

AT A WORK SESSION OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY
VIRGINIA, HELD IN THE COUNTY ADMINISTRATION BUILDING,
150 SOUTH MAIN STREET LEXINGTON, VIRGINIA,
ON MONDAY, OCTOBER 27, 2014, AT 4:30 P.M.

PRESENT: CHAIRMAN J.M.HIGGINS
MEMBERS: R.S.FORD, A.W.LEWIS, JR., R.R.CAMPBELL, D.W.HINTY, JR.
CLERK TO BOARD: SPENCER H. SUTER
COUNTY ATTORNEY: VICKIE L. HUFFMAN
FISCAL DIRECTOR: STEVEN BOLSTER
STAFF: SAM CRICKENBERGER, BRANDY FLINT, BRANDY WHITTEN

Staff update on EDA Activities

Administrative Assistant for Community Development Brandy Flint reviewed the following activities for the EDA:

- Received a presentation by Jon Slaunwhite from Columbia Gas on the availability of what it would take to get gas in areas where there currently isn't any
- Continuing work on Rockbridge Middle School marketing
- Involvement with the Virginia Horse Center- appointed Robbie Faulkner and Steve Beck to a committee to attend VHC meetings
- The EDA would like to be more proactive- They have asked about using the CD funds and the Raphine Industrial Park sale funds for loan programs to small businesses
- The EDA agreed not to approve the extension of the Z&T Sales Performance Agreement

Ms. Flint advised that she had drafted the new By-Laws for the EDA and that they would be considered for adoption in November.

Supervisor Lewis stated that, with new members to the EDA, there has been an amazing increase in energy, commitment, and dedication in helping the County with economic development. He stated that, as a liaison to the Board of Supervisors on the EDA, he is able to speak on behalf of the Board during discussions at EDA meetings.

Supervisor Campbell shared his appreciation for the new members having more energy, but then shared his concern over the members' looking too much into some matters than what they should be. He stated that the EDA's minutes have language and comments in them that are unprofessional, and that the members of the EDA should think before they speak just as any member on a Board or Committee should. He stated that those comments could turn away businesses in the County and that he is very troubled by them.

Mr. Crickenberger addressed Supervisor Campbell's concerns, stating that the EDA was trying to protect the County by reviewing the Performance Agreement for Rockbridge Middle School (RMS). He stated that the EDA felt that RMS was a valuable piece of property and wanted to make sure that, because they were giving the property away, the performance standards equaled that value. He stated that the other issue that arose was related to asbestos in RMS. He stated that he was asked by Mr. Berkstresser to consider asbestos abatement before he took ownership of the property. He advised that the EDA felt it would be Mr. Berkstresser's responsibility instead of the County's.

Supervisor Campbell stated that, to him, while reviewing EDA Minutes related to the acceptance of the RFP for RMS, the EDA seemed to be criticizing either Mr. Berkstresser or the Board of Supervisors. Mr. Crickenberger replied that the EDA was really just focusing on the

Performance Agreement and making sure the County was protected.

Mr. Suter volunteered to schedule a joint meeting with the Board of Supervisors and the EDA to be sure everyone is on the same page.

Supervisor Campbell, again, reminded the EDA and all members on Boards and Committees to be professional at all times.

Supervisor Ford agreed to having a joint meeting with the EDA, as this meeting could serve to clarify how we determine and support the highest and best uses of subject properties.

Supervisor Lewis shared his concern at the drafted By-Laws' not being descriptive enough about the EDA's responsibilities.

County Attorney Vickie Huffman stated that the By-Laws do not need to be too detailed, and that descriptions of responsibilities are included in the Articles of Incorporation, as they should be.

Chairman Higgins asked Ms. Huffman to give each Board Member a copy of the Articles of Incorporation for the EDA. He also agreed with Mr. Suter's request to schedule a joint meeting with the EDA.

The Board gave consensus for Mr. Suter to schedule a joint meeting with the EDA at the November 24th Work Session.

Presentation on Conflict of Interest Act

County Attorney Vickie Huffman gave a presentation on the new changes to the Conflict of Interest Act. Some of the changes she mentioned were in relation to: the changing of definitions; formation of a state Advisory Committee; gifts and what values of gifts cannot be exceeded; values of conferences that must be documented; and changed due dates of all forms filed in the Clerk's office. Ms. Huffman explained that Statement of

Economic Interest Forms must be filed twice a year instead of once - on December 15th and June 15th of each year. She advised that all other forms filed by members of public bodies must now be file on December 15th rather than January 15th.

Ms. Huffman confirmed to Chairman Higgins that she would send a memo of the new changes to the School Board and to the Constitutional Officers.

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VIRGINIA, HELD IN THE COUNTY ADMINISTRATION BUILDING,
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CLERK TO BOARD: SPENCER H. SUTER
COUNTY ATTORNEY: VICKIE L. HUFFMAN
FISCAL DIRECTOR: STEVEN BOLSTER
STAFF: SAM CRICKENBERGER, CHRIS SLAYDON, BRANDY FLINT,
JEREMY GARRETT,STEVE KINGERY, BRANDY WHITTEN

Call to Order

Chairman Higgins called the meeting to order at 5:31 P.M.

Supervisor Lewis delivered the invocation. He then led in the Pledge of Allegiance.

Chairman Higgins welcomed Washington and Lee journalism students who were present. He thanked them for attending the meeting.

Recognitions/Presentations

Recognition of Darold Dameron's Retirement

County Administrator Spencer Suter recognized Darold Dameron, Rockbridge County's Maintenance Technician, who would retire on October

31st. Mr. Suter shared his appreciation of Mr. Dameron, stating that he has been a tremendous asset to the County for the past seven (7) years. He noted that Mr. Dameron not only kept up with the maintenance of County facilities, but also made street signs and installed them throughout the County

Introduction of new employees

Mr. Suter introduced Jason Dean, who was unable to make it to the meeting. He noted that Mr. Dean would be replacing Mr. Dameron following his retirement. He stated that Mr. Dean would be present at the next Board of Supervisors Meeting.

Director of Solid Waste and Transportation Jeremy Garrett introduced Steve Kingery, who was present. Mr. Garrett announced Mr. Kingery was the new Fleet Manager of the Rockbridge County Department of Transportation. Mr. Garrett shared that Mr. Kingery worked for the Rockbridge County Maintenance Garage more than 12 years ago, but left the County to work for the schools for the past 11 years. A long-time resident of Rockbridge County, he taught auto shop and coached Rockbridge County High School's wrestling team.

The Board of Supervisors thanked the new employees for working for the County.

Citizens Comments

Margaret Bailey spoke on behalf of the Talking Book Center. She stated that the Talking Book Center is based in Staunton; however, it is a federal program that provides digital books to the impaired anywhere,

including Rockbridge County. She further stated that there is no postage required to send these books to individuals with eyesight, reading, and other impairments, or to have them sent back. This program, she noted, is supported by donations and she thanked the County for its support thus far and asked that the County would continue to donate for this program - whether it be a donation through United Way or from the local government.

Chairman Higgins thanked Ms. Bailey for coming to the meeting and stated that the budget process for the County would be starting soon and confirmed that that County Administrator and Finance Director would be in touch with her.

Items to be added to the Agenda

Chairman Higgins asked for items to be added to the Agenda.

County Attorney Vickie Huffman asked to make an adjustment to the Agenda. She stated that the Consideration of Deeds Notice of Claim had been continued until the January 12, 2015 Agenda.

Approval of Minutes- October 14, 2014 and October 15, 2014

Supervisor Lewis moved to approve the October 14, 2014 and October 15, 2014 Minutes. Supervisor Ford provided the second, and the motion carried by unanimous roll call vote by the Board.

AYES: Lewis, Ford, Campbell, Hinty, Higgins
NAYES: None
ABSENT: None

Convene Solid Waste Authority

There were no items to discuss under the Solid Waste Authority and therefore the Authority did not convene.

Shenandoah Valley Partnership (SVP) Economic Development Forum

Presentation

Brandy Flint, Administrative Assistant for Community Development, explained that she had attended a Fall Economic Development Forum for the Shenandoah Valley Partnership on October 17, 2014. During the Forum, she was asked to speak about an economic development project in the County. She made a presentation on some of Bobby Berkstresser's projects, including Lee Hi, White's Travel Center, and the Fairfield BP.

Construction Contract Award - Greenhouse Village

Director of Community Development Sam Crickenberger explained that bids had been received for the construction of roads, water, sewer, and landscaping related to the Greenhouse Village Housing Production Project. Of the two bids received, the low bidder was Atkins Excavating, Inc. for \$251,432.70. He reminded the Board that the amount allocated was \$223,199.90, and that because this is less than the bid amount, Habitat is aware that they will need to make up the difference.

Supervisor Lewis noted that Atkins Excavating, Inc. was awarded the contract for the Goshen Water Project, which came in under budget. He added that Atkins has also recently completed the Echols Farm stream stabilization project at Glasgow.

Supervisor Ford moved to authorize a contract with the lowest bidder, Atkins Excavating, Inc. Supervisor Hinty provided the second, and the motion carried by unanimous roll call vote by the Board.

AYES: Ford, Hinty, Campbell, Lewis, Higgins
NAYES: None
ABSENT: None

At 5:45 p.m., Chairman Higgins called for a 15 minute break, since public hearings were advertised for 6:00 p.m.

During the break, Finance Director Steven Bolster informed the Washington and Lee journalism students about BoardDocs- the Board of Supervisors online access to the Agenda Packets.

At 6:00 p.m., Chairman Higgins reconvened in open session.

Public Hearings

Special Exception- Washington & Lee University- private expansion in R-1 and A-T

Assistant Director of Community Development Chris Slaydon read aloud the Public Hearing Notice for this Agenda Item as follows: "Notice is hereby given per Section 15.2-2204 of the Code of Virginia and Section 802.03, 04 and 05 of the County of Rockbridge Land Development Regulations that public hearings will be held by the Rockbridge County Planning Commission on Wednesday, October 8, 2014, at or around 7:00 p.m. in the Meeting Room in the County Administrative Offices, 150 South Main Street, Lexington, Virginia 24450, followed by public hearings by the Board of Supervisors on Monday, October 27, 2014, at or around 6:00 p.m. at the

same location to consider the follow applications: Washington & Lee University, 204 W. Washington Street, Lexington, Virginia, applying for a special exception permit to expand the private school facilities in the Agricultural Transitional District (A-T) and Residential General District (R-1) per Sections 603B.03-17 and 604.03-4 of the Land Development Regulations in order to build a natatorium and expand the on-campus student housing. Property is located off of Denny Circle, which intersects with West Midland Trail and is adjacent to the City of Lexington in the Kerrs Creek Magisterial District and further identified as Tax Map 61-A-46." Mr. Slaydon then stated that the Planning Commission recommended approval with amended conditions. He further stated that, since the time of the Planning Commission meeting, staff now has a better understanding of the proposed parking plans.

University Planner Tom Contos explained that W&L plans to construct 72 units of apartment and townhomes. He stated that for over the past three (3) years, W&L has been looking at housing for 3rd year students, and last year the W&L Board made a final decision to provide such housing. Public meetings were held on what is being proposed, and the positive feedback from residents of Lexington and Rockbridge County has encouraged them to bring the request before the Board for approval. He stated that this request needed to come before the Board for the following reasons:

- To agree that this use is generally consistent with the County's Land Development Regulations;
- To agree that it will not materially degrade character of the County or create a nuisance for adjacent neighbors in the County; and

- To agree that the implementation of the proposal will follow the County's standards for parking and structure heights.

Mr. Contos explained what was being proposed for additional parking spaces, which had been one concern brought up during previous meetings. He advised that overflow parking is being considered. For purposes of calculating the number of spaces needed, he stated that W&L is using the County's definition of garden apartments and townhomes as single-family units.

Chairman Higgins opened the public hearing at 6:15 p.m. There were no comments from the public. Chairman Higgins closed the public hearing.

Mr. Suter advised that he had just received a letter from the City of Lexington. In the letter, Mr. Suter explained, Interim City Manager Gary Swink stated that he had been asked by City Council to write and ask the Board of Supervisors to consider delaying action on this application until an extended traffic study be completed to examine the following issues:

- Line of Sight at the intersection of West Denny Circle and Nelson Street: proximity of the crest of the hill to the West on Nelson Street
- Traffic Impact on the following intersections within the city on Nelson Street: East Denny, Washington, Glasgow, and Lee

Mr. Suter stated that a traffic study by VDOT was included in the Boards' packets.

Supervisor Ford asked who would pay for the extended traffic study. Mr. Suter replied that he could look into that.

Supervisor Ford expressed his concerns with the loss of renters for rental properties in the County and the possibility of W&L seniors having to live on campus in the future.

Steve McAllister, Vice President for Finance and Treasurer, stated that 4th year housing has not been discussed.

Supervisor Ford stated that there had not been any formal cooperation between Lexington and the County to study the overall effects of this proposed project. He went on to state that his major concern is with parking. He questioned the numbers of parking spaces versus the number of 3rd year students in the new housing, stating that the numbers do not add up.

Mr. Crickenberger stated that staff had visited the proposed sites early in the day and had more precise parking numbers. In reference to Mr. Contos' earlier statement on calculating the spaces necessary, he advised that there are problems with that method and current zoning. Further, the expansion of student housing implies a dormitory-type living arrangement, which justifies requiring a higher number of spaces.

Supervisor Ford then stated that he had visited W&L on the recent Parents' Weekend and there were no parking spaces available. He again shared his concern on not having enough parking. He also shared his concern of public safety as far as getting an emergency vehicle to a person in need when, during major events, there are cars parked everywhere including where they are not permitted. He noted that the "wasteland" behind Liberty Hall could be designated for overflow parking.

Supervisor Campbell concurred with Supervisor Ford's concerns. He shared his concern of local landlords having a hard time renting their properties if this project was approved. He also shared his concern with the location of the parking lot for the new complex, calling it impractical and unsafe in requiring students to walk long distances to their cars at night. He then asked Mr. Slaydon what the plans are for water and sewer for the new structures.

Mr. Slaydon stated that water and sewer could be provided by the Rockbridge County PSA or the City of Lexington, but that it is still being discussed.

Mr. Crickenberger stated that there is no rule in place that would dictate who provided water and sewer hookups.

Supervisor Hinty, the Board's representative on the PSA stated that they will be discussing this at their next meeting.

Chairman Higgins shared his concern over parking and stated that the letter from the City of Lexington received just before the meeting should be considered.

Supervisor Ford moved to delay any decision on this public hearing for 30 days. There was no immediate second to the motion.

Leanne Shank, Attorney with W&L, confirmed that representatives for W&L would return to the next Board Meeting with answers and information on all requests related to parking and all other concerns. She then asked the Board to consider the fact that it is not the duty of the students to support local renters. She asked that the Board go ahead and approve the

proposed project.

Noah Simon, new Lexington City Manager, asked that the Board consider the City's additional traffic study request within the motion.

Supervisor Ford again asked who would pay for the extended traffic study.

Mr. Simon asked that W&L provide responses to the traffic issues and have them cover the costs.

Supervisor Ford moved to delay action on this public hearing for 30 days, pending a more detailed parking study from W&L, and he suggested that W&L meet with Lexington City for further discussion on traffic impacts. Supervisor Campbell provided the second, and the motion carried by unanimous roll call vote by the Board.

AYES: Ford, Campbell, Lewis, Hinty, Higgins
NAYES: None
ABSENT: None

Special Exception- Jan and Margo Kortmulder- exception from Section 913.00 for road standards

Mr. Slaydon introduced John Kortmulder, son of the landowner and applicant. He then showed the proposed property to the Board via the GIS mapping system and briefly reviewed the Agenda Item: "Per Section 913.00 of the Rockbridge County Land Development Regulations [LDR's], Jan and Margo Kortmulder have applied for a special exception permit for variation of the road standards. In 2005, the County adopted revised standards to subdivision roads. Per current regulations, one road that serves three

(3) or more parcels shall be designed to VDOT standards. However, per Section 913, a variation can be made per special exception. This is the first exception application for variation of the road standards that the County has received. Plans include application, exception text from the LDR's, written description of plans from John Kortmulder (son of landowners), and plat showing proposed subdivision. The future driveway Mr. Kortmulder is referring to in the written description is labeled as 20' ingress/egress easement (to serve Lots 3 and 4). Issues included setting a precedent, existing traffic concerns at the intersection of Thornhill Road and County Club Road, the location of the 100 year flood plain, and the 2007 moratorium on sewer connections for new lots created in the area." Mr. Slaydon advised that the Planning Commission recommended denial of the application because it will set a precedent.

Wes Perkins with Perkins & Orrison, Inc. stated that he had been working with the Kortmulder family for different ways to market their 13 acre property. Mr. Perkins indicated that the 13 acres has adequate road frontage and could easily be divided into three parcels meeting R-1 standards and therefore can have multiple driveways going up the hill.

Mr. Kortmulder explained that his parents have been trying to sell their property for years and have not been able to sell it. He stated that his parents are in their 90's and need to sell the property in order to move where they can be taken care of. He explained that they have been trying to sell the property as a whole, but now will consider splitting the property up into parcels just to sell it faster. He advised that there was a concern about how to get an emergency vehicle up the current driveway. He stated that the driveway is a good driveway that does not

hold winter weather because the sun shines directly on the pavement. He also stated that emergency response vehicles have been up the driveway a number of times and therefore felt the driveway was fine.

Supervisor Ford stated that he attended the Planning Commission meeting, at which members of the Planning Commission mentioned various subdivisions throughout the County where a single road serves multiple houses; in time, no one wants to maintain the road and then someone comes to the Board of Supervisors for relief.

Mr. Kortmulder stated that he cannot foresee any issues like this because the property is very expensive.

Mr. Perkins stated that there would need to be a Shared Maintenance Agreement.

Supervisor Ford stated that the Board of Supervisors cannot control Shared Maintenance Agreements and therefore cannot require anyone to keep to the agreement.

Supervisor Hinty stated that he had recently visited the property and he too has a concern about getting emergency vehicles up and down the driveway because the driveway itself seems too narrow.

Mr. Slaydon stated that the road is about 10 feet wide, where a VDOT road must be 20 feet wide in order to be state maintained. He further stated that the width of the road is not the biggest concern - the grade of the driveway is.

Chairman Higgins opened the public hearing at 7:02 p.m.

Cecily Laub, an adjacent property owner, stated that there are regulations in place currently for a reason and felt that emergency vehicles would not be able to travel the current driveway during the winter. She further stated that her property was grandfathered in with

access to sewage connections. She shared her concern at owners of new houses having to insert a septic field, making it more dangerous for her property in the event of septic backup.

Ron Laub, Mrs. Laub's husband, stated that the Board would be going backwards if they approved this. He suggested that this application is only coming forth because the Kortmulders do not want to spend the money to add other driveways.

With no further comments from the public, Chairman Higgins closed the public hearing at 7:07 p.m.

Chairman Higgins stated that previous Board members put these rules and regulations in place to avoid conflict later. He asked that the Board consider what the previous Board Members put in place.

Supervisor Ford moved to deny to application. Supervisor Hinty provided the second, and the ordinance to deny the application was adopted by unanimous roll call vote by the Board.

AYES: Ford, Hinty, Campbell, Lewis, Higgins
NAYES: None
ABSENT: None

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY, VIRGINIA,
HELD AT THE ROCKBRIDGE COUNTY ADMINISTRATIVE
OFFICES ON MONDAY, OCTOBER 27, 2014

Ordinance to Deny the Application of Jan and Margo Kortmulder for an Exception to the Land Development Regulations, Specifically the Subdivision Road Standards, for Subdivision of a Parcel of Land Located on the West Side of Thornhill Road, and Identified as Tax Map No. 74-A-48B, in the Buffalo Magisterial District

WHEREAS, Jan and Margo Kortmulder are the owners of a parcel of land, containing 13.17 acres, more or less, located on the west side of Thornhill Road, approximately .1 mile south of its intersection with Country Club Road, identified upon the Rockbridge County Land Records as Tax Map No. 74-A-48B, in the Buffalo Magisterial District of Rockbridge County; and,

WHEREAS, the Kortmulders have applied for an exception to the subdivision road standards, pursuant to Section 913 of the Rockbridge County Land Development Regulations (LDRs), to permit development of a four lot subdivision off of a private driveway, rather than a road constructed to state secondary road standards as required under LDR Article 9; and,

WHEREAS, the Planning Commission held a public hearing on this matter on October 8, 2014, and recommended denial of the application to the Board of Supervisors; and,

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

WHEREAS, the Board of Supervisors has held a public hearing on this matter on October 27, 2014; 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 LDR §913.00, finds and determines that compliance with the subdivision road standards would not cause unnecessary hardship if strictly adhered to and that a variation of the standards is not justified.

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

1. That the application of Jan and Margo Kortmulder for an exception to the subdivision road standards, pursuant to Section 913 of the Rockbridge County Land Development Regulations (LDRs), to permit development of a 13.17-acre parcel of land located on the west side of Thornhill Road (Tax Map #74-A-48B) to a four lot subdivision off of a private driveway, rather than a road constructed to state secondary road standards as required under LDR Article 9, is hereby denied.

2. That this ordinance shall be effective on the date of its adoption.

Adopted this 27th day of October, 2014.

Recorded Vote:

AYES:

NAYES:

ABSENT:

ABSTAIN:

ROCKBRIDGE COUNTY BOARD OF SUPERVISORS

By: _____
Chairman

Attest: _____
Spencer H. Suter, Clerk

Zoning Ordinance Amendment- Utility Definitions and where permitted

Mr. Slaydon presented the proposed changes to the Ordinance.

Mr. Crickenberger stated that staff is trying to get a little more uniform in the way we define utilities in different zoning districts. He also stated that the Planning Commission has recommended approval of the proposed changes.

Supervisor Lewis asked Mr. Crickenberger if these changes would have any effect on the W&L water and sewer situation. Mr. Crickenberger replied that they would not. Supervisor Lewis stated that the proposed amended Ordinance has been rewritten in an ingenious way.

Chairman Higgins opened the public hearing at 7:10 p.m. There were no comments. Chairman Higgins closed the public hearing.

Supervisor Lewis moved to adopt the Ordinance to amend the Land Develop Regulations according to the proposed changes presented.

Supervisor Hinty provided the second, and the Ordinance was adopted by unanimous roll call vote by the Board.

AYES: Lewis, Hinty, Ford, Campbell, Higgins
NAYES: None
ABSENT: None

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY,
VIRGINIA, HELD AT THE ROCKBRIDGE COUNTY ADMINISTRATIVE OFFICES ON MONDAY,
OCTOBER 27, 2014

Ordinance to Amend the Rockbridge County Land Development Regulations in Section 302.164 of Article 3 – Definitions for Clarifications and Additions to the Definition of Public Utilities; in Sections 602.03-7, 603.03-9, 603B.03-14, and 605.03-10 of Article 6 – Uses in Districts to Provide for Public Utilities as Uses by Special Exception in the A-1, A-2, A-T, and B-1 Zoning Districts, respectively; in Sections 604.03-3 and 604B.03-3 of Article 6 – Uses in Districts to Add Public Utilities, With Specified Exclusions, as Uses by Special Exception in the R-1 and R-2 Zoning Districts; in Section 607.02-19 to Provide for Public Utilities as a Permitted Use in the I-1 Zoning District; and to Delete Sections 604.02-8, 604B.02-10, and 605.02-19 to Remove Public Utilities as Permitted Uses in the R-1, R-2, and B-1 Zoning Districts

WHEREAS, the Rockbridge County Planning Commission held a public hearing on this amendment to the Land Development Regulations on October 8, 2014, and recommended approval to the Board; and,

WHEREAS, the Rockbridge County Board of Supervisors held a public hearing on this amendment on October 27, 2014; and,

WHEREAS, legal notice has been provided in accordance with Section 15.2-2204 of the Code of Virginia (1950, as amended) and Section 802.04 of the County of Rockbridge Land Development Regulations; and,

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

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

1. That Section 302.00 – Specific Definitions, of Article 3 – Definitions, of the Rockbridge County Land Development Regulations be amended and reenacted as follows:

ARTICLE 3. DEFINITIONS

302.00 SPECIFIC DEFINITIONS

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

302.164 ~~Public Utilities. Buildings, structures and facilities~~ Public service structures such as *office complexes and equipment yards, power plants, or substations and major transmission lines; data centers, water and wastewater transmission lines, water and wastewater treatment plants, or pumping stations, tanks, wells sewage disposal systems and treatment plants* and/or such similar operations, publicly or privately owned, furnishing electricity, gas, rail transport, communications, *water and sewer* or related services to the general public.

2. That Sections 602.03-7, 603.03-9, 603B.03-14, 604.02-8, 604.03-3, 604B.02-10, 604B.03-3, 605.02-19, 605.03-10 and 607.02-19 of Article 6 – Uses in Districts, of the Rockbridge County Land Development Regulations, be amended and reenacted as follows:

ARTICLE 6. USES IN DISTRICTS

602.00 AGRICULTURAL AND LIMITED USES DISTRICT - A-1

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

602.03-7 ~~Booster or relay stations, transformer substations, transmission lines and towers, pipes, meters and other facilities for the provision and maintenance of public utilities, including railroads and facilities, and water and sewerage installations;~~ Public Utilities as defined;

603.00 AGRICULTURAL AND GENERAL USES DISTRICT - A-2

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

603.03-9 ~~Public utility generating, booster or relay stations, transformer substations, transmission lines and towers, pipes, meters, and other facilities for the provision and maintenance of public utilities including railroads and facilities, and water and sewerage installations; *Public Utilities as defined*;~~

603B.00 AGRICULTURAL TRANSITIONAL DISTRICT - A-T

603B.03 Special Exceptions. In the A-T District, Special Exceptions may be issued for one or more of the following uses:

603B.03-14 ~~Public utility generating, booster or relay stations, transformer substations, transmission lines and towers, pipes, meters, and other facilities for the provision and maintenance of public utilities including railroads and facilities, and water and sewerage installations; *Public Utilities as defined*;~~

604.00 RESIDENTIAL GENERAL DISTRICT - R-1

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

604.02-8 ~~Public utilities such as poles, lines, distribution transformers, pipes, meters, and/or other facilities necessary for the provision and maintenance, including water and sewerage facilities;~~

604.03 Special Exceptions. In the R-1 District, Special Exceptions may be issued for the following uses:

604.03-3 ~~Transmission lines; *Public Utilities as defined*, but not to include office complexes and equipment yards, power plants, substations, data centers, and water and wastewater treatment plants;~~

604B.00 RESIDENTIAL MIXED DISTRICT - R-2

604B.02 Permitted Uses:

604B.02-10 ~~Public utilities such as poles, lines, distribution transformers, pipes, meters, and/or other facilities necessary for the provision and maintenance, including water and sewerage facilities;~~

604B.03 Special Exceptions. In Residential Mixed R-2, Special Exceptions may be issued for the following uses:

604B.03-3 ~~Transmission lines; Public Utilities as defined, but not to include office complexes and equipment yards, power plants, substations, data centers, and water and wastewater treatment plants;~~

605.00 GENERAL BUSINESS DISTRICT B-I

605.02 Permitted Uses. Within the General Business District B-I, the following uses are permitted:

605.02-19 ~~Public utilities and facilities serving the neighborhood;~~

605.03 Special Exceptions. In General Business, Special Exceptions may be granted for one (1) or more of the following uses:

605.03-10 ~~Public utility transformer stations, pumping stations, and major transmission lines and towers and telephone exchanges; Public Utilities as defined;~~

607.00 GENERAL INDUSTRIAL DISTRICT - I-1

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

607.02-19 ~~Public utility generating, booster, or relay stations, transformer substations, transmission lines and towers, and other facilities for the provision and maintenance of public utilities, including railroads and facilities, and water and sewerage installations; Public Utilities as defined;~~

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

Adopted this 27th day of October, 2014.

Recorded Vote:
AYES:
NAYES:
ABSENT:

ROCKBRIDGE COUNTY BOARD OF SUPERVISORS

By: _____
Chairman

Attest: _____
Spencer H. Suter, Clerk

Zoning Ordinance Amendment- Accessory Structure Height Limitations

Mr. Slaydon explained that the this zoning text amendment was to amend Table 1 by adding silos and tanks to number 4 of the "Notes" section. He advised that the Planning Commission has recommended approval of the proposed changes.

Mr. Crickenberger stated that there is an issue within the County dealing with heights of silos and tanks, and this amendment will help clean up those issues. He also stated that Devil's Backbone is adding tanks, and this will resolve any issues related to that. He further stated that erecting tanks at the brewery is a use by a Special Exception Permit; therefore there are other controls in place to regulate height.

Chairman Higgins opened the public hearing at 7:12 p.m. There were no comments. Chairman Higgins closed the public hearing.

Supervisor Ford move to adopt the ordinance amending the Land Development Regulations according to the proposed changes presented.

Supervisor Campbell provided the second, and the Ordinance was adopted by unanimous roll call vote by the Board.

AYES: Ford, Campbell, Lewis, Hinty, Higgins
NAYES: None
ABSENT: None

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY, VIRGINIA, HELD AT THE ROCKBRIDGE COUNTY ADMINISTRATIVE OFFICES ON MONDAY, OCTOBER 27, 2014

Ordinance to Amend Section 701, Table 1 – Area and Setback Requirements, Note 4, of the Rockbridge County Land Development Regulations, to Add Silos and Tanks as Exemptions from Height Requirement

WHEREAS, the Rockbridge County Planning Commission held a public hearing on this amendment to the Land Development Regulations on October 8, 2014, and recommended approval to the Board; and,

WHEREAS, the Rockbridge County Board of Supervisors held a public hearing on this amendment on October 27, 2014; and,

WHEREAS, legal notice has been provided in accordance with Section 15.2-2204 of the Code of Virginia (1950, as amended) and Section 802.04 of the County of Rockbridge Land Development Regulations; and,

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

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

1. That the Rockbridge County Land Development Regulations be amended and reenacted as follows:

TABLE 1: AREA AND SETBACK REQUIREMENTS

| DISTRICT | AREA (ACRES) | SETBACK | FRONTAGE | SIDE | REAR | HEIGHT | ACCESSORY BUILDINGS |
|----------|--------------|---------|----------|------|------|--------|---------------------|
| C-1 | N/A | N/A | N/A | 25' | 50' | N/A | N/A |

| | | | | | | | |
|-----|-------------------|-----|------|------|-----|------|-----|
| A-1 | See Notes 8 and 9 | 65' | 175' | 50' | 50' | 35'* | 5* |
| A-2 | See Notes 8 and 9 | 65' | 175' | 50' | 50' | 35'* | 5* |
| A-T | 2 | 65' | 175' | 50' | 50' | 35'* | 5* |
| R-1 | See Table 2 | 25' | 100' | 15' | 25' | 35'* | 5* |
| R-2 | See Table 2 | 25' | 75' | 10' | 25' | 35'* | 5* |
| B-1 | N/A | 20' | N/A | 20'* | 20' | 35'* | 20* |
| I-1 | N/A | 20' | N/A | 20'* | 20' | 35'* | 20* |

TABLE 2: RESIDENTIAL DISTRICT- AREA REQUIREMENTS

| USE | PUBLIC WATER & SEWER | PUBLIC/PRIVATE WATER & PRIVATE DRAINFIELD |
|--------------|--|---|
| R-1 | .5 ACRES | 1 ACRE |
| R-2 | .25 ACRES | N/A |
| MULTI FAMILY | .5 ACRES PLUS 2000 SF EACH ADDITIONAL UNIT | N/A |

*** NOTES**

4. Church spires, belfries, cupolas, monuments, water towers, silos, tanks, chimneys, flues, flag poles, television and radio antennae, and associated poles or towers are exempt from height requirement. Parapet walls may be erected up to 4' above building height.

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

Adopted this 27th day of October, 2014.

Recorded Vote:

AYES:

NAYES:

ABSENT:

ROCKBRIDGE COUNTY BOARD OF SUPERVISORS

By: _____
Chairman

Attest: _____

Spencer H. Suter, Clerk

Board Comments

Chairman Higgins advised that he had received an email from the Mayor of Lexington sharing appreciation for Rockbridge hosting the Intergovernmental Meeting at The Natural Bridge Hotel on Wednesday, October 15, 2014. He advised that the Mayor of Buena Vista also shared his appreciation. He stated that the Mayors and Council Members appreciated the meeting and called it a successful one.

Adjourn

With no further business to discuss, Supervisor Lewis moved to adjourn the meeting. Supervisor Hinty provided the second, and the meeting was adjourned at 7:14 p.m. by unanimous vote.