Elkton Planning Commission
Monthly Meeting Dec 14, 2006

Attendance:

Harry Armbruster, Vice Chair
Madelyn Dixon, Secretary
Jeremy Ream*, Commissioner
* Absent

Theodore Pence, Council
Marty Shifflett, Admin Rep
Dan Talbot, Chair
** Guest

Approval of Minutes:

Theo moved to accept minutes from October meeting; seconded by Harry and passed 4-0.

- Vacant Position
  - Cathy Morrison – 907 Sixth Street
    - A member of Cemetery Committee
    - Was asked if she were asked to become a member of the planning commission would she still like to serve on the cemetery committee. She replied she would like to serve on both.
    - Mrs. Morrison asked what the role of planning Commission; Dan explained the role of the Planning Commission
    - Harry asked now that she better understands the role of the Commission; what asset would she bring to the Commission. She replied that her husband is a plumber and they have extensive dealings with the County Government

Dan made a motion to recommend Cathy Morrison to fill the vacant seat of Wake Gooden; second by Harry and passed 5-0.

- Rezoning Issue – Zoning Permit #71
  - After review the zoning permit it was noted that the zoning on the permit shows R4; the area is actually R2.
  - Minimum Lot size for R2 is 12,500 SF; the lot sizes after the proposed subdivision would be 10,000SF. If the commission were to allow this lot subdivision to occur, it would create four nonconforming lots. Therefore, the commission would like to send this request back to the owner for further review.

- Planning Commission Response to Rockingham County Comprehensive Plan
  - Dan reviewed the need to respond back to the County commenting on the proposed changes to the County's Comprehensive Plan.
  - The Commission reviewed the proposed response in the form of a letter.
    - There was much discussion about the letter, especially paragraph 3, which speaks to the need for water & sewer for Elkton/McGaheysville.
  - Harry asked questions around paragraph 1 letter a – we mention

Marty made a motion to accept the draft letter and forward it to the Town Council for approval and forwarding to the Rockingham County Planning Commission; seconded by Harry and passed.

- Comprehensive Plan
  - Comp Plan was reviewed at the last committee meeting
    - The growth maps were reviewed; would like to change the name of the growth maps to "Proposed Land Use Map"

- Request for Utilities for Out of Town Developers
  - Reviewed the application process that the City of Harrisonburg uses when County of Rockingham residents

Harry moved to accept in principle the "APPLICATION FOR PUBLIC UTILITIES FROM CITY OF HARRISONBURG..." and "City Ordinance 7-2-4" amended for the Town of Elkton with the ordinance to include developments within and outside Corporate limits; second by Madelyn and passed 5-0.

- Rezoning Signage:
  - Dan explained the situation with Pat Hensley; regarding placing notice of rezoning and signage in the newspaper.

Pathforwards:

- Public notice of rezoning, take a further look at the process
  responsibility: M. Shifflett timing: Jan 11, 2007
- See if council wants us to look into zoning permit application process
  responsibility: T. Pence timing: Dec 18, 2006
- Produce a map to install on wall of council chambers to use for review
  responsibility: M. Shifflett timing: Jan 11, 2007

Dan Talbot/Chairperson

Madelyn Dixon/Secretary

ORDINANCE AMENDING AND RE-ENACTING SECTIONS

170-10 and 170-11

OF THE

CODE OF THE TOWN OF ELKTON, VIRGINIA

DRAFT
2

BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF ELKTON, VIRGINIA:

That Sections 170-10 and 170-11 be repealed and replaced by the following provisions:

Section 170-10 Water Connections inside and outside Town limits.

(a) The owner or his agent (the Applicant) of a parcel of land located within or without the corporate limits of the Town of Elkton may apply to the Director of Public Utilities of Elkton (the Director) for a permit to connect to the Town's potable water system. Prior to applying for a permit from the Town, if the Applicant's land lies outside the corporate limits of the Town of Elkton, the Applicant shall obtain at least preliminary approval from the County of Rockingham for the development project. Preliminary approval may take whatever form is acceptable to both the County and the Director, and need not commit the County to final approval. Such evidence of County approval shall be submitted with the application to the Town. Water connection permit applications shall include (i) the estimated average daily demand, (ii) peak instantaneous demand, and (iii) fire flow demands.

(b) Where the intended use of the Applicant's land is residential involving four (4) or fewer units, the Director shall either approve or reject the application. Where there is any other intended use the Director shall forward the permit application to the Planning Commission for its recommendation. After consideration by the Commission, the permit application shall be forwarded to Town Council, with the recommendations of both the Commission and the Director for final approval or rejection.

(c) Prior to acting on the application, for residential projects of five (5) or

more units, and for all other category of projects, the Director shall require, and for residential projects of four (4) or fewer units the Director may require, that the Applicant submit appropriate engineering reports or studies that demonstrate the anticipated impact on the Town's water system, along with any recommendations for changes or additions to the Town's infrastructure indicated because of the proposed new connections. All engineering studies and reports shall be paid for by the Applicant.

(d) All infrastructure, whether it be an extension to a main, or a new service line or lateral, shall be installed in accordance with the Town's design and construction standards at the Applicant's expense. Once installed by the Applicant and accepted by the Director, water lines up to the meter shall be the property of the Town. The Applicant shall provide all reasonably required easements, at the Applicant's expense.

This subsection shall not apply to single family residences that (i) are not part of subdivision or development project and, (ii) are being built by the family that intends to occupy the residence upon completion and live in the residence for a period of at least two years. "Being built by the family" shall include a house that is built by licensed contractor under contract with the family.

(e) Any permit issued under this provision shall expire if (i) construction on the unit for which it was issued is not commenced within three (3) months of the date of issuance, or (ii) substantial completion of construction on the unit for which the permit was issued is not achieved within six (6) months of the date of issuance. Once a permit expires a new permit must be obtained by filing a new permit application and paying all fees and charges at the then current rates.

(f) Terms of this Section may be modified on a project by project basis only by the Town Council acting to approve a contract with a specific developer by ordinance. Contracts between the Town and a specific developer already approved and signed prior to the date of enactment of this amended Section are hereby reaffirmed and

ratified as if so approved.

(g) Permits issues under this Section are non-transferrable.

(h) The Director may charge a reasonable fee to cover time and expenses of processing the application.

(i) A "main" is a water line that serves more than one customer. A "service line" is a water line proceeding from a main that serves one customer.

This ordinance is enacted and shall be effective from the __ day of _____, 200__.

ADOPTED AND APPROVED this ___ day of _____, 200__.

_____
MAYOR

ATTESTE:

_____
CLERK OF THE COUNCIL

TOWN OF ELKTON

173 WEST SPOTSWOOD AVENUE
ELKTON, VIRGINIA 22827
298-1951

DRAFT

October 25, 2006

Rockingham County Planning Commission

Dear Chairman and Commission Members,

It has come to our attention that the proposed re-zoning request RZ06-08 for tax parcel 130 (A) 9 has been resubmitted to the county for approval. The Elkton Planning Commission & Town Council has discussed this matter and are not in favor of rezoning as proposed. Areas of concern are as follows:

1) The area is not currently located within a designated Urban Growth Area. It is our understanding, that in order for land to be considered for rezoning from Prime Agricultural, it must be within an Urban Growth Area. The planning commission is set to vote on 5, 10, & 20 year proposed growth zones and finalize the comprehensive plan for Elkton in its November meeting. The property in question would be in this 5 year growth zone, but we would prefer to wait until the growth zones are approved before a border line rezoning was approved.

2) In July 2007, the town restated our offer of water and sewer services to this developer, in the same letter the town restated our interest in having this development brought into town. There are two major concerns that initiated this request.

    1) The town is concerned that a border line subdivision built to county code will not be in compliance with town codes and therefore will result in mismatched utilities and amenities when the property is eventually added to the town limits.

    2) The town while willing to supply water & sewer service to this property is keenly aware that with increased development and the tougher Department of Environmental Quality (DEQ) standards there is an inevitable need to upgrade our sewerage treatment plant. We believe that any future developer needs to provide substantial assistance toward these upgrades. With the current agreements the town has with the county, the town would not even receive hook up fees for this development unless the property is in the Town of Elkton.

3) The master plan and the proposed rezoning do not cover the entire acreage in question, leaving 15 acres of Agricultural land surrounded by R5 and Business acreage. We believe that this allows the developer leverage and leeway in the future uses of this property which could result in substantially different use than that which is currently proposed. If the town and county are unable to work through a boundary

line adjustment for this property, then the town would prefer that all the land that is not proposed for business use in this request be zoned R3. This zoning allows for the proposed use and eliminates questions of future use and potential post rezoning plan changes that could completely change the nature of this proposed development.

Thank you for the consideration of these points.

Sincerely,

Daniel R. Talbot
Chairman Elkton Planning Commission

Wayne Printz
Mayor

TOWN OF ELKTON

173 WEST SPOTSWOOD AVENUE
Elkton, Virginia 22827
540-298-9480

Friday, January 05, 2007

Odell Crawford
6821 Rocky Bar Rd
Elkton, VA 22827

Dear Mr. Crawford,

This correspondence has been written to inform you that construction of a new home, located at 16730 East Washington Street is illegal and <u>must be ceased</u> immediately!

Your cooperation will be appreciated until this matter has been resolved. Please feel free to contact me by phone at 435-6308.

Sincerely,

Mayor, Wayne Printz

WP/cls

SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr Odell Crawford
6821 Rocky Bar Rd
Elkton, Va 22827

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X Odell Crawford 1/11/07
☐ Agent
☐ Addressee

B. Received by (*Printed Name*) ODELL CRAWFORD
C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

ELKTON VA

3. Service Type
☑ Certified Mail ☐ Express Mail
☑ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (*Extra Fee*) ☐ Yes

2. Article Number
(*Transfer from service label*) 7004 0550 0000 4862 9220

PS Form 3811, February 2004