

(To view attachments, please click on highlighted areas)



# Franklin County

*A Natural Setting for Opportunity*

## AGENDA

**FRANKLIN COUNTY BOARD OF SUPERVISORS**

**TUESDAY, MARCH 18, 2014**

- 1:30 P.M. Call To Order, Chairman David Cundiff
- 1:31 Invocation, Supervisor Bobby Thompson
- 1:32 Pledge of Allegiance, Supervisor Ronnie Thompson
- 1:33 Recognition of Ferrum Women's Basketball Team
- 1:35 Public Comment
- Jerline Guilliams - Use of YMCA
  - Oscar Pagans - Budget Shortfall
- 1:41 CONSENT AGENDA (**REQUIRES ACTION**)
- REF: 1. Approval of Accounts Payable Listing, Appropriations, and Minutes for February 18, March 11, 2014
2. Request to Solicit Proposals for the 2016 General Reassessment of All Real Estate Situated in Franklin County (**See Attachment #9**)
3. 2014 Outdoor Occasion Permit Application/David Philpott (**See Attachment #5**)
4. Virginia Arts Grant (**See Attachment #6**)
5. Ferrum CDBG Application (**See Attachment #8**)
6. Tom's Knob Communication Site Project (**See Attachment #7**)
7. Award of Landfill Articulated Dump Truck (**See Attachment #13**)
- 1:42 Vincent Copenhaver, Director of Finance
- REF: 1. Monthly Finance Report
2. Regional Demographic Data (**See Attachment #12**)
- 1:47 Lee Cheatham, Director of Finance & Business
- REF: 1. \$290,000 Appropriation Request (**See Attachment #3**)
- 2:00 Beth Doughty, Executive Director, Roanoke Regional Partnership
- REF: 1. Annual Report (**See Attachment #11**)

RICHARD E. HUFF II  
COUNTY ADMINISTRATOR  
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ROCKY MOUNT, VIRGINIA 24151  
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- 2:10 Mike Burnette, Economic Development Director  
REF: 1. Fair Update
- 2:20 Ben Flora, Mayor, Boones Mill Town Council  
Mike Smith, Boones Mill Town Council Member  
REF: 1. Boones Mill Depot
- 2:30 Neil Holthouser, Director of Planning & Community Development  
REF: 1. Stormwater Management Bill
- 2:40 Richard E. Huff, II, County Administrator  
REF: 1. Presentation of *County FY' 2014-2015 Budget*  
2. Other Matters
- 3:10 Other Matters by Supervisors
- 3:20 Todd Daniel, Residency Administrator, VDOT  
REF: 1. Six-Year Secondary Work Plan Session (*Recess to B-75*)
- 4:20 Request for Closed Meeting in Accordance with 2.2-3711, a-1, Personnel, 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:**

Snow Creek District	RAC Unexpired term	6/30/2015 (See <b>Attachment #10</b> )
Union Hall District	Aging Services Board	7/1/2015 (See <b>Attachment #2</b> )

Recess for Dinner

6:00 Call To Order, Chairman David Cundiff

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

***Amending Chapter 7, Erosion & Sediment*** of the Franklin County Code to read Stormwater Management and Erosion and Sediment Control. (See **Attachment #14**)

***Franklin County's Comprehensive Plan*** calls for the development and implementation of detailed "***Village Plans***" to guide decisions about growth and development in traditional crossroads village communities. (See **Attachment #1**)

PUBLIC NOTICE

The Franklin County Board of Supervisors will hold a public hearing at approximately 6:00 P.M., on Tuesday, March 18, 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 beginning with the 2014 calendar year the following license fees will be reflected on Personal Property Tax bills which are due December 5 of each year.

- a. Thirty-four dollars and twenty-five cents (\$34.25) on each motor vehicle to include vehicles with vintage license plates which require payment of an annual registration fee.
- b. Thirty-one dollars and fifty cents (\$31.50) 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.~~ **(c) to Be Repealed**
- d. (c) Twenty-five dollars and twenty-five cents (\$25.25) on a motorcycle, with or without a sidecar

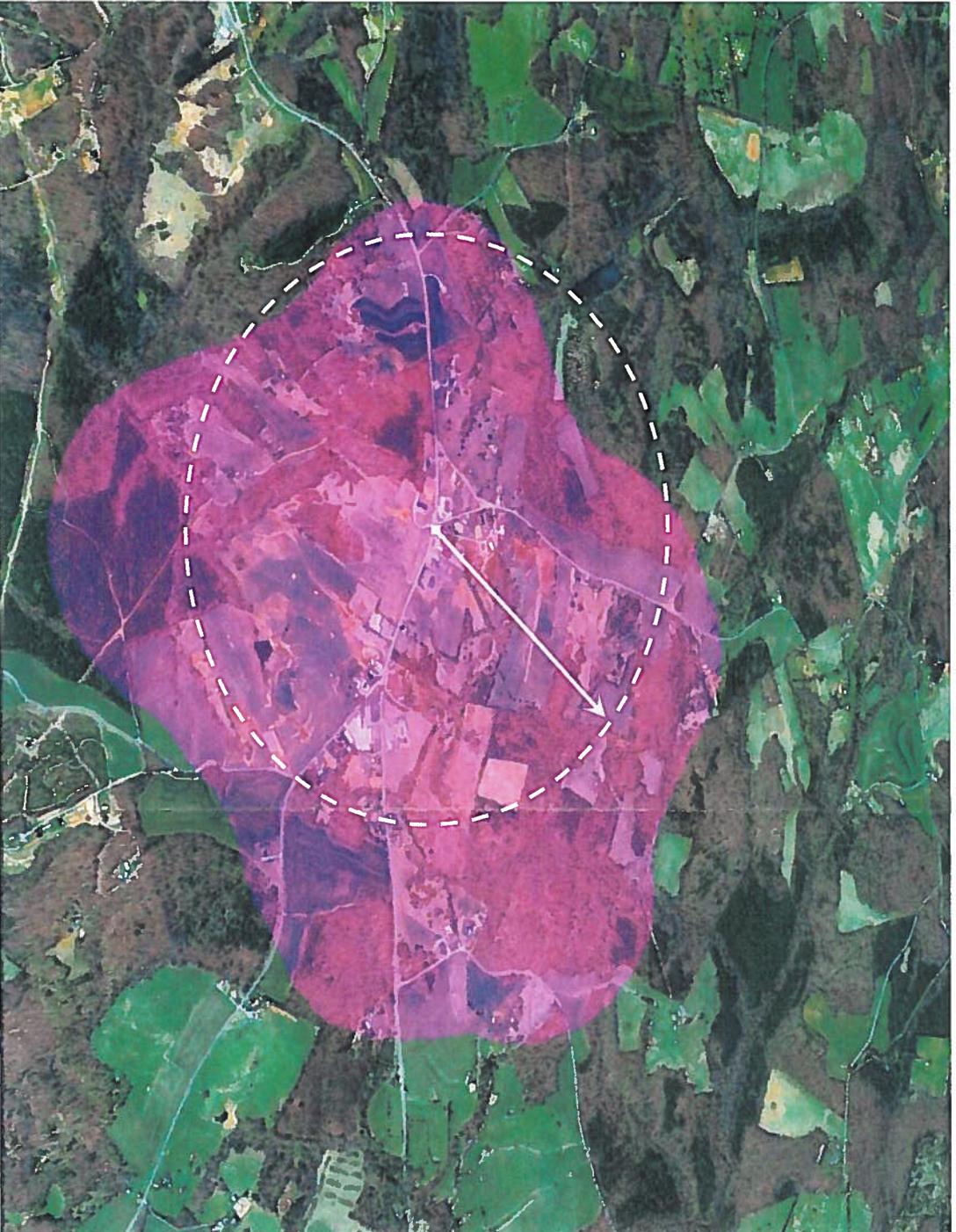
*Adjournment Thereafter*

**RISE & SHINE GUEST FOR MARCH IS RICK**



# Village Plan for Union Hall, Virginia

DRAFT March 18, 2014



## Purpose

*A village is the primary focus for local services, social activities, and community life as well as providing opportunities for employment. The commercial services include convenience shopping, general business, and professional services that serve the needs of the surrounding rural community. Community facilities include elementary schools, recreation areas, fire and rescue sites, post offices, and churches. Residential uses include farmhouses, rural dwellings, small subdivisions and apartments located on the upper floors of commercial development. Villages provide many of the daily needs of the area residents, but some services will still be provided outside of the village area. Villages maintain a pedestrian radius of one quarter to one half mile from the village where commerce and community facilities are located.<sup>4</sup>*

<sup>4</sup>2015 Comprehensive Plan for Franklin County

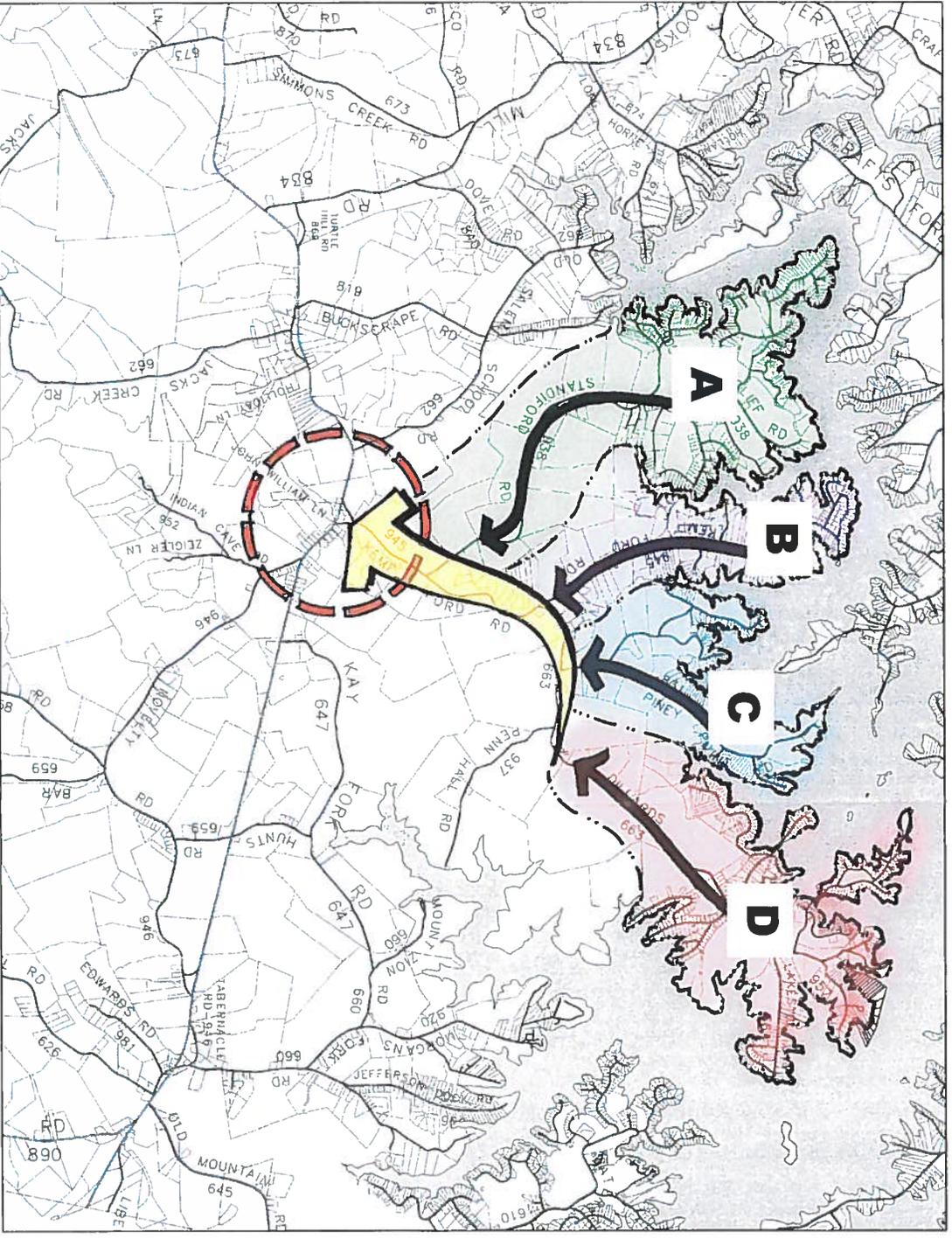
Franklin County's Comprehensive Plan seeks to strike a balance between growth, development, and an expanding population on the one hand, and the preservation of farmland, rural character, and scenic beauty on the other. To achieve this goal, the Comprehensive Plan calls for the development of well-planned village centers, where the County will invest in infrastructure and civic amenities, and the private sector is encouraged to develop a mixture of higher-intensity uses that provide for the needs of the surrounding community.

The Comprehensive Plan identifies the historic crossroads community of Union Hall as a "village," and calls for the development of a Union Hall Village Plan to establish more specific policy recommendations to guide future growth. The Comprehensive Plan establishes a planning radius of approximately ¼ mile from the intersection of Rt. 40 and Kemp Ford Road, although it is anticipated that the boundaries of the planning area may be re-shaped through the village-planning process.

The Union Hall village-planning process began in March 2013 with a mass mailing/survey to all property owners within the Union Hall zip code. Out of nearly 1,500 surveys mailed, the County received feedback from more than 450 property owners on issues including the type and amount of desired commercial development; social and civic amenities; and the community's desire for a unique character and identity.

A series of public workshops were held in April 2013 to solicit input and better understand citizens' concerns. More than 180 local residents attended the workshops. In addition to the need for more commercial, convenience and social opportunities within the village center, citizens expressed a strong desire to carefully manage the development of farmland around the village as residential growth pressure increases in the future. Specifically, citizens expressed a concern about the potential impacts of by-right residential development in the A-1 Agricultural zoning category.

The Union Hall Village Plan contains a set of "concepts" that should help guide future decisions about growth and development. It intended as a guide, not as a regulatory document. The Union Hall Village Plan sets forth a set of shared values and expectations to be used by decision makers – in both the public and private sectors - when evaluating future development proposals.



## Background

Union Hall is designated as a Village Center because of its historic role as a rural crossroads where, over time, market activities developed to accommodate the needs of the local population.

The local road network originally developed in a rural setting, long before the creation of Smith Mountain Lake. Now, many lake residents find that the only way to and from their homes is to pass through the village of Union Hall. This captive traffic is a plus for local businesses. But too much traffic (and an inadequate road infrastructure) could threaten the health of the commercial village.

Below is an analysis of existing traffic patterns in the "captive" traffic shed, along with an analysis of the potential for new trip generation as undeveloped land becomes developed in the future.

 Union Hall village boundary, 1/2 mile radius, as depicted in the County's 2025 Comprehensive Plan

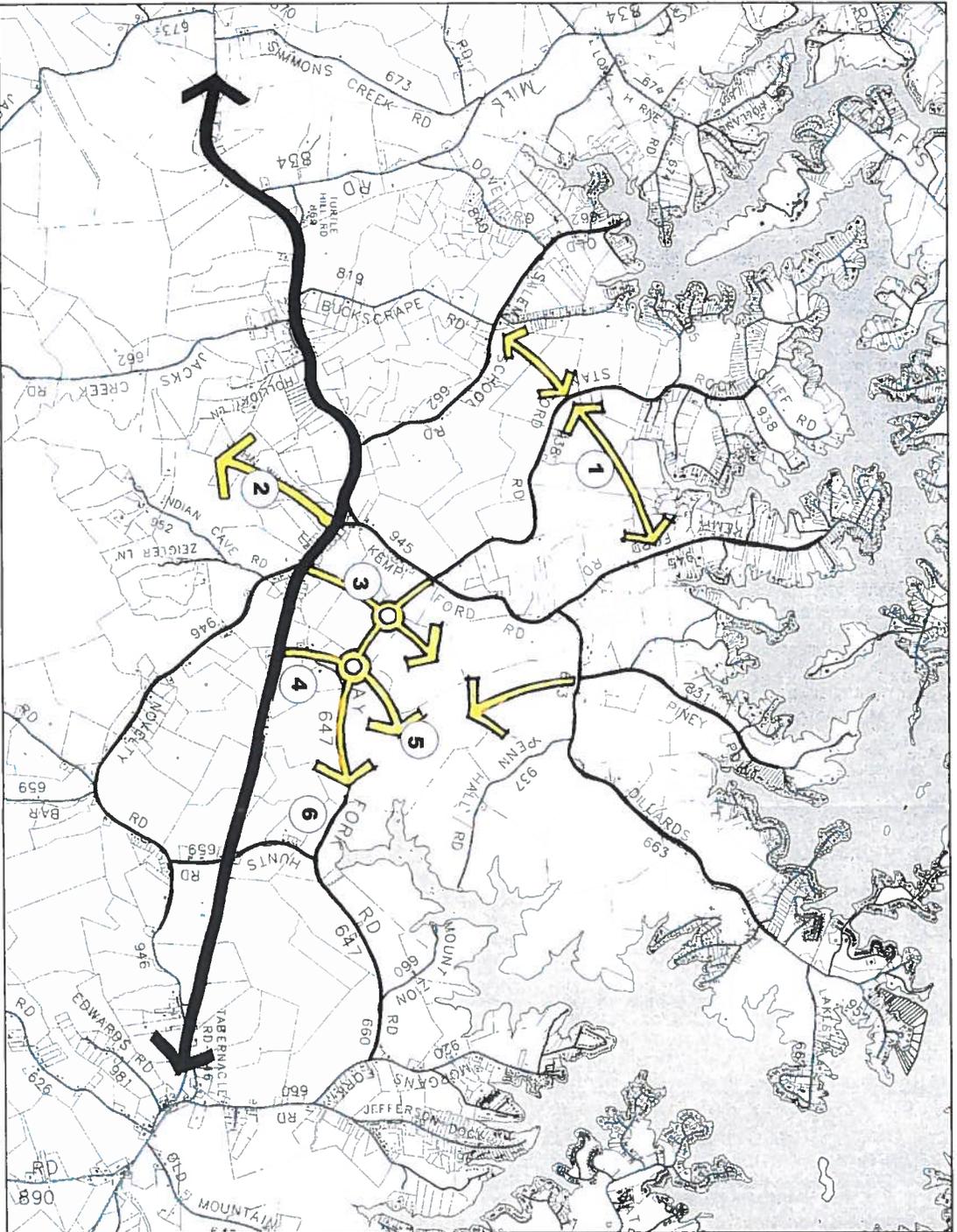
- A** Standford Road traffic shed  
 Approximately 170 existing homes  
 Approximately 1,030 acres undeveloped.
- B** Kemp Ford Road traffic shed  
 Approximately 140 existing homes.  
 Approximately 230 acres undeveloped.
- C** Piney Point Road traffic shed  
 Approximately 100 existing homes.  
 Approximately 510 acres undeveloped.
- D** Dillard's Hill Road traffic shed  
 Approximately 460 existing homes.  
 Approximately 1,030 acres undeveloped.

**A + B + C + D = combined traffic shed**

The combined traffic shed of Standford, Kemp Ford, Piney Point and Dillard's Hill roads contains a total of approximately 870 existing dwelling units. Using the VDOT average of ten (10) vehicle trips per day per dwelling unit, these existing homes produce an estimated 8,700 vehicle trips per day.

This same combined traffic shed contains approximately 2,800 acres of undeveloped land. If developed residentially at a density of one unit per five (5) acres, this undeveloped land would yield an additional 560 dwelling units, or 5,600 additional vehicle trips per day. If developed residentially at a density of one unit per acre, this undeveloped land would yield an additional 2,800 dwellings, or 28,000 additional vehicle trips per day.

Based on existing road patterns, all vehicle trips in this combined traffic shed must travel Kemp Ford Road to the village epicenter at Rt. 40.



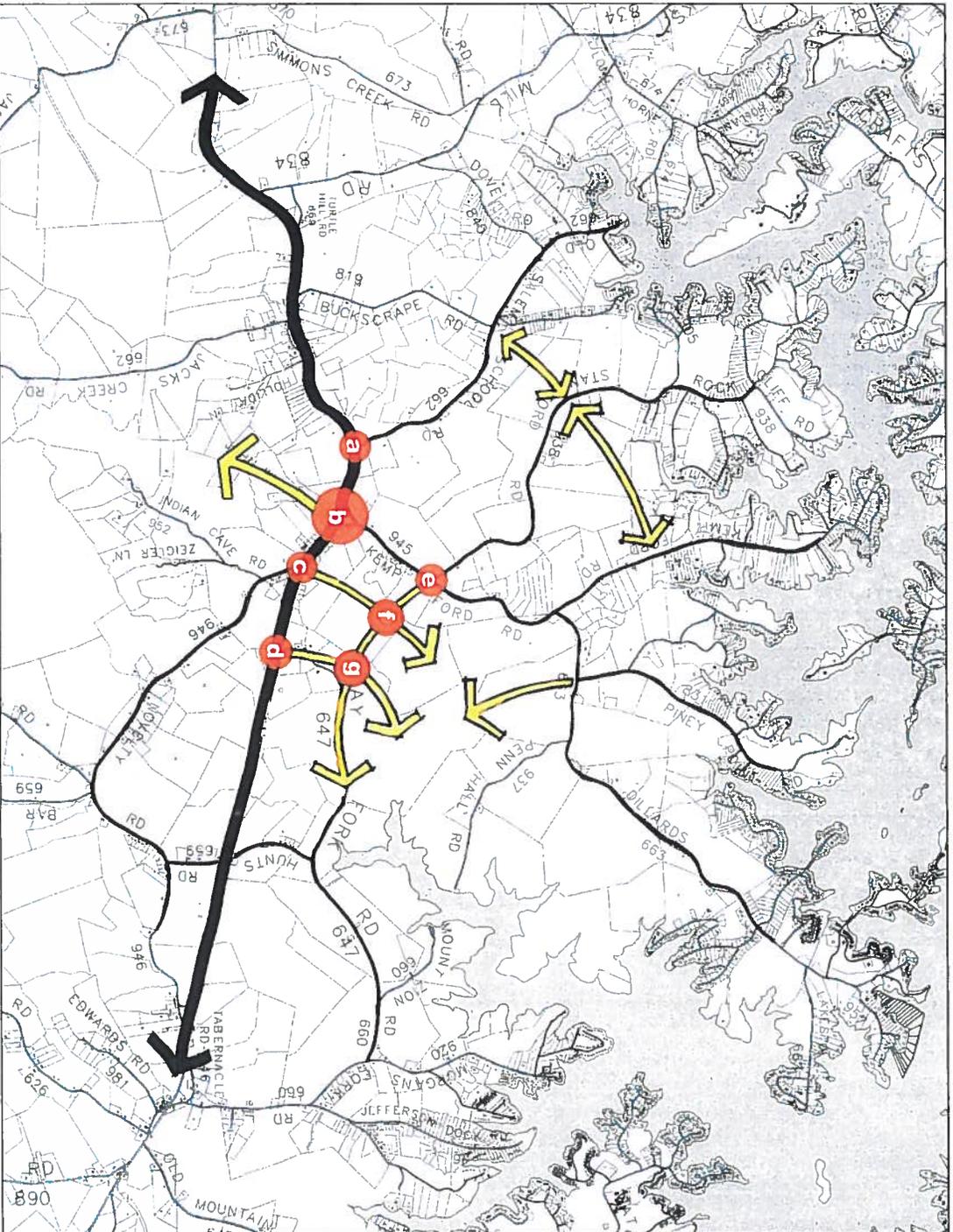
### Concept 1: Interconnectivity

Successful towns, villages, and commercial centers rely on high volumes of vehicular traffic in order to generate and maintain demand for business. Traffic congestion, on the other hand, can discourage business and erode quality of life for those who live in or near the village center. Interconnectivity helps to relieve traffic pressure by providing the traveler with multiple choices of routes. The goal is not to bypass the village center but to offer a variety of means of accessing and traveling through the center.



Opportunity for new road network to create interconnectivity and provide relief as traffic grows due to new development.

- 1 As undeveloped land in the suburban periphery is developed, care should be taken to ensure interconnectivity between new neighborhoods. Suburban residents should be able to visit each other without having to use more congested collector roads.
- 2 Plans have already been approved for a large commercial shopping center on the south side of Rt. 40 opposite the intersection of Kemp Ford Road. This location will likely feature a signalized intersection in the future. The shopping center represents an opportunity to develop a walkable street grid.
- 3 A new street grid is needed in order to provide "depth" to the commercial village, allowing local residents to access the center from multiple points. Existing "T" intersections (e.g. Standford, Novelty) could be extended in order to develop this new grid.
- 4 Existing roads, such as Kay Fork, might be candidates for re-alignment and intersection improvements to tie into an expanded village grid. New or redesigned streets represent opportunities for creative traffic distribution and streetscape techniques.
- 5 With more than 1,500 undeveloped acres, AEP's "Penn Hall" property represents a significant opportunity in the future for new development, including public uses. The new street network should provide robust interconnectivity to the Penn Hall area.
- 6 Given Union Hall's proximity to nearby Penhook, opportunities may exist to link the villages with a series of back roads as an alternative to Rt. 40. Kay Fork and Novelty roads offer good alternatives, if properly integrated into the village street network.

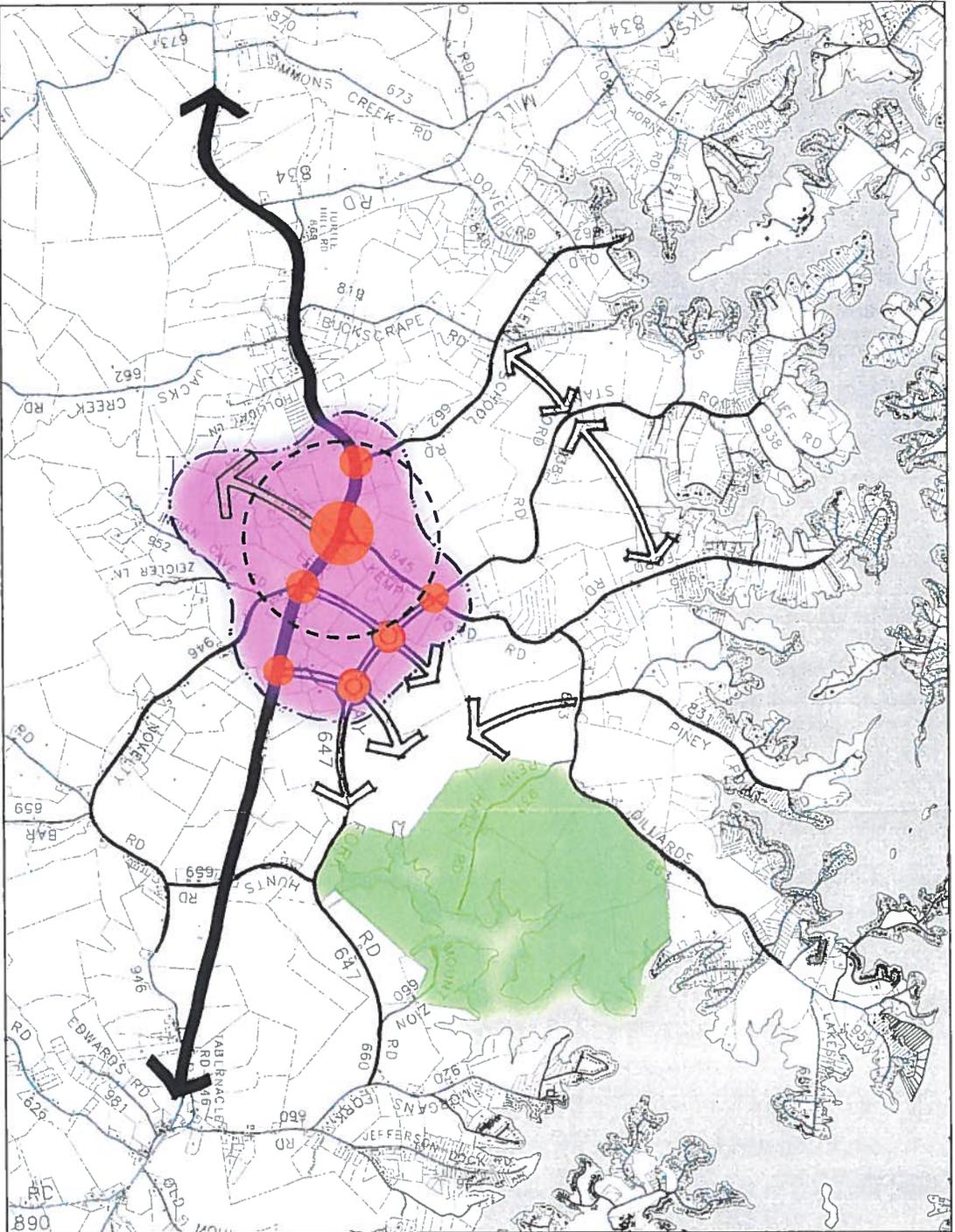


## Concept 2: Nodes as focus of activity

A successful village serves as a place of gathering and activity. Commercial, office, civic and mixed-use residential development are encouraged at key "nodes" located at key intersections within the village center.

Nodes should be well-planned developments offering a high degree of pedestrian amenities. To the extent possible, parking and street access should be shared among developments to minimize traffic conflicts along Rt. 40 and other busy streets.

- a** Old Salem School Road at Rt. 40  
Intersection is contained within the Camp Plan's existing 1/2 mile radius for village. Could serve as a western gateway, with opportunity for welcome signage/feature. Existing uses are somewhat passive, providing a soft transition from the surrounding rural area to the more intense village center.
- b** Kemp Ford Road at Rt. 40 (+ Berger Loop)  
Considered the epicenter of the village, with established business uses. Major commercial project has been approved for the south side of Rt. 40 opposite this intersection, including grocery store and out-parcel development. Will eventually include a traffic signal and additional turn lanes. Berger Loop is used by residents as a "bypass."
- c** Novelty Road at Rt. 40  
Intersection is within the Camp Plan's 1/2 mile village radius. Site of several existing businesses, which have driveway entrances on both Rt. 40 and Novelty Road. Intersection is poorly aligned.
- d** Key Fork Road at Rt. 40  
Intersection is outside Camp Plan's 1/2 mile village radius. Site is zoned for business, may become site of national retailer. If included in the village, may present opportunity for eastern gateway and intersection improvements.
- e** Standiford Road at Kemp Ford Road  
Intersection is just outside Camp Plan's 1/2 mile village radius. Site of historic church. County owns property near the intersection, to be developed as a green box site.
- f** Potential new intersections, nodes  
As the street grid is extended off of Rt. 40, new opportunities for nodes and activity centers can be created. Need not be exclusively commercial. Civic, recreational, and higher-density residential uses might also be considered.
- g** Key Fork and Standiford (Extension)  
If new development is successful in extending Standiford eastward and realigning Key Fork to improve access to Rt. 40, then the intersection of a realigned Key Fork with an extended Standiford becomes an important node, particularly given the development potential of AEP's 1,500-acre "Penn Hall" property to the east.



### Concept 3: Village boundary

-  Union Hall village boundary, 1/2 mile radius, as depicted in the County's 2025 Comprehensive Plan
-  Development around key intersections, or "nodes," should be places of activity, providing strong visual interest
-  Proposed Union Hall village boundary, incorporating key intersections and nodes of activity
-  AEP-owned Penn Hall property. Approximately 1,500 acres potential for future residential, civic and mixed-use development

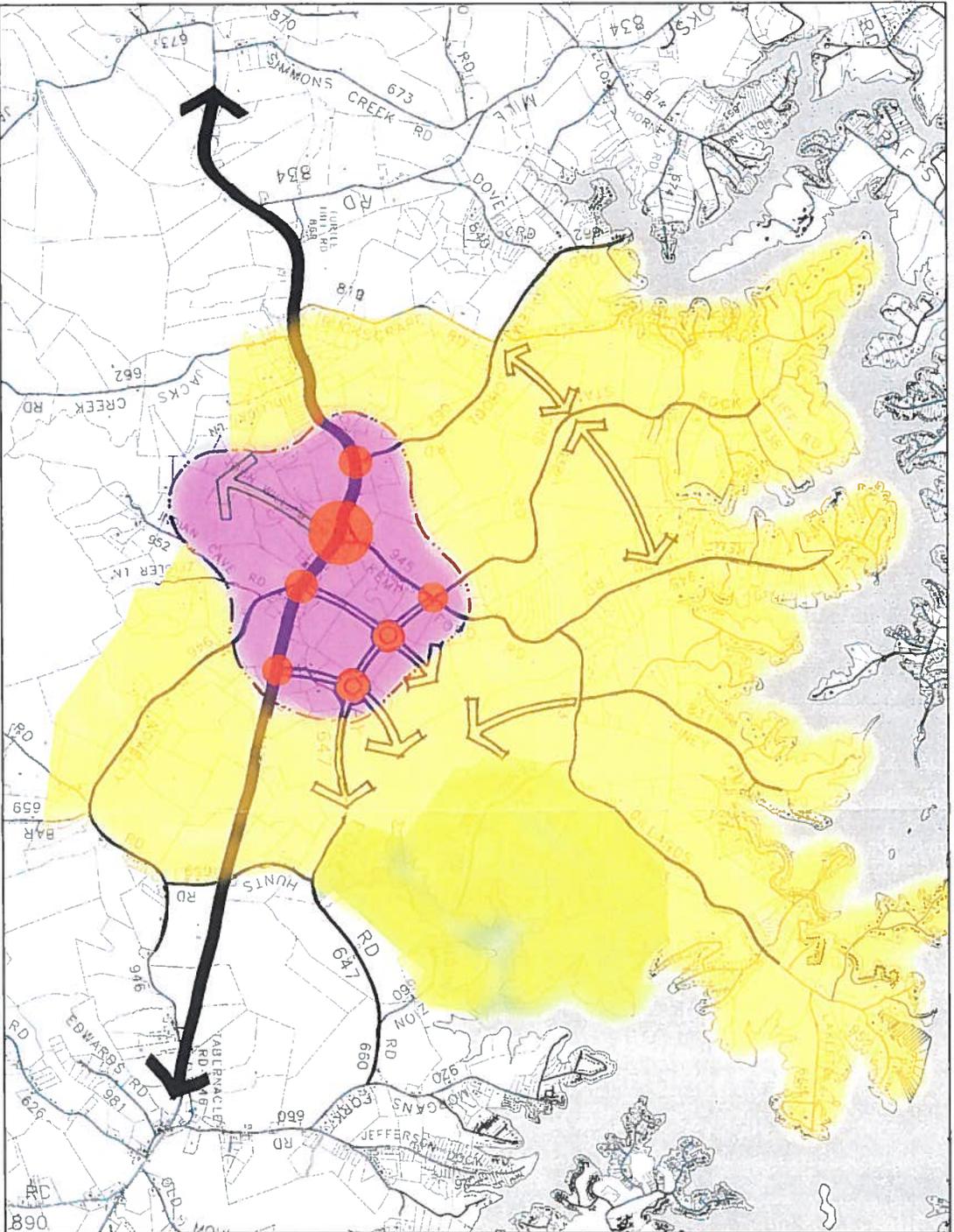
The existing Union Hall village boundary, as depicted in the 2025 Comprehensive Plan, does not include all of the areas along Rt. 40 that are currently developed with commercial uses, or are zoned for commercial use in the future. Rather than a simple circle, existing conditions suggest more of an "amoebar" shape.

The village boundary should incorporate all key commercial intersections and nodes of activity, including those nodes that might be created by future expansion of the village street grid.

The epicenter of the village is likely to remain at the intersection of Kemp Ford Road and Rt. 40. A major commercial project is planned and already approved for the south side of Rt. 40 opposite this intersection. This project, which includes a grocery store and out-parcel development, also includes significant acreage to the south. It has been assumed that much of this land will be needed for mass drainfields to support the commercial center. However, if public water and sewer are developed in Union Hall, much of this acreage could be developed with a mixture of uses, including residential uses. Such development should be integrated into the commercial core, with strong pedestrian connectors and opportunities for social interaction.

Given the presence of commercial development and zoning at the intersection of Key Fork Road and Rt. 40, and the potential use of Key Fork as a means of access to the Penn Hall property, it is recommended that the village boundary be extended to the east to capture this important intersection.

The village boundary is not intended to be a rigid border. Decisions must be made on a case-by-case basis when considering the development potential of land around the edges of the village. Where new development at the edge can demonstrate that it will be into identified village nodes (through shared access, vehicle cross-connection and pedestrian connectivity), then such development may be considered a logical extension of the village. Where proposed edge development cannot be integrated into village nodes, then such edge development should be discouraged.



### Concept 4: Suburban area of influence

-  Proposed Union Hall village boundary, incorporating key intersections and nodes of activity
-  AEP-owned Penn Hall property. Approximately 1,500 acres potential for future residential, civic and mixed-use development
-  Area of suburban influence around the Village of Union Hall. To be considered a study area for comprehensive rezoning.

The combined traffic shed of Standard, Kemp Ford, Piney Point and Dillard's Hill roads already contributes more than 8,700 daily vehicular trips through the village of Union Hall. Additional development of currently-vacant land in this traffic shed will increase traffic, potentially leading to congestion and a loss of rural character.

Beyond its combined traffic shed, it must be recognized that AEP's Penn Hall property, at more than 1,500 acres, represents a significant game-changer if ever developed in the future. Kemp Ford Road simply cannot handle the traffic potentially generated by the development of Penn Hall. Other means of access are required.

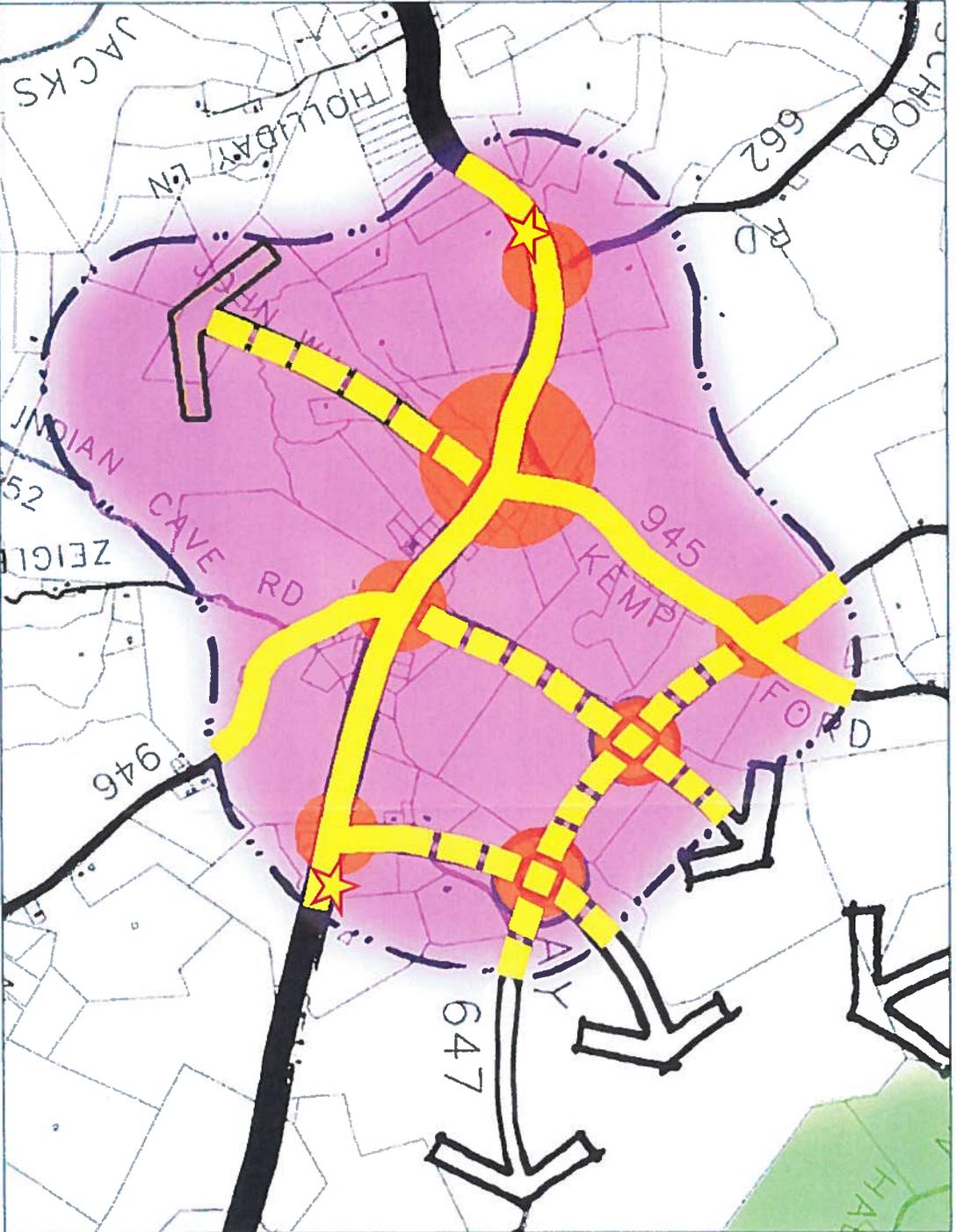
It is recommended that the Village Plan for Union Hall include an area of suburban influence, beyond the village boundaries, as an area of study for comprehensive rezoning. The goal is to allow for continued farming, forestal operations, and general agricultural activities, while applying some means of scrutiny for any new residential development.

New large-scale residential development should be subject to the rezoning process, rather than allowed by-right under existing agricultural zoning. The rezoning process should be used to negotiate:

- desired ROW widths
- street interconnectivity
- pedestrian amenities
- open space
- civic amenities.

It is recommended that any undeveloped tract of land larger than five (5) acres within the identified suburban area of influence be evaluated for potential comprehensive rezoning. The County's zoning ordinance should be adjusted to include a "suburban" agricultural category that would allow for continued agricultural use, but would not allow by-right residential development at densities greater than one unit per five (5) acres. As development is proposed in the future, the rezoning process should be used to encourage well-planned, interconnected neighborhoods with significant open space and pedestrian amenities.

AEP may represent a willing partner in the comprehensive rezoning process. Comprehensive rezoning of Penn Hall, as a first step, could help set the stage for subsequent comprehensive rezoning.



## Concept 5: Opportunity for Right-of-Way Improvements

- Existing village street segments, linking key intersections and nodes of activity. Represent opportunities for ROW improvements.
  - - - New village street segments, linking key intersections and nodes of activity. Opportunity to implement new design themes.
- Union Hall today is not a very pedestrian-friendly place, due in large part to Rt. 40's role as a primary thoroughfare for local residents, through-commuters, and truck traffic. The Plan envisions a future in which Union Hall becomes a destination rather than a pass-through, a place where the traveling public is invited to stop, shop, gather and trade.
- As a general rule, the Plan calls for the slowing of traffic through Union Hall. As new development occurs, the County and VDOT should negotiate with property owners to make improvements to the village streets. The following is a list of opportunities for ROW improvements:
- Rt. 40, Old Salem School Road to Kemp Ford Road**  
Specify in advance the desired ROW width. Request ROW dedication upon any rezoning activity. Consider a tapered landscaped median to signal arrival, begin slowing and dividing traffic.
  - Rt. 40, from Kemp Ford Road to Novelty Road**  
Specify desired ROW width. Request ROW dedication upon any rezoning activity. Consider landscaped divided median. Include strong pedestrian connectivity.
  - Rt. 40, from Novelty Road to Kay Fork Road**  
Specify desired ROW. Request ROW dedication upon any rezoning activity.
  - Kemp Ford Road, from Standiford Road to Rt. 40**  
Specify desired ROW width. Request ROW dedication upon any rezoning activity. Include strong pedestrian connectivity.
  - Kay Fork Road realignment**  
Specify desired ROW width and alignment. Negotiate alignment, intersection improvements through rezoning process. Seek grant, alternative funding sources for improvements.
  - New street grid, linking Rt. 40, Kemp Ford and Kay Fork**  
Provide strong pedestrian connectivity. Provide bicycle accommodations to allow cyclists to pass through the village without having to use Rt. 40 itself.
  - New streets within commercial shopping center**  
Provide strong pedestrian connectivity within the center.
- ★ **Gateway features.** To help establish Union Hall as a destination for the traveling public, the Plan recommends the installation of welcoming gateway features along Rt. 40. These features may take the form of enhanced landscaping, welcome signage, or thematic wayfinding signage.

## Concept 6: Street context and design criteria

Context	VILLAGE CENTER			NEIGHBORHOOD CENTER			NEIGHBORHOOD			RURAL CLUSTER	
	Commercial Street	Village Main Street	Residential Street	Village Main Street	Residential Road	Rural Road	Residential Street	Rural Road	Residential Street	Rural Road	
<b>Traveled way realm</b>											
Target (posted) speed	35 mph	25 mph	25 mph	25 mph	25 mph	25 - 35 mph	25 mph	25 mph	23 - 35 mph	25 - 35 mph	
Number of travel lanes	2 - 4	2	2	2	2	2	2	2	2	2	
Lane width	10' - 12'	10' - 12'	10' - 11'	10' - 12'	10' - 11'	11' - 12'	10' - 11'	11' - 12'	10' - 11'	11' - 12'	
Parking lanes	7' - 8'	7' - 8'	7' - 8'	7' - 8'	7' - 8'	n/a	7' - 8'	n/a	n/a	n/a	
Bicycle lanes / shoulders	4' - 5'	4' - 5'	4' - 5'	4' - 5'	4' - 5'	10' multi-use path or min 4' shoulder					
Horizontal radius (min. radius)	GS-7 593'	GS-7 273'	GS-3 108' - 251'	GS-7 273'	GS-7 273'	GS-3 108' - 465'	GS-8 273'	GS-4 108' - 750'	GS-4 108' - 750'	GS-4 108' - 750'	
Vertical alignment (max. grade based on terrain)	8%	5%	11%	5%	11%	9%	11%	9%	11%	9%	
Medians	optional 14' - 15'	none	none	none	none	none	none	none	none	none	
Access management	Limit the number of driveways and encourage alley or parallel street access on all streets (with the exception of rural roads).										
Typical traffic volume range (vpd)	1,000 - 10,000	500 - 5,000	400 - 2,000	1,000 - 10,000	500 - 5,000	500 - 5,000	200 - 1,000	400 - 2,000	100 - 500	200 - 1,000	
<b>Intersection realm</b>											
Crosswalks	yes	yes	optional	yes	n/a	n/a	n/a	n/a	n/a	n/a	
Curb return radii / edge of traveled-way	15' - 25'	10' - 20'	10' - 20'	10' - 20'	25'	50'	25'	50'	25'	50'	
Roundabouts	Consider single-lane roundabouts at intersections with less than 20,000 entering vehicles per day (vpd) and double-lane roundabouts at intersections with less than 40,000 entering vpd.										
<b>Roadside realm</b>											
Shoulder width	10' - 16'	10' - 16'	5'	5'	5'	n/a	5'	n/a	n/a	n/a	
Lighting	Pedestrian-scaled lighting is encouraged on all streets (with the exception of rural roads) placed 50' apart on center.										
Street trees	tree well	tree well	planting strip	tree well	planting strip	n/a	planting strip	n/a	n/a	n/a	
<b>Examples of streets &amp; street segments for each context category:</b>											
	RL 40, from Old Salem School to Kemp Ford RL 40, from Kemp Ford to Novelty RL 40, from Novelty to Kay Fork Kemp Ford Road, from Standiford to RL 40 Standiford Road (extended) to connect to Kay Fork Kay Fork Road (re-aligned)	Novelty Road, south of RL 40 Berger Loop New streets within shopping centers, nodes	New streets within nodes New streets within neighborhoods	New streets within neighborhoods Existing rural roads							

Streets will play an important role in shaping the character of Union Hall as a village. As new development occurs - in the form of commercial development within the village, or new residential development surrounding the village - the existing street network will come under stress. New development will almost certainly require road widening, turn lanes, stop lights, and new intersections. Rather than being seen as a threat, such right-of-way improvements can be seen as an opportunity to manage traffic, accommodate pedestrians and cyclists, and establish a pleasant streetscape.

To that end, the Union Hall Village Plan offers detailed design criteria for streets in and around the village, based on the accepted design standards contained in VDOT's 2010 Smith Mountain Lake Corridors Study. These standards presented here are meant as a guide, not a rule. The standards are flexible and offer choices, based on the street's context and functional characteristics.

The following street "context zones" are excerpted from VDOT's 2010 Smith Mountain Lake Corridors Study.

**Village Center**  
**Distinguishing Characteristics:** Village Centers are neighborhood scale, compact, mixed-use areas; integrated into residential area.  
**General Character:** Supports the Downtown Cove with a mix of uses, residential types, amenities. When applied to the Neighborhood, it is a focal point. Nearby residential densities can support some of these activities, however its market area may extend beyond the 1/2 mile radius by 1 to 2 miles.

**Neighborhood Center**  
**Distinguishing Characteristics:** Neighborhood Centers consist of community facilities, such as schools, parks or libraries, accessible or integrated into neighborhoods.  
**General Character:** Focal point of the community where residents come together for a civic purpose, local shopping, or for recreation. Neighborhood centers generally contain some form of public open space and/or provide connections to natural features. These centers can usually be accessible by multiple modes of transportation, including bicycles, bus, cars, or by foot.

**Neighborhood**  
**Distinguishing Characteristics:** Neighborhoods are generally defined as areas that meet a balanced range of human needs. They are the basic components of community design.  
**General Character:** Primarily single-family residential with walkable development pattern and pedestrian facilities, dominant landscape character.

**Rural Cluster**  
**Distinguishing Characteristics:** Rural clusters are small settlements located in the rural area. These clusters serve as the focal point for an existing rural community. Rural clusters generally include areas within 1/2 mile of a focal point. The focal point is usually located at the intersection of two rural roads.  
**General Character:** Detached residential clusters draw development into a compact center and preserve open space at the perimeter of the development. Clusters allow for the protection of watersheds, open space, agricultural lands, and important wildlife habitats, and often provide shared common space at the center of the development.

**4 YEAR TERMS**  
**February 18, 2014**

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The Advisory Committee is appointed by the Board of Supervisors to serve two and four year terms and can be reappointed for up to four year terms.

The main function of this Committee is to advise Department of Aging staff on services and activities relative to developing the yearly plan for services for the elderly (within the guidelines of The Older Americans Act), act as liaison between the Director and the Board of Supervisors, act as liaison between the Department of Aging and the community at large, act as advocate for the Department of Aging Services, provide program evaluation, act as advocate for elderly persons and programs.

Dr. Susan Beatty  
842 Park Place  
Moneta, Virginia 24121

July 1, 2015  
GILLS CREEK DISTRICT

Mr. Benny Russell  
70 East Court Street  
Rocky Mount, Virginia 24151

July 1, 2017  
BOONE DISTRICT

Mr. Arthur "Art" Donaldson  
66 Sunburst Court  
Union Hall, VA 24176

July 1, 2015  
UNION HALL DISTRICT

Mrs. Pauline A. Nickelston  
193 Storey Creek Lane  
Rocky Mount, Virginia 24151

July 1, 2015  
BLUE RIDGE DISTRICT

Lynn Meyers (Unexpired Term of Jim Conklin)  
130 Hickmon Road  
Rocky Mount, Virginia 24065

July 1, 2015  
BLACKWATER DISTRICT

Johnny Greer  
1256 Beulah Road  
Rocky Mount, Virginia 24151

July 1, 2017  
SNOW CREEK DISTRICT

Johnny L. Smith  
15 Holly Knoll Drive  
Rocky Mount, Virginia 24151

July 1, 2017  
ROCKY MOUNT DISTRICT

Maggie Gray  
129 Leeward Drive  
Moneta, VA 24121

July 1, 2017  
AT-LARGE



**Franklin County**  
*A Natural Setting for Opportunity*

**EXECUTIVE SUMMARY**

<p><b><u>AGENDA TITLE:</u></b> School Appropriation Request –FCHS CTE Project</p> <p><b><u>SUBJECT/PROPOSAL/REQUEST</u></b> Staff Analysis of the Schools Appropriation Request for a Feasibility Study Related to the Franklin County High School Career and Technical Education Building Project</p> <p><b><u>STRATEGIC PLAN FOCUS AREA:</u></b> N/A <b><u>Goal #</u></b> <b><u>Action Strategy:</u></b></p> <p><b><u>STAFF CONTACT(S):</u></b> Messrs. Huff, Copenhaver, Cheatham</p>	<p><b><u>AGENDA DATE:</u></b> March 18, 2014      <b><u>ITEM NUMBER:</u></b></p> <p><b><u>ACTION:</u></b>      YES      <b><u>INFORMATION:</u></b></p> <p><b><u>CONSENT AGENDA:</u></b> <b><u>ACTION:</u></b>      <b><u>INFORMATION:</u></b></p> <p><b><u>ATTACHMENTS:</u></b> YES</p> <p><b><u>REVIEWED BY:</u></b> <i>REH</i></p>
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**BACKGROUND:**

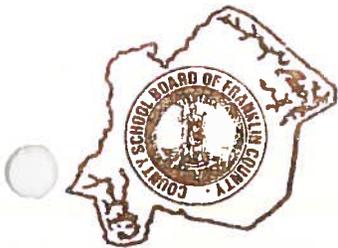
The Board of Supervisors has requested that County staff review all additional appropriation requests from the Franklin County Public Schools.

**DISCUSSION:**

The Board of Supervisors set aside \$1.5 million in the County’s capital fund last fiscal year to begin exploring the possibility of a new Career and Technical Education Building for the Franklin County Public Schools. \$77,520 was appropriated last month for property evaluation, aerial photography, mapping and a feasibility study leaving a balance of \$1,422,480 in the capital set aside account. \$290,000 is now being requested for a comprehensive feasibility study that will build on the preliminary work just completed. A detailed description of the work to be accomplished is attached for the Board’s review.

**RECOMMENDATION:**

Staff respectfully requests the Board’s consideration of the attached School appropriation request for a comprehensive feasibility study for the Franklin County High School Career and Technical Education Project in the amount of \$290,000.



# FRANKLIN COUNTY PUBLIC SCHOOLS

## Office of Superintendent

25 Bernard Road • Rocky Mount, VA 24151-6614  
(540) 483-5138 • FAX (540) 483-5806

February 24, 2014

Mr. Vincent K. Copenhaver  
County Finance Director  
1255 Franklin Street, Suite III  
Rocky Mount, VA 24151

Dear Vincent:

I am writing to respectfully request that the Franklin County Board of Supervisor's consider approving an increase in our 2013-14 appropriations as follows:

Revenues:

County Capital Funds for FCHS CTE Project \$290,000

Expenditures:

Architect & Engineering Fees – Comprehensive  
Feasibility Study for the FCHS CTE Project –  
See Attached Contract – RRMM Architects \$290,000

RRMM Architects basically propose that the following work be done which I have excerpted from their attached contract:

### The Comprehensive Feasibility Study Process and Product

Building from the programming work and conceptual master planning options that have already been developed, the RRMM team will evaluate the existing conditions, complete detailed programming, evaluate multiple options for renovations, additions, and site development, and create an itemized total project budget for each option.

Our evaluations will include design professionals from the architectural, civil, structural, mechanical, electrical, plumbing, food service, and hazardous materials disciplines.

The products of the feasibility study are master site plans, conceptual floor plans, building massing drawings, and conceptual total project budgets for your consideration. Our process also includes presentations to the boards and other stakeholders that you deem important.

## Surveys and Tests

Aerial Mapping of the entire campus and adjacent properties has already been authorized under a separate agreement and will be an important resource for our study. We are also recommending that soil borings be taken in the Law Parking lot since at one time this area served as a bus maintenance facility.

It is possible that the Feasibility Study will reveal that other surveys and tests may be needed, yet it would be premature to commit to such tests at this time. We will also develop a budget for other tests, surveys, and expenses as part of the overall budgeting / cost analysis process of the Study.

The proposed source of this funding is as follows:

County Capital Funds Reserved for FCHS CTE Project	\$1,500,000
Less Appropriation Approved on 2/17/14	<u>(77,520)</u>
Balance of Funding	<u>\$1,422,480</u>

We all will need to know what each of the options might cost and whether the conditions on the existing FCHS Campus property will support the various options, so the funding of this Comprehensive Feasibility Study is really needed. Approximately \$135,000 of the \$290,000 will be credited back to the later design contract when the project is actually approved.

We respectfully request that the Franklin County Board of Supervisors give its approval for this request at their next meeting to be held on Tuesday, March 18, 2014.

Thank you for your consideration.

Sincerely,



Lee E. Cheatham  
Director of Business & Finance

LEC:tcw

Attachments (1)

cc: Dr. W. Mark Church, Division Superintendent  
Mrs. Suzanne M. Rogers, Assistant Superintendent  
Mr. Phillip L. Poff, Director of Human Resources  
Ms. Sharon L. Tuttle, Assistant Director of Business & Finance  
Mr. Jon D. Crutchfield, Director of Facilities & Transportation  
Mr. Richard E. Huff, II, County Administrator



February 7, 2014

John B Maddux, Jr  
Benjamin S Modley  
Mathew H Astum  
Kevin T Ball  
Robert S Berz  
Donna A Elliott  
Joseph C Freeman  
Jaime G Garcia  
Jeffrey A Harris  
Duane M Harver  
Dan H Heckok, Jr  
Donna F Magno  
Kevin M Seymour  
Michael L Smith

Mr. Darryl K. Spencer  
Supervisor of Maintenance  
Franklin County Public Schools  
250 School Service Road  
Rocky Mount, VA 24151

Re: Comprehensive Feasibility Study for Franklin County High School  
RRMM Comm. No. 13236-02

Dear Darryl:

We are writing to recommend a scope of services and to provide a fee proposal for a Comprehensive Feasibility Study for Franklin County High School.

### Background

RRMM has been working on an intermittent basis with Franklin County Public Schools (FCPS) over the last two years with various preliminary planning activities for the high school. In the summer of 2012, we worked with a committee to program the short and long-term needs of the high school and to determine if the educational needs could be met on the existing property. Since this study showed that athletic fields would need to move off-site or additional property must be acquired, we have also assisted FCPS over the past 6 months with adjacent property evaluations.

In recent meetings involving School Board members and the Board of Supervisors, there appears to be growing support for purchasing adjacent property that will position the high school for a secure, safe, and functional future. These closed-session meetings (due to the discussion of the purchase of property) have also included inquiries of anticipated total cost (for a new Career and Technical Center and other improvements at the high school), and various opinions on how the campus should be developed. In order to discourage premature decisions about project costs and the manner of development, we recommend that a Comprehensive Feasibility Study be considered now.

### The Feasibility Study Process and Product

Building from the programming work and conceptual master planning options that have already been developed, the RRMM team will evaluate the existing

LEC

Mr. Darryl K. Spencer  
February 7, 2014

Page 2

conditions, complete detailed programming, evaluate multiple options for renovations, additions, and site development, and create an itemized total project budget for each option.

Our evaluations will include design professionals from the architectural, civil, structural, mechanical, electrical, plumbing, food service, and hazardous materials disciplines.

The products of the feasibility study are master site plans, conceptual floor plans, building massing drawings, and conceptual total project budgets for your consideration. Our process also includes presentations to the boards and other stakeholders that you deem important.

#### **Surveys and Tests**

Aerial Mapping of the entire campus and adjacent properties has already been authorized under a separate agreement and will be an important resource for our study. We are also recommending that soil borings be taken in the Law Parking lot since at one time this area served as a bus maintenance facility.

It is possible that the Feasibility Study will reveal that other surveys and tests may be needed, yet it would be premature to commit to such tests at this time. We will also develop a budget for other tests, surveys, and expenses as part of the overall budgeting / cost analysis process of the Study.

#### **Proposed Fee**

We propose to provide the professional services aspect of the Feasibility Study for a fixed fee of \$272,794. We have attached a fee worksheet that outlines and itemizes our view of the effort and cost involved to help you determine if we have discerned your needs correctly. We have also included a scope of work letter from Caldwell White Associates to demonstrate what we envision for the civil engineering aspects of the study. In the event that the project proceeds into full design services based on the Comprehensive Feasibility Study, we propose a 50% credit of the professional services fee toward the full design services.

We recommend a budget of \$17,000 for the soil borings, reproductions, and other miscellaneous costs as shown in the enclosures to this letter.

Based on the above, we recommend a total budget of \$290,000 for the Comprehensive Feasibility Study.

LEC

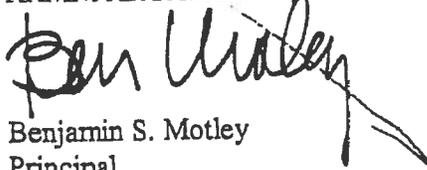
Mr. Darryl K. Spencer  
February 7, 2014

Page 3

Thank you for the opportunity to present this proposal. If you have any questions,  
please do not hesitate to contact me directly.

Sincerely,

RRMM ARCHITECTS, PC



Benjamin S. Motley  
Principal

enclosure

FRANKLIN COUNTY PUBLIC SCHOOLS

 2/11/14

LEE E CHESATHAM

DIRECTOR OF BUSINESS + FINANCE

LEC



**FEE PROPOSAL WORKSHEET**  
**FEASIBILITY STUDY SERVICES**  
**FRANKLIN COUNTY HIGH SCHOOL**

February 7, 2014

Task Description	Discipline	Est. Hours/ Multiplier	Rate	Subtotal
<b>Comprehensive Feasibility Study</b>				
<b>Architectural Services</b>				
Determination of General Programmatic Requirements	Already Completed	0	0.00	0
Evaluation of Adjacent Properties	Already Underway	0	0.00	0
Conceptual Master Plan Concepts	Already Completed	0	0.00	0
Detailed Programming	Principal Architect	40	200.00	8,000
Detailed Programming	Project Manager	40	115.00	4,600
Evaluation of Existing Facilities	Principal Architect	8	200.00	1,600
Evaluation and Documentation of Existing Facilities	Project Manager	40	115.00	4,600
Evaluation and Documentation of Existing Facilities	Project Architect	24	115.00	2,760
Initial Design Concepts and Preliminary Cost Estimates	Principal Architect	40	200.00	8,000
Initial Design Concepts and Preliminary Cost Estimates	Project Manager	40	115.00	4,600
Initial Design Concepts and Preliminary Cost Estimates	Project Architect	40	115.00	4,600
Code Analysis	Senior Project Architect	40	145.00	5,800
Presentation of Initial Design Concepts to FCPS	Principal Architect	6	200.00	1,200
Presentation of Initial Design Concepts to FCPS	Project Manager	6	115.00	690
Presentation of Initial Design Concepts to FCPS	Project Architect	6	115.00	690
Refinement of Selected Design Options	Principal Architect	40	200.00	8,000
Refinement of Selected Design Options	Project Architect	40	115.00	4,600
Further Development of Cost Estimate	Project Manager	16	115.00	1,840
Presentation of Refined Design Concepts to FCPS	Principal Architect	6	200.00	1,200
Presentation of Refined Design Concepts to FCPS	Project Architect	6	115.00	690
Presentation of Refined Design Concepts to FCPS	Project Manager	6	115.00	690
Design Refinements and Preparation for Public Presentation	Principal Architect	24	200.00	4,800
Design Refinements and Preparation for Public Presentation	Project Architect	32	115.00	3,680
Design Refinements and Preparation for Public Presentation	Project Manager	24	115.00	2,760
Public Presentation Number One	Principal Architect	6	200.00	1,200
Public Presentation Number One	Project Manager	6	115.00	690
Public Presentation Number Two	Principal Architect	6	200.00	1,200
Public Presentation Number Two	Project Manager	6	115.00	690
Preparation of Feasibility Study Report	Principal Architect	16	200.00	3,200
Preparation of Feasibility Study Report	Project Manager	32	115.00	3,680
Preparation of Feasibility Study Report	Project Architect	16	115.00	1,840
Project Management / Consultant Coordination Allowance	Project Manager	40	115.00	4,600
<b>Subtotal, Architectural Services</b>				<b>92,500</b>
<b>Mechanical, Electrical and Plumbing Services</b>				
Evaluation of Existing Facilities	Mechanical Engineer	34	165.00	5,610
Evaluation of Existing Facilities	Electrical Engineer	34	210.00	7,140
Evaluation of Existing Facilities	Plumbing Engineer	34	160.00	5,440
Evaluation and Documentation of Existing Facilities	Mechanical Engineer	45	165.00	7,425
Evaluation and Documentation of Existing Facilities	Electrical Engineer	36	210.00	7,560
Evaluation and Documentation of Existing Facilities	Plumbing Engineer	18	160.00	2,880
Evaluation and Documentation of Existing Facilities	Engineering CAD	27	90.00	2,430
Initial Design Concepts	Mechanical Engineer	67	165.00	11,055

LEC



**FEE PROPOSAL WORKSHEET**  
**FEASIBILITY STUDY SERVICES**  
**FRANKLIN COUNTY HIGH SCHOOL**

February 7, 2014

Task Description	Discipline	Est. Hours/ Multiplier	Rate	Subtotal
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<del>Comprehensive Feasibility Study</del>				
Initial Design Concepts	Electrical Engineer	85	210.00	17,850
Initial Design Concepts	Plumbing Engineer	43	160.00	6,880
Initial Design Concepts	Engineering CAD	18	90.00	1,620
Further Development of Cost Estimate	Mechanical Engineer	9	165.00	1,485
Further Development of Cost Estimate	Electrical Engineer	9	210.00	1,890
Further Development of Cost Estimate	Plumbing Engineer	9	160.00	1,440
Design Refinements and Preparation for Public Presentation	Mechanical Engineer	6	165.00	990
Design Refinements and Preparation for Public Presentation	Electrical Engineer	10	210.00	2,100
Design Refinements and Preparation for Public Presentation	Plumbing Engineer	6	160.00	960
Design Refinements and Preparation for Public Presentation	Engineering Clerical	9	71.25	641
Public Presentation Number Two	Mechanical Engineer	9	165.00	1,485
Public Presentation Number Two	Electrical Engineer	18	210.00	3,780
Public Presentation Number Two	Plumbing Engineer	9	160.00	1,440
OLDS Reimbursable Expenses (Meals & Mileage)	Lump Sum	1	556.00	556
15% Markup on OLDS Fee				13,899
<b>Subtotal, Mechanical, Electrical and Plumbing Services</b>				<b>106,556</b>

Civil Engineering Evaluation (See attached letter)	Civil Engineer, CWA	1.15	56200	64,630
Hazardous Materials Consultation	HazMat Specialists	1.15	3000	3,450
Structural Consultation	Structural Engr, Kinder	1.15	2400	2,760
Food Service Consultation	Food Service Specialists	1.15	2520	2,898

**Total Proposed Professional Services Fee** \$ 272,794

Recommended Budget for Surveys, Tests and other costs	Amount
Allowance for Reproductions / Miscellaneous Cost	2,000
Subsurface Investigations (Soil Borings) of Adjacent Properties (Reference CWA letter dated February 6, 2014)	1.15 12990 14,939
<b>Subtotal Budget for Surveys, Tests and other costs (rounded)</b>	<b>17,000</b>

**TOTAL RECOMMENDED BUDGET** \$ 290,000

LEC

The Franklin County Board of Supervisors will hold a public hearing at approximately 6:00 P.M., on Tuesday, March 18, 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 beginning with the 2014 calendar year the following license fees will be reflected on Personal Property Tax bills which are due December 5 of each year.

- a. Thirty-four dollars and twenty-five cents (\$34.25) on each motor vehicle to **include vehicles with vintage license plates which require payment of an annual registration fee.**
- b. Thirty-one dollars and fifty cents (\$31.50) 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.** (c) to Be Repealed
- d. (c) Twenty-five dollars and twenty-five cents (\$25.25) 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, March 7 & 14, 2014 EDITIONS.**

FRANKLIN COUNTY  
Board of Supervisors



**Franklin County**  
*A Natural Setting for Opportunity*

**EXECUTIVE SUMMARY**

<b>AGENDA TITLE:</b>  <i>David Philpott Outdoor Occasion Permit for 2014</i>	<b>AGENDA DATE:</b>  <i>March 18, 2014</i>	<b>ITEM NUMBER:</b>
<b>SUBJECT / PROPOSAL / REQUEST:</b>  <i>Approval for David Philpott's Annual Outdoor Occasion Permit for FY 2014</i>	<b>ACTION:</b>	<b>INFORMATION:</b>
<b>STAFF CONTACT(S):</b> Mr. Huff & Mrs. Tudor	<b>CONSENT AGENDA:</b> YES <b>ACTION:</b> YES	<b>INFORMATION:</b>
	<b>ATTACHMENTS:</b> YES	
	<b>REVIEWED BY:</b> <i>REH</i>	

**BACKGROUND:**

David Philpott is requesting approval for his 2014 Annual Outdoor Occasion Permit for the racing season. The Outdoor Occasion Permit for Mr. Philpott is attached for your review and consideration.

**DISCUSSION:**

All pertinent agencies per County Code Section 13-29.2 have signed off on the 2014 Outdoor Occasion Permit for Mr. Philpott.

Per County Code Section 13-29.4 the fee of \$100.00 has been remitted and deposited with the County Treasurer's Office.

**RECOMMENDATION:**

Staff request Board approval on the 2014 Outdoor Occasion Permit application, as submitted per County Code Section 13-29.1.

\$100.00



# Franklin County

*A Natural Setting for Opportunity*

## APPLICATION FOR OUTDOOR OCCASION PERMIT

*(Completed applications are due in the County Administrator's Office sixty (60) days prior to the event)*

DATE SUBMITTED: 2.11.2014

NAME OF APPLICANT: David Philpott

COMPLETE MAILING ADDRESS: 3399 Providence Ch. Rd.  
Henry, VA 24102

EMAIL ADDRESS: \_\_\_\_\_

TELEPHONE NUMBER: 540-483-8809

CELL TELEPHONE: \_\_\_\_\_

NAME OF PROMOTER: David Philpott

MAILING ADDRESS: 3399 Providence Ch. Rd.

TELEPHONE NUMBER: Henry, VA 24102

CELL TELEPHONE: \_\_\_\_\_

1. Please describe the exact location of the proposed event(s) including the tax map and parcel location of the property.

Tax Map # 101-38.1+.3  
1010003801  
1010003803

2. Please list the names and addresses of the owners of the property on which the event is to be held.

John + Joshua Philpott  
3399 Providence Ch. Rd.  
Henry, VA 24102

Please list the dates for which the permit is to be issued.

Events will be held every week on Saturday  
afternoon/night - March - November - 2014

4. Please describe in detail, the nature of your event, anticipated attendance, and anticipated number of actual participants.

Karts for ages 8 yrs. to adult.

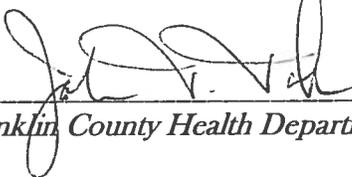
100-150 Attend 250-300 participants.

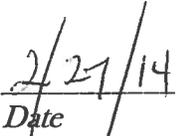
5. Please outline your plans for the provision of adequate sanitation facilities and sewage disposal methods.

We will rent Portable toilets

1 portable toilet per 100 persons

APPROVED:

  
Franklin County Health Department

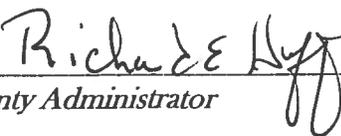
  
Date

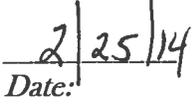
2/27/14

6. Please describe your plan for adequate disposal of solid waste.

We will use trash Bins. We will have 10 trash Bins.  
Will take trash to County landfill for disposal  
after event.

APPROVED:

  
County Administrator

  
Date:

2/25/14

7. Please describe your plan for adequate security personnel as defined in Sections 13-27 and Section 13-31 of the Franklin County Code including how many security personnel will be present for each event as a minimum plus plans in place for higher than expected crowds.  
(Use a separate sheet if required).

Name of Security Firm: S+S Security (2 UNIFORMED OFFICERS)

Va. Department of Commerce License Number: \_\_\_\_\_

Will These Guards be Armed? Yes

APPROVED: *M. McClellan Jr.*  
Sheriff, County of Franklin

2-20-2014  
Date

8. Please describe any outdoor lighting to be used, what steps will be taken to prevent unreasonable glow or glare onto adjoining property, and acknowledgement that the lighting complies with the National Electrical Code Requirements.

Will have Lighting. Lights will not be close to adjoining properties by several hundred feet. There are woods between properties.

APPROVED: *Louis M. Jurek*  
Building Official, County of Franklin

2-25-2014  
Date

9. Please describe a plan for adequate parking facilities and traffic control in and around the event area.

Parking area has been addressed as to entrances, exits by VDOT and met their Standards, including site distance. Traffic will be self controlled.

APPROVED: *M. McClellan Jr.*  
Sheriff, County of Franklin

2-20-2014  
Date

10. I hereby understand that it is unlawful to:

- a. (1) Operate between the hours 12:00 midnight and 9:00 a.m. and before 1:00 p.m. on Sundays.
- b. (2) Run practices more than two (2) days per week or operate during more than two (2) consecutive days regardless of whether it is in the same week and hours of practice shall be limited to a total of (6) hours which shall be six (6) consecutive hours on each of the two (2) practice days set out above, with the exception that when traveling racing associations are scheduled for a Saturday race, practice shall be limited to two (2) days in the preceding Monday-Friday time period. Such practice will be limited to six (6) hours daily. In the event that a "special event" race is rained out, such race may be held on Sunday. This rain out provision is limited to two (2) races per season.
- c. (3) Operate without the permit as outlined in this article.
- d. (4) Receive a permit for or operate a raceway in any fashion that does not have a fence or other barrier sufficient to prevent vehicular access of any nature to the tract area.
- e. (5) Operate after having been notified that any of the provisions required by the application requirements of section 13-29.2 are no longer in compliance according to the approving authority.

*David Philpott*

APPLICANT

*2/11/14*

Date

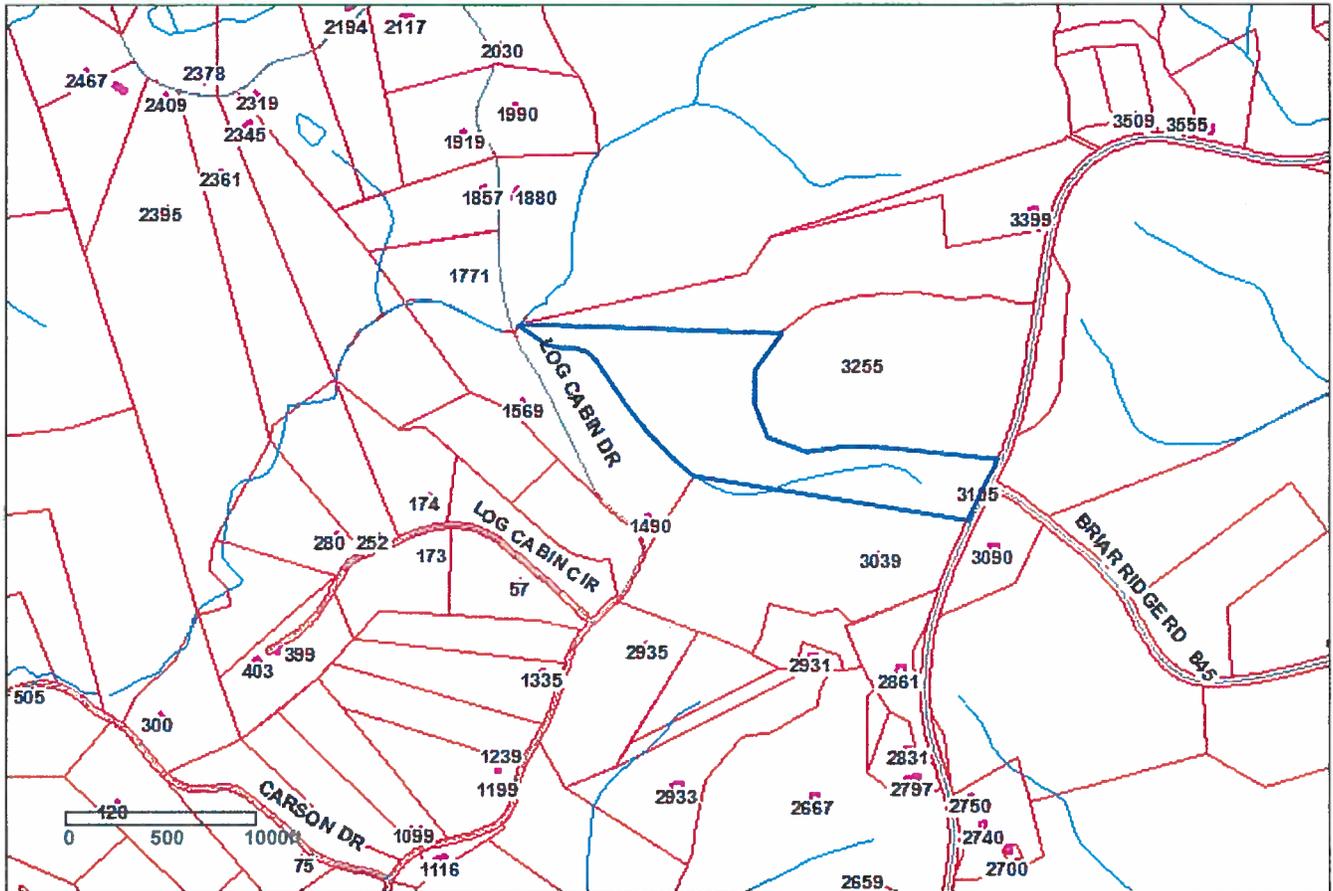
11. *I hereby grant permission for the Board of Supervisors, its lawful agents and its duly constituted law enforcement officers to enter the property at any time for the purposes of determining compliance with the provisions of the Franklin County Code. I recognize that the Board of Supervisors of Franklin County shall have the right to revoke any permit issued under this ordinance for failure to comply with any of its provisions or conditions. I also have read Section 13-29.5 that grants authority to the County Administrator to revoke any permit issued under this ordinance for up to 30 days for any violation.*

*David Philpott*

APPLICANT

*2/11/14*

Date



### Franklin County, VA

**Disclaimer:** The information contained on this page is NOT to be construed or used as a "legal description". Map information is believed to be accurate but accuracy is not guaranteed.

### Parcels

<b>Parcel ID:</b> 1010003801	<b>Description 1:</b> TOWN CREEK	<b>Deed book:</b> 603
<b>Map:</b> 10100	<b>Acres:</b> 20	<b>Deed page:</b> 1861
<b>Parcel:</b> 03801	<b>Land Value:</b> 30000	<b>Plat page:</b> 0
<b>Zoning:</b> NZ	<b>Building Value:</b> 4000	<b>District:</b> BR
<b>Owner:</b> PHILPOTT JOSHUA DAVID & JOHN CURTIS	<b>Sale Price:</b> 2000	<b>Grantor:</b> HOLLEY CHARLOTTE Y
<b>Owner address:</b> 3399 PROVIDENCE CHURCH ROAD	<b>Sale Date:</b> 6/16/1997	
<b>City:</b> HENRY		
<b>State:</b> VA		
<b>Zip1:</b> 24102		

Attributes at point: N: 3484680, E: 11058769

<b>School Districts</b> School District: Henry		<b>Magisterial Election Districts</b> ABDistrict: 4 Name: Blue Ridge Shape_len: 404004.279586 Supervisor: Bobby Thompson	
<b>Voting Precincts</b> White Population: 2361 Black Population: 93 Other Population: 0		<b>Franklin County Zoning</b> Zoning Class: NZ Proffers: Case Number: Date Approved: Null	
		<b>Watersheds</b> HUC: 3010103 HUPNAME: SMITH RIVER/TOWN CREEK/BLACKBERRY CREEK	
		<b>Soil Type</b> Soil 7C Type: Soil ID: 581948 Name: Clifford fine sandy loam, 8 to 15 percent clay	



FRANKLIN COUNTY  
Board of Supervisors



Franklin County  
*A Natural Setting for Opportunity*

EXECUTIVE SUMMARY

<u>AGENDA TITLE:</u> Virginia Commission for the Arts Local Challenge Grant	<u>AGENDA DATE:</u> March 18, 2014	<u>ITEM NUMBER:</u>
<u>SUBJECT/PROPOSAL/REQUEST</u> Request approval of submission of a VCA Local Challenge Grant	<u>ACTION:</u>	<u>INFORMATION:</u>
<u>STRATEGIC PLAN FOCUS AREA:</u>  Economic Development	<u>CONSENT AGENDA:</u> X <u>ACTION:</u>	<u>INFORMATION:</u>
<u>Action Strategy:</u>	<u>ATTACHMENTS:</u>	
<u>STAFF CONTACT(S):</u> Messrs. Huff, Burnette	<u>REVIEWED BY:</u> <i>REH</i>	

BACKGROUND:

The Virginia Commission for the Arts annually offers a Local Challenge Grant to communities to disburse to local arts organizations. This grant must be matched at least dollar-for-dollar in County budget contributions to the same organization that receives the VCA grant funds. For a number of years, the County has applied for and received a grant for the work done at the Blue Ridge Institute in Ferrum and has then turned these funds over to the BRI for marketing and other purposes. The match for these funds would come from existing tourism/economic development funding due to the Institute's role as the County's new Western Gateway Visitor Center.

DISCUSSION:

Staff feels that the receipt of the grant has been beneficial to the community in the past and can be matched by already appropriated funding from the County's operational budget. For this reason, staff recommends applying for a \$2,500 grant from the Virginia Commission for the Arts. Staff also recommends forwarding this grant, if received, to the Blue Ridge Institute for marketing and other purposes. The grant application is due on April 1, 2014.

RECOMMENDATION:

Staff respectfully requests approval from the Board to proceed with a grant request in the amount of \$2,500 and, if awarded, to forward the funding to the Blue Ridge Institute.

FRANKLIN COUNTY  
Board of Supervisors



**Franklin County**  
*A Natural Setting for Opportunity*

**EXECUTIVE SUMMARY**

<b>AGENDA TITLE:</b> Tom's Knob Communications site utility installation project	<b>AGENDA DATE:</b> March 18, 2014	<b>ITEM NUMBER:</b>
<b>SUBJECT/PROPOSAL/REQUEST:</b> Install commercial power to Tom's Knob communications site/approve funds to complete remaining portions of project.	<b>ACTION:</b> Yes	<b>INFORMATION:</b>
<b>STRATEGIC PLAN FOCUS AREA:</b> <b>Goal #</b> <b>Action Strategy:</b>	<b>CONSENT AGENDA:</b> Yes <b>ACTION:</b>	<b>INFORMATION:</b>
<b>STAFF CONTACT(S):</b> Messrs. Huff, Hatcher, Catlett	<b>ATTACHMENTS:</b>	
	<b>REVIEWED BY:</b> <i>RET</i>	

**BACKGROUND:** In November 2013 the Board of Supervisors approved a request to install commercial power at the Tom's Knob Communications site. The Board awarded the contract for the conduit installation and authorized \$103,340 for that portion of the project. The contractor completed the installation of the electrical and fiber optic conduit in February. Appalachian Power has issued an estimate to install the power line through the conduit.

**DISCUSSION:** The work to install the power line conduit was completed ahead of schedule and under budget in February. In November the Board allocated \$103,340 to install the underground conduit from Squirrel Run to the tower site based on the bid awarded to Randy Hodges Excavating. The final cost to install the conduit was \$92,448 which leaves a balance of \$10,892 remaining. The savings from the conduit installation was applied to construct the access road which was estimated to cost \$35,000. Public Safety will cover the balance of the road construction costs from the current tower site maintenance budget.

The next step in completing the project is to install the power line through the conduit. Appalachian Power has quoted the cost to install the power line cable at \$14,726.24. The remaining portion of the project will be to install the meter base, electric service panel, generator transfer switch and then transfer the power supplied to the equipment from the solar panels to commercial power. These remaining portions of the project are summarized as follows:

- Install electrical cable through conduit from Squirrel Run to the Tom's Knob tower (AEP) \$14,726.24
- Installation of the meter base, service panel, and transfer switch at the site \$5,000
- Transfer the communications equipment from solar power to commercial power \$1,000

Staff estimates the cost to fully complete the project to be \$20,726.24. Staff is requesting that the Board allocate that amount from the Board Contingency to complete the project.

**RECOMMENDATION:** Staff respectfully requests the Board approves the transfer of \$20,726.24 from the Board Contingency to complete the Tom's Knob power installation project. The Contingency fund currently has a balance of \$139,490.

8

FRANKLIN COUNTY  
Board of Supervisors



Franklin County  
*A Natural Setting for Opportunity*  
EXECUTIVE SUMMARY

<p><b>AGENDA TITLE:</b> Consideration of Filing an Application for \$1.4 Million in Community Development Block Grant Funds (CDBG) from the VA-Department of Housing and Community Development (DHCD) for the Ferrum Community Improvement Grant (CIG) Project</p> <p><b>SUBJECT/PROPOSAL/REQUEST:</b> Decision on proceeding with application to DHCD in order to be considered for a construction award of \$1.4 million.</p> <p><b>STAFF CONTACT(S):</b> Mr. Huff; Mr. Burnette</p>	<p><b>AGENDA DATE:</b> March 18, 2014 <b>ITEM NUMBER:</b></p> <p><b>ACTION:</b> <b>INFORMATION:</b></p> <p><b>CONSENT AGENDA:</b> X <b>ACTION:</b> X <b>INFORMATION:</b></p> <p><b>ATTACHMENTS:</b></p> <p><b>REVIEWED BY:</b> <i>REH</i></p>
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**BACKGROUND:** Franklin County received a CDBG **planning** grant for Ferrum on 12/12/14. Since that time, the County and its consultants have been working to fulfill the Management Plan for the planning grant and to write an application for a Community Improvement Grant (CIG) for the Ferrum project that will allow the County to receive project construction dollars from DHCD.

The grant is written as a Comprehensive Community Development Project application for \$1.4 million in grant funding. This category of submission must include three (3) program areas and other minor projects; however, one program area must be housing rehabilitation so long as there is a need in the community. The grant includes housing rehabilitation and two (2) other projects: public safety improvements and water system improvements. These projects reflect the prioritization by the citizens in a visioning meeting held in September 2013 to assist formulation of the planning grant application.

The deadline for submission of the construction grant is 5 p.m., Wednesday, March 26, 2014. Staff seeks Board guidance on filing the application with DHCD by March 26<sup>th</sup>.

**DISCUSSION:**

The proposed CDBG project includes a number of infrastructure upgrades in the Ferrum community including: water system improvements, housing rehabilitation, sidewalks, and wayfinding/beautification. Funding for the construction of the proposed pedestrian bridge over the Norfolk-Southern railroad has been applied for in two separate applications to VDOT programs. The Board approved submitting those applications during fall 2013. The total amount requested for the CDBG project would be \$1.4 million with in-kind contributions coming from

the Ferrum Water and Sewerage Authority (\$20,850 in in-kind water line construction inspection) and the County (\$25,000 in in-kind staff time to administer part of the project and the waiving of some permitting fees). No other local match beyond the in-kind contribution of staff time is expected to be required of the County by this grant.

DHCD is most interested in the benefits of the proposed grant activities provided to Low-Moderate Income (LMI) citizens in the project area. The benefits must be either direct to LMI individuals and families (such as housing rehabilitation or new water service) or they must be LMI area benefits, helping all of those in the project area. The project planning area is the Ferrum Census Designated Place (CDP). In the 2010 Census, Ferrum's population was 2,043. The income of a low-moderate income family represents 80% or less of the County's or the State's median family income. In 2010, the median family income for Ferrum was \$34,464 or 46.5% of Virginia's comparable income of \$74,100, and 61% of the Franklin County median family income of \$56,400. Therefore, the Ferrum community represents an LMI income profile and would be an ideal location for the use of CDBG funds.

The proposed project is located in an area of economic and cultural importance to the County and has been recognized in past County Comprehensive Plans as in need of infrastructure and other community improvements. In this project, the County is seeking to fulfill housing, water, public safety, and economic development improvements, fulfilling plans going back to the Ferrum Community Plan of 2000. That plan was advisory for the Board of Supervisors and served to highlight the need for seeking grant funding to provide community improvements.

Specific CDBG grant activities would include a number of varied projects. Public safety-related components include new and improved sidewalks, street lighting, crosswalks, directional signage and streetscape improvements in the uptown and downtown to assist pedestrian safety and connectivity. The Ferrum Water and Sewerage Authority would provide new water service where requested on its lines including a line extension on Rock Hill Road. It would also provide line upgrades to provide fireflow and better pressure in the system, along with redundancy in accessing the source water. The fire protection and pressure improvements for commercial, industrial, residential, and institutional uses will enhance the desirability of the area for new employment. Additionally, a recent windshield survey found 23 to 32 homes that may be in need of/qualify for rehabilitation. Outreach through letters, phoning, and community meetings have strengthened the County's understanding of the needs of the homeowners and their willingness to participate in the program. Approximately \$650,000 of the \$1.4 million budget has been attributed to the housing rehabilitation aspect of the program. The final budget figure and the number of homeowners assisted will be determined by the requirements of DHCD and the number and type of homes that apply for assistance.

If the Board desires to move forward with the project, it will need to approve the submission of a \$1.4 million CDBG CIG grant on behalf of Franklin County to be submitted by March 26, 2014 and to authorize the County Administrator to take all actions necessary to apply for, accept, and implement the CDBG grant, should it be awarded. Also, the Board will need to approve the use of limited County staff time in the administration of the grant as an in-kind contribution of \$25,000.

### **RECOMMENDATION:**

If the Board wishes to proceed with the CDBG Community Improvements Grant (CIG) application for the Ferrum Improvement project, staff humbly recommends:

- Authorize the submission of the CIG application for Ferrum by 5 p.m. on Wednesday, March 26<sup>th</sup> ;
- Approve its matching in-kind contribution of staff work related to the administration of the grant (valued at \$25,000);
- Authorize the County Administrator to take all actions necessary to accept and implement the CDBG grant from VA-DHCD for Ferrum, should it be offered.

FRANKLIN COUNTY  
Board of Supervisors



Franklin County

*A Natural Setting for Opportunity*

EXECUTIVE SUMMARY

**AGENDA TITLE:**

Request to Solicit Proposals for the General Reassessment of all Real Estate situated in Franklin County

**AGENDA DATE:**

**ITEM NUMBER:**  
March 18, 2014

**ACTION:**

**INFORMATION:**

**SUBJECT/PROPOSAL/REQUEST:**

Staff is requesting permission to solicit proposals for the General Reassessment of all real estate situated in Franklin County.

**CONSENT AGENDA: YES**

**ACTION: YES**

**INFORMATION:**

**ATTACHMENTS: YES**

**REVIEWED BY:**

REH

**STAFF CONTACT(S):**

Messrs. Huff, Copenhaver & Mrs. Tudor

**BACKGROUND:**

During recent budget negotiations, consensus was reached that all real estate located in Franklin County should be reassessed every four years instead of every five years. In order to meet the December 31, 2015, deadline for the creation of the Reassessment Book, fieldwork needs to begin in July 2014.

**DISCUSSION:**

A draft of the general reassessment request for proposal is attached for your review. Also included as part of the draft request for proposal is a schedule (front page) showing dates and the necessary tasks that must be accomplished by those dates in order to complete the entire reassessment process by February 16, 2016. \$650,000 has been budgeted in the upcoming fiscal year 2014-2015 budget to pay for the first year's cost of the reassessment process. The total cost of the reassessment is estimated to be \$600,000 total.

**RECOMMENDATION:**

Staff respectfully requests permission to advertise and solicit proposals for the general reassessment of all real estate located in Franklin County.

## REQUEST FOR PROPOSAL

Franklin County, Virginia is accepting written proposals to perform a General Reassessment of Real Property, excluding public service properties, in accordance with Section 58.1-3252 through 58.1-3300 of the Code of Virginia, 1950, as amended.

Pursuant to the Commonwealth's Procurement Law (Section 11-35 through 11-80), Franklin County intends to undertake competitive negotiations with one or more of the firms submitting proposals prior to the award of a contract by the Franklin County Board of Supervisors. Criteria for contract award are stated in the County's RFP and Specifications which may be obtained from either of the 2 offices listed below and/or go to [www.franklincountyva.org/procurement.htm](http://www.franklincountyva.org/procurement.htm) web site.

Margaret Torrence  
Commissioner of Revenue  
(540) 483-3083

Sharon K. Tudor, MMC  
Procurement Specialist  
(540) 483-3032

Sealed Proposals shall be received by Sharon K. Tudor, MMC, Procurement Specialist, 1255 Franklin Street, Suite 111, Rocky Mount, Virginia 24151 by **4:00 P.M., Monday, June 2, 2014. No electronic transmittals will be accepted.**

Franklin County reserves the right to reject any and all proposals or to waive any informalities.

**FRANKLIN COUNTY IS AN EEO EMPLOYER**

-----  
Sharon K. Tudor, MMC  
Procurement Specialist

**PUBLISH**

Sunday, May 4 & 11, 2014 *Roanoke Times & World News*

Friday, May 2, 2014 *Franklin News Post*

Cathy T. - Procurement Web Page

reassessment ad/bos

**COUNTY OF FRANKLIN, VIRGINIA  
REQUEST FOR PROPOSAL  
2016 GENERAL REASSESSMENT**

**I. GENERAL:**

The County of Franklin, Virginia, hereinafter referred to as "*County*", wishes to obtain proposals for the general reassessment of all real estate situated in Franklin County, Virginia in accordance with Section 58.1-3252 through 58.1-3300 of the Code of Virginia, 1950, as amended.

This Request for Proposal is part of a competitive procurement process which helps to serve the County's best interests. It also provides firms with a fair opportunity for their services or goods to be considered. The process of competitive negotiation being used in this case should not be confused with the different process of "*competitive sealed bidding*." Price is not required to be the determinative factor, although it may be, and the County may negotiate with one or more firms to arrive at a mutually agreeable relationship.

**II. GENERAL SPECIFICATIONS**

See Page 3 of this Request for Proposal

**III. ISSUANCE OF REQUEST FOR PROPOSAL AND QUESTIONS:**

The issuing offices for this Request for Proposal are:

Office of Finance  
1255 Franklin Street, Suite 111  
Rocky Mount, VA 24151

Office of the Commissioner of Revenue  
1255 Franklin Street, Suite 102  
Rocky Mount, VA 24151

Any questions concerning this Request for Proposal should be directed to Sharon K. Tudor, MMC, Procurement Specialist (540-483-3032) or Margaret Torrence, Commissioner of the Revenue (540-483-3083). The County will determine whether any addenda should be issued as a result of any questions or other matters.

**IV. PROPOSAL DEADLINE:**

All proposals must be received in the Finance Office, 1255 Franklin Street, Suite 111, no later than **4:00 P.M., Monday, June 2, 2014.**

**V. FORMATION OF THE AGREEMENT WITH THE SELECTED FIRM:**

Franklin County will rank proposals and enter into contract negotiations with the proposer whose professional qualifications and proposed services are deemed to be in the best interest of the County.

An oral presentation may be required before a selection committee. At the oral presentation, the proposer shall be expected to include the personnel who would manage and conduct the Franklin County work.

Evaluation factors which the County will consider shall include, but not be limited to:

1. Experience of the proposer generally, and including any experience in appraising Franklin County properties, and with assessment of all types of property for general reassessment purposes.
2. Experience of the proposer with rural counties and in understanding rural real estate, resort/lake property and associated docks and taxation concerns.
3. Reference checks with other counties similar to Franklin.
4. The County's prior experience with the firm, if any.
5. The appraisal firm will become thoroughly familiar with the County's existing computer capabilities. Any other pc or mini based software the appraisal firm uses must be explained in detail as to how it would interface with the County's existing mini computer system.
6. Overall professionalism of the firm and quality of presentation, as reflected in the firm's proposal.
7. Conformity of the proposal with the County's specifications.
8. Cost of service.
9. The personnel to be assigned to the Franklin County job including appraisers and clerical staff with all assessment records to remain at the office site to be accessible by the Commissioner of Revenue and staff.
10. The Firm's track record on timeliness of work and assurances that it can complete the job on schedule (It is estimated that the successful firm will have to complete field work on assessed value on an average of 100 parcels each day for a 17-month period, e.g. from July 2014 through December 2015).
11. The present work load of the firm, including current staffing capacity to meet existing and projected work load.

**VI. REJECTION OF PROPOSALS:**

1. Franklin County reserves the right to reject any or all proposals, to waive any informalities or irregularities in the proposals received, and to award a contract on a competitive negotiation basis, which is deemed to be in the best interest of Franklin County.

2. Submitted proposals will constitute an offer by the firm, which shall remain open and irrevocable, for a period of ninety (90) days from the deadline for submitting proposals.
3. Provisions governing the selected firm's performance will include all provisions of this Request for Proposals.

**VII. SUBMISSION OF PROPOSALS:**

*Five* (5) complete copies of the proposal must be received in a sealed envelope with "*General Reassessment RFP*", closing date and time clearly marked on the outside.

In addition to referencing the RFP and noting any exceptions thereto, the firm may submit any other information which it feels the County should consider in evaluating the firm's proposal.

Any proposals received after the previously noted deadline will be returned unopened.

**PROPOSAL SPECIFICATIONS  
2016 GENERAL REASSESSMENT  
COUNTY OF FRANKLIN**

**I. Specifications for General Reassessment**

- A. The appraisal firm will provide, carry out, or comply with the following:**
  1. Prepare all appraisals in keeping with good appraisal practice and Virginia Code for a general reassessment project.
  2. Appraisals shall be based on a thorough study of actual market sales and construction costs in Franklin County. The appraisal firm will conduct this study prior to beginning any field appraisals.
  3. The firm will develop a local manual for use during the general reassessment and provide a minimum of two copies to the Commissioner of Revenue for subsequent use after the reassessment is complete. The manual will specify, in summary form, the cost of pricing analysis determined in Item 2 above. Should the County decide to use a computer-assisted program, then said manual must set forth all coding and any other data needed and/or to be used during the implementation of the computer-assisted appraisal system.
  4. The appraisal firm will visit each property including manufactured or mobile homes prior to making a market value appraisal. This requirement is most important and must not be circumvented.

5. All tax-exempt property will be appraised on the same basis and in the same detail as taxable property. On all County-owned property, a summary of values and/or replacement costs on buildings will be provided to the office of the County Administrator.
6. Only qualified personnel (Certified Appraisers), subject to the approval of the Commissioner of the Revenue and/or County Administrator will be assigned to conduct appraisals. If, for any reason during the reassessment, any member of the firm's staff is deemed to be unacceptable to the County, said employee will immediately be removed from the project.
7. All actual appraisals will be conducted by a qualified appraiser.
8. Where existing field cards show building sketches, these will be verified for accuracy in the field. Where no sketches exist, they will be developed from actual field measurements and entered in the County's computer system. The appraisal firm will make every effort to collect any descriptive data not presently shown on the County field cards. Additional data or corrections of existing data will also be entered on the computer system. New square footage to be calculated on all parcels.
9. When each property is visited, if no one is available to answer questions, a doorknob hanger will be left to notify the resident and to request any additional information necessary to perform the appraisal.
10. If the appraiser is refused admittance or information on any property, this will be so noted on the field cards and the property will be appraised based on the best information available.
11. To promote good public relations, the appraisal firm will provide speakers to County groups requesting information on aspects of the reassessment program.
12. After completion of the appraisal work, and at a time agreed to by the firm and the County, public hearings will be held over a two-week minimum period, and appraisers will be available at all hearings to provide information and/or reviews of appraisals, when requested by owners. A minimum of eight (8) hearings, including at least two (2) evening sessions, will be scheduled.
13. The appraisal firm will assist the Board of Equalization, as needed or requested, in review of appraisals and property, up to ten (10) working days, or as otherwise needed.

14. If an assessment is appealed to the Courts, the appraisal firm will furnish a competent witness to the County, without additional charge, until the next General Reassessment.
15. The appraisal firm will provide a per parcel price based on an estimate of 42,179 parcels.
16. The appraisal firm will carry workers' compensation and public liability insurance, designed to hold Franklin County and its officials harmless from all claims, demands, suits, or actions, recovered against them by reason of any act by any employee or equipment of the appraisal firm during the reassessment process. Certificate of coverage will be provided to the County prior to the start of field work.
17. The appraisal firm will provide resumes to the County of all professional appraisers to be assigned to work in the County, as well as documentation of the firm's qualifications and prior experience.
18. The appraisal firm will supply all appraisal personnel and appraisers' supplies, such as calculators, measuring devices, etc. All expenses, such as FICA, unemployment, travel, lodging, meals, etc., will be paid for by the appraisal firm. Under no circumstances are the appraisal firm's employees to be considered as employees of Franklin County.
19. All property appraisals will be at 100 per cent fair market value, as required by the Virginia Code.
20. Appraisal office work, other than incidental, will be performed at the office facilities provided by the County, and appraisal personnel will be generally accessible to the Commissioner of the Revenue and the public, when necessary.
21. The successful firm shall produce a suitable assessment record card, which shall be jointly designed by the firm and the County and an accumulative assessment book, detailing each parcel in the County.
22. The County shall produce a listing of all manufactured or mobile homes, including the manufacturer, model, year size, condition, owner, location (by tax map and parcel number), and the firm shall assess each such manufactured or mobile home and data entry.
23. The appraisal firm will assess all new construction on building permits or other new construction. Prior to beginning work on the reassessment guidelines the assessment of new construction (*prior to the end of December 2015 the selected appraisal firm will provide on all active permits a current fair market value*) will be worked out between the

appraisal firm, the Commissioner of Revenue and the County Administrator.

24. The firm shall be responsible for the purchasing and printing of the reassessment cards.
25. The firm shall be responsible for the purchasing, printing and the mailing costs associated with the reassessment notices.
26. The response to the RFP should include how the firm will utilize the Pictometry technology to benefit the County and achieve associated cost savings. Given that item 4 requires a physical visit to each property, Pictometry may not in any way be used to assess property without the physical visit taking place.
27. All citizens who appear before the Board of Assessors should receive a notice within a 10 day period after the closing of the scheduled and advertised hearings, as to the finding of the Board of Assessors regardless of whether a change is made or not.
28. The selected firm will have a ratio study completed by the conclusion of the general reassessment. Qualifying sales for the months of December 2015, January and February 2016 shall be used to comply with the Dept. of Taxation requirements.
29. The selected firm will be responsible for adding missed pictures of dwellings, taking pictures of all new construction as well correcting any errors of existing pictures.

**B. Franklin County will provide:**

1. Office facilities, desks, tables, chairs, telephone, and filing cabinets. A copier/duplex printer to print field sheets that will display the picture of the dwelling.
2. All computer support services, forms, Reassessment Book, comparative listings, etc.
3. Access to County GIS System, including 2011 VGIN Aerial Photography, available on-line. Pictometry is available.
4. Tax maps in data form or paper.

**C. Schedule of work proposed:**

1. Work should begin on or about *Monday, July 7, 2014*, and be completed by *December 31, 2015*, including hearings and completion of the Reassessment Book.

**D. Payment:**

1. Invoices will be submitted monthly to the County, as directed, after work is commenced, up to 90 percent of the contract amount, with a 10 percent retainage, as a performance guaranty. The amount of the invoices shall be based on the amount of work completed in the previous calendar month, which shall be stated on the invoice. The retainage will be payable upon delivery of all appraisal work and completion of the public hearings.

# *WORK SCHEDULE FOR COMPLETION*

## *REASSESSMENT EFFECTIVE JANUARY 1<sup>ST</sup>, 2016*

<i>NO.</i>	<i>TASK OR STEP</i>	<i>RESPONSIBLE PARTY</i>	<i>TARGET DATE</i>
1	Decision to conduct next reassessment effective 1/1/2016	Board of Supervisors	March 18, 2014
2	Authorization to send out Reassessment RFP	Board of Supervisors	March 18, 2014
3	RFP distributed/Selection of Interview Panel	County Administrator	March 21, 2014
4	Accept Reassessment Proposals	Procurement	June 2, 2014
5	Conduct Interviews	Panel	June 6-9 2014
6	Recommendation to Board	Panel	June 17, 2014
7	Contract Negotiations	Huff, Torrence, & Jefferson	June 19, 2014
8	Authority to Award Contract & Notice to Proceed	Board of Supervisors	June 19, 2014
9	Sales Ratio Study Completed	Assessors	July 15, 2014
10	Office Established	County Administrator & Finance Director	July 7, 2014
11	Field Assessment Begins	Assessors	July 7, 2014
12	Field Work Completed	Assessors	September 30, 2015
13	Reassessment Notices Mailed	Assessors	November 5, 2015
14	Reassessment Hearing Started	Assessors	November 10, 2015
15	Reassessment Hearings Completed	Assessors	December 1, 2015
16	Equalization Board Created	Board of Supervisors	December 16, 2015
17	Sign off on Reassessment Book	Commissioner of Revenue	December 31, 2015
18	Equalization Board Hearings Begin	Board of Equalization	January 13, 2016
19	Equalization Board Hearings Completed	Board of Equalization	January 30, 2016
20	Estimate Final Assessed Values Report to Board	County Administrator	February 16, 2016

Reassessment Schedule Table 1/2016/reass

**RECREATION COMMISSION MEMBERS  
AS OF 12-17-2013  
3-YEAR TERMS**

**Recreation Advisory Commission Members (RAC)**

The objective of the RAC shall be to function as an advisory body to the Franklin County Department of Parks and Recreation and the Franklin County Board of Supervisors. Granted in February of 1994, the Franklin County Board of Supervisors passed legislation to allow the operational structure of the Parks and Recreation Department to be jointly administered in the following capacity:

- By recommending the establishment of relevant policies for the development and enhancement of recreational programs and park facilities.
- By assisting the Department and the Board in improving relationships between the community and the Department through civic, business, and other community representatives within their respective districts.
- By providing an additional resource for evaluating existing and proposed Departmental programs and facilities.
- By assisting the Director in development of strategic plans for implementation of long-term goals and objectives to meet anticipated community needs.
- By providing the Director with general advice on the operation and implementation of both programming and recreational facilities.

Each member of the RAC shall be appointed by the Board and shall be elected in the following manner: one (1) member shall be appointed from each electoral district; provided that one (1) member shall be appointed at large; irrespective of his/her residence within any particular electoral district. The Board may modify the requirement for appointment by electoral district for original appointments to the RAC. The RAC meets once a month (the Thursday after the month's first Tuesday.)

Mr. George P. Martin, II 3768 Snow Creek Road Martinsville, Virginia 24112	(Unexpired Term of F. Witcher) <b>SNOW CREEK DISTRICT</b>	6/30/2015
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Reba Dillon 6051 Burnt Chimney Road Wirtz, Virginia 24184	<b>GILLS CREEK DISTRICT</b>	6/30/2014
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Mr. Al Flora (Unexpired term of Jonathan Crutchfield) 695 Dugwell Road Boones Mill, VA 24065	<b>BLACKWATER DISTRICT</b>	6/30/2016
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Brenda Perdue 1092 Big Oak Lane Wirtz, Virginia 24154 719-0799	<b>UNION HALL DISTRICT</b>	6/30/2015
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Frank Chrzanowski (Unexpired term of Rick Arrington) 12-17-2013 13400 Booker T. Washington Hwy. Moneta, Virginia 24121 721-2868	<b>BOONE DISTRICT</b>	6/30/2015
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Kay Saleeby (Unexpired term of Doug Beatty)  
85 Forest Hill Road  
Rocky Mount, Virginia 24151  
483-1678

**ROCKY MOUNT DISTRICT** 6/30/2014

Mr. Gary Holden  
110 Dusty Hill  
Ferrum, VA 24088

**BLUE RIDGE DISTRICT** 6/30/2014

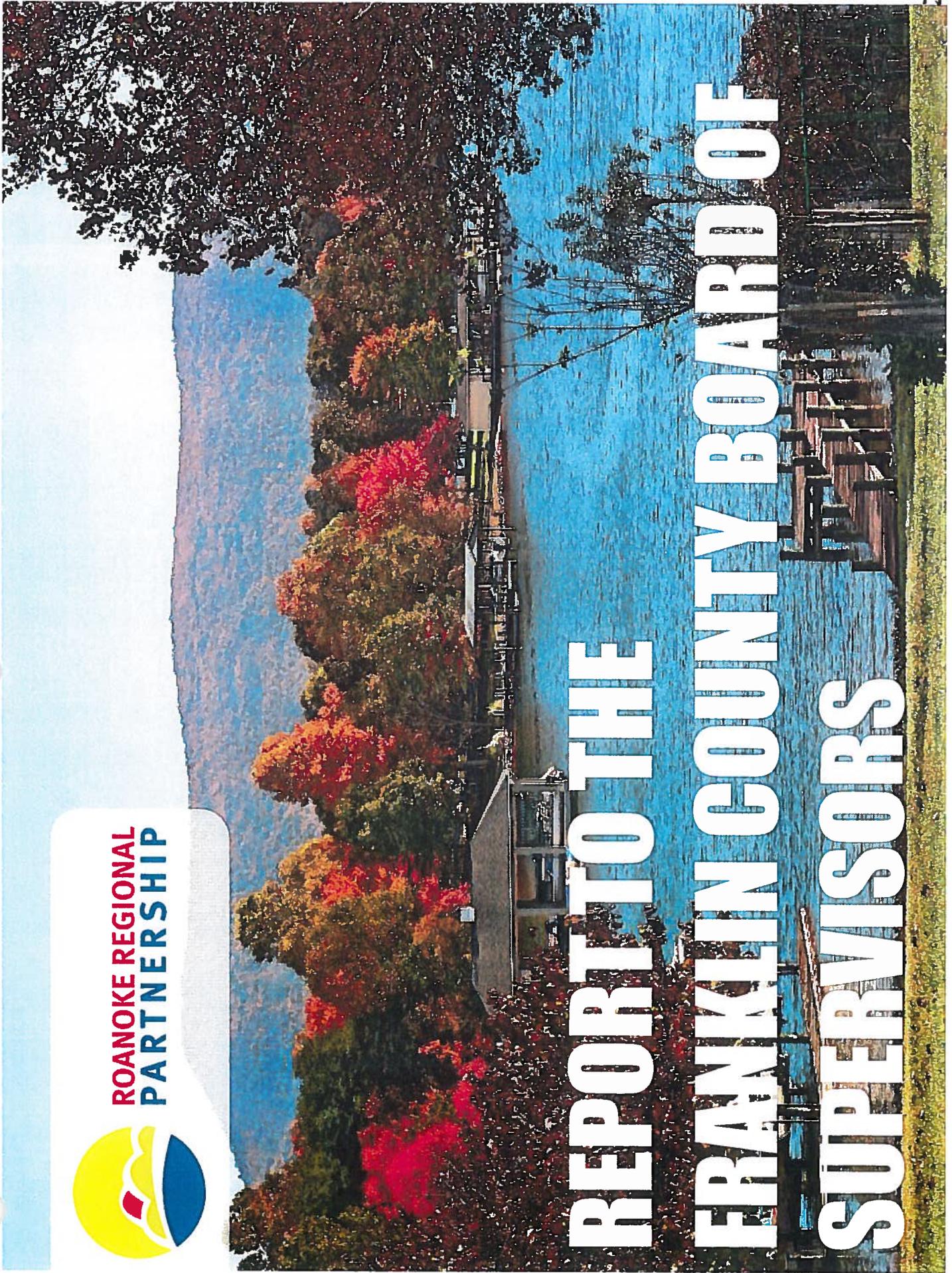
Jessica Gawor  
245 Farmington Road  
Hardy, Virginia 24101  
(Unexpired term of Kay Saleeby)

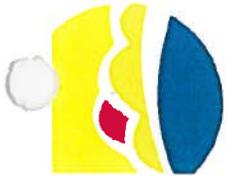
**AT LARGE MEMBER** 6/30/2016



**ROANOKE REGIONAL  
PARTNERSHIP**

# REPORT TO THE FRANKLIN COUNTY BOARD OF SUPERVISORS



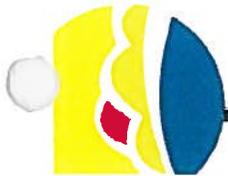


**ROANOKE REGIONAL  
PARTNERSHIP**

[www.roanoke.org](http://www.roanoke.org)

# Information Requests by Year





**ROANOKE REGIONAL  
PARTNERSHIP**

[www.roanoke.org](http://www.roanoke.org)

# Inquiries by Year

206

2010

262

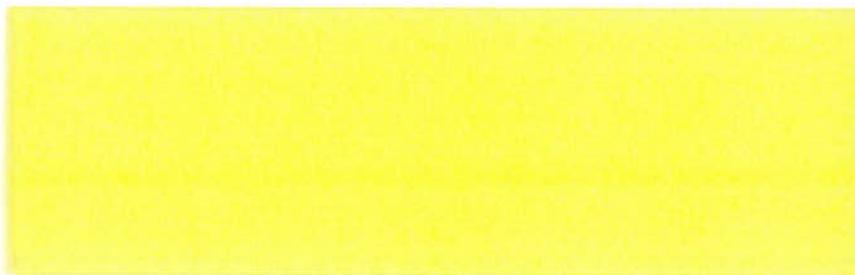
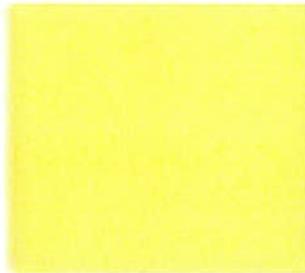
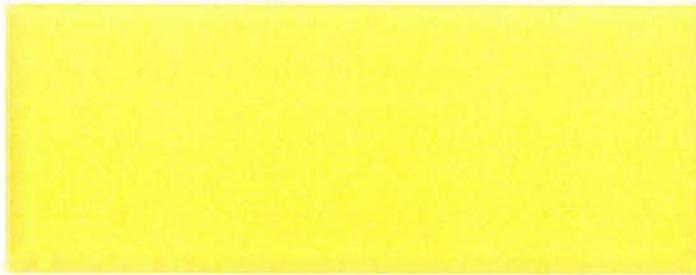
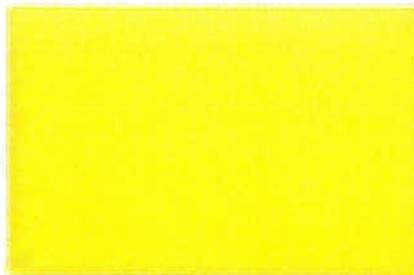
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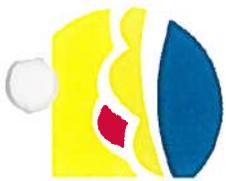
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2012

297

2013

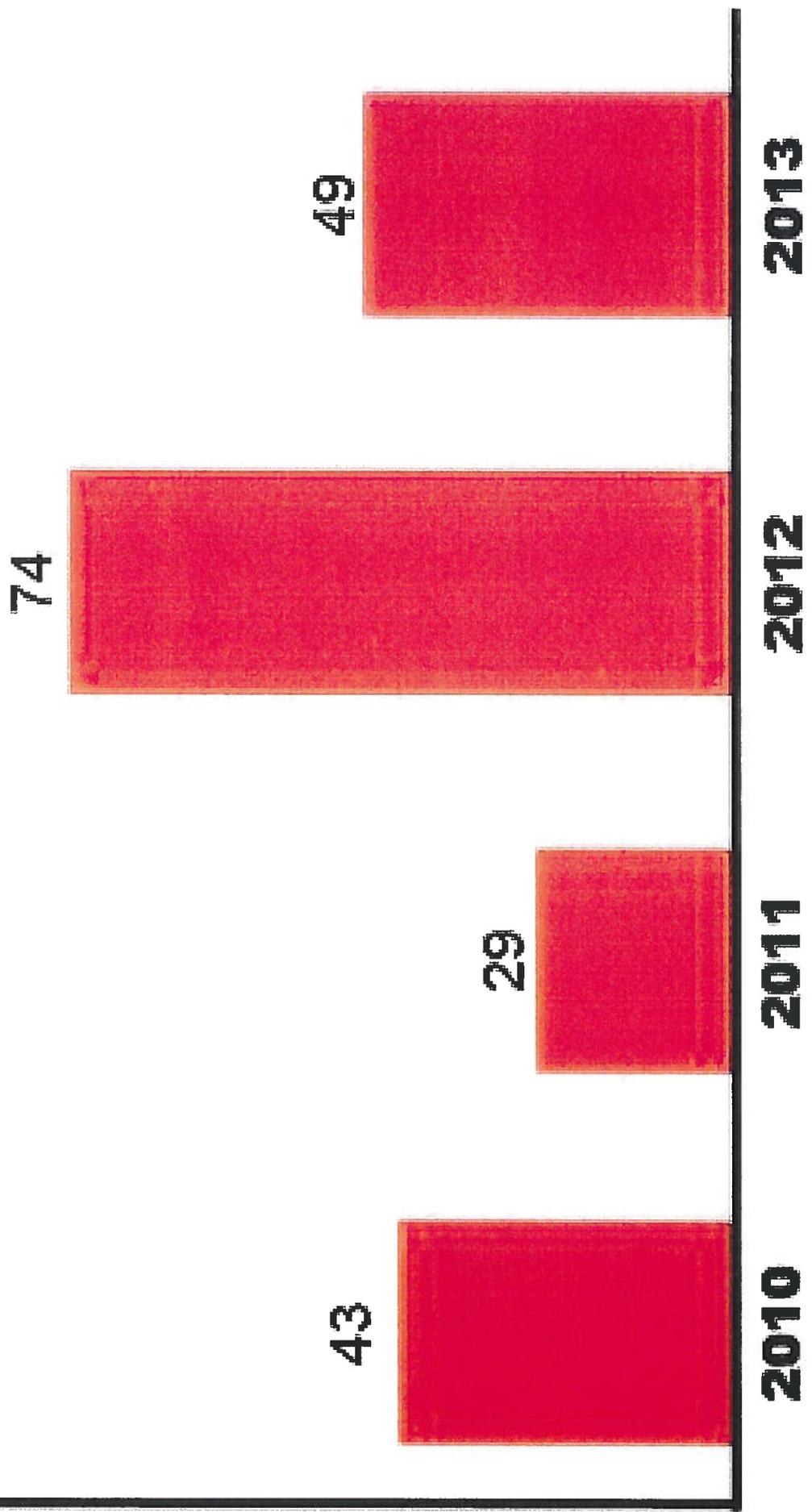


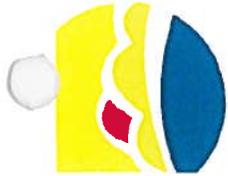


**ROANOKE REGIONAL  
PARTNERSHIP**

[www.roanoke.org](http://www.roanoke.org)

# Projects by Year



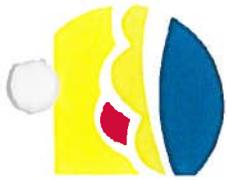


**ROANOKE REGIONAL  
PARTNERSHIP**

[www.roanoke.org](http://www.roanoke.org)

# Prospects by Year

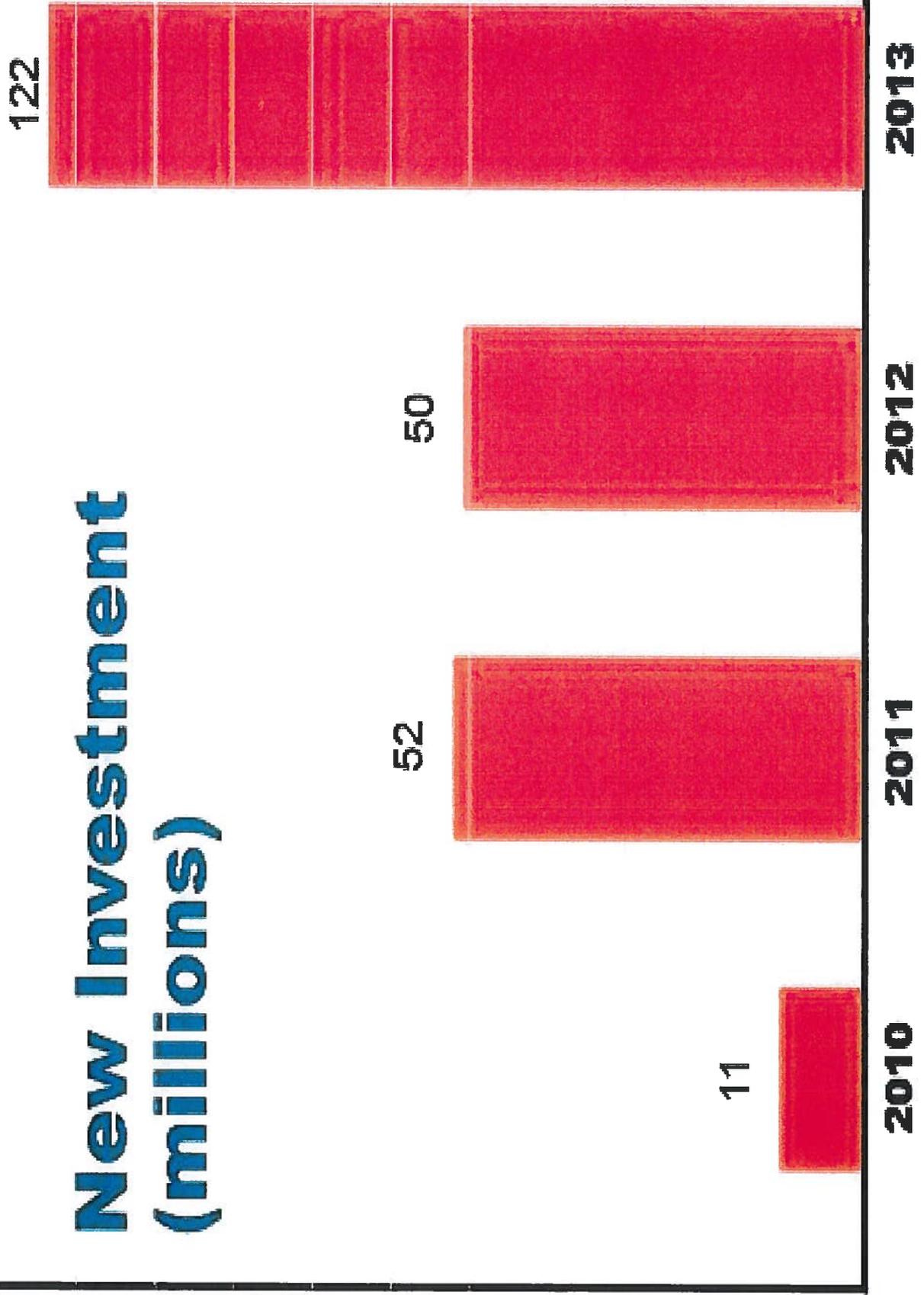


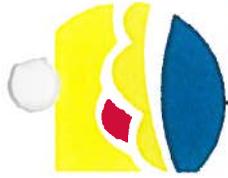


**ROANOKE REGIONAL  
PARTNERSHIP**

[www.roanoke.org](http://www.roanoke.org)

## **New Investment (millions)**



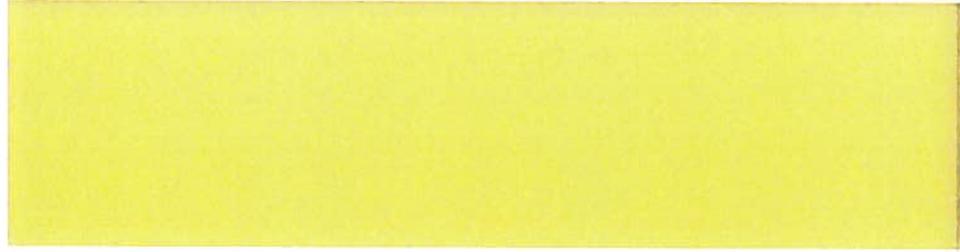


**ROANOKE REGIONAL  
PARTNERSHIP**

# New Jobs by Year

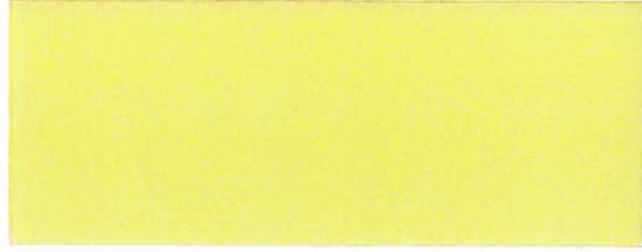
[www.roanoke.org](http://www.roanoke.org)

863



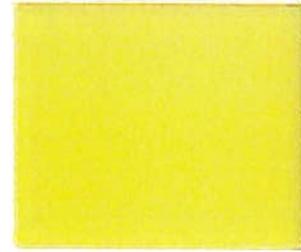
2011

549



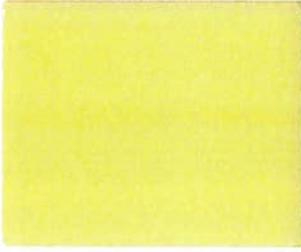
2012

272

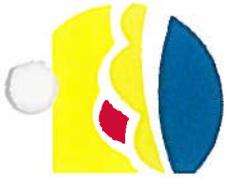


2010

296



2013

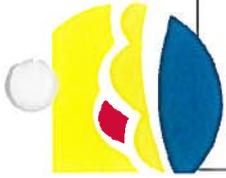


**ROANOKE REGIONAL  
PARTNERSHIP**

[www.roanoke.org](http://www.roanoke.org)

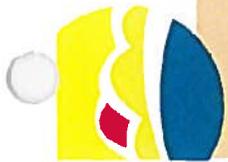
# 2013 COMPLETED DEALS

Project	Jobs	Investment (millions)
Ardagh Group	96	\$93
Windsor-Aughtry	50	\$17
Tecton*	47	\$1.3
Virginia Transformer*	30	\$5
Capco*	30	\$4.2
Canline Systems	25	\$1
River Rock Climbing Gym	10	N/A
Farmer Auction & Appraisals	5	N/A
Roberts Oxygen	3	N/A
<b>TOTAL</b>	<b>296</b>	<b>\$122,000,000</b>



# SITE REQUESTS



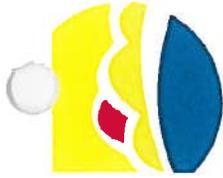


**ROANOKE REGIONAL  
PARTNERSHIP**

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# REGIONAL AUTHORITY

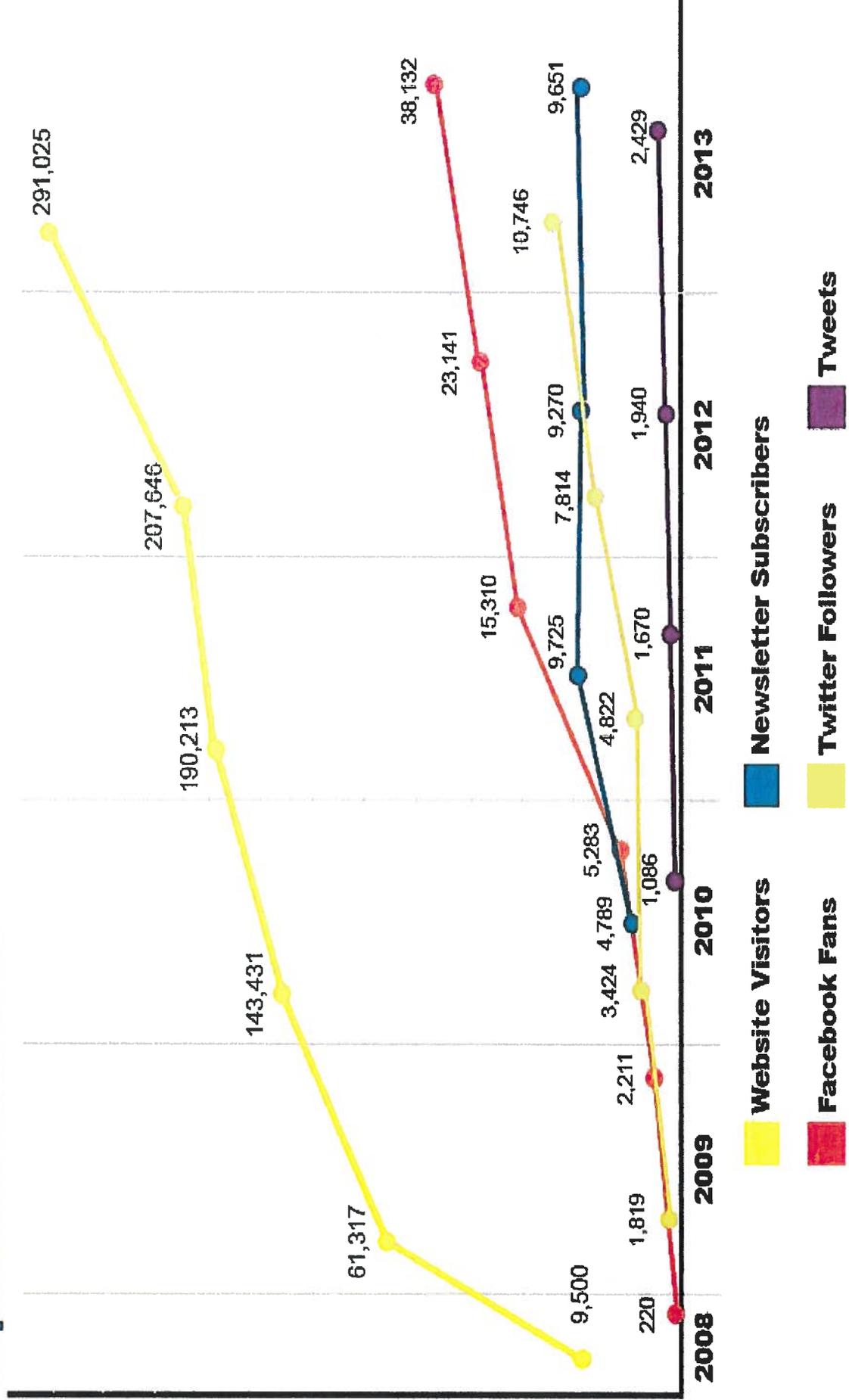


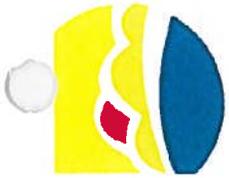


**ROANOKE REGIONAL  
PARTNERSHIP**

[www.roanoke.org](http://www.roanoke.org)

## Reaching an Expanded Audience

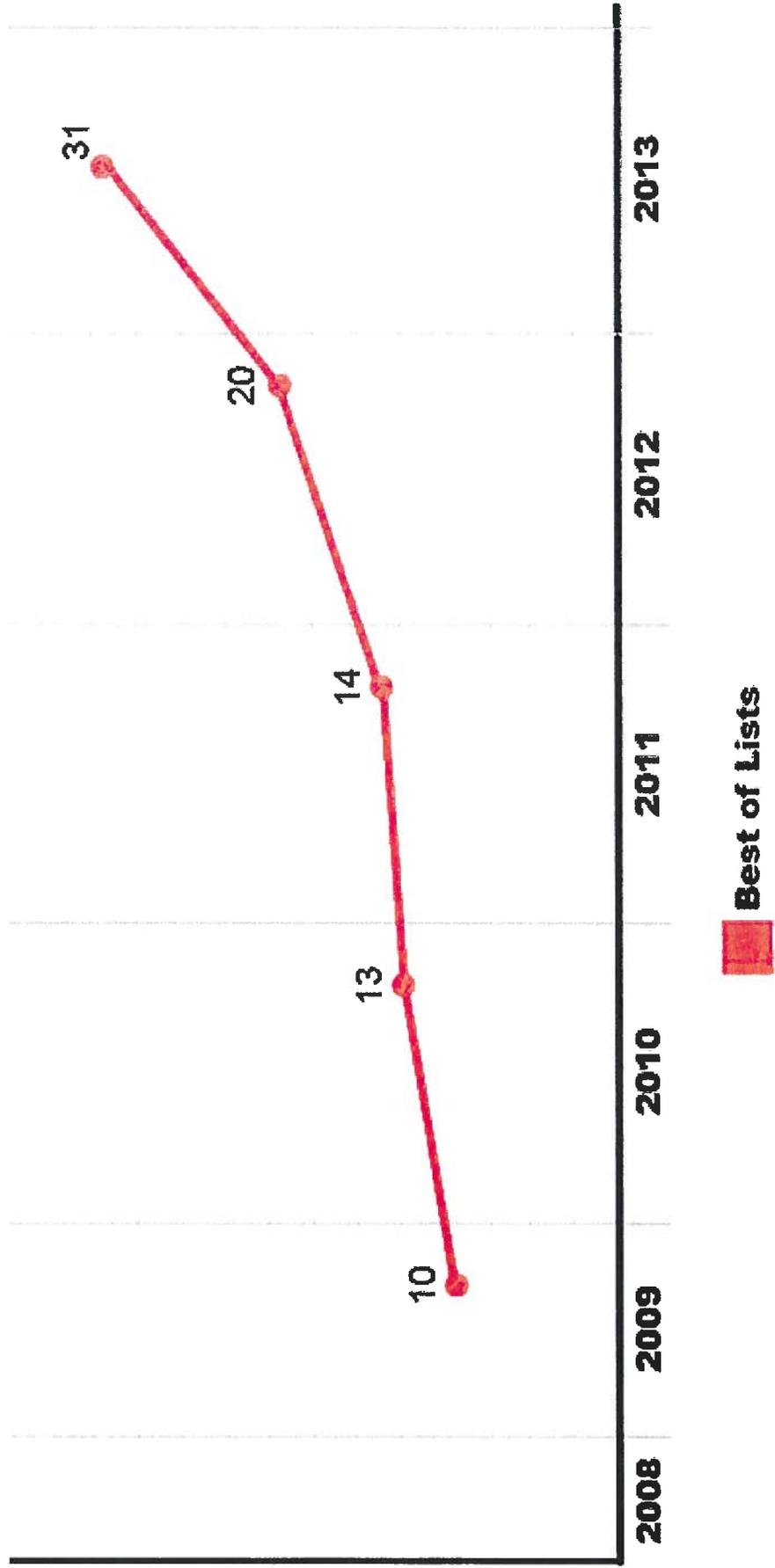


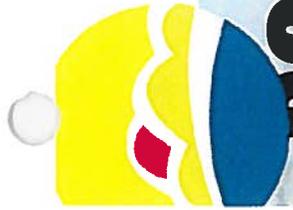


**ROANOKE REGIONAL  
PARTNERSHIP**

[www.roanoke.org](http://www.roanoke.org)

# GETTING ATTENTION





**ROANOKE  
OUTSIDE  
FOUNDATION**

[www.roanoke.org](http://www.roanoke.org)

# ROANOKE OUTSIDE FOUNDATION



- Focus on outdoor brand building
- Focus public sector funding on economic development
- Health and education
- Revenue generating activities



[www.roanokeoutside.com](http://www.roanokeoutside.com)

# Google grants

**\$120,000/year in  
Google Adwords**

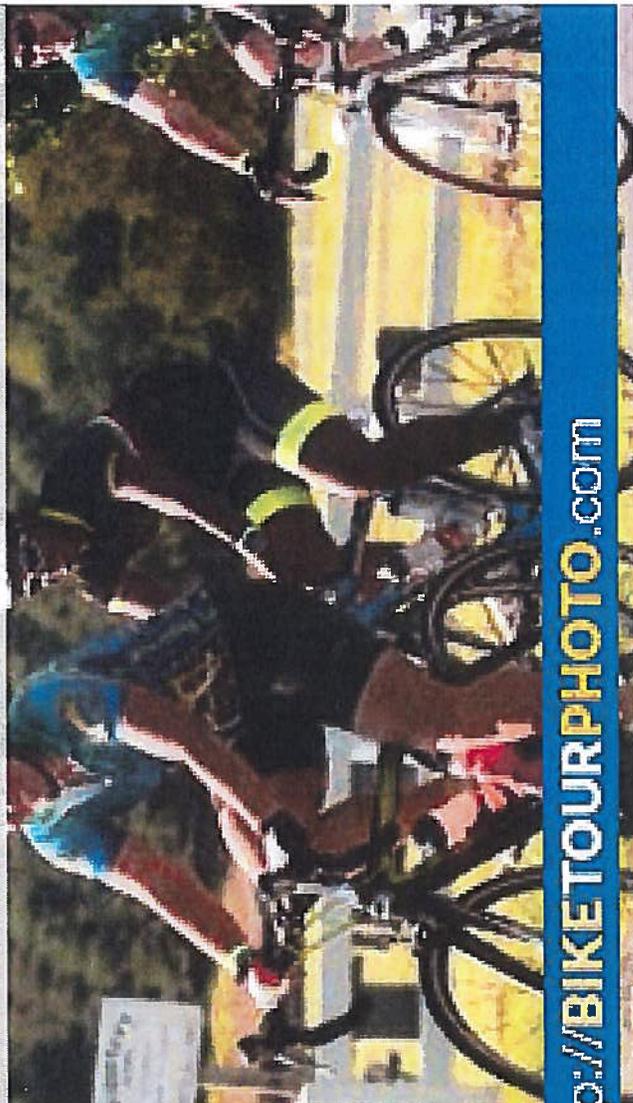


**ROANOKE  
OUTSIDE  
FOUNDATION**

BICYCLING ADVENTURE

**Bike  
Virginia  
TOUR**

[www.roanokeoutside.com](http://www.roanokeoutside.com)



<http://BIKETOURPHOTO.COM>

# YTD 2013 COMPLETED EVENTS

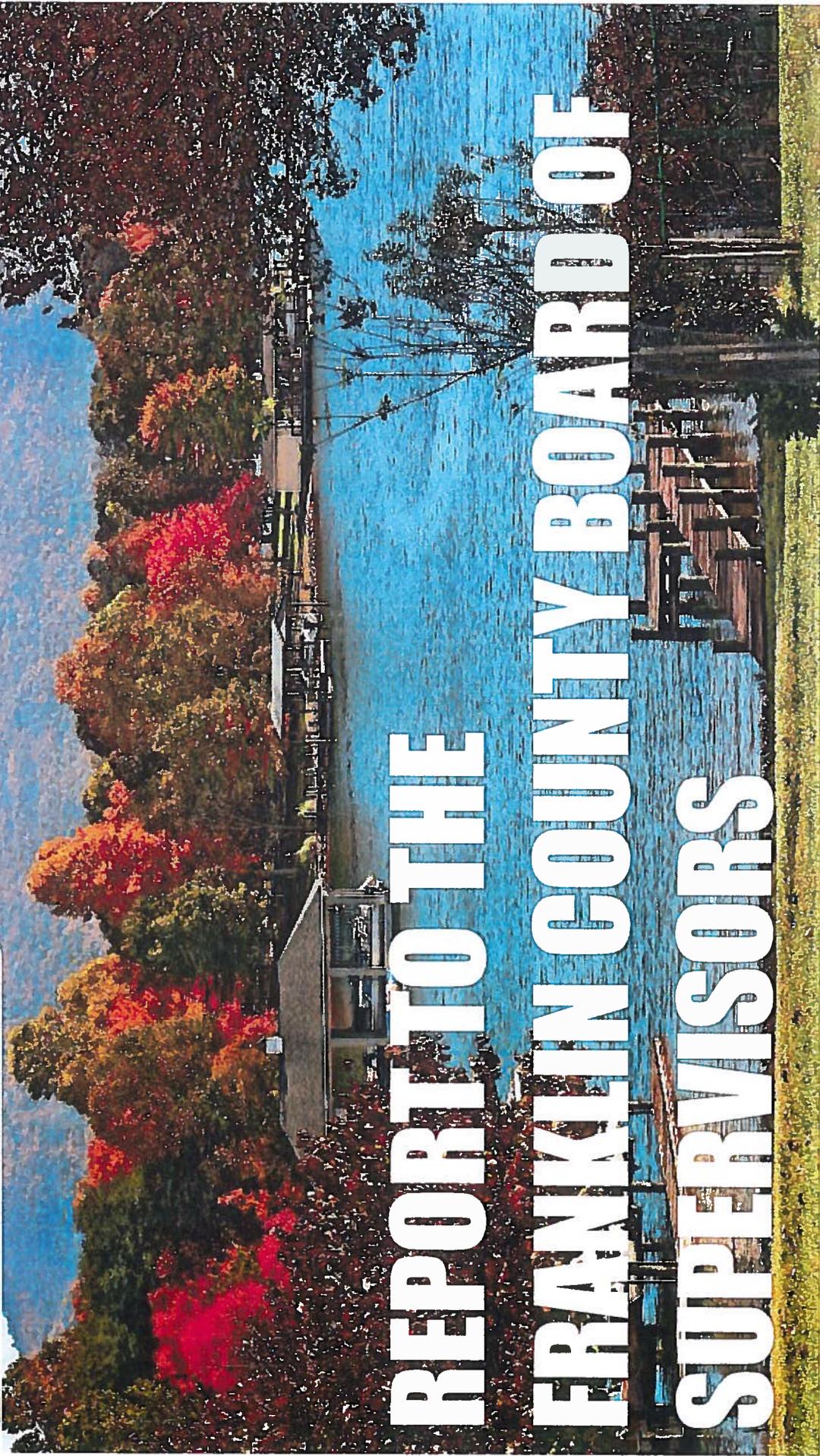
**Estimated Economic Impact:  
\$1 million**

- Blue Ridge Marathon
- GoFest
- Dirty Girl
- Bike Virginia



**ROANOKE REGIONAL  
PARTNERSHIP**

# REPORT TO THE FRANKLIN COUNTY BOARD OF SUPERVISORS





Demographics for the Roanoke Valley-Alleghany Region

	Alleghany County	Botetourt County	City of Covington	Craig County	Franklin County	City of Roanoke	Roanoke County	City of Salem	Virginia State
<b>Population</b>									
Population, 2013 estimate(c) -Weldon Cooper Center	15,961	33,423	8,259	5,305	56,574	98,913	92,703	25,274	8,260,405
Population, 2012 estimate -US Census	16,230	33,154	5,771	5,213	56,411	97,469	92,901	24,970	8,186,628
Population, 2010 (April 1) estimates base	16,250	33,148	5,961	5,190	56,159	96,922	92,486	24,802	8,001,031
Population, percent change, April 1, 2010 to July 1, 2013 (c)	-1.8%	0.8%		2.2%	0.7%	2.1%	0.2%	1.9%	3.2%
Population, percent change, April 1, 2010 to July 1, 2012	-0.1%	Z	-3.2%	0.4%	0.4%	0.6%	0.4%	0.7%	2.3%
Persons under 5 years, percent, 2012	4.6%	4.2%	5.8%	4.9%	5.1%	7.2%	4.8%	5.0%	6.2%
Persons under 18 years, percent, 2012	20.4%	21.3%	21.3%	20.8%	20.0%	21.8%	21.0%	19.9%	22.7%
Persons 65 years and over, percent, 2012	22.6%	18.2%	18.2%	20.0%	19.4%	14.4%	18.5%	18.8%	13.0%
Female persons, percent, 2012	51.2%	50.6%	51.0%	50.4%	50.7%	52.1%	52.2%	52.2%	50.9%
<b>Race</b>									
White alone, percent, 2012 (a)	93.2%	94.7%	83.9%	98.5%	89.5%	66.1%	89.8%	88.9%	71.1%
Black or African American alone, percent, 2012 (a)	4.9%	3.2%	13.1%	0.3%	8.3%	28.9%	5.4%	7.3%	19.7%
American Indian and Alaska Native alone, percent, 2012 (a)	0.2%	0.3%	0.3%	0.2%	0.5%	0.4%	0.2%	0.3%	0.5%
Asian alone, percent, 2012 (a)	0.3%	0.6%	0.6%	0.1%	0.5%	1.9%	3.0%	1.9%	6.0%
Native Hawaiian and Other Pacific Islander alone, percent, 2012 (a)	0.1%	Z	0.0%	0.0%	0.1%	0.1%	Z	Z	0.1%
Two or More Races, percent, 2012	1.3%	1.1%	2.0%	0.8%	1.2%	2.7%	1.5%	1.5%	2.6%
Hispanic or Latino, percent, 2012 (b)	1.4%	1.4%	2.2%	0.9%	2.6%	5.7%	2.4%	2.9%	8.4%
White alone, not Hispanic or Latino, percent, 2012	92.0%	93.6%	82.0%	98.0%	87.3%	61.6%	87.7%	86.6%	64.1%
<b>Housing, Education and Income</b>									
Living in same house 1 year & over, percent, 2008-2012	89.9%	92.9%	74.9%	82.3%	86.9%	80.7%	86.8%	81.7%	84.7%
Foreign born persons, percent, 2008-2012	1.9%	1.9%	1.2%	0.3%	2.8%	6.5%	5.1%	5.2%	11.1%
Language other than English spoken at home, per age 5+, 2008-2012	2.1%	2.3%	2.8%	1.7%	3.1%	8.3%	6.9%	6.7%	14.7%
High school graduate or higher, percent of persons age 25+, 2008-2012	82.9%	90.1%	78.2%	89.1%	82.2%	82.2%	90.4%	88.1%	86.9%
Bachelor's degree or higher, percent of persons age 25+, 2008-2012	16.1%	22.70%	8.5%	14.1%	17.9%	22.9%	32.6%	30.0%	34.7%
Veterans, 2008-2012	1,475	3,185	726	624	4,860	7,631	8,908	2,303	734,151
Mean travel time to work (minutes), workers age 16+, 2008-2012	24.5	26.3	22.3	31.9	28.3	18.6	20.3	17.3	27.5
Housing units, 2012	8,052	14,625	3,049	2,877	29,392	47,257	40,299	10,821	3,398,286
Homeownership rate, 2008-2012	82.0%	87.5%	68.7%	85.5%	77.7%	55.7%	76.2%	67.1%	67.8%
Housing units in multi-unit structures, percent, 2008-2012	7.8%	4.9%	9.2%	2.7%	8.2%	33.0%	17.5%	22.2%	21.5%
Median value of owner-occupied housing units, 2008-2012	\$117,700	\$215,500	\$65,600	\$153,900	\$164,300	\$134,300	\$195,700	\$170,400	\$249,700
Households, 2008-2012	6,851	12,822	2,584	2,073	23,552	42,644	37,676	9,953	3,006,219
Persons per household, 2008-2012	2.33	2.55	2.27	2.48	2.32	2.22	2.39	2.31	2.59
Per capita money income in past 12 months (2012 dollars), 2008-2012	\$23,680	\$30,137	\$20,055	\$21,826	\$23,991	\$23,381	\$31,666	\$26,699	\$33,328
Median household income, 2008-2012	\$46,133	\$68,053	\$36,067	\$47,691	\$45,049	\$38,265	\$61,686	\$47,776	\$83,636
Persons below poverty level, percent, 2008-2012	10.5%	6.7%	21.3%	8.3%	14.4%	21.1%	6.2%	12.5%	11.1%
<b>Employment and Business</b>									
People in Labor Force-December 2013(d)	6,747	17,584	2,581	2,489	28,439	47,628	49,318	13,007	4,205,533
Unemployed-December 2013(d)	431	771	231	135	1313	2781	2139	649	203,510
Unemployment Rate-December 2013(d)	6.4%	4.4%	9.0%	5.4%	4.6%	5.8%	4.3%	5.0%	4.8%
Unemployment Rate-November 2013 (d)	6.4%	4.5%	8.8%	5.3%	4.7%	6.1%	4.5%	5.4%	5.0%
Unemployment Rate-2012(d)	7.4%	5.4%	9.5%	6.8%	5.9%	7.3%	5.2%	5.9%	5.9%
<b>Establishments</b>									
Private nonfarm establishments, 2011	231	727	237	55	1,121	3,133	2,061	965	191,063
Private nonfarm employment, 2011	2,284	9,198	3,525	372	10,865	63,068	29,965	18,412	3,029,030
Private nonfarm employment, percent change, 2010-2011	-3.4%	5.0%	-3.5%	-3.9%	-2.0%	0.1%	-1.4%	-1.1%	1.0%
Nonemployer establishments, 2011	658	2,251	238	285	3,708	5,264	5,398	1,462	521,053
<b>Ownership</b>									
Total number of firms, 2007	846	2,815	402	280	5,094	7,102	7,222	2,121	638,643
Black-owned firms, percent, 2007	F	S	F	F	5.0%	8.5%	S	S	9.9%
American Indian- and Alaska Native-owned firms, percent, 2007	F	F	F	F	F	F	F	F	0.5%
Asian-owned firms, percent, 2007	F	S	F	F	S	4.7%	3.3%	2.9%	7.0%
Native Hawaiian and Other Pacific Islander-owned firms, percent, 2007	F	F	F	F	F	F	F	F	0.1%
Hispanic-owned firms, percent, 2007	F	F	S	F	S	S	0.9%	S	4.5%
Women-owned firms, percent, 2007	41.4%	28.6%	S	S	23.8%	25.9%	30.0%	21.2%	30.1%
<b>Sales and Production</b>									
Manufacturers shipments, 2007 (\$1000)	D	883,879	D	0	D	1,582,354	896,071	984,033	92,417,797
Merchant wholesaler sales, 2007 (\$1000)	2,179	D	13,015	D	473,610	2,233,606	504,679	621,187	60,513,396
Retail sales, 2007 (\$1000)	123,147	247,811	104,599	15,771	444,514	2,039,763	835,853	537,832	105,663,299
Retail sales per capita, 2007	\$7,491	\$7,661	\$16,849	\$3,085	\$8,657	\$21,922	\$9,281	\$21,445	\$13,687
Accommodation and food services sales, 2007 (\$1000)	11,029	D	D	D	40,310	267,171	112,694	67,944	15,340,483
Building permits, 2012	15	74	3	5	131	43	149	26	27,278
<b>Geography</b>									
Land area in square miles, 2010	445.46	541.2	5.47	329.53	690.43	42.56	250.52	14.44	39,490.09
Persons per square mile, 2010	36.5	61.2	1,090.2	15.7	81.3	2,279.8	368.7	1,717.9	202.6

(a) Includes persons reporting only one race  
(b) Hispanics may be of any race  
(c) Weldon Cooper Center for Public Service Estimate for July 1, 2013  
(d) Virginia Employment Commission  
FN Footnote on this item for this area in place of data  
NA Not available  
D Suppressed to avoid disclosure of confidential information  
X Not applicable  
S Suppressed, does not meet publication standards  
Z Value greater than zero but less than half unit of measure shown  
F Fewer than 100 firms  
Primary Source: US Census Bureau State & County QuickFacts

**Demographic Trends in the West Piedmont Planning District, 2010—2012**

	Franklin County		Henry County		Patrick County		Pittsylvania County		City of Danville		City of Martinsville		WPPDC	
	2010	2012	2010	2012	2010	2012	2010	2012	2010	2012	2010	2012	2010	2012
<b>Population</b>														
Total population	56,159	56,012	54,151	53,971	18,490	18,513	63,506	63,318	43,055	43,185	13,821	13,854	249,182	248,853
Median age	44.1	44.3	44.7	44.5	46.8	46.1	44.2	44.3	42.6	42.7	43.6	44.1	43.2	44.1
Percent White	88.5	89.8	72.9	74.9	91.1	92.5	75.5	75.2	47.7	47.8	49.9	49.1	72.8	73.5
Percent Black or African-American	8.1	8.6	21.9	21.8	5.9	6.8	22.1	21.8	48.3	48.3	45.0	44.3	23.5	23.6
Percent Asian	0.4	0.3	0.4	0.5	0.2	0.0	0.3	0.3	0.9	1.0	0.9	1.1	0.5	0.5
Percent Hispanic or Latino	2.5	2.5	4.7	4.8	2.4	2.4	2.1	2.1	2.9	2.9	4.0	4.0	3.0	3.1
<b>Educational Attainment</b>														
Percent High School Graduate*	37.0	35.0	33.5	35.2	36.8	34.6	35.9	34.8	29.9	29.1	30.4	29.0	34.3	33.6
Percent Some college, no degree*	21.2	22.1	19.0	19.7	18.6	21.7	19.8	20.8	21.1	22.5	20.1	22.7	20.1	21.3
Percent Associate's Degree*	6.6	7.1	8.9	9.5	9.2	9.3	7.5	8.5	8.7	9.1	7.4	9.6	8.0	8.6
Percent Bachelor's Degree	9.5	11.9	7.1	7.6	7.3	6.6	8.8	9.4	10.0	10.0	13.6	10.9	8.9	9.5
Percent Graduate or Professional Degree*	5.7	6.1	3.8	3.7	2.3	2.8	4.0	4.5	6.1	6.5	6.8	7.0	4.7	5.0
Percent high school graduate or higher*	79.9	82.2	72.3	75.6	74.1	75.0	76.0	77.9	75.8	77.2	78.3	79.2	76.0	78.1
Percent bachelor's degree or higher*	15.2	17.9	10.9	11.2	9.5	9.4	12.8	13.9	16.2	16.4	20.4	17.9	13.7	14.5
<b>Labor Force/Employment</b>														
In labor force*	26,716	26,988	25,749	25,065	8,476	8,256	30,745	31,014	20,452	19,865	6,368	6,072	118,506	117,260
Not in labor force*	18,029	19,002	19,199	18,996	6,904	7,166	20,455	20,688	15,142	15,211	4,978	5,287	84,707	86,350
Percent unemployed**	7.5	8.8	11.0	12.5	11.7	11.5	9.4	8.8	12.8	15.5	11.8	15.7	10.2	11.3
<b>Income</b>														
Median household income*	\$45,555	\$45,049	\$34,086	\$34,373	\$35,813	\$35,599	\$39,224	\$42,229	\$29,936	\$30,505	\$32,408	\$28,840	\$36,988	\$37,877
Per capita income*	\$23,527	\$23,991	\$19,206	\$19,952	\$18,396	\$18,641	\$20,652	\$21,716	\$18,840	\$19,297	\$19,766	\$20,132	\$20,188	\$20,788
Percent below poverty*	13.2	14.4	16.8	17.5	14.5	16.9	15.1	15.2	24.4	26.1	23.5	28.0	17.1	18.2
<b>Housing</b>														
Total Households	22,780	23,552	23,151	22,734	8,081	7,519	26,183	26,249	18,831	18,986	6,084	6,005	105,110	105,045
Total Housing Units	29,315	29,171	26,268	26,282	10,089	10,094	31,307	31,227	22,438	22,488	7,205	7,210	126,616	126,472
Occupied housing units	22,780	23,552	23,151	22,734	8,081	7,519	26,183	26,249	18,831	18,986	6,084	6,005	105,110	105,045
Vacant housing units	6,535	5,619	3,117	3,548	2,002	2,575	5,124	4,978	3,607	3,502	1,121	1,205	21,506	21,427
Percent vacant housing units	22.3	19.3	11.9	13.5	19.9	34.2	16.4	19.0	16.1	15.6	15.6	16.7	17.0	16.9
Owner-occupied housing units	17,874	18,310	17,137	17,218	6,270	5,873	20,220	21,011	10,072	10,295	3,432	3,326	75,005	76,033
Renter-occupied housing units	4,906	5,242	6,014	5,516	1,811	1,646	5,963	5,238	8,759	8,691	2,652	2,679	30,105	29,012
Percent renter-occupied housing units	21.5	22.3	26.0	24.3	22.4	21.9	22.8	20.0	46.5	45.8	43.6	44.6	28.6	27.6

Source: 2010 Decennial Census, 2006 to 2010, and 2008—2012 American Community Survey (ACS). U.S. Census Bureau.

\*Denotes that 2010 data were retrieved from the 2006—2010 ACS.

\*\*Denotes that the percentage unemployed was obtained from the civilian labor force (not included in table).

In December 2013, 2012 American Community Survey (ACS) data was released by the U.S. Census Bureau. The table above, entitled *Demographic Trends in the West Piedmont Planning District, 2010—2012*, summarizes demographic trends in the region from 2010, provided by the 2010 Decennial Census as well as the 2006—2010 American Community Survey, and compares this data with more recent data obtained from the 2008—2012 ACS, to yield 2012 data. The population changes for the region's localities were mixed, with the region experiencing a net loss of 329 persons over this period. With regard to median age, one noteworthy trend is the aging population of the region as a whole—increasing from 43.2 to 44.1 years—however, the trend was inconsistent among several localities. Data for educational attainment of persons 25 years and over, represented by the percentage of individuals possessing associate, bachelor, and graduate or professional degrees showed a slight improvement from 2010 for the region as a whole, and results for each of the localities were mixed, but improved overall. One concerning trend has been the increasing poverty rate across all localities in the region over this time period.



FRANKLIN COUNTY  
Board of Supervisors



Franklin County  
*A Natural Setting for Opportunity*

EXECUTIVE SUMMARY

<p><b><u>AGENDA TITLE:</u></b> Landfill Articulated Dump Truck</p> <p><b><u>SUBJECT/PROPOSAL/REQUEST:</u></b> Authorize purchase of Used Articulated Dump Truck</p> <p><b><u>STRATEGIC PLAN FOCUS AREA:</u></b> Infrastructure</p> <p><b><u>GOAL #:</u></b> 4: Develop and implement a system to insure that we extend the life of the landfill</p> <p><b><u>STAFF CONTACT(S):</u></b> Messrs. Huff, Whitlow, Smith, Sink</p>	<p><b><u>AGENDA DATE</u></b> March 18, 2014</p> <p><b><u>ACTION:</u></b></p> <p><b><u>CONSENT AGENDA:</u></b> Yes</p> <p><b><u>ATTACHMENTS:</u></b> Bid Sheet</p> <p><b><u>REVIEWED BY:</u></b> <i>RET</i></p> <p><b><u>ITEM NUMBER:</u></b></p> <p><b><u>INFORMATION:</u></b></p>
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**BACKGROUND:**

Franklin County operates a Municipal Solid Waste Landfill for the benefit of Franklin County citizens and businesses. Operating procedures and guidelines are described in the Landfill Permits #72 and #577. As described in those permits landfill staff is required to cover the trash daily with dirt. Another described procedure is the placement of a minimum of 12 inches of dirt over the trash on all exposed slopes. This is described as the intermediate layer of the landfill cap cover.

The capping of the existing old cell (Permit #72) will require approximately 50,000 cubic yards of dirt. County staff will have to the year 2020 to complete this task. If staff can proceed now and include this excavation and cover in its daily work, then the expense can be spread over the entire time period instead of a large out payment for a bidding process and the costs of an outside contractor. Staff looks to begin installing methane gas vents on the Rte 220 side of the old landfill this spring, whereby the County can begin the final capping on the Rte 220 side of the existing landfill in 2015. The additional 2 1/2 years of full time life staff has found in the old cell frees up landfill staff to complete this incremental excavation and cover project. Such work would also begin to relieve some of the County's financial assurance requirements with the DEQ.

Staff has identified available dirt for the old landfill cover with the planned excavation of Cell 2 of the new landfill, as well as the capping of the Rte 220 side of the old cell. Such projects represent approximately 250,000 cubic yards of dirt that have to be moved in the next 3 years. If this work were contracted out it would cost the county \$1,578,000 per DEQ estimates. The additional articulated truck, coupled with equipment currently owned by the County, would allow such work to be done in an efficient manner by County staff with only possible, minor additions to overtime and fuel to the current budget.

### **DISCUSSION**

Staff planned for a truck to be purchased this fiscal year. As such, staff requested and the Board approved the advertisement of an RFP for an articulated truck at its August 20, 2013 meeting. Such RFP was issued this winter, whereby eleven bids from four vendors were received: Two (2) of the bids were for new trucks and one (1) bid did not meet the required truck specifications. Staff notes prices for new articulated dump trucks have increased dramatically. Of the eight remaining bids, the bid of \$279,000 submitted by Carter Machinery for a 2012 Cat 730 truck with 1369 hours of use and with a one year/1500 hours warranty was found to be the best suitable purchase within the existing landfill budget. While the cost of the used truck is higher than what was initially anticipated last August, staff notes this truck is in excellent condition. Funds for the purchase of the truck as noted above are available in the Landfill Equipment Capital fund (#3000-036-0004-7001).

### **RECOMMENDATION:**

Staff respectfully requests the Board of Supervisors award the bid to Carter Machinery, thereby authorizing the purchase of the 2012 Caterpillar 730 Articulated Truck for \$279,000 and appropriating such funding from the Landfill Equipment Capital fund (#3000-036-0004-7001) accordingly.



# Franklin County

*A Natural Setting for Opportunity*

## BID SHEET FORM FOR

### ARTICULATED DUMP TRUCK

**DATE/TIME OF BID OPENING: Thursday, March 6, 2014 @ 4:00 P.M.**

VENDOR RESPONDING	ADDENDUM #1	ADDENDUM #2	AMOUNT OF BID	BID BOND
Carter Machinery	2014 New 730C	5 year 7500 hour warranty	\$380,121	
Mark Carlen 540-387-1111				
Carter Machinery	2012 730 1460 hours	1 year 1500 hour warranty	\$279,000	
Mark Carlen 540-387-1111				
Carter Machinery	2012 730 1369 hours	1 year 1500 hour warranty	\$279,000	
Mark Carlen 540-387-1111				
Carter Machinery	2008 735 3550 hours	As is	\$257,500	
Mark Carlen 540-387-1111				
Carter Machinery	2007 735 3107 hours	As is	\$258,500	
Mark Carlen 540-387-1111				
Lawrence Equipment	2006 Case 325	As is	\$85,000	Does not
Tom Canterbury 540-537-0498	3400 hours		meet specs	

Lawrence Equipment Tom Canterbury	Terex TA 300 1057 Hours	As is	\$245,000	
McClung Logan Equipment Bob Kaase 540-989-3750	2014 Volvo A30F	1 year 2500 hour warranty	\$375,600	
McClung Logan Equipment Bob Kaase 540-989-3750	2011 Volvo A30F 1900 Hours	As is	\$327,200	
McClung Logan Equipment Bob Kaase 540-989-3750	2007 Volvo A30D 3450 Hours	As is	\$260,500	
James River Equipment Dan Beasley	2012 JD 300DII 882 Hours	3 Year 5000 hour Warranty	\$338,900	

*I hereby certify that the above responses to the bid or services request were received in a timely fashion and opened in public on \_\_\_\_\_, \_\_\_\_\_, 201\_.*

*Signature* \_\_\_\_\_

BIDSHEETFORMS/sharon

**Chapter 7.  
Erosion and Sediment Control and Stormwater Management**

**Article I. In General  
Division 1. Authority**

- Sec. 7-1. Title of Article
- Sec. 7-2. Purpose of Article
- Sec. 7-3. Authority of Article
- Sec. 7-4. Local Control Program Established
- Sec. 7-5. Geographic Applicability
- Sec. 7-6. Severability
- Secs. 7-7 - 7-9. Reserved

**Division 2. Administration**

- Sec. 7-10. Permits
- Sec. 7-11. Fees
- Sec. 7-12. Reference Documents
- Secs. 7-13 - 7-14. Reserved

**Division 3. Definitions**

- Sec. 7-15. General Usage Terms
- Secs. 7-16 - 7-19. Reserved

**Article II. Erosion and Sediment Control**

- Sec. 7-20. Exemptions
- Sec. 7-21. Permit required for land disturbing activities
- Sec. 7-22. Erosion and Sediment Control Plan Required
- Sec. 7-23. Erosion Impact Areas

- Sec. 7-24. Submission and approval of Plans
- Sec. 7-25. Standards to be used in preparation and consideration
- Sec. 7-26. Responsibility of property owner when work is being done by a contractor
- Sec. 7-27. Approval or Disapproval
- Sec. 7-28. Variances
- Sec. 7-29. Changing an approved erosion and sediment control plan
- Sec. 7-30. Reserved
- Sec. 7-31. Performance Bond
- Sec. 7-32. Long term maintenance of permanent facilities
- Sec. 7-33. Closure of Erosion and Sediment Control Permit
- Sec. 7-34. Monitoring and Inspections
- Sec. 7-35. Enforcement
- Sec. 7-36. Appeals
- Secs. 7-37 - 7-39. Reserved

### **Article III. Alternative Inspection Program**

- Sec. 7-40. Alternative Inspection Program
- Secs. 7-41 - 7-49. Reserved.

### **Article IV: Stormwater Management**

- Sec. 7-50. Exemptions
- Sec. 7-51. Submission and Approval of Plans; Prohibitions
- Sec. 7-52. Stormwater Pollution Prevention Plan: Contents of Plans
- Sec. 7-53. Stormwater Management Plan: Contents of Plan
- Sec. 7-54. Pollution Prevention Plan: Contents of Plans
- Sec. 7-55. Review of Stormwater Management Plan
- Sec. 7-56. Technical Criteria for Regulating Land Disturbing Activity

- Sec. 7-57. Performance Bond
- Sec. 7-58. Long term maintenance of Permanent Stormwater Facilities
- Sec. 7-59. Closure of Land Disturbing Activities
- Sec. 7-60. Monitoring and Inspections
- Sec. 7-61. Enforcement - Violations of Article – Penalty, injunctive relief, civil relief
- Sec. 7-62. Appeals

# **ARTICLE I. - IN GENERAL**

## **Division 1 Authority**

### **Sec. 7-1. Title of article.**

This article shall be known as the “Erosion and Sediment Control and Stormwater Management Ordinance of Franklin County, Virginia.”

### **Sec. 7-2. Purpose of article.**

The purpose of this article is as follows:

1. Erosion and Sediment Control conserves the land, water, air and other natural resources of Franklin County and the State of Virginia and promotes 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 provides the framework for the administration, implementation and enforcement of the Virginia Stormwater Management Act (VA SWM) and to delineate the procedures and requirements to be followed in connection with state permits issued by a Virginia Stormwater Management Program (VSMP) Authority, while at the same time providing flexibility for innovative solutions to stormwater management issues.

### **Sec. 7-3. Authority for article.**

This article is adopted pursuant to the following:

1. Code of Virginia, 1950, as amended, Title 62.1,3.1, Chapter 3.1, Article 2.4 (§62.1-15:51 et seq.), known as the "Erosion and Sediment Control Law."
2. Code of Virginia, 1950, as amended, Title 62.1, Chapter 3.1, Article 2.3 (§62.1-15:24 et seq.) known as the “Stormwater Management Law.”
3. Virginia Administrative Code Chapter 840 Erosion and Sediment Control Regulations (9VAC25-840-10 et seq.)
4. Virginia Administrative Code Chapter 850 Erosion and Sediment Control and Stormwater Management Certification Regulations (9VAC25-850-10 et seq.)
5. Virginia Administrative Code Chapter 870 Virginia Stormwater Management Program (VSMP) Regulation (9VAC25-870-10 et seq.)
6. Virginia Administrative Code Chapter 880 General Permit for Discharges of Stormwater from Construction Activities (9VAC25-880-1 et seq.)

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.**

In accordance with the authority granted by the State of Virginia, Franklin County hereby establishes the following local control programs:

1. Effective March 18, 2014, a Virginia Erosion and Sediment Control Program 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 article, any regulations promulgated by the Virginia State Water Control Board pursuant to the Code of Virginia, as amended; and the Virginia Erosion and Sediment Control Handbook as currently in effect and amended from time to time. Franklin County hereby designates the Department of Planning and Community Development as the Administrator of its Virginia Erosion and Sediment Control Program.
2. Effective July 1, 2014, 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 Virginia State Water Control Board pursuant to the Code of Virginia, as amended; and the Virginia Stormwater Management Handbook as currently in effect and amended from time to time. Franklin County hereby designates the Department of Planning and Community Development as the Administrator of its 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.

**Secs. 7-7 - 7-9. Reserved.**

## **Division 2. Administration**

### **Sec. 7-10. Permits.**

The following permits may be issued pursuant to this chapter:

1. Erosion and Sediment Control Permit.
2. Stormwater Management Permit.

### **Sec. 7-11. Fees.**

- (A) There shall be a reasonable fee charged for the processing of erosion and sediment control permit 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.
- (C) 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.
- (D) 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. 7-12. Reference Documents.**

In administering this chapter, the local program authority may refer to any document, manual, handbook or guideline recognized by the state of Virginia related to Erosion and Sediment Control and/or Stormwater Management. In addition, the local program authority may develop and reference a local program manual to establish policies and procedures for program administration, plan review, inspections and enforcement related to this chapter.

### **Secs. 7-13 - 7-14. Reserved.**

## Division 3. Definitions

### Sec . 7-15. General Usage Terms.

As used in this article, 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 Administrator, hereby designated as the Franklin County Department of Planning and Community Development.

**"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 a plan"** 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, maintenance procedures, and other management practices, including both structural and non-structural practices, to prevent or reduce the pollution of surface waters and groundwater systems from the impacts of land-disturbing activities.

**"Board or State Board"** means the State Water Control Board

**"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; or (ii) is a professional registered in the Commonwealth 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 (i) holds a certificate of competence from the Board in the classification of plan reviewer in the area of SWM, of (ii) is a professional registered in the Commonwealth pursuant to Article 1 (§ 54.1-400 et seq.) of Chapter 4 of Title 54.1 of the Code of Virginia.

**"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"** means 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 separate and distinct construction activities may be taking place at different times on different schedules. 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. "Common plan of development or sale" does not include any residential, commercial, or industrial lot recorded in the Franklin County Clerk of the Circuit Court's office on or before July 1, 2004.

**"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 Virginia 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 (§ 62.1-44.15:51 et seq.) of Chapter 3.1 of Title 62.1 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 registered in the Commonwealth pursuant to Article 1 (§ 54.1-400 et seq.) of Chapter 4 of Title 54.1 of the Code of Virginia, or a professional soil scientist as defined in Chapter 22 (§ 54.1-2200 et seq.) of Title 54.1 of the Code of Virginia.

**"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 construction activities found Chapter 880 (9VAC25-880-1 et. seq.) 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 elsewhere in this chapter.

**"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 registered 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, or a professional soil scientist as defined in Chapter 22 (§ 54.1-2200 et seq.) 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.

**"Local program manual"** means a reference document developed by the local program authority to document policies and procedures for program administration, plan review, inspections or enforcement related to Erosion and Sediment Control and/or Stormwater Management.

**"Locality"** means Franklin County, including the incorporated towns of Boones Mill and Rocky Mount.

**"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 watercourses 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. Channels designed utilizing natural design concepts may 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.

**"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 where applicable.

**"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"** means 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 that exist at the time the erosion and sediment control plan is submitted to the VESCP authority or plans for land development are submitted to the VSMP 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 or land development plans for the initial phase is submitted for approval shall establish pre-development conditions.

**"Program Authority"** refers to Franklin County, Virginia.

**"Regulations"** include, but are not limited to, the Virginia Stormwater Management Program (VSMP) Permit Regulations, 9VAC25-870 and 9VAC25-880, as amended; and the Virginia Erosion and Sediment Control Program (VESCP) 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, or (ii) holds a current certificate of competence from the board in the areas of combined administration, program administration, inspection, or plan review, or (iii) holds a current contractor certificate of competence for erosion and sediment control, or (iv) is registered as a professional in the Commonwealth pursuant to Article 1 (Code of Virginia, § 54.1-400 et seq.) of Chapter 4 of Title 54.1, or (v) is a professional soil scientist as defined in Chapter 22 (§ 54.1-2200 et seq.) of Title 54.1 of the Code of Virginia.

**"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."** means the program administered by the Department of Environmental Quality pursuant to the state code including regulations designed to minimize erosion and sedimentation.

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

**"Surface Water"** means all water, at or above the land's surface including, but not limited to springs, streams, rivers, lakes, ponds, wetlands, and artificially created water bodies.

**"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 "VESCO"** means a program approved by the board that has been established by a VESCO 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 article, and evaluation consistent with the requirements of the ESC Act and this article.

***"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 2.3 (§62.1-44.15:24 et seq.) of Chapter 3.1 of Title 62.1 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 July 1, 2013, 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 July 1, 2013, 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 § 62.1-44.15:31 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.

**Secs. 7-16 - 7-19. Reserved.**

## Article II Erosion and Sediment Control

### **Sec. 7-20. 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 3,000 square feet in size. See section 7-19 for clarification as to when a permit is required.
  - (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. 7-21. Permit required for land-disturbing activities.**

- (A) Except as otherwise provided in this article, no land disturbing activity shall commence prior to the issuance of an Erosion and Sediment Control permit by the Department of Planning and Community Development.
- (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 Erosion and Sediment Control 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. 7-22. 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. 7-23. 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 and Erosion and Sediment Control permit.

**Sec.7-24. 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 Department of Environmental Quality for review and approval, rather than submission to each jurisdiction concerned. 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 (unless otherwise exempted by this Ordinance), 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 or agreement in lieu of 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 Department of Environmental Quality for review and approval prior to performing work in Franklin County. 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.

**Sec. 7-25. 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 forth in state regulations, or otherwise included in the Virginia Erosion and Sediment Control Handbook, the Virginia Stormwater Management Handbook, or the local program manual.
- (B) In areas governed by American Electric Power's Smith Mountain Lake Shoreline Management Plan, shoreline rip-rap shall be installed according to the following specifications, and subject to AEP approval:

- (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.

**Sec. 7-26. Responsibility of property owner when work is being 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.

**Sec. 7-27. Approval or disapproval.**

- (A) Upon receipt of an erosion and sediment control plan submitted under this article, 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 article. 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.

- (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 applicant.
- (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. 7-28. Variances.**

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. 7-29. 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 article, are agreed to by the program administrator and the person responsible for carrying out the plan.

**Sec. 7-30. Reserved.**

**Sec. 7-31. Performance Bond.**

Except as otherwise provided in this article, no erosion and sediment control 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. 7-32. Long term maintenance of permanent facilities.**

(A) The Administrator shall require the provision of long-term responsibility for and maintenance of permanent Erosion and Sediment Control facilities. 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 Erosion and Sediment Control 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 Erosion and Sediment Control facilities designed to accommodate 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.

**Sec. 7-33. Closure of Erosion and Sediment Control Permit.**

Post-construction record documents, also known as "as-built" drawings, are required for all development projects that include permanent facilities for Erosion and Sediment Control. Such

post-construction record documents shall be 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, and shall include language on the record documents certifying that the permanent facilities are in conformance with the approved Erosion and Sediment Control plan.

**Sec. 7-34. 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 Soil and Water Conservation Board's approved Alternative Inspection Program (AIP) for Franklin County, approved February 1, 2008. See Article III.
- (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 article, and upon conviction shall be subject to the penalties provided herein.
- (C) Upon receipt of a sworn complaint of a substantial violation of this article 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 plan, requiring that all of the land-disturbing activities be stopped until an approved ESC plan- or Agreement in Lieu of plan, 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.

- (D) 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. If the alleged violator has not submitted the required erosion and sediment control plan within the time period authorized by the program administrator, the program administrator may issue an order to 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.

**Sec. 7-35. Enforcement.**

- (A) A violation of any provision of this article 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 article, 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 (§ 62.1-44.15:54).
- (E) Individuals who hold a Responsible Land Disturber Certification as issued by the State Water Control Board and administered by the Virginia Department of Environmental Quality (DEQ) are hereby considered to be the person responsible for carrying out the plan and upon repeated violations, will be reported to DEQ for revocation of their certification. A Responsible Land Disturber is also accountable for any and all sanctions included in this article 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 article, 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 paragraph (B) of this section. Such civil charges shall be in lieu of any appropriate civil penalty which could be imposed under paragraphs (B) and (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. 7-36. Appeals.**

Final decisions of the program administrator under this article 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 article 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.

**Secs. 7-37 - 7-39. Reserved.**

## Article III Alternative Inspection Program for Erosion and Sediment Control

### Sec. 7-40. 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:** 62.1-44.15:52 of Title 62.1, Chapter 3.1 Article 2.4 of the Code of Virginia and 9VAC25 840-60 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	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;

(MED)	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 (High Priority)			Greater than 300 feet		0
<b>Soil Erodibility (base on K-Factor)</b>			<b>Distance—Downstream Adjacent Property</b>		
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
<b>Buffer Vegetation Condition</b>			<b>Width of Buffer</b>		
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

<b>Critical Slope</b>			<b>Crossing Water Course</b>		
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					
<b>OVERALL RATING</b>			<b>INSPECTION RETURN FREQUENCY</b>		
(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: \_\_\_ / \_\_\_ / \_\_\_

**Secs. 7-41 - 7-49. Reserved.**

## **Article IV. Stormwater Management**

### **Sec. 7-50. 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 except for 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. 7-51. Submission and Approval of Plans; Prohibitions.**

- (A) 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.
- (B) No VSMP authority permit shall be issued until evidence of general permit coverage is obtained.
- (C) No VSMP authority permit shall be issued until the appropriate fees have been paid and a performance bond has been submitted and approved.
- (D) 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.
- (E) No grading, building or other local permit shall be issued for a property unless a VSMP authority permit has been issued by the Administrator unless otherwise exempted by this ordinance.

**Sec. 7-52. 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 Chapter 880 General Permit for Discharges of Stormwater from Construction Activities 9VAC25-880-1 et seq.

- (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. 7-53. 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 including but not limited to any additional information 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 or state plain 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 § 62.1-44.15:35 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 7-31. 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. 7-54. 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 as specified in 40 CFR 450.21 (d) 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 in accordance with 40 CFR 450 21 (e):
- (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 in accordance with 40 CFR 45.21 (c).

**Sec. 7-55. 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. 7-56. 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 Franklin County 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 Part II B.
- (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.
- (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 or required state permits 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 except where allowed under Part II C of the regulations.
  - (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. 7-57. 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. 7-58. 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 7-55 (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. 7-59. Closure of Land Disturbing Activities.**

Post-construction record documents, also known as "as-built" drawings, are required for all development projects that include permanent facilities for Stormwater Management. Such post-construction record documents shall be 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, and shall include language on the record documents certifying that the permanent facilities are in conformance with the approved Stormwater Management plan.

**Sec. 7-60. 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 stormwater 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 § 62.1-44.15:40 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.
- (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. 7-61. 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. 7-62. Appeals.**

Final decisions of the program administrator under this article 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 article 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.