

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY
VIRGINIA, HELD IN THE COUNTY ADMINISTRATION BUILDING,
150 SOUTH MAIN STREET LEXINGTON, VIRGINIA,
ON MONDAY, OCTOBER 24, 2016, AT 5:30 P.M.

PRESENT: CHAIRMAN J.M.HIGGINS
MEMBERS: R.R.CAMPBELL, R.S. FORD, A.W.LEWIS, JR.
ABSENT: D.W.HINTY, JR.
CLERK TO BOARD: SPENCER H. SUTER
COUNTY ATTORNEY: VICKIE L. HUFFMAN

Call to Order

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

Supervisor Campbell delivered the invocation and led in the Pledge of Allegiance.

Recognitions/Presentations

Chairman Higgins recognized Washington and Lee University's Journalism Professor Douglas Cumming.

Professor Cumming advised that he and about 25 of his journalism students were present.

Citizens Comments

Marc Gingerelli of the Walkers Creek Magisterial District shared his continued concern with what he called an illegal puppy mill near his home. He stated that there had not been any change in the noise from his neighbor's business, other than it is colder outside, making the duration of the noise longer. He then asked why "drifters" are allowed to dictate

the lives of "law abiding citizens", and that this illegal business has been operating for 2,277 plus consecutive days.

Chairman Higgins thanked Mr. Gingerelli for his comments.

Items to be added or changed on the Agenda

Chairman Higgins pulled item number 10 from the Agenda:

"Consideration of HVAC Ranking".

Approval of October 6, 2016 and October 11, 2016 Minutes

Supervisor Ford moved to approve the October 6, 2016 and October 11, 2016 Minutes. Supervisor Campbell provided the second, and the motion carried by the following roll call vote:

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

Approval of School Appropriation Resolution

Finance Director Steven Bolster presented the School Appropriation Resolution.

Supervisor Lewis moved to approve the School Appropriation Resolution. Supervisor Ford provided the second, and the motion carried by the following roll call vote:

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

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY, VIRGINIA, HELD AT THE COUNTY ADMINISTRATIVE BUILDING, 150 SOUTH MAIN STREET, LEXINGTON, VIRGINIA, ON MONDAY, OCTOBER 24, 2016 AT 5:30 P.M.

On motion by Supervisor _____, seconded by Supervisor _____, the Board, by record vote adopted the following appropriation resolutions:

APPROPRIATION RESOLUTION

BE IT RESOLVED: By the Board of Supervisors of Rockbridge County, Virginia, that the following appropriations are, and the same hereby are made, for the period ending **June 30, 2017** in **FUND 50, SCHOOL FUND** and expended as follows:

New Grants

Title I Part A 2017

4-50-61100-1121-910-100-866	Teacher Salaries.....	\$354,368.00
4-50-61100-2100-910-100-866	FICA.....	\$27,110.00
4-50-61100-2210-910-100-866	VRS.....	\$51,972.00
4-50-61100-2300-910-100-866	Hospitalization.....	\$25,820.00
4-50-61100-2400-910-100-866	GLI.....	\$4,182.00
4-50-61100-2500-910-100-866	RHIC.....	\$3,934.00
4-50-61100-6013-910-100-866	Materials & Supplies.....	<u>\$36,584.00</u>
Subtotal		\$503,970.00

Title II Part A 2017

4-50-61100-1121-910-200-867	Teacher Salaries.....	\$68,496.00
4-50-61100-2100-910-100-867	FICA.....	\$13,242.00
4-50-61100-3160-910-100-867	Purchased Services.....	\$20,005.00
4-50-61100-5540-910-100-867	In-Service.....	<u>\$1,200.00</u>
Subtotal		\$102,943.00

Carryover Grants

Title VI Part B IDEA 611

4-50-61100-5540-910-100-000	In-Service.....	\$30,000.00
4-50-61210-3160-900-000-000	Purchased Services.....	<u>\$98,713.00</u>
Subtotal		\$128,713.00

Title II Part A

4-50-61100-6013-900-100-000	Material & Supplies.....	<u>\$37,189.00</u>
Subtotal		\$37,189.00

TOTAL FUND 50 APPROPRIATIONS **\$772,815.00**

Arcadia Special Area Project

Director of Community Development Sam Crickenberger introduced Co-President of the Rockbridge Area Conservation Council (RACC) Lee Merrill and RACC Board Member Chris Wise.

Mr. Merrill briefly reviewed the Arcadia Initiative, shown below, and requested that the Board consider support.

“The Arcadia Initiative

Conserving a landscape scale area in Virginia

The least developed, dominantly forested Virginia landscape providing a functioning connection for wildlife migration and forest ecology flow between the Allegheny and Blue Ridge Mountains is found in the southern Rockbridge and northern Botetourt. The mountain ranges are close together in this area and are connected by the Scenic James River. Most of the rapidly urbanizing I-81 corridor through Virginia hinders movement and connection of plants and animals across the Valley of Virginia and is already dissecting and adversely impacting natural habitat and ecosystems with the potential to diminish regional species' viability, genetic health, and biodiversity. However, the Arcadia area currently has relatively little human development, is heavily forested, and has been recognized as an intact ecologically rich area a number of organizations. The Virginia Natural Heritage Program identified much of this area as having high or outstanding conservation values as an ecologically sound and biologically resilient area, that hosts an impressive diversity of flora and fauna several of which are "extremely rare and critically imperiled" or "very rare and imperiled in Virginia." Recent studies by both the Nature Conservancy and the Open Space Institute have scientifically identified this area as a critical intact and ecologically resilient forested landscape in the Appalachian Mountain region. There is a large amount of this area in public ownership – local, state and federal forests and parks and many land owners in the area have placed conservation easements on their land. RACC, the Valley Conservation Council, and the Virginia Outdoors Foundation, have already worked together to establish the VOF Buffalo Creek - Purgatory Mountain Special Project Area which facilitates creation of conservation easements in this area protecting the undeveloped character of the region and its remarkable natural wildlife and cultural and historic values. The Buffalo Creek Wildlife Corridor is an ongoing RACC project with Virginia's Department of Transportation facilitating safer wildlife migration across the valley, above and underneath Interstate 81. Arcadia's unique geological features include the Natural Bridge of Virginia and nearby caverns, the James River Watergap through

the Blue Ridge at Balcony Falls, the canoe-shaped mountain ridgeline of Short Hills, and the antietam quartzite pillars of the Devil's Marblyard. Many existing recreational opportunities are found within the region, including fishing and boating on the James and Maury Rivers, hiking on the Appalachian Trail, hunting in the Short Hills Wildlife Management Area, and biking on Bike Route 76 and other nearby roads. There are three wilderness areas nearby- James River Face, Thunder Ridge and Rich Hole These wilderness areas are within the George Washington/Jefferson National Forest, which also has many other trail systems, including the Apple Orchard Falls Trail and others for horses and ATVs, and miles of mountain biking terrain. In the National Forest, there is camping at the Cave Mountain Lake Recreational Area (which also has a lake for swimming) and at Hopper Creek Campground, in addition to nearby private campgrounds. The yet- undeveloped Moore's Creek State Forest is also nearby. The Blue Ridge Parkway National Park traverses the crest of the Blue Ridge, with food and lodging at the Peaks of Otter Lodge, at milepost 86 on the Parkway. The radar dome at Apple Orchard Mountain and Apple Orchard Falls are also close to the Parkway in this area. Botetourt County's Upper James River Water Trail and scenic river designation is planned to extend downriver to Snowden in Amherst County. Conservation of wildlife and land is being incorporated as a goal within the current pending revisions to Rockbridge County's Comprehensive Plan's Land Use Chapter. As the area Counties become fully supportive of actively planning for conservation this special area, Arcadia can be successfully marketed nationally as both a popular tourism destination and a natural quality of life asset for present and future area residents. RACC began mapping, gathering data, and forming a coalition of partners willing to work together to conserve this area in 2012. Over time, these partnerships will encourage local investments through water quality improvement programs, promotion of agricultural BMP's, purchase of development rights, reforestation and riparian improvement projects, conservation easement tax credits, alternative agricultural enterprises, mitigation/forest sequestration credits, creating new agricultural/forestall districts, and increased outdoor recreation and nature-based tourism activities.”

Supervisor Lewis shared his support for this project and commended Mr. Merrill for all his work on it.

Supervisor Ford asked what funds and technical resources might be made available.

Mr. Merrill replied that the program director at DCR indicated that participating agencies could seek grant funding.

It was the consensus of the Board members present to support RACC's request to move forward with the project.

Consideration of FY 2018 Funding Priorities and Budget Schedule

Mr. Bolster briefly reviewed the Agenda Item: "As you know, the Board traditionally adopts both a budget schedule and a listing of funding priorities, prior to embarking on the annual budget process. These documents provide guidance for both staff and the Board as we work through the budget. At the Board's regular work session on September 26th, a draft budget schedule and draft listing of funding priorities were presented to the Board. Both had been adapted from prior year documents. Discussion resulted in the request that individual members submit any suggested additions or amendments to staff, for review by the finance committee and presentation of final drafts to the Board at its regularly scheduled, October 24th meeting. The Finance Committee has met 3 times during the past 6 weeks to develop the attached draft budget schedule and funding priorities. Please note the following updates:

- Budget Schedule - Staff added a Public Hearing (March 27, 2017) to consider equalizing the real estate tax rate in accordance with § 58.1-3321 of the *Code of Virginia*. Staff continues coordination of efforts to secure time and locations for the planned joint Board meetings (currently listed as TBD). Should any additional Board meetings be required, appropriate public notices will be issued.

- Funding Priorities - The draft set of funding priorities is attached. It has been sent to the full Board for review and comment. After review, Supervisor Lewis has requested consideration of the following edit for item 3 on page 2 in the draft funding priorities:

'Funding for public education coupled with associated economic development initiatives and fire and EMS services as well as follow-up on solid waste management and emergency communications (911) shall be key objectives for the fiscal year. Some programs may be determined to need and realize increased funding compared to prior years.'

Supervisor Lewis explained that he felt that the County should give added emphasis to economic development, and that support for education can make the county more attractive to site selectors for potential new businesses. He further explained that he had suggested the additional wording because public education, economic development, and fire/ems are key services that the County needs to keep focusing on - while spending on upgraded solid waste and emergency communications is already underway.

Supervisor Ford stated that the sale of the old Bowling Alley property to be discussed later in Public Hearing could generate funds to provide other incentives for economic development.

Supervisor Campbell stated that he had been at a Chamber of Commerce meeting earlier in the day and received a report from the high school regarding technical programs. He stated that those technical programs are

key for bringing in businesses, and he urged the school board to give them careful consideration.

Chairman Higgins added that the wording in the Funding Priorities is very important.

Supervisor Ford recalled that in last year's economic development workshop led by Jerry Burgess, emphasis was placed on the county's ability to respond rapidly to prospects' needs for infrastructure. Likewise, he continued, it would be useful to offer rapid responses to the educational and training needs of the employees of these prospective new businesses. He shared that he and other board members had recently spoken to Delegate Terry Austin about ways the General Assembly could offer more training funds to localities and community colleges.

It was the consensus of the Board members present to adopt the FYE 2018 Budget Schedule and amended Funding Priorities to include the language suggested by Supervisor Lewis.

Consideration of a Resolution to Designate the James River as a Scenic River

Mr. Suter briefly reviewed the Agenda Item: "At the Board's regular meetings on August 9 and October 11, the Board received presentations on the Virginia Scenic River program and request for consideration of inclusion of the Rockbridge County section of the James River. After on site review and subsequent study, the Virginia Department of Conservation and Recreation (DCR) has determined that the Rockbridge section of the

James River meets the criteria required to be a Virginia Scenic River. For informational purposes, I have again included a link to the Virginia Scenic River program and a map of the Rockbridge section of the river:

<http://www.dcr.virginia.gov/recreational-planning/srmain>

"It should also be noted that DCR and the localities along the entire upper James, from the confluence of the Jackson and Cowpasture Rivers in Botetourt County to the Snowden dam in Bedford and Amherst Counties, are considering similar action. The next step in the process would be for the Board to adopt a resolution supporting designation of our section of the James as a Virginia Scenic River, and ask our General Assembly representatives to carry forward the required legislation." He then presented a resolution for approval.

Supervisor Lewis shared his excitement for this project and recommended approval of the resolution shown below and authorization for the County Administrator to send the resolution and a letter to the General Assembly representatives requesting that they submit and support necessary legislation in the upcoming legislative session. Supervisor Ford provided the second, and the motion carried by the following roll call vote:

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

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY,
VIRGINIA, HELD AT THE ROCKBRIDGE COUNTY ADMINISTRATIVE OFFICES ON MONDAY,
OCTOBER 24, 2016

Resolution to Request a Portion of the
James River be Designated as a Scenic River

WHEREAS, the Virginia Scenic Rivers Program was enacted by the Virginia General Assembly in 1970 for the purpose of identification and preservation of certain rivers, or sections of rivers, which possess high quality natural beauty; and,

WHEREAS, the Virginia Department of Conservation and Recreation has been charged with administering the Scenic Rivers Program and developing an objective evaluation process to judge the suitability of river segments; and,

WHEREAS, staff from the Virginia Department of Conservation and Recreation visited the James River and evaluate its eligibility for Scenic River designation; and,

WHEREAS, the Virginia Department of Conservation and Recreation completed its evaluation and determined that the portion of the James River under review in Rockbridge County was found to qualify as a Virginia Scenic River; and,

WHEREAS, the Virginia Board of Conservation and Recreation supports the endorsement for designation as a Scenic River of a portion of the James River.

THEREFORE, BE IT RESOLVED that the Rockbridge County Board of Supervisors does hereby support the designation of the portion of the James River which flows through Rockbridge County as Virginia Scenic River; and,

BE IT FURTHER RESOLVED that the Rockbridge County Board of Supervisors hereby requests that our General Assembly representatives serve as patrons for the legislation that will codify the Scenic River designation.

Adopted that 24th day of October, 2016.

Appointments

Fire and Rescue Commission

Supervisor Campbell moved to appoint Fire Chief Nathan Ramsey to the Fire and Rescue Commission in the place of County Administrator Spencer Suter. Supervisor Lewis provided the second, and the motion carried by the following roll call vote:

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

Regional Fair Board

Supervisor Campbell moved to appoint Supervisor Lewis to the Regional Fair Board. Supervisor Ford provided the second, and the motion carried by the following roll call vote:

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

Chairman Higgins reminded those present that the Board, at a recent meeting, approved investing up to \$25,000 in the Regional Fair.

Public Hearings

Chairman Higgins reversed items (14), Conveyance Ordinance- Former Bowling Alley Building to Mountain View Brewery, LLC and (15), Devil's Backbone Brewing Company- Amendments to the Special Exception Permit for bottling/warehousing in B-1.

Zoning Ordinance Amendment- Setbacks in B-1

Community Development Director Sam Crickenberger briefly reviewed the Agenda Item: " The Planning Commission has recommended an amendment to Sections 605.03-5, 7, and 12 of the Land Development Regulations, to reduce the additional setback requirement from residential zones imposed on these particular uses to 20 feet, as consistent with other uses listed by special exception in the General Business District. The current setbacks appear inconsistent with other similar uses in the same district and were established back in the 1970's, prior to the adoption of our landscaping and lighting regulations. The typical required setback between these two districts is 20 feet. The landscape regulations require a 20 foot landscape buffer unless access or parking is planned for that area; then it becomes a 10 foot buffer between the access or parking area and the property line. The public hearing notice included activities listed in Sections 605.02-18 and -27, but since these are permitted uses in the Business District and are not subject to additional review, they felt these uses were intensive enough to keep the extra setback from residential districts in place."

Chairman Higgins opened the Public Hearing at 6:04 p.m. There were no public comments. Chairman Higgins closed the Public Hearing.

Supervisor Campbell moved to adopt the Ordinance below. Supervisor Ford provided the second, and the motion carried by the following roll call vote:

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

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY, VIRGINIA, HELD AT THE ROCKBRIDGE COUNTY ADMINISTRATIVE OFFICES ON MONDAY, OCTOBER 24, 2016

Ordinance to Amend Article 6 – Uses in Districts of the County of Rockbridge Land Development Regulations to Amend Sections 605.03-5, 605.03-7 and 605.03-12 to Reduce the Additional Setback Requirement from Residential Zones Imposed on these Particular Uses to Twenty Feet as Consisted with Other Uses Listed in the General Business District

WHEREAS, the Rockbridge County Planning Commission held a public hearing on this amendment to the Land Development Regulations on October 12, 2016, and recommended approval to the Board; and,

WHEREAS, the Rockbridge County Board of Supervisors held a public hearing on this amendment on October 24, 2016; 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 605.00 – General Business District B-1, of Article 6 – Uses in Districts of the Rockbridge County Land Development Regulations be amended and reenacted as follows:

**ARTICLE 6
USES IN DISTRICTS**

605.00 GENERAL BUSINESS DISTRICT B-1

605.01 Statement of Intent. Generally, this District covers that portion of the County intended for the conduct of general business to which the public requires direct and frequent access, but which is not characterized either by constant heavy trucking other than stocking and delivery of light retail goods, or by any nuisance factors other than occasioned by incidental light and noise of congregation of people and passenger vehicles. This includes such uses as retail stores, banks, theaters, business offices, newspaper offices, printing presses, restaurants and taverns, and garages and service stations. It is the intent of this Article that no private dump or landfill be allowed in the B-I General Business District.

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

605.03-5 Beverage manufacturing, bottling or distribution stations and food processing, packaging, or distribution stations.

605.03-7 Drive-in theaters provided that the screen shall be located as not to be visible from adjacent streets or highways and it shall be set back not less than two hundred (200) feet from the established right-of-way of said street or highway.

605.03-12 Wholesale business, storage or warehouse.

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

Adopted this _____ day of October, 2016.

Devil's Backbone Brewing Company (DBBC)- Amendments to Special Exception Permit for bottling/warehousing in B-1

Mr. Crickenberger briefly reviewed the Agenda Item: "DBBC is operating in a Business zone per Section 605.03-5 of the regulations and has applied for a special exception permit to expand their operation onto the former bowling alley property per the enclosed plans, with the intention of purchasing that property from the County. They plan to demolish the 22,000 square foot building and build a 53,000 square foot facility for bottling, canning and packaging for distribution. They will also expand at their current location in order to increase production, and they plan to pipe the beer above ground to the new facility below. DBBC will be making a significant investment in this project and will also be increasing employment opportunities. The Planning Commission has recommended approval of the special exception permit."

Josh West of DB explained that they plan to reconfigure their existing operation for bottling and storage. He stated that, currently, there are around 50 employees, and that this expansion will allow for hiring a 3rd shift for the packaging operations, and for adding warehouse personnel.

Chairman Higgins opened the public hearing at 6:11 p.m.

Neighboring property owner John Fix shared his concern about the additional traffic, stating that during the Planning Commission meeting, it was mentioned that some 80 tractor trailers would be back and forth weekly. He also shared his concern about the noise that could carry through the hillside, as the facility is on the very top of the hill.

Mr. Crickenberger agreed that there would certainly be more truck traffic coming from Route 11, which is made for that sort of traffic, and that there were wooded buffers between the business and surrounding homes.

Chairman Higgins closed the Public Hearing at 6:14 p.m.

Supervisor Campbell moved to adopt the Ordinance below. Supervisor Ford provided the second, and the motion carried by the following roll call vote:

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

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY, VIRGINIA, HELD AT THE ROCKBRIDGE COUNTY ADMINISTRATION CENTER ON MONDAY, OCTOBER 24, 2016

Ordinance Amending and Granting a Special Exception Permit to Devil's Backbone Brewing Company on Property Owned by Mountain View Brewery for an Expanded Operation at Their Current Location Along the West Side of North Lee Highway Approximately .43 Miles North of Lincoln Road, in the General Business District (B-1), Located at 50 Northwind Lane, Lexington, Virginia, and Identified as Tax Map #62-14-B in the Walker's Creek Magisterial District; and to Expand Their Business onto the Former Bowling Alley Property in the General Business District (B-1), Located at 98 Northwind Lane, Lexington, Virginia and Identified as Tax Map #62-14-A1 in the Walker's Creek Magisterial District

WHEREAS, by Ordinance adopted on February 14, 2011, the Board of Supervisors granted and approved a special exception permit, without conditions, to Mountain View Brewery, LLC, to allow operation of beverage manufacturing, bottling and distribution in the

General Business District (B-1) on a parcel of land along the west side of North Lee Highway and the north side of Northwind Lane, approximately .43 mile north of Lincoln Road, in the Walkers Creek Magisterial District of Rockbridge County, Virginia, identified upon the Rockbridge County Land Records as Tax Map No. 62-14-B, consisting of 12.08 acres, more or less, designated as “TRACT C – 12.08 ACRES” on a plat of record in Plat Cabinet 1, Slide 228; and,

WHEREAS, Rockbridge County, Virginia, is the owner of a parcel of land located on the northwest side of Route 11 North, at the end of Northwind Lane in the Walker’s Creek Magisterial District, identified on the Rockbridge County Land Records as Tax Map No. 62-14-A1, consisting of 3.08 acres, more or less, and designated as “Tract B” on the aforesaid plat, proposed to be acquired by Mountain View Brewery, LLC, for expansion of operations; and,

WHEREAS, both of the above-described parcels of land are in the General Business District (B-1) zoning classification; and,

WHEREAS, Devil’s Backbone Brewing Company, as operator of the craft brewing business on the property, has filed applications for a special exception permit for an expanded operation at their current location on the property identified on the Rockbridge County Land Records as Tax Map #62-14-B, and to expand their operation onto the former Bowling Alley property identified on the Rockbridge County Land Records as Tax Map #62-14-A1; and,

WHEREAS, the Planning Commission held a public hearing on the applications on October 12, 2016, and recommended approval without conditions; and,

WHEREAS, the Board of Supervisors of Rockbridge County, Virginia, held a public hearing on this matter on October 24, 2016; and,

WHEREAS, legal notice and advertisement has been provided as required by law; and,

WHEREAS, the Board of Supervisors has given due consideration to the factors set forth in Section 802.03-5 of the Rockbridge County Land Regulations, for issuance of a special exception permit.

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 Devil's Backbone Brewing Company, on the property owned by Mountain View Brewery, LLC, identified on the Rockbridge County Land Records as Tax Map #62-14-B, and the granting of a special exception permit to Devil's Backbone Brewing Company on the property proposed to be acquired from the County of Rockbridge, Virginia, known as the former Bowling Alley property, and identified on the Rockbridge County Land Records as Tax Map #62-14-A1, both properties being located in the Walker's Creek Magisterial District of Rockbridge County, Virginia, for expansion of the craft brewing operations, is substantially in accord with the Comprehensive Plan of the County adopted pursuant to the provisions of Section 15.2-2232 of the Code of Virginia (1950, as amended), and said special exception permit is hereby granted and approved, without conditions, pursuant to Section 605.03-5 of the Rockbridge County Land Development Regulations.

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

Adopted this ____ day of October, 2016.

**Conveyance Ordinance- Former Bowling Alley Building to Mountain View
Brewery, LLC**

Mr. Suter briefly reviewed the Agenda Item: "The County has received an offer from Mountain View Brewery, LLC (doing business as Devil's Backbone Brewery), to purchase the old bowling alley building and the surrounding 3.08 acres at the price of \$575,000. The basis for the offer was a real estate appraisal completed by Myers and Woods Appraisal Company LLC, dated September 20, 2016. Mountain View Brewery plans to remove the existing building and construct a new, 53,000 square foot bottling facility. The existing bottling facility, located at the crest of the hill beside the brewery, will be converted to additional production space. The product will be piped down the hill to the new building for bottling and packaging. The planned expansion would nearly quadruple production capacity. A copy of the proposed expansion plan is included in the attached application for an amended special exception permit. Mountain View Brewery plans to invest \$15 million in the overall production and bottling facilities over the next thirty six months, and improve the existing road into the facility. The number of new jobs created has not been disclosed. However, the company has far exceeded original hiring estimates: 10 full time positions were originally expected within 3 years; the facility currently employs 50. At the Board's direction, staff advertised a public hearing regarding the planned disposition of the property in the October 12 and October 19 editions of the 'News Gazette'. Devil's Backbone General Manager Josh West and Project Engineer Russ Orrison will be in attendance at Monday's meeting to provide the Board with additional details and answer any questions you may have."

Supervisor Ford asked if the proceeds from the selling of the property could be put in an escrow account to be used for economic development.

Mr. Suter replied that the funds could be put into a restricted account.

Supervisor Lewis suggested that the proceeds from the sale go into an account that mimics where the Economic Development Authority puts theirs.

County Attorney Vickie Huffman advised that the Board could designate where the proceeds should go either during this meeting or during the budget process.

It was consensus by the Board members present to discuss the funds during the budget process.

Chairman Higgins opened the Public Hearing at 6:19 p.m. There were no public comments. Chairman Higgins closed the public hearing.

Supervisor Lewis moved to adopt the ordinance. Supervisor Ford provided the second, and the motion carried by the following roll call vote:

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

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY, VIRGINIA, HELD AT THE ROCKBRIDGE COUNTY ADMINISTRATIVE OFFICES ON MONDAY, OCTOBER 24, 2016

Ordinance Authorizing and Approving Sale and Conveyance of a Parcel of Land at the End of Northwind Lane, Being 3.08 Acres of Property and Including the Former Bowling Alley Building, Identified as Tax Parcel No. 62-14-A1, Located in the Walkers Creek Magisterial District of Rockbridge County, to Mountain View Brewery LLC

WHEREAS, Rockbridge County, Virginia, is the owner of a parcel of land located on the northwest side of Route 11 North, consisting of 3.08 acres, more or less, and designated as "Tract B" on a plat recorded in the Clerk's Office of the Circuit Court of Rockbridge County in Plat Cabinet 1, Slide 228, said parcel being zoned for business use with a 23,000 square-foot structure, identified on the Rockbridge County Land Records as Tax Map No. 62-14-A1; and,

WHEREAS, said property was originally acquired in a property exchange for potential location of public buildings and/or for economic development purposes; and,

WHEREAS, the property is not required for County or public purposes, and is being offered for sale to allow expansion of an existing business for economic development purposes; and,

WHEREAS, Mountain View Brewery, LLC, doing business as Devil's Backbone Brewing Company, has presented an acceptable offer of \$575,000.00 for the property; and,

WHEREAS, the conveyance of an interest in real estate requires the adoption of an Ordinance, following notice and public hearing, which has been held on October 24, 2016.

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

1. That sale of the property, including the former bowling alley building, located on at the end of Northwind Lane in the Walkers Creek Magisterial District of Rockbridge County, Virginia, being 3.08 acres, more or less, designated as "Tract B" on a plat recorded in the Clerk's Office of the Circuit Court of Rockbridge County in Plat Cabinet 1, Slide 228, and identified on the Rockbridge County Land Records as Tax Map No. 62-14-A1, together with the right of ingress and egress along Northwind Lane to and from U. S. Route 11 shown as "50' R/W – 1.26 ACRES" on said plat, for the sum of \$575,000.00 to Mountain View Brewery, LLC, is hereby authorized and approved.

2. That the County Administrator is hereby authorized to execute the purchase and sale agreement and the deed, and to execute such other documents and take such further actions, on behalf

of the Board of Supervisors of the County of Rockbridge as are necessary to accomplish this transaction, all of which shall be upon form and subject to the conditions approved by the County Attorney.

3. That the funds generated by the sale of this property shall be placed in the General Fund of the County.

4. That this ordinance shall be effective upon the date of its adoption.

Adopted this ____ day of October, 2016.

Pine View Builders- Conditionally rezone from A-T/A-2 to B-1

Assistant Director of Community Development Chris Slaydon briefly reviewed the Agenda Item: "Bo Waddell, Pine View Builders, has applied to conditionally rezone the Edwards property to General Business (B-1) to display their outside storage sheds for sale. The current tenant, Extreme Design Landscaping, will be vacating the property in October. This use would only be allowed in a business district, but Pine View does not require public infrastructure to support it. They would have a small sales office and use a port-a-john, as did Extreme Design. The proffer associated with this conditional rezoning is to only allow the uses described under Section 605.02-5 of the Regulations as follows: *Retail business or service establishments such as grocery, fruit, or vegetable stores, drug stores, barber and beauty and other personal service shops, hardware stores, clothing stores, liquor stores, florists, and food lockers.* The Planning Commission has recommended approval of the conditional rezoning and acceptance of the proffer." Mr. Slaydon showed an aerial view of the property via PowerPoint. He then introduced applicant

and property owner Butch Edwards, Jr., Pine View representative Bo Waddell, and property realtor Charlie Hileman.

Mr. Waddell shared that his plan is to place approximately 20 outside storage shed buildings on Mr. Edwards' property through a lease if approved. He stated that there was one concern during the Planning Commission in which a recommendation was made to conceal the portable restroom. He also stated that there was a concern from a neighbor about lighting, and clarified that there would be no lighting except for the office light.

Supervisor Lewis asked if the portable restroom issue was added as a Proffer Amendment.

Mr. Slaydon stated that it could be taken care of without adding it as a Condition.

Mr. Crickenberger stated that it would be challenging to add this as a Condition at this point.

Chairman Higgins shared his opinion that this is a perfect opportunity to utilize the property the way it is proposed, as there is difficulty in hooking up to water and sewer there.

Chairman Higgins opened the Public Hearing at 6:27 p.m.

Lee Merrill of the Kerrs Creek Magisterial District asked if this property was in the Tourism Corridor Overlay District.

Mr. Slaydon replied that it is so located.

Chairman Higgins closed the Public Hearing at 6:27 p.m.

Supervisor Ford asked Mr. Slaydon if the site plan protected the current use of the Goodwill storage building.

Mr. Slaydon replied that Goodwill's use is protected.

Supervisor Ford moved to adopt the ordinance. Supervisor Campbell provided the second, and the motion carried by the following roll call vote:

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

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY,
VIRGINIA, HELD AT THE ROCKBRIDGE COUNTY ADMINISTRATIVE
OFFICES ON MONDAY, OCTOBER 24, 2016

ORDINANCE TO CHANGE THE ZONING CLASSIFICATION FROM AGRICULTURAL TRANSITIONAL DISTRICT (A-T) AND AGRICULTURAL AND GENERAL USES DISTRICT (A-2) TO GENERAL BUSINESS DISTRICT (B-1), WITH PROFFERED CONDITIONS, OF A 10.01-ACRE PARCEL OF LAND (TAX MAP NO. 75-A-2) OWNED BY W.F. (BUTCH) EDWARDS, JR., LOCATED ALONG THE WEST SIDE OF SOUTH LEE HIGHWAY AT THE LEXINGTON CITY LIMITS IN THE BUFFALO MAGISTERIAL DISTRICT

WHEREAS, the Rockbridge County Planning Commission held a public hearing on this matter on October 12, 2016, and recommended to the Board of Supervisors that the proposed zoning classification amendment, with acceptance of proffered conditions, be adopted; and,

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

WHEREAS, the Board of Supervisors held a public hearing on this matter on October 24, 2016; and,

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

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

1. That the zoning classification of a 10.01-acre parcel of real estate, identified upon the Rockbridge County Land Records as Tax Map #75-A-2, located along the west side of South Lee Highway at the Lexington City limits, is hereby changed from Agricultural Transitional District (A-T) and Agricultural and General Uses District (A-2) to General Business District (B-1), with and subject to the conditions voluntarily proffered in writing by the applicant, Pine View Buildings, LLC, as set forth on Exhibit A attached hereto and incorporated herein, and which the Board of Supervisors of Rockbridge County hereby accepts.

2. That this action is taken upon the application of Pine View Buildings, LLC.

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

Adopted that 24th day of October, 2016.

EXHIBIT A

**Proffered Conditions Associated
With the Pine View Buildings Conditional Rezoning**

1. Agree to develop the project in substantial compliance with the concept plan presented and prepared by Pine View Buildings.
2. Uses of the property will be limited to those allowed under Section 605.02-5 of the Land Development Regulations.

Continued Meeting

Supervisor Lewis moved to continue the meeting until Thursday, October 27, 2016 at 5:00 p.m. in the Mezzanine at the Virginia Horse Center, for a discussion on the Virginia Horse Center's capital improvements and potential debt refinancing. This meeting would be a joint meeting with the Board of Supervisors, Lexington City Council, Lexington Industrial Development Authority, and the Rockbridge Economic Development Authority. Supervisor Ford provided the second, and the motion carried by the following roll call vote:

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