

**WHEREAS**, the park enjoys a nighttime environment that is minimally impacted by light pollution and has exemplary nighttime lightscapes; and,

**WHEREAS**, the park offers ample opportunities for public observation of our night skies, including supervised activities such as stargazing events put on by local astronomy groups and astronomy and dark sky-related interpretive programming throughout the year; and,

**WHEREAS**, Natural Bridge State Park was designated as Virginia's 5<sup>th</sup> International Dark Sky Park on April 7, 2021; and,

**WHEREAS**, Virginia now has the most Dark Sky places East of the Mississippi River; and,

**WHEREAS**, the International Dark Sky Association designates April 22- 30, 2022 as International Dark Sky Week in recognition of the effects of light pollution on the environment; and,

**WHEREAS**, Natural Bridge State Park strives to protect all natural resources through good stewardship and environmental education.

**NOW, THEREFORE, BE IT RESOLVED**, that this resolution, formally declares April 22<sup>nd</sup> through April 30<sup>th</sup> as International Dark Sky Week in Rockbridge County, Virginia, and demonstrates the community support of local government officials to protect the night sky. Adoption of this resolution demonstrates your support for Natural Bridge State Park's effort to obtain Silver Tier Dark Sky Park recognition by the International Dark Sky Association.

**BE IT FURTHER RESOLVED**, that Rockbridge County will support whenever possible the protection of the night sky of Natural Bridge State Park and the community in which we serve.

**Adopted this 25<sup>th</sup> day of April, 2022.**

Chairman McDaniel introduced Jim Jones, of Natural Bridge State Park.

Mr. Jones thanked the Board for the Resolution and expressed his gratitude to Rockbridge County, the Board of Supervisors, and the County Administrator for their support over the years. He stated that, due to their support and communication to the local legislators, that they have five much needed additional staff and the last position has been filled and will begin work May 10<sup>th</sup>. He further stated that, this past Friday, they had the kickoff for the International Dark Sky Week and they had 23 members come to a special presentation by the President of the Roanoke Astronomical Society. He said that from there, they went to Jefferson Point where they used a new

hay wagon that their friends brought to them from the Coop and there were 53 people attending that night. He invited all to come by the Park Visitor Center to see the photographs from Jefferson Point. Mr. Jones also advised that the Natural Bridge Elementary School has artwork on display. Mr. Jones again thanked the Board for all of their support.

Chairman McDaniel thanked Mr. Jones and the State Park for all he is doing for the community.

Supervisor Lewis also thanked Mr. Jones and expressed his gratitude for all he has done.

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

AYES:	Lyons, Day, Lewis, Ayers, McDaniel
NAYS:	None
ABSENT:	None
ABSTAIN:	None

The Board and staff commended Mr. Jones and took a group photo.

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**Business Appreciation Month Resolution**

Supervisor Lewis read aloud the following Resolution:

**A RESOLUTION RECOGNIZING MAY AS BUSINESS APPRECIATION  
MONTH IN ROCKBRIDGE COUNTY**

**WHEREAS**, on May 1, 2019, the Governor of Virginia declared the month of May as Business Appreciation Month in the Commonwealth of Virginia; and,

**WHEREAS**, Rockbridge County businesses are vital to the County's economic prosperity and growth; and,

**WHEREAS**, Rockbridge County businesses provide jobs, products, and services to our residents, residents in our surrounding communities, and consumers far and wide; and,

**WHEREAS**, Rockbridge County businesses continuously adapt, survive and even thrive through tremulous economic times; and,

**WHEREAS**, Rockbridge County's top employment industries for 2022 include retail trade, manufacturing, agriculture, accommodations, food service, and health care; and,

**WHEREAS**, Agriculture-related businesses, including production, transportation and distribution are critical to our local economy and provide products to sustain our local communities, and those far beyond our borders; and,

**WHEREAS**, Rockbridge County is currently home to 1,600 business license holders and 29 manufacturing operations; and,

**WHEREAS**, as many Rockbridge County's business license holders are small businesses operated by dedicated entrepreneurs; and,

**WHEREAS**, Rockbridge County extends its gratitude and appreciation for the dedication and perseverance of all of our local businesses.

**NOW, THEREFORE, WE**, The Board of Supervisors of Rockbridge County, will continue to hereby recognize May as Business Appreciation Month, and we call this observance to the attention of all our citizens and ask that you thank your local business owners and support their operations.

**Adopted this 25<sup>th</sup> day of April, 2022.**

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

AYES: Lewis, Ayers, Day, Lyons, McDaniel  
NAYS: None  
ABSENT: None  
ABSTAIN: None

Mr. Suter advised that Ms. Flint was present and she will make sure that that information gets out to all the businesses.

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**Foster Care Awareness Month Proclamation**

Supervisor Lyons read aloud the following Proclamation:

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**FOSTER CARE AWARENESS MONTH 2022 PROCLAMATION**

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**WHEREAS**, children are key to our community’s future success, prosperity, and quality of life; and,

**WHEREAS**, the more than 5,400 children in Virginia’s foster care system have a right to thrive, learn, and grow in a safe and loving environment; and,

**WHEREAS**, foster parents provide love, safety, and stability that children need in order to overcome past traumatic experiences in order to reach their full potential; and,

**WHEREAS**, Rockbridge County foster parents are caring for and nurturing children and youth in foster care today; and,

**WHEREAS**, we must come together as a community to recognize the important role foster parents play in caring for children who have experienced abuse and neglect, supporting family reunification, and building strong communities; and,

**WHEREAS**, a need exists to identify more foster parents in order to ensure children, older youth, children with complex needs, and siblings have a safe and stable home in their community; and,

**WHEREAS**, there are numerous individuals, businesses, organizations, associations, religious groups, and public servants who are dedicated to raising awareness about the needs of children and youth in foster care; and,

**WHEREAS,** Foster Care Awareness Month is celebrated nationally to raise awareness about foster care and to encourage community involvement as foster families, volunteers, and mentors.

**BE IT THEREFORE RESOLVED,** the County of Rockbridge does hereby declare May 2022 as Foster Care Awareness Month in Rockbridge County and urge all citizens to come forward and take action that will positively impact the life of a child in foster care.

**BE IT FURTHER RESOLVED,** the County of Rockbridge does hereby commend Intercept Health Treatment Foster Care for their efforts to raise awareness surrounding this societal crisis.

**Adopted this 25<sup>th</sup> day of April, 2022.**

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

AYES:	Ayers, Lewis, Day, Lyons, McDaniel
NAYS:	None
ABSENT:	None
ABSTAIN:	None

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**Citizens Comments**

Chairman McDaniel asked for citizens' comments. There were none.

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**Approval of the April 4, 2022 Budget Meeting Minutes**

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

AYES:	Day, Lewis, Ayers, McDaniel
NAYS:	None
ABSENT:	None
ABSTAIN:	Lyons

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**Approval of the April 11, 2022 Regular Meeting Minutes**

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

AYES:	Lyons, Day, Lewis, McDaniel
NAYS:	None
ABSENT:	None
ABSTAIN:	Ayers

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**Consideration of Application for Outdoor Events - Boxerwood**

**Music in the Garden**

Director of Community Development, Chris Slaydon, advised that Mr. Matt Crance, with Boxerwood, was in attendance. He briefly reviewed the agenda item that included the following information: "Mr. Matt Crance has submitted an application for Outdoor Events to hold a series of Outdoor Music Concerts per Chapter Four (Amusement and Entertainment) of the Rockbridge County Code. The music series concert is known as Boxerwood Music in the Garden. The property is located at 963 Ross Road, Lexington, Virginia 244502 and is further identified as tax map numbers 74B-2-C, 74B-2-B, 74B-2-F, 74BA-20, 74B-A-20A, and 74B-3-I (15.362 total acres -- per tax records)."

Mr. Slaydon advised that the first year of Music in the Garden at Boxerwood was held in 2014 and there was actually a

Boxer Woodstock. Since then, there has only been a series of concerts. He further advised that the purpose tonight was for the Board to review the application for outdoor events and approve the application for a series of music concerts.

Mr. Slaydon next turned the floor over to Mr. Crance to answer any questions the Board may have.

Chairman McDaniel asked Mr. Crance if there was anything he would like to add to Mr. Slaydon's presentation.

Mr. Crance replied no, and stated that this is a great event that they had been putting on for years and that this is a way for Boxerwood to introduce themselves to the community and also a way for people to introduce themselves to the County and to Boxerwood. He further stated that they take an inventory when people come in and that sometimes they get people from surrounding Counties and States that come to visit and, of course, lots from the County and City. He stated that this is in line with the goals at Boxerwood, to invite people into the Garden and to eventually engage with Boxerwood and to educate them about nature and being good stewards of the Earth.

Chairman McDaniel asked if anyone had any questions for Mr. Crance or Mr. Slaydon.

Supervisor Ayers thanked Mr. Crance and stated that this was one of the highlights of her covid summer last year and that she really enjoyed the concerts.

With no other questions or comments, Chairman McDaniel asked if there was a motion to approve.

Supervisor Ayers moved to approve the application.

Supervisor Lyons provided the second, and the motion carried by the following roll call vote by the Board:

AYES:	Ayers, Lyons, Day, Lewis, McDaniel
NAYS:	None
ABSENT:	None
ABSTAIN:	None

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**Authorization for Glasgow Rescue Squad to Host a Rabies Clinic on Saturday, April 30<sup>th</sup>**

Mr. Suter briefly reviewed the agenda item that included the following information: "Typically, the Board receives these requests at the beginning of the year, the end of the calendar year, and we try to do them all at once but sometimes one will pop up. Glasgow Rescue Squad has requested approval to host a rabies clinic on Saturday, April 30<sup>th</sup>. Section 3.2-6521B of the Code of Virginia requires that all rabies clinics require the approval by the appropriate local health department and the governing body so any time we have one of these, the Board of Supervisors needs to approve it to add it to the schedule and we would request adding this to the schedule for this Saturday.

Chairman McDaniel asked if there were any questions or concerns.

The Board indicated their gratitude for these kinds of services and the professionals who provide the services.

With no other comments, Chairman McDaniel asked if there was a motion to approve.

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

AYES:	Lewis, Day, Ayers, Lyons, McDaniel
NAYS:	None
ABSENT:	None
ABSTAIN:	None

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**Consideration of Shenandoah Valley Juvenile Center Commission (SVJCC) Lease Agreement**

Mr. Suter briefly reviewed the agenda item that included the following information: "Rockbridge County is a member of the Shenandoah Valley Juvenile Center Commission, located in Verona. Other members of the Commission include Rockingham and Augusta Counties, and the Cities of Lexington, Staunton, Waynesboro and Harrisonburg. The Center provides juvenile detention services for members, and also offers contracted bed space (at a higher rate) for non-members. I represent the County on the Commission Board.

The lease agreement for use of the facility is out of date (for all members) and Commission legal counsel has recommended

that we need to update that lease agreement. All of these leases have identical terms, meaning the terms of the lease and the length of the term. Ms. Huffman has reviewed and approved the attached lease on behalf of the County. Payment terms are the same as in the old lease.

I would like to answer any questions you might have and, if no questions, request adoption of the attached Resolution which approves that updated lease agreement."

Chairman McDaniel asked if there were any comments, questions or concerns. There were none.

Chairman McDaniel asked if there was a motion to approve.

Supervisor Day moved to approve the Resolution. Supervisor Lewis provided 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 MONDAY, APRIL 25, 2022

**RESOLUTION REGARDING LEASE OF SPACE FROM  
SHENANDOAH VALLEY JUVENILE CENTER COMMISSION**

**WHEREAS**, the Shenandoah Valley Juvenile Center Commission (the “Commission”) is a public body corporate duly formed under the provisions of Article 13, Chapter 11, of Title 16.1 of the Code of Virginia 1950, as amended; and,

**WHEREAS**, the Commission operates a center (the “Center”) to house juvenile detainees, which Center is located in Augusta County, Virginia; and,

**WHEREAS**, the Rockbridge County, Virginia is one of the members of the Commission and leases bed space within the Center for the purpose of housing eligible juveniles; and,

**WHEREAS**, the existing lease agreements between the Commission and its members have been in place for many years and are in need of renewal; and,

**WHEREAS**, the Commission proposes to enter into new leases with each of its members for an initial term of ten years, followed by two five-year renewal terms, and with other terms substantially similar to the prior leases and which reflect the Commission’s current operations and dealings with its members.

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

1. The lease agreement with the Shenandoah Valley Juvenile Center Commission is hereby approved in the form attached hereto as Exhibit A, with such changes as may be approved by the County Administrator.
2. The County Administrator or their designee is authorized to sign and deliver the lease agreement and to take any such other actions as may be reasonable and necessary to effect the purpose of this Resolution.

Adopted this 25<sup>th</sup> day of April, 2022.

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**Approval of VDOT's Public Hearing Advertisement on VDOT Six-Year Plan**

Chairman McDaniel advised that, during the Work Session earlier, they went over the Six-Year Plan and advised that the Public Hearing would be scheduled for the May 23<sup>rd</sup> Board meeting. He asked if there were any additional questions, concerns or comments about that. He advised that, as was discussed in the Work Session, the Board members listed some additional roads so, citizens please contact your Board representative and the Board representative contact Mr. Suter of the ones we are tracking to make sure we have everything listed correctly. He asked if there was a motion to approve the Public Hearing for the VDOT Six-Year Plan.

Supervisor Lewis moved to approve the Public Hearing for the VDOT Six-Year Plan. Supervisor Lyons provided the second, and the motion carried by the following roll call vote by the Board:

AYES: Lewis, Lyons, Ayers, Day, McDaniel  
NAYS: None  
ABSENT: None  
ABSTAIN: None

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**Appointments**

**RARO Board of Directors: Fill Unexpired Term for David Hinty Effective 01/06/2022 - 06/30/2025**

Chairman McDaniel advised that, to date, there had not been any applications received so this appointment was carried over.

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**Planning Commission: Kimberly Hines - Term Expires**

**05/11/2022**

Chairman McDaniel confirmed with Mr. Suter that Ms. Hines would like someone to take her place. Mr. Suter confirmed but advised that Ms. Hines had advised that if the Board cannot find anyone before that date, she would be willing to serve a little bit longer. Mr. Suter asked Mr. Slaydon if that information was correct.

Mr. Slaydon explained that her current expiration date is the same date as the next Planning Commission meeting, so she would be good until the next meeting. He also stated that she would be willing to be re-appointed, knowing that it would be on an interim basis.

Chairman McDaniel stated that they would continue to look for a replacement.

Mr. Suter advised that they could act on it at the next Board meeting.

Supervisor Day asked if this was from a specific District or was it a County-wide nomination.

Ms. Huffman responded that the vacancy is for Buffalo District.

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**Library Board of Trustees: Tom Goodale - Term Expires 06/30/2022**

Chairman McDaniel advised that Mr. Goodale is willing to be re-appointed and that there were no other applicants. He asked if there was a motion for the re-appointment.

Supervisor Lyons moved to approve the re-appointment.

Supervisor Ayers provided 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

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**Maury Service Authority (MSA): Jonathan Goad - Term Expires 06/30/2022**

Chairman McDaniel advised that Mr. Goad is willing to be re-appointed and that there were no other applicants. He asked if there was a motion for the re-appointment.

Supervisor Day moved to approve the re-appointment.

Supervisor Lewis provided the second, and the motion carried by the following roll call vote by the Board:

AYES:	Day, Lewis, Lyons, Ayers, McDaniel
NAYS:	None
ABSENT:	None
ABSTAIN:	None

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**Shenandoah Valley Partnership (SVP): Brandy Flint - Term Expires 06/30/2022**

Chairman McDaniel advised that Ms. Flint is willing to be re-appointed and that there were no other applicants. He asked if there was a motion for the re-appointment.

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

AYES:	Ayers, Lyons, Day, Lewis, McDaniel,
NAYS:	None
ABSENT:	None
ABSTAIN:	None

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**Rockbridge Regional Communications Center Management Board (911 Board): Mickey Cochrane - Term Expires 06/30/2022**

Chairman McDaniel advised that Mr. Cochrane is willing to be re-appointed and that there were no other applicants. He asked if there was a motion for the re-appointment.

Supervisor Day moved to approve the re-appointment. Supervisor Ayers provided 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

\* \* \* \* \*

Chairman McDaniel advised that there were a few minutes before the Public Hearings begin at 6:00 p.m. and asked the Board if they had any comments, questions, or concerns. There were none.

Chairman McDaniel reminded the Board of the Budget Hearing tomorrow at 6:00 p.m. at the Rockbridge County Administrative Office Building Meeting room.

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**Public Hearings at 6:00 P.M.**

**St. Dunstan's Academy (54 Allen Creek Lane, Goshen, Virginia) - Application for a Special Exception Permit for a Private School in the Agricultural and General Uses (A-2) Zoning District**

Director of Community Development, Chris Slaydon, provided an overview of the application as specified in the agenda item, shown below: "Mr. Thomas Fickley, with St. Dunstan's Academy, has made an application for a Special Exception Permit in order to develop and operate a private school in the Agricultural and General Uses (A-2) Zoning District. The properties under consideration are owned by Daily W. and Donna J. Johnson, 54 Allen Creek Lane, Goshen, Virginia 24439 (TM# 9-1-4 and 9-1-1B) and Stuart B. Jones, 7321 Courthouse Road, Chesterfield, Virginia 23832 (TM# 9-A-1, 9-1-2C2, 9-1-1B1, and 9-1-2B2). The Johnson tracts consist of a total of 71.91 acres (per tax

records) and the Jones tracts consist of a total of 193.93 acres (per tax records). The properties are located on the west side of Little River Road (Route 601), approximately 2.35 miles northwest of the intersection of Little River Road (Route 601) and Millard Burke Memorial Highway (Route 601). The Johnson property is further identified as 54 Allen Creek Lane, Goshen, Virginia 24439. The Jones property does not have a physical address. The property is located in the Walkers Creek Magisterial District.

The properties are located in the Agricultural and Limited Uses (A-1) Zoning District and the Agricultural and General Uses (A-2) Zoning District. Per section 603.03-20 of the County of Rockbridge Land Development Regulations, private schools are a use by special exception in the A-2 Zoning District. All proposed facilities are located in the A-2 Zoning District. Per plan, the application for the proposed boys' boarding school includes five bunkhouses for the students and ten dwellings for faculty/staff. In addition to the housing for the students and faculty, the proposed plan includes a great hall, Chapel, library, main office, and wood shop. The proposed boy's private school is proposed for sixty (60) high school students. The proposed school is for boarding students only and does not include day students at the school.

At the February 9, 2022 Planning Commission meeting, the

Commission held its public hearing. During the meeting, citizens expressed concerns on additional traffic associated with the school, access for emergency vehicles, shared drive/right-of-way along the Milo Property, taxing implications, noise associated with the use, floodplain concerns, potential impacts on adjacent landowners regarding firearms and hunting regulations, and conflict with existing land uses. Along with these concerns, others expressed support for the proposed use, stating that it would be an asset to the area. The majority of the speakers that supported the school did not live in the area of the proposed school.

At the March 9, 2022 Planning Commission meeting, the Commission held its continued Public Hearing. The Public Hearing was closed. The Commission postponed taking action on the application in order for the applicant to provide additional information on the potential location(s) of well(s) and drain field(s) and/or alternative septic systems, explore any issues with the shared right-of-way/maintenance costs, and provide additional information on the proposed school curriculum. The requested information is included in the April 13, 2022 Planning Commission meeting package.

At the April 13, 2022 meeting, the Planning Commission recommended approval of the Special Exception Permit application with the following conditions:

1. The private school shall be developed in substantial compliance with the "Master Plan for: St. Dunstan's Academy" dated January 12, 2022, with a revision date of 03-09-2022 prepared by Fry Associates Architecture.
2. Access to the private school shall be along Allen Creek Lane (including "New Access Road" and proposed extension of Allen Creek Lane) as shown on the referenced Plan. The fire lane shown as shown on the referenced plan will be limited in use for emergency purposes only.
3. Road and stream crossings on Allen Creek Lane (including "New Access Road" and proposed extension of Allen Creek Lane) shall be designed, built, and maintained to accommodate Fire Apparatuses and Ambulances. The road and stream crossings plans will be reviewed and approved by the Rockbridge County Office of Fire-Rescue & Emergency Management.
4. All new buildings to be located outside of the 100-year flood hazard zone.
5. Total number of students not to exceed sixty (60).
6. The school will be limited to boarding students only (no day students) and limited to ninth, tenth, eleventh and twelfth grades.

7. Development to be commenced within three years from date of approval.
8. All trash shall be taken directly to the landfill and not to County collection centers or County green boxes.
9. Lighting shall be in compliance with Section 1303.00 of the Rockbridge County Land Development Regulations.
10. Approval contingent on Virginia Department of Transportation (VDOT), Health Department, Building Department, Department of Education, and Rockbridge County Office of Fire-Rescue & Emergency Management approvals.

Mr. Slaydon next turned the presentation over to Mr. Thomas Fickley, headmaster with St. Dunstan's Academy.

Mr. Fickley thanked the Board for reviewing their application and taking the time to hear their request for the Special Exception Permit to build their school. He stated his name; that he was the founding headmaster of St. Dunstan's Academy; and that he and the other founders were hoping to plant a small Christian agricultural school near Craigsville in the Walkers Creek District, a school where young men can go back in time and learn good traditional practices.

Mr. Fickley's presentation, in summary, advised that his intentions for the small cohort of boys 48 to 60 in number who

will live at the boarding school would include teaching the boys to be good husbands, fathers, and citizens; learning how to pray, work, sing, read well, grow their own food, take responsibility for their own actions, treat others with respect, care for and preserve the land they live on, love their neighbors, repair broken farm equipment and tools, apprentice in the arts of woodworking and timber framing, and build beautiful things. He also stated that, while residing at St. Dunstan's, the boys will not use smartphones or computers and that a major part of their school's mission and practice will be based around farming.

Mr. Fickley also addressed concerns regarding entrance and road issues, emergency vehicles and equipment, septic, soils evaluation, noise pollution, traffic, neighboring properties and setbacks, Rockbridge County tax-exempt status, and IRS 501c3 status emphasizing that he had taken the concerns very seriously over the last three months.

In closing, Mr. Fickley thanked the sellers of the property for their patience and the Board for considering their proposal. He next asked if there were other questions that he could answer at that point.

Chairman McDaniel asked the Board if they had any questions.

Supervisor Lyons asked that, if this was approved, when would the buildings be built and when would they anticipate actually having them so that they could bring in 48 to 60 students?

Mr. Fickley replied, "That depends on the time of approval. Our original target date for opening was September of 2023. We wanted to have at least our great hall, which is the dining hall facility, and two faculty homes by then. That would allow us to temporarily have some of the boys in the basement of the great hall for dormitories while they helped to get some of their trades education by building the dorms on campus so we would have a partially open school in about 16 months. We originally hoped to be building it by now so I would say our first year would be September of 2023, that would be our opening date, but maybe more conservatively, fall of September 2024. To elaborate on that a little bit more, our current building process is chunked up into three different stages over a total of five years so we are hoping to have completed all of our building process in five years."

Supervisor Ayers asked if the building process is actually for the boys to be building it.

Mr. Fickley replied, "Yes, that is what we are hoping. There are a few other schools that have done this before and that is where we got this idea from. If these boys are going to

be getting a trades education and hopefully learning how to build basic structures in order to take care of themselves and their families, there is not really a better way to do it than having them practice on site. The buildings for their dorms are basically small two-room cabins that would be a really great introduction to things like timber framing."

Chairman McDaniel asked if they would be following a Department of Education criteria and what type of degree diploma certification would they have when they graduate as compared to a child attending public school.

Mr. Fickley replied, "They would get a diploma conferred from our school. It is a private school so the Department of Education does not manage independent schools; that is ultimately up to the administration of the school but they get a diploma just like a child graduating from the public schools. We could also, if we decided that it was necessary and helpful, pursue accreditation with one of many independent school accreditation agencies. The last two schools that I have taught at were both accredited by the Virginia Association of Independent Schools and I participated on Accrediting Committees for both of those schools and helped to put together the accreditation documents for those. We have not made a determination about whether or not to do that yet but we are

looking into accreditation with an organization called the Anglican Schools Organization; it is relatively new."

Chairman McDaniel asked if there were any other questions or comments. There were none.

Chairman McDaniel thanked Mr. Fickley. He opened the Public Hearing. He asked that, when you come forward, please state your name clearly and your Magisterial District and to try to keep your comments to three minutes so that everybody will have an opportunity to speak.

William Beshaw stated that he lives very close to this location in Augusta County and that he rents the farm that joins this property in Rockbridge County that is owned by Eddie Parker. He stated that he opposes this project and next read a letter of opposition signed by all of the adjoining landowners except for one:

"Dear Planning Commission Members:

I am writing to express my absolute opposition to the grant of special exemption permit requested by St. Dunstan's at 54 Allen Creek Lane, Goshen, Virginia. The creation of a residential village under the label of school with 21 buildings and between 18 and 100 full-time residents poses a serious threat to the environment, trash, noise, Little Calf Pasture River, and will destroy the natural beauty of the area. This project of this size and scope does not belong in the area where it is being proposed. As a neighbor of the property and among the people who would be most affected by development, I implore you to honor my obligation and refuse to grant the special exemption permit."

Chairman McDaniel thanked Mr. Beshaw and asked if there were anyone else signed up to speak.

Mr. Slaydon stated that that was all he had signed up.

Chairman McDaniel advised that they would recognize anyone and everyone that would like to speak and, in doing so, to please state your name and Magisterial District.

Sandra Campbell stated that she does not actually live in the District; that her family has owned land there for three generations and her property backs up to it. She expressed her concerns about what would happen to the land if the school never happened, the land that her family has enjoyed by camping and watching wildlife for many years.

Don Vess stated that they own 1050 acres in the Walkers Creek District and they have farmed it since 1970. He expressed his concern regarding traffic since he owns a farm in Augusta County and travels back and forth. He also expressed his concern regarding taxes and food cultivation.

Winston Campbell, Walkers Creek District, expressed his opposition due to destroying wildlife, and the close proximity to his property, and recreational reasons.

Trey Bailey stated that he teaches at a local middle school for boys. He shared his support of the proposed development and school.

Lisa Milo, of the Walkers Creek Magisterial District, stated that her property would be very much in alignment with where the buildings would be placed. She stated that, although she agrees with some of Mr. Fickley's values, she is very much in disagreement with the proposed site.

Steve Milo, Walkers Creek Magisterial District, expressed his opposition to the project as the property is in very close proximity to his and he stated that this project would fail to protect and maintain forestry lands, natural and scenic resources, protect river frontages and river basins and that this property was not suitable for development.

Chairman McDaniel asked if there were anyone else wishing to address the Board. There were none.

Chairman McDaniel asked if there was anyone online to speak.

Stuart Jones, Walker Creek District, shared his support of the school, stating that it will help kids learn about the environment and conservation efforts.

Andrew Johnson shared his support of the project, stating that this school represents the best of Rockbridge County and its long tradition of education and his family is happy that they have considered them and their neighbors to bring in this small school to further diversify the educational opportunities in Rockbridge County.

Chairman McDaniel asked if there were anyone else online to speak.

Mr. Slaydon replied, no.

Chairman McDaniel asked Mr. Slaydon if he had any comments that he needed to read into the public record.

Mr. Slaydon replied that he did and that, throughout the Planning Commission process, they had received several comments through both his personal and work email address and also, in particular, Planning Commission citizens' comments. He advised that he did his best to forward those along and that he actually gave two of them out this afternoon, one from Mr. Parker and one from Mr. Vess. He also advised that he had one from Mr. Jones that was mailed in during the citizen comment period but, since he did speak, he thought it would be appropriate to skip that one. Mr. Slaydon stated that he also has one from a Crystal J. Coffman addressed to the Zoning Committee and Board of Supervisors that he read aloud:

"To the Zoning Committee and Board of Supervisors,

I am writing to express concerns about approving a special exception for a private boys' boarding school, St. Dunstan's Academy. A portion of the land in the current Agricultural zoned property frequently floods. Adding five bunkhouses and ten dwellings for faculty and other campus halls will have a huge environmental impact. I am concerned about the potential disruption and pollution, that will be sure to follow. What type of septic system will be put in place? What about a water supply? What

impact will the private school of 48-60 boys have on Little River Calfpasture stream and the Maury River? The increase in traffic pollution caused by supply runs for the school will cause greater noise and air pollution to the surrounding community of Bells Valley. What will the private school do to ensure that the wildlife already established will not be displaced? What are the ages of the boys who will attend the boarding school? Will it be a boarding school for United States Citizens or will it be for foster children or refugees? Does St. Dunstan's Academy currently have an established successful model they are following? Will security be provided? Will Second Amendment rights be violated with the addition of a private school on farmland? Is there a plan for compensation for neighboring farmers who will be sharing road rights of way? Will the burden and expense of increased pollution and traffic be passed on to neighboring landowners? We have too many unknowns to approve this special exception for re-zoning.

As a landowner and voter, I recommend denying the special exception until more information has been provided to adjoining property owners and farmers already in the Bells Valley Area.

Crystal J Coffman  
Principal Craigsville Elementary  
540.997.9184"

Mr. Slaydon advised that the next one he had was mailed into the Citizens' Comments and was addressed to the Rockbridge County Board of Supervisors. It was from John Hoover Haney which he read aloud:

"Dear Rockbridge Board of Supervisors,

I write from the Walkers Creek Magisterial District, 520 Iroquois Trail, Goshen, Virginia.

I write to speak against the special exception application submitted by St. Dunstan's Academy.

There is not a completed environmental impact study to demonstrate the impact of 15+ buildings initially constructed in a flood plain. The impact of erosion from construction, and the longer-term realities of flooding, portends the negative impact upon farms, pastures, streams, rivers on the west and south sides of the parcels. The run-off will have negative impact upon Allen Creek, the Little Calf Pasture and Maury Rivers. What mitigation measures will be implemented?

Also, overlooked is the anticipated 60 - 100 persons living there. This is not agriculture, it is a business. There will be need upon increasing numbers, in order to have income for the residents/students. There is no demonstration of limiting the number of persons into the future. There is no display of safe placement of the septic system and drain fields, to prevent waste from entering the natural waters, particularly in periods of flooding.

Where is the display of resources that will sustain the school if the enrollment drops down to 10-12 people? How will the land be used if the school fails to develop and left to disrepair? Will the faculty, remain without the labors of students and serve the stewardship role of agriculture?

There is no description of the academic requirements for the faculty, administration that will provide well-being for the people/students. What academic and curriculum expectations will be required of the 'school'. Though this will not be by public education standards in the Commonwealth of Virginia, or the Rockbridge County School System., where is the oversight of the Anglican Church, Diocese, and Denomination. How will there be accountability to educate students to be responsible citizens and to invest in the community service and structures? Where is demonstration that the students will be protected from serving only as laborers for the financial gain of the administration. Where is the role of oversight and accountability? Is there any other model of school/agriculture that the Anglicans have employed for education? Is there precedent for this model of program or facility?

Therefore, I respectfully ask the supervisors to deny the special exception at this time, until St. Dunstan's Academy can provide information for the issues raised above. The

supervisors will serve the interest of Walker's Creek Magisterial District well if it will raise expectations upon the applicant to address the environmental impacts, the academic requirements, and the contingency plans for limitations upon enrollment, or if there is failure to sustain a well supervised for student body, faculty and administration.

Sincerely,  
John Hoover Haney  
540-421-0790"

Mr Slaydon advised that those were the only written comments he had.

Chairman McDaniel asked if there were any other comments.

Mr. Slaydon replied, no.

Chairman McDaniel asked if there were any comments from Board members before he closed the Public Hearing.

Supervisor Lewis stated that he had thought about this a lot as it has come along and, as was noted, there were several Planning Commission meetings and hearings where it was discussed and that they do have a recommendation from the Planning Commission. He advised that he trusted them as they are the Planners and they know what to do and it is important that they have a recommendation.

Supervisor Lewis commented, "I think about the 'what if' someone else might buy that property and what they might do with it. The example of the community's denial is the boy scouts national camp that had a chance to come to Goshen; a lot of the arguments are the same. I have seen the new one; my son went

there. It is wonderful and I wish that we had that here. I see the mission of St. Dunstan's and the good part of the boy scouts to be similar and I think the mission is a good thing and I would like to be able to support that. I look at the Young Life camp, same kind of issue with remote area - what is going to happen, how is it going to be used, what is it going to do for the community? They have been a great community partner and I think that was a good move. Many of the issues that were brought forward are beyond our control, the septic for instance, is managed by the Virginia Department of Health. They are not going to let somebody go in there that cannot function. I was glad there was mention of their being a part of the community so we need to take that on faith. We cannot guarantee any of that, but from my conversations with Mr. Fickley and my visits to the site, I agree that it is a good fit for it. We have looked at it from the development perspective of sites or sighting of buildings. The buildings will be clustered as has been mentioned so that leaves much of the rest of the land open to preserve it and that is the stated mission of St. Dunstan's. None of this can be guaranteed but it comes back to the mission that they are looking to raise up good men and have a classical curriculum which I think is a positive thing."

Chairman McDaniel asked if there were any other Board comments or questions.

Mr. Suter advised that, before closing the Public Hearing, he had just looked at his email and had received one late comment that he would read. This is from Susanna Larner:

"Good afternoon,

I am writing to you as an adjacent landholder, and taxpayer to the county, about St. Dunstan's Academy. I have a couple of concerns that I would like to express to you.

**1. We, the members of the Rockbridge County Board of Supervisors, Envision a community defined by first class educational programs for youth and adults, enhanced through widespread and quality access to broadband connectivity;**

- I am somewhat curious, particularly as an educator, about how a 'school' which claims to have no interest in internet usage, fits in with the stated Mission and Values of Rockbridge County.

- I would also, as an educator, like to know how and why the Board is comfortable with a 'school' that requires no accreditation, apparently has little to no oversight, and has many earmarks of a cult style commune.

2. I am also concerned about the fact that part of the Rites of Passage stated on the website of this 'school' could put me in a situation of liability - **Whether finding their way back home through the woods,**

- If they cross into my property and become lost or injured, what guarantee is Rockbridge County going to give me that I will not be sued for damages? There are numerous sinkholes in the terrain, at least one cave that I know of, and plenty of copperheads that could result in injury or worse.

**3. In the County's Comprehensive Plan, the Property is situated within a "Rural Area" as is established in Chapter 9. The Comprehensive Plan states that Rural Planning Areas should "provide a vehicle by which prime agricultural and forestry lands, mountain areas, natural and scenic resources, critical watersheds, sensitive environmental areas, and other large tracts of land of rural character within the County may be preserved and maintained.**

- 21 buildings and a road don't sound like natural and scenic resources will be protected, much less the critical watershed downstream - which affects my property immediately - and sensitive environmental areas; the sewage alone from this facility has me deeply concerned about a river that has been suffering for years from upstream mismanagement.

- What would happen on this property in the future if the 'school venture fails' and there are now numerous buildings on it? What guarantee or control will Rockbridge County have to keep this from becoming a housing development with a religious exemption?

4. I previously mentioned that I am a taxpayer - as a 'religious school' or 'community', what will they be providing monetarily to the county, beyond the initial and one time only payments to someone to build a couple of buildings and a road. The website indicates that the 'students' will be **crafting new buildings on campus**, which would indicate that the hiring of local contractors would end quickly. What kind of taxes will they be expected to pay, since they are applying as a religious organization?

Thank you for your time. I hope that you will consider some of these concerns as you go forward with the decision about whether or not to allow this project to go forward.

Sincerely and respectfully,  
Susanna M. Larner/Janet L. Larner"

Chairman McDaniel asked if there were any more written comments.

Mr. Suter replied that he was not seeing any. He advised that that was a citizen comment that was routed to his email.

Chairman McDaniel advised that, if there were no other Board comments, he was going to close the Public Hearing.

Supervisor Lewis advised that he had forgotten to mention earlier that, from an economic driving perspective, there should be some jobs for our citizens out of this.

Chairman McDaniel asked if there were any other Board comments.

Supervisor Ayers stated that Young Life should not be used as a comparison. Young Life was built from something that was a similar use and historically had been used as a tourism.

Supervisor Lewis stated that that was not part of the comparison. He stated that they are a good member of the community.

Chairman McDaniel advised that they had heard the presentation, citizens' comments and Board comments. He asked which direction the Board wanted to go.

Supervisor Lewis advised that, if there were no other comments, he would make a motion to approve as presented.

Chairman McDaniel advised that we have a motion to approve as presented and asked if there were a second. Not hearing any, he advised that that would deem the motion to fail and, by not having a second to approve, he asked Ms. Huffman the next steps. Ms. Huffman replied that it does not automatically mean action to deny the project so that would not be the same motion. A motion to deny could be considered, although the fact that the motion has failed means that the project has not been approved.

Chairman McDaniel asked that if they necessarily needed a denial.

Ms. Huffman replied, you do not necessarily need a denial; it is just an action that would confirm denial.

Chairman McDaniel asked if anyone wanted to present another motion and, if not, they will deem it as denied at this point. He asked Ms. Huffman if he was correct.

Ms. Huffman concurred.

Mr. Slaydon advised that he had one follow-up question - would this be placed on another agenda based on the Board taking action on the Land Development Regulations within 30 days of the Public Hearing, or how does that tie into this discussion?

Ms. Huffman replied that the Public Hearing has been closed so there would not be that potential unless the Board takes action to set it over for further consideration on a denial, which is really the only motion that could be made and that, in her opinion, it is not necessary under Robert's Rules.

Chairman McDaniel thanked Ms. Huffman and, following a citizen question, next asked her to clarify the procedure to the citizens who were present.

Mr. Huffman reiterated that once an application fails, it may be brought back only after a period of 12 months.

Supervisor Lewis stated, "We have not taken action, right? If no action was taken, is that taking action?"

Ms. Huffman replied that it is failed and the same motion cannot be considered for 12 months. A motion to approve cannot be considered for 12 months so action could be taken but it would be to accomplish the same as what has already occurred.

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**Nicholas and Bethany Iocco (1372 Raphine Road, Raphine, Virginia) - Application to Amend a Condition Associated with a Previous Approved Special Exception Permit for a Kennel in the Agricultural and General Use (A-2) Zoning District**

Director of Community Development, Chris Slaydon, advised that he did not have a formal PowerPoint presentation but shared his screen with the Board and provided an overview of the application as specified in the agenda item, shown below:

"Nicholas and Bethany Iocco, 1372 Raphine Road, Raphine, Virginia 24472 have made an application to amend a condition associated with a previous approved Special Exception Permit. The property is located in the Agricultural and General Use (A-2) Zoning District. The property is further identified as TM# 27-A-23C (1.47 acres per tax records). Per Section 603.03-5 of the County of Rockbridge Land Development Regulations, a commercial kennel is a use by special exception in the A-2 District. The existing Special Exception Permit and associated Conditions were approved by the Board of Supervisors on January 28, 2019 with the following Conditions: 1) Breeding of Golden

Retrievers only; 2) Limited to ten (10) female and two (2) male Golden Retrievers for breeding; 3) Puppies will be kept inside the dwelling until a permanent enclosed structure can be constructed; and 4) Boarding and grooming operations shall be prohibited. Per the enclosed written description of plans, the proposed amendment to the existing Special Exception Permit is to remove the limit of the number of dogs associated with the dog breeding business. On March 9, 2022, the Planning Commission held a Public Hearing and has recommended an amendment to the existing Condition number two to state: - Limited to thirty (30) Golden Retrievers for breeding purposes, including any visiting stud dogs. All other Conditions remain in effect. On March 25, 2022, the Board of Supervisors opened the Public Hearing for the special exception application. The Public Hearing was continued until the April 25, 2022 Board of Supervisors meeting. The Iocco's have a second pending special exception application for a second kennel on another property located at 1492 Raphine Road. The Board of Supervisors postponed taking action on the 1372 Raphine Road application in order for both applications (1492 and 1372 Raphine Road) to be heard at the same time. However, at the April 13, 2022 Planning Commission meeting, the Commission postponed taking action on the 1492 Raphine Road application in order for the applicant to further develop a plan for the proposed location and details on

the structures that could be utilized for the breeding and boarding operation. Therefore, the 1492 Raphine Road application will be on the upcoming (May 11, 2022) Planning Commission agenda and not on the April 25, 2022 Board of Supervisors agenda. This is, of course, a continued Public Hearing and so we have advertised accordingly."

He next turned the floor over to Nicholas Iocco to go over any additional details he may have missed.

Mr. Iocco addressed the Board and advised that he did not have any details to add but would be glad to answer any questions the Board may have.

Chairman McDaniel asked if the Board had any questions for Mr. Iocco.

Supervisor Lewis advised that he had asked about this before - where everything was going to be. There was a map that was submitted that show the kennels and they show them in the back and nothing up front.

Mr. Slaydon replied, that's correct.

Supervisor Lewis stated that, as mentioned through the Planning Commission process, and as he had mentioned before, it is a touchy subject, certainly in that area so it certainly had him worried and asked Mr. Iocco if he envisioned the same use as he has now, the out front continuing?

Mr. Iocco replied, yes.

Supervisor Lewis asked if they were expanding.

Mr. Iocco replied, not expanding but the out front is not kennels; the kennels are in the rear. He stated that the kennel is in the rear of the property; what is in the side lawn is exercise pens. That is not an actual kennel over there and so, apparently, it was not defined. He said if he knew clearly that they were to have no dogs anywhere except for in the rear of the property and that if that had been something that had been written down, then they would have understood at that time and there would not be this kind of wonder, this kind of question.

Supervisor Lewis stated that at that time he did not have from his perspective a map submitted with that defined.

Mr. Iocco stated that that was where the kennel was going to be as far as the majority of where the dogs are going to stay but that, in his mind, it did not quantify that that was the only spot the dogs could be on the property because since they have the adjoining properties and, at that time, his parent-in-laws owned it; now they own it. At that time, he said they were going to use that property also as walking the dogs and so that to limit the dogs just to that one little bit of property would have raised concern for them.

Supervisor Lewis stated that that is why they go through this process - to try to get things defined, so everybody understands.

Mr. Iocco concurred.

Chairman McDaniel asked if there were any other questions or comments from the Board.

Supervisor Lewis added that he was a little uncomfortable with the number but since he supports the Planning Commission, he was going with their number of 30. He just reiterated that it seemed like a lot.

Mr. Iocco replied that he understood.

Supervisor Lewis added that he would like to clarify however, the meaning of 30. Thirty dogs in total on the property; does that include the studs coming in?

Mr. Iocco replied that he believed the wording is if the studs came in, that would also be included in the 30, so breeding dogs was the key right there so if there was breeding dogs it can only be 30 regardless.

Chairman McDaniel asked if he was saying that they could have 30 breeding dogs and then, potentially, if they have six dogs that have litters or puppies, an additional number of puppies?

Mr. Iocco replied, yes, puppies, because that is the product of the breeding. He stated that these are breeding adult dogs that are approved by OFA. Puppies are not approved by OFA or certified in any regard. They are the product of the breeding of good genetics and bloodline and it is the breeding

adult dog that is actually used for breeding that would be included in the 30.

Supervisor Lewis asked that if you have two litters of six, you could have 42 total dogs?

Mr. Iocco concurred, stating that you have to be able to replace and you have to own dogs that are going to be then certified when they are two years old to replace dogs that have been in your breeding program.

Supervisor Ayers stated that she could not see it on 1.47 acres; that she was having a really difficult time with the amount of dogs in this small space.

Supervisor Lewis asked that if not counting puppies, about how many total dogs?

Mr. Iocco replied that they have to replace about four dogs per year so there is going to be an additional four dogs on top of that 30, somewhere around 35 dogs.

Supervisor Ayers asked if that is also possibly including dogs that have not yet been placed out of your breeding program?

Mr. Iocco replied that would be included in the 30 because when they are no longer in their breeding program, they are either sold for very low cost or they are given away; most of them are just given away. They have a list of people waiting for those dogs and it is amazing how many people that do not want to deal with a puppy so they ask if they have an adult dog.

They tell them that they do not have an adult dog now but they will put them on a list and will be contacted when they do.

Chairman McDaniel asked if there were any more comments or questions. There were none. He opened up the Public Hearing and asked if anyone was signed up to speak.

Mr. Slaydon replied, no.

Ms. Huffman clarified that this was a continued Public Hearing and they can take comments.

Mr. Slaydon confirmed that no one was signed up to speak and that there was no one online.

Chairman McDaniel asked if there were any written comments.

Mr. Slaydon replied that he did have a written comment from Thomas Bundy, from Sunday, April 24<sup>th</sup> and read aloud the comment:

"I see the Iocco's request to increase the number of dogs they can have on the property is coming before the Board of Supervisors again tomorrow night. As far as I can see, the situation has not changed from the comments I've made earlier, therefore I would like to resubmit the comments, the same comments again. Please let me know if I'm wrong. Also because of the number of animals they have and sell interstate they are required to have a license under the Animal Welfare Act from the animal and plant health inspecting services of the USDA. I've seen nothing to indicate that they have such license. To get that license they would be required to provide basic health related space and handling requirements for all of their dogs. It's not clear that they can do so on this small piece of property that is under two acres by their own omission. Please provide these comments to the Board of Supervisors."

Mr. Slaydon next read aloud Mr. Bundy's original comment that was made of record last month:

"It should be remembered that the special exception permit only applies to 1.47 acres. While there's a discussion about other properties the Iocco's own around the property in question there's nothing in the permit that states the special exception is contingent upon the current situation. Therefore it'd be possible for the 1.47 acres to be sold with a permit for 30 dogs. Other properties could be sold or put in other uses with a special exception for up to 30 dogs applying to less than 1.5 acres. I don't think anyone would want to see either of these outcomes. While I have no reason to believe that the applicants would do either of these things but the permit as written does not expire if the current situation changes. The permit runs with the land and land applies to whomever owns the land. Therefore, I recommend the permit be limited to the current situation of the applicants with the surrounding properties in aggregate. In addition, I would like to see a provision added that would require a periodic public review of the conditions for the lifespan of the special exception permit. I suggest that such reviews should occur every three to five years. Thank you for your kind consideration of these comments.

Sincerely  
Thomas Bundy  
South River Magisterial District"

Chairman McDaniel asked if there were any other written comments. There were none.

Chairman McDaniel advised that, since this was a continuation of a Public Hearing, we would need to close the Public Hearing.

Supervisor Lyons asked Mr. Slaydon, before the Public Hearing closed, if he could go back to the email that was talking about a special license and if it was true.

Mr. Slaydon replied, "The comment is 'also because of the number of animals they have and sell interstate, they are required to have a license under the Animal Welfare Act from the

animal and plant health inspection service of the United States Department of Agriculture'. My response to Mr. Bundy this afternoon, and this is very basic research that I did based on a similar conversation and, again, this is preliminary and we can verify this but, per the Animal Welfare Act, it appears it pertains to wholesale breeders that supply dogs to pet stores or research facilities. In this case, the breeder sells directly to the public, therefore, I do not think that they are required to have the same permit inspections from the USDA."

Mr. Slaydon asked Mr. Iocco if he had anything to add.

Mr. Iocco replied that he had never heard of such a thing. He added that, with any breeder or breeders that they had dealt with, they are doing the same thing. He also added that, as far as having high quality dogs, the AKC will, from time to time, come out to specific breeders and make sure that everything is up to their level of inspection. He added that there are certain requirements as far as having to have water within a certain space from the puppies, a way to wash utensils and those sort of things. He said that the AKC keeps up with those who are underneath in the registration to make sure that these breeders really are good breeders.

Supervisor Ayers asked if they had ever come out to their place.

Mr. Iocco replied that they had not and he had actually wondered why they had not since they had come out to their friends in the same business on the East Coast. He stated that they are not worried if they do inspect them because they are confident that their facilities are the same as other breeders that they know.

Chairman McDaniel asked Mr. Iocco to confirm that he had additional acreage but had no plans to use that acreage for this operation.

Mr. Iocco concurred.

Mr. Slaydon added that, with Mr. Bundy's comment, it says 'therefore I recommend the permit be limited to the current situation of the applicants with their surrounding properties in aggregate.' Mr. Slaydon advised that this special exception is unique to this particular tax parcel and so they would not have, without re-advertising, the ability to include other acreage associated with it and the same would be true with the dog breeding business. He stated that they would not have the ability to expand on the other properties without amending the existing special exception. He said the second point of his discussion is that he would like to see a provision added that would require the periodic public review of the Conditions, suggesting a review period of every three to five years and Mr. Slaydon does not think they have that authority for those

periodic reviews of Special Exception Permits under the current Ordinance.

Mr. Iocco added that there has been no negative feedback to him from his neighbors or his adjoining neighbors and they have not voiced any concern to him about this special exception request. He added that their plan will continue to not be a nuisance to his neighbors.

Chairman McDaniel closed the Public Hearing. He next asked if there was any Board discussion.

Chairman McDaniel asked Ms. Huffman that, with the way the application was drawn and with what he had heard tonight, he had some concerns about the number of dogs with what was submitted and what is being asked for. He asked if they amend to say the number of total dogs, not including puppies, as they take dogs out of service and before they can release some of them, would that count in the number or not?

Ms. Huffman replied that you could amend it that way. It is harder to describe though. You could modify Condition number two to provide for a limited number to whatever the total golden retrievers were, excluding puppies.

Supervisor Ayers answered that she thought the ones coming into the program, the adolescents, and the ones going out even if they are only with them for a year or two, they are not considered breeding anymore; adolescents are too young.

Typically, you would be having your dogs fixed before you are moving them on, correct?

Mr. Iocco confirmed.

Supervisor Ayers continued, stating that they are not a breeding animal any more and she thinks that is already done currently. The puppies are also not counted.

Ms. Huffman stated that she misunderstood the question. She thought he was asking whether the Board could establish a total number of dogs that included these non-breeding dogs as well as the breeding dogs.

Chairman McDaniel confirmed, stating that it is easier for him to count total dogs than it is to count which ones are breeding and which ones are not.

Chairman McDaniel next advised the Board that they had heard the comments and asked if there were any other questions?

Supervisor Lyons asked if he had a number in mind.

Chairman McDaniel replied that he was not a breeder and that he understood what Mr. Iocco has presented here. He stated that there was confusion about what the number of dogs included and was concerned about a neighbor getting upset and coming in about the number of dogs, and then the Board has to try to explain.

Chairman McDaniel asked if there was a motion.

Supervisor Lewis made a motion to approve the Special Exception Permit as presented. Supervisor Lyons provided the second. Supervisors Day and Ayers voted no, but Chairman McDaniel asked Ms. Huffman if it were possible and, should he ask Mr. Lewis if he would be willing to amend his motion for the total number of dogs?

Ms. Huffman affirmed.

Supervisor Lewis replied that he would if there is a number presented and asked if they were allowed to inquire at this stage of the applicant anything further.

Ms. Huffman replied that it was the Chairman's call whether or not to allow it.

Chairman McDaniel stated again that his concern is just the total number of dogs whether they are breeding or not breeding. He stated that if the research and the Planning Commission says 30 dogs, he would like just to state that it is a total of 30 dogs, whether they are breeding or non-breeding on the property. Chairman McDaniel asked Supervisor Lewis if he would be willing to amend to that.

Supervisors Lewis replied that he would be willing to amend and he asked Mr. Slaydon how it reads now.

Mr. Slaydon replied that Condition number two is limited to 30 golden retrievers for breeding purposes, including any visiting stud dogs.

Chairman McDaniel asked Supervisor Lewis if he would be willing to amend by just taking the breeding piece out of it. Thirty total dogs, excluding puppies.

Supervisor Ayers asked to clarify the age of the puppy.

Supervisor Day asked if they are a puppy until they are no longer nursing or is there an age.

Supervisor Ayers stated that, typically, you release your puppies at eight or nine weeks.

Mr. Iocco replied, eight weeks. He stated that they are considered a puppy until they are about a year old.

Supervisor Ayers clarified with Mr. Iocco that he is not keeping them for a year.

Mr. Iocco concurred.

Supervisor Ayers clarified that he is going to move them on by 8 weeks, 10 weeks, 12 weeks to be comfortable?

Mr. Iocco concurred.

Supervisor Lewis clarified that he was to amend number two by removing "for breeding purposes" to limit it to 30 golden retrievers, excluding puppies.

Mr. McDaniel concurred and stated that he would be willing to say up to 16 weeks of age, which would give them a little room to get rid of the puppies.

Supervisor Lewis agreed.

Chairman McDaniel stated that the amended motion is removing the breeding, 30 total dogs except for puppies, which they would consider puppies in this instance up to 16 weeks of age.

Chairman McDaniel asked Supervisor Lyons if he would second the amendment.

Supervisor Lyons advised to just say "30 golden retrievers above the age of 12 weeks."

Mr. Iocco asked, "what happens if they could not sell a puppy and they had 31? What would they do with the puppy? If we did not get rid of all the puppies or sell them all at that time, we would then be in violation."

Supervisor Ayers replied that he could be then keeping 30 plus any that you might theoretically be keeping on and, so that, from their point of view, could be a limitless number of dogs. She stated that, "not that you would; I am just saying."

Mr. Iocco replied that he understood exactly what she was saying. But, to keep the 30, they need about four dogs to be able to replace because we keep our females between six and seven years. So we need to have four dogs to come back and a male so we would have to have about five to replace, so it is 35 breeding dogs, 35 dogs total.

Supervisor Ayers stated that on one and a half acres maybe they have to count a couple of puppies left over that they do

not sell; that they only have 25 breeding dogs. She stated that how many breeding dogs is not what they are talking about but total amount of dogs, total impact, and she thanked Mr. Iocco for getting along with his neighbors; however, she advised that they were asking for three times the current amount of dogs that they have now and that that is a huge jump.

Mr. Iocco replied that it was actually just barely double because they have 12 breeding dogs now but that does not mean that is the total amount of dogs they have. He stated that they have over 20 dogs right now.

Supervisor Ayers replied that the agreement says 30 total dogs.

Mr. Iocco replied that that is what they are going to amend.

Supervisor Ayers stated that they are more than twice the number of the impact.

Mr. Iocco replied, yes, that, right now, they have 22 dogs but they only can breed 12 of them; those are their breeding dogs - the other ones are either too young or they have not had their testing. He stated that they would see if they pass and then they go on.

Chairman McDaniel stated that he has to control his numbers.

Mr. Iocco concurred.

Chairman McDaniel stated that the 30 dogs is what they are saying that they are allowed to have.

Mr. Iocco replied that he understood.

Chairman McDaniel advised that they had an amended motion, excluding puppies, 16 weeks, and asked Mr. Iocco if he was okay with that.

Mr. Iocco concurred.

Chairman McDaniel asked for a motion to approve the amended permit. Supervisor Lewis moved to adopt the Ordinance Granting an Amended Special Exception Permit, with revision of Condition #2. Supervisor Lyons provided the second, and the motion carried by the following roll call vote by the Board:

AYES:	Lewis, Lyons, 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 ADMINISTRATION CENTER ON MONDAY, APRIL 25, 2022

**Ordinance Granting an Amended Special Exception Permit to Nicholas R. Iocco and Bethany A. Iocco, for a Revised Condition on the Number of Dogs Associated with the Dog Breeding Business in the Agricultural and General Uses (A-2) Zoning District, Located At 1372 Raphine Road, Raphine, Virginia, on 1.47-Acre Parcel (Tax Map #27-A-23C) in the Walkers Creek Magisterial District**

**WHEREAS**, on January 28, 2019, the Board of Supervisors granted a Special Exception Permit, with associated conditions, to Nicholas R. Iocco and Bethany A. Iocco

to operate a commercial dog kennel, for breeding purposes only, on their property consisting of 1.47 acres, more or less, located at 1372 Raphine Road, Raphine, Virginia, identified as Tax Map #27-A-23C, in the Walkers Creek Magisterial District; and,

**WHEREAS**, Nicholas R. Iocco and Bethany A Iocco, the applicants and owners, have filed an application for amendment to the Conditions of the Special Exception Permit to remove the limitation on the number of dogs associated with the dog breeding business; and,

**WHEREAS**, the Rockbridge County Planning Commission held a public hearing on the application on March 9, 2022, and recommended approval with the conditions in Exhibit A attached hereto; 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 March 28, 2022, and a continued public hearing on April 25, 2022; and,

**WHEREAS**, the Board of Supervisors, after review of the application and all other documentation submitted by the applicants, 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 and §603.03-5 of the Rockbridge County Land Development Regulations, finds and determines that, with the specified conditions, 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 Board finds that the granting of an amended special exception permit to Nicholas R. Iocco and Bethany A. Iocco amending the limitation on the number of dogs associated with the dog breeding business on their property containing 1.47 acres, more or less, located at 1372 Raphine Road, in the Walkers Creek Magisterial District, identified as Tax Map #27-A-23C, in the Agricultural and General Uses Zoning District (A-2), 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 amended special exception permit is hereby granted and approved, with and subject to the conditions as set forth on Exhibit A attached hereto and incorporated herein.

2. That this ordinance shall be effective on and from the date of its adoption. All ordinances or parts thereof in conflict with the provisions of this ordinance shall be, and the same hereby are, repealed; specifically, this Ordinance shall supersede and be in lieu of the special exception permit granted to Nicholas R. Iocco and Bethany A. Iocco, on January 28, 2019, which shall be deemed null and void from this date.

Adopted this 25<sup>th</sup> day of April, 2022.

**EXHIBIT A**

**AMENDED SPECIAL EXCEPTION PERMIT CONDITIONS**

**Nicholas R. Iocco and Bethany A. Iocco**

1. Breeding of Golden Retrievers only.
2. Limited to thirty (30) Golden Retrievers, excluding puppies 16 weeks or younger.

3. Puppies will be kept inside the dwelling until a permanent enclosed structure can be constructed.
4. Boarding and grooming operations shall be prohibited.

\* \* \* \* \*

**C&S Disposal (153 Sherwood Lane, Natural Bridge Station, Virginia): Application to Amend Special Exception Permit - Junked Storage and Automobile Salvage Yard in the General Industrial (I-1) Zoning District**

Director of Community Development, Chris Slaydon, advised that he had a map of the property to share with the Board and provided an overview of the application as specified in the agenda item, shown below: Mr. Steve Flint with C&S Disposal, Inc., P.O. Box 499, Natural Bridge Station, Virginia 24579 has made an application to amend an existing Special Exception Permit to operate a scrap metal yard in the General Industrial (I-1) Zoning District. The property is identified as 153 Sherwood Lane, Natural Bridge Station, Virginia 24579 and is owned by Flint Ridge Properties LLC, (5095 Forge Road, Glasgow, Virginia 24555). The property is located on the northeast side of Wert Faulkner Highway (Route 130) approximately 450' west of the intersection of Lloyd Tolley Road (Route 773) and Wert Faulkner Highway (Route 130) and is further identified as tax map numbers 113E2-3-2 through 10 and 113E2-3-A and B. The original special exception was approved on February 26, 2018 and

included a Condition that the primary storage for the scrap metal be inside a building. The application includes removing this condition and also includes the addition of the salvaging of machinery or vehicles. Per Section 607.03-7 of the Regulations, Junk storage and automobile graveyards/holding yards/salvage yards is a use by special exception in the I-1 District. The application is for junk storage and automobile salvage yard (five vehicles or less). The property is located in the Natural Bridge Magisterial District. On April 13, 2022, the Planning Commission held a Public Hearing and has recommended amendment to the existing special exception with the following Conditions:

1. The development of the property (13E2-3-2 through 10 and 113E2-3-A and B) for which the application is being made shall be in substantial accordance with the development plan titled Flint Ridge Properties, dated March 13, 2022.

2. No more than five (5) inoperable vehicles.

3. Approval subject to all federal, state and local regulations pertaining to junked storage/salvage yards.

Mr. Slaydon next turned the floor over to Mr. Flint to review the details of the project and answer any questions the Board may have.

Mr. Flint introduced himself and thanked the Board for their time. He stated that Mr. Slaydon had gone over what they

were looking to do. He advised that, at this time, their primary storage area is restricted to the inside. He stated that they were taking in a volume now that makes it difficult to do that. He stated that they have machinery that will not fit in the building and that they need to operate outside to continue. He stated that it would be equipment and maybe a vehicle or two. He further stated that they are looking to recover fluids, and that they use waste oil burners to heat their facilities. Mr. Flint advised that he was open for any questions or comments the Board may have.

Chairman McDaniel asked if there were any questions or comments from the Board.

Supervisor Lewis stated that this was good. He clarified with Mr. Flint that this was a business driver driving this request and that in collecting recyclables, he was looking to expand and transfer them to the next stop?

Mr. Flint concurred.

Chairman McDaniel opened the Public Hearing. He asked if there were anyone signed up to address the Board, anyone online or written comments. There were none.

Chairman McDaniel asked if the Board had any comments. There were none.

Chairman McDaniel closed the Public Hearing. He next commented that Mr. Flint and C&S Disposal has been a good

neighbor in the community; that it has been a good business practice in the community; and, what they have done with the sawmill is a good use of the facility. He further stated that even though Mr. Flint was asking to take the material from inside the building to outside, he does not believe, by looking at the map, there would be any eyes to be able to look on that. He stated that it is a good use of the property and, as the representative of that District, he fully supports it.

Supervisor Lyons moved to adopt the Ordinance Granting an Amended Special Exception Permit to C&S Disposal, Inc.

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

**AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY, VIRGINIA, HELD AT THE ROCKBRIDGE COUNTY ADMINISTRATIVE OFFICES ON MONDAY, APRIL 25, 2022**

Ordinance Granting an Amended Special Exception Permit to C&S Disposal, Inc., for Revised Conditions for Operation of a Scrap Metal Yard on Property in the General Industrial District (I-1) Located at 153 Sherwood Lane off of Wert Faulkner Highway in Natural Bridge Station, identified as Tax Map #113E2-3- 2 thru 10, #113E2-3-A, and #113E2-3-B, in the Natural Bridge Magisterial District

WHEREAS, on February 26, 2018, the Board of Supervisors granted a Special Exception Permit, with associated conditions, to C & S Disposal, Inc., for operation of a scrap metal yard in the General Industrial District (I-1), on property to be acquired, located at 153 Sherwood Lane off of Wert Faulkner Highway, identified upon the

Rockbridge County Land Records as Tax Map Nos. 113E2-3- 2 thru 10, 113E2-3-A, and 113E2-3-B, in the Natural Bridge Magisterial District; and,

WHEREAS, the subject property is now owned by Flint Ridge Properties, LLC; and,

WHEREAS, C & S Disposal, the applicant, has filed an application for amendment to the Special Exception Permit to remove the condition that the primary storage area for the scrap metal shall be inside a building, and add the ability to salvage machinery and vehicles; and,

WHEREAS, the Rockbridge County Planning Commission held a public hearing on the application on April 13, 2022, and recommended approval with the conditions in Exhibit A attached hereto; 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 April 25, 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, with the specified conditions, 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 Board of Supervisors finds that the granting of an amended special exception permit to C & S Disposal, Inc., for operation of a scrap metal yard, to include salvaging of machinery and vehicles, and with removal of the previous condition that the primary storage area for the scrap metal be inside a building, in the General Industrial District (I-1), on property owned by Flint Ridge Properties, LLC, located at 153 Sherwood Lane off of Wert Faulkner Highway, identified upon the Rockbridge County Land Records as Tax Map Nos. 113E2-3- 2 thru 10, 113E2-3-A, and 113E2-3-B, 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 amended special exception permit is hereby granted and approved, with and subject to the conditions as set forth on Exhibit A attached hereto and incorporated herein.

2. That this ordinance shall be effective on and from the date of its adoption. All ordinances or parts thereof in conflict with the provisions of this ordinance shall be, and the same hereby are, repealed; specifically, this Ordinance shall supersede and be in lieu of the special exception permit granted to C&S Disposal, Inc., on February 26, 2018, which shall be deemed null and void from this date.

Adopted this 25<sup>th</sup> day of April, 2022.

**EXHIBIT A**

**AMENDED SPECIAL EXCEPTION PERMIT CONDITIONS**

**C&S Disposal**

1. The development of the property (13E2-3-2 through 10 and 113E2-3-A and B) for which the application is being made shall be in substantial accordance with the development plan titled Flint Ridge Properties, dated March 13, 2022.
2. No more than five (5) inoperable vehicles.
3. Approval subject to all federal, state and local regulations pertaining to junked storage/salvage yards.

\* \* \* \* \*

**Board Comments**

Chairman McDaniel asked if there were any Board comments. There were none.

\* \* \* \* \*

Chairman McDaniel reminded the Board that the Public Hearing for FY 2023 Budget and a Code amendment to establish a separate classification of personal property for certain vehicles was tomorrow evening at 6:00 p.m.

\* \* \* \* \*

**Adjourn**

Chairman McDaniel asked if there was a motion to adjourn. Supervisor Day made a motion to adjourn. Supervisor Lewis provided 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