

(To view attachments, please click on highlighted areas)

**AGENDA
FRANKLIN COUNTY BOARD OF SUPERVISORS
TUESDAY, JANUARY 21, 2014**

- 1:30 P.M. Call To Order, Chairman David Cundiff
- 1:31 Invocation, Supervisor Bobby Thompson
- 1:32 Pledge of Allegiance, Supervisor Bob Camicia
- 1:33 Public Comment
•
- 1:36 **CONSENT AGENDA (REQUIRES ACTION)**
REF: 1. Approval of Accounts Payable Listing, Appropriations, and Minutes for December 17, 2013 & January 2, 2014
2. Building Inspection Vehicle Purchase **(See Attachment #14)**
3. Surplus Property/General Properties **(See Attachment #6)**
4. Request to Advertise RFP/Leasing of Property **(See Attachment #12)**
5. Revised TLAC Cooperative Agreement **(See Attachment #2)**
- 1:40 Vincent Copenhaver, Director of Finance
REF: 1. Monthly Finance Report & Local Discretionary Revenue Projection
- 1:50 Bill Overton, Sheriff
REF: 1. Part-Time Budget **(See Attachment #15)**
- 2:30 Jake Gilmore, Senior Planner, Roanoke Valley Alleghany Regional Commission
REF: 1. Livable Roanoke Valley Update **(See Attachment #9)**
- 2:50 Neil Holthouser, Director of Planning & Community Development
REF: 1. Union Hall Village Plan Update **(See Attachment #8)**
2. Stormwater Management Ordinance **(See Attachment #7)**
3. Ordinance Change to Address Two Houses on One Lot **(See Attachment #13)**

- 3:20 Kerry Smith, Vice-President, Wells Fargo Insurance Services
REF: 1. Employee Health Care Benefit Strategic Planning **(See Attachment #10)**hy
- 3:45 Paul Chapman, Director of Parks & Recreation
REF: 1. Community Facilities Grant Program **(See Attachment #11)**
- 3:55 Richard E. Huff, II, County Administrator
REF: 1. Consideration of Budget Workshop Dates Before February Meeting **(Please bring Calendar)**
2. Other Matters
- 4:00 Other Matters by Supervisors
- 4:05 Request for Closed Meeting in Accordance with 2.2-3711, a-3, Acquisition of Land, & a-5, Discussion of a Prospective New Business or Industry, or of Expansion of an Existing One, of the Code of Virginia, as Amended.

Certification of Closed Meeting in Accordance with 2.2-3712 (d), of the Code of Virginia, as Amended.

APPOINTMENTS:

- ✚ Housing Rehab Board 1-Yr. Term **(See Attachment #3)**
- ✚ Planning Commission - 4-Yr. Term **(See Attachment #5)**
- Boone District
- Rocky Mount District

Recess for Dinner

6:00 Call To Order, Chairman David Cundiff

6:01 Recess for Previously Advertised Public Hearing as Follows:

PUBLIC NOTICE

The Franklin County Board of Supervisors will hold the following public hearing on **Tuesday, January 21, 2014 @ approximately 6:00 P.M.**, in the Board of Supervisors Meeting Room, Franklin County Government Center, 1255 Franklin Street, Suite 104, Rocky Mount, Virginia.

The proposed public hearing will be held to receive public comment on a request made by World Relief Now to receive exemption from **taxation on Personal Property** owned by World Relief Now. The estimated assessed value for the following proposed exemption is as follows: **(See Attachment #1)**

TAX YEAR	PERSONAL PROPERTY ASSESSED VALUE	TAX DUE
2014	\$20,850 @ \$2.34/\$100 = \$487.89	\$503.64
	VEHICLE LICENSE FEE = \$15.75	Total: \$503.64

PUBLIC NOTICE

The Franklin County Board of Supervisors will hold a public hearing at approximately **6:00 P.M., on Tuesday, January 21, 2014**, in the Board of Supervisors Meeting Room in the Franklin County Government Center, 1255 Franklin Street, Suite 104, Rocky Mount, Virginia

to consider the following proposed amendments to Article II – Section 11-47 Levy and Amount of Fee: **(See Attachment #4)**

Article II-County Vehicle License Fee

Section 11-47 – Levy and Amount of Fee

Effective for the 2014 calendar year the following fees will be reflected on 2014 Personal Property Tax bills which are due December 5, 2014.

- (a) ~~Thirty four dollars and twenty five cents (\$34.25)~~ **Twenty-five dollars (\$25.00)** on each motor vehicle.
- (b) ~~Thirty one dollars and fifty cents (\$31.50)~~ **Twenty dollars (\$20.00)** on trailers and semitrailers with a gross vehicle weight of more than one thousand, five hundred pounds (1,500).
- (c) ~~Eighteen dollars and forty nine cents (\$18.49)~~ **Thirteen dollars and fifty cents (\$13.50)** on antique or vintage licenses.
- (d) ~~Twenty five dollars and twenty five cents (\$25.25)~~ **Eighteen dollars (\$18.00)** on a motorcycle, with or without a sidecar.

Call to Order and Action as Deemed Appropriate from Public Hearings and Adjournment Thereafter

L

FRANKLIN COUNTY
Board of Supervisors



Franklin County

A Natural Setting for Opportunity

EXECUTIVE SUMMARY

<p><u>AGENDA TITLE:</u></p> <p style="text-align: center;"><i>PUBLIC HEARING FOR WORLD RELIEF NOW TO RECEIVE TAX EXEMPT STATUS FOR FRANKLIN COUNTY'S PERSONAL PROPERTY TAXES</i></p> <p><u>SUBJECT/PROPOSAL/REQUEST:</u></p> <p style="text-align: center;"><i>REQUEST FOR TAX EXEMPT STATUS OF PERSONAL PROPERTY TAXES FOR WORLD RELIEF NOW</i></p> <p><u>STAFF CONTACT(S):</u> Mr. Huff & Mrs. Tudor</p>	<p><u>AGENDA DATE:</u> <u>ITEM NUMBER:</u></p> <p style="text-align: right;"><i>January 21, 2014</i></p> <p><u>ACTION:</u> <i>YES</i> <u>INFORMATION:</u></p> <p><u>CONSENT AGENDA:</u></p> <p style="text-align: center;"><u>ACTION</u> <u>INFORMATION:</u></p> <p><u>ATTACHMENTS:</u> <i>YES</i></p> <p><u>REVIEWED BY:</u> <i>REL</i></p>
--	--

BACKGROUND:

Mr. Steve Huff, Executive Director, World Relief Now, has submitted a request for the Board of Supervisors' approval for Personal Property Tax exemption status. The following is offered for your review and consideration:

TAX YEAR	PERSONAL PROPERTY ASSESSED VALUE	TAX DUE
2014	\$20,850 @ \$2.34/\$100 = \$487.89	\$503.64
	VEHICLE LICENSE FEE = \$15.75	Total: \$503.64

With the aforementioned request, Mr. Huff has submitted all pertinent information required by Section 58.1-3651 of the State Code (*attached hereto*).

During the December 17, 2013 Board meeting, the Board granted staff authorization to advertise for a public hearing to be set for the January 21, 2014 meeting.

RECOMMENDATION:

Staff respectfully requests Board action following the previously advertised public hearing for the requested Personal Property and Merchants' Capital Tax exemption status beginning with the 2014 tax year for World Relief Now.

§ 58.1-3651. Property exempt from taxation by classification or designation by ordinance adopted by local governing body on or after January 1, 2003.

A. Pursuant to subsection 6 (a) (6) of Article X of the Constitution of Virginia, on and after January 1, 2003, any county, city, or town may by designation or classification exempt from real or personal property taxes, or both, by ordinance adopted by the local governing body, the real or personal property, or both, owned by a nonprofit organization that uses such property for religious, charitable, patriotic, historical, benevolent, cultural, or public park and playground purposes. The ordinance shall state the specific use on which the exemption is based, and continuance of the exemption shall be contingent on the continued use of the property in accordance with the purpose for which the organization is classified or designated. No exemption shall be provided to any organization that has any rule, regulation, policy, or practice that unlawfully discriminates on the basis of religious conviction, race, color, sex, or national origin.

B. Any ordinance exempting property by designation pursuant to subsection A shall be adopted only after holding a public hearing with respect thereto, at which citizens shall have an opportunity to be heard. The local governing body shall publish notice of the hearing once in a newspaper of general circulation in the county, city, or town where the real property is located. The notice shall include the assessed value of the real and tangible personal property for which an exemption is requested as well as the property taxes assessed against such property. **The public hearing shall not be held until at least five days after the notice is published in the newspaper. The local governing body shall collect the cost of publication from the organization requesting the property tax exemption.** Before adopting any such ordinance the governing body shall consider the following questions:

1. Whether the organization is exempt from taxation pursuant to § 501(c) of the Internal Revenue Code of 1954;

World Relief Now is tax exempt via it's 501 (C) 3 Status. EIN: 41-2185504

2. Whether a current annual alcoholic beverage license for serving alcoholic beverages has been issued by the Virginia Alcoholic Beverage Control Board to such organization, for use on such property;

World Relief Now does not have an alcoholic beverage license

3. Whether any director, officer, or employee of the organization is paid compensation in excess of a reasonable allowance for salaries or other compensation for personal services which such director, officer, or employee actually renders;

No one at World Relief Now is paid any compensation, it is a volunteer only work force.

4. Whether any part of the net earnings of such organization inures to the benefit of any individual, and whether any significant portion of the service provided by such organization is generated by funds received from donations, contributions, or local, state or federal grants. As used in this subsection, donations shall include the providing of personal services or the contribution of in-kind or other material services;

World Relief Now is a donations funded organization. No one at World Relief now receives any compensation. All funds are used to pay for projects.

5. Whether the organization provides services for the common good of the public;

World Relief Now provides services for the under privileged

6. Whether a substantial part of the activities of the organization involves carrying on propaganda, or otherwise attempting to influence legislation and whether the organization participates in, or intervenes in, any political campaign on behalf of any candidate for public office;

World Relief Now does not involve itself in political activities

7. The revenue impact to the locality and its taxpayers of exempting the property; and

Revenue amount is approximately \$500 per year

8. Any other criteria, facts and circumstances that the governing body deems pertinent to the adoption of such ordinance.

World Relief Now is happy to provide any additional info needed

C. Any ordinance exempting property by classification pursuant to subsection A shall be adopted only after holding a public hearing with respect thereto, at which citizens shall have an opportunity to be heard. The local governing body shall publish notice of the hearing once in a newspaper of general circulation in the county, city, or town. The public hearing shall not be held until at least five days after the notice is published in the newspaper.

D. Exemptions of property from taxation under this article shall be strictly construed in accordance with Article X, Section 6 (f) of the Constitution of Virginia.

E. Nothing in this section or in any ordinance adopted pursuant to this section shall affect the validity of either a classification exemption or a designation exemption granted by the General Assembly prior to January 1, 2003, pursuant to Article 2 (§ [58.1-3606](#) et seq.), 3 (§ [58.1-3609](#) et seq.) or 4 (§ [58.1-3650](#) et seq.) of this chapter. An exemption granted pursuant to Article 4 (§ [58.1-3650](#) et seq.) of this chapter may be revoked in accordance with the provisions of § [58.1-3605](#).

(2003, c. [1032](#); 2004, c. [557](#).)

[prev](#) | [next](#) | [new search](#) | [table of contents](#) | [home](#)

OGDEN UT 84201-0046

In reply refer to: 0423371862
Dec. 29, 2008 LTR 252C E0
41-2185504 000000 00 000
00004872
BODC: TE

WORLD RELIEF NOW
% STEVE HUFF
PO BOX 401
WIRTZ VA 24184-0401015



015546

Taxpayer Identification Number: 41-2185504

Dear Taxpayer:

Thank you for the inquiry dated Nov. 13, 2008.

We have changed the name on your account as requested. The number shown above is valid for use on all tax documents.

If you have any questions, please call us toll free at 1-877-829-5500.

If you prefer, you may write to us at the address shown at the top of the first page of this letter.

Whenever you write, please include this letter and, in the spaces below, give us your telephone number with the hours we can reach you. Also, you may want to keep a copy of this letter for your records.

Telephone Number () _____ Hours _____

Sincerely yours,

Karen E. Peat

Karen E. Peat
Dept. Manager, Code & Edit/Entity 3

Enclosure(s):
Copy of this letter

INTERNAL REVENUE SERVICE
P. O. BOX 2508
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date: DEC 02 2006

WHEELS 2 AFRICA
C/O STEVE HUFF
PO BOX 401
WIRTZ, VA 24184-0401

Employer Identification Number:
41-2185504
DLN:
17053209026006
Contact Person:
RENEE RAILEY NORTON ID# 31172
Contact Telephone Number:
(877) 829-5500
Accounting Period Ending:
DECEMBER 31
Public Charity Status:
170(b)(1)(A)(vi)
Form 990 Required:
YES
Effective Date of Exemption:
OCTOBER 20, 2005
Contribution Deductibility:
YES
Advance Ruling Ending Date:
DECEMBER 31, 2009

Dear Applicant:

We are pleased to inform you that upon review of your application for tax exempt status we have determined that you are exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code. Contributions to you are deductible under section 170 of the Code. You are also qualified to receive tax deductible bequests, devises, transfers or gifts under section 2055, 2106 or 2522 of the Code. Because this letter could help resolve any questions regarding your exempt status, you should keep it in your permanent records.

Organizations exempt under section 501(c)(3) of the Code are further classified as either public charities or private foundations. During your advance ruling period, you will be treated as a public charity. Your advance ruling period begins with the effective date of your exemption and ends with advance ruling ending date shown in the heading of the letter.

Shortly before the end of your advance ruling period, we will send you Form 8734, Support Schedule for Advance Ruling Period. You will have 90 days after the end of your advance ruling period to return the completed form. We will then notify you, in writing, about your public charity status.

Please see enclosed Information for Exempt Organizations Under Section 501(c)(3) for some helpful information about your responsibilities as an exempt organization.

Letter 1045 (DO/CG)

2

FRANKLIN COUNTY
Board of Supervisors



Franklin County
A Natural Setting for Opportunity

EXECUTIVE SUMMARY

<p>AGENDA TITLE: Revised Cooperative Agreement - TLAC</p> <p>SUBJECT/PROPOSAL/REQUEST Request to adopt a revised TLAC Cooperative Agreement to reflect the addition of Leesville Lake to the organization, the addition of Campbell County, and revised shoreline estimates.</p> <p>STRATEGIC PLAN FOCUS AREA:</p> <p>Goal #</p> <p>Action Strategy:</p> <p>STAFF CONTACT(S): Messrs. Huff,</p>	<p>AGENDA DATE: January 21, 2014</p> <p>ACTION:</p> <p>CONSENT AGENDA: Yes</p> <p>ACTION:</p> <p>ATTACHMENTS: Yes</p> <p>REVIEWED BY: <i>REH</i></p>	<p>ITEM NUMBER:</p> <p>INFORMATION:</p> <p>INFORMATION:</p>
--	--	--

BACKGROUND:

During the Smith Mountain Lake and Leesville Lake relicensing, it became clear that it would be more efficient to have one organization represent the "Project" that operates under one license to include both lakes. Franklin County staff wanted to be clear that we were not paying for Leesville activities and Campbell County did not want to pay for Smith Mountain responsibilities.

The other change is that under the old agreement, it was estimated that Franklin and Bedford had approximate 45% of the shoreline of Smith Mountain Lake each and Pittsylvania 10%. Newer GIS mapping shows that Franklin actually has 57.5% and Bedford 38.3%.

DISCUSSION:

The new organizational agreement spells out Funding as follows:

SMITH MOUNTAIN LAKE (SML)

Franklin 288 miles	- 57.5%
Bedford 192 miles	- 38.3%
Pittsylvania 21 miles	- 2.2%
	100%

LEESVILLE LAKE (LVL)

Bedford 26 miles	- 25.0%
Campbell 12 miles	- 11.0%
Pittsylvania 67miles	- 64.0%
	100%

It separates Smith Mountain Lake from Leesville Lake responsibilities and assigns costs accordingly. It automatically renews the agreement for 24 month terms unless 180 days of notice are given before the end of the fiscal year. It spells out membership and voting and allows committees to utilize non-TLAC Board members for committee chairs.

RECOMMENDATIONS:

15.2-1300 of the Code which authorizes a joint exercise of powers requires approval of the agreement by ordinance which requires a public hearing. Staff recommends that a public hearing be advertised in February.



Smith Mountain Lake: The Jewel of the Blue Ridge

TRI-COUNTY LAKE ADMINISTRATIVE COMMISSION

Memo

**To: Mr. Otis Hawker, Interim Pittsylvania County Administrator
Mr. Rick Huff, Franklin County Administrator
Mr. David Laurrell, Campbell County Administrator
Mr. Mark Reeter, Bedford County Administrator**

From: Pam Dinkle, Lake Management and Project Coordinator

Date: December 12, 2013

Re: Revised Organizational Cooperative Agreement

Upon the direction of the Tri-County Lake Administrative Commission (TLAC) Board of Directors at their December 10, 2013 meeting, please find attached the revised Organizational Cooperative Agreement creating the Tri-County Lakes Administrative Commission. Section 15.2.1300 of the Code of Virginia provides for the development of a joint administrative organization such as TLAC.

TLAC currently has responsibilities at Smith Mountain Lake which are identified in the current Organizational Agreement. The purpose of this revision is to expand TLAC's responsibilities, as identified within the revised agreement, to include both Smith Mountain Lake and Leesville Lake.

If it is the desire of the four County Boards of Supervisors that TLAC be expanded as defined within the revised Organizational Cooperative Agreement, then approval of this document is necessary by all four Counties' Board of Supervisors. Additionally, a budget for the revised TLAC will also need to be approved by the four counties. If approved, it is anticipated that the effective date of the agreement will be July 1, 2014.

ORGANIZATIONAL COOPERATIVE AGREEMENT CREATING THE TRI-COUNTY LAKES ADMINISTRATIVE COMMISSION (TLAC)

Creation of the Tri-County Lakes Administrative Commission ("TLAC")

This Cooperative Agreement is among the counties of Bedford, and Campbell, and Franklin, and Pittsylvania, for a joint administrative organization under the provisions of Section 15.2.1300 of the Code of Virginia, and is:

- to be known as the Tri-County Lakes Administrative Commission

PURPOSE: The purpose of the Tri-County Lakes Administrative Commission is to serve as an administrative department for the four counties surrounding Smith Mountain Lake and Leesville Lake, and is established to carry out lake planning duties as may be assigned by the respective Boards of Supervisors. Such duties may also include, but are not limited to, navigation marker issues, aquatic vegetation issues, debris cleanup issues, monitoring of License requirements, and coordination with American Electric Power on lake-related issues. The Tri-County Lakes Administrative Commission may also be directed by the Boards of Supervisors from time to time to perform specific projects which will require the coordination of lake volunteers in order to accomplish such activities. The Tri-County Lakes Administrative Commission shall serve as the first point of contact for lake-related issues and concerns and shall forward such concerns as are appropriate to the body or agency best able to respond to the citizen. Notwithstanding the above, the Tri-County Lakes Administrative Commission is authorized only to perform those duties as approved in the annual Work Plan and as amended, by its Board of Directors and which are not the responsibility of Appalachian Power Company/American Electric Power or its assigns and successors by virtue of its License with the Federal Energy Regulatory Commission.

MISSION: The mission of the Tri-County Lakes Administrative Commission is to assist in the development of a harmonious community at the lakes through the administration of the programs and projects delegated to it by the Boards of Supervisors of the affected counties and to study and advise the Boards of Supervisors on issues related to the overall well being of the lakes as directed by the member counties. It is the mission of the Tri-County Lakes Administrative Commission to do for the four counties in a more efficient and effective manner what any one of the member counties could do for themselves individually; and, to perform such duties and to exercise such appropriate powers and authority as may be delegated by the Boards of Supervisors of the member counties to the "TLAC" and not exceeding the limits of delegation as prescribed under the Code of Virginia.

GUIDING PRINCIPLES: (1) The "TLAC" shall serve at the direction of the member counties with input from the lakes community at large, and such other citizens who may wish to offer input into the public process of guiding lakes area concerns. (2) The four member counties shall agree as to a fiscal agent for the "TLAC" who will process all income and expenditures of the entity under the guidelines established by the fiscal agent and shall be reimbursed by the TLAC budget for reasonable costs experienced in providing this service. Employees assigned to staff the "TLAC" shall be employees of the fiscal agent and function in the same manner as all other employees of the fiscal agent. (3) A work program shall be approved annually by the "TLAC" Board and shall guide the activities of the "TLAC".

DURATION OF COOPERATIVE AGREEMENT: This Cooperative Agreement shall become effective immediately on approval and adoption of resolutions by Bedford, and Campbell, and Franklin, and Pittsylvania counties, and shall run for two year terms beginning _____ or as the Cooperative Agreement may be amended or extended by action of parties to the Cooperative Agreement. This provision is to assure that the "TLAC's" effectiveness is regularly reviewed by member counties and recognizes that member counties may choose to supplant the TLAC with a modified organization or terminate the TLAC in favor of a new organization or entity. In the event written notice of termination is not given by any party to this agreement as provided herein, then this contract shall automatically renew for a term of twenty-four (24) months, and shall automatically renew at the end of each successive term thereafter, unless such notice is given.

ORGANIZATION OF THE TRI-COUNTY LAKES ADMINISTRATIVE COMMISSION: The "TLAC" shall be comprised of the three members each from the participating political subdivisions of Bedford, and Franklin, and Pittsylvania Counties. One member from each political subdivision shall be a member of the Board of Supervisors of that political subdivision whose voting district borders Leesville or Smith Mountain Lakes, or his/her alternate; the alternate for the Board of Supervisors from Bedford and Franklin and Pittsylvania Counties shall be another member of the respective Board of Supervisors: one member shall be a citizen at large who shall reside in a voting precinct whose area shall include the shoreline of Leesville or Smith Mountain Lakes; one member shall be the County Administrator, or his designee.

Campbell County, because of its smaller area involvement and financial responsibility, shall have two members appointed by its Board of Supervisors annually; these shall include: a county Board of Supervisors member whose voting district borders Leesville Lake, or his/her alternate. The other member shall be the County Administrator, or his designee.

There shall also be one member each from the Smith Mountain Lake Association (SMLA) and the Leesville Lake Association (LVLA) which shall annually recommend a member representative to the local Board of Supervisors.

There shall also be one member appointed by American Electric Power Company who will be an ex-officio, non-voting member.

There shall be a total of 13 voting members and 1 non-voting member.

- a) Appointments to "TLAC". The citizen members and Board members of the Tri-County Lakes Administrative Commission will be appointed by the Boards of Supervisors of the county which they represent. The SMLA and LVLA members shall be appointed by the Board of Supervisors of the county in which they reside. These members shall serve at the pleasure of the respective Boards of Supervisors. Appointments should be made at annual Board of Supervisors reorganization meetings and terms shall run from February 1 through January 31.
- b) Members of the "TLAC" shall elect a member as "TLAC" chairman, and a member as vice chairman, and a member as secretary at its next regularly scheduled meeting following February 1.
- c) Compensation of "TLAC" members. The respective member jurisdiction's Board of Supervisors shall determine compensation, if any, to be received by their respective appointed "TLAC" members.

FUNDING: The percentage of shoreline for each of the lakes, as it relates to the four counties, is as follows:

SMITH MOUNTAIN LAKE (SML)

Franklin 288 miles	- 57.5%
Bedford 192 miles	- 38.3%
Pittsylvania 21 miles	- <u>4.2%</u>
	100%

LEESVILLE LAKE (LVL)

Bedford 26 miles	- 25.0%
Campbell 12 miles	- 11.0%
Pittsylvania 67 miles	- <u>64.0%</u>
	100%

The budget amount for the Executive Director will be funded 80% by the SML counties according to the above percentages, and 20% by the LVL counties according to the above percentages, and be contained in each budget.

Funding for the SML budget and the LVL budget shall be the responsibility of the applicable counties in the proportion as set forth above. The lowest approved budget by each of these applicable counties for each lake shall be used. It is expressly understood however, that any County can fund the budget in a greater amount.

It is the intent of the parties that the historic function of TLAC continue, and that the budget for the SML counties continue to reflect primarily matters concerning SML and only those LVL issues relevant thereto. Therefore, the LVL budget shall include matters exclusive to LVL counties, including the expense for the LVL staff, as well as an estimate of any additional

expense (including time and mileage) of other TLAC staff devoted to LVL matters beyond the expense for the Executive Director. The LVL counties (in the proportions set forth above) shall be responsible for said cost for other TLAC staff.

EXECUTIVE COMMITTEE: The Executive Committee includes the four County Administrators. The purpose of the Executive Committee shall be to present an annual budget for the LVL counties and for the SML counties for the approval of their respective counties, to assist the Executive Director in addressing essential business between regular Board meetings, to take action on all matters which cannot or should not be deferred until the Board's next meeting, review of potential Board meeting topics when appropriate, support the Executive Director and assess his/her performance. The Executive Committee shall meet as often as necessary. A majority of the voting members shall constitute a quorum.

METHODS (CONCEPT) OF OPERATION: It is the intent of the parties hereto that TLAC operate under the following parameters:

- a) TLAC shall create citizen committees devoted to SML matters, and separate citizen committees devoted to LVL matters.
- b) The Executive Director shall segregate staff time devoted to LVL matters for accounting purposes.
- c) The TLAC representatives from Campbell County shall abstain from discussion or voting on matters regarding SML; and likewise, Franklin County representatives from matters regarding LVL.
- d) Only two Pittsylvania County representatives may vote on SML matters, in the following order: supervisor, administrator, citizen-at-large.
- e) Any activities, programs, or initiatives which pertain only to LVL must be recommended by the LVL staff to TLAC for approval, and shall be funded by the LVL counties according to the aforesaid formula.

WITHDRAWALS FROM THIS COOPERATIVE AGREEMENT: Any party to this Cooperative Agreement shall have the right to withdraw from this Cooperative Agreement at any time after written notification to the "TLAC" of the party's intention to withdraw from the "TLAC". Written notification of intent to withdraw shall be tendered to the "TLAC" at least 180 days before the date of official withdrawal. This is restricted in that notice must be given at least 180 days before the end of the "TLAC's" then current fiscal year. In the event that any of the counties withdraw from the agreement, then the agreement will be terminated.

DISPOSITION OF PROPERTIES AND FUNDS OF THE TRI-COUNTY LAKES ADMINISTRATIVE COMMISSION UNDER TERMINATION: In the event of termination, funds, records, and tangible property, real and personal, that are held by the "TLAC", or are in custody of its administrative entity, its agents or assigns, shall be returned to the participating political subdivision pro rata

to their annual rates of contributions, or as otherwise agreed to by the member counties. Participating political subdivisions shall be defined as those that are members to the Cooperative Agreement on the day before termination shall become effective. Annual rate shall be that which the termination of this Cooperative Agreement shall occur.

COMMITTEES: The "TLAC" shall from time to time establish such special committees as deemed necessary for aiding in the effective implementation of the "TLAC's" responsibilities, duties and authorities. Committees shall report to the "TLAC". The Executive Committee of the "TLAC" may be utilized in communications between the "TLAC" and committees and between the committees and outside persons. The chair of any such committee need not be a member of "TLAC", unless deemed necessary by the Executive Committee, and all committee appointments shall be approved by the TLAC. The chairs are expected to attend TLAC Board meetings on a regular basis.

EFFECTIVE DATE OF THIS COOPERATIVE AGREEMENT: This Cooperative Agreement between the counties of Bedford and Campbell and Franklin and Pittsylvania shall be effective beginning on the ____ day of _____, 2014.

BEDFORD COUNTY BOARD OF SUPERVISORS

BY _____
CHAIRMAN OF THE BOARD

ATTEST:

CLERK

APPROVED AS TO FORM: _____
COUNTY ATTORNEY

CAMPBELL COUNTY BOARD OF SUPERVISORS

BY _____
CHAIRMAN OF THE BOARD

ATTEST:

CLERK

APPROVED AS TO FORM: _____
COUNTY ATTORNEY

FRANKLIN COUNTY BOARD OF SUPERVISORS

BY _____
CHAIRMAN OF THE BOARD

ATTEST:

CLERK

APPROVED AS TO FORM: _____
COUNTY ATTORNEY

PITTSYLVANIA COUNTY BOARD OF SUPERVISORS

BY _____
CHAIRMAN OF THE BOARD

ATTEST:

CLERK

APPROVED AS TO FORM: _____
COUNTY ATTORNEY

5

HOUSING REHABILITATION BOARD (HRB)

1 YEAR TERMS

TERM EXPIRES DECEMBER 31ST

**BOARD TO BE APPOINTED DURING BOS ORGANIZATIONAL MEETING
AS OF 12/17/2013 (RE-APPOINTED FOR TERM 12/31/2013)**

**CHARLES WAGNER
330 RIVERVIEW STREET
ROCKY MOUNT, VA 24151**

**MIKE THURMAN
445 FRANKLIN STREET
ROCKY MOUNT, VA 24151**

**WILLIAM HELM
2174 S. MAIN STREET
ROCKY MOUNT, VA 24151**

**DON SMITH (12/31/2014)
1255 Franklin Street, Suite 103
ROCKY MOUNT, VA 24151**

**NEIL HOLTHOUSER
1255 FRANKLIN STREET, SUITE 103
ROCKY MOUNT, VA 24151**

**HUBERT QUINN
12684 FRANKLIN STREET
FERRUM, VA 24088**

The Franklin County Board of Supervisors will hold a public hearing at approximately **6:00 P.M., on Tuesday, January 21, 2014**, in the Board of Supervisors Meeting Room in the Franklin County Government Center, 1255 Franklin Street, Suite 104, Rocky Mount, Virginia to consider the following proposed amendments to Article II - Section 11-47 Levy and Amount of Fee:

Article II-County Vehicle License Fee

Section 11-47 - Levy and Amount of Fee

Effective for the 2014 calendar year the following fees will be reflected on 2014 Personal Property Tax bills which are due December 5, 2014.

- (a) ~~Thirty-four dollars and twenty-five cents (\$34.25)~~ **Twenty-five dollars (\$25.00)** on each motor vehicle.
- (b) ~~Thirty-one dollars and fifty cents (\$31.50)~~ **Twenty dollars (\$20.00)** on trailers and semitrailers with a gross vehicle weight of more than one thousand, five hundred pounds (1,500).
- (c) ~~Eighteen dollars and forty-nine cents (\$18.49)~~ **Thirteen dollars and fifty cents (\$13.50)** on antique or vintage licenses.
- (d) ~~Twenty-five dollars and twenty-five cents (\$25.25)~~ **Eighteen dollars (\$18.00)** on a motorcycle, with or without a sidecar.

A complete copy of the proposed ordinance amendments is available in the Board Clerk's Office, 1255 Franklin Street, Suite 111, Rocky Mount, Virginia 24151.

All requests for reasonable accommodations due to a disability should be made to Sharon K. Tudor, MMC, Clerk with at least a 48 hour notice.

All interested parties are encouraged to attend.

SHARON K. TUDOR, MMC, CLERK
FRANKLIN COUNTY BOARD OF SUPERVISORS

FRANKLIN NEWS POST

PLEASE PUBLISH IN YOUR Friday, January 10 & 17, 2014 EDITIONS.

PLANNING COMMISSION MEMBERS & TERMS
Updated 4-23-2012
4-YEAR TERMS

James M. Colby
80 Coveport Place
Moneta, Virginia 24121
540-719-2760 (home)

Gills Creek District
Term Expires: 3-31-2016

C. W. Doss, Jr.
484 Twin Creeks Drive
Ferrum, Virginia 24088
540-365-2678 (home)

Blue Ridge District
Term Expires: 6-30-2016

Edmund C. (Doc) Law
130 Mountain Avenue
Rocky Mount, Virginia 24151
540-483-9695 (home)

Rocky Mount District
Term Expires: 3-31-2014

Wendy Ralph
265 Hampton Drive
Union Hall, Virginia 24176
540-576-3085 (home)

Union Hall District
Term Expires: 6-30-2016

Sherri Mitchell
6061 Sontag Road
Rocky Mount, Virginia 24151
540-857-2020 3xt 5107 (work)
540-483-7000 (home)
e-mail: sherrie.mitchell@va.gov

Snow Creek District
Term Expires: 6-30-2014

Earl Webb Vice-Chairman
151 Graveyard Knob Road
Callaway, VA 24067
540-489-5270 (work)
e-mail: ewebb@swva.net (do not send large mail)

Blackwater District
Term Expires: 6-30-2016

Angie McGhee
24935 Virgil Goode Highway
Boones Mill, Virginia 24065
540-334-2020 (work)
540-537-5918 (cell)
e-mail: McGheeRealtor@aol.com

Boone District
Term Expires 3-31-2014

***Each term is for 4 years**

FRANKLIN COUNTY
Board of Supervisors

6



Franklin County
A Natural Setting for Opportunity

EXECUTIVE SUMMARY

<u>AGENDA TITLE:</u> Surplus Vehicles	<u>AGENDA DATE:</u> January 21, 2014	<u>ITEM NUMBER:</u>
<u>SUBJECT/PROPOSAL/REQUEST</u> Request Board Approval to Declare a Vehicle "Surplus"	<u>ACTION:</u>	<u>INFORMATION:</u>
<u>STRATEGIC PLAN FOCUS AREA:</u>	<u>CONSENT AGENDA:</u> Yes	
<u>Goal #</u>	<u>ACTION:</u>	<u>INFORMATION:</u>
<u>Action Strategy:</u>		
<u>STAFF CONTACT(S):</u> Messrs. Huff, Thurman	<u>ATTACHMENTS:</u>	
	<u>REVIEWED BY:</u> REX	

BACKGROUND:

September 1, 1996, the County of Franklin adopted a "vehicle policy". This policy was "Amended and readopted" on February 15, 2005. Section four (4) of this policy governs vehicle replacement and the reallocation and/or sale of vehicles which are removed from service.

DISCUSSION:

The Department of General Properties has a 1998 Chevrolet Astro Van in its fleet. For the last two years numerous mechanical issues have become frequent. In the Fall the engine began losing water and it was determined that the cost of repairs was not feasible given the value of the Van and mileage (137,000). In October 2013 the Board granted General Properties permission to purchase a new pickup. This vehicle has been received and put into service.

RECOMMENDATIONS:

Staff requests Board approval to officially declare the 1998 Chevrolet Astro Van "surplus". It is further requested to grant the Vehicle Committee permission to dispose of this vehicle in the best interest of the County.

FRANKLIN COUNTY
Board of Supervisors



Franklin County
A Natural Setting for Opportunity

EXECUTIVE SUMMARY

<p><u>AGENDA TITLE:</u> Stormwater Management Ordinance</p> <p><u>SUBJECT/PROPOSAL/REQUEST:</u> Overview of efforts by the Department of Planning & Community Development to establish a local Stormwater Management Program, as required by state law, effective July 1, 2014.</p> <p><u>STRATEGIC PLAN FOCUS AREA:</u></p> <p><u>Action Strategy:</u> N/A</p> <p><u>STAFF CONTACT(S):</u> Neil Holthouser, Director of Planning Ronnie Wilson, Development Review Coordinator</p>	<p><u>AGENDA DATE:</u> January 21, 2014</p> <p><u>ITEM NUMBER:</u></p> <p><u>ACTION:</u></p> <p><u>INFORMATION:</u></p> <p><u>CONSENT AGENDA:</u></p> <p><u>ACTION:</u></p> <p><u>INFORMATION:</u></p> <p><u>ATTACHMENTS:</u></p> <p><u>REVIEWED BY:</u> RSH</p>
--	---

BACKGROUND:

State law requires that all cities, counties, and "municipal separate storm sewer systems" establish a local Stormwater Management Program by July 1, 2014. The state of Virginia is effectively transferring all responsibility for stormwater management to the local level, including program administration, plan review (permitting), inspections and enforcement.

In order to establish a Local Stormwater Management Program, Franklin County must adopt a local Stormwater Management Ordinance by April 1, 2014. The Department of Planning & Community Development has prepared a draft local ordinance and has submitted that draft to the Virginia Department of Environmental Quality for review and comment. The draft ordinance combines regulations for Stormwater Management and Erosion & Sediment Control into one consolidated chapter. (The County's existing Erosion & Sediment Control ordinance is located in Chapter 7 of the Franklin County Code.)

In order to ensure adoption of a local ordinance by April 1, 2014, as required by state law, Planning staff recommends that the Board of Supervisors schedule a public hearing on the draft Stormwater Management Ordinance in February 2014. This would allow for an additional month (March 2014) to address any outstanding issues or concerns that might arise out of the initial public hearing.

NEXT STEPS:

Staff respectfully requests that the Board of Supervisors set a public hearing date of Tuesday, February 18, 2014, to consider adoption of a local Stormwater Management Ordinance.

Article I. In General
Division 1. Authority

- Sec. 7-1. Title of Chapter
- Sec. 7-2. Purpose of Chapter
- Sec. 7-3. Authority of Chapter
- Sec. 7-4. Local Control Program Established
- Sec. 7-5. Geographic Applicability
- Sec. 7-6. Severability
- Sec. 7-7. Shoreline Protection

Division 2. Administration

- Sec. 7-8. Permits
- Sec. 7-9. Fees
- Sec. 7-10. Referenced Documents

Division 3. Definitions

- Sec. 7-17. General Usage Terms

Article II. Erosion and Sediment Control

- Sec. 7-18. Exemptions
- Sec. 7-19. Permit required for land disturbing activities
- Sec. 7-20. Erosion and Sediment Control Plan Required
- Sec. 7-21. Erosion Impact Areas
- Sec. 7-22. Submission and approval of Plans
- Sec. 7-23. Standards to be used in preparation and consideration
- Sec. 7-24. Responsibility of property owner when work is being done by a contractor

- Sec. 7-25. Approval or Disapproval
- Sec. 7-26. Variances
- Sec. 7-27. Changing an approved erosion and sediment control plan
- Sec. 7-28. Fees
- Sec. 7-29. Performance Bond
- Sec. 7-30. Long term maintenance of Permanent Stormwater Facilities – see stormwater.....
- Sec. 7-31. Closure of Land Disturbing Activities
- Sec. 7-32. Monitoring and Inspections
- Sec. 7-33. Enforcement- Violations of Chapter – Penalty, injunctive relief, civil relief
- Sec. 7-34. Hearings (optional)
- Sec. 7-35. Appeals
- Secs. 7-36-7-46. Reserved

Article III. Alternative Inspection Program

Article IV: Stormwater Management

- Sec. 7-47. Exemptions
- Sec. 7-48. Stormwater Management Program Established, Submission and Approval of Plans; Prohibitions
- Sec. 7-49. Stormwater Pollution Prevention Plan: Contents of Plans
- Sec. 7-50. Stormwater Management Plan: Contents of Plan
- Sec. 7-51. Pollution Prevention Plan: Contents of Plans
- Sec. 7-52. Review of Stormwater Management Plan
- Sec. 7-53. Technical Criteria for Regulating Land Disturbing Activity
- Sec. 7-54. Performance Bond
- Sec. 7-55. Long term maintenance of Permanent Stormwater Facilities –
- Sec. 7-56. Closure of Land Disturbing Activities

Sec. 7-57. Monitoring and Inspections

Sec. 7-58. Enforcement - Violations of Chapter – Penalty, injunctive relief, civil relief

Sec. 7-59. Hearings (optional)

Sec. 7-60. Appeals

Sec. 7-61. Fees (optional)

ARTICLE I. - IN GENERAL

Division 1 Authority

Sec. 7-1. Title of chapter.

This chapter shall be known as the "Stormwater Management and Erosion and Sediment Control Ordinance of Franklin County, Virginia."

Sec. 7-2. Purpose of chapter.

The purpose of this chapter is as follows:

1. Erosion and sediment conserves the land, water, air and other natural resources of Franklin County and the State of Virginia and to promote the health, welfare and convenience of county residents by establishing requirements for the control of erosion and sedimentation and by establishing procedures by which these requirements can be administered and enforced.
2. Stormwater Management: to provide the framework for the administration, implementation and enforcement of the VA SWM Act and to delineate the procedures and requirements to be followed in connection with state permits issued by a VSMP Authority, while at the same time providing flexibility for innovative solutions to stormwater management issues.

Sec. 7-3. Authority for chapter.

This chapter is adopted pursuant to the following:

1. Code of Virginia, 1950, as amended, Title 10.1, Chapter 5, Article 4 (§10.1-560 et seq.), known as the "Erosion and Sediment Control Law."
2. Code of Virginia, 1950, as amended, Title 10.1, Chapter 6, Article 1.1 (§10.1-603.2 et seq.) known as the "Stormwater Management Law."

Such laws provide for a comprehensive statewide program, with standards and guidelines to control erosion and sedimentation and stormwater quantity and quality, which are implemented on a local level.

Sec. 7-4. Local control program established.

There is hereby established for the effective control of soil erosion, sediment deposition and nonagricultural runoff which must be met to prevent the degradation of properties, stream channels, waters and other natural resources. Franklin County hereby adopts this chapter, regulations promulgated by the Virginia Soil and Water Conservation Board pursuant to Code of Virginia, § 10.1-562, and the "Virginia Erosion and Sediment Control Handbook" as currently in effect and amended from time to time.

There is hereby establishes a Virginia stormwater management program (VSMP) for land-disturbing activities and adopts the applicable regulations that specify standards and specifications for VSMP's promulgated by the State Board pursuant to § 10.1-603.3 of the Code of Virginia. Franklin County hereby designates the Department of Planning and Community Development as the Administrator of the Virginia stormwater management program.

Sec. 7-5. Geographic Applicability.

This chapter shall apply to any land-disturbing activity in Franklin County and the incorporated Towns of Boones Mill and Rocky Mount.

Sec. 7-6. Severability.

If any section, subsection, sentence, clause or phrase of this chapter is for any reason held illegal, invalid, or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereto. The Franklin County Board of Supervisors hereby declares that it would have enacted this chapter and each section, subsection, sentence, clause, and phrases hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared illegal, invalid, or unconstitutional.

Sec. 7-7. Shoreline Protection.

Notwithstanding any other provision of this chapter, any person who conducts land-disturbing activities, any part of which is within two hundred (200) feet of frontage along state waters must obtain a land-disturbing permit and must, as a requirement of the land-disturbing permit, install and maintain appropriate shoreline protective measures which, as a minimum, shall protect the land area from erosion caused by wave action, water level fluctuation or other water movement, and shall also protect the water from siltation resulting from erosion of the shoreline, subject to the approval of American Electric Power and the U.S. Army Corps of Engineers. A method of shoreline protection shall be proposed by the property owner or agent of the owner and shall be approved by the county based upon factors such as location of the property (i.e., main channel vs. cove), topography, existing natural protection such as rock, stable vegetation, etc., and other factors as deemed pertinent. Installation of riprap shall be according to standards set out in this chapter below.

It shall be the responsibility of the owner to consult with the U.S. Army Corps of Engineers and AEP for any requirements of those agencies.

Division 2 Definitions

Sec . 7-17 Definitions.

As used in this chapter, the following words and terms shall have the meanings ascribed to them in this section unless the context clearly indicates otherwise:

"Administrator" means the VESCP & VSMP authority including the Franklin County staff person or department responsible for administering the VESCP & VSMP on behalf of the locality.

"Adequate channel" means a watercourse that will convey the designated frequency storm event without overtopping its banks or causing erosive damage to the bed, banks and overbank sections of the same.

"Agreement in lieu of" means a contract between the VESCP authority and the owner that specifies conservation measures that must be implemented in the construction of a single-family

residence; this contract may be executed by the VESCP authority in lieu of an erosion and sediment control plan.

"Applicant" means any person submitting an application for a permit or requesting issuance of a permit under this Ordinance.

"Best management practice" or "BMP" means schedules of activities, prohibitions of practices, including both structural and nonstructural practices, maintenance procedures, and other management practices to prevent or reduce the pollution of surface waters and groundwater systems from the impacts of land-disturbing activities.

"Channel" means a natural stream or manmade waterway.

"Certification" means the process whereby the board, on behalf of the Commonwealth, issues a certificate to persons who have completed board-approved training programs and met any additional eligibility requirements of 9VAC25-850-50 related to the specified classifications (9VAC25-850-40) within the areas of ESC or SWM or in other ways demonstrated adequate knowledge and experience in accordance with the eligibility requirements of 9VAC25-850-50 in the specified classifications within the areas of ESC or SWM.

"Certified combined administrator for ESC" means an employee or agent of a VESCP authority who holds a certificate of competence from the board in the combined ESC classifications of program administrator, plan reviewer, and project inspector in the area of ESC. "Certified combined administrator for SWM" means an employee or agent of a VSMP authority who holds a certificate of competence from the board in the combined classifications of program administrator, plan reviewer, and project inspector in the area of SWM.

"Certified project inspector for ESC" means an employee or agent of a VESCP authority who holds a certificate of competence from the board in the classification of project inspector in the area of ESC.

"Certified project inspector for SWM" means an employee or agent of a VSMP authority who holds a certificate of competence from the board in the classification of project inspector in the area of SWM.

"Certified plan reviewer for ESC" means an employee or agent of a VESCP authority who: (i) holds a certificate of competence from the board in the classification of plan reviewer in the area of ESC; (ii) is licensed as a professional engineer, architect, certified landscape architect, or land surveyor pursuant to Article 1 (§ 54.1-400 et seq.) of Chapter 4 of Title 54.1 of the Code of Virginia; or (iii) is a professional soil scientist as defined in Chapter 22 (§ 54.1-2200 et seq.) of Title 54.1 of the Code of Virginia.

"Certified plan reviewer for SWM" means an employee or agent of a VSMP authority who holds a certificate of competence from the board in the classification of plan reviewer in the area of SWM.

"Certified program administrator for ESC" means an employee or agent of a VESCP authority who holds a certificate of competence from the board in the classification of program administrator in the area of ESC.

"Certified program administrator for SWM" means an employee or agent of a VSMP authority who holds a certificate of competence from the board in the classification of program administrator in the area of SWM.

"Classification" refers to the four specific certificates of competence classifications within the areas of ESC or SWM that make up activities being performed (program administrator, plan reviewer, project inspector, and combined administrator).

"Combined administrator for ESC" means anyone who is responsible for performing the combined duties of a program administrator, plan reviewer and project inspector of a VESCP authority.

"Combined administrator for SWM" means anyone who is responsible for performing the combined duties of a program administrator, plan reviewer and project inspector of a VSMP authority.

"Clearing" any activity which removes the vegetative ground cover including, but not limited to, root mat removal and/or topsoil removal.

"Clean Water Act" or "CWA" means the federal Clean Water Act (33 U.S.C §1251 et seq.), formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972, Public Law 92-500, as amended by Public Law 95-217, Public Law 95-576, Public Law 96-483, and Public Law 97-117, or any subsequent revisions thereto.

"Common plan of development or sale" means a contiguous area where multiple, separate and distinct construction activities may be taking place at different times on different schedules. (e.g., the operator is building on three half-acre lots in a 6-acre development). The "plan" in a common plan of development or sale is broadly defined as any announcement or piece of documentation (including a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, computer design, etc.) or physical demarcation (including boundary signs, lot stakes, surveyor markings, etc.) indicating that construction activities may occur on a specific plot.

"Control measure" means any best management practice or stormwater facility, or other method used to minimize the discharge of pollutants to state waters.

"County" means The County of Franklin.

"Denuded" means a term applied to land that has been physically disturbed and no longer supports vegetative cover.

"Department" means the Department of Environmental Quality.

"Development" means land disturbance and the resulting landform associated with the construction of residential, commercial, industrial, institutional, recreation, transportation or

utility facilities or structures or the clearing of land for non-agricultural or non-silvicultural purposes.

"Director" means the Director of the Virginia Department of Environmental Quality.

"District" or "soil and water conservation district" means a political subdivision of the Commonwealth organized in accordance with the provisions of Article 3 (§ 10.1- 506 et seq.) of Chapter 5 of Title 10.1 of the Code of Virginia.

"Dormant" refers to denuded land that is not actively being brought to a desired grade or condition.

"ESC" means erosion and sediment control.

"ESC Act" means the Erosion and Sediment Control Law, Article 4 (§ 10.1-560 et seq.) of Chapter 5 of Title 10.1 of the Code of Virginia.

"Erosion and Sediment Control Plan" or "ESC plan" means a document containing material for the conservation of soil and water resources of a unit or group of units of land. It may include appropriate maps, an appropriate soil and water plan inventory and management information with needed interpretations, and a record of decisions contributing to conservation treatment. The plan shall contain all major conservation decisions and all information deemed necessary by the plan-approving authority to assure that the entire unit or units of land will be so treated to achieve the conservation objectives. All erosion and sediment control plans must be prepared by a professional engineer, certified landscape architect, or licensed surveyor.

"Erosion and Sediment Control Agreement". – An agreement authorized by the program administrator to be provided in lieu of a performance bond on single family home construction. See agreement in lieu of plans.

"Erosion Impact Area" An area of land not associated with current land-disturbing activity but subject to persistent soil erosion resulting in the delivery of sediment onto neighboring properties or into state waters. This definition shall not apply to any lot or parcel of land 10,000 square feet or less used for residential purposes or to shorelines where the erosion results from wave action or other coastal processes.

"Excavating" Any digging, scooping or other method of removing earth materials.

"Filling" Any depositing or stockpiling of earth materials.

"General permit" means the state permit titled general permit for discharges of stormwater from activities found in Part XIV (9VAC25-880-1) of the Regulations authorizing a category of discharges under the CWA and the Act within a geographical area of the Commonwealth of Virginia.

"Grading" Any excavating or filling of earth materials or any combination thereof, including the land in its excavated or filled condition.

"Land disturbance or Land disturbing activity" – means any man-made change to the land surface that may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands in the Commonwealth, or that potentially changes its runoff

characteristics including, but not limited to, clearing, grading, and excavation, transporting and filling of land except that the term shall not include those exemptions specified in Section 7-18 and Section 7-47.

“Land Disturbing Activity Permit” – See Permit for Land Disturbing Activity

“Layout” means a conceptual drawing sufficient to provide for the specified stormwater management facilities required at the time of approval.

“Licensed professional” or “professional registered in the Commonwealth of Virginia” means a person practicing with the appropriate area of competence and licensed to engage in the practice of engineering, land surveying, or landscape architecture pursuant to Article 1 (§ 54.1-400 et seq.) of Chapter 4 of Title 54.1 of the Code of Virginia.

“Live watercourse” means a definite channel with bed and banks within which concentrated water flows continuously.

“Locality” means a county, city or town.

“Minor modification” means an amendment to an existing general permit before its expiration not requiring extensive review and evaluation including, but not limited to, changes in EPA promulgated test protocols, increasing monitoring frequency requirements, changes in sampling locations, and changes to compliance dates within the overall compliance schedules. A minor general permit modification or amendment does not substantially alter general permit conditions, substantially increase or decrease the amount of surface water impacts, increase the size of the operation, or reduce the capacity of the facility to protect human health or the environment.

“Natural stream” means nontidal waterways that are part of the natural topography. They usually maintain a continuous or seasonal flow during the year and are characterized as being irregular in cross-section with a meandering course. Constructed channels such as drainage ditches or swales shall not be considered natural streams.

“Non-erodible” means a material, e.g., riprap, concrete, plastic, etc., that will not experience surface wear due to natural forces.

“Stormwater Management Guidance Manual” – means the documentation of policies and procedures for documentation and calculations verifying compliance with the Erosion and sediment control requirements as well as the water quality and quantity requirements, review and approval of Erosion and Sediment Control Plans, Stormwater Pollution Prevention Plans and Stormwater Management Plans, site inspections, obtaining and releasing bonds, reporting and record keeping and compliance strategies for reviews, enforcement, and long-term maintenance and inspection programs.

“Operator” means the owner or operator of any facility or activity subject to regulation under this Ordinance.

“Owner” The owner or owners of the freehold of the premises or lesser estate therein, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee or other person, firm or corporation in control of a property.

"Permit" or "VSMP Authority Permit" means an approval to conduct a land-disturbing activity issued by the Administrator for the initiation of a land-disturbing activity, in accordance with this Ordinance, and which may only be issued after evidence of general permit coverage has been provided by the Department.

"Permit for Land Disturbing Activity" A permit issued by the county authorizing the applicant to undertake a land-disturbing activity in accordance with the provisions of the VESCP or VSMP programs.

"Permittee" The person to whom the permit authorizing the land-disturbing activities is issued or the person who certifies that the approved erosion and sediment control plan and/or stormwater management plan will be followed.

"Person" means any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, county, city, town or other political subdivision of the Commonwealth, governmental body, including a federal or state entity as applicable, any interstate body, or any other legal entity.

"Program administrator" means the person or persons responsible for administering and enforcing the VESCP or VSMP of a VESCP authority or a VSMP authority as may be applicable in the areas of ESC or SWM.

"Project inspector" means anyone who, as a representative of a VESCP authority or a VSMP authority, is responsible for periodically examining the ESC or SWM activities and premises of a land-disturbing activity for compliance with the ESC Act and Regulations or the SWM Act and Regulations as may be applicable.

"Plan approving authority" The Department of Planning and Community Development of Franklin County.

"Post-development" refers to conditions that may be reasonably expected or anticipated to exist after completion of the land development activity on a specific site or tract of land.

"Pre-development" refers to conditions at the time the erosion and sediment control plan is submitted to the VESCP authority. Where phased development or plan approval occurs (preliminary grading, roads and utilities, etc.), the existing conditions at the time the erosion and sediment control plan for the initial phase is submitted for approval shall establish pre-development conditions.

"Program Authority" refers to Franklin County, Virginia.

"Regulations" means the Virginia Stormwater Management Program (VSMP) Permit Regulations, 9VAC25-870, as amended.

Or **"VESCP Regulations"** means the Virginia Erosion and Sediment Control (VESC) Regulations, 9VAC25-840, as amended.

"Responsible Land Disturber" or RLD, An individual from the project or development team who will be in charge of and responsible for carrying out a land-disturbing activity covered by an approved Erosion and Sediment Control Plan or an Erosion and Sediment Control Agreement,

who (i) holds a responsible land disturber certificate of competence, (ii) holds a current certificate of competence from the board in the areas of combined administration, program administration, inspection, or plan review, (iii) holds a current contractor certificate of competence for erosion and sediment control, or (iv) is licensed in Virginia as a professional engineer, architect, certified landscape architect or land surveyor pursuant to Article 1 (Code of Virginia, § 54.1-400 et seq.) of Chapter 4 of Title 54.1.

"Single-family residence" A noncommercial dwelling unit that is occupied exclusively by one family.

"Site" means the land or water area where any facility or land-disturbing activity is physically located or conducted, including adjacent land used or preserved in connection with the facility or land-disturbing activity. Areas channel ward of mean low water in tidal Virginia shall not be considered part of a site.

"Stabilized" means land that has been treated to withstand normal exposure to natural forces without incurring erosion damage.

"State" means the Commonwealth of Virginia.

"State Board" means the State Water Control Board.

"State Permit" means an approval to conduct a land-disturbing activity issued by the State Board in the form of a state stormwater individual permit or coverage issued under a state general permit or an approval issued by the State Board for stormwater discharges from an MS4. Under these state permits, the Commonwealth imposes and enforces requirements pursuant to the federal Clean Water Act and regulations, the Virginia Stormwater Management Act and the Regulations.

"State Water Control Law" means Chapter 3.1 (§62.1-44.2 et seq.) of Title 62.1 of the Code of Virginia.

State Erosion and Sediment Control Program or State Program. The program administered by the Department of Environmental Quality pursuant to the state code including regulations designed to minimize erosion and sedimentation.

"State Waters" or "surface water" means all water, on the surface and under the ground, wholly or partially within or bordering the Commonwealth or within its jurisdiction, including wetlands.

"Stormwater Detention" means the process of temporarily impounding runoff and discharging it through a hydraulic outlet structure to a downstream conveyance system.

"Stormwater Maintenance Facility" – means a control measure that controls stormwater runoff and changes the characteristics of that runoff including but not limited to, the quantity and quality, the period of release or velocity of flow.

"Stormwater Management Plan" or "SWM plan" means a document containing material describing methods for complying with the requirements of a VSMP and the SWM Act and its attendant regulations.

"SWM" means stormwater management.

"Stormwater" means precipitation that is discharged across the land surface or through conveyances to one or more waterways and that may include stormwater runoff, snow melt runoff, and surface runoff and drainage.

"Stormwater Pollution Prevention Plan" or "SWPPP" means a document that is prepared in accordance with good engineering practices and that identifies potential sources of pollutants that may reasonably be expected to affect the quality of stormwater discharges from the construction site, and otherwise meets the requirements of this Ordinance. In addition the document shall identify and require the implementation of control measures, and shall include, but not be limited to the inclusion of or the incorporation by reference of, an approved erosion and sediment control plan, an approved stormwater management plan, and a pollution prevention plan.

"Total Maximum Daily Load" or "TMDL" means the sum of the individual waste load allocations for point sources, load allocations for nonpoint sources, natural background loading and a margin of safety. TMDLs can be expressed in terms of either mass per time, toxicity, or other appropriate measure. The TMDL process provides for point versus nonpoint source trade-offs.

"Town" An incorporated town.

"Transporting" Any movement of earth material from one place to another, when such movement results in destroying the vegetative cover, either by tracking or the buildup of earth materials, to the extent that erosion and sedimentation will result from the area over which such transporting occurs.

"Virginia Erosion and Sediment Control Program" or "VESCP" means a program approved by the board that has been established by a VESCP authority for the effective control of soil erosion, sediment deposition, and nonagricultural runoff associated with a land-disturbing activity to prevent the unreasonable degradation of properties, stream channels, waters, and other natural resources and shall include such items where applicable as local ordinances, rules, permit requirements, annual standards and specifications, policies and guidelines, technical materials, and requirements for plan review, inspection, enforcement where authorized in the ESC Act and this chapter, and evaluation consistent with the requirements of the ESC Act and this chapter.

"Virginia Erosion and Sediment Control Program authority" or "VESCP authority" means an authority approved by the board to operate a Virginia Erosion and Sediment Control Program. An authority may include a state entity, including the department; a federal entity; a district, county, city, or town; or for linear projects subject to annual standards and specifications, electric, natural gas and telephone utility companies, interstate and intrastate natural gas pipeline companies, railroad companies, or authorities created pursuant to § 15.2-5102 of the Code of Virginia.

"Virginia Stormwater Management Act" or "SWM Act" means Article 1.1 (§10.1-603.2 et seq.) of Chapter 6 of Title 10.1 of the Code of Virginia.

"Virginia Stormwater BMP Clearinghouse website" means a website that contains detailed design standards and specifications for control measures that may be used in Virginia to comply with the requirements of the Virginia Stormwater Management Act and associated regulations.

"Virginia Stormwater Management Program" or "VSMP" means a program approved by the board after September 13, 2011, that has been established by a VSMP authority to manage the quality and quantity of runoff resulting from land-disturbing activities and shall include such

items as local ordinances, rules, permit requirements, annual standards and specifications, policies and guidelines, technical materials, and requirements for plan review, inspection, enforcement, where authorized in the SWM Act and associated regulations, and evaluation consistent with the requirements of the SWM Act and associated regulations.

“Virginia Stormwater Management Program authority” or “VSMP authority” means an authority approved by the board after September 13, 2011, to operate a Virginia Stormwater Management Program or, until such approval is given, the department. An authority may include a locality; state entity, including the department; federal entity; or, for linear projects subject to annual standards and specifications in accordance with subsection B of § 10.1-603.5 of the Code of Virginia, electric, natural gas, and telephone utility companies, interstate and intrastate natural gas pipeline companies, railroad companies, or authorities created pursuant to § 15.2-5102 of the Code of Virginia.

Article II Erosion and Sediment Control

- Sec. 7-18. Exemptions
- Sec. 7-19. Permit required for land disturbing activities
- Sec. 7-20. Erosion and Sediment Control Plan Required
- Sec. 7-21. Erosion Impact Areas
- Sec. 7-22. Submission and approval of Plans
- Sec. 7-23. Standards to be used in preparation and consideration
- Sec. 7-24. Responsibility of property owner when work is being done by a contractor
- Sec. 7-25. Approval or Disapproval
- Sec. 7-26. Variances
- Sec. 7-27. Changing an approved erosion and sediment control plan
- Sec. 7-28. Fees - optional
- Sec. 7-29. Performance Bond
- Sec. 7-30. Long term maintenance of Permanent Stormwater Facilities – see stormwater.....
- Sec. 7-31. Closure of Land Disturbing Activities
- Sec. 7-32. Monitoring and Inspections
- Sec. 7-33. Enforcement- Violations of Chapter – Penalty, injunctive relief, civil relief
- Sec. 7-34. Hearings (optional)
- Sec. 7-35. Appeals

Sec. 7-18. Erosion and Sediment Control Exemptions.

- (A) Except as provided herein, no person may engage in any land-disturbing activity until an erosion and sediment control permit has been issued by the Administrator in accordance with the provisions of this Ordinance.
- (B) Notwithstanding any other provisions of this Ordinance, the following activities are exempt, unless otherwise required by federal law:
- (1) Minor activities such as home gardens and individual home landscaping, repairs and maintenance work.
 - (2) Individual utility service connections.
 - (3) Installation, repair and maintenance of any underground public utility lines when such activity occurs on an existing hard surfaced road, street or sidewalk provided the activity is confined to the area of the road, street or sidewalk which is hard surfaced.
 - (4) Septic tank lines or drainage fields unless included in an overall plan for land-disturbing activity relating to construction of the building to be served by the septic tank system.
 - (5) Permitted surface or deep mining operations and projects, or oil and gas operations and projects conducted pursuant to Title 45.1
 - (6) Tilling, planting, or harvesting of agricultural horticultural, or forest crops, or livestock feedlot operations, or as additionally set forth by the Board in regulation, including engineering operations as follows: construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage and land irrigation; however, this exception shall not apply to harvesting of forest crops unless the area on which harvesting occurs is reforested artificially or naturally in accordance with the provisions of Chapter 11(10.1-1100 et seq.) or is converted to bona fide agricultural or improved pasture use as described in subsection B of 10.1-1163;
 - (7) Repair or rebuilding of the tracks, right-of-way, bridges, communication facilities and other related structures and facilities of a railroad company.
 - (8) Agricultural engineering operations, including but not limited to the construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds not required to comply with the provisions of the Dam Safety Act, Article 2 (10.1-604 et seq.) of Chapter 6, ditches, strip, cropping, lister furrowing, contour cultivating, contour furrowing, land drainage and land irrigation;
 - (9) Disturbed land areas of less than 10,000 square feet in size or 2,500 square feet in all areas of the jurisdiction designated as subject to the Chesapeake Bay Preservation Act (10.1-2100 et seq.); however, the governing body of the program authority may reduce this exception to a smaller area of disturbed land or qualify the conditions under which this exception shall apply.
 - (10) Installation of fence and sign posts or telephone and electric poles and other kinds of posts or poles.
 - (11) Shoreline erosion control projects on tidal waters when all of the land-disturbing activities are within the regulatory authority of and approved by local wetlands boards, the Marine Resources Commission or the United States Army Corps of

Engineers; however, any associated land that is disturbed outside of this exempted area shall remain subject to this article and the regulations adopted pursuant thereto; and

- (12) Emergency work to protect life, limb or property and emergency repairs; however, if the land-disturbing activity would have required an approved erosion and sediment control plan, if the activity were not an emergency, then the land area disturbed shall be shaped and stabilized in accordance with the requirements of the VESCP authority.

Sec. 7-19. Permit required for land-disturbing activities.

- (A) Except as otherwise provided in this article, no erosion and sediment control activity shall commence prior to the issuance of a land-disturbing permit by the program authority.
- (B) A erosion and sediment control permit is required if:
 - (1) The area of land disturbance is ten thousand (10,000) square feet or greater; or
 - (2) The area of land disturbance is three thousand (3,000) square feet or greater, and the area of land disturbance is located within two hundred (200) feet of any surface water.
- (C) A land-disturbing permit is not required if:
 - (1) The area of land disturbance is less than ten thousand (10,000) square feet, and such area is located more than two hundred (200) feet from any surface water; or
 - (2) The area of land disturbance is less than three thousand (3,000) square feet, and such area is located within two hundred (200) feet of any surface water.

Sec. 7-20. Erosion and Sediment Control Plan required.

- (A) Except as otherwise provided in this article, no erosion and sediment control permit for land-disturbing activity shall be issued without an approved Erosion and Sediment Control Plan.
- (B) An Agreement in lieu of may be substituted for an Erosion and Sediment Control Plan under the following conditions:
 - (1) The land-disturbing activity is associated with the construction of a single family residence that is not part of a common plan of development or sale; and
 - (2) The area of land disturbance is less than one (1) acre and
 - (3) No additional proffers or conditions are required as part of a rezoning or special use permit which require low impact development techniques.

Sec. 7-21. Erosion Impact Areas.

In order to prevent further erosion, the program administrator may identify any land, whether or not disturbed by the building process, as an erosion impact area as defined above and require an approved Erosion and Sediment Control Plan.

Sec.7-22. Submission and approval requirements.

- (A) Except as otherwise specifically provided, no person shall engage in any land-disturbing activity until an erosion and sediment control plan has been submitted and approved by the county, and a permit has been issued by the program administrator.
- (B) Any person whose land-disturbing activity involves lands which extend into the jurisdiction of another local erosion and sediment control program may submit an erosion and sediment control plan to the board for review and approval, rather than submission to each jurisdiction concerned. Such person shall comply with section 7-21 of this article. In such events, the applicant shall obtain permits for the land-disturbing activity from each jurisdiction.
- (C) No grading, land-disturbing activity, building or other permit shall be issued by the county for any work which involves land-disturbing activity for which permit is required unless the applicant submits with his application an Erosion and Sediment Control Plan for approval, and certifies, after approval, that the Erosion and Sediment Control Plan will be followed.
- (D) Where the land-disturbing activity results from the construction or location of a single-family residence, an Agreement in lieu of plans may be substituted for an Erosion and Sediment Control Plan if executed by the plan approving authority.
- (E) Prior to the issuance of any permit for land-disturbing activity, the person responsible for carrying out the Erosion and Sediment Control Plan shall provide the name of the responsible land disturber who will be in charge of and responsible for the projects land disturbance.
- (F) Electric, natural gas and telephone utility companies, interstate and intrastate natural gas pipeline companies and railroad companies shall file general erosion and sediment control specifications annually with the board for review and written comments. The specifications shall apply to:
 - (1) Construction, installation or maintenance of electric, natural gas and telephone utility lines and pipelines; and
 - (2) Construction of the tracks, rights of way, bridges, communication facilities and other related structures and facilities of the railroad company.
- (G) State agency projects are exempt from the provisions of this article.

Sec. 7-23. Standards to be used in preparation and consideration.

- (A) The most recent edition of the Virginia Erosion and Sediment Control Handbook and Virginia Erosion and Sediment Control Regulations and the Virginia Stormwater Management Handbook shall be available at the program administrators office as well as online and shall be used in preparing the Erosion and Sediment Control Plan required by this article. The county, in considering the adequacy of such Erosion and Sediment Control Plan, shall be guided by the standards set out in the handbooks and regulations and the Stormwater Management and Erosion Control Manual.
- (B) Shoreline rip-rap shall be installed according to the following specifications, subject to approval under American Electric Power's Smith Mountain Lake Shoreline Management Plan:

- (1) Materials and design as part of an engineered plan, based on standards in the handbook and VDOT manual and approved by the county; or,
- (2) In the case of separate individual residential lots involving five hundred (500) feet or less of shoreline, the following minimum materials and design standards may be used:
 - a. Stone—Class B erosion stone, VDOT Class I, or equivalent
 - b. Plastic filter cloth—Exxon GTF-400 Geotextile or equivalent.
 - c. Temporary and permanent seeding, fertilization, and mulching rates as specified by the Virginia Erosion and Sediment Control Handbook.
 - d. Maximum slope ratio for riprap area—2.5 to 1.
 - e. Minimum vertical face height—Thirty-six (36) inches above full pond level (795-foot contour) or to the prevailing cut line.
 - f. Terrace width (if needed at top of rip rap slope) shall have a minimum width of twelve (12) feet.
 - g. Terrace back slope ratio—Maximum 2:1.
 - h. Minimum thickness of rip rap layer—Twelve (12) inches.

(C) All installation of materials shall be according to the VESC Handbook and manufacturers specifications.

(Res. No. 10-05-2010, 5-18-10)

Sec. 7-24. Responsibility of property owner when work to be done by a contractor.

Whenever a land-disturbing activity is proposed to be conducted by a contractor performing construction work pursuant to a construction contract, the preparation, submission and approval of the required Erosion and Sediment Control Plan shall be the responsibility of the owner of the land.

Individuals who hold a Responsible Land Disturber Certification as issued by the Virginia Department of Conservation and Recreation (DCR) are hereby considered to be the person responsible for carrying out the plan and upon repeated violations, will be reported to DCR for revocation of their certification. A Responsible Land Disturber is also accountable for any and all sanctions included in this chapter and is subject to the same penalties as the owner of the property.

Sec. 7-25. Approval or disapproval.

(A) Upon receipt of an erosion and sediment control plan submitted under this chapter, together with the required fees, the program administrator shall act on such erosion and sediment control plan within forty-five (45) days, by either approving the Erosion and Sediment Control Plan in writing or by disapproving the Erosion and Sediment Control Plan in writing and giving specific reasons for disapproval. The program administrator shall approve the Erosion and Sediment Control Plan if the Erosion and Sediment Control

Plan meets the conservation standards of the county E&S program and if the person responsible for carrying out the Erosion and Sediment Control Plan certifies that he will properly perform the erosion and sediment control measures included in the Erosion and Sediment Control Plan and will comply with all provisions of this chapter. If a temporary sediment basin, a permanent stormwater detention basin or any other permanent feature is a part of the approved Erosion and Sediment Control Plan, this same person must designate, in writing the person who will be liable for necessary long-term maintenance on these structures and that they follow the requirements as provided in the *SEC 7-55 Long term maintenance of permanent stormwater facilities*.

- (B) If an Erosion and Sediment Control Plan is disapproved, the program administrator shall specify such modifications, terms and conditions as will permit approval of the Erosion and Sediment Control Plan and shall communicate such requirements to the permit issuing authority.
- (C) If no action is taken by the plan approving authority within the time specified in subsection (a) above, the Erosion and Sediment Control Plan shall be deemed approved and the program administrator shall issue the land-disturbing permit.
- (D) If action is taken by the plan approving authority within the time specified in subsection (a) above, and the Erosion and Sediment Control Plan is deemed disapproved, the applicant must resubmit within six (6) months following the date of disapproval, or the Erosion and Sediment Control Plan shall be deemed abandoned. If an Erosion and Sediment Control Plan is deemed abandoned, the applicant may resubmit the Erosion and Sediment Control Plan after the six (6) month period, however, the following shall apply:
 - (1) The Erosion and Sediment Control Plan will be subject to a new review and all applicable fees must be paid.
 - (2) The Erosion and Sediment Control Plan will be reviewed under the current Department of Environmental Quality regulations in place at the time of resubmittal.
- (E) Should a land-disturbing activity not begin within 180 days following Erosion and Sediment Control Plan approval, or after the Erosion and Sediment Control Plan is ready for approval but the plan approval authority has not received the required performance bond, the plan will be considered abandoned. If an Erosion and Sediment Control Plan is deemed abandoned, the following shall apply:
 - (1) The Erosion and Sediment Control Plan will be subject to a new review and all applicable fees must be paid.
 - (2) The Erosion and Sediment Control Plan will be reviewed under the current Department of Environmental Quality regulations in place at the time of resubmittal.
- (F) Should a land-disturbing activity cease for more than one hundred eighty (180) days, the plan approval authority may evaluate the existing approved Erosion and Sediment Control Plan to determine whether the Erosion and Sediment Control Plan still satisfies local and state erosion and sediment control criteria and to verify that all design factors are still valid. Should the plan approval authority determine the Erosion and Sediment Control Plan is no longer valid, the Erosion and Sediment Control Plan shall be deemed

abandoned. If an Erosion and Sediment Control Plan is deemed abandoned, the following shall apply:

- (1) The Erosion and Sediment Control Plan will be subject to a new review and all applicable fees must be paid.
- (2) The Erosion and Sediment Control Plan will be reviewed under the current Department of Environmental Quality regulations in place at the time of resubmittal.

Sec. 7-26. Variances (9VAC25-840-50).

The VESCP authority may waive or modify any of the minimum standards that are deemed inappropriate or too restrictive for site conditions, by granting a variance. A variance may be granted under the following conditions:

1. At the time of plan submission, an applicant may request a variance to become part of the approved erosion and sediment control plan. The applicant shall explain the reasons for requesting variances in writing. Specific variances which are allowed by the VESCP authority shall be documented in the plan.
2. During construction, the person responsible for implementing the approved plan may request a variance in writing from the VESCP authority. The VESCP authority shall respond in writing either approving or disapproving such a request. If the VESCP authority does not approve a variance within 10 days of receipt of the request, the request shall be considered to be disapproved. Following disapproval, the applicant may resubmit a variance request with additional documentation.
3. The VESCP authority shall consider variance requests judiciously, keeping in mind both the need of the applicant to maximize cost effectiveness and the need to protect off-site properties and resources from damage.

Sec. 7-27. Changing an approved erosion and sediment control plan.

An Erosion and Sediment Control Plan that has been approved under this article may be changed by the program administrator in the following cases:

1. Where inspection has revealed that the Erosion and Sediment Control Plan is inadequate to satisfy applicable regulations.
2. Where the person responsible for carrying out the approved Erosion and Sediment Control Plan finds that because of changed circumstances or for other reasons the Erosion and Sediment Control Plan cannot be effectively carried out, and proposed amendments, consistent with the requirements of this chapter, are agreed to by the program administrator and the person responsible for carrying out the plan.

Sec. 7-28. Fees.

- (A) There shall be a reasonable fee charged for the processing of VESCP applications. The permit application review fee shall be due at the time of initial submittal of the erosion and sediment control plan / agreement in lieu of plan.

- (B) The application review fee shall cover costs associated with the implementation of the VSECP related to land disturbing activities as listed on the Fee Schedule for Planning & Community Development, which can be obtained from the Department of Planning and Community Development. Incomplete payments will be deemed as non-payments.

Sec. 7-29. Performance Bond.

Except as otherwise provided in this chapter, no permit for land-disturbing activity shall be issued without the submittal and approval of a reasonable performance bond to secure the required erosion and sediment control measures. Such bond may take the form of surety, cash escrow, letter of credit, any combination thereof, or such legal arrangement acceptable to the program administrator. Such bond shall be held by the program authority. In the event that the applicant fails to initiate or maintain appropriate conservation actions which may be required of him by the approved Erosion and Sediment Control Plan, the county may utilize said bond to implement the appropriate conservation actions.

If the county takes such conservation action upon failure by the applicant or owner, the county may collect from the applicant or owner for the difference should the amount of the reasonable cost of such action exceed the amount of the security held. Within sixty (60) days of the achievement of adequate stabilization of the land-disturbing activity, such bond, cash escrow, letter of credit or other legal arrangement or the unexpended or unobligated portion thereof, shall be refunded to the applicant or owner or terminated. These requirements are in addition to all other provisions of law relating to the issuance of such permits and are not intended to otherwise affect the requirements for such permits.

For land-disturbing activities that are associated with the construction or location of a single-family residence, an Erosion and Sediment Control Agreement may be substituted for a performance bond to secure the required erosion and sediment control measures. The Erosion and Sediment Control Agreement shall include the following:

1. The title of the Erosion and Sediment Control Plan;
2. The name of the plan preparer;
3. The date the plan was prepared;
4. The name and license number of the Responsible Land Disturber; and
5. The signature of the property owner.

Sec. 7-30. Long term maintenance of Permanent Stormwater Facilities. – see stormwater management long term maintenance.

Sec. 7-31. Closure of Land Disturbing Activities. – 9VAC25-870-55

Construction Record Documents (Stormwater pond or pipes etc)

Development projects that provide permanent stormwater management facilities (pipes, channels, ditches, basins etc) are hereby required to submit, upon completion and stabilization of the project, construction record drawings for all manner of stormwater conveyance.

Certification shall be provided by a licensed professional and shall include language and/or record drawings as to the conformance of said structures to the plan, their stabilization and working order.

Sec. 7-32. Monitoring and Inspections.

- (A) The program administrator shall provide for periodic inspections of land-disturbing activity either through the district or through county personnel. The district may inspect, monitor and make reports to the county, but enforcement shall be the responsibility of the program administrator. The program administrator may require monitoring and reports from the person responsible for carrying out the ESC plan or Agreement in Lieu of plans to insure compliance with the approved plan and to determine whether the measures required in the approved plans are effective in controlling erosion and sediment. The owner, occupier or operator shall be given notice of the inspection and an opportunity to accompany the inspectors. Inspections shall be performed in accordance with the Virginia State Water Control Board's approved Alternative Inspection Program (AIP) for Franklin County, approved February 1, 2008.
- (B) If the program administrator determines that there is a failure to comply with the ESC plan or Agreement in Lieu of plans, notice shall be served upon the permittee or person responsible for carrying out the ESC plan or Agreement in Lieu of plans by registered or certified mail to the address specified in the permit application or in the plan certification, or by delivery, to the site of the land-disturbing activities, to the agent or employee supervising such activities. The notice shall specify the measures needed to comply with the ESC Plan or Agreement in Lieu of plans and shall specify the time within which such measures shall be completed. Upon failure to comply within the time specified, the permit may be revoked and the permittee or person responsible for carrying out the ESC Plan or Agreement in Lieu of plans shall be deemed to be in violation of this chapter, and upon conviction shall be subject to the penalties provided herein.
- (C) Upon receipt of a sworn complaint of a substantial violation of this chapter from a designated inspector of the county or the district, the program administrator may, in conjunction with or subsequent to a notice to comply as specified in subsection (b) above, issue an order requiring that all or part of the land-disturbing activities permitted on the site be stopped until the specified corrective measures have been taken, or, if land-disturbing activities have commenced without an approved erosion and sediment control plan or Agreement in Lieu of plans, requiring that all of the land-disturbing activities be stopped until an approved ESC plan- or Agreement in Lieu of plans, or any required permits are obtained. Where the alleged noncompliance is causing, or is in imminent danger of causing, harmful erosion of lands or sediment deposition in waters within the watersheds of the commonwealth, or where the land-disturbing activities have commenced without an approved ESC plan, or any required permits, such an order may be issued whether or not the alleged violator has been issued a notice to comply order. The order shall be served in the same manner as a notice to comply and shall remain in effect for seven (7) days from the date of service, pending application by the enforcing authority or alleged violator for appropriate relief to the Circuit Court of Franklin County. Within seven (7) days from the service of the order, it shall be the responsibility of the owner to retain the services of a plan preparer to prepare and submit the required Erosion

and Sediment Control Plan, and notify the program administrator that a plan preparer has been retained. Within this seven (7) day period temporary corrective measures shall be installed to prevent harmful erosion of lands or sediment deposition in waters within the watersheds of the commonwealth. Such temporary corrective measures shall be maintained until an approved ESC plan and any required permits have been obtained. If the alleged violator has not obtained a plan preparer and/or installed the necessary temporary corrective measures within seven (7) days from the date of service of the order, the program administrator may issue an order to the owner requiring that all construction and other work on the site, other than corrective measures, be stopped until an approved Erosion and Sediment Control Plan and any required permits have been obtained. The required Erosion and Sediment Control Plan shall be submitted within (30) thirty days from the date of service of the order, unless otherwise agreed to by the program administrator. Such an order shall be served upon the owner by registered or certified mail to the address specified in the permit application or the land records of the locality in which the site is located. The owner may appeal the issuance of an order to the Circuit Court of Franklin County. Any person violating or failing, neglecting or refusing to obey an order issued by the program administrator may be compelled in a proceeding instituted in the Circuit Court of Franklin County to obey same and to comply therewith by injunction, mandamus or other appropriate remedy. Upon completion and approval of corrective action or obtaining an approved Erosion and Sediment Control Plan or any required permits, the order shall immediately be lifted. Nothing in this section shall prevent the program administrator from taking any other action specified in section 7-33.

Sec. 7-33. Enforcement- Violations of Chapter – Civil Penalties.

- (A) A violation of any provision of this chapter shall be deemed a Class 1 misdemeanor.
- (B) The county, district, or board may apply to the Circuit Court of Franklin County for injunctive relief to enjoin a violation or a threatened violation of the chapter, without the necessity of showing that there is not an adequate remedy at law. Without limiting the remedies which may be obtained in this section, any person violating or failing, neglecting or refusing to obey any injunction, mandamus or other remedy obtained pursuant to this section shall be subject, in the discretion of the court, to a civil penalty not to exceed two thousand dollars (\$2,000.00) for each violation.
- (C) Civil penalties:
 - 1. A civil penalty in the amount listed on the schedule below shall be assessed for each violation of the respective offenses:
 - 2. Commencement of a land-disturbing activity without an approved land-disturbing permit shall be not less than \$100.00/day and no more than (\$1,000.00)/day.
 - 3. Failure to comply with the vegetative measures, structural measures, watercourse measures or underground utility measures of the minimum standards found in the Virginia Erosion and Sediment Control Handbook shall be up to one hundred dollars (\$100.00)/violation/day.
 - 4. Failure to obey a stop work order shall be up to one hundred dollars (\$100.00)/day.

5. Failure to stop work when a permit is revoked shall be up to one thousand dollars (\$1,000.00)/day.
- (D) Each day during which the violation is found to have existed shall constitute a separate offense. However, in no event shall a series of specified violations arising from the same operative set of facts result in civil penalties which exceed a total of ten thousand dollars (\$10,000.00), except that a series of violations arising from commencement of land-disturbing activities without an approved Erosion and Sediment Control Plan or an approved Erosion and Sediment Control Agreement for any site shall not result in civil penalties which exceed a total of ten thousand dollars (\$10,000.00). The assessment of civil penalties according to this schedule shall be in lieu of criminal sanctions and shall preclude the prosecution of such violation as a misdemeanor under subsection (a) of (§ 10.1-569).
- (E) Individuals who hold a Responsible Land Disturber Certification as issued by the Virginia Department of Conservation and Recreation (DCR) are hereby considered to be the person responsible for carrying out the plan and upon repeated violations, will be reported to DCR for revocation of their certification. A Responsible Land Disturber is also accountable for any and all sanctions included in this chapter and is subject to the same penalties as the owner of the property.
- (F) Any civil penalties assessed by the court shall be paid into the treasury of Franklin County, except that where the violator is the county itself, or its agent, the court shall direct the penalty to be paid into the state treasury.
- (G) With the consent of any person who has violated or failed, neglected or refused to obey any regulation or order of the program administrator, or any condition of a permit or any provision of this chapter, the administrator may provide, in an order issued by the program administrator against such persons, for the payment of civil charges for violations in specific sums not to exceed the limit specified in subsection (c) of this section. Such civil charges shall be in lieu of any appropriate civil penalty which could be imposed under subsection (c).
- (H) Except when land disturbance requiring a permit has begun without a permit, or when in the opinion of the administrator, conditions pose an imminent danger to life, limb, property, or to the waters of the commonwealth, this article shall be enforced as follows:
1. Issue a field correction notice listing the violations noted during inspection and the required corrective action.
 2. Send a notice to comply by certified mail, return receipt required, identifying the violations noted in the correction letter which have not yet been corrected and allowing ten (10) days after the receipt of the notice for the implementation of the corrective actions.
 3. Issue a stop work order by certified mail, return receipt required; requiring that all work on the site should be stopped until the corrective measures noted in the notice to comply are implemented. A maximum period of seven (7) days after the receipt of the order shall be allowed to correct the violations. In addition, the land-disturbing permit may be revoked during this period until the corrective actions

are taken. Should this permit be revoked, all construction work on the site shall be stopped. Upon the completion of the corrective actions, the stop work order is rescinded and the permit is reinstated.

4. Imposition of criminal or civil penalties. Either, but not both, of these penalties may be imposed if the seven-day period in the stop work order passes without the implementation of necessary corrective actions. The time frame for computing the number of days in violation shall not begin until the seven (7) days allowed for corrective action has expired unless work was not stopped as ordered.
5. Such orders shall be issued in accordance with the Stormwater Management and Erosion Control Manual.

Sec. 7-34. Hearings.— see appeals

Sec. 7-35. Appeals. —

Final decisions of the program administrator under this chapter shall be subject to review by the Franklin County Board of Supervisors, provided an appeal is filed within thirty (30) days from any written decision by the program administrator which adversely affects the rights, duties or privileges of the person engaging in or proposing to engage in land-disturbing activities.

Final decisions of the board of supervisors under this chapter shall be subject to review by Circuit Court of Franklin County, provided an appeal is filed within thirty (30) days from the date of any written decision by the Franklin County Board of Supervisors which adversely affects the rights, duties or privileges of the person engaging in or proposing to engage in land-disturbing activities.

Article III Alternative Inspection Program

PURPOSE: The alternative inspection program described herein for the County of Franklin is designed to provide the oversight of urban land-disturbing activities by effectively utilizing local staff to meet specific urbanization trends while addressing specific environmental conditions within the locality.

AUTHORIZATION: 10.1-566 of Title 10.1 Chapter 5, Article 4 of the Code of Virginia and 9VAC25-870-30 of the Erosion and Sediment Control Regulations.

POLICY: To most effectively utilize local staff and protect the resources of the County of Franklin and the Commonwealth, the County of Franklin will implement an alternative inspection program based on a system of priorities. The system of priorities will be based upon the amount of disturbed project area, site conditions, stages of construction, and site conditions noted on previous inspections.

IMPLEMENTATION:

1. The erosion and offsite environmental impact potential of regulated projects shall be determined by an evaluation of the topography soil characteristics, acreage disturbed, proximity to water resources, and proximity to adjacent property lines.

2. After plan review and a site visit, the plan reviewer and the program administrator will assign a classification number to the project.
3. Classification numbers will be assigned to projects which address site specific erosion potential and offsite environmental impact. These classification numbers will be used to determine the frequency of inspections. The classification numbers will range from one to three, one (1) requiring a less frequent inspection schedule and three (3) requiring a more frequent inspection schedule.
4. The classification of a project may be adjusted to a higher or lower classification by the program administrator based upon complaints, violations, inspections, and stages of construction.
5. The classification number shall be included on the approved plan, written on the file folder, written on the building permit application, and made a part of the project database.

BASIS FOR CLASSIFICATION: Project classifications shall be assigned to projects based on a preliminary site visit, plan review, and utilizing the Tabular Rating System:

CLASS 1 (LOW)	Projects typically with total acres disturbed under two acres; greater than 150 foot buffer between disturbed area and any property lines, water resources, or public streets; slopes are 0-7 percent and less than or equal to 300 feet; weighted soil K-factor is less than .23 within the limits of disturbance.
CLASS 2 (MED)	Projects typically with total acres disturbed under two acres; disturbed area is 50 feet to 150 feet from any property lines, water resources, or public streets; slopes are 7-15 percent and less than or equal to 150 feet; weighted soil K-factor is between .23 and .36 within the limits of disturbance.
CLASS 3 (HIGH)	Projects typically with total acres disturbed over two acres; disturbed area is less than 50 feet from any property lines, water resources, or public streets; slopes are greater than 15 percent and less than or equal to 75 feet; weighted soil K-factor is greater than .36 within the limits of disturbance.

FREQUENCY OF INSPECTIONS:

1. All permitted land-disturbing activities will be inspected at a minimum frequency according to the following schedule:

CLASS 1	At the beginning and completion of the project and every eight weeks.
CLASS 2	At the beginning and completion of the project and at least every five weeks.
CLASS 3	At the beginning and completion of the project and at least every two weeks.

2. All inspections will be documented on an inspection log maintained as a part of each project file. Project owners will receive copies of inspection reports with noted violations.
3. Inspection return frequency is not limited to the above schedule and will increase in frequency due to runoff producing storm events or documented violations.

**TABULAR RATING SYSTEM - EROSION AND SEDIMENT CONTROL
FRANKLIN COUNTY, VIRGINIA**

TOTAL DISTURBED ACREAGE	CHECK	RATING	DISTANCE TO WATERCOURSE	CHECK	RATING
Less than ½ acre		0	0—50 feet		5
½ acre to one acre		3	50—100 feet		3
1 to 2 acres		5	150—300 feet		1
>2 acres- Must inspect every two weeks			Greater than 300 feet		0
(High Priority)					
Soil Erodibility (base on K-Factor)			Distance—Downstream Adjacent Property		
Low (0.23 and lower)		1	Less than 50 feet		5
Moderate (0.24—.036)		3	50 feet to 150 feet		3
High (.037 and higher)		5	Greater than 150 feet		1
Buffer Vegetation Condition			Width of Buffer		
Very Good (Dense, grass, hayfield)		0	0—50 feet		5
Good (Avg. grass, forest good pasture)		1	50—150 feet		3
Fair (poor grass, fair pasture)		3	150—300 feet		1
Poor (Bare soil, pavement)		5	Greater than 300 feet		0
Critical Slope			Crossing Water Course		
Does the slope meet or exceed the following criteria			Yes—inspect every two weeks (High Priority)		
Grade of slope—0—7%, slope length>300 feet OR			No		0
Grade of slope—7—15%,					

slope length>150 feet OR					
Grade of slope—15%, slope length>75 feet					
If yes to any of these slope conditions, rating 3 If no, rating 0					
OVERALL RATING	INSPECTION RETURN FREQUENCY				
(TOTAL OF THE ABOVE CATEGORIES)					
If _____ is 26-33 then	_____ Once every two (2) weeks				
If _____ is 20-26 then	_____ Once every five (5) weeks				
If _____ is 13-19 then	_____ Once every eight (8) weeks				
If _____ is 12 or less then	_____ Frequency based on criteria below				

Note: Inspection return frequency is not limited to the above schedule and will increase in frequency due to run-off producing storm events or documented violations. Also, an inspection will be performed at the beginning and completion of all projects, regardless of rating.

Project Name: _____ Approved By: _____
Date: ___/___/___

(Res. No. 17-05-2009, 5-19-09; Res. No. 10-05-2010, 5-18-10)

Article IV Stormwater Management

- Sec. 7-47. Exemptions
- Sec. 7-48. Stormwater Management Program Established, Submission and Approval of Plans; Prohibitions
- Sec. 7-49. Stormwater Pollution Prevention Plan: Contents of Plans
- Sec. 7-50. Stormwater Management Plan: Contents of Plan
- Sec. 7-51. Pollution Prevention Plan: Contents of Plans
- Sec. 7-52. Review of Stormwater Management Plan
- Sec. 7-53. Technical Criteria for Regulating Land Disturbing Activity
- Sec. 7-54. Performance Bond

- Sec. 7-55. Long term maintenance of Permanent Stormwater Facilities
- Sec. 7-56. Closure of Land Disturbing Activities
- Sec. 7-57. Monitoring and Inspections
- Sec. 7-58. Enforcement - Violations of Chapter – Penalty, injunctive relief, civil relief
- Sec. 7-59. Hearings (optional)
- Sec. 7-60. Appeals
- Sec. 7-61. Fees (optional)
- Sec. 7-62. Reserved

Sec. 7-47. Stormwater Management Permit Requirement Exemptions

- (A) Except as provided herein, no person may engage in any land-disturbing activity until a Virginia Stormwater Management Program or VSMP authority permit has been issued by the Administrator in accordance with the provisions of this Ordinance.
- (B) Notwithstanding any other provisions of this Ordinance, the following activities are exempt, unless otherwise required by federal law:
 - (1) Permitted surface or deep mining operations and projects, or oil and gas operations and projects conducted under the provisions of Title 45.1 of the Code of Virginia;
 - (2) Clearing of lands specifically for agricultural purposes and the management, tilling, planting, or harvesting of agricultural, horticultural, or forest crops, livestock feedlot operations, or as additionally set forth by the State Board in regulations, including engineering operations as follows: construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage, and land irrigation; however, this exception shall not apply to harvesting of forest crops unless the area on which harvesting occurs is reforested artificially or naturally in accordance with the provisions of Chapter 11 (§ 10.1-1100 et seq.) of Title 10.1 of the Code of Virginia or is converted to bona fide agricultural or improved pasture use as described in Subsection B of § 10.1-1163 of Article 9 of Chapter 11 of Title 10.1 of the Code of Virginia;
 - (3) Single-family residences separately built and disturbing less than one acre and not part of a larger common plan of development or sale, including additions or modifications to existing single-family detached residential structures

- (4) Land disturbing activities that disturb less than one acre of land area or activities that are part of a larger common plan of development or sale that is one acre or greater of disturbance
- (5) Discharges to a sanitary sewer or a combined sewer system;
- (6) Activities under a State or federal reclamation program to return an abandoned property to an agricultural or open land use;
- (7) Routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original construction of the project. The paving of an existing road with a compacted or impervious surface and reestablishment of existing associated ditches and shoulders shall be deemed routine maintenance if performed in accordance with this Subsection; and
- (8) Conducting land-disturbing activities in response to a public emergency where the related work requires immediate authorization to avoid imminent endangerment to human health or the environment. In such situations, the Administrator shall be advised of the disturbance within seven days of commencing the land-disturbing activity and compliance with the administrative requirements of Subsection (a) is required within 30 days of commencing the land-disturbing activity.

Sec. 7-48. Stormwater Management Program Established, Submission and Approval of Plans; Prohibitions.

- (A) Pursuant to § 10.1-603.3 of the Code of Virginia, Franklin County hereby establishes a Virginia stormwater management program for land-disturbing activities and adopts the applicable Regulations that specify standards and specifications for VSMPs promulgated by the State Board for the purposes set out in Section 7-2 of this Ordinance. Franklin County hereby designates the Department of Planning and Community Development as the Administrator of the Virginia Stormwater Management Program.
- (B) No VSMP authority permit shall be issued by the Administrator, until the following items have been submitted to and approved by the Administrator as prescribed herein:
 - (1) A permit application that includes a general permit registration statement;
 - (2) An Erosion and Sediment Control Plan approved in accordance with the Franklin County Erosion and Sediment Control Ordinance Section 7-23, and;
 - (3) A Stormwater Management Plan that meets the requirements of Section 7-50 of this Ordinance.

- (C) No VSMP authority permit shall be issued until evidence of general permit coverage is obtained.
- (D) No VSMP authority permit shall be issued until the fees required to be paid pursuant to Section 7-61, are received, and a performance bond required pursuant to Section 7-54 of this Ordinance has been submitted.
- (E) No VSMP authority permit shall be issued unless and until the permit application and attendant materials and supporting documentation demonstrate that all land clearing; construction, disturbance, land development and drainage will be done according to the approved permit.
- (F) No grading, building or other local permit shall be issued for a property unless a VSMP authority permit has been issued by the Administrator.

Sec 30-41 STORMWATER POLLUTION PREVENTION PLAN; CONTENTS OF PLANS.

- (A) The Stormwater Pollution Prevention Plan (SWPPP) shall include the content specified by Section 9VAC25-870-54 and must also comply with the requirements and general information set forth in Section 9VAC25-880-70, Section II [Stormwater Pollution Prevention Plan] of the general permit.
- (B) The SWPPP shall be amended by the operator whenever there is a change in design, construction, operation, or maintenance that has a significant effect on the discharge of pollutants to state waters which is not addressed by the existing SWPPP.
- (C) The SWPPP must be maintained by the operator at a central location onsite. If an onsite location is unavailable, notice of the SWPPP's location must be posted near the main entrance at the construction site. Operators shall make the SWPPP available for public review in accordance with Section II of the general permit, either electronically or in hard copy.

Sec. 7-50. STORMWATER MANAGEMENT PLAN; CONTENTS OF PLAN.

- (A) The Stormwater Management Plan, required in Section 7-48 of this Ordinance, must apply the stormwater management technical criteria set forth in Section 7-53 of this Ordinance to the entire land-disturbing activity, consider all sources of surface runoff and all sources of subsurface and groundwater flows converted to surface runoff, and include the following information and as required by the VSMP Permit Regulations (9VAC25-870-55) and the Stormwater Management and Erosion Control Manual:

- (1) Information on the type and location of stormwater discharges; information on the features to which stormwater is being discharged including surface waters or karst features, if present, and the predevelopment and post development drainage areas;
- (2) Contact information including the name, address, and telephone number of the owner and the tax reference number and parcel number of the property or properties affected;
- (3) A narrative that includes a description of current site conditions and final site conditions;
- (4) A general description of the proposed stormwater management facilities and the mechanism through which the facilities will be operated and maintained after construction is complete;
- (5) Information on the proposed stormwater management facilities, including but not limited to:
 - (a) The type of facilities;
 - (b) Location, including geographic coordinates;
 - (c) Acres treated, and;
 - (d) The surface waters or karst features, if present, into which the facility will discharge.
- (6) Hydrologic and hydraulic computations, including runoff characteristics;
- (7) Documentation and calculations verifying compliance with the water quality and quantity requirements of Section 30-45 of this Ordinance and the Stormwater Management and Erosion Control Manual.
- (8) A map or maps of the site that depicts the topography of the site and includes at a minimum:
 - (a) All contributing drainage areas;
 - (b) Existing streams, ponds, culverts, ditches, wetlands, other water bodies, and floodplains;
 - (c) Soil types, geologic formations if karst features are present in the area, forest cover, and other vegetative areas;
 - (d) Current land use including existing structures, roads, and locations of known utilities and easements;
 - (e) Sufficient information on adjoining parcels to assess the impacts of stormwater from the site on these parcels;
 - (f) The limits of clearing and grading, and the proposed drainage patterns on the site;
 - (g) Proposed buildings, roads, parking areas, utilities, and stormwater management facilities; and

- (h) Proposed land use with tabulation of the percentage of surface area to be adapted to various uses, including but not limited to planned locations of utilities, roads, and easements.
- (B) If an operator intends to meet the water quality and/or quantity requirements set forth in Section 7-53 of this Ordinance through the use of off-site compliance options, where applicable, then a letter of availability from the off-site provider must be included. Approved off-site options must achieve the necessary nutrient reductions prior to the commencement of the applicant's land-disturbing activity except as otherwise allowed by § 10.1-603.8:1 of the Code of Virginia.
- (C) Elements of the stormwater management plans that include activities regulated under Chapter 4 (§54.1-400 et seq.) of Title 54.1 of the Code of Virginia shall be appropriately sealed and signed by a professional registered in the Commonwealth of Virginia pursuant to Article 1 (§ 54.1-400 et seq.) of Chapter 4 of Title 54.1 of the Code of Virginia.
- (D) A construction record drawing for permanent stormwater management facilities shall be submitted to the Administrator except for stormwater management facilities for which maintenance agreements are not required pursuant to Section 30-55 (B) The construction record drawing shall be appropriately sealed and signed by a licensed professional registered in the Commonwealth of Virginia, pursuant to Article 1 (§ 54.1-400 et seq.) of Chapter 4 of Title 54.1 of the Code of Virginia certifying that the stormwater management facilities have been constructed in accordance with the approved plan.

Sec. 7-51. POLLUTION PREVENTION PLAN; CONTENTS OF PLANS.

- (A) Pollution Prevention Plan, required by 9VAC25-870-56, shall be developed, implemented, and updated as necessary and must detail the design, installation, implementation, and maintenance of effective pollution prevention measures to minimize the discharge of pollutants. At a minimum, such measures must be designed, installed, implemented, and maintained to:
 - (1) Minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters. Wash waters must be treated in a sediment basin or alternative control that provides equivalent or better treatment prior to discharge;
 - (2) Minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste, and other materials present on the site to precipitation and to stormwater; and
 - (3) Minimize the discharge of pollutants from spills and leaks and implement chemical spill and leak prevention and response procedures.

- (B) The pollution prevention plan shall include effective best management practices to prohibit the following discharges:
- (1) Wastewater from washout of concrete, unless managed by an appropriate control;
 - (2) Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds, and other construction materials;
 - (3) Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance, and;
 - (4) Soaps or solvents used in vehicle and equipment washing.
- (C) Discharges from dewatering activities, including discharges from dewatering of trenches and excavations, are prohibited unless managed by appropriate controls.

Sec. 7-52. REVIEW OF STORMWATER MANAGEMENT PLAN.

- (A) The Administrator or any duly authorized agent of the Administrator shall review stormwater management plans and shall approve or disapprove a stormwater management plan according to the following:
- (1) The Administrator shall determine the completeness of a plan in accordance with Section 7-50 of this Ordinance, and shall notify the applicant, in writing, of such determination, within 15 calendar days of receipt. If the plan is deemed to be incomplete, the above written notification shall contain the reasons the plan is deemed incomplete.
 - (2) The Administrator shall have an additional 60 calendar days from the date of the communication of completeness to review the plan, except that if a determination of completeness is not made within the time prescribed in subdivision (1), then plan shall be deemed complete and the Administrator shall have 60 calendar days from the date of submission to review the plan.
 - (3) The Administrator shall review any plan that has been previously disapproved, within 45 calendar days of the date of resubmission.
 - (4) For plans not approved by the Administrator, all return comments shall be addressed by the applicant within 90 calendar days. Plans that are not resubmitted within this time period will be subject to a new application fee and review for current regulations.
 - (5) During the review period, the plan shall be approved or disapproved and the decision communicated in writing to the person responsible for the land-disturbing activity or his designated agent. If the plan is not approved, the reasons for not approving the plan shall be provided in writing. Approval or denial shall

be based on the plan's compliance with the requirements of this Ordinance and the Stormwater Management and Erosion Control Manual.

- (6) If a plan meeting all requirements of this Ordinance is submitted and no action is taken within the time provided above in subdivision (2) for review, the plan shall be deemed approved.
- (B) Approved stormwater plans may be modified as follows:
- (1) Modifications to an approved stormwater management plan shall be allowed only after review and written approval by the Administrator. The Administrator shall have 60 calendar days to respond in writing either approving or disapproving such request.
 - (2) The Administrator may require that an approved stormwater management plan be amended, within a time prescribed by the Administrator, to address any deficiencies noted during inspection.
- (C) The Administrator shall require the submission of a construction record drawing for permanent stormwater management facilities. The Administrator may elect not to require construction record drawings for stormwater management facilities for which recorded maintenance agreements are not required pursuant to Section 7-55 (B)

Sec. 7-53. TECHNICAL CRITERIA FOR REGULATED LAND DISTURBING ACTIVITIES.

- (A) All land-disturbing activities shall comply with the technical criteria outlined in the Stormwater Management and Erosion and Control Plan Manual, latest edition.
- (B) Until June 30, 2019, any land-disturbing activity for which a currently valid proffered or conditional zoning plan, preliminary or final subdivision plat, preliminary or final site plan or zoning with a plan of development, or any document determined by the Locality as being equivalent thereto, was approved by the Franklin County prior to July 1, 2012, and for which no coverage under the general permit has been issued prior to July 1, 2014, shall be considered grandfathered by the Administrator and shall not be subject to the technical criteria of Part II B [of the Regulations], but shall be subject to the technical criteria of Part II C [of the Regulations] for those areas that were included in the approval, provided that the Administrator finds that such proffered or conditional zoning plan, preliminary or final subdivision plat, preliminary or final site plan or zoning with a plan of development, or any document determined by the Locality as being equivalent thereto, (i) provides for a layout and (ii) the resulting land-disturbing activity will be compliant with the requirements of Part II C. In the event that the Locality-approved document is subsequently modified or amended in a manner such that there is no increase over the previously approved plat or plan in the amount of phosphorus leaving each point of discharge of the land-disturbing activity through stormwater runoff, and such that there

is no increase over the previously approved plat or plan in the volume or rate of runoff, the grandfathering shall continue as before.

- (1) Until June 30, 2019, for local, state, and federal projects for which there has been an obligation of local, state, or federal funding, in whole or in part, prior to July 1, 2012, or for which the Department has approved a stormwater management plan prior to July 1, 2012, such projects shall be considered grandfathered by Franklin County and shall not be subject to the technical requirements of Part II B of the Regulations, but shall be subject to the technical requirements of Part II C of the Regulations for those areas that were included in the approval.
 - (2) For land-disturbing activities grandfathered under this Subsection, construction must be completed by June 30, 2019, or portions of the project not under construction shall become subject to the technical requirements of Subsection (a) above.
- (C) In cases where governmental bonding or public debt financing has been issued for a project prior to July 1, 2012, such project shall be subject to the technical requirements Part IIC of the Regulations, as adopted by the Locality in Subsection (b) of this Section.
- (D) The Administrator may grant exceptions to the technical requirements of Part II B or Part II C of the Regulations, provided that (i) the exception is the minimum necessary to afford relief, (ii) reasonable and appropriate conditions are imposed so that the intent of the Act, the Regulations, and this Ordinance are preserved, (iii) granting the exception will not confer any special privileges that are denied in other similar circumstances, and (iv) exception requests are not based upon conditions or circumstances that are self-imposed or self-created. Economic hardship alone is not sufficient reason to grant an exception from the requirements of this Ordinance.
- (1) Exceptions to the requirement that the land-disturbing activity obtain required VSMP authority permit shall not be given by the Administrator, nor shall the Administrator approve the use of a BMP not found on the Virginia Stormwater BMP Clearinghouse Website, or any other control measure duly approved by the Director.
 - (2) Exceptions to requirements for phosphorus reductions shall not be allowed unless offsite options otherwise permitted pursuant to 9VAC25-870-69 have been considered and found not available.
- (E) Nothing in this Section shall preclude an operator from constructing to a more stringent standard at their discretion.

Sec. 7-54. Performance Bond.

Prior to issuance of any permit, the Applicant shall be required to submit a reasonable performance bond with surety, cash escrow, letter of credit, insurance bond or any combination thereof, or such other legal arrangement acceptable to the county attorney, to ensure that measures could be taken by the County of Franklin at the Applicant's expense should he fail, after proper notice, within the time specified to initiate or maintain appropriate actions which may be required of him by the permit conditions as a result of his land disturbing activity. If the County of Franklin takes such action upon such failure by the Applicant, the Locality may collect from the Applicant for the difference should the amount of the reasonable cost of such action exceed the amount of the security held, if any. Within 60 days of the completion of the requirements of the permit conditions, such bond, cash escrow, letter of credit, insurance bond or other legal arrangement, or the unexpended or unobligated portion thereof, shall be refunded to the Applicant or terminated.

Sec. 7-55. LONG-TERM MAINTENANCE OF PERMANENT STORMWATER FACILITIES.

- (A) The Administrator shall require the provision of long-term responsibility for and maintenance of stormwater management facilities and other techniques specified to manage the quality and quantity of runoff. Such requirements shall be set forth in an instrument recorded in the local land records prior to general permit termination or earlier as required by the Administrator and shall at a minimum:
- (1) Be submitted to the Administrator for review and approval prior to the approval of the stormwater management plan;
 - (2) Be stated to run with the land;
 - (3) Provide for all necessary access to the property for purposes of maintenance and regulatory inspections;
 - (4) Provide for inspections and maintenance and the submission of inspection and maintenance reports to the Administrator; and
 - (5) Be enforceable by all appropriate governmental parties.
- (B) At the discretion of the Administrator, such recorded instruments need not be required for stormwater management facilities designed to treat stormwater runoff primarily from an individual residential lot on which they are located, provided it is demonstrated to the satisfaction of the Administrator that future maintenance of such facilities will be addressed through an enforceable mechanism at the discretion of the Administrator.
- (C) If a recorded instrument is not required pursuant to Subsection 1-10 (b), the Administrator shall develop a strategy for addressing maintenance of stormwater management facilities designed to treat stormwater runoff primarily from an individual residential lot on which they are located. Such a strategy may include periodic inspections, homeowner outreach and education, or other method targeted at promoting

the long-term maintenance of such facilities. Such facilities shall not be subject to the requirement for an inspection to be conducted by the Administrator

Sec. 7-56. Closure of Land Disturbing Activities. (See Section 7-30).

Sec. 7-57. Monitoring and Inspections.

- (A) The Administrator or any duly authorized agent of the Administrator shall inspect the land-disturbing activity during construction for:
- (1) Compliance with the approved erosion and sediment control plan;
 - (2) Compliance with the approved stormwater management plan;
 - (3) Development, updating, and implementation of a pollution prevention plan; and
 - (4) Development and implementation of any additional control measures necessary to address a TMDL.
- (B) The Administrator or any duly authorized agent of the Administrator may, at reasonable times and under reasonable circumstances, enter any establishment or upon any property, public or private, for the purpose of obtaining information or conducting surveys or investigations necessary in the enforcement of the provisions of this Ordinance.
- (C) In accordance with a performance bond with surety, cash escrow, letter of credit, any combination thereof, or such other legal arrangement or instrument, the Administrator may also enter any establishment or upon any property, public or private, for the purpose of initiating or maintaining appropriate actions which are required by the permit conditions associated with a land-disturbing activity when a permittee, after proper notice, has failed to take acceptable action within the time specified.
- (D) Pursuant to § 10.1-603.12:2 of the Code of Virginia, the Administrator may require every VSMP authority permit applicant or permittee, or any such person subject to VSMP authority permit requirements under this Ordinance, to furnish when requested such application materials, plans, specifications, and other pertinent information as may be necessary to determine the effect of his discharge on the quality of state waters, or such other information as may be necessary to accomplish the purposes of this Ordinance. **[NOTE: Please see § 10.1-603.12:2 regarding protection of specified confidential information.]**
- (E) Post-construction inspections of stormwater management facilities required by the provisions of this Ordinance shall be conducted by the Administrator or any duly authorized agent of the Administrator pursuant to the Locality's adopted and State Board approved inspection program, and shall occur, at minimum, at least once every five (5) years except as may otherwise be provided for in Section 7-55.

Sec. 758. Enforcement.

- (A) If the Administrator determines that there is a failure to comply with the VSMP authority permit conditions or determines there is an unauthorized discharge, notice shall be served upon the permittee or person responsible for carrying out the permit conditions by any of the following: verbal warnings and inspection reports, notices of corrective action, consent special orders, and notices to comply. Written notices shall be served by registered or certified mail to the address specified in the permit application or by delivery at the site of the development activities to the agent or employee supervising such activities.
- (1) The notice shall specify the measures needed to comply with the permit conditions and shall specify the time within which such measures shall be completed. Upon failure to comply within the time specified, a stop work order may be issued in accordance with Subsection (b) or the permit may be revoked by the Administrator.
 - (2) If a permittee fails to comply with a notice issued in accordance with this Section within the time specified, the Administrator may issue an order requiring the owner, permittee, person responsible for carrying out an approved plan, or the person conducting the land-disturbing activities without an approved plan or required permit to cease all land-disturbing activities until the violation of the permit has ceased, or an approved plan and required permits are obtained, and specified corrective measures have been completed.
- (B) Such orders shall be issued in accordance with the Stormwater Management and Erosion Control Manual. Such orders shall become effective upon service on the person by certified mail, return receipt requested, sent to his address specified in the land records of the locality, or by personal delivery by an agent of the Administrator. However, if the Administrator finds that any such violation is grossly affecting or presents an imminent and substantial danger of causing harmful erosion of lands or sediment deposition in waters within the watersheds of the Commonwealth or otherwise substantially impacting water quality, it may issue, without advance notice or hearing, an emergency order directing such person to cease immediately all land-disturbing activities on the site and shall provide an opportunity for a hearing, after reasonable notice as to the time and place thereof, to such person, to affirm, modify, amend, or cancel such emergency order. If a person who has been issued an order is not complying with the terms thereof, the Administrator may institute a proceeding for an injunction, mandamus, or other appropriate remedy in accordance with Subsection 7-58(C).
- (C) In addition to any other remedy provided by this Ordinance, if the Administrator or his designee determines that there is a failure to comply with the provisions of this Ordinance, they may initiate such informal and/or formal administrative enforcement

procedures in a manner that is consistent with the Stormwater Management and Erosion Control Manual.

- (D) Any person violating or failing, neglecting, or refusing to obey any rule, regulation, ordinance, order, approved standard or specification, or any permit condition issued by the Administrator may be compelled in a proceeding instituted in Franklin County Circuit Court by the Locality to obey same and to comply therewith by injunction, mandamus or other appropriate remedy.
- (E) Any person who violates any provision of this Ordinance or who fails, neglects, or refuses to comply with any order of the Administrator, shall be subject to a civil penalty not to exceed \$32,500 for each violation within the discretion of the court. Each day of violation of each requirement shall constitute a separate offense.
 - (1) Violations for which a penalty may be imposed under this Subsection shall include but not be limited to the following:
 - (a) No state permit registration;
 - (b) No SWPPP;
 - (c) Incomplete SWPPP;
 - (d) SWPPP not available for review;
 - (e) No approved erosion and sediment control plan;
 - (f) Failure to install stormwater BMPs or erosion and sediment controls;
 - (g) Stormwater BMPs or erosion and sediment controls improperly installed or maintained;
 - (h) Operational deficiencies;
 - (i) Failure to conduct required inspections;
 - (j) Incomplete, improper, or missed inspections; and
 - (k) Discharges not in compliance with the requirements of Section 9VAC25-880-70 of the general permit.
 - (2) The Administrator may issue a summons for collection of the civil penalty and the action may be prosecuted in the appropriate court.
 - (3) In imposing a civil penalty pursuant to this Subsection, the court may consider the degree of harm caused by the violation and also the economic benefit to the violator from noncompliance.
 - (4) Any civil penalties assessed by a court as a result of a summons issued by Franklin County shall be paid into the treasury of the Franklin County to be used for the purpose of minimizing, preventing, managing, or mitigating pollution of the waters of the locality and abating environmental pollution therein in such manner as the court may, by order, direct.
- (F) Notwithstanding any other civil or equitable remedy provided by this Section or by law, any person who willfully or negligently violates any provision of this Ordinance, any

order of the Administrator, any condition of a permit, or any order of a court shall, be guilty of a misdemeanor punishable by confinement in jail for not more than 12 months or a fine of not less than \$2,500 nor more than \$32,500, or both.

Sec. 7-59. HEARINGS. (See Appeals Section 7-60).

Sec. 7-60. APPEALS.

Final decisions of the program administrator under this chapter shall be subject to review by the Franklin County Board of Supervisors, provided an appeal is filed within thirty (30) days from any written decision by the program administrator which adversely affects the rights, duties or privileges of the person engaging in or proposing to engage in land-disturbing activities.

Final decisions of the board of supervisors under this chapter shall be subject to review by Circuit Court of Franklin County, provided an appeal is filed within thirty (30) days from the date of any written decision by the Franklin County Board of Supervisors which adversely affects the rights, duties or privileges of the person engaging in or proposing to engage in land-disturbing activities.

Sec. 7-61. Fees.

- (A) There shall be a reasonable fee charged for the processing of stormwater management permit applications. The permit application review fee shall be due at the time of initial submittal of the stormwater management plan.
- (B) The application review fee shall cover costs associated with the implementation of the VSMP related to land disturbing activities as listed on the Fee Schedule for Planning & Community Development, which can be obtained from the Department of Planning and Community Development. Incomplete payments will be deemed as non-payments. Interests may be charged on late payments, as a 10% late payment fee may be applied to delinquent accounts

Sec. 7-62. Reserved.

FRANKLIN COUNTY
Board of Supervisors

J



Franklin County
A Natural Setting for Opportunity

EXECUTIVE SUMMARY

<p><u>AGENDA TITLE:</u> Union Hall Village Plan</p> <p><u>SUBJECT/PROPOSAL/REQUEST:</u> Brief overview of the Planning Commission's draft of a Union Hall Village Plan.</p> <p><u>STRATEGIC PLAN FOCUS AREA:</u></p> <p><u>Action Strategy:</u> N/A</p> <p><u>STAFF CONTACT(S):</u> Neil Holthouser, Director of Planning Lisa Cooper, Senior Planner</p>	<p><u>AGENDA DATE:</u> January 21, 2014</p> <p><u>ITEM NUMBER:</u></p> <p><u>ACTION:</u> <u>INFORMATION:</u></p> <p><u>CONSENT AGENDA:</u> <u>ACTION:</u></p> <p><u>INFORMATION:</u></p> <p><u>ATTACHMENTS:</u></p> <p><u>REVIEWED BY:</u> <i>REH</i></p>
--	--

BACKGROUND:

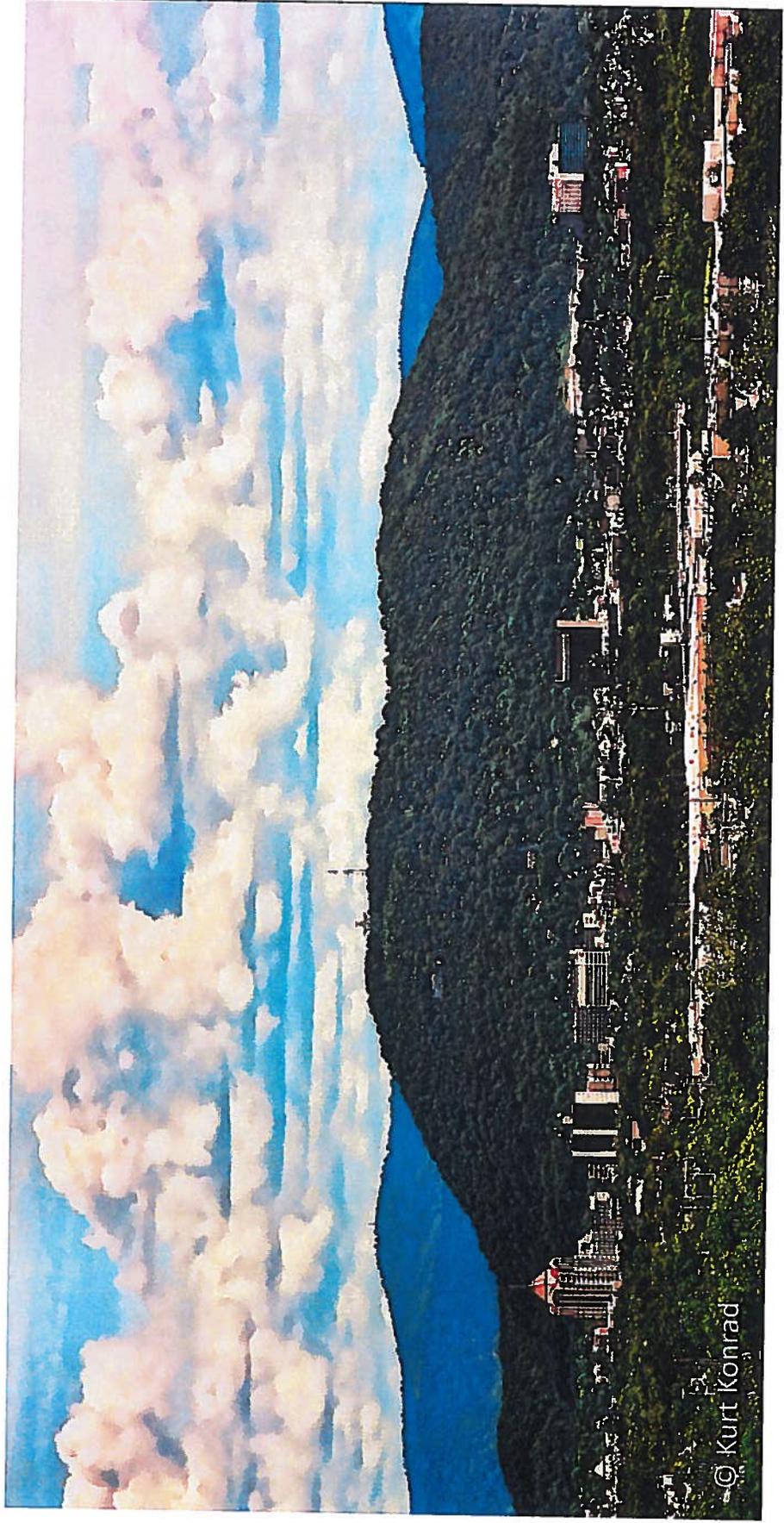
Franklin County's Comprehensive Plan envisions future development occurring within well-defined "village centers," located throughout the county in traditional crossroads communities. To that end, the Comprehensive Plan encourages the development and adoption of more detailed Village Plans to guide growth and development decisions at a more refined scale.

In the Spring of 2013, the Planning Commission launched a process to develop a Union Hall Village Plan, for the area generally surrounding the intersection of Rt. 40 East and Kemp Ford Road. A series of public input sessions were held in April 2013. The Planning Commission has since held a number of worksessions to develop a draft plan (see attached.) Staff anticipates that the Planning Commission will schedule a public hearing on the draft plan in February 2014, culminating with a recommendation for consideration by the Board of Supervisors in March 2014.

NEXT STEPS:

At this time, Planning staff seeks to brief the Board of Supervisors on some of the major policy recommendations contained in the Planning Commission's draft Union Hall Village Plan, and to seek Board input prior to scheduling a public hearing before the Planning Commission in February 2014.

Partnership for a LIVABLE ROANOKE VALLEY

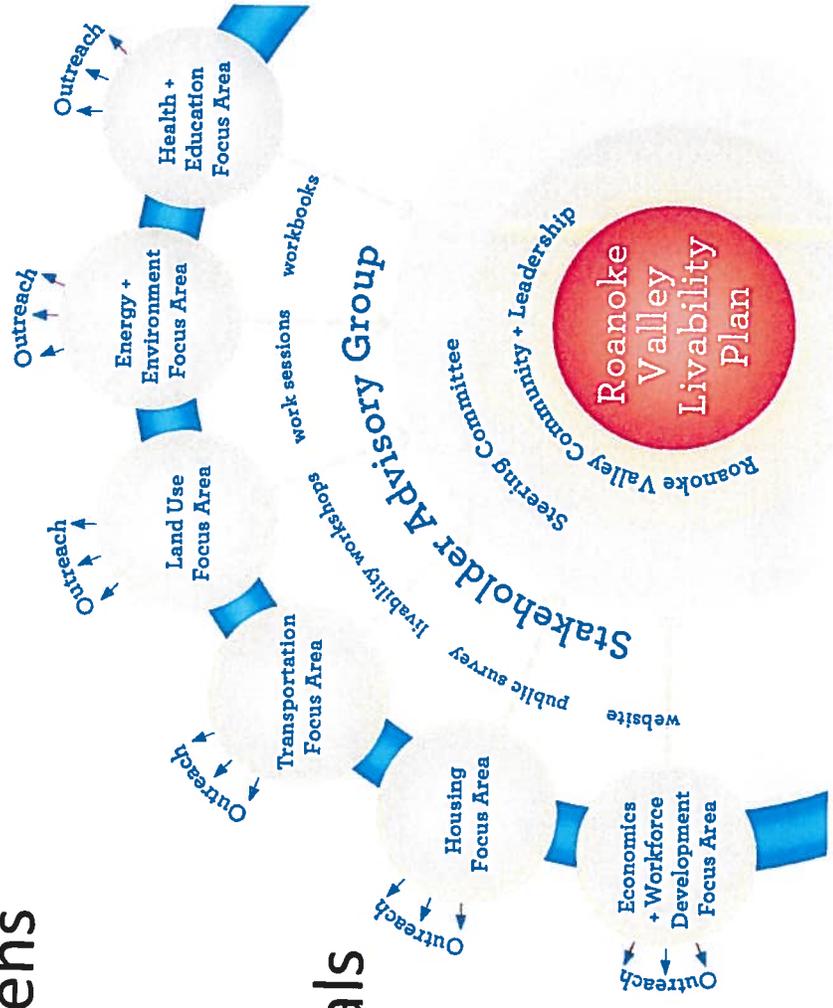


© Kurt Konrad

Our Mission and Desired Outcomes

“Promote economic opportunity and quality of life in the Roanoke Valley.”

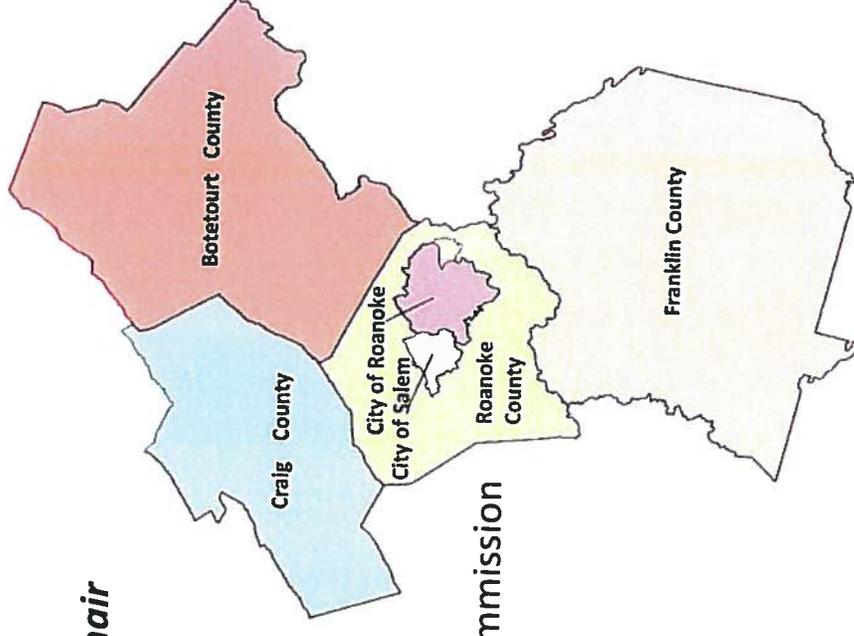
- Invite and engage all citizens
- Identify issues and opportunities
- Identify priorities and goals
- Create scenarios
- Define strategies
- Develop a Livability Plan



Who's Leading the Partnership

Livable Roanoke Valley Steering Committee

- **The Honorable Lisa Garst, City of Salem - Chair**
- **The Honorable Bobby Thompson, Franklin County – Vice Chair**
- **The Honorable Stephen Clinton, Botetourt County**
- **Don Davis, Western Virginia Water Authority**
- **Lucy Ellett, Citizen Representative**
- **The Honorable Ed Elswick, Roanoke County**
- **Richard Flora, Craig County**
- **Mayor Bradley Grose, Roanoke Valley-Alleghany Regional Commission**
- **Shirley Holland, Carilion Clinic**
- **Dana Martin, VA Department of Transportation CTB (former)**
- **The Honorable Charlotte Moore, Roanoke Valley Area MPO**
- **Todd Putney, Roanoke Regional Chamber of Commerce**
- **Robert Sandel, Virginia Western Community College**
- **Henry Scholz, Council of Community Services**
- **The Honorable David Trinkle, City of Roanoke**
- **Todd Putney, Roanoke Regional Chamber of Commerce**



Partnering Organizations



Involvement Process

MAY 2012

All-Stakeholder Meeting
Trend analysis
SWOT analysis

OCTOBER 2012

Framework for the Future Workshop

TODAY

Livability Strategies Workshop

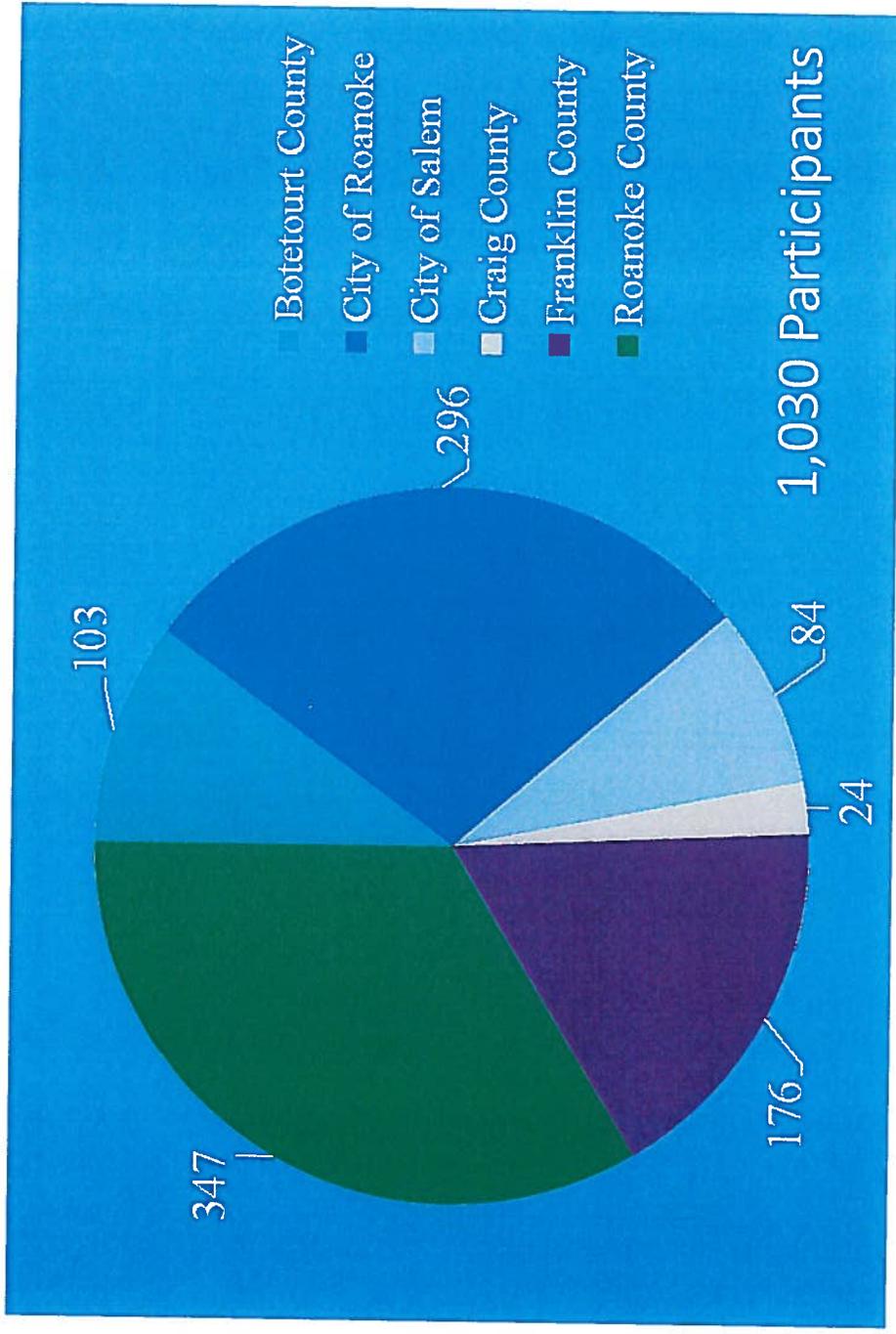
FEBRUARY 2014

Roanoke Valley Livability Plan

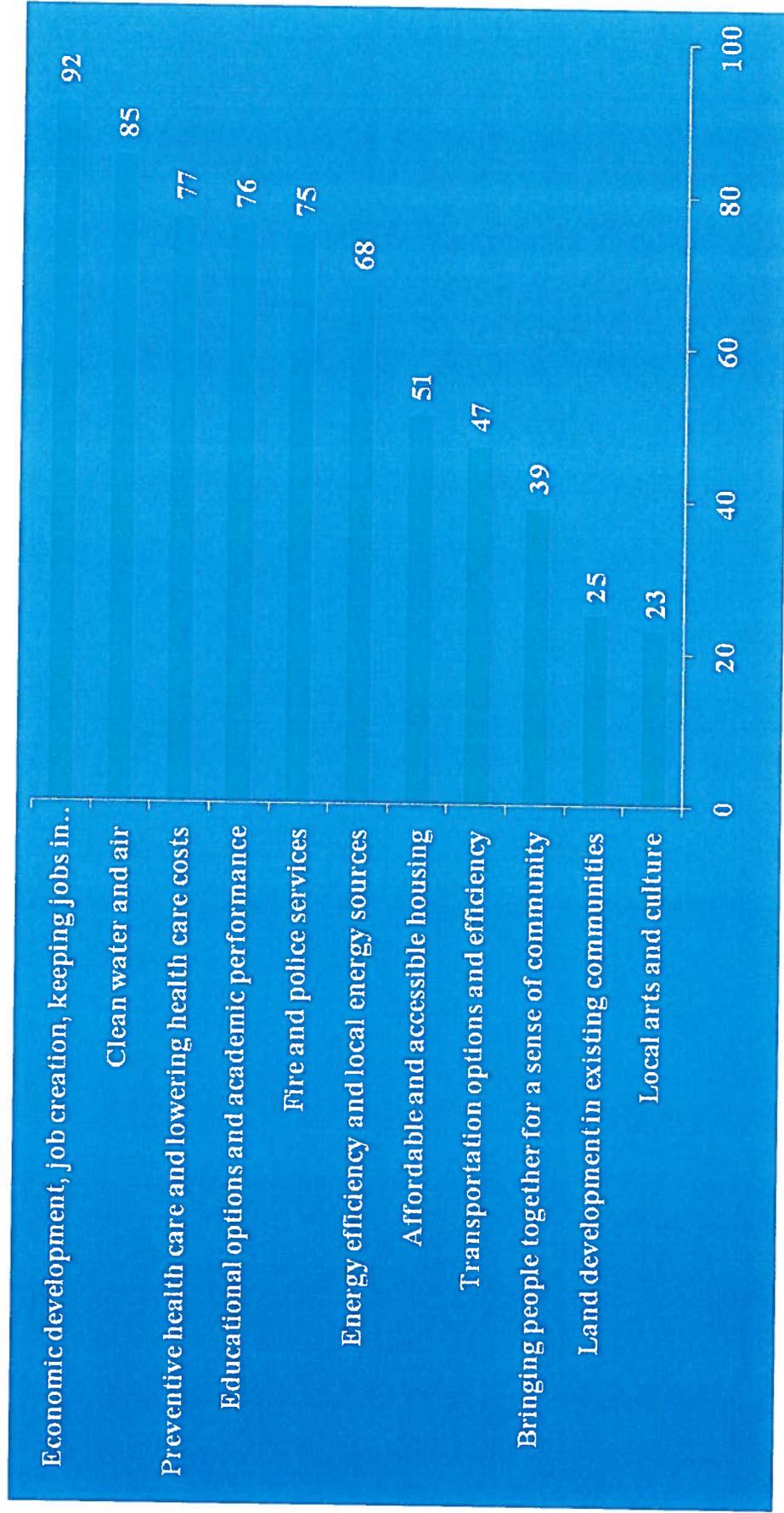
Steering Committee meetings, Stakeholder Committee meetings
Focus Area Sub-committee meetings

<http://ideas.livableroanoke.org> open for public comment

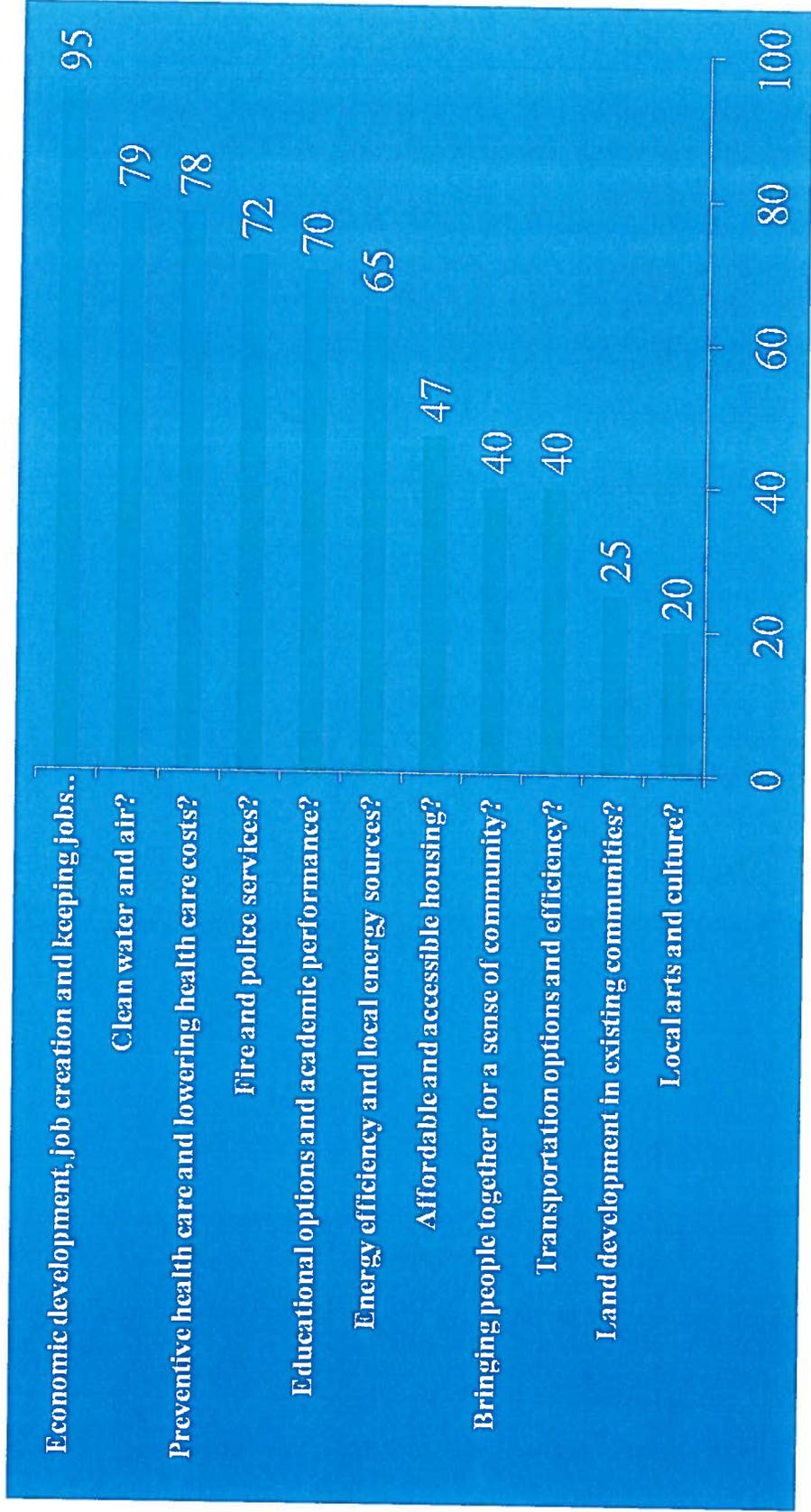
Virginia Tech Livability Survey



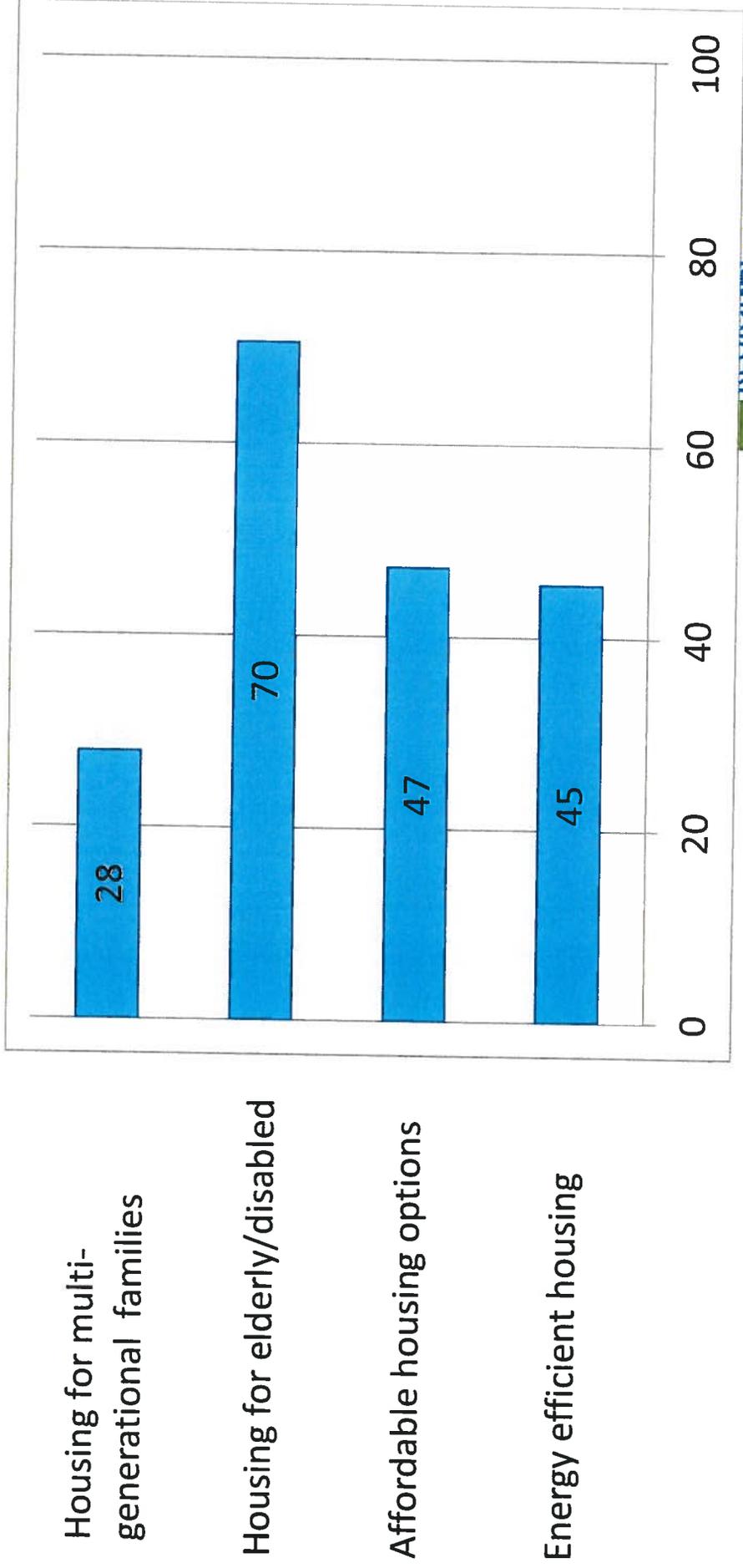
Livability Survey Priorities



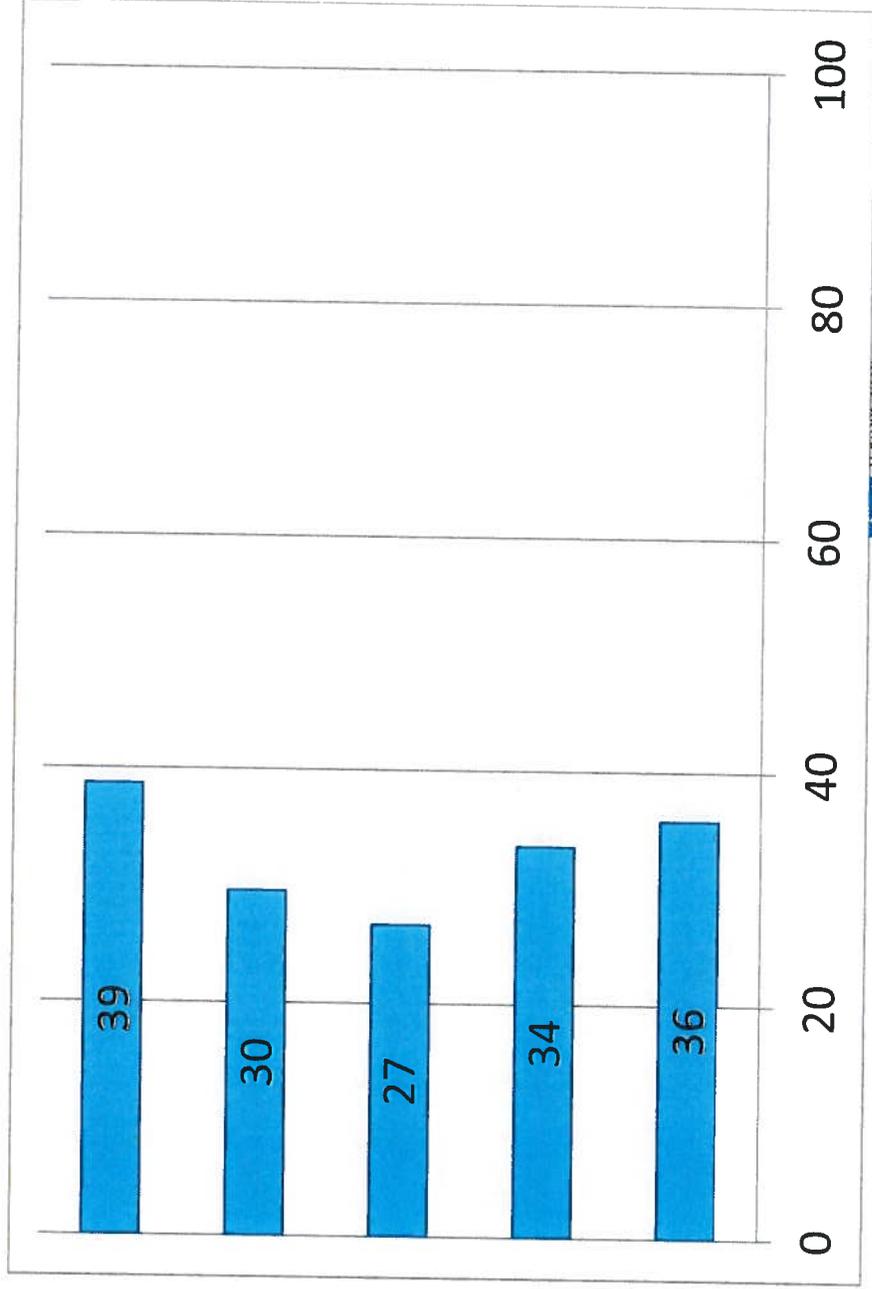
Survey - Broad Area Priorities for Franklin County



Percentage of Respondents that Identified Housing Areas as a “Top Priority” Franklin County



Percentage of Respondents that Identified Transportation Areas as a “Top Priority” Franklin County



Managing Traffic in the area

Promote alternative transportation options

Improve sidewalks, walking paths and trails

Provide passenger rail service

Provide public transportation

Percentage of Respondents that Identified Land Usage Issues as a “Top Priority” Franklin County

Preserving public access to land for recreational & sporting uses

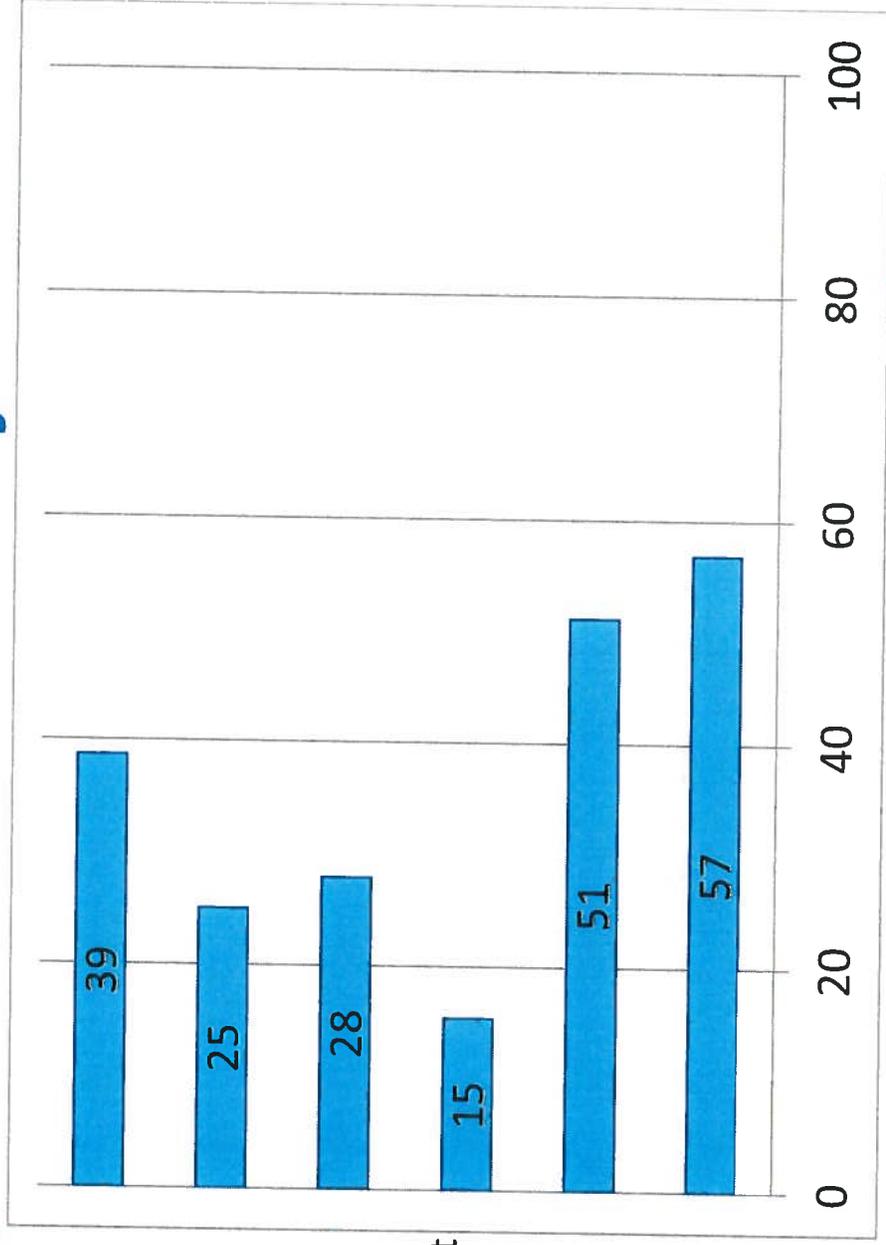
Having less restriction on land development

Using large areas of land to attract industrial development

Encouraging commercial development in green areas or rural land.

Encouraging commercial development in existing communities

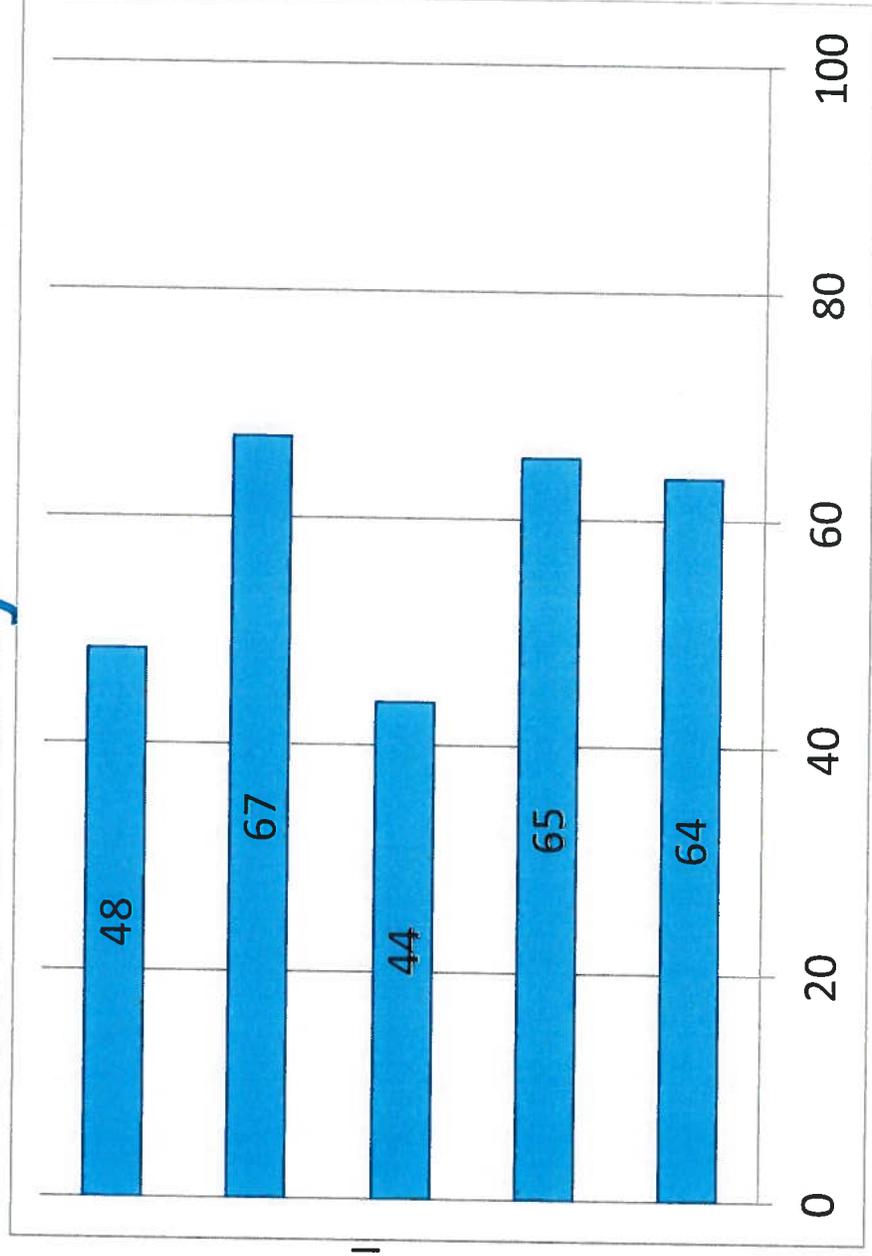
Preservation of green areas & rural land



Percentage of Respondents that Identified Energy Issues as a “Top Priority”

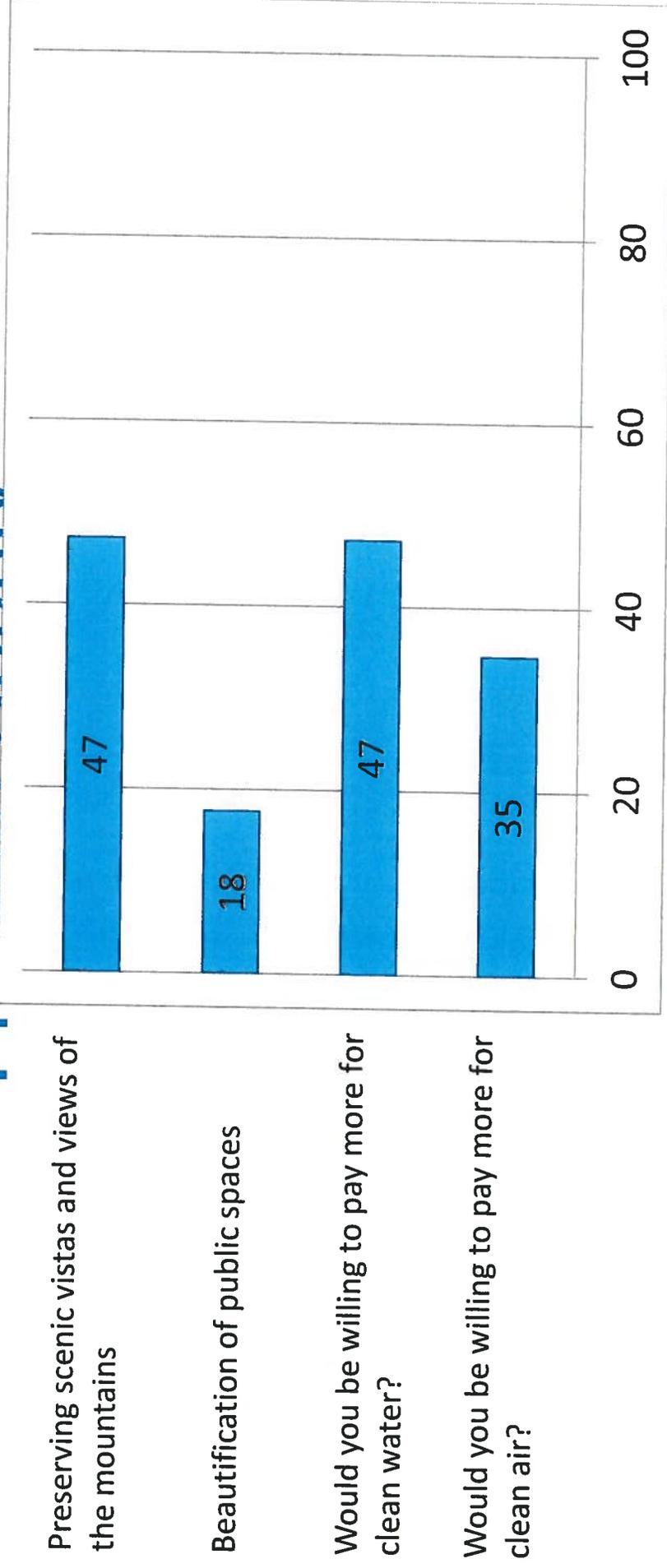
Franklin County

- Programs to assist low income citizens with energy costs
- Promotion and encouragement of energy efficiency & conservation
- Reducing the regulation of traditional energy sources, such as coal
- Generation of energy using local sources
- Exploration of alternative and renewable sources of energy



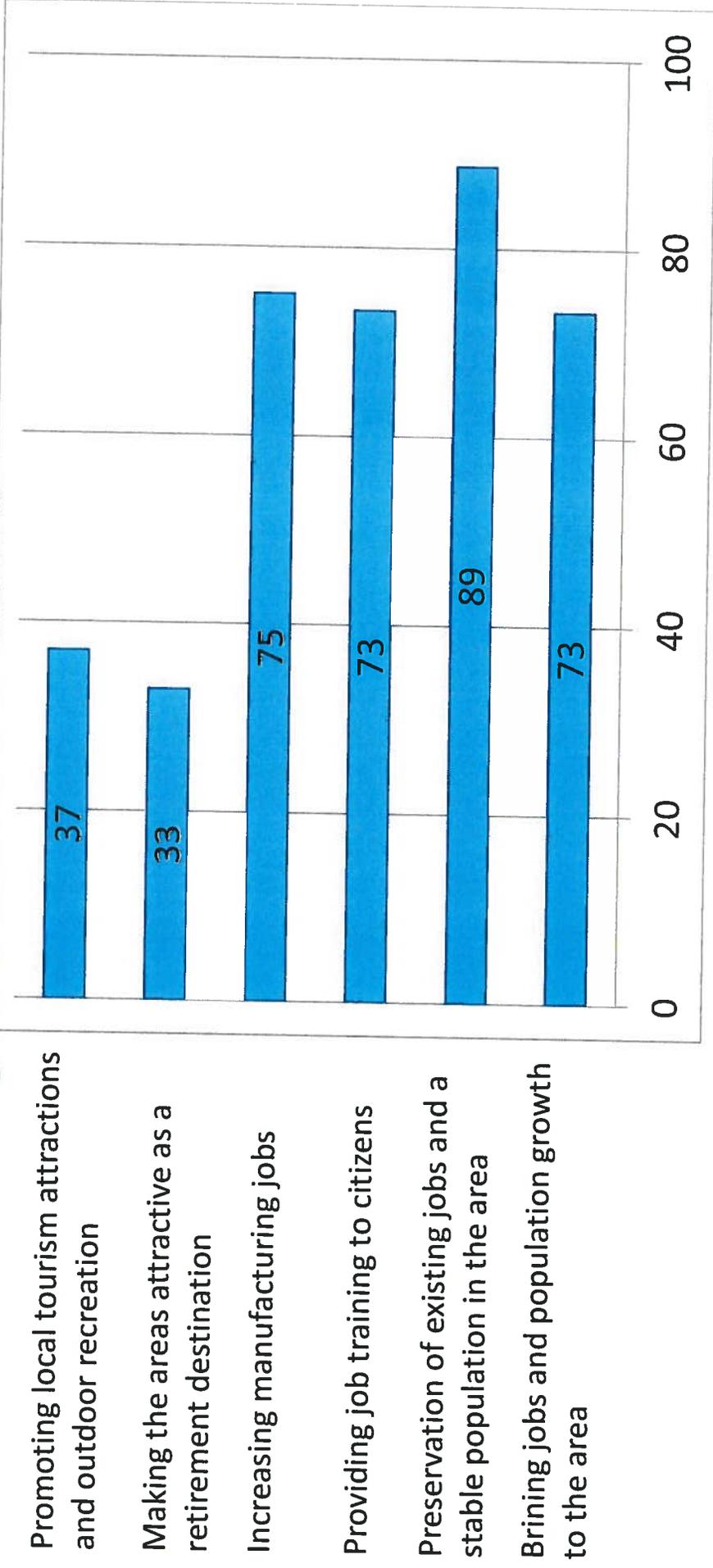
Percentage of Respondents that Identified Environmental Issues as a “Top Priority”

Franklin County



Percentage of Responses that Identified Economic Issues as a “Top Priority”

Franklin County



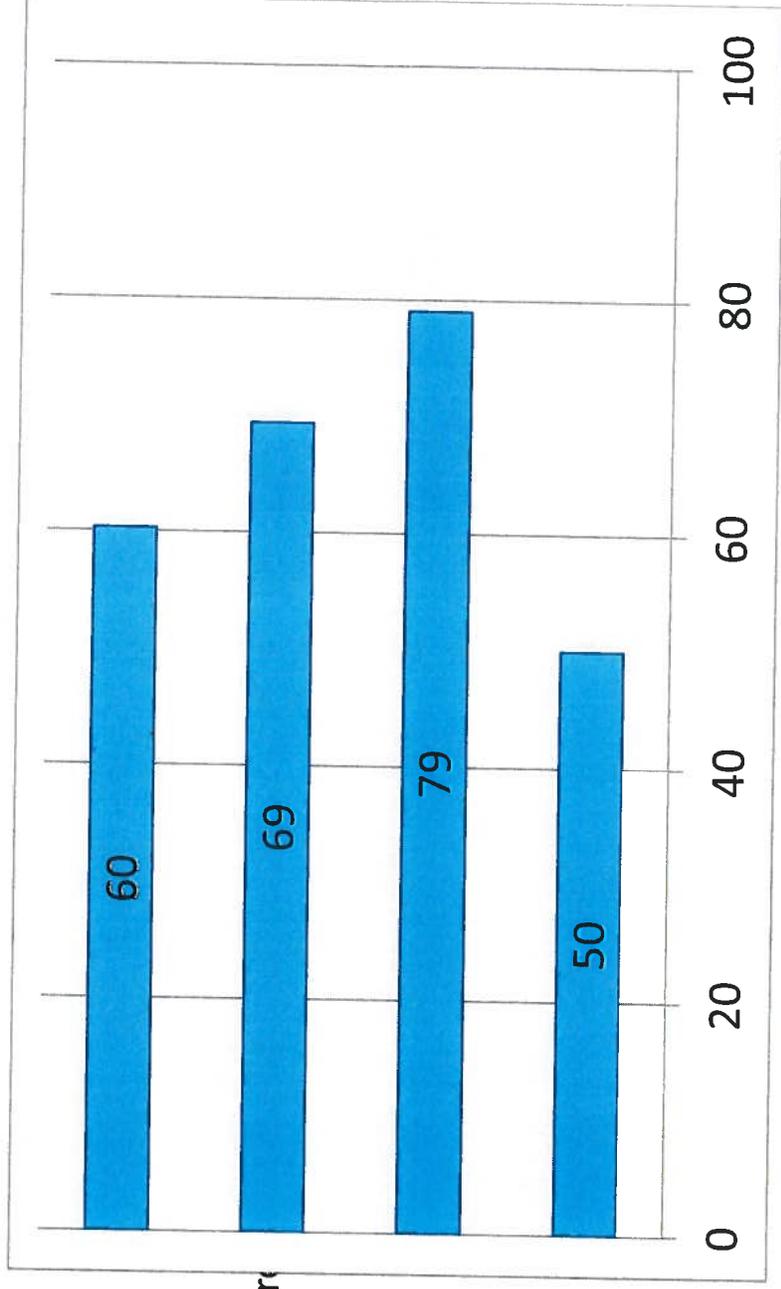
Percentage of Respondents that Identified Health Issues as a “Top Priority” Franklin County

Programs aimed at assisting with health care cost

Programs aimed at preventative care

Ensuring the availability of high quality medical care in the area

Increasing programs aimed at improving local residents health



Percentage of Respondents who Identified Education Issues as a “Top Priority”

Franklin County

Providing college scholarship programs

70

Improving graduation rates

72

Improving safety in the schools

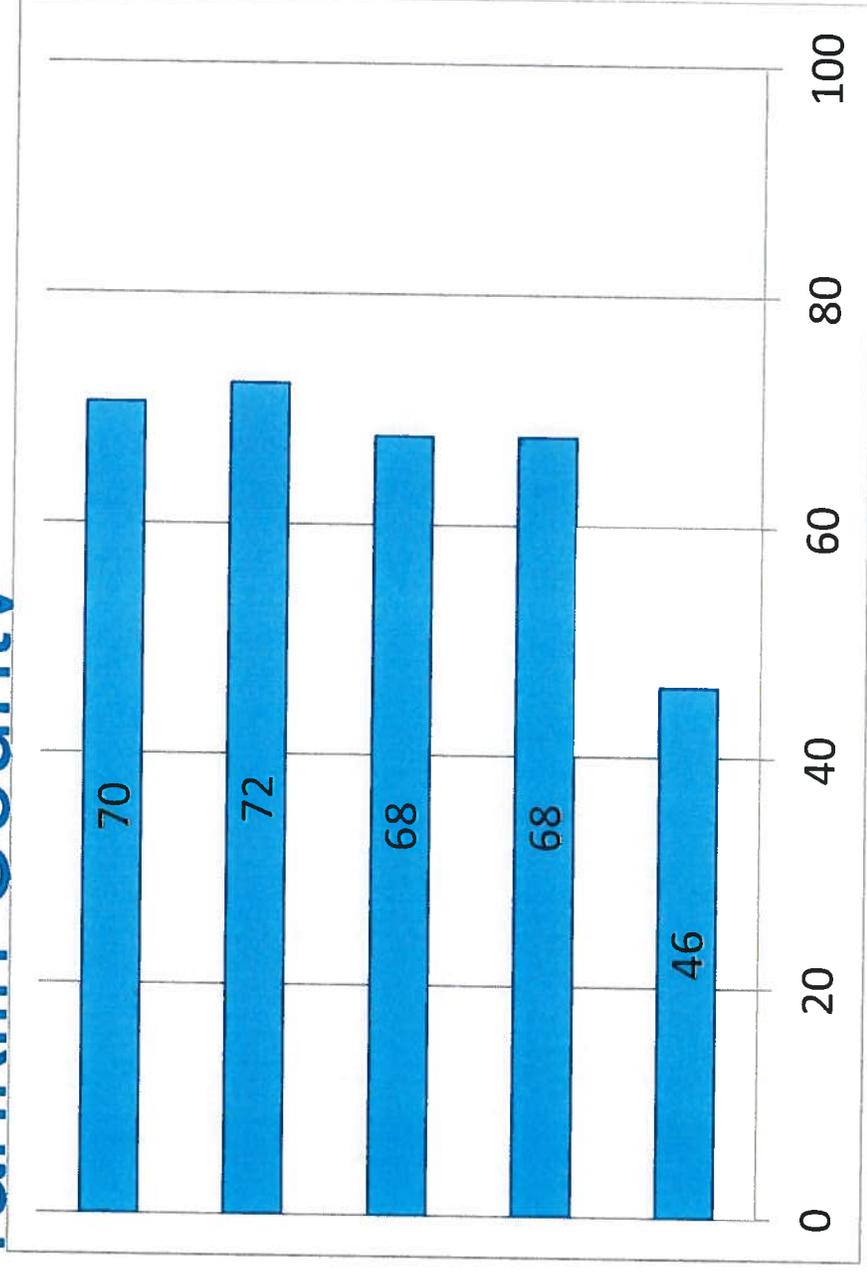
68

Improving the performance of schools in the area

68

Improving pre-school options in the community

46



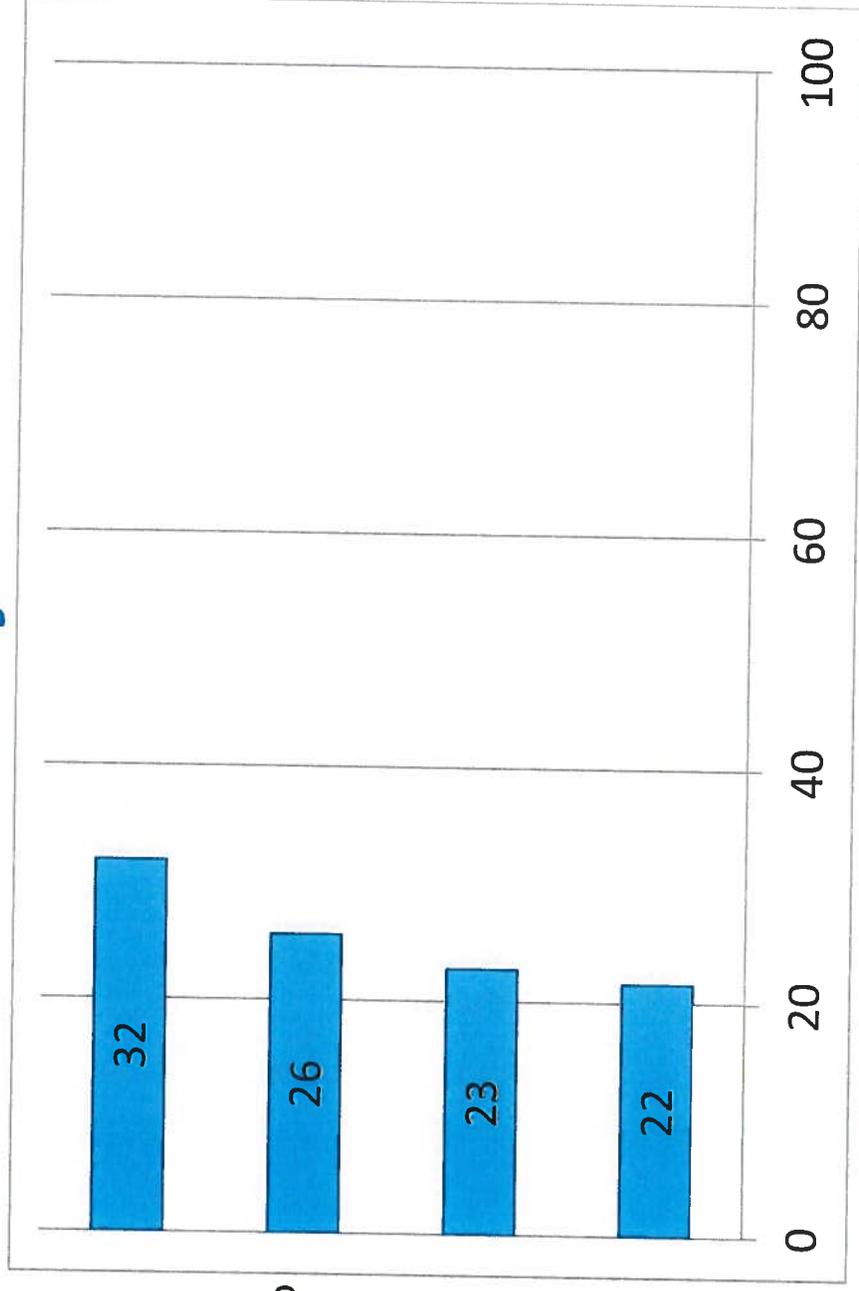
Percentage of Respondents who Identified Arts & Cultural Issues as a “Top Priority” Franklin County

Highlighting the unique culture of the region.

Bringing more live performances to the area.

Supporting local area museums.

Improving artistic and cultural offerings in the area.



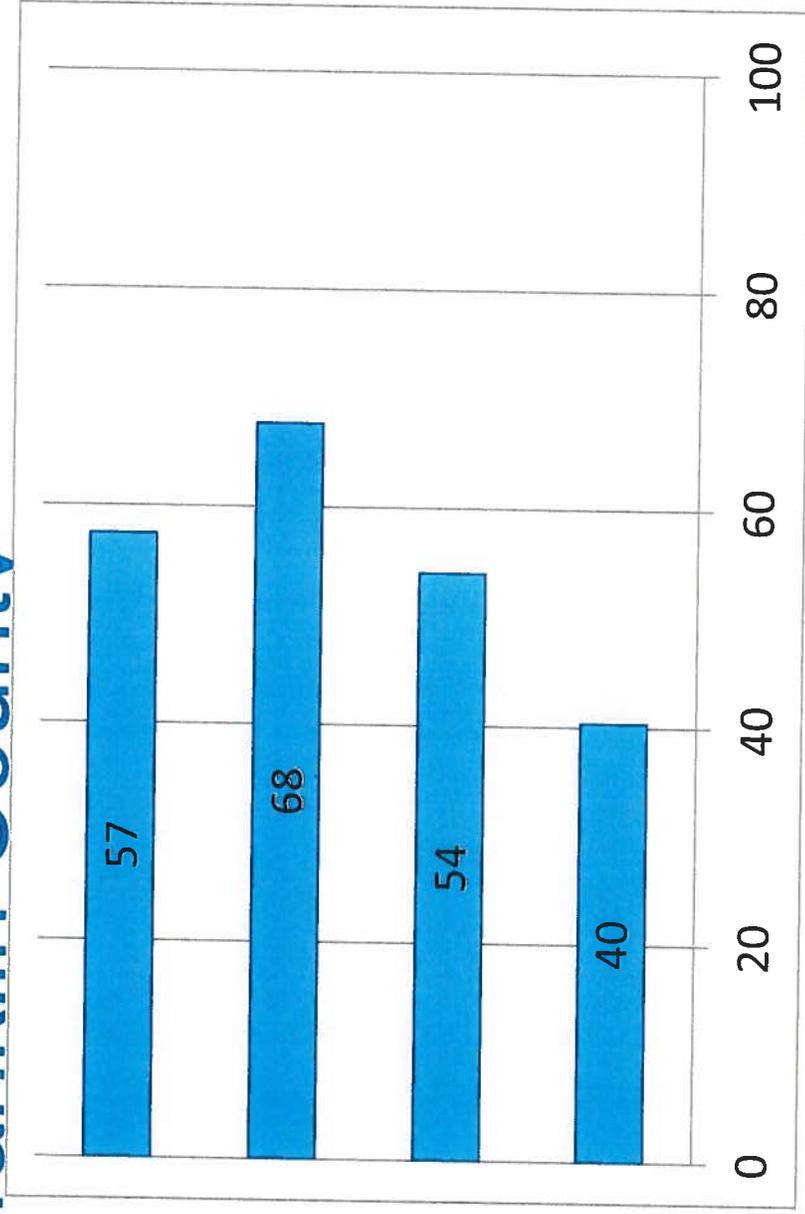
Percentage of Respondents that Identified Fire and Police Services as a “Top Priority” Franklin County

Increasing emergency management services in the area.

Reduction in criminal activity in the area.

Increasing fire protection services in the area.

Increasing police in the area.



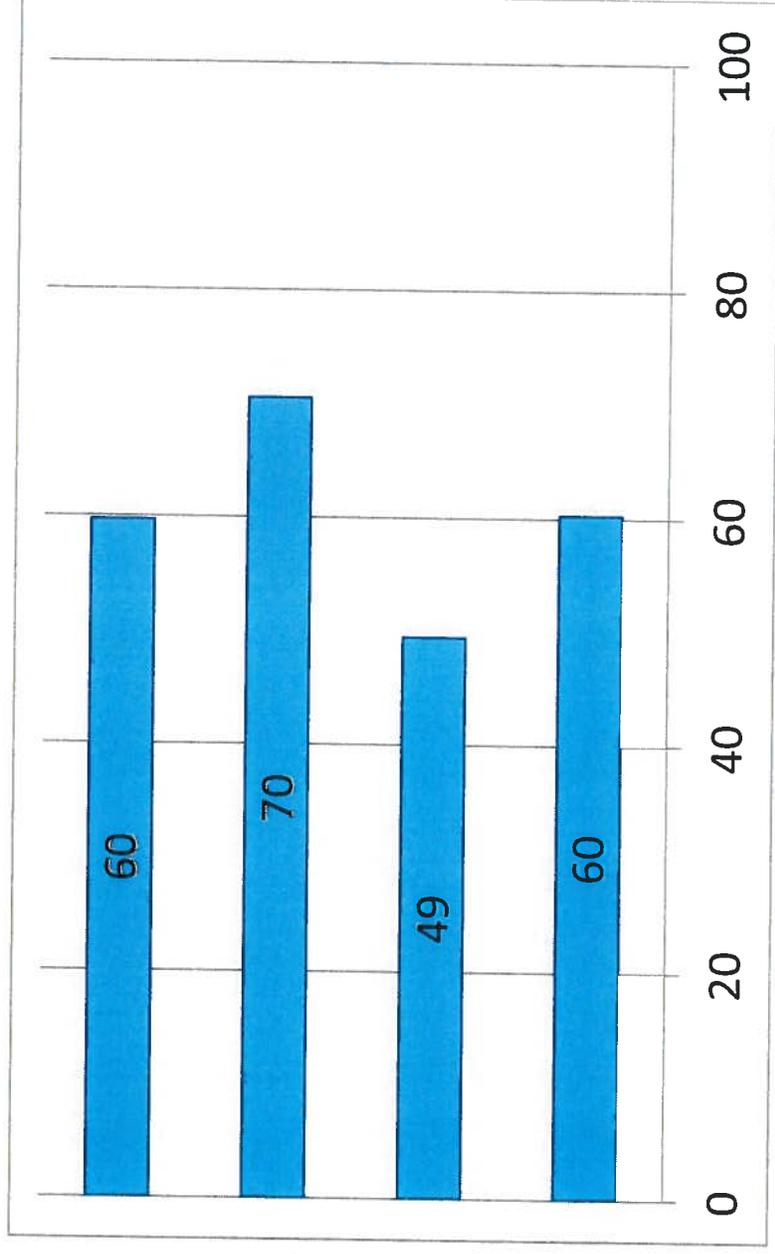
Percentage of Respondents who Identified Sense of Community as a “Top Priority” Franklin County

Local governments in the Roanoke Valley combine efforts to provide services and solve challenges.

Everyone doing their part to make the community a better place to live.

Increasing volunteerism in the community.

Being in a community in which people care about each other.

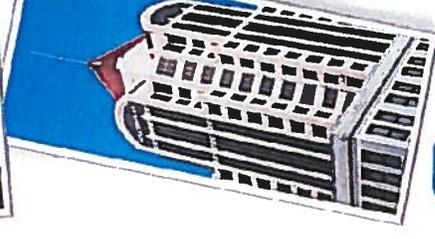
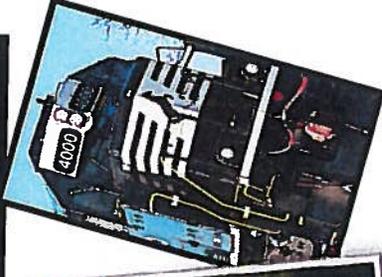


LIVABLE ROANOKE VALLEY - VISION & GOALS

Our Vision

We are living the dream. Beautiful mountains. Clean rivers and streams. People who care. The Roanoke Valley is filled with promise.

To make the most of these opportunities, we will work to provide quality education, access to healthcare, work and career opportunities, responsible stewardship of the environment, and greater regional cooperation. As we strive to fulfill our promises, we will be the destination for individuals, families and businesses who share the same dream that we do.



Goals of Livable Roanoke Valley

Economic Development: Creating jobs, increasing incomes and growing businesses to improve the quality of life for all residents of the Roanoke Region.

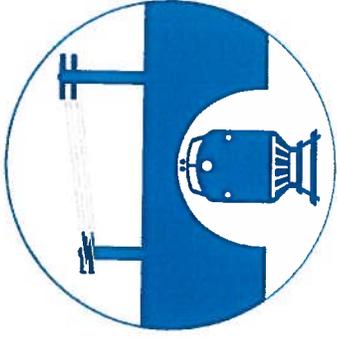
Workforce Development: Providing access to job training and educational advancement by fostering a culture of lifelong learning for people of all ages and abilities.

Healthy Roanoke: Mobilize community resources to improve access to care, coordination of services, and promote a culture of wellness.

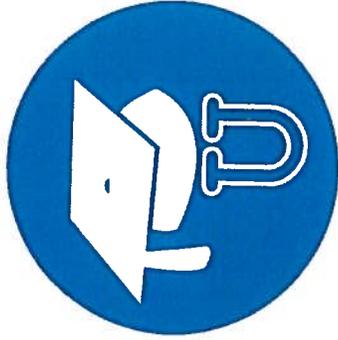
Natural Assets: Working collaboratively to preserve the historic and natural assets of the region.

LIVABLE ROANOKE VALLEY – DRAFT STRATEGIES

Economic Development Strategies



Invest in Regional Infrastructure



Innovate Through Higher Education

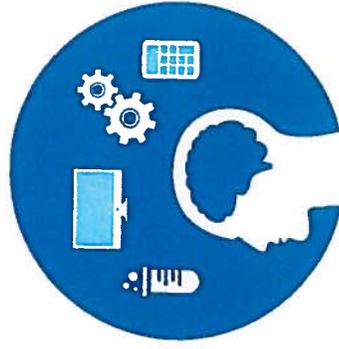


Cultivate and Market Outdoor and Cultural Amenities

Workforce Development Strategies

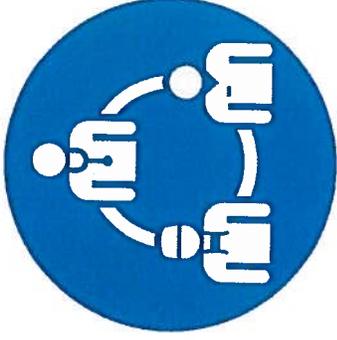


Align Workforce and Economic
Investments

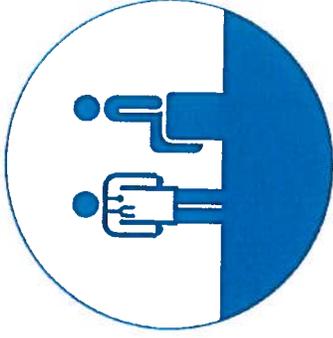


Prepare Students for Careers in High
Demand Fields

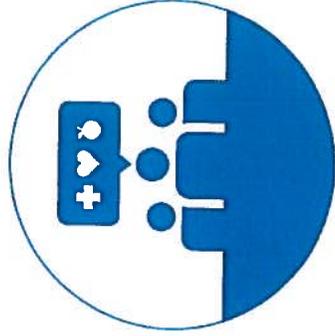
Healthy Roanoke Valley Strategies



Coordinate Healthcare Resources



Improve Access to Healthcare Services

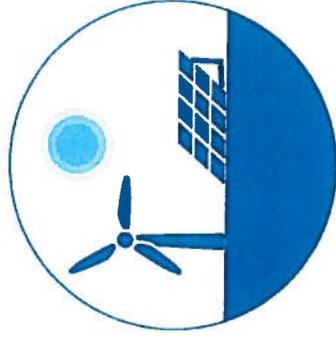


Broaden Wellness Support Services

Natural Asset Strategies



Preserve Scenic and Rural Land



Encourage Energy Efficiency and
Renewable Energy



Improve Air and Water Quality

Next Steps (2013-2014)

Nov. – Dec.	Jan.-Feb.	March-April	May-June
Brief Local Boards & Councils on Draft Strategies	Steering Committee reviews draft plan	Print and distribute the final plan	Hold Livable Roanoke Valley Implementation Summit
Complete draft Livable Roanoke Valley Plan	Steering Committee holds public hearing on the plan	Seek endorsement by Local Boards & Councils	Support champions to implement the strategies
Finalize case studies and best practices for each goal area.	Steering Committee adopts the Final Plan	Seek endorsement by non-profits and regional organizations	Pursue funding and partnerships to support our work

Draft Plan for Review

Draft Summary Plan
available for review and
comment at:

www.livableroanoke.org

WELLS
FARGO

INSURANCE

Franklin County

Employee Health Care Benefit Strategic Planning

January 21, 2014

Kerry Smith
Vice President

Together we'll go far



10

Agenda

- Emerging Benefits Trends in the Industry
- Creating a Strategic Employee Benefit Plan for Franklin County
 - Core Philosophy
 - Impacting Cost & Quality of Benefit Plans
 - Financial
 - Contribution
 - Plan Design
 - Wellness (Population Health Management)
 - Other Objectives

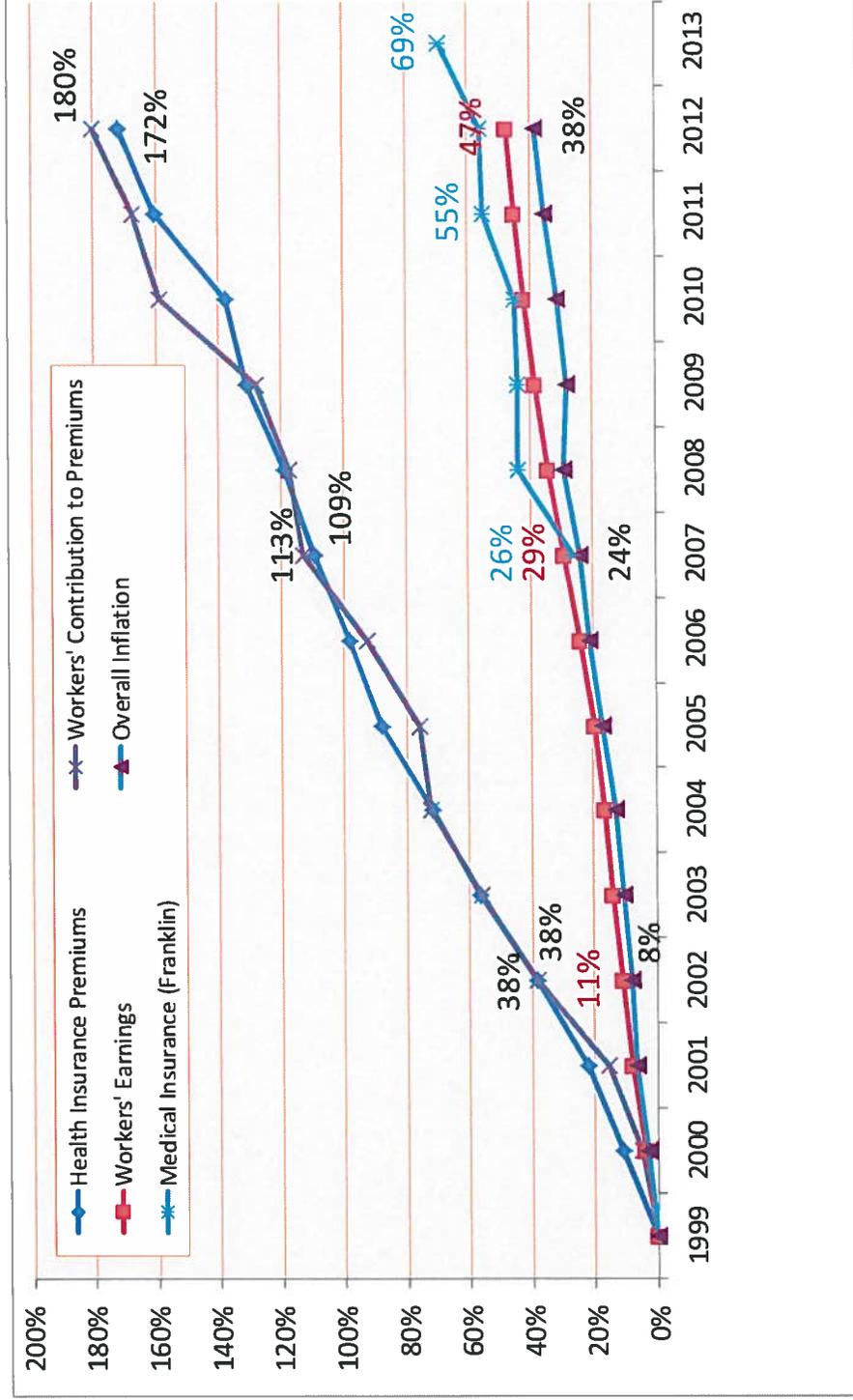
What are the Emerging Benefit Trends?

Market Trends

- Medical/ Prescription Drug plan expenses for employer-sponsored plans are predicted to continue to increase in 2014. The estimated market average cost increases range from 6 to 12% for the mid-large market Nationally.
- Locally, we are seeing trends and renewals of around 10-12% for mid-size employers (100-999).
- Overwhelming priority for 2014 renewals of employer-sponsored plans is managing the impact of The Affordable Care Act.
- Understanding the new implications of VRS Changes
- Plan change considerations include:
 - High deductible plans (HSAs and HRAs)
 - Strengthening/redesigning wellness/population health management programs
 - Removing copays and replacing with coinsurance
 - Changing contribution formulas to shift more expense to employees
- Market concerns
 - Consolidation of Medical Insurance Carrier Market due to increased regulatory requirements and profit margin regulations
 - Economic forecast and market realities
 - Diminished flexibility and service by major carriers
 - Challenge of maintaining plan compliance with all government guidelines

One chart tells the story

Cumulative Increases in Health Insurance Premiums, Workers' Contributions to Premiums, Inflation, and Workers' Earnings, 1999-2012



Source: Kaiser/HRET Survey of Employer-Sponsored Health Benefits, 1999-2012. Bureau of Labor Statistics, Consumer Price Index, U.S. City Average of Annual Inflation (April to April), 1999-2012; Bureau of Labor Statistics, Seasonally Adjusted Data from the Current Employment Statistics Survey, 1999-2012 (April to April), accessed on January 28, 2013, available at <http://ehbs.kff.org>.

Seven factors driving health care costs

- 1 We pay providers in ways that reward doing more, rather than being efficient.
- 2 We're growing older, sicker and more obese.
- 3 We want new drugs, technologies, services and procedures.
- 4 We get tax breaks on buying health insurance, and the cost to patients of seeking care is often low.
- 5 We don't have enough information on which medical care is best for us.
- 6 Our hospitals and other providers are increasingly gaining market share and are better able to demand higher prices.
- 7 We have supply and demand problems, and legal issues that complicate efforts to slow spending.

Source: *What is driving U.S. Health care Spending?*, Bipartisan Policy Center, September 2012.

Wells Fargo Insurance. All rights reserved.

Population Health Management Trends



Strategic Initiatives

Core Benefit Philosophy

- Do you have a defined benefit strategy? Do you lead with benefits not salary?
- Do you have problems attracting and retaining employees?
- What is your contribution philosophy? Do you subsidize dependent coverage?
- Is Choice important to your employees?
- If you had to prioritize minimizing premium increases or maintaining the same level of benefits, which would be a bigger priority?

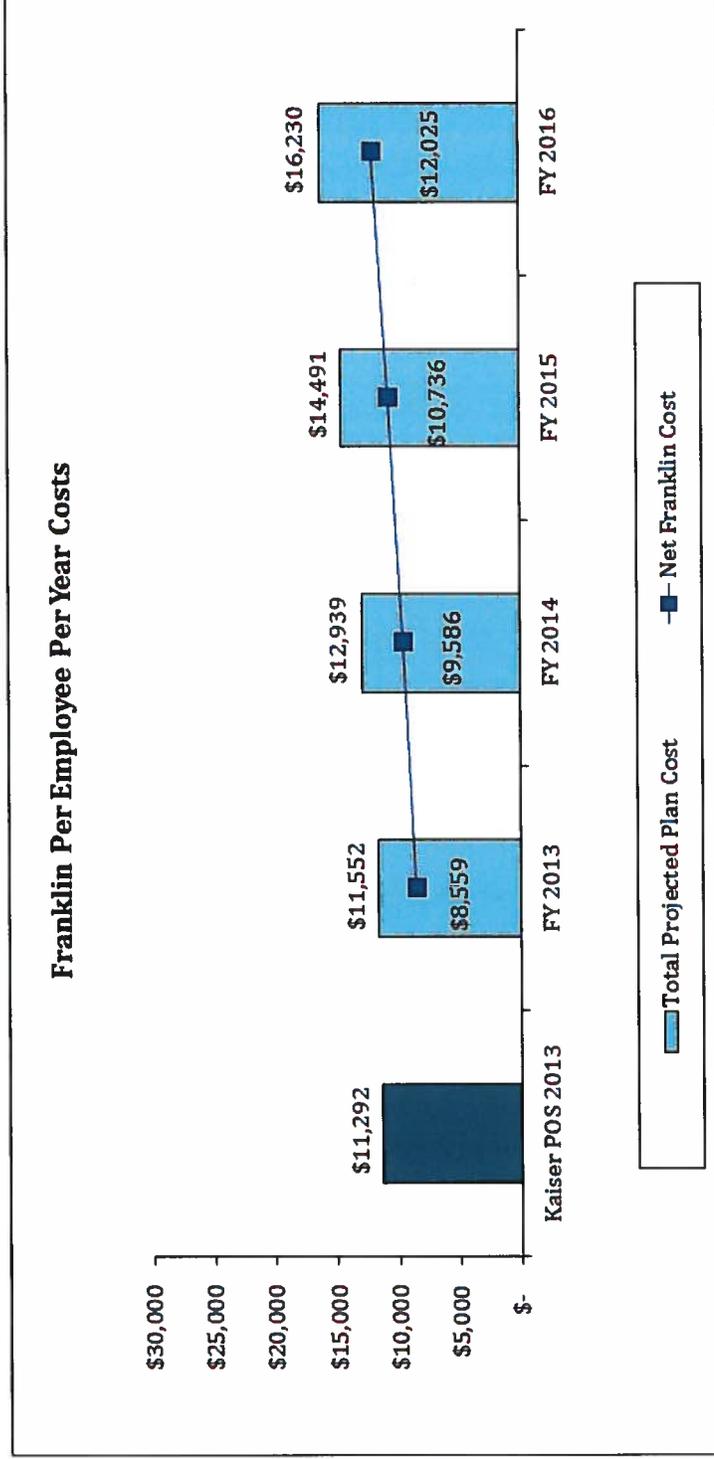
How to Impact Long Term Cost

Health Care is no different than any tangible good as it relates to cost. The only way to impact health care cost long term is:

- Manage the Usage (Better Quality of life for participant many times at a lower cost)
 - Keep employees & dependents well
 - Assist with managing “Chronic Conditions”
- Ensure getting lost cost service
 - Drive deepest discounts
 - Ensure care is going to the proper place of service (i.e.- Urgent Care versus Emergency Room)

Focus on Plan Design, Financial, Administration & Wellness

3 Year Cost Projections- No Change to Benefits



	FY 2013	FY 2014	FY 2015	FY 2016
Total	\$ 3,384,826.20	\$ 3,791,005.34	\$ 4,245,925.99	\$ 4,755,437.10
Franklin Cost	\$ 2,507,807.64	\$ 2,808,744.56	\$ 3,145,793.90	\$ 3,523,289.17
EE Cost	\$ 877,018.56	\$ 982,260.79	\$ 1,100,132.08	\$ 1,232,147.93

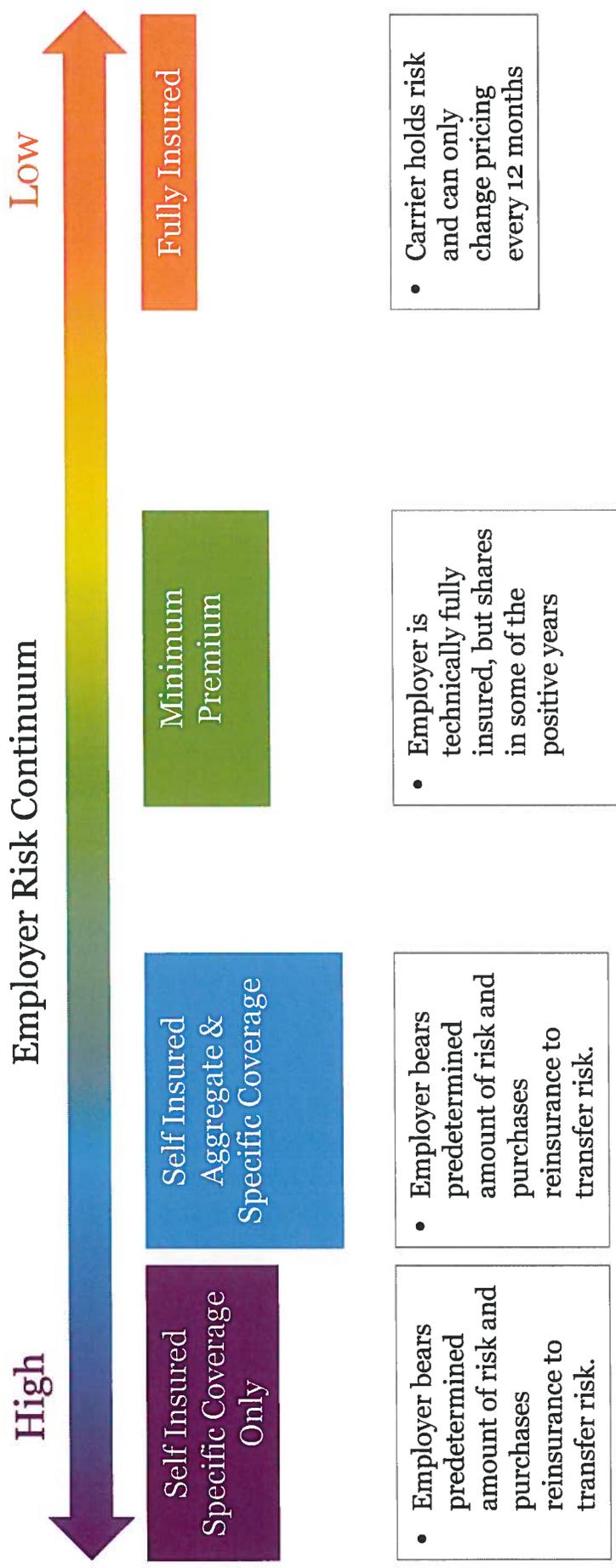
These projections outlined above assumes a 12% trend increase per year. This also does not include any funding for the HRA account. The numbers in the graph assume 293 enrolled.

Kaiser POS benchmark data Source: Kaiser/HRET Survey of Employer-Sponsored Health Benefits, 2013.

Goals and Objectives – Building a Health Care Strategy

	Short Term Goals (Current Year)	Mid Term Goals (Years 2-3)	Long Term Goals (Years 4-5)
Financial	<ul style="list-style-type: none"> Examine claims for utilization patterns 	<ul style="list-style-type: none"> Consider studying joint purchasing opportunity Consider exploring alternative funding arrangements 	

Funding Alternatives



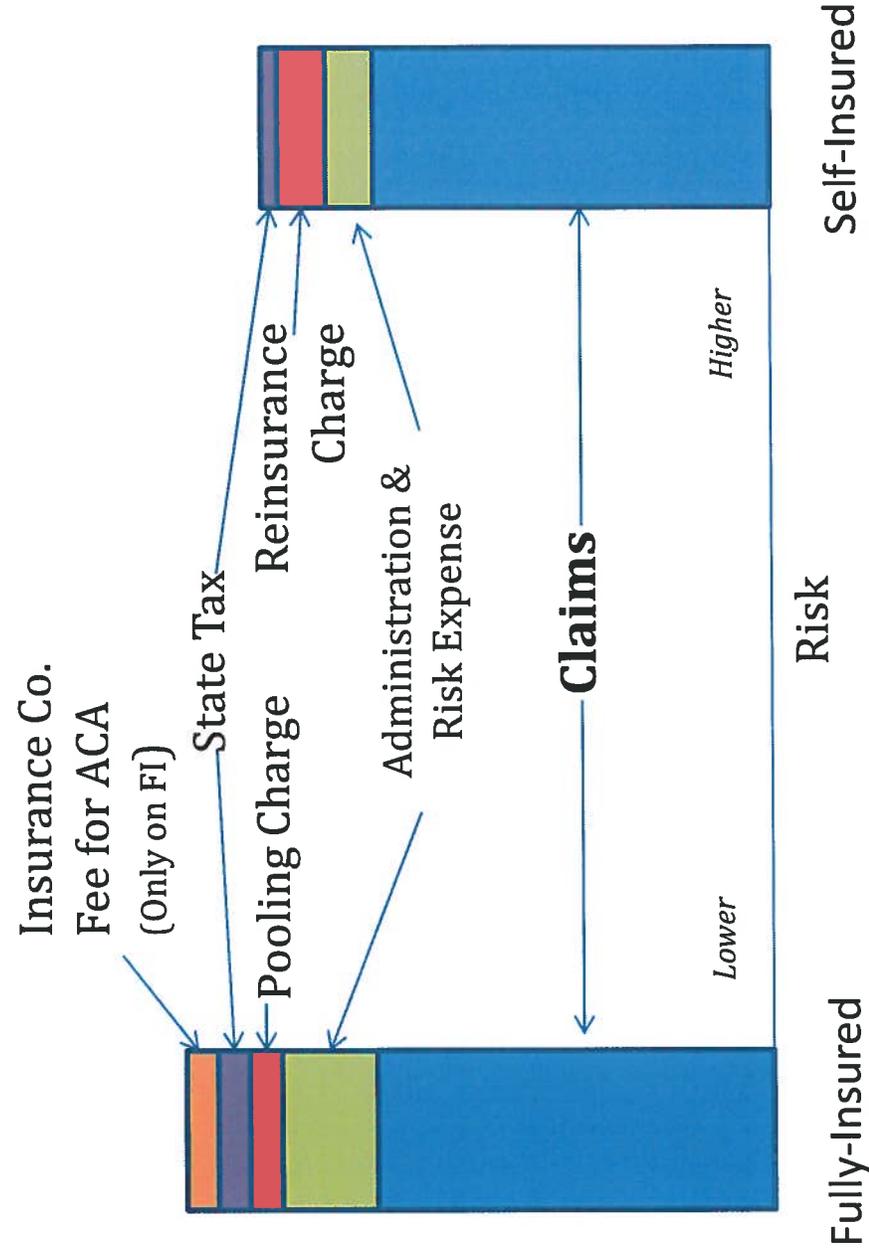
Funding Differences

Who holds the risk?

The claims are the same under both funding arrangement; the difference is the fees.

- **Admin & Risk Expense-** There is a risk charge of 2-5% in FI funding for the carrier taking on the risk
- **State Premium Tax- Is** charged on the whole premium for FI and only on the Reinsurance fee for SI
- **Insurance Carrier Fee-** Federal Health Care Reform is charging a tax on all insurance companies, which they are passing onto groups through FI premiums

Therefore the increase in cost may be 4-8% higher for FI business



Goals and Objectives – Building a Health Care Strategy

	Short Term Goals (Current Year)	Mid Term Goals (Years 2-3)	Long Term Goals (Years 4-5)
Contribution	<ul style="list-style-type: none"> Review other local contribution structure for employee and dependent 	<ul style="list-style-type: none"> Need to increase cost of coverage for dependents and maintain/decrease cost for employees 	<ul style="list-style-type: none"> Move toward defined contribution strategy for benefits

Defined Contribution Example

Assumptions: Use the same ER contribution for both plans based on increase to the POS 25/500. Phase in the impact to the Employee Contribution for POS 30/1,000 over two years for employee only rate.

	POS 25/500			POS 30/1,000		
	Total	Employer	Employee	Total	Employer	Employee
Ee	\$ 520.64	\$ 395.69	\$ 124.95	\$ 493.81	\$ 419.74	\$ 74.07
Ee & Child	\$ 796.57	\$ 557.60	\$ 238.97	\$ 755.52	\$ 566.64	\$ 188.88
Ee & Sp	\$ 1,093.34	\$ 765.34	\$ 328.00	\$ 1,037.00	\$ 777.75	\$ 259.25
Ee & Family	\$ 1,457.79	\$ 1,020.45	\$ 437.34	\$ 1,382.68	\$ 1,037.01	\$ 345.67
		<u>% of Total</u>	<u>% of Total</u>		<u>% of Total</u>	<u>% of Total</u>
Employee Only		76.0%	24.0%		85.0%	15.0%
All Other Tiers		70.0%	30.0%		75.0%	25.0%

	Total	Employer	Employee	Total	Employer	Employee
	Ee	\$ 572.70	\$ 435.26	\$ 137.45	\$ 543.19	\$ 449.12
Ee & Child	\$ 876.23	\$ 613.36	\$ 262.87	\$ 831.07	\$ 613.36	\$ 217.71
Ee & Sp	\$ 1,202.67	\$ 841.87	\$ 360.80	\$ 1,140.70	\$ 841.87	\$ 298.83
Ee & Family	\$ 1,603.57	\$ 1,122.50	\$ 481.07	\$ 1,520.95	\$ 1,122.50	\$ 398.45

For the Employee only POS 30/1000 plan we would not recommend phasing in the whole increase but rather set the rate at \$94.07 for year one and \$107.93 for year two.

Goals and Objectives – Building a Health Care Strategy

	Short Term Goals (Current Year)	Mid Term Goals (Years 2-3)	Long Term Goals (Years 4-5)
Plan Design	<ul style="list-style-type: none"> Maintain benefit levels as close to current 	<ul style="list-style-type: none"> Possibly phase out \$25/\$500 Consider a High Deductible Plan offering 	<ul style="list-style-type: none"> Consider a High Deductible Plan offering

Franklin County Benefits

Benefit	Coventry
In-network	POS 25/500 20% 94 Employees
CY Deductible	POS 30/1,000 20% 199 Employees
Out-of-Pocket maximum	\$1,000/\$2,000
Outpatient Services	\$4,000/\$8,000
Physician Office Visit (pcp/specialist)	\$25/\$50
Wellness Visits	100%
Diagnostic Labs & x-rays	20% after deductible
Complex Radiology (MRI, MRA, PET, CT, CAT)	20% after deductible
Emergency Room	\$250 copay
Outpatient Surgery - Facility	20% after deductible
Spinal Manipulations	20% after deductible (max 10 outpatient visits per Benefit Year)
Occupational, Physical, and Speech Therapy	20% after deductible (max 30 visits per Benefit Year)
Inpatient Services	
Hospital Admission	20% after deductible
Skilled Nursing Facility	20% after deductible
Hospice care	20% after deductible
Other Services	
Durable Medical Equipment	20% after deductible
Home Care Services	20% after deductible (max 90 visits per benefit year)
Private Duty Nursing	20% after deductible
Prescription Drugs	
Prescription Drug CY Deductible	None
Retail Copays (Tier 1/Tier 2/Tier 3/Tier 4)	\$10/\$30/\$60/\$60 or 20% up to \$300
Mail order	\$10/\$60/\$120
Out of Network	
CY Deductible	\$500/\$1,000
Out-of-Pocket maximum	\$3,500/\$7,000
Coinsurance	30% after deductible

Goals and Objectives – Building a Health Care Strategy

	Short Term Goals (Current Year)	Mid Term Goals (Years 2-3)	Long Term Goals (Years 4-5)
Wellness	<ul style="list-style-type: none"> • Improve wellness fair for 2014 by using \$18k from Aetna • Gift cards for participation in wellness fair and/or gym stipends • Plan to tie \$250 HRA contribution to wellness 	<ul style="list-style-type: none"> • Review adding a tobacco surcharge • Create multi-population health management strategy (wellness plan) 	<ul style="list-style-type: none"> • Study ROI adding an On-site clinic

Goals and Objectives – Building a Health Care Strategy

	Short Term Goals (Current Year)	Mid Term Goals (Years 2-3)	Long Term Goals (Years 4-5)
Administration	<ul style="list-style-type: none"> Consider implementing spousal surcharge or eliminating coverage for spouses if other coverage is available Consider adding an Employee & Children Tier 	<ul style="list-style-type: none"> Look at creating locked internet site for employees to access benefit information 	<ul style="list-style-type: none"> Determine feasibility of using Munis component to conduct open enrollment
Communication	<ul style="list-style-type: none"> Review and assess benefits material Create communication for employees about trends, utilization 	<ul style="list-style-type: none"> Create materials to aid in open enrollment Create materials (e-mail, posters) to discuss strategic changes 	<ul style="list-style-type: none"> Enroll employee electronically
Compliance	<ul style="list-style-type: none"> Implement system to track variable employees for ACA Roll out PT employee policy 	<ul style="list-style-type: none"> Continue to determine impact of ACA on Franklin County 	
Retiree Coverage	<ul style="list-style-type: none"> Review enrollment/utilization 	<ul style="list-style-type: none"> If there is an increase, limit plan options 	

FRANKLIN COUNTY
Board of Supervisors



Franklin County
A Natural Setting for Opportunity

EXECUTIVE SUMMARY

<p>AGENDA TITLE: Community Facilities Improvement Program</p> <p>SUBJECT/PROPOSAL/REQUEST Staff seeks the Board's direction on the possibility of reactivating the Community Facilities Improvement Program.</p> <p>STAFF CONTACT(S): Huff, Whitlow, Chapman</p>	<p>AGENDA DATE: January 21, 2013</p> <p>ITEM NUMBER:</p> <p>ACTION: YES</p> <p>CONSENT AGENDA: NO</p> <p>ACTION: YES</p> <p>ATTACHMENTS: YES</p> <p>REVIEWED BY: REL</p>
---	---

BACKGROUND:

Recently requests have been made to the County for financial support for facility improvements at school parks. These requests included a presentation to the Board on November 19, 2013 from Ms. Jennifer Helms, Windy Gap Elementary School PTO President. The PTO is requesting \$14,000 in assistance toward the estimated \$84,250 to pave a walking track. Another request has been made by Ms. Heather Altice, Glade Hill Elementary School PTO President. The PTO is requesting \$5,000 in assistance toward an estimated \$16,000 replace a pre-school playground. Additional requests are anticipated in coming months.

In reviewing these requests, staff notes that the Parks and Recreation Department offered a "Community Facilities Improvement Program" for similar requests in the past. The program was started in 2008 and was suspended soon thereafter in 2009 due to the recession and subsequent County-wide budget reductions. As such, this program has been inactive. Furthermore, the Parks & Recreation Department significantly cut its capital budget for County park improvements during this time, thereby budgeting little if any dollars toward upgrading County owned parks.

DISCUSSION

This Community Facilities Improvement program was designed to assist County non-governmental organizations with construction costs on community park and beautification projects. The specific goal was to "provide a means for nonprofits, neighborhood associations, community park groups, bodies of faith, and the

County to join in partnership with each other to make physical improvements that will enrich the lives of our citizens, enhance the identity and quality of life, and encourage a strong sense of community.”

The grant program was well developed with detailed requirements for applicants as well as defined selection criteria for awarding the grants. Details of this program can be seen in the attached guidelines.

Past recipients of this grant include the following:

GUP Field: June 2008 - \$3,000 for soccer goals
Rocky Mount Elementary: June 2008 - \$2,000 towards an ADA sidewalk
Antioch Community Park - June 2008 - \$3,000 towards a park planning
Friends of Philpott: July 2008 - \$5,000 towards a sediment removal project
Glade Hill Elementary: April 2009 - \$5,000 towards track improvement
Waid Park Golf Facility: June 2009 - \$1,637 toward golf facility planning
Town of Rocky Mount: November 2009 - \$5,000 toward Gilley Park

Currently the “Community Park Development” account has \$45,337.91 remaining.

Please be reminded that these grant funds were awarded as a good-faith effort to promote recreation in parks not owned or maintained by the County with the expectation that these areas be open to the public and that such projects be well maintained.

RECOMMENDATION:

Staff seeks the Board’s direction on the possibility of reactivating the grant program, thereby referring recent school PTO requests through the grant application process. Should the community park grants be reactivated, staff further seeks Board guidance as to any suggested changes to the program (i.e. grant parameters, criteria, annual budget support, etc.).

Franklin County Community Facilities Improvement Program

Program Guidelines

I. Purpose of the Community Facilities Improvement Program

The Program is designed to provide the means for nonprofits, neighborhood associations, community park groups, bodies of faith, and the County to join in partnership with each other to make physical improvements that will enrich the lives of our citizens, enhance the identity and quality of life, and encourage a strong sense of community.

The Program provides matching grants for a wide variety of projects and physical improvements. Some examples of eligible projects include the following:

- Park Development
- Public Recreational Facility Improvements
- Streetscape, ROW Beautification
- Engineering and planning studies
- Other items that will improve neighborhood livability and vitality

The Program is generally intended for capital construction projects and studies. The goal is to have projects constructed in a reasonable period so the neighborhood and community can point with pride to a completed project.

Applicants are encouraged to involve the youth of the community in the planning, design, and execution of the improvements. A limited amount of staff design assistance is available to applicants who request it. The design assistance will help the applicant refine the project scope and provide enough detail to receive estimates for fabrication, construction, and/or installation.

II. Eligible Applicants

Neighborhood Associations, non-profits, bodies of faith, community groups, and private citizens who sign an agreement to manage a facility for general public use are eligible to apply for grants for projects that are **within the county limits**.

Non-profit groups that engage with the purpose of maintaining and developing community recreational facilities should be constituted for the general welfare of and benefit of the residents in Franklin County. All associations must have written by-laws, hold regularly scheduled meetings, and be open to all residents.

III. Eligible Project Types

1. Park/Recreational Planning and/or Design Project —

Produce a plan, design, or report outlining specific actions that will serve as a guide for development of a community parks and recreation amenity.

2. Facility Physical Improvement (Construction) Project — Build, enhance, or renovate a structure or site that provides a public benefit.

Project examples

- Landscaping public places
- Beautification projects
- Park improvements
- New playground equipment
- Trails
- Professional Studies or analysis

IV. Project Requirements

Applications for projects must meet the following requirements to be eligible for consideration:

1. Provide a public benefit, resulting in a product that benefits the community. All projects must benefit and be free and open to the general public.
2. All projects must be compatible with adopted County plans and policies.
3. All projects must include a match of 25%. (Match may be either financial or in-kind; if in-kind the tasks and responsibilities must be documented.)
4. The number and size of awards will be limited by the amount of available funding.
5. All projects need to have a concept review by applicable agencies prior to their application. Documentation should be included with application.
6. Any applicable permit fees and approvals that may be required (e.g., street encroachment approval, and sign, building, erosion and soil permits) are the responsibility of the applicant and should be included in the total project cost.
7. Projects to be built on private property must identify an incorporated entity willing to assume all responsibility for project management, ownership and maintenance and all future liability.
8. Long term or routine maintenance must be addressed and provided for.
9. Generally, most projects not completed after three years will be canceled and all monies will go back into the Community Facilities Program budget to be awarded in the next program cycle.
10. Costs associated with social events, such as dinners, special events, lunches, receptions, etc., will not be funded through the Program
11. Costs associated with leasing of private land, equipment, or facilities for general park use will not be eligible. Leasing of equipment for construction purposes shall be an eligible expense.

V. Project Selection Criteria

All applications that meet the eligibility requirements will be evaluated according to a set of criteria. The following criteria for the program are designed to give priority to projects for grant awards. Please keep in mind that we anticipate more projects to be submitted than we can fund.

Selection/Funding Evaluation Worksheet & Criteria

Policy	Yes	No	Points (10 points Max)	Comments
Is the project consistent with the goals and policies of the Franklin County Comprehensive Plan?				
Does the project propose a good approach to a community liability or address a clear and pressing need?				
Will the project address identified parks and recreation system deficiencies in that area of the County?				
Does the project include in-kind contributions or a neighborhood match?				
Is long-term maintenance addressed and provided for?				
Is community support for the project well documented?				
Does the project include opportunities to involve neighbors in shaping and carrying out the project?				
Is the purpose and scope of work of the study clear?				
Does the project implement a specific policy recommendation of the Comprehensive Plan or town/village/overlay district plan?				
Is the land on which the project will be built secured for public access?				
Total				

The following “grades” be used for evaluation:

- 100 to 90 Points Recommend approval to the Board of Supervisors
- 90 to 80 Points Recommend partial funding to the Board of Supervisors
- Below 80 Points Assist the Groups in Refining the Proposals Prior to Board Presentation

VI. Process

A. Application (see website for annual date)

Applicants will complete an application for grant funds and attach supporting documentation as necessary. The application should address all of the criteria above. Supporting documents that must be included are: Non-Profit status, Board members, by-laws, title of the land on which the proposed improvement are to occur, an agreement by the landowner that permits all improvements, a signed letter of commitment for maintenance and operation of the facility as proposed by the responsible parties.

B. Review and Selection

All applications must be submitted to the Department of Commerce & Leisure Services.

C. Timelines

Applications will be received twice annually.

Submit Written Request to Staff	Meet with County Staff on Site	Formal Presentation to BOS	Grants Awarded
August 29	September	September	October
February	March	April	April

The Director of Commerce & Leisure Services will have the responsibility to meet with the group to assist them in preparing for a presentation before the Board of Supervisors. County staff will prepare an executive summary of the request for the Board. Applicants will make a formal request for funding to the Board directly.

D. Project is undertaken

The payments in this Program are paid to group that submits the application. To receive payment, grantees will submit invoices and or receipts with a signed report from the executive officer that addresses (at a minimum) monies spent, work completed, work in progress, steps to completion of the project and projected completion date.

E. Tracking

Grantees will be required to give a status report of incomplete projects on a semi-annual basis. The report will address (at minimum) monies spent, work completed, work in progress, steps to completion of the project and projected completion date.

The Franklin County Finance Department will maintain a record on the fund. Staff shall complete an annual report to the Board of Supervisors on the fund and its projects. Projects not completed within three years will be canceled and monies shall revert to the program budget.

F. Grant Limits

In order to ensure equitable investments throughout the community, organizations may only receive support from the Program once every 12 months.

Individual grants shall not be awarded in an amount to exceed \$8,000 unless otherwise directed by the Board of Supervisors.

FRANKLIN COUNTY
Board of Supervisors



Franklin County
A Natural Setting for Opportunity

EXECUTIVE SUMMARY

<p><u>AGENDA TITLE:</u> Lease of 2455 Sontag Road Residence</p>	<p><u>AGENDA DATE:</u> January 21, 2013</p>	<p><u>ITEM NUMBER:</u></p>
<p><u>SUBJECT/PROPOSAL/REQUEST</u> Advertisement of RFP for leasing the house located at 2455 Sontag Road.</p>	<p><u>ACTION:</u></p> <p><u>CONSENT AGENDA:</u> YES</p>	
<p><u>STAFF CONTACT(S):</u> Huff, Whitlow, Chapman</p>	<p><u>ACTION:</u></p> <p><u>ATTACHMENTS:</u> YES</p> <p><u>REVIEWED BY:</u> <i>Rett</i></p>	

BACKGROUND:

The County purchased an acre of property and with an accompanying house located at 2455 Sontag Road in November 2013. This property is surrounded by a parcel of 32 acres that was also recently purchased and is adjacent to the Franklin County Recreation Park.

Structures:

House: Residence was built in 1962 and has 1,653 square feet of finished space and is permitted as a residential property. The house is well constructed and recent renovations have the structure in excellent condition. Highlights of the house include: refinished hardwood flooring on first floor, new cabinetry in kitchen, new "home theater" installed in basement den, and floating hardwood floors in basement. The first floor includes a kitchen, living room, three bedrooms, and a bathroom. The basement includes a laundry room, den, and mechanical room

Garage: Metal pre-fabricated three bay garage measuring 20' x 30'.

DISCUSSION

Converting the property from residential to another use such as an office or meeting space would require changes to the structure as well as capital investment from the County. Having the structure permitted as

commercial from residential would require structural modifications, guided by the building code, for such things as reinforcing the flooring (40psf to 100psf), meeting ADA requirements (widening of doorways, access ramps, parking area, and accessible bathroom), adding exit/emergency lighting, etc.

Before significant funds are spent, a master plan is needed for the Franklin County Recreation Park so that long term management decisions can be made with consideration for overall park use and development. This property directly impacts the use of the surrounding 32.6 acres and how it will be integrated into the rest of the park. A master plan would serve as a blueprint for park development and would determine location of parking, event/fair sites, playgrounds, athletic fields, and other amenities. Long-term use of the house would be examined as part of a Franklin County Recreational Park master plan. Some options that would be examined, but not limited to would be; continue renting the property, housing County staff (such as a park ranger), developing as a community meeting space, or converting the house into an office space.

In the interim, renting the property is a viable option as it would require little to no financial investment from the County and could be implemented while a master plan was conducted. Any lease would be established year by year and would require the renter's consent of public use of surrounding property. Rental revenue would help offset expenses with expected rent of \$650 to \$850 per month.

RECOMMENDATION:

Staff respectfully requests the Board consider renting the residential property on an annual basis thereby advertising a RFP accordingly.

MEMORANDUM

TO: Rick Huff, County Administrator; Chris Whitlow, Assistant County Administrator

FROM: Paul Chapman, Director of Parks and Recreation

CC: Mike Thurman, Director of Facilities/Special Projects

SUBJECT: "Russell Property" at 2455 Sontag Road

DATE: December 12, 2013

Parks and Recreation, General Properties, and Building Department staff members inspected the recently acquired "Russell Property" at 2455 Sontag Road. The below information compiles staff findings and relates some options for future usage of the property.

Property Overview:

Parcel ID: 0830007302
Acres: 1.001
Tax Assessed Land Value: \$23,000
Tax Assessed Building Value: \$95,000

Structures:

House: House was built in 1962 and has 1,653 square feet of finished space and is permitted as a residential property. The house was well constructed and recent renovations have the house in excellent condition. Highlights of the house include: refinished hardwood flooring on first floor, new cabinetry in kitchen, new "home theater" and bar installed in basement den, floating hardwood floors in basement and lastly all electrical, plumbing, and heating systems seem to be in excellent working order.

First Floor: Kitchen, living room, three bedrooms, and a bathroom

Basement: laundry room, den, and supply closet

Garage: Metal pre-fabricated three bay garage measuring 20' x 30'. Garage is partially winterized with a concrete floor.

Future Usage Options:

A master plan is needed for the Franklin County Recreation Park so that long term management decisions can be made with consideration for overall park use and development. This can be seen with the "Russell Property" as it directly impacts the use of the surrounding 32.6 acres (Hodges Property) and how it will be integrated into the rest of the park. A master plan would serve as a blueprint for park development and would determine location of parking, event/fair sites, playgrounds, athletic fields, and other amenities.

Short Term (1 – 3 years)

These options listed below would require little to no financial investment from the County and could be implemented while a master plan was conducted.

- **Leave Vacant:** The building could be left vacant until a long term plan was developed for the park/building. While there are risks of leaving a house unoccupied, such as missed maintenance issues, Parks and Recreation staff could visit regularly to minimize this risk.
- **Rental Property:** Property could be rented out in its current state. Renting would be keep the home occupied instead of vacant as vacant structures tend to deteriorate quickly. The risk would be having a renter that may damage the house or not pay their rent. Comparable units rent for \$650 to \$850 per month.
- **Storage:** The building could be used as storage, however the home is in such good condition that storage of equipment or supplies would most likely damage the home and would not be secure from possible break-ins.

Long Term (3+ years):

These options listed below, other than leaving it for residential use, would require additional capital investment from the County. A change of building use to the structure from residential to commercial would be guided by the building code (i.e. public assembly). Having the structure permitted to commercial from residential would require structural modifications for such things as reinforcing the flooring (40psf to 100psf), meeting ADA requirements (widening of doorways, access ramps, parking area, and accessible bathroom), adding exit/emergency lighting, etc. Some long term options are listed as follows:

- **Rental Property:** Property could be rented out on a long term basis with little to no County initial investment. While rental revenue would be expected, maintenance cost to upkeep the house may be needed in coming years and would require staff time to oversee.
- **County Staff Housing:** This property could be offered to a County employee as part of their benefits package. The Virginia State Parks offer a similar program where housing is offered to management positions that are on call 24 hours a day (i.e. park ranger).
- **Community Meeting Space:** Property could be used for community meetings and gatherings for the long term. This would require permitting the building for commercial use that would require a change of use, and therefore modifications required under the building code (i.e. ADA, ingress/egress, etc.). The current house's interior layout may further require alterations (combining room spaces, men's/women's public restrooms).
- **Office / Storage Space:** Property could be used as office space for a County Department. This too would require improvements to meet commercial permits. An office that did relocate would ideally compliment a park setting. However, the residential interior layout may require alterations to better accommodate other uses (i.e. offices, meeting rooms, storage, etc.).
- **Move or Demolish:** The home could be sold and moved to another location or demolished if a buyer could not be found.

Recommendations:

As an interim step, staff recommends the County consider either 1) leaving the house vacant or 2) renting the property, while a master plan for the Franklin County Recreation Park is completed. Once a master plan is completed, long term management decisions can be made on how the newly acquired house and adjoining property (32 acres) can be best integrated into the existing park along Sontag Road.

15

FRANKLIN COUNTY
Board of Supervisors



EXECUTIVE SUMMARY

<p><u>AGENDA TITLE:</u> Proposed Zoning Ordinance amendment re: two homes on an individual building lot.</p> <p><u>SUBJECT/PROPOSAL/REQUEST:</u> The Planning Commission is considering an amendment to the Zoning Ordinance to clarify when a second detached single-family dwelling may be allowed on a single building lot.</p> <p><u>STRATEGIC PLAN FOCUS AREA:</u></p> <p><u>Action Strategy:</u> N/A</p> <p><u>STAFF CONTACT(S):</u> Neil Holthouser, Director of Planning</p>	<p><u>AGENDA DATE:</u> January 21, 2014</p> <p><u>ITEM NUMBER:</u></p> <p><u>ACTION:</u> X</p> <p><u>INFORMATION:</u></p> <p><u>CONSENT AGENDA:</u></p> <p><u>ACTION:</u></p> <p><u>INFORMATION:</u></p> <p><u>ATTACHMENTS:</u></p> <p><u>REVIEWED BY:</u> REX</p>
---	---

BACKGROUND:

Franklin County's Zoning Ordinance generally allows only one single-family dwelling unit to be constructed per individual lot in single-family residential zoning districts. In some zoning categories, the ordinance allows for a second detached single-family dwelling to be constructed on an individual lot, for the purpose of housing immediate family members. The follow is a summary of when and where second dwelling units are allowed:

Zoning Category	Permitted Use	Permitted by SUP	Notes
Non-zoned	X		No limit on the number of homes per lot in the non-zoned areas. Mobile home parks must comply with Chapter 10 regulations.
A-1	X		Second unit allowed for immediate family as a permitted use, subject to specific codified conditions found in Sec. 25-188.
RE		X	Second unit allowed for immediate family by Special Use Permit; subject to any conditions imposed through the SUP process.
R-1			Second unit not allowed on an individual lot.
R-2			Second unit not allowed on an individual lot.
RC-1		X	Second unit allowed for immediate family by Special Use Permit; subject to any conditions imposed through the SUP process.
RMF	X		Multiple dwelling units allowed as part of multi-family apartments, townhouses, condominiums, etc.
RPD	X		Multiple dwelling units allowed as part of duplexes, triplexes, quadplexes, townhouses, patio homes, etc.

The Planning Commission has recently expressed some concerns about the concept of allowing two detached single-family dwellings on the same parcel of land. Specifically, the Planning Commission is concerned about the County's ongoing ability to monitor the residency of the second dwelling unit, to ensure that it is in fact occupied by immediate family members. The concern seems to be that, over time, a second dwelling unit may ceased to be used by family, and could be converted into rental property with no notice given to the County. The subject property would thus have been allowed twice the residential density otherwise permitted in that zoning category.

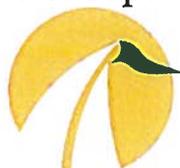
Over the past several months, the Planning Commission has held worksessions to brainstorm potential amendments to the Zoning Ordinance to address their concerns about second dwelling units on an individual lot. The following is a summary of the Planning Commission's recommendations to date:

- A Special Use Permit should be required in any residential zoning category where second dwelling units are allowed. This would change the rules for the A-1 zoning category, where second units are currently allowed by-right.
- The applicant should be required to demonstrate that the subject property *could* be subdivided into two lots, with adequate lot area, road frontage, and room to meet all building setbacks. This would require the applicant for a Special Use Permit to prepare a preliminary plat, showing the property's suitability for subdivision. This would also reduce the number of properties that are candidates for a second dwelling, since any candidate property must possess sufficient area and road frontage as to be subdivide-able.
- The granting of a Special Use Permit would be conditioned to the preliminary plat, showing that the property could be subdivided in a way that meets all the requirements of the underlying zoning district.

NEXT STEPS:

At this time, the Planning Commission respectfully requests that the Board of Supervisors authorize the Planning Commission to proceed with public hearing on a proposed amendment of the Zoning Ordinance to clarify the requirements for a second single-family detached dwelling on an individual building lot.

FRANKLIN COUNTY
Board of Supervisors



Franklin County
A Natural Setting for Opportunity

EXECUTIVE SUMMARY

<p><u>AGENDA TITLE:</u> Building Inspections Department Vehicle Replacement</p> <p><u>SUBJECT/PROPOSAL/REQUEST:</u> Request Board approval to replace one vehicle</p> <p><u>STRATEGIC PLAN FOCUS AREA:</u></p> <p><u>GOAL #:</u></p> <p><u>ACTION STRATEGY:</u></p> <p><u>STAFF CONTACT(S):</u> Messrs. Huff, Whitlow, Ahrens</p>	<p><u>AGENDA DATE:</u> January 21, 2014</p> <p><u>ITEM NUMBER:</u></p> <p><u>ACTION:</u></p> <p><u>CONSENT AGENDA:</u> Yes</p> <p><u>INFORMATION:</u></p> <p><u>ATTACHMENTS:</u> No</p> <p><u>REVIEWED BY:</u> <i>[Signature]</i></p>
---	--

BACKGROUND:

Franklin County Building Inspections Department is responsible to perform building construction inspections associated with approved building permits throughout the County. Each inspector travels between seventy five and one hundred miles each day in order to provide this service. Currently the department maintains six vehicles.

DISCUSSION:

One new vehicle is required within the Building Inspections Department to accommodate the new Building Inspector.

The new vehicle will be a sport utility vehicle 2014 Ford Explorer with a state contract price of \$24,362.00. An SUV, which provides increased ground clearance, traction, and durability, is needed to due to the extreme conditions met on various job sites. These extreme conditions include multiple stream crossings, dirt paths leading to remote locations, and steep grades. The extreme conditions encountered necessitated the custom fabrication and installation of skid plates protecting the oil pans of the existing compact cars.

The Building Inspections Department fleet will increase by one vehicle and funds are budgeted for the purchase..

RECOMMENDATION:

Staff respectfully requests Board approval to authorize the County Administrator purchase a Ford Explorer for \$24,500.00 including delivery. Funds are currently available in the Building Inspectors Vehicles Account. (#300-022-0008-7005).

significant increase in drug arrests. There are associated or related crimes from breaking and entering to assaults to child endangerment cases and even murder. As you can see by the attached Officer Activity charts (Chart A thru E), we have seen significant increases in almost every area.

The Strategic Plan for the Office of the Sheriff incorporates an aggressive approach to the changes we need to make in order to keep our community protected and safe. Accreditation is one of the major milestones as well as the resource realignment. As a result of moving from three districts to six we are providing for faster response time, improved safety of deputy's with closer back-up, greater visibility as a crime deterrent and an increased solvability rate. Please see attached Chart F - new district map.

Financial Resources: Part-time members play an important role in the office providing for the needs of the County and Court systems. We have utilized part-time people in the Courts, Corrections, 911 Center and administration in order to optimize the work load while minimizing comp time and overtime pay. Please see the attached list of part-time people, the area they work in, their compensation and hours worked/paid for 2013 calendar year (Chart G).

Balancing the ongoing safety of the residents and visitors of Franklin County within the administrative budgetary constraints is something that we take very seriously. The current issue that we have with the part-time salary budget can be broken down into two areas of concern: initial budgeting shortfalls and unplanned expenditures based on current law enforcement trends.

Much of the shortfall projected for 2013-2014 will be handled by reduced spending in other areas of the Office of the Sheriff budget. However, after reevaluating the current budget and projecting our next six months expenses we will not be able to absorb the total part-time salary shortfall, please see Chart H. For this reason, we are coming to the Board of Supervisors to ask for help and assistance with part of this shortfall.

RECOMMENDATION:

The Sheriff respectfully requests the Board of Supervisors appropriate \$150,000 to the Office of the Sheriff's part-time salary budget line item. In addition, it is requested that the Board of Supervisor's approve the personnel promotional increases retroactive to November 17th when they became effective.

Office of the Sheriff Officer Activity Report



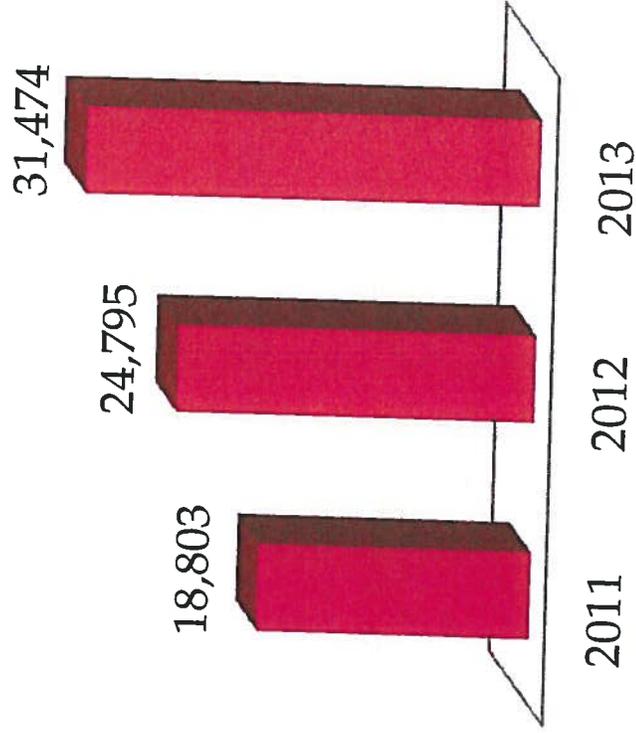
Office of the Sheriff Officer Activity Report



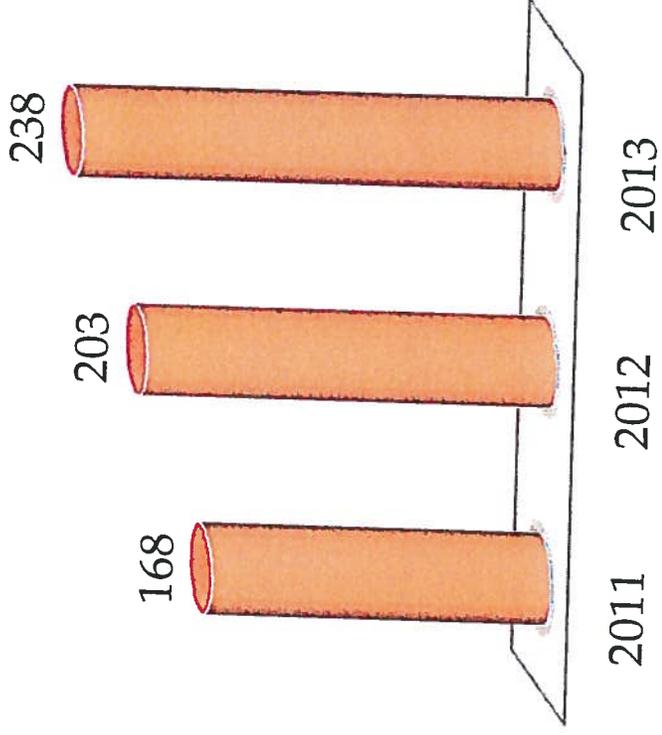
Office of the Sheriff Officer Activity Report



Calls for Service

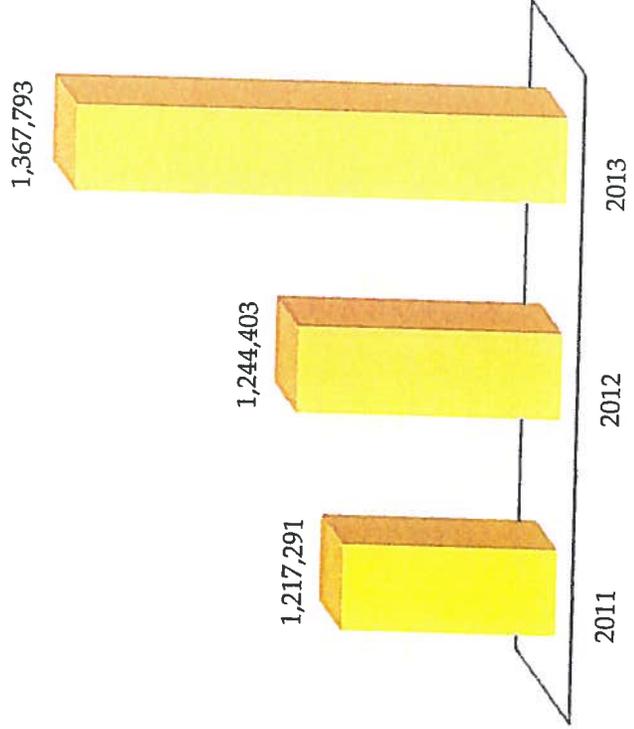


Funeral Escorts

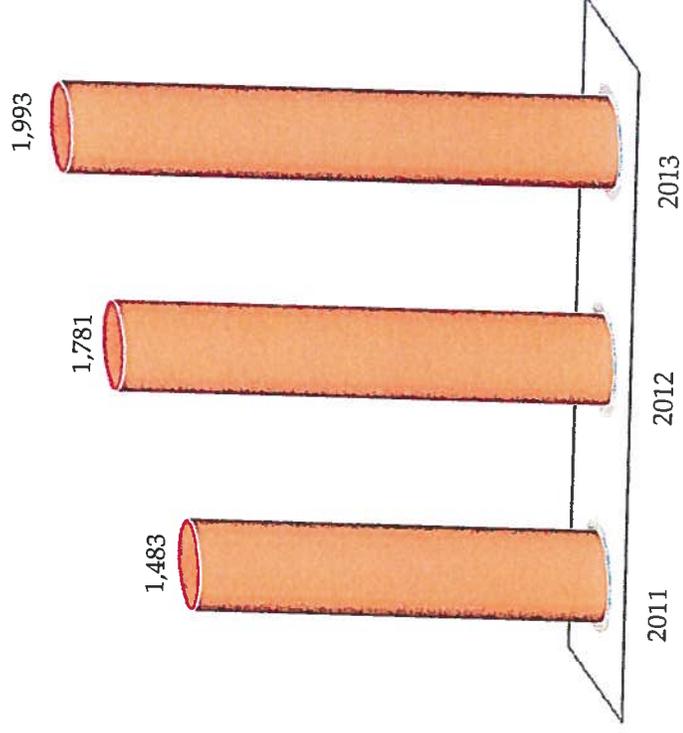


Office of the Sheriff Officer Activity Report

Miles Driven



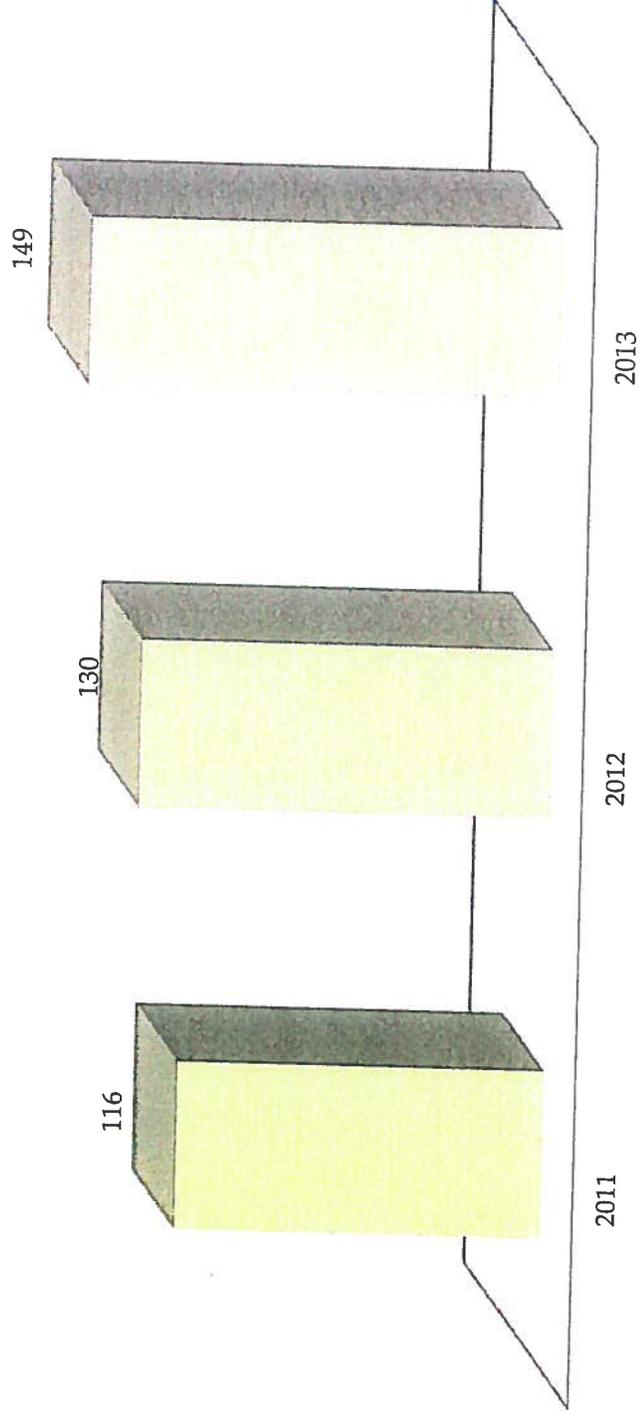
Offense Reports



Office of the Sheriff Officer Activity Report



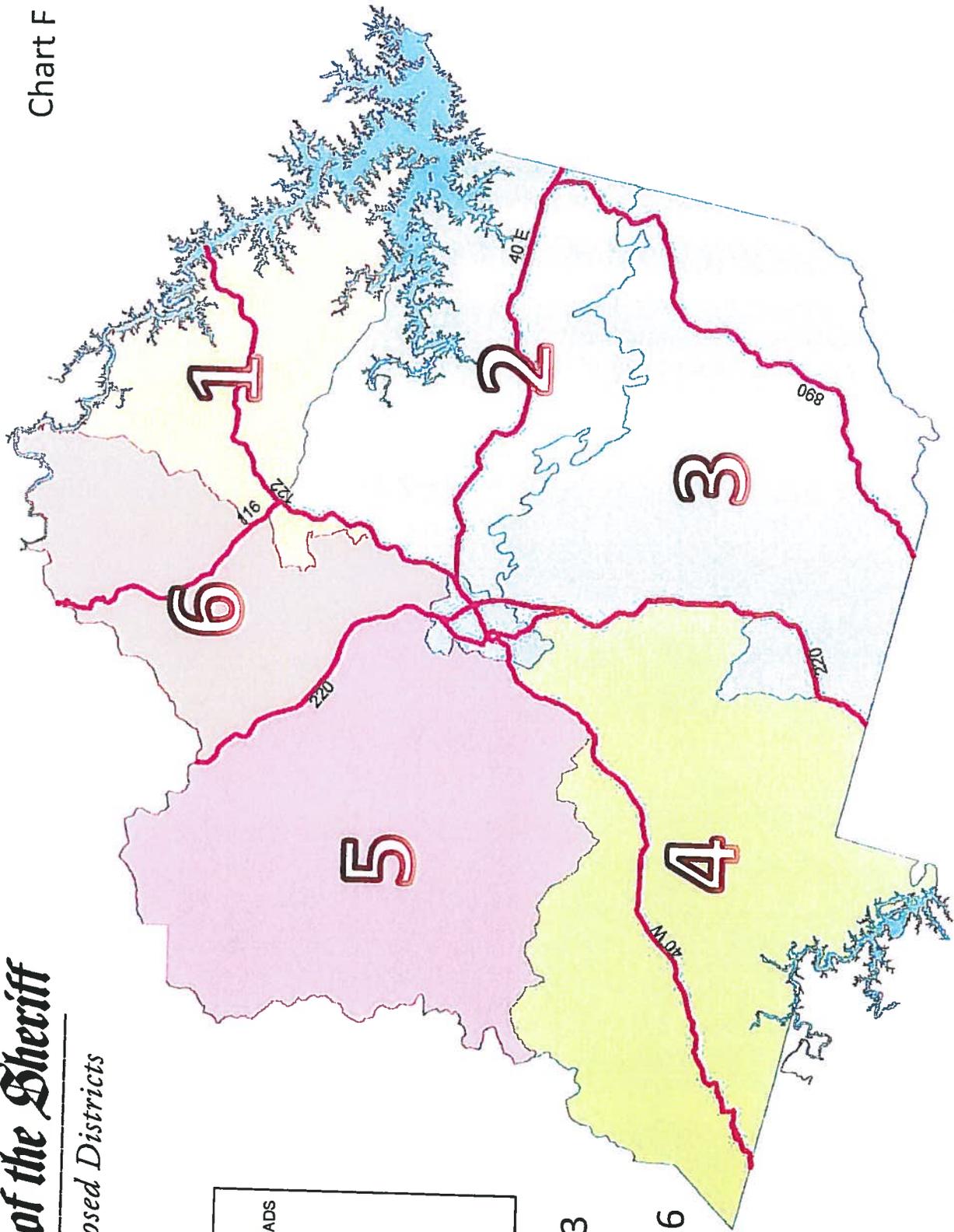
Average Regional Jail Headcount



Office of the Sheriff

Proposed Districts

Chart F



Legend	
—	MAIN_ROADS
District	
□	RMPD
□	D1
□	D2
□	D3
□	D4
□	D5
□	D6

East 1,2,3

West 4,5,6



Office of the Sheriff

County of Franklin, Virginia



Name	Position	1/1/13-12/31/13	Hourly Rate	Hours Worked	FTE
Katelyn Law	Clerical asst	2,660.63	8.25	322.5	
Samantha Moran	Clerical asst	1,802.63	8.25	218.5	
Marsha Sigmon	Clerical asst	12,265.05	8.5	1,442.94	
Lucia Barnett	Clerical asst	16,631.76	21.16	786	
Maria J. McKay	Clerical asst	8,381.26	8.5	986.03	
Total Hours:				3755.97	FTE = 1.81
Larry Davids	Comm Officer	2,021.30	13.15	153.71	
Jimmy Harrison	Comm Officer	5,336.49	13.15	405.81	
Jennifer Allen	Comm Officer	2,689.92	14.01	192	
Lucia Buenette	Comm Officer	3,184.58	21.16	150.5	
Sabrina Rogers-Webb	Comm Officer	1,483.14	13.01	114	
Total Hours:				1,016.02	FTE = .49
Robert Baker	Corrections	22,325.55	15.45	1,445.01	
Greg Talley	Corrections	30,690.15	15.45	1,986.41	
Total Hours:				3,431.42	FTE = 1.65
Gary Shively	Court	7,740.45	15.45	501	
Bobby Renick	Court	3,684.83	15.45	9	
Jared Cypher	Court	27,441.91	15.45	1,776.17	
Larry Neighbors	Court	7,949.03	15.45	514.5	
Michael Lawson	Court	13,068.75	15.45	845.87	
Steve Meadors	Court	29,259.23	15.45	1,893.80	
Total Hours:				5540.34	FTE = 2.66
James Clingenpeel	Driver	15,322.05	10.3	1,487.57	
Jerry Sink	Driver	27,362.49	15.45	1,771.03	
Roger Hilfer	Trash Driver	4,522.00	10	452.2	
Total:				3,710.80	FTE = 1.78
		245,823.20	Hours:	17,454.55	FTE = 8.39

FTE = Full Time Equivalent of 2080 hours per year
Hours are an approximation

Bottom Line Part-Time Salaries



Revised Projected Budget

\$270,200

Office of the Sheriff

Initial budget of

\$ 57,840

Absorbs (thru cost savings) balance of first six months

\$ 62,360

County Help Requested

Commits to assisting towards the balance of the year

\$ 150,000