

The regular meeting of the Botetourt County Board of Supervisors was held on Tuesday, November 27, 2018, in Rooms 226-228 of the Greenfield Education and Training Center in Daleville, Virginia, beginning at 12:30 P. M.

PRESENT: Members: Mr. L. W. Leffel, Jr., Chairman  
 Dr. Donald M. Scothorn, Vice-Chairman  
 Mr. Steve Clinton  
 Mr. I. Ray Sloan  
 Mr. Billy W. Martin, Sr.

ABSENT: Members: None

Others present at the meeting:

Mr. Michael W. S. Lockaby, County Attorney  
 Mr. David V. Moorman, Deputy County Administrator  
 Mr. Gary Larrowe, County Administrator (left at 2:00 PM)

The Chairman called the meeting to order at 12:30 P. M.

On motion by Mr. Leffel, seconded by Dr. Scothorn, and carried by the following recorded vote, the Board went into Closed Session to discuss personnel issues; consideration of the acquisition of property for public purposes or the disposition of publicly held real estate in the Amsterdam, Buchanan, and Valley Districts where discussion in open session would adversely affect negotiations; discussion concerning a prospective business or industry or the expansion of an existing business or industry in the Amsterdam, Blue Ridge and Valley Districts where no previous announcement has been made of the business or industry's interest in locating or expanding its facilities in the County; and consultation with legal counsel regarding a personnel-related lawsuit where such consultations in an open meeting would adversely affect the negotiating or litigating posture of the County pursuant to Section 2.2-3711(A) (1), (3), (5), (7), and (8) of the Code of Virginia, 1950, as amended. (Resolution Number 18-11-01)

AYES: Mr. Leffel, Mr. Clinton, Mr. Martin, Dr. Scothorn, Mr. Sloan

NAYS: None

ABSENT: None

ABSTAINING: None

The Chairman called the meeting back to order at 2:05 P. M.

On motion by Mr. Leffel, seconded by Dr. Scothorn, and carried by the following recorded vote, the Board returned to regular session from Closed Session and adopted the following resolution by roll-call vote. (Resolution Number 18-11-02)

AYES: Mr. Leffel, Mr. Sloan, Mr. Clinton, Dr. Scothorn, Mr. Martin

NAYS: None

ABSENT: None

ABSTAINING: None

**BE IT RESOLVED**, that to the best of the Board members' knowledge only public business matters lawfully exempt from open meeting requirements and only such matters as were identified in the motion to go into Closed Session were heard, discussed or considered during the Closed Session.

Mr. Leffel welcomed everyone to the meeting and asked for a moment of silence.

Mr. Martin then led the group in reciting the pledge of allegiance.

Mr. Jim Jones, Manager of the Natural Bridge State Park, and Mr. Craig Campbell, Treasurer of the Friends of Natural Bridge State Park, were then present to speak to the Board.

Mr. Campbell stated that Natural Bridge is one of the State's top five parks; however, they are having issues with staffing and funding. He noted that the State park system has not reached their funding benchmarks since the 1990s.

Mr. Campbell stated that the Natural Bridge State Park requires four additional staff members. He noted that they are the only State Park that depends on locally-generated funds to operate and an effort is needed to have this changed by the Virginia General Assembly. He noted that they are also working to develop a business and government partnership for the Natural Bridge State Park.

He noted that there is a local economic impact of \$13 for every \$1 budgeted for State parks which is a 1200% return on investment. He noted that the parks provide a family-oriented experience.

Mr. Martin stated that he appreciated Mr. Campbell and Mr. Jones sharing this information with the Board.

Mr. Jones stated that there are million dollar needs for the Park being proposed in the upcoming General Assembly session. He noted that they are a \$2 million/year revenue generating operation and have \$1.6 million in operating costs; however, they are required to pay the outstanding debt on the State's purchase of this property in 2016.

Mr. Jones noted that Natural Bridge State Park opened in 2016 after being privately owned for over 200 years. He noted that the Park opened with two staff members and currently have 4 employees; however, additional help is needed and there are ongoing property upkeep and maintenance expenses.

After questioning by Mr. Clinton, Mr. Jones stated that when the Virginia Conservation Legacy Fund purchased the property in 2015, there were no State budget funds available to pay for the staff positions. He noted that a Memorandum of Understanding was created between the Legacy Fund and the State that required the Natural Bridge State Park to be responsible for generating the revenues to fund the employees' salaries.

After further questioning by Mr. Clinton, Mr. Jones stated that their revenues are generated from the sale of merchandise and additional fees; however, they are currently \$18,000 short for this fiscal year. Mr. Jones noted that their attendance is down approximately 10% compared to last year and he believes it is due to this year's wet weather.

After further questioning by Mr. Clinton, Mr. Jones stated that when the park was privately owned the entrance fee was \$20 per person and when the State took ownership the fee was reduced to \$8 per person. He noted that the number of visitors increased, especially from the Interstate traffic, when the property officially became a State Park in 2016.

Mr. Jones stated that Natural Bridge has been a crossroads for visitors for over 200 years.

After questioning, Mr. Jones noted that the State took ownership of this park on September 24, 2016.

There being no further discussion, the Board thanked Mr. Campbell and Mr. Jones for their presentation.

A public hearing was then held on a retroactive appropriation of \$6.5 million for the School's energy performance project. Mr. Tony Zerrilla, Director of Finance, stated that due to the need to improve the energy-efficiency of school facilities, a School Energy Performance Project was initiated between the School System and Johnson Controls to finance equipment

and capital improvements. He noted that financing for this project was done through a bond purchase and lease acquisition agreement with Banc of America and then the Virginia Resources Authority was then utilized to handle the project’s permanent financing (15 years).

Mr. Zerrilla stated that in discussions the auditors have recommended that a retroactive appropriation of the project’s proceeds be considered by the Board of Supervisors. He noted that the State Code requires that a public hearing be held on any proposed budget amendment exceeding 1% of the total approved budget amount.

Mr. Martin then stated that he did not believe that the \$6.5 million was actually the County’s money but the County would need to approve an appropriation according to the auditor. He noted that Johnson Controls will repay the County from the savings received from the energy performance improvements so the County “does not lose anything” by taking this action.

Mr. Zerrilla stated that the contractual agreement for this project is between the School System and Johnson Controls. He noted that the company has guaranteed a certain amount of energy savings from their building/facility improvements and, if these savings are less than the associated net debt service payments, Johnson Controls will reimburse the difference to the School System.

After questioning by Mr. Clinton, Mr. Zerrilla stated that \$6.5 million appropriation is the debt service amount along with interest.

Mr. Zerrilla asked that the Board open the public hearing and allow any citizens present to speak and then approve the FY 18 budget amendment and an appropriation to the School Capital Lease Fund in the amount of \$6,512,144.33.

After questioning by Mr. Leffel, it was noted that there was no one present to speak regarding this matter. The public hearing was then closed.

On motion by Mr. Martin, seconded by Mr. Leffel, and carried by the following recorded vote, the Board approved an amendment to the 2017-2018 Botetourt County budget and approved an appropriation to the School Capital Lease Fund (Fund 304) in the amount of \$6,512,144.33 for the School system’s energy performance project. (Resolution Number 18-11-03)

AYES: Mr. Clinton, Mr. Sloan, Mr. Martin, Mr. Leffel, Dr. Scothorn  
NAYS: None  
ABSENT: None ABSTAINING: None

It was noted that there was no one present to speak during the public comment period.

On motion by Mr. Sloan, seconded by Dr. Scothorn, and carried by the following recorded vote, the Board approved the following consent agenda items: (Resolution Number 18-11-04)

AYES: Mr. Clinton, Mr. Sloan, Mr. Martin, Mr. Leffel, Dr. Scothorn  
NAYS: None  
ABSENT: None ABSTAINING: None

Approval of minutes of the regular meeting held on October 23, 2018, and  
Acceptance of donation of lease of a Humvee to the Department of Fire and EMS.

Consideration was then held on approval of additional appropriations. Mr. Tony Zerrilla, Director of Finance, stated that there were six pass-through appropriations for the Board’s con-

sideration. He noted that these were for insurance claim funds, miscellaneous receipts, expenditure reimbursements, and grant funds.

On motion by Dr. Scothorn, seconded by Mr. Martin, and carried by the following recorded vote, the Board approved the following additional appropriations. (Resolution Number 18-11-05)

AYES: Mr. Clinton, Mr. Sloan, Mr. Martin, Mr. Leffel, Dr. Scothorn

NAYS: None

ABSENT: None

ABSTAINING: None

Additional appropriation in the amount of \$6,164.50 to Fire & EMS – Fire Insurance, 100-4035500-35500-5302. These are insurance funds received for a claim for damages to fire apparatus.

Additional appropriation in the amount of \$150.00 to Fire & EMS – Instruction & Training, 100-4035500-35500-3180. These are student books and testing fees to offset costs for courses taught by County personnel.

Additional appropriation in the amount of \$3,043.62 to the following Correction & Detention Department accounts: \$2,967.65 to Medical & Lab Supplies, 100-4033100-33100-6004; and \$75.97 to Uniforms, 100-4033100-33100-6011. These funds are from the receipt of expenditure reimbursements.

Additional appropriation in the amount of \$1,478.96 to the following Sheriff's Department accounts: \$196.00 to Uniforms, 100-4031200-31200-6011; \$1,239.12 to Overtime, 100-4031200-31200-1200; and \$43.84 to FICA, 100-4031200-31200-2100. The former represents contract reimbursements and the latter two items are reimbursements for providing security services.

Additional appropriation in the amount of \$250.00 to Sheriff's Department - Convention & Education, 100-4031200-31200-5540. These are funds received for a cancelled convention.

Additional appropriation in the amount of \$3,213.03 to Sheriff's Department – DMV Salaries, 100-4031200-31200-1800. These are DMV grant funds received from the State relating to alcohol education and speed enforcement.

Consideration was then held on approval of the Accounts Payable and ratification of the Short Accounts Payable List. Mr. Tony Zerrilla, Director of Finance, stated that this month's accounts payable totaled \$1,089,193.24. He noted that this month's large expenditures included \$200,000 to the Economic Development Authority for road improvements made by Altec Industries as per their performance agreement; \$28,380 to the Roanoke Valley Juvenile Detention Center for monthly County-related expenditures; \$35,000 to Virginia Western Community College for the County's portion of the Community College Access Program (CCAP), and \$45,490 to Southern Software for the E-summons program.

There being no discussion, on motion by Mr. Martin, seconded by Mr. Leffel, and carried by the following recorded vote, the Board approved the Accounts Payable list and ratified the Short Accounts Payable List as submitted. (Resolution Number 18-11-06)

AYES: Mr. Clinton, Mr. Sloan, Mr. Martin, Mr. Leffel, Dr. Scothorn

NAYS: None

ABSENT: None

ABSTAINING: None

Consideration was then held on Amendment Number 2 to the County Waste franchise agreements. Mr. Michael Lockaby, County Attorney, stated that this is a second amendment to

the County's agreement with County Waste of Southwest Virginia, LLC, for solid waste disposal services.

He noted that, under the Public-Private Education Act, the County contracted with County Waste to operate the landfill and to allow them to bring in out-of-County waste to that facility. He further noted that County Waste also has trash collection franchise agreements with the County for Class 1 (residential) and Class 2 (larger scale collection) service areas and these agreements need to be amended to allow County Waste to bring in out-of-County waste into the landfill.

There being no further discussion, on motion by Dr. Scothorn, seconded by Mr. Leffel, and carried by the following recorded vote, the Board adopted Amendment Number 2 to County Waste of Southwest Virginia's solid waste franchise agreements to allow out-of-county waste to be brought to the County landfill and authorized the County Administrator to sign this amendment on the County's behalf. (Resolution Number 18-11-07)

AYES: Mr. Clinton, Mr. Sloan, Mr. Martin, Mr. Leffel, Dr. Scothorn

NAYS: None

ABSENT: None

ABSTAINING: None

After discussion, on motion by Mr. Sloan, seconded by Dr. Scothorn, and carried by the following recorded vote, the Board tabled consideration of the lease agreement with the Bank of Botetourt for use of property in the Town of Buchanan by the 4-H Shooting Club until the December Board meeting. (Resolution Number 18-11-08)

AYES: Mr. Clinton, Mr. Sloan, Mr. Martin, Mr. Leffel, Dr. Scothorn

NAYS: None

ABSENT: None

ABSTAINING: None

On motion by Mr. Leffel, seconded by Mr. Martin, and carried by the following recorded vote, the Board reappointed Dr. Carole Geiger as the County's representative on the Blue Ridge Behavioral Healthcare Board of Directors for a three year term which expires on December 31, 2021. (Resolution Number 18-11-09)

AYES: Mr. Clinton, Mr. Sloan, Mr. Martin, Mr. Leffel, Dr. Scothorn

NAYS: None

ABSENT: None

ABSTAINING: None

On motion by Mr. Leffel, seconded by Mr. Martin, and carried by the following recorded vote, the Board ratified the reappointment of Col. Bobby Russell as an at-large representative on the Blue Ridge Behavioral Healthcare Board of Directors for a three year term to expire on December 31, 2021. (Resolution Number 18-11-10)

AYES: Mr. Clinton, Mr. Sloan, Mr. Martin, Mr. Leffel, Dr. Scothorn

NAYS: None

ABSENT: None

ABSTAINING: None

Mr. Ray Varney, Resident Engineer with the Virginia Department of Transportation, was then present to speak to the Board.

Mr. Varney then introduced Mr. Craig Moore as VDoT's new Assistant Resident Engineer. He noted that Mr. Moore will be overseeing projects in Botetourt County and will be available to assist the County staff and Board with highway-related items.

He then reviewed the monthly report. He stated that the Route 220 project between Eagle Rock and Iron Gate is proceeding. Mr. Varney noted that Mr. Moore was responsible for this project in his previous VDoT position and is very knowledgeable on the project's details.

Mr. Varney stated that the Route 11 bridge projects in Cloverdale/Hollins are on schedule, work on the Phoenix Bridge upgrade/renovation project on Ballpark Road will begin in April, a deck overlay project on the I-81 bridges that cross U. S. Route 220 in Daleville is scheduled to be advertised next week, and paving work is ongoing on Read Mountain Road and should be completed by the first or middle of December.

Mr. Varney further stated VDoT has reviewed the Colonial Elementary School site's grading plan and the LARE, Inc., land development project and have issued 9 entrance, special event, utility, etc., permits in the past month. Regarding various traffic engineering studies, Mr. Varney stated that the Route 220 corridor study is still ongoing and the Azalea Road traffic study has been completed and a letter sent to the County with VDoT's results/options. He noted that the study indicated that drivers on Azalea Road are adhering to the posted speed limit and cut-through traffic from Route 779 to Route 220 does not meet VDoT's warrants/requirements for improvements. Mr. Varney noted that the cut-through traffic has to consist of a minimum of 150 vehicles per hour (vph) in any one direction. He stated that the maximum number of vehicles traveling in any one direction on Azalea Road during the study was 82 with 17% of that traffic volume being cut-through.

Mr. Varney stated that, based on the study's results, VDoT cannot make any improvements to the roadway; however, the Board may choose to fund some improvements such as increasing the size of the speed limit signs, installing pole-mounted speed display signs, or constructing a mini-roundabout at either Belmar Lane or Camelia Drive.

Mr. Varney further stated that he is willing to meet with the neighborhood residents to discuss the study's results.

Mr. Varney then stated that the guardrail installation on Mountain Pass Road has been delayed and he is unsure when this work will begin as the contractor has been delayed on a previous job.

After questioning by Mr. Martin, Mr. Varney stated that guardrail is relatively inexpensive per foot but there is additional site work required for the guardrail's end treatments which is expensive to purchase and to complete to ensure public safety.

Mr. Varney then noted that the grass island on Ridgewood Drive has been removed. He further noted that pavement and drainage work in Hunter's Green Subdivision began last week and VDoT is prepping various roadways for paving next year.

He then requested that a meeting be scheduled with VDoT and County staff and a Board member to discuss the Route 11/Simmons Road intersection turn lane improvements. Regarding the Route 43/Shiloh Drive site distance improvements, Mr. Varney stated that VDoT cannot proceed with these improvements without the impacted property owner's approval of an agreement to allow VDoT to maintain the cut-back area in the future.

Mr. Varney noted that repairs to storm-related erosion problems on Sanderson Drive has been included on their priority work list. He noted that they will repair the road's shoulder area and install riprap.

Regarding Mr. Martin's previous discussions pertaining to the protected left-turn signal for U. S. Route 460 eastbound traffic turning onto Laymantown Road, Mr. Varney stated that they have reviewed this issue and the signal currently has a protected left-turn signal and a

permissive left-turn signal. He noted that VDOT recommends that the permissive left-turn signal remain and drivers will also have the option to wait for the protected left-turn signal, if they prefer. Mr. Varney noted that constructing a dedicated right-turn lane from Route 460 westbound onto Laymantown Road is another issue due to the adjacent creek.

Mr. Martin noted that his concern was that school buses would have to make a right turn onto Laymantown Road from the Route 460 westbound through lane. He further noted that the Blue Ridge Fire and Rescue units and the area's citizens also have safety concerns about this intersection.

Mr. Varney stated that having a dedicated right-hand turn lane at this intersection would help this situation but they do not have any ideas at this time of the scale of the project as no data has been supplied on the anticipated traffic levels from buses and parents driving to the new Colonial Elementary School site. He noted that VDOT's review does not show many problems with the current traffic flow making this right-hand turn.

Mr. Martin stated that he can obtain this traffic data and forward it to Mr. Varney for review.

Mr. Varney noted that, if it is determined that a dedicated right-turn lane is needed, VDOT can work with the County to obtain funding for this project through the SmartScale and revenue sharing programs.

After questioning by Mr. Martin, Mr. Varney stated that VDOT plans to make some improvements to the upstream drainage problems on Zimmerman Road.

Mr. Martin noted that the road's residents have asked that improvements be made to the gravel portion of Zimmerman Road from Pebbles Drive to the paved section of roadway.

Mr. Varney noted that unpaved road funds could be used to pave this section of road; however, there is a 50 vpd minimum traffic count requirement, which Zimmerman Road does not meet. He noted that VDOT plans to fill in the ditches and install non-erosive mats along ½ mile of roadway to recover part of the road's width which has been lost to erosion. Mr. Varney estimated that it would cost over \$400,000 to pave the gravel portion of this road and VDOT may have to do this work in sections.

Mr. Martin noted that the residents have had drainage and erosion problems with this road for years.

Mr. Varney noted that it is costly for VDOT to maintain this gravel road.

After questioning by Mr. Martin, Mr. Moore then provided the Board with his office contact number.

Mr. Sloan then stated that he had received a call from a resident and business owner on Flowing Spring Road (Route 638) regarding the condition of this gravel road. Mr. Varney stated that he would check into this issue.

Dr. Scothorn then thanked Mr. Varney for meeting with him and the Deputy County Administrator on-site regarding the Sanderson Drive erosion/drainage problems. Dr. Scothorn stated that he would like to be involved in the discussions regarding the Route 11/Simmons Drive turn lane improvements.

Mr. Clinton then stated that Mr. Varney included three solutions to the Azalea Road traffic problems in his letter.

Mr. Varney stated that, if the Board has other alternatives that VDOT can evaluate to resolve the citizens' concerns, VDOT would be willing to review those options.

There being no further discussion, the Board thanked Mr. Varney and Mr. Moore for attending the meeting.

Consideration was then held on Zoning Ordinance amendments regarding home agriculture uses. Mr. Jerod Myers, County Planner, then reviewed the timeline regarding the requests to allow home agriculture uses in residential-zoned districts. He noted that the discussions began in January 2012 when a resident submitted a text amendment/SEP request to allow chickens in a R-1 district; however, this request was withdrawn due to a lack of support from the Planning Commission.

Mr. Myers stated that in December 2016 the County received a text amendment request to allow beehives in a residential district which resulted in the Board directing the Planning/Zoning staff to explore other forms of limited residential agriculture uses in residential districts. He stated that the staff presented amendments to the Board earlier this year, after community input meetings, and the Planning Commission and Board conducted public hearings on the proposed home agriculture amendments at their September 2018 meetings. Mr. Myers stated that the Board tabled the request in September and requested that staff further explore potential optional lot size requirements and setbacks for these residential agricultural uses.

Mr. Myers stated that over the past two months the staff has developed Geographic Information System (GIS) maps showing the residentially-zoned parcels in the Blue Ridge, Valley, and Amsterdam Districts based on different minimum lot size requirements contained in the staff's five alternative options, e.g., 12,000 square feet, 15,000 sf, and 20,000 sf. He then reviewed these maps and noted that a majority of the residentially-zoned parcels in the Blue Ridge District would be included in the 15,000 sf minimum lot size requirement.

Mr. Myers noted that, if the minimum lot size for home agriculture uses is increased to 1.5 acres, a large portion of the Blue Ridge area would not be allowed to have home agriculture uses.

After discussion, Mr. Myers stated that staff is recommending that the Board approve option 1 which proposes a minimum lot size of 12,000 sf and a 10' setback for beehives and a minimum lot size of 15,000 sf and a 5' setback for rabbits and poultry in the RR, R-1, R-2, and R-3 districts.

After questioning by Mr. Leffel, Mr. Myers stated that staff is recommending Board approval of option 1 which has a minimum lot size of 15,000 sf for rabbits and poultry with a 5' setback for coops/pens from adjacent property lines and a minimum lot size of 12,000 sf for beehives with a 10' setback.

After questioning by Mr. Martin regarding any areas of abuse for these uses or danger to adjacent neighbors, Mr. Myers stated that staff based these recommendations on what adjacent localities allow for these uses as well as from input received from the Cooperative Extension Office. He noted that there is always the potential for abuse but staff will investigate any reported violations.

After further questioning by Mr. Martin, Mr. Myers stated that, if a complaint call is received regarding poultry/rabbits/beehives, the County's Code Enforcement Officer will be sent out to investigate the matter and report back on any ordinance violations.

Mr. Martin stated that several constituents have contacted him over the years about allowing agricultural uses in residential districts. Mr. Martin stated that staff has researched this

issue, conducted community meetings, and talked to residents and adjacent localities about allowing poultry, rabbits and bees in the residential areas of the County.

After questioning by Mr. Martin, Mr. Myers stated that these five options were based on comments received from the public and staff research.

Mrs. Nicole Pendleton, Director of Community Development, said that the proposed 5' setback for rabbits and poultry pens/coops was based on the existing 5' setback for other accessory uses such as dog houses which is currently allowed in residential zoning districts.

After questioning by Mr. Leffel regarding the 5' setback for accessory uses such as dog houses, Mrs. Pendleton stated that specific accessory structures are defined in the Zoning Ordinance.

Mr. Myers stated that, if the minimum setback distance is increased with approval of these home agriculture uses, then existing accessory structures/pens would be considered non-conforming uses.

Mr. Leffel noted that the Board held a public hearing on these text amendments at their September meeting; however, he has received several requests to speak on this item today. Mr. Leffel stated that if anyone has any new comments to make they would be allowed to do so but, if they have previously commented on these proposed amendments or if a previous speaker expresses their same concerns, he asked that they state so.

Mr. Eric Daniels of Catawba Road then stated that he moved to the County from Roanoke City ten years ago. Mr. Daniels stated that he was allowed to have 8 chickens in the City on his 1/8 acre lot but was not allowed have them on his 2+ acre residential property in Botetourt County. Mr. Daniels noted that he has a garden, fruit trees, grapes, etc., on his property and would like to have chickens to complete his backyard ecosystem.

Mr. Daniels requested that the Board allow chickens in residential districts. He noted that all adjacent localities currently permit chickens in residential areas and, if these amendments are not approved, then approximately 5,000 County residents will be in violation of the ordinance.

Mr. Chris Booth of Cambridge Drive stated that he is a real estate agent in this area and some of his clients have remarked that they could have chickens in Roanoke City but not in Botetourt County. Mr. Booth stated that he lives near the Lewises who submitted a text amendment request to allow beehives in a residential district in December 2016. Mr. Booth noted that there have been comments about safety issues pertaining to bees stinging people but he has not had any safety concerns about the Lewises' hives and noted that bees help pollinate crops and plants.

Mrs. Melinda Lewis of Cambridge Drive asked that the Board "give chickens a chance."

Mr. Reid McMurry of McMurry Road stated that he would prefer that citizens who wanted to have agricultural animals in residential districts were required to obtain a Special Exception Permit. He noted that pigeons are considered filthy and noxious birds and there should be waste disposal requirements implemented for people who want to keep chickens.

Mr. McMurry further noted that subdivision restrictions will keep these types of animals out of some residential areas of the County.

After questioning by Mr. Leffel, it was noted that there was no one else present to speak on this matter.

Mr. Martin stated that he has listened to the comments made at the Planning Commission and Board meetings on these proposed amendments and his constituents have said that

they want these amendments approved to allow chickens in residential districts. He noted that the staff has done a lot of research on this issue, listened to the citizens' concerns and comments, and have developed a good plan to allow home agriculture uses. Mr. Martin stated that he would be in favor of the amendments proposed in option 1.

After questioning by Mr. Leffel, Mr. Martin stated that he attended several Planning Commission meetings and public input sessions on the proposed home agricultural amendments and only remembers one person who spoke in opposition to this request.

Mr. Sloan stated that he grew up in a city and can see the points made on residential areas allowing some home agricultural uses.

Dr. Scothorn stated that he has a different perspective on allowing these home agriculture uses in residential areas. He noted that the County has residential and agricultural areas and the most impact from these proposed amendments will be in the Valley and Amsterdam Districts. Dr. Scothorn stated that he is looking out for the welfare of his constituents and does not think it is a good idea to combine agricultural and residential uses in this manner. He suggested that the staff "take a look at the zoning" and how these uses are "going to be policed" in residential districts. Dr. Scothorn stated that "we are not Roanoke."

Regarding beehives, Dr. Scothorn noted that they are a good thing for the environment but he does not think this is a good idea for his citizens. Dr. Scothorn stated that he is not in favor of these amendments.

Mr. Clinton stated that he is "somewhere in between" on this proposal. Mr. Clinton noted that, in the City of Roanoke, there is limited agricultural land which gives justification for allowing home agriculture uses in residentially-zoned areas. He also noted that Roanoke City "is more liberal." Mr. Clinton stated that the County has opened this topic up for discussion and there are a lot of opinions, wishes, and desires on this issue from the residents.

Mr. Clinton stated that option 1 is too liberal; however, he has "some concerns about poultry and rabbits period." He noted that the SEP option for people who want to keep these types of animals as mentioned by Mr. McMurry is a good idea. Mr. Clinton stated that the Board has discussed these proposed text amendments for 6 – 8 months.

After discussion, Mr. Clinton stated that bees are fine and beneficial animals and are dormant for one-half of the year but he does see how poultry can be objectionable to some people. Mr. Clinton further stated that he prefers option 5 which proposes a minimum lot size of 12,000 sf for bees and a minimum of 20,000 sf for rabbits and poultry.

Dr. Scothorn thanked Mr. Myers and Mrs. Pendleton for their work on these text amendments. After questioning by Dr. Scothorn, Mr. Myers stated that the current maximum number of dogs that a property owner can have is four unless they obtain a SEP, but there is no limit on the number of cats.

After further discussion, Mr. Myers noted that animal safety and welfare issues are covered by County ordinances.

Mr. Clinton then requested that the minimum setback for rabbit/poultry pens be increased to 15' in option 5.

Mr. Leffel stated that there will be some County residents who are in favor of these amendments and some who are opposed and, due to his farming background, he is not objective in this matter. Mr. Leffel stated that he thinks about the 4-H Club members who do not live on a farm and will be exposed to agriculture through raising these animals in their backyards. He noted that "this is one reason that it is worth the risk" of approving these proposed text

amendments. He stated that raising animals is an educational event and provides these kids with an overall picture of the environment and ecology that they live in.

Mr. Leffel stated that he has no objection to the proposed 5' setback as chickens will not intrude on the neighbors like a barking dog in a pen will do. He noted that Planning and Zoning has conducted a lot of research on this issue and they believe that option 1 is a viable proposal. Mr. Leffel stated that he is in favor of these recommended amendments.

Mr. Sloan stated that from previous discussions he understands that the subdivisions' homeowners associations can make amendments to their covenants and restrictions to either allow or prohibit these types of agriculture animals in their developments.

Mr. Myers stated that the County does not enforce homeowners associations' covenants and restrictions.

Mr. Sloan stated that Mr. Clinton is proposing that option 5 be approved with a setback of 15' for rabbits and poultry pens/coops.

After questioning by Mr. Leffel as to how many citizens would be affected by this increase in setback, Mr. Myers reviewed the appropriate maps.

Mrs. Pendleton noted that there are numerous parcels in the residentially-zoned districts that do not meet the minimum district size. She noted that the parcels that are excluded, if the lot size requirements were to increase to 20,000 sf, are actually non-conforming lots.

There being no further discussion, on motion by Mr. Leffel, seconded by Mr. Martin, and carried by the following recorded vote, the Board adopted the attached resolution amending Chapter 25. Zoning of the Botetourt County Code to allow home agricultural uses in the Residential R-1, R-2, and R-3 Use Districts. (Resolution Number 18-11-11)

AYES: Mr. Sloan, Mr. Martin, Mr. Leffel

NAYS: Mr. Clinton, Dr. Scothorn

ABSENT: None

ABSTAINING: None

The Chairman then called for a 5 minute break.

The Chairman called the meeting back to order at 3:43 P. M.

Mr. John Williamson then gave a presentation on the GO Virginia program. Mr. Williamson stated that he serves on the Go Virginia Council as a business community representative in Region 2, which includes the counties of Alleghany, Amherst, Appomattox, Bedford, Botetourt, Campbell, Craig, Floyd, Franklin, Giles, Montgomery, Pulaski, and Roanoke, and the cities of Covington, Lynchburg, Radford, Roanoke, and Salem.

He noted that this program has been in existence for almost 2 years and was created by the Virginia General Assembly to help the State become more competitive on the economic development front. Mr. Williamson noted that Virginia is seen as "lagging behind" North Carolina and other nearby states in economic development and this led to the GO Virginia initiative.

Mr. Williamson stated that the program's purpose is to "create more high-paying jobs through incentivized collaboration, primarily through out-of-state revenue, which diversifies and strengthens the economy in every region." He noted that the role of the 9 regional councils is to direct growth and diversification plans to identify needs and opportunities, ensure business leadership, prioritize projects for consideration by the State Board, and encourage collaboration inside and outside the GO Virginia process. He noted that GO Virginia will ensure that the business community works with the regional councils.

Mr. Williamson noted that he is glad that the State put the Roanoke and New River Valley jurisdictions in the same region as this will increase the potential to work with this large area for funding opportunities. He also noted that there are several higher-education facilities in Region 2. He further noted that the Economic Development Department at Virginia Tech provides the staffing for this endeavor and will monitor the programs going forward.

Mr. Williamson then reviewed the Council's membership which included Roanoke-area businessmen William Fralin, Victor Iannello, Ray Smoot, and John Dooley.

He stated that the Council's economic growth and diversification plan includes identification of economic opportunities, needs, and challenges, focus on talent/workforce, collaborative sites development, entrepreneurship and business development, technology development, establish priorities, conduct targeted clusters and workforce gap analysis, and try to ensure that there is no duplication of ongoing efforts. He noted that the focus on talent and workforce development is important for this region which has an average salary of \$18.68/hr.

Mr. Williamson stated that the diversification plan performance metrics include a net increase in the number of high-paying jobs in the region, evaluation of the return on investment, change in the business sector/cluster mix, and the percentage of job increases attributable to out-of-state revenues.

He noted that growth and opportunity grant funds could be focused on economic development and job creation as well as used for existing cluster scale-ups, business-focused training and credentialing, site development, commercialization of research and development, startup collaborations, and development of incubators/accelerators. He further noted that the target industry sectors in this region are life sciences and healthcare, advanced manufacturing, information technology/emerging technologies, and food and beverage processing.

After discussion, Mr. Williamson stated that some of the regional projects that have been funded have been with the Region 2000 group in the Lynchburg area, the New River/Mount Rogers Workforce Investment Boards, Blue Ridge Works, etc. He noted that efforts have also been funded to "stop the brain drain" in order to attract talent and develop a retention strategy to keep the area's college graduates in this region. He also noted that \$76,000 in GO Virginia funds have been provided for new technology for unmanned systems such as the drone program at Dabney S. Lancaster Community College.

Regarding the entrepreneurship program, Mr. Williamson stated that there is a lack of loan monies available for small businesses in this region and GO Virginia offers the opportunity to draw venture capital monies to this area through a Capital Landscape Study and a Regional Acceleration and Mentorship Program. Regarding funding for economic development sites, Mr. Williamson stated that the program has funded two area projects—Bedford County (Center for Energy Research and Education Industry Labs) and Roanoke County (Wood Haven Road site) which is a regional economic development project with Roanoke City, Roanoke County, Salem, and the Western Virginia Regional Industrial Facilities Authority. He noted that GO Virginia provided \$200,000 to the Wood Haven Road site's infrastructure enhancement project.

Mr. Williamson stated that GO Virginia's plan for FY 2019 includes acceptance of applications for the next cycle of State funding. He noted that local government support of the program is critical and the Council is looking for ideas and projects from the County to be considered in the next round of funding. He noted that these applications typically require a 20% local match of either in-kind services or cash. Mr. Williamson requested that the Board consider funding (\$1 per capita) for this program in their upcoming FY 20 budget deliberations.

He then thanked the Board for allowing him to speak on this program.

After questioning by Mr. Martin, Mr. Williamson stated that the average wage in this area is \$18.68/hour. After further questioning, Mr. Williamson stated that the Council would require a local match on any project funding application and he is suggesting that the County include an allocation of \$1 per capita for this program in the FY 20 budget.

After questioning by Mr. Clinton, Mr. Williamson stated that the applications require a 20% local match from all localities participating in the application's project as the State wants localities "to have skin in the game."

Mr. Clinton stated that he believes that this is a good program and questioned the level of the program's effectiveness. Mr. Williamson stated that it is too early to know whether the program is effective as it is only 2 years old.

Mr. Clinton stated that there is a vast resource of people on the Council.

Mr. Williamson noted that some of the nine regions have not yet had a project approved at the State level.

Mr. Clinton estimated that each region would have a budget of \$750,000 - \$1 million and questioned whether anyone is evaluating the program.

Mr. Williamson stated that it is too early to evaluate the success of the program as some of the projects are just getting started. He noted that there is \$40 million allocated Statewide for the GO Virginia program and there are a lot of people and a lot of bureaucracy involved in this endeavor. Mr. Williamson further noted that this program is funded by the General Assembly and the House and Senate finance committees will decide if the funding is being used appropriately.

After questioning by Mr. Clinton, Mr. Williamson stated that the \$40 million allocation does not include funding provided by Virginia Tech. He noted that a portion of the Region 2 allocation is being used to fund the staff's work for this program.

Mr. Clinton stated that the focus on collaboration with this program is a great idea.

Mr. Williamson stated that almost all of the currently-funded projects are multi-jurisdictional.

Mr. Clinton noted that hardly any of the projects listed on the GO Virginia website are inter-regional.

After questioning by Mr. Martin, Mr. Williamson stated that VDoT's SmartScale road improvement funding program, and the GO Virginia program are two different activities.

Mr. Clinton stated that this program will promote the region to economic development prospects and is a mechanism to better publicize and promote Virginia's regions.

Mr. Williamson stated that this is promotional in the sense that we want to get the attention of college students that there are opportunities for them to stay in this region to work.

Mr. Leffel then thanked Mr. Williamson for his presentation.

Mr. Zack Wakeman, teacher and Future Farmers of America Chapter Advisor at James River High School, along with Superintendent of Schools John Busher, and three FFA members were present to update the Board on the JRHS Day of Service activities.

Mr. Busher stated that the County's FFA program is not just about developing future farmers but developing character and leadership. He noted that both high schools have FFA chapters and each is different. Mr. Busher stated that the Day of Service is an opportunity for the students to give back, be a part of, and be a citizen of their communities.

Mr. Leffel then read the following proclamation which had been framed for presentation to the JRHS FFA:

**WHEREAS**, Botetourt County has a long and venerable agricultural history, stretching back to before its founding; and,

**WHEREAS**, the Botetourt County Board of Supervisors recognizes the importance and lifelong value of the National FFA Organization to the agricultural community; and,

**WHEREAS**, the James River High School FFA Chapter had three members named as State Champions at the 2018 Virginia FFA State Convention including Mason Sowers as a Proficiency Award winner, Bailey Marshall as State FFA Champion in the Employment Skills Leadership Development Event, and Ryan Borer as individual State FFA Champion in the Junior Livestock Evaluation Career Development Event; and,

**WHEREAS**, in 2018 the James River High School FFA Chapter was named the Number One FFA Chapter in the State of Virginia for the second year in a row and was recognized as a Gold-rated chapter by the Virginia FFA Association; and,

**WHEREAS**, at the National FFA Convention held in Indianapolis, Indiana, the James River FFA Chapter was recognized as one of the top programs in the nation by receiving a 3 out of 3 star rating in the National Chapter Award Program by the National FFA Organization; and,

**WHEREAS**, the chapter had two individual national finalists for the first time in program history;

**WHEREAS**, Bailey Marshall became a national finalist and placed 6th in the nation in the National FFA Employment Skills Leadership Development Event and,

**WHEREAS**, Mason Sowers was named a national finalist and National FFA Champion in the Agricultural Sales Placement Proficiency Award Area becoming James River's first National FFA Champion and,

**WHEREAS**, their talent and dedication to their areas of expertise is to be commended and it is hoped that they will continue to expand their agricultural capabilities into the future and encourage others to do so as well; and,

**WHEREAS**, the team's dedication continues to elevate the success and accomplishments that we strive for in Botetourt County;

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Supervisors of Botetourt County, on its own behalf and on behalf of the citizens of Botetourt County, extends its congratulations and appreciation to the members of the James River High School FFA Chapter, and their Chapter Advisor Zach Wakeman, for receiving a three star national chapter rating and having a National Employment Skills LDE finalist and a National FFA Proficiency Award Champion.

Mr. Wakeman thanked the Board for this proclamation.

He then introduced Ms. Peyton Reese to the Board. Ms. Reese then reviewed the FFA's Day of Service events in 2018. She noted that the first Day of Service was held on May 16, 2018, and consisted of one-half day of service at seven sites in the Buchanan area on which 188 students in grades 9 – 11 participated. Ms. Reese stated that the event's expenses were funded through a \$400 National FFA Living to Serve grant.

She noted that their fall event was held in October and 312 students (58% of the student population), 47 teachers and staff, 1 School Board member, and the County Administrator, participated in a full day of events at 15 sites in Buchanan, Eagle Rock, and Fincastle. Ms. Reese stated that there were different morning and afternoon worksites for the students. She further noted that a \$3,000 National FFA grant was used to fund the day's expenses.

Ms. Reese stated that the fall event resulted in 1,428 hours of community service projects which was valued at \$38,199.

Mr. Andrew Newcomb stated that the worksites were reviewed ahead of time and projects planned out. He noted that the morning service sites included Breckinridge and Eagle Rock elementary schools, Central Academy Middle School, Fincastle Baptist and Presbyterian churches, New Freedom Farm, and the Towns of Buchanan and Fincastle. Mr. Newcomb noted that the group met for lunch in Buchanan Town Park and had pizza from several County restaurants before going to the afternoon service sites at the Botetourt Resource Center, Buchanan Elementary School, Buchanan Presbyterian and Mill Creek Baptist churches, Limestone Park, Solomon's Mission, and the Town of Buchanan.

He noted that they plan to conduct another day of community service in May 2019 and challenge Lord Botetourt High School students and eighth graders from Central Academy Middle School to join them, along with County businesses and organizations.

Mr. Wakeman stated that the six "C's" and profile of a graduate include community, conviction, creativity, collaboration, critical thinking, and communication and this day of service includes many of those ideas. He thanked the Board for allowing them time on today's agenda to give this presentation and for the framed proclamation.

Mr. Busher stated that the day of service activities are about being a good citizen, a member of your community, and being involved in your community. He noted that this event has been the talk of the town and he encouraged others, including the Board members, to join them next year.

Mr. Busher also thanked the Board for the opportunity to speak and for their recognition of the JRHS FFA. He noted that the School Board is very proud of their achievements.

Mr. Leffel and the Board congratulated the FFA members for receipt of these State and national awards and encouraged them to keep up the good work.

A public hearing was then held on proposed amendments to Chapter 20. Solid Waste of the Botetourt County Code to allow out-of-County waste to be deposited in the Landfill, to make technical amendments to the "convenience center" definition, and to revise the solid waste disposal fee schedule. Mr. Michael Lockaby, County Attorney, stated that these County Code amendments are necessary as a result of the County's agreement with County Waste of Southwest Virginia to operate the County landfill.

He noted that these amendments would allow out-of-County waste to be brought into the landfill for disposal, allow County Waste to apply for the appropriate permits to construct a convenience center in Cloverdale, and to prohibit the acceptance of animal carcasses at the landfill.

Mr. Lockaby stated that there are also some minor changes to the landfill's fee schedule being proposed including reducing the per ton fee from \$53.00 to \$49.50 for acceptable residential, construction, and or/industrial waste and an increase from \$6 to \$10 for each vehicle tire 20" or more in diameter. He further stated that in the future white goods containing Freon will be treated separately by County Waste.

Mr. Moorman stated that these proposed amendments reflect the provisions of the agreement with County Waste.

After questioning by Mr. Leffel, it was noted that there was no one present to speak regarding this matter. The public hearing was then closed.

There being no further discussion, on motion by Dr. Scothorn, seconded by Mr. Leffel, and carried by the following recorded vote, the Board adopted the attached amendments to Chapter 20. Solid Waste of the Botetourt County Code to allow out-of-County waste to be

deposited in the Landfill, to make technical amendments to the “convenience center” definition, and adopted the attached revised Landfill Rates, Fees, and Charges chart, effective as of this date. (Resolution Number 18-11-12)

AYES: Mr. Clinton, Mr. Sloan, Mr. Martin, Mr. Leffel, Dr. Scothorn

NAYS: None

ABSENT: None

ABSTAINING: None

A joint work session was then held with the Botetourt County Planning Commission on proposed telecommunications and broadband zoning amendments, an update on the housing study, review of timeline for Comprehensive Plan amendments, and UDA Overlay Zoning Ordinance text amendments.

Mr. Sam Foster, Chairman of the Commission called their meeting to order at 4:33 P. M. It was noted that the following Commission members were present: Mr. Sam Foster, Mr. Brandon Nicely, Mr. Steve Kidd, Mr. Hiawatha Nicely, and Mr. William Thurman.

Mrs. Nicole Pendleton, Director of Community Development, stated that she also invited Mr. Aaron Shearer with the Western Virginia Water Authority to attend this joint meeting.

She noted that there are many projects currently on-going in the Planning/Zoning Office and today’s joint meeting is to allow staff to update both the Board and the Commission on four of these projects—Zoning Ordinance text amendments regarding telecommunications and broadband; the housing study update; Comprehensive Plan amendments regarding future land use, utilities, community facilities, and broadband; and amendments to the Urban Development Area regulations regarding density, commercial development, parcel access, parking, signage, and landscaping.

Mr. Michael Lockaby, County Attorney, stated that as of June 30, 2018, the County’s cell tower ordinance was approximately 95% compliant with federal law; as of July 1, 2018, the County’s regulations were about 30 – 40% in compliance with new State laws; and as of January 14, 2019, our regulations will be almost entirely out of compliance with federal law. He noted that the Federal Communications Commission (FCC) has significantly weakened the ability of localities to make zoning regulations pertaining to wireless communication facilities and the new federal regulations to this effect will become law as of January 14, 2019.

Mr. Lockaby stated that some strategies have been developed regarding these facilities and staff has used these strategies in their recent efforts to draft an almost completely new zoning regulation regarding telecommunications towers. He noted that the new regulations necessary for the County to be in compliance with the FCC’s new regulations “do not fit in with traditional zoning” tenets and a separate Zoning Ordinance section is being developed for this purpose.

Mr. Lockaby noted that the County has hired a consultant to develop a Broadband Plan and requested that the Board/Commission direct the staff, along with assistance from the Broadband Committee, to begin work on finalizing these amendments.

Mr. Jerod Myers, County Planner, then updated the Board on the Housing Study. He noted that the first study was commissioned by the Board in late 2016, the County conducted a Housing Summit in March 2017, the County received a \$27,500 Virginia Department of Housing and Development Authority (VHDA) grant in April 2017 to conduct an additional study, and in the spring of 2018, staff began work with Renaissance Planning, Stu Patz and Associates, and Balzer and Associates to explore Countywide housing potential based on previous efforts.

He noted that the consultants and staff have completed a Geographic Information System (GIS) analysis of land suitability for housing development based on geological and infrastructural constraints. He further noted that, with an understanding of these physical constraints, they have further identified housing opportunity/target areas.

Mr. Myers stated that six housing opportunity areas were identified (around the towns of Fincastle, Buchanan, and Troutville, Botetourt East, Cloverdale, Gateway Crossing/Daleville) as having the greatest opportunity to meet the County's housing needs and goals. He noted that, as displayed on the map, the blue-colored areas are not as suitable for housing due to the terrain/national forest and the orange-colored areas are more suitable or are already built-up. Mr. Myers further noted that these areas were used to guide the selection of 11 primary housing target sites and four supplemental housing target sites using evaluation factors such as topography/floodplain, access, utilities, development constraints, suitable housing types for the site, and density potential. He noted that these factors were used to determine "A" sites that would be good locations for residential development and "B" sites that are suitable but have some infrastructure or other development-related issues. Mr. Myers noted that this aspect of the assessment is approximately 80% - 90% complete and a technical memo will be drafted containing these results.

Mrs. Pendleton noted that many of the sites identified as being suitable for housing are also good sites for economic development.

Mr. Myers stated that a policy toolkit is also being developed that includes regulatory approaches such as cluster development, mixed use zoning in the Daleville/Exit 150 area, form-based code, accessory dwelling units, neighborhood-scale multi-family housing, lifecycle housing (patio homes, courtyard communities, co-housing) to allow citizens to "age in place", and target growth to allow transfer of development rights as a "density bonus." He further stated that strategic aspects of the policy toolkit will include branding and placemaking, marketing, and broadband connectivity.

Mr. Myers stated that a Housing Typology Guidebook that is "heavy on visualizations" will also be developed to assist developers in designing a viable housing development based on site design considerations, cost estimates of land purchase and infrastructure costs, a minimum viable number of units, rental or sales price point needed for an attractive return on investment, and creation of homebuyer profiles.

Mrs. Pendleton noted that the staff will make a formal presentation on the housing study once this work is finalized.

After questioning by Mr. Martin, Mr. Myers stated that staff has not broken down the areas of greatest new housing development potential into the County's five magisterial districts; however, the most suitable areas are in the southern part of the County which has water/sewer, etc., infrastructure.

After questioning by Dr. Scothorn, Mr. Myers stated that the guidebook will include elements such as potential renter/buyer income categories.

After questioning by Mr. Leffel, Mr. Myers stated that the update to the Housing Study should be completed in January/February 2019. Mrs. Pendleton stated that staff also has the bulk of the information necessary to finalize the Comprehensive Plan update. Mr. Myers stated that all of the maps and data are available for compilation into the final report.

Mr. Myers then presented an outline of proposed amendments to the Comprehensive Plan in relation to future land use, community facilities, utilities, and broadband, noting that it is

still to be determined if there will be a separate housing element in this update. He noted that staff will need to look at previous planning documents, the Board's strategic vision, and any new regional, State, or federal planning documents and policies.

He noted that staff is proposing to engage the public in these updates by scheduling two community meetings in each magisterial district on the proposed amendments as well as having a public comment period, web blogs, on-line surveys, electronic newsletters, and providing a central staff contact on this project.

Mr. Myers stated that phase 1 of this project will be done over the next few months and will include identifying growth and development issues, where should growth and conservation occur, and what goals should be set to address these issues and then obtaining public input on these draft issues/goals/growth area map. He noted that phase 2 (spring 2019) will include development of strategies to achieve the designated goals and suggestions on Land Use Map amendments; phase 3 (summer 2019) will include prioritizing the strategies and formation of an action plan; and phase 4 (fall/winter 2019) the draft Plan amendments will be reviewed by the Planning Commission/Board of Supervisors and public hearings scheduled.

After questioning by Mr. Hiawatha Nicely, Mr. Myers stated that copies of this Power-Point presentation will be forwarded to the Commission and Board members.

Mrs. Pendleton then reviewed the proposed Urban Development Area (UDA) overlay and voluntary design guidelines. She noted that this planning activity is important for future transportation planning in the UDAs.

Mrs. Pendleton stated that the County obtained a State grant (OIP) to implement zoning changes through the establishment of an overlay district and development of supporting voluntary design guidelines. She noted that the State does not give localities many opportunities to regulate design through zoning which is why voluntary design guidelines are being developed.

She stated that an overlay district is a type of zoning district applied over one or more established zoning districts which establishes additional standards and criteria and is proposed to give flexibility for redevelopment of properties in the Gateway Crossing area.

Mrs. Pendleton stated that staff is proposing that three sub-districts for the Gateway Crossing Overlay be created—residential, community business, and interstate business. She noted that the residential sub-district would be a combination of high- or mixed-density residential uses that incorporates a walkable community design and complementary, neighborhood-scale commercial uses. She stated that the community business sub-district would consist of small-scale retail uses, offices, parks, mixed-use dwellings, and high-density residential uses with more than 50% of the developed space by square foot per lot dedicated for business, commercial and uses. Mrs. Pendleton further stated that the interstate business sub-district would include a combination of service-oriented commercial uses (hospitality, lodging, retail, office, conference center) that would also have a walkability aspect with at least 70% of the developed space dedicated for business/commercial type uses.

After discussion, she stated that staff has held lengthy discussions on what permitted uses would be allowed in these sub-districts and what maximum setbacks, density/lot coverage, building entrances/windows/doors, maximum height, minimum common open space, landscaping, and signage requirements would be appropriate. She noted that these requirements would allow a developer to build a larger building on a parcel that has the infrastructure to accommodate the proposed use. Mrs. Pendleton further stated that there would be different development requirements in each of the three sub-districts.

After discussion, Mr. Drew Pearson, County Planner, stated that developers have indicated that the County's landscaping requirements are too difficult to understand. He noted that staff is working on revisions to the landscaping standards that will take into account the difference between rural and urban development patterns and will propose language that moves away from more of a "one size fits all" landscaping standard. He also noted that this would involve relaxing some of the existing landscaping standards in areas outside of the overlay district.

Mrs. Pendleton stated that another issue that has been discussed is allowing pole signs in the County. She noted that there is a way to potentially allow businesses adjacent to the interstate to install pole signs. Mrs. Pendleton stated that the Planning/Zoning Office has had a lot of permitting/approval issues regarding signage as there is no scale as to how the sign is regulated. She noted that Daleville Town Center recently revised their sign regulations and staff can use these as guidelines in making revisions to the County's sign ordinance.

Regarding parking regulations, Mrs. Pendleton stated that, in a traditional urban development area, parking would be located at the side or rear of a building. She noted that the current draft text reads that no more than 2 rows of parking spaces would be allowed at the front of the lot. She noted that staff is reviewing these regulations for potential inclusion in the proposed amendments.

Regarding voluntary design guidelines, Mrs. Pendleton stated that these provisions would help establish a distinct character and strengthen the community's "sense of place." She noted that these guidelines could be included as conditions in a Special Exceptions Permit request. She further noted that the citizens/developers would need to be informed as to what the County's desires are for these design guidelines to obtain their input/endorsement.

After discussion, Mrs. Pendleton stated that staff met with a stakeholder group consisting of area developers and other interested individuals several months ago on these proposals; however, these design guidelines/amendments are not yet ready to be presented to the Planning Commission for review/consideration.

After questioning by Dr. Scothorn, Mrs. Pendleton stated that the biggest issue the stakeholders had regarding development in UDAs were the County's parking requirements and a preference for increased flexibility in site design.

After questioning by Mr. Martin, Mr. Pearson stated that most developers/builders want to show potential customers that their business has adequate parking which necessitates a large parking lot located at the front of a commercial entity/business. He noted that staff compromised on this issue by allowing traffic circulation around the building and permitting a maximum of two rows of parking spaces at the front of the business.

Mrs. Pendleton also noted that there was some confusion as to what is considered the front of a commercial building. She noted that a definition was developed to indicate that the space between the building and the street is considered the front yard.

Mr. Moorman noted that the staff will make these suggestions more pictorial instead of narrative to allow for easier understanding by the public.

Mr. Hiawatha Nicely stated that he has noticed in most of the State's upscale developing areas that they no longer allow pole signs and encourage developers to use "interstate-type" signage off of a primary/interstate roadway with smaller identification signs placed on the secondary roads to direct traffic to the particular business.

Mrs. Pendleton stated that under the staff's proposed regulations a 50' – 80' tall pole sign would be allowed along the interstate and then a monument sign permitted on the actual business site.

Mr. Pearson stated that the pole sign is intended to be geared toward the interstate traveler.

After questioning by Mr. Kidd, Mr. Pearson stated that the proposed pole sign would be no more than 150 - 200 sf in size.

Mr. Foster stated that by the time interstate drivers see the business' sign from the interstate it is usually too late to take the off-ramp to reach the business. Mr. Foster stated that he is concerned about the County "going in the direction" of allowing pole signs and does not believe that they would draw people off of the interstate to visit the County's businesses.

It was noted that people currently use their cellphone's internet connection to find area businesses when traveling on the interstate, not signage along the roadway.

Mr. Leffel then stated that he would have to cut this presentation's discussion short to allow the Board members to have dinner before the 6PM rezoning/SEP public hearings. It was noted that the Planning Commission members and staff were also invited to dinner.

The Chairman then called the meeting back to order at 6:02 P. M.

On motion by Mr. Leffel, seconded by Dr. Scothorn, and carried by the following recorded vote, the Board authorized the Planning/Zoning staff to proceed with development of Zoning Ordinance text amendments regarding new telecommunications/broadband regulations, authorized an update of the Comprehensive Plan pertaining to future land use, utilities, community facilities, and broadband, and authorized updates to the regulations regarding density, commercial development, parcel access, parking, signage, and landscaping in Urban Development Areas for future public hearings. (Resolution Number 18-11-13)

AYES: Mr. Clinton, Mr. Sloan, Mr. Martin, Mr. Leffel, Dr. Scothorn

NAYS: None

ABSENT: None

ABSTAINING: None

A public hearing was then held on a request in the Amsterdam District from Wendover Associates, LLC, for a Change of Proffers in the Business (B-2) Use District to modify an existing proffered condition related to exterior building materials on a 1.30-acre portion of a 2.05-acre lot located on Wendover Road, Daleville, at the intersection of Wendover Road (Route 794) and Roanoke Road (U. S. Route 220), identified on the Real Property Identification Maps of Botetourt County as Section 101A (1), Block 1, Parcel 21A.

Dr. Scothorn stated that he would have to recuse himself from discussion on this request due to a potential conflict of interest.

It was noted that the Planning Commission had recommended denial of this request and the Board had tabled this request at the applicant's request at the September meeting.

Mr. Drew Pearson, County Planner, stated that the applicant is requesting a change in proffered conditions related to the list of permitted exterior building materials on a new office building located at the Wendover/Roanoke Road intersection. Mr. Pearson stated that this change in proffers is associated with the 1.3 acre portion of this 2.05 acre lot. He noted that this parcel originally consisted of 4 separate lots which have been combined into one lot. He further

noted that the request to change the proffered conditions pertains to the rear portion of the property.

Mr. Pearson stated that the current proffers (dated April 3, 2017) included a condition that the two proposed structures on this site would have exterior building materials that included brick, EIFS, and Hardie board siding; however, the applicant is requesting to amend that condition to also allow manufactured stone, natural stone, hardwood and architectural metal cladding on the exterior of the buildings.

Mr. Pearson stated that the applicant is proposing that condition #7 be revised as follows: "Building B will be in substantial conformance with the rendering titled "Exhibit B," dated 11/8/2018. Exterior siding materials may include brick EIFS, manufactured stone, natural stone, architectural metal cladding, Hardie Board/siding, hardwood siding, clad windows and doors. Roofing materials visible from Route 220 will consist of architectural grade shingles or metal roofing materials. No vinyl siding will be used."

He stated that a revised concept plan, dated July 23, 2018, has also been submitted; therefore, condition #2 is also being requested to be revised to now state, "The development pattern will be in substantial conformance with the concept plan titled "Exhibit A Wendover Concept Plan," prepared by Balzer and Associates, Inc., dated 7/23/2018."

Mr. Pearson noted that there is no specific requirement in the current proffered conditions that the building has to be constructed exactly like the type of building reflected in the building elevation exhibit which is why staff usually recommends that conditions contain the use of language such as "substantial conformance." He further noted that, unlike the previous conditions, the revised condition regarding the building elevation does require substantial conformance to the revised Exhibit B.

He stated that, if the changes were approved, the amount of metal cladding on the building would not be allowed to exceed that shown on Exhibit B. He further stated that the applicant is present at this meeting with samples of the exterior materials proposed for this structure.

After questioning by Mr. Martin, Mr. Pearson stated that staff reviews any construction plans submitted to the Building Inspector's Office to ensure their compliance with the proffered conditions.

Mr. Robert Fralin with R. Fralin Companies stated that this process has been confusing and he is at fault in this misunderstanding. Mr. Fralin stated that Mr. Kit Hale with MKB Realty and Mr. David Bullington with Bullington Law Firm/First Choice Title Company, whose offices will be located in these buildings, were also present at this meeting.

Mr. Fralin stated that when this change in proffered condition request was originally submitted to the County he did not know which architectural style Mr. Hale and Mr. Bullington would prefer for this building so he submitted a generic building design schematic with the application. Mr. Fralin stated that, when the architect finalized the building's design and submitted it along with the building permit application to the County, the Planning staff discovered that one of the exterior materials was not included in the approved proffer listing.

Mr. Fralin stated that they are present to request that one additional type of material (architectural metal cladding) be allowed on the building's exterior.

Mr. Hale stated that they are excited to become a contributing corporate citizen in the County. He noted that, when they held design meetings with the architect, they were told that some of the proposed building's exterior materials had not been approved by the Planning Commission/Board of Supervisors.

Mr. Hale stated that they need to be clear on what they are proposing in this building's design. He further noted that a roof-top patio/deck is also designed on this building.

Mr. Bullington stated that he is excited to be expanding his legal footprint in Botetourt County. He noted that, in designing this new office building, they wanted something that was not "cookie cutter." Mr. Bullington stated that he believes that the plans are now finalized to be in conformance with the proposed proffered condition amendments that the Supervisors are being asked to consider today.

Mr. Bullington stated that they have put a lot of time and energy in this plan and believe that this is a nice building design. He requested that the Board allow these additional exterior materials to be used.

Mr. Martin stated that he thinks that the substantial conformance aspect of these conditions will ensure that County staff can review these design plans for compliance with the approved proffers.

Mr. Clinton stated that he is agreeable with this proposal—it is a good project.

After questioning by Mr. Leffel, it was noted that there was no one else present to speak in regard to this request. The public hearing was then closed.

Mrs. Nicole Pendleton, Director of Community Development, stated that the proffer statement had been signed by the applicant on November 7, 2018, but included reference to plans dated on November 8, 2018; therefore, staff requested that the applicant re-sign the proffer statement to reflect a date of November 8, 2018, or later. She pointed out that the November 7, 2018, version had been included in the Board's agenda packet and requested that the record reflect that the Board was taking action on the proffer statement dated November 8, 2018.

There being no further discussion, on motion by Mr. Clinton, seconded by Mr. Martin, and carried by the following recorded vote, the Board approved a request in the Amsterdam District from Wendover Associates, LLC, for a Change of Proffers in the Business (B-2) Use District to modify an existing proffered condition related to exterior building materials on a 1.30-acre portion of a 2.05-acre lot located on Wendover Road, Daleville, at the intersection of Wendover Road (Route 794) and Roanoke Road (U. S. Route 220), identified on the Real Property Identification Maps of Botetourt County as Section 101A (1), Block 1, Parcel 21A, as follows: (Resolution Number 18-11-14)

AYES: Mr. Clinton, Mr. Sloan, Mr. Martin, Mr. Leffel

NAYS: None

ABSENT: None

ABSTAINING: Dr. Scothorn

1. The proposed request will allow for all B-1 and B-2 uses permitted by-right, or permitted by the granting of a special exception permit by the Board of Supervisors in the B-1 and B-2 Use Districts, with the exclusion of the following: meat and poultry shops, hospitals and nursing homes, funeral home, cemeteries, upholstery shops, recycling collection point, and telecommunications tower.
2. The development pattern will be in substantial conformance with the concept plan titled "Exhibit A Wendover Concept Plan," prepared by Balzer and Associates, Inc., dated 7/23/2018.
3. There will be no ingress/egress from Orchard Drive.
4. Existing evergreen plantings and/or an opaque vinyl screen fence will provide screening along Orchard Drive as shown on the concept plan. The color of the vinyl screen fence will be consistent with the trim on the proposed buildings.

5. The existing trees along the northern property line of Tax Parcel #101A(1)BK 1-21A adjacent to Tax Parcel #101A(1)BK 1-41 will be maintained or a new evergreen buffer will be provided adjacent to Tax Parcel #101A(1)BK 1-41.
6. Pole-mounted site lighting will be restricted to 18 feet in height and will be full cutoff light fixtures.
7. Building B will be in substantial conformance with the rendering titled "Exhibit B," dated 11/8/2018. Exterior siding materials may include brick EIFS, manufactured stone, natural stone, architectural metal cladding, Hardie Board/siding, hardwood siding, clad windows and doors. Roofing materials visible from Route 220 will consist of architectural grade shingles or metal roofing materials. No vinyl siding will be used."

Dr. Scothorn then returned to the dais and once again participated in the meeting.

A public hearing was then on a proposed text amendment to Chapter 25 Zoning, Article II, Division 6. Medium Density Residential District R-3, Section 25-163. Uses Permissible by special exception to add Cabin or cottage resort as a use permitted by special exception.

It was noted that the Planning Commission had recommended approval of this request and the Board had tabled this request at their September meeting

A public hearing was also held on a request in the Fincastle District from Frederick E. Taylor, Jr., for a Special Exception Permit for a Cabin or Cottage Resort, with possible conditions, in order to operate short-term vacation rentals in the existing mill house and cabins, in the Agricultural (A-1) Use District in accordance with Section 25-73. Uses permissible by special exception and in the Residential (R-3) Use District in accordance with Section 25-163. Uses permissible by special exception of the Botetourt County Code. The 81.43 acre parcel is located at 73, 103, 125, and 187 Dirt Road and 979 and 967 Breckinridge Mill Road, Fincastle (State Route 600), approximately 0.30 miles northeast of its intersection with Huff Road (State Route 670), and is identified on the Real Property Identification Maps of Botetourt County as Section 73, Parcel 4.

It was noted that the Planning Commission had recommended conditional approval of this request and the Board had tabled this request at their September meeting.

Mr. Jerod Myers, County Planner, stated that this hearing consists of a text amendment in the R-3 district and a request for a SEP to allow a cabin or cottage resort as a SEP use in the A-1 and R-3 districts. He noted that one adjacent property owner spoke regarding her concerns about this request at the Board's September public hearing. He noted that she was concerned about the short-term rental guests' interaction with her horses which are located in the adjacent field.

Mr. Myers stated that there have been no changes to this request since the September Board meeting. He noted that a citizen had submitted a letter of support for this request last week.

Mr. Fred Taylor, applicant, stated that, if this request is approved, there would be very little difference to the neighborhood in general compared to his previous long-term rental of these units/cabins. Mr. Taylor stated that this is an experiment as he is not sure that it would be economically viable to rent these units short-term. Mr. Taylor stated that he thinks that this type of tourism development is attractive and a positive marketing tool for the County.

After questioning by Mr. Martin, Mr. Taylor stated that he is not making any changes/renovations to the old Breckinridge Mill structure to accommodate short-term rentals.

Mr. Martin noted that Mr. Taylor has a well-maintained operation on this property.

After questioning by Mr. Leffel, Mr. Taylor stated that he spoke to Mrs. Terri Woodward after she expressed concerns about this request at the Board's September meeting. Mr. Taylor stated that Mrs. Woodward's fence is approximately 75 – 100 yards from the closest cabin and he suggested that she install a 1-strand electric fence to keep the renters away from her horses.

Mr. Taylor noted that he has had no previous problems with people having an adverse interaction with these horses.

After questioning by Mr. Martin, Mr. Taylor stated that the mill and manager's house are on the Virginia Register of Historic Places.

Mrs. Terri Woodward of Breckinridge Mill Road stated that she lives on the opposite side of the cabins and has horses on the parcel. She noted that there is currently a 5-strand electric fence between her and Mr. Taylor's properties and there are "Posted" signs along the fencerow. She then showed photographs of the area on the screen.

Mrs. Woodward stated that there is no other protection than the existing fence to keep these short-term renters away from her horses. She noted that the fence is located along the joint property line between her and Mr. Taylor's properties and is the only current means of protecting her \$100,000 investment in these horses. Mrs. Woodward stated that she would prefer that a solid privacy fence be installed so that the renters would not be tempted to feed the horses something that may be hazardous.

Mr. Leffel stated that, since the livestock belongs to Mrs. Woodward, she is responsible for fencing in the animals unless she and Mr. Taylor come to some sort of agreement.

After questioning by Mr. Leffel, Mr. Christopher Dadak, Assistant County Attorney, stated that State law does not require Mr. Taylor to construct a fence in this situation.

After questioning by Mr. Sloan, Mr. Taylor noted that Dirt Road is a private road.

After questioning by Mr. Martin, Mrs. Woodward stated that she discussed her concerns on the phone with Mr. Taylor regarding this short-term rental proposal on September 19.

Mr. Taylor stated that he does not see that there is a problem. He suggested to Mrs. Woodward during their telephone conversation that she install an additional 1-strand electric fence along the property line.

Mrs. Woodward stated that she does not fear Mr. Taylor's long-term renters as she has come to know them over the years but she is concerned about short-term renters who may harm, injure, or feed her horses something that is hazardous to their health.

Mr. Leffel then questioned how could the Board penalize Mr. Taylor on his own land for something he wants to do.

Mrs. Woodward stated that Mr. Taylor is asking for an exception to allow this business use in an agricultural area.

After questioning by Mr. Martin, Mrs. Woodward stated that she does have "Posted" signs placed along the property line fence.

After questioning by Mr. Leffel, Mrs. Pendleton noted that the Board could impose conditions on Mr. Taylor's SEP if the condition is directly related to the proposed use. She noted that staff did not recommend any conditions be applied to this request other than compliance with the County's Noise Ordinance.

After questioning by Mr. Martin, Mr. Myers stated that without this text amendment or SEP, Mr. Taylor's cabins could still be rented long-term but no short-term rentals would be allowed.

After questioning by Mr. Sloan, Mrs. Woodward stated that her biggest fear if this request is approved is harm to her horses by people feeding them something the horses should not eat. She noted that horses are prone to colic which is a very dangerous ailment.

Mr. Leffel then questioned how much would Mrs. Woodward be impacted if she put up something to keep the horses away from the existing fence.

Mr. Sloan noted that she could also install a wall-type structure along the joint property line. Mr. Sloan further noted that, if he was in this situation, his goal would be to protect the horses and, if he had to go to some lengths to protect them, then so be it. Mr. Sloan stated that he does not see how the Board can limit Mr. Taylor in this situation; however, "all of this might be moot in six months" if the proposed short-term rental business is not successful.

Mr. Martin noted that he can see where both parties have issues with this situation.

There being no further discussion, on motion by Mr. Leffel, seconded by Mr. Sloan, and carried by the following recorded vote, the Board adopted the following amendment to Chapter 25 Zoning, Article II, Division 6. Medium Density Residential District R-3, Section 25-163. Uses Permissible by special exception to add *Cabin or cottage resort* as a use permitted by special exception. (Resolution Number 18-11-15)

AYES: Mr. Clinton, Mr. Sloan, Mr. Leffel, Dr. Scothorn

NAYS: None

ABSENT: None

ABSTAINING: Mr. Martin

## **BOTETOURT COUNTY CODE**

### **CHAPTER 25. ZONING**

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### **ARTICLE II. DISTRICT REGULATIONS GENERALLY**

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#### **DIVISION 6. MEDIUM DENSITY RESIDENTIAL DISTRICT R-3**

**Sec. 25-161 through 25-162.** (Same)

**Sec. 25-163. Uses permissible by special exception.**

(1) through (30) (Same)

(31) Cabin or cottage resort.

On motion by Mr. Leffel, seconded by Dr. Scothorn, and carried by the following recorded vote, the Board approved a request in the Fincastle District from Frederick E. Taylor, Jr., for a Special Exception Permit for a Cabin or Cottage Resort in order to operate short-term vacation rentals in the existing mill house and cabins in the Agricultural (A-1) Use District in accordance with Section 25-73. Uses permissible by special exception and in the Residential (R-3) Use District in accordance with Section 25-163. Uses permissible by special exception of the Botetourt County Code on an 81.43 acre parcel located at 73, 103, 125, and 187 Dirt Road and 979 and 967 Breckinridge Mill Road, Fincastle (State Route 600), approximately 0.30 miles northeast of its intersection with Huff Road (State Route 670), and is identified on the Real Property Identification Maps of Botetourt County as Section 73, Parcel 4, with the following condition: (Resolution Number 18-11-16)

AYES: Mr. Clinton, Mr. Sloan, Mr. Leffel, Dr. Scothorn

NAYS: None

ABSENT: None

ABSTAINING: Mr. Martin

1. Noise associated with the short-term rental facilities shall not violate provisions of the Botetourt County Noise Ordinance.

A public hearing was then held on a request in the Fincastle District from Adam and Rachel K. Davis for a Special Exception Permit, with possible conditions, for a mobile (manufactured) home in the Rural Residential (RR) (formerly AR) Use District in accordance with Section 25-113. Uses permissible by special exception and subject to supplemental regulations in Section 25-437. Mobile homes (manufactured homes) of the Botetourt County Code on a 3.198-acre parcel located along Old Fincastle Road (State Route 655), approximately 0.65 miles south of its intersection with White Church Road (State Route 666), identified on the Real Property Identification Maps of Botetourt County as Section 47, Parcel 105A.

It was noted that the Planning Commission had recommended approval of this request.

Mr. Drew Pearson, County Planner, stated that this property was recently subdivided from a larger 7+ acre lot and the applicants are requesting to place a mobile home on this 3.1 acre parcel. He noted that the property is located in the Agricultural Rural-Residential (AR) Use District which was found in the previous version of the Zoning Ordinance. He noted that when the current Zoning Ordinance was adopted on January 1, 2002, it did not contain a section specific to the AR Use District, but instead, addressed the district under the Rural-Residential RR Use District.

Mr. Pearson stated that the ordinance structure could be confusing; however, if a lot was created before the effective date of the current Zoning Ordinance, then the standards for an AR-zoned lot was a blend of regulations from the current RR District and the AR District that necessitated going back to the previous Zoning Ordinance for review. He further stated that lots located in the AR District created after the effective date of the current Zoning Ordinance were regulated solely by the standards of the RR District.

Mr. Pearson stated that a manufactured home was allowed by right for lots created prior to the effective date of the current Zoning Ordinance; however, for lots created after the effective date, a manufactured home was only allowed with approval of a Special Exception Permit.

After discussion, he noted that most of the properties adjacent to the subject property were located in the Agricultural A-1 Use District and contained either agricultural or residential uses. He further noted that manufactured homes are a permitted, by-right use in the A-1 district.

Mr. Pearson stated that the County approved the subdivision of this 7.1 acre lot in July 2018 and the application for placement of the manufactured home was submitted after that time. He noted that, if staff had been aware of the potential placement of a manufactured home on this parcel before the subdivision was approved, they could have worked with the applicant to have permitted the manufactured home prior to the subdivision so that the SEP application/public hearing process was not necessary.

Mr. Pearson stated that there were no comments from the public about this request at the Planning Commission meeting. He noted that the applicants are present to answer any questions.

After questioning by Mr. Leffel, Mr. Davis stated that Mr. Pearson had adequately explained their request and he had no further information to provide to the Board.

After questioning by Dr. Scothorn, Mr. Pearson indicated on the aerial photographs that there are other manufactured/mobile homes in this general area.

After questioning by Mr. Leffel, it was noted that there was no one else present to speak regarding this request. The public hearing was then closed.

On motion by Mr. Leffel, seconded by Dr. Scothorn, and carried by the following recorded vote, the Board approved a request in the Fincastle District from Adam and Rachel K. Davis for a Special Exception Permit for a mobile (manufactured) home in the Rural Residential (RR) (Formerly AR) Use District in accordance with Section 25-113. Uses permissible by special exception and subject to supplemental regulations in Section 25-437. Mobile homes (manufactured homes) of the Botetourt County Code on a 3.198-acre parcel located along Old Fincastle Road (State Route 655), approximately 0.65 miles south of its intersection with White Church Road (State Route 666), identified on the Real Property Identification Maps of Botetourt County as Section 47, Parcel 105A, as submitted. (Resolution Number 18-11-17)

AYES: Mr. Clinton, Mr. Sloan, Mr. Martin, Mr. Leffel, Dr. Scothorn

NAYS: None

ABSENT: None

ABSTAINING: None

A public hearing was then held on a request in the Valley District from Aric M. and Courtney R. Bower for a Special Exception Permit, with possible conditions, for a second accessory building in the Residential (R-1) Use District in accordance with Section 25-123 (17) Uses permissible by special exception of the Botetourt County Code on approximately 0.3 acres located at 165 Hillview Drive at the intersection of Lenox Circle (Route 1421) and Hillview Drive (Route 1420), identified on the Real Property Identification Maps of Botetourt County as Section 107E(4), Parcel BK1-24.

It was noted that the Planning Commission had recommended conditional approval of this request.

Mr. Jerod Myers, County Planner, stated that the applicants are requesting approval of a second accessory building on this 0.3 acre lot in Botetourt East Subdivision. He noted that there is an existing 10' X 20' shed on the property and a 10' X 16' shed which is used to store firewood.

Mr. Myers stated that the Zoning Office received a complaint that Mr. Bower had a second accessory building on his property and upon investigation, Mr. Bower was informed that a SEP would be required for this shed/structure.

He noted that Mr. Bower had stated in his application that approximately 6 years ago he called the Building Inspector's Office and was told that, due to the size of the proposed shed, he could construct the structure without a permit. Mr. Myers noted that this approval did not exempt the property owner from Planning/Zoning requirements limiting the number of accessory structures on a residential parcel.

After discussion, Mr. Myers stated that one letter of support for this request from an adjoining property owner had been received.

Mr. Bower noted that he had no additional information to add on this request.

After questioning by Mr. Leffel, it was noted that there was no one present to speak regarding this request. The public hearing was then closed.

On motion by Dr. Scothorn, seconded by Mr. Leffel, and carried by the following recorded vote, the Board approved a request in the Valley District from Aric M. and Courtney R. Bower for a Special Exception Permit for a second accessory building in the Residential (R-1) Use District in accordance with Section 25-123 (17) Uses permissible by special exception of the Botetourt County Code on approximately 0.3 acres located at 165 Hillview Drive at the intersection of Lenox Circle (Route 1421) and Hillview Drive (Route 1420), identified on the Real Property Identification Maps of Botetourt County as Section 107E(4), Parcel BK1-24, with the following condition. (Resolution Number 18-11-18)

AYES: Mr. Clinton, Mr. Sloan, Mr. Martin, Mr. Leffel, Dr. Scothorn

NAYS: None

ABSENT: None

ABSTAINING: None

1. The second accessory structure used for firewood storage shall not expand beyond the current footprint of 10' X 16'.

Mr. Leffel noted that the Board of Supervisors' December regular meeting would be held on Thursday, December 20, to avoid a conflict with the Christmas holiday.

There being no further discussion, on motion by Dr. Scothorn, seconded by Mr. Sloan, and carried by the following recorded vote, the meeting was adjourned at 6:55 P. M. (Resolution Number 18-11-19)

AYES: Mr. Clinton, Mr. Sloan, Mr. Martin, Mr. Leffel, Dr. Scothorn

NAYS: None

ABSENT: None

ABSTAINING: None