



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

**AGENDA**  
**FRANKLIN COUNTY BOARD OF SUPERVISORS**  
**TUESDAY, FEBRUARY 16, 2016**

- 1:30 P.M. Call To Order, Chairman Cline Brubaker
- 1:31 Invocation, Supervisor Charles Wagner
- 1:32 Pledge of Allegiance, Supervisor Tim Tatum
- 1:33 Public Comment
- Mike Carter - Follow Up to Public Hearing for MVP (5 minutes/Speaking as the Director of Preserve Franklin County)
  - Glenn Loveless - FOIA Request Follow Up
- 1:39 CONSENT AGENDA (*REQUIRES ACTION*)
- REF: 1. Approval of Accounts Payable Listing, Appropriations, and Minutes for January 19 & February 2, 2016
2. 2016 Dance Hall Permit/Frank R. Erhartic (**See Attachment #15**)
3. A & E Services/Animal Shelter Award (**See Attachment #8**)
4. 2016 Special Entertainment Permit/Adam Ritchie (**See Attachment #1**)
5. 2016 Outdoor Occasion Permit/ David Philpott (**See Attachment #4**)
6. 2016 Franklin County Speedway Outdoor Occasion Permit (**See Attachment #3**)
7. School Appropriations (**See Attachment #6**)
8. Library Organizational Updates (**See Attachment #14**)
- 1:45 Vincent Copenhaver, Director of Finance
- REF: 1. Monthly Finance Report
- 1:55 Beth Doughty, Executive Director, Roanoke Regional Partnership
- REF: 1. Annual Report
- Pete Eshelman, Director of Outdoor Branding
- REF: 1. Benefits of Outdoor Recreation (**See Attachment #12**)

- 2:15 Mike Burnette, Director of Economic Development  
Rocky Rockwell, U.S. Army Corps of Engineers  
REF: 1. Philpott Lake Jamison Mill Park Bridge Update  
**(See Attachment #13)**
- 2:25 Lisa Cooper, Principal Planner  
REF: 1. Request to Vacate a Portion of Road in Highland Shores  
Subdivision **(See Attachment #7)**
- 2:30 Brent Robertson, County Administrator  
REF: 1. Updated FY' 2016-2017 Budget Calendar **(See  
Attachment #2)**  
2. Other Matters
- 2:35 Other Matters by Supervisors
- 2:45 **WORK SESSION:** FY' 2016-2017 Budget Update
- 4:00 Request for Closed Meeting in Accordance with 2.2-3711, a-1,  
Personnel, a-3, Acquisition of Land, 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:** **(See Attachment #5)**

Recess for Dinner

6:00 Call To Order, Chairman Brubaker

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

**PETITION for REZONE** - Petition of David Sine, Petitioner and Alvin Sine & Marcella Sine, Owners, requesting to amend proffered conditions #1 and #6, approved as part of a zoning amendment on November 27, 2007, relating to conformance to concept plan and allowable signage. The property is currently zoned Business District, General (B-2) consisting of +/- 1.58 acres, located at 20734 Virgil Goode Highway, in the Boone District of Franklin County, and further identified as Tax Map/Parcel #0360018501A. (Case # REZO-12-15-14994) **(See Attachment #9)**

**PETITION for SPECIAL USE PERMIT** - Petition of David Sine, Petitioner and Alvin Sine & Marcella Sine, Owners, requesting a Special Use Permit in Business District, General (B-2) for outdoor displays on business property consisting of +/- 1.58 acres, located on 20734 Virgil Goode Highway, in the Boone District of Franklin County, and further identified as Tax Map/Parcel #0360018501A. (Case # SPEC-12-15-15015) **(See Attachment #10)**

**PETITION** of Franklin County Board of Supervisors to amend Chapter 7, "Erosion and Sediment Control and Stormwater Management," and Chapter 27, "Land Use Development: Fee Schedule" of the Franklin County Code, as follows: Amend entirety of Chapter 7 for administrative changes and conformance with State of Virginia law as well as clarification of terminology and references to applicable laws and regulations; § 7-11, Fees, to clarify changes for processing applications and incomplete payments; § 7-15, General Usage Terms, to clarify terms and abbreviations; § 7-29, Performance Surety, to amend acceptable types of surety; § 7-51, Permit Required for land disturbance activities, to add criteria for permits; § 7-58, Technical Criteria for Regulated Land Disturbing land activities, to define grandfathering of previously approved plans; § 7-62, Monitoring and Inspections, to define monitoring and inspection process for stormwater management facilities; and § 27-1, Fee Schedule, to add state required fees for modification/transfer of permits and annual permit maintenance, administrative clarification of fees and to add exemption of fees for Franklin County agencies, board or division. ( Case # A-01-16-0001) **(See Attachment #11)**

***Recess Thereafter until Tuesday, March 1, 2016 @ 3:00 P.M. in B-75 Conference Room***

***RISE & SHINE GUESTS FOR FEBRUARY ARE BOB CAMICIA & BRENT***

FRANKLIN COUNTY  
Board of Supervisors



Franklin County  
A Natural Setting for Opportunity

EXECUTIVE SUMMARY

<p><b>AGENDA TITLE:</b> 2016 Red Truck Event Center; request for special entertainment permit</p> <p><b>SUBJECT/PROPOSAL/REQUEST:</b> Request by Adam Ritchie, Red Truck Event Center, to hold a series of outdoor entertainment events on property located at the intersection of Hopkins Road and Coles Creek Road, further identified as Franklin County Tax Map/Parcel #62-16; #62-24.4; and #62-25.1.</p> <p><b>STRATEGIC PLAN FOCUS AREA:</b></p> <p><b>Action Strategy:</b> N/A</p> <p><b>STAFF CONTACT(S):</b> Mr. Robertson &amp; Mrs. Tudor</p>	<p><b>AGENDA DATE:</b> February 16, 2016</p> <p><b>ACTION:</b></p> <p><b>CONSENT AGENDA:</b> <b>ACTION:</b></p> <p><b>INFORMATION:</b></p> <p><b>ATTACHMENTS:</b> YES</p> <p><b>REVIEWED BY:</b> </p>	<p><b>ITEM NUMBER:</b></p> <p><b>INFORMATION:</b></p>
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Franklin County has received a request by the Red Truck Events Center, represented by Mr. Adam Ritchie, to hold a series of outdoor events on a 68-acre property located at the intersection of Hopkins Road and Coles Creek Road, further identified as Franklin County Tax Map/Parcel #62-16, #62-24.4, and #62-25.1. The property is owned by W&H Enterprises, Inc. of Roanoke. Mr. Ritchie has an agreement to lease the property. The property is located in a non-zoned area in the Blackwater District of Franklin County.

Mr. Ritchie is requesting approval from the Board of Supervisors to hold outdoor events consisting of games (billed as the "Hillbilly Olympics"), a 5-kilometer run, motorcycle/ATV trail riding, and live music, on the following dates:  
**(See Attached Listing for Scheduled Events)**

Chapter 3, Article III of the Franklin County Code sets forth the requirements for "Outdoor Musical or Entertainment Festivals." Outdoor music or entertainment festivals are defined as:

*...any gathering or group of individuals for the purpose of listening to or participating in entertainment which consists primarily of musical renditions conducted in open spaces and not within an enclosed structure and either admission is charged or refreshments or other concessions are sold.*

Under the provisions of Chapter 3, Article III, such events require a permit to be issued by the Board of Supervisors. In addition, the event(s) must be planned and conducted in accordance with a series of regulations and standards related to traffic, safety, sanitation, crowd control, etc. Mr. Ritchie has submitted an application which has been routed to various County agencies to review for compliance.

As of this writing, staff is satisfied that the events have been planned in accordance with ordinance standards. Staff will continue to monitor the site and events for compliance.

**RECOMMENDATION:**

Staff respectfully requests Board approval for the 2016 Special Entertainment Permit for the Red Truck Event Center, as presented. The \$100 permit fee will be received and deposited, upon approval. The Board set the bond for this event during 2015 at \$10,000, therefore, staff is requesting for the same bond amount for 2016, due to zero claims being filed.



Franklin County

APPLICATION FOR A SPECIAL ENTERTAINMENT PERMIT

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

DATE SUBMITTED: 1-14-16

NAME OF APPLICANT: Adam Ritchie (Red Truck Event Center)
COMPLETE MAILING ADDRESS: 425 Teresa Ln Roanoke Va 24019 (mailing)
1337 Hopkins Rd Rocky Mount Va.

TELEPHONE NUMBER: 410.271.3897

CELL PHONE NUMBER: ""

EMAIL ADDRESS: RedTruckEventCenter@gmail.com

NAME OF PROMOTER: Adam Ritchie
COMPLETE MAILING ADDRESS: 425 Teresa Ln Roanoke Va 24019

TELEPHONE NUMBER:

CELL PHONE: 410.271.3897

- 1. Discuss the means by which the Festival will be financially supported: Ticket Sales + Sponsors
2. Please describe the exact location of the proposed Festival including the tax map and parcel location of the property: 1337 Hopkins Rd, Rocky Mount Va. Red Truck Event Center
3. Please list the names and addresses of the owners of the property on which the event is to be held: W+H Enterprises Burl Higinbotham 101 Albemarle Ave SE Roanoke Va 24013
4. Please list the dates for which the permit is to be issued and alternative rain date(s): Please see attached
5. Discuss the nature and interest of the Applicant in the property on which the Festival is to be held (if any): Red truck event center holds a long term lease on the bld.
6. List persons or groups who will be performing: See Attached!
7. Outline your plans for the provision of the following:
a. Sanitation Facilities: Port-o-Johns
b. Garbage, Trash & Sewage Disposal: Trash removal after events
c. Food, Water & Lodging: Permitted vendors

APPROVED: Jessica Phillips
Franklin County Health Department

1/20/16
Date

d. Medical Services & Facilities: 9-1-1

e. Fire Protection: Fire Marshal must inspect food vendors prior to opening

APPROVED: W.B. Fergus 1/20/16  
 Public Safety Official Date

f. Parking Facilities, Crowd Control & Traffic Control in and around the Festival Area: Will hire Sheriff's Office employees if 500 tickets are pre-sold for an event. No

APPROVED: D.L. Chingipul 01/19/16  
 Sheriff's Department Date

8. Are outdoor lights or lighting to be used? Yes  No  If yes, present a sketch showing the location of such lights and shielding devices or other equipment to prevent unreasonable glow beyond the point where the property is located. Also, indicate plans to insure compliance with the National Electrical Code.

APPROVED: [Signature] [Signature]  
 Franklin County Building Official Date

9. Will music be played either by mechanical devices or live performance in such a manner that the sound emanating will be unreasonably audible beyond the property on which the festival is located? If so, what measures will be used to curtail unreasonable sound levels? Yes. Music will be played from the stage area. The stage is located around big hills that block the sound.

10. What is the best estimate of the expected attendance at this proposed festival? See Attached

11. What is the basis for your estimate?  
Based off last years numbers.

12. Attach a copy of the badge of admission and/or ticket used for entry into the festival (**note that the badge or ticket must clearly state the time and date of the festival**).

13. Outline your plans for any advertising to be done to promote the festival:  
Social media, Flyers, Radio



Franklin County

Equal Opportunity for All

14. I, Adam Ritchie, hereby certify that on the dates of the proposed music or entertainment festival not more than a total of 1,000 tickets will be offered for sale. I further grant permission for the Board of Supervisors of Franklin County, its lawful agents, or duly constituted law enforcement officers to enter the property at any time for the purpose 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 upon noncompliance with any of its provisions or conditions.

Applicant Name: Adam Ritchie

Applicant: [Signature]  
Signature

1-14-16  
Date

Applicant Name: \_\_\_\_\_

Applicant: \_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

COMMONWEALTH OF VIRGINIA

COUNTY OF FRANKLIN, to-wit:

On this the 20 day of January, 2016

Whose name is signed to the foregoing instrument, personally appeared before me, acknowledged the foregoing signature to be his/hers, and made oath that the statements are true.

My Commission expires: #13715  
[Signature]  
Notary Public



SHERIFF'S CERTIFICATION:

I hereby certify that on the dates of the proposed music or entertainment festival, and under the circumstances described by the promoter of the event, that adequate crowd control and security will be provided and I hereby convey approval of the promoter's plan for security.

Signature: [Signature]  
Sheriff of County of Franklin

01/19/16  
Date

Estimate number of deputies or security officers to be provided: As Needed



Franklin County  
Department of Planning and Development

FOR OFFICE USE ONLY

Date application received: 1.20.2016  
(Requirement 21 days prior to Board meeting and 60 days prior to festival)

Next Board Meeting Date: 2.16.2016

Date forwarded to the Board: 2.16.2016

Date approved by the Board: \_\_\_\_\_

Date forwarded to the Health Department: 1.20.2016

Bond Amount required: \$10,000 property bond (Not to exceed \$100,000)

Date to be Received by this office: 3.1.2016  
(10 days prior to the festival)

Date delivered to the Treasurer: 3.1.2016

Date to be returned to Promoter: 11.23.2016  
(15 days after festival)

Claims to be filed by: 11.24.2016  
(12 days after festival)

Claim Summary:

Name	Address	Phone	Date Filed	Loss Amount

Fee Paid to Commissioner on: \_\_\_\_\_ Amount: \_\_\_\_\_

SECTION 3-80. APPLICANT'S BOND (TO BE ADDED TO THE END OF SECTION 3-80 PARAGRAPH)

In the event that the applicant has conducted an outdoor musical or entertainment festival pursuant to Section 3-56 et.seq. of the Franklin County Code for three consecutive years immediately prior to the year in which application is made with no claims being made against applicant by the County or other persons pursuant to Section 3-80(b) of the Franklin County Code as verified by the County Administrator and the Sheriff of Franklin County, the Board of Supervisors may allow the bond required by Section 3-80 of the Franklin County Code or some part thereof to be a real property bond posted by the applicant or his/her surety according to and on forms provided and approved by the County.

## Red Truck Event Center Events 2016

April 9<sup>th</sup>, 2016 Mud Bog 1:00pm-7:00pm  
Number of people Approx 400 Attendance

April 23<sup>rd</sup> 2016 Franklin County School Run  
9:00am-4:00pm  
Benefit run for FC school system  
Approx 600 Attendance

April 30<sup>th</sup> 2016 Gladiator 5k Run Angels of Assisi  
9:00am-4:00pm  
Number of people Approx 500 Attendance

May 6<sup>th</sup>, 2016 First Fridays (Local Band)  
5:00pm-8:00pm  
Approx 100 Attendance

May 7<sup>th</sup>, 2016 Hillbilly Games  
3:00pm-8:00pm  
We will hold a small mud bog along with the 2016 Hillbilly Games  
Approx 500 people Attendance

May 14<sup>th</sup>, 2016 Music Festival (Local Bands)  
11:00am-9:00pm  
Local Band, Food Venders, Approx 500 Attendance

May 21<sup>st</sup>, 2016 Mud Bog  
3:00pm-8:00pm  
Approx 400 Attendance

June 4<sup>th</sup>, 2016 First Friday (Local Bands)  
5:00pm-8:00pm  
Approx 100 Attendance

June 11<sup>th</sup>, 2016 Night Summer Kickoff 5k Run  
7:00pm-10:00pm  
Approx 500 Attendance

June 18<sup>th</sup>, 2016 Mud Bog  
3:00pm-8:00pm  
Approx 400 Attendance

July 1<sup>st</sup>, 2016 First Friday (Local Bands)  
5:00pm-8:00pm  
Approx 100 Attendance

July 9<sup>th</sup>, 2016 Mud Bog  
3:00pm-8:00pm  
Approx 500 Attendance

July 16<sup>th</sup>, 2016 Mud Bog  
3:00pm-8:00pm  
Approx 400 Attendance

Aug 5<sup>th</sup>, 2016 First Friday (Local Bands)  
5:00pm-8:00pm  
Approx 100 Attendance

Aug 20<sup>th</sup>, 2016 Mud Bog  
3:00pm-8:00pm  
Approx 400 Attendance

Sept 2<sup>nd</sup>, 2016 First Friday (Local Bands)  
5:00pm-8:00pm  
Approx 100 Attendance

Sept 10, 2016 Mud Bog  
3:00pm-8:00pm  
Approx 500 Attendance

Sept 17, 2016 Mud Bog  
3:00pm-8:00pm  
Approx 400 Attendance

Sept 24<sup>th</sup> 2016  
Mud Bog /Music Festival (Local Bands)  
11:00am-9:00pm  
Approx 500

OCT 1<sup>st</sup> 2016 YMCA Run  
9:00am-4:00pm  
Approx 400 Attendance

Haunted Trails  
OCT 30,1,7,8,14,15,21,22,28,29,30  
Approx 300 per night  
Runs Friday and Sat evenings Dark to 11pm

Nov 12, 2016 Mud Bog  
1:00pm-6:00pm  
Approx 500 Attendance

# February 2016

January 2016						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

March 2016						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1	2 ▶ 3:00PM - 5:00PM Budget Worksession-CIP w/ schools. Fleet, Equip. Apparatis	3	4	5	6
	8	9	10	11	12	13
	15	16 ▶ 1:30PM - 5:00PM Monthly BOS Meeting ▶ 3:30PM - 4:30PM Budget Worksession - Salary Strategy & Health Insurance	17	18	19	20
	22	23	24	25	26	27
	29	1 ▶ 3:00PM - 5:00PM Budget Worksession - Public Safety	2	3	4	5

2

# March 2016

February 2016						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29					

April 2016						
S	M	T	W	T	F	S
						1 2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	29	<ul style="list-style-type: none"> <li>▶ 3:00PM - 5:00PM Budget Worksession - Public Safety</li> </ul> 1	2	3	4	
	7	8	9	10	11	
	14	<ul style="list-style-type: none"> <li>▶ 1:30PM - 5:00PM Monthly BOS Meeting</li> <li>▶ 3:30PM - 4:30PM Budget Worksession - Human Services</li> <li>▶ 5:00PM - 6:00PM School Board Budget Presentation</li> </ul> 15	16	17	18	
	21	<ul style="list-style-type: none"> <li>▶ 3:00PM - 5:00PM Budget Worksession - Community Services</li> <li>▶ 5:00PM - 6:00PM School Board Budget Work Session, if needed</li> </ul> 22	23	24	25	
	28	<ul style="list-style-type: none"> <li>▶ 5:00PM - 6:00PM School Board Budget Worksession, if needed</li> </ul> 29	30	31	<ul style="list-style-type: none"> <li>▶ 8:00AM - 8:30AM REMINDER Schools Budget to BOS per state code</li> </ul> 1	

# April 2016

March 2016						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

May 2016						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	28	▶ 5:00PM - 6:00PM School Board Budget Worksession, if needed 29	30	31	▶ 8:00AM - 8:30AM REMINDER Schools Budget to BOS per state code 1	
	▶ 6:00PM - 8:00PM Budget Presentation & Budget Ad Published in News Post 4	5	6	7	▶ 8:00AM - 8:30AM Budget Ad Published in News Post 8	
	11	12	13	14	15	
	18	▶ 1:30PM - 5:00PM Monthly BOS Meeting ▶ 7:00PM - 9:00PM Budget Public Hearing (BFMS East Auditorium) 19	20	21	22	
	25	▶ 6:00PM - 8:00PM Adoption of County Budget 26	27	28	29	

FRANKLIN COUNTY  
Board of Supervisors



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**EXECUTIVE SUMMARY**

<b>AGENDA TITLE:</b>  <i>Callaway Speedway Annual Outdoor Occasion Permit for 2016</i>	<b>AGENDA DATE:</b>  <i>February 16, 2016</i>	<b>ITEM NUMBER:</b>
<b>SUBJECT/PROPOSAL/REQUEST:</b>  <i>Approval for the Callaway Speedway Annual Outdoor Occasion Permit for 2016</i>	<b>ACTION:</b>	<b>INFORMATION:</b>
<b>STAFF CONTACT(S):</b> Mr. Robertson & Mrs. Tudor	<b>CONSENT AGENDA:</b> YES <b>ACTION:</b> YES	<b>INFORMATION:</b>
	<b>ATTACHMENTS:</b> YES	
	<b>REVIEWED BY:</b> BR	

**BACKGROUND:**

As in years past, Donald "Whitey" Taylor and Langley Austin are requesting approval for their 2016 Annual Outdoor Occasion Permit for the racing season. The attached Outdoor Occasion Permit for F. C. S. Enterprise, Inc. is enclosed for your review and consideration.

**DISCUSSION:**

All pertinent agencies per County Code Section 13-29.2 have signed off on the 2016 Outdoor Occasion Permit for Mr. Taylor.

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.



# Franklin County

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## APPLICATION FOR OUTDOOR OCCASION PERMIT

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

**DATE SUBMITTED:**

1-27-16

**NAME OF APPLICANT:**

Langley Austin Moonshine Capitol  
F.C.S ENT INC.

**COMPLETE MAILING ADDRESS:**

385 Speedway LN  
Callaway VA 24069

**EMAIL ADDRESS:**

WKJST @ HOT MAIL

**TELEPHONE NUMBER:**

540-238-9955

**CELL TELEPHONE:**

SAME

**NAME OF EVENT:**

Franklin Co. Speedway

**NAME OF PROMOTER:**

Whitney Taylor

**MAILING ADDRESS:**

385 Speedway LN Callaway VA.

**TELEPHONE NUMBER:**

540-238-9955

**CELL TELEPHONE:**

SAME

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

2-BLOCKS EAST OF CALLAWAY SCHOOL  
ON RT 641 CALLAWAY VA. R.I.

TAX MAP # 57-114

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

F.C.S <sup>ENT.</sup> INC DONALD TAYLOR

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

Apr - Dec - 2016

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

MOTOR SPORTS ANY + ALL TYPES  
MOTORCYCLE + GO CARTS MONSTER TRUCKS  
4X4 TRUCKS + ATV

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

SEPTIC PLUS DUMPSTERS

APPROVED: \_\_\_\_\_  
Franklin County Health Department

\_\_\_\_\_  
Date

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

BURN ALL PAPER + HAUL BOTTLES + CANS TO LANDFILL  
+ 1

APPROVED: W. Brent Robert  
County Administrator

2/8/16  
Date:

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: PROFESSIONAL SECURITY

Va. Department of Commerce License Number: # 11-1331

Will These Guards be Armed? YES

APPROVED: CAPTAIN P. CALDWELL  
Sheriff, County of Franklin

2/4/16  
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.

WE HAVE HOPE OF TREES AS BARRIER  
WE HAVE APPROVED SPOT LIGHTS

APPROVED: [Signature]  
Building Official, County of Franklin

1-27-16  
Date

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

WE HAVE PROFESSIONAL SECURITY TO HANDLE TRAFFIC ✓

APPROVED: CAPTAIN P. CALDWELL  
Sheriff, County of Franklin

2/4/16  
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.

EC5-ENT INC DONALD F TAYLOR 1-27-16  
APPLICANT 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.

Donald F Taylor 1-27-16  
APPLICANT Date  
Doreen Austin

Franklin County Treasurer

1255 Franklin Street  
Suite 101  
Rocky Mount  
Virginia, 24151

Phone - (540) 483-3078  
Fax - (540) 483-3080

1/27/2016 11:01 AM Cashier 0003  
T/Ref 1010065960 Reg 1010 Tran No 1407  
Cash Report: 150128-01 for 1/28/2016

02 - Franklin County  
Treasurer Susan J. Wray

COUNTY BUSINESS LICENSES	
Validation Number: 272210	\$100.00
=====	
Total	\$100.00
Cash	(\$100.00)

RECEIPT

DATE 1-27-2016 No. **392570**

RECEIVED FROM Wray, Susan J. \$ 100.00

Franklin County DOLLARS

FOR RENT  
 FOR 2016 County Business License

ACCOUNT	
PAYMENT	
BAL. DUE	

CASH  
 MONEY ORDER FROM \_\_\_\_\_ TO \_\_\_\_\_  
 CHECK  
 CREDIT CARD BY Wray, Susan J.

adama 2701

FRANKLIN COUNTY  
Board of Supervisors



Franklin County  
*A Natural Setting for Opportunity*

EXECUTIVE SUMMARY

<p><b>AGENDA TITLE:</b></p> <p><i>David Philpott Outdoor Occasion Permit for 2016</i></p>	<p><b>AGENDA DATE:</b></p> <p><i>February 16, 2016</i></p>	<p><b>ITEM NUMBER:</b></p>
<p><b>SUBJECT/PROPOSAL/REQUEST:</b></p> <p><i>Approval for David Philpott's Annual Outdoor Occasion Permit for FY 2016</i></p>	<p><b>ACTION:</b></p> <p><b>CONSENT AGENDA:</b> YES</p> <p><b>ACTION:</b> YES</p>	<p><b>INFORMATION:</b></p> <p><b>INFORMATION:</b></p>
<p><b>STAFF CONTACT(S):</b></p> <p>Mr. Robertson &amp; Mrs. Tudor</p>	<p><b>ATTACHMENTS:</b> YES</p> <p><b>REVIEWED BY:</b> BR</p>	

**BACKGROUND:**

David Philpott is requesting approval for his 2016 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 2016 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 2016 Outdoor Occasion Permit application, as submitted per County Code Section 13-29.1.



# 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: 1-12-16

NAME OF APPLICANT: David Philpott

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

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

TELEPHONE NUMBER: 540-483-8809

CELL TELEPHONE: 276-734-5686

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 # 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.

April 2, 2016

May 14, 2016

June 25, 2016

July 9, 2016

Sept. 17, 2016

April 30, 2016

May 28, 2016

Aug. 6, 2016

Aug. 20, 2016

Oct. 15, 2016

Oct. 29, 2016

June 11, 2016

Sept. 3, 2016

Nov. 12, 2016

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

*Jessie [Signature]* 1/28/16  
\* Under the provision that the appropriate campground waiver is approved

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 each event.

APPROVED:

County Administrator

Date:

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

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

Will These Guards be Armed? Yes

APPROVED: [Signature]  
Sheriff, County of Franklin

01/19/16  
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: [Signature]  
Building Official, County of Franklin

1-21-16  
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 has met their standards, including site distance. Traffic will be self controlled.

APPROVED: [Signature]  
Sheriff, County of Franklin

01/19/16  
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.

THE FOLLOWING TERMS ARE UP FOR RE-APPOINTMENT  
BY.  
DECEMBER 15 & 31, 2015 - March 30, 2016

**(NOTIFICATION IS GIVEN ACCORDING TO THE BOARD'S POLICY/60 DAYS PRIOR TO EXPIRATION)**

COMMITTEE	NAME	ADDRESS	AREA	YEAR	TERM EXPIRES
AG BOARD <b>See Attachment A</b>	Daniel Austin	5688 Old Forge Road Rocky Mount, VA 24151	Crops	OPEN	12/15/2015
AG BOARD <b>See Attachment A</b>	Lynn Satalino	220 Mallard Point Road Wirtz, Va 24184	Equine	OPEN	12/15/2015
WEST PIEDMONT PLANNING COMMISSION BOARD <b>See Attachment B</b>	Bobby Thompson	Post Office Box 40 Ferrum, VA 24088	BOS Rep	1-Year	12/31/2015
PLANNING COMMISSION <b>See Attachment C</b>	James M. Colby	80 Coveport Place Moneta, VA 24121	Gills Creek	4-Year	3/30/2016
TLAC <b>See Attachment D</b>	Brent Robertson	1255 Franklin Street Rocky Mount, VA 24151	Co. Adm.	1 Year	1/31/2017

A

**AGRICULTURE BOARD  
BOARD MEMBERSHIP ROSTER  
1/31/2013**

The Board of Directors will:

- Promote and enhance the economic viability of production agriculture, forestry, and agri-business.
- Represent the agricultural community's position on policy issues at the local, state, and federal level.
- Provide advice and counsel to the Franklin County Board of Supervisors on policies relating to viability and sustainability of agriculture.
- Partner with other organizations to increase public understanding and awareness of state-of-the-art agricultural practices.
- Promote utilization of land use, conservation, and agricultural best management practices.
- Expand agricultural educational programming and workforce development.
- Advocate and coordinate agricultural economic development, investment, marketing, and promotion activities.
- Establish a network of agriculture producers and suppliers to encourage diversification and strengthen the agricultural infrastructure.
- Promote agritourism.

**ARTICLE III: Membership**

**A. Selection and Term**

Voting members shall represent each agriculture group in Franklin County with at least 11 individuals appointed by the Franklin County Board of Supervisors. For the purpose of the first meeting of the Agricultural Development Board, the membership on the Board shall be divided into two groups. At the first meeting, five (5) Directors shall be appointed to serve a one (1) year term and six (6) shall be appointed to serve a two (2) year term; thereby creating staggered terms. Subsequent appointments of Directors shall be for a term of two (2) years and may be reappointed for two (2) additional two-year terms. After serving three (3) consecutive terms, board members may be reappointed after a one year absence.

Board membership will include one producer from each of the following agricultural groups:

- Cattle
- Crops/Grain/Hay
- Crops/Produce/Organic
- Dairy
- Equine
- Forestry
- Horticultural
- Tobacco
- Viticulture/Orchard
- At-large (2 members)

**THE FOLLOWING TERMS ARE UP FOR RE-APPOINTMENT  
BY.  
DECEMBER 15 & 31, 2015**

**(NOTIFICATION IS GIVEN ACCORDING TO THE BOARD'S POLICY/60 DAYS PRIOR TO EXPIRATION)**

<b>COMMITTEE</b>	<b>NAME</b>	<b>ADDRESS</b>	<b>DISTRICT</b>	<b>YEAR</b>	<b>TERM EXPIRES</b>
AG BOARD	Daniel Austin	5688 Old Forge Road Rocky Mount, VA 24151	Crops	OPEN	12/15/2015
AG BOARD	Lynn Satalino	220 Mallard Point Road Wirtz, Va 24184	Equine	OPEN	12/15/2015
AG BOARD	Connell McEnheimer	4999 Sontag Road Rocky Mount, VA 24151	Tobacco	OPEN	12/15/2015
AG BOARD	Davis Torrence	2801 McNeil Mill Road Rocky Mount, VA 24151	Cattle	2-Year	12/15/2017
AG BOARD	Jason Thurman	703 Woodman Road Rocky Mount, Va 24151	At Large Member	2-Year	12/15/2017
AG BOARD	Mark Woods	4111 Wades Gap Road Boones Mill, VA 24065	Produce	2 Year	12/15/2017
AG BOARD	Stephen Bray	511 Heritage Hollow lane Penhook, VA 24137	Diary	1-Year	12/15/2016
AG BOARD	David Craun	905 Kenwood Road Glade Hill, VA 24096	Horticulture	2-Year	12/15/2017
G BOARD	Ethan Cundiff	1712 Novelty Road Penhook, VA 24137	At Large Member	2-Year	12/15/2017
AG BOARD	Davis Torrence	2801 McNeil Mill Road Rocky Mount, VA 24151	Cattle	2-Year	12/15/2017

B

REVISED 7-26-01

# WEST PIEDMONT PLANNING DISTRICT COMMISSION BYLAWS

## ARTICLE 1

### Name, Location, Authority, Purpose

- Section 1. The name of this organization shall be the West Piedmont Planning District Commission, hereinafter called the "COMMISSION," and designated as District No. 12. It includes the Counties of Franklin, Henry, Patrick, and Pittsylvania and the Cities of Danville and Martinsville and the Town of Rocky Mount, Virginia.
- Section 2. The principal office of the COMMISSION shall be in Martinsville, Virginia. The location of the principal office may be changed in accordance with the provisions of the Charter of the COMMISSION.
- Section 3. The COMMISSION shall be a public body corporate and politic with all the powers and duties granted to it by the Regional Cooperation Act (Title 15.1, Chapter 34, Sections 1-1400 through 15.1-1416.1, Code of Virginia, 1950, as amended). The official acts of the COMMISSION shall be attested by the use of a common seal, an impression of which shall be affixed hereunder.
- Section 4. The purpose of the COMMISSION shall be to promote the orderly and efficient development of the physical, social, and economic elements of the Planning District by planning and encouraging and assisting governmental subdivisions to plan for the future, with emphasis on projects of greater than local interest.
- Section 5. The COMMISSION is composed of the following:
- A. The Board of Commissioners
  - B. An Executive Committee
  - C. Policy Advisory Committees and their sub-committees
  - D. The West Piedmont Regional Alliance
  - E. The Commission Staff

## ARTICLE II

### Membership

- Section 1 COMMISSION members shall be appointed, removed for cause, and vacancies filled by the respective governing bodies of those political subdivisions which are parties to the Charter Agreement, in accordance with the provisions of the Virginia Regional Cooperation Act and the Charter Agreement.

- Section 2 Any member of the COMMISSION shall be eligible for reappointment but may be removed for cause by the governing body which appointed him.
- Section 3. All members of the COMMISSION shall serve without compensation or refund of personal expenses except as otherwise authorized by the Executive Committee.
- Section 4 Whenever any COMMISSION member fails to attend three consecutive regular meetings, the Chairman shall notify the governing body of which the absent member is an appointee.
- Section 5. The COMMISSION may designate advisors who shall include the senior administrative official in each jurisdiction and such others as may be designated by the COMMISSION.

### ARTICLE III

#### Terms of Office and Voting Rights

- Section 1. The terms of office and voting rights of COMMISSION members shall be in accordance with the provisions of the Charter Agreement.
- Section 2. A majority of the members shall constitute a quorum

### ARTICLE IV

#### Meetings

- Section 1. Meetings of the COMMISSION shall be held normally on the fourth Thursday of each month. The regular meeting place shall be the Commission Offices in Martinsville or as determined by a majority of the COMMISSION in regular session. The locale of the meetings shall be rotated, at approximately quarterly intervals, among the member jurisdictions, at the invitation of the jurisdictions.
- Section 2. Matters may be placed on the agenda for consideration at meetings of the COMMISSION by one of the following:
- A. The Executive Director
  - B. A member of the Board of Commissioners
  - C. The governing body of a member jurisdiction

### ARTICLE V

#### Officers

- Section In addition to the offices of Chairman and Vice-Chairman, as provided for in the Charter or Agreement, the COMMISSION may elect other officers such as a Secretary and a Treasurer.

- Section 2. The Chairman shall preside at all COMMISSION meetings, shall sign all acts or orders necessary to carry out the will of the COMMISSION, shall have the authority to assign routine administrative functions to the Executive Director, shall be eligible to vote on all matters before the COMMISSION, and shall have the generally recognized powers and duties of the office of Chairman or President of an organization. He shall also be authorized to countersign checks or drafts against COMMISSION funds.
- Section 3. The Vice-Chairman shall serve as Chairman in the absence or disability of the Chairman. In the case of a vacancy in the office of Chairman, the Vice-Chairman shall assume the Chairman's duties until a new Chairman is elected to fill the unexpired term. He shall also be authorized to countersign checks or drafts against COMMISSION funds.
- Section 4. The immediate past Chairman shall serve as Chairman Emeritus from the date his successor qualifies as Chairman until the next succeeding election and succession of a Chairman. The Chairman Emeritus shall be an advisor to the COMMISSION, with the right to participate in its deliberations, but without vote. Should a Chairman Emeritus continue to serve as a member of the COMMISSION in his own right, his equal powers and status shall be neither enlarged nor diminished by his status as Chairman Emeritus.
- Section 5. All COMMISSION officers shall be elected at the regular May or June meeting for terms of one year or until their successors are elected.
- Section 6. COMMISSION officers shall be eligible for re-election.
- Section 7. The COMMISSION shall appoint an Executive Director who shall be an employee of the COMMISSION and shall serve at the pleasure of a majority of the membership.
- Section 8. The COMMISSION may designate its Executive Director as the organization's secretary but without the right to vote.
- Section 9. The Secretary shall prepare and maintain a permanent written record of all COMMISSION proceedings, shall transmit notices and agendas to the membership, and shall transmit a copy of the minutes of each COMMISSION meeting to each member prior to the next regular meeting.
- Section 10. The Treasurer shall be responsible for supervision of the receipt, keeping, and disbursement of all funds and property of the COMMISSION, investing funds when and as authorized by the COMMISSION, and insuring that proper permanent records are maintained of all financial transactions; he may delegate to the Executive Director the routine conduct of his fiscal duties. He will sign all warrants and checks issued against the COMMISSION, except those authorized for signature by the Executive Director and/or Chairman and will submit a financial report at each regular meeting of the COMMISSION and at such other times and in such form as the COMMISSION may require. The Treasurer shall be bonded in an amount as determined by the COMMISSION.

- Section 11 In addition to his regular administrative duties, the Executive Director shall:
- A. Recommend work programs and financing methods for adoption of the COMMISSION.
  - B. Prepare the annual budget for adoption by the COMMISSION.
  - C. Arrange for an annual audit of the accounts of the COMMISSION by an independent auditing firm, a copy of which shall be submitted to the governing body of each participating governmental subdivision.
  - D. Recommend staff positions, professional personnel and their compensation, and personnel administrative practices for approval.
  - E. See that all warrants and checks issued against the COMMISSION are countersigned, subject to the provisions contained elsewhere within these Bylaws.

Section 12 The Executive Director shall be bonded in an amount to be determined by the COMMISSION.

Section 13 The COMMISSION may appoint one of its employees to serve as Deputy Director, to serve as such at the pleasure of a majority of the COMMISSION, and such service shall be a responsibility in addition to his other duties. The Deputy Director shall assist the Executive Director in review of plans and advise him on policy and budget matters. He shall act, within the context of established policies, in the place of the Executive Director in his absence, except in the hiring and discharge of employees and signing of checks or warrants.

#### Article VI Executive Committee

Section 1. There shall be an Executive Committee consisting of the COMMISSION Chairman, Vice-Chairman, and one COMMISSION member from each city, town, and county delegation on the COMMISSION other than those of the Chairman and Vice-Chairman. The Executive Committee member from each city, town, and county shall be selected by the individual city, town, or county delegation on the COMMISSION except that those delegations from which the COMMISSION Chairman and Vice-Chairman were elected will not select other members.

Section 2. The COMMISSION may delegate to the Executive Committee such powers as the COMMISSION may determine, provided that these powers are not inconsistent with provisions of the Virginia Regional Cooperation Act or the Charter Agreement.

Section 3. A majority of the members shall constitute a quorum.

ARTICLE VII  
Policy Advisory Committees

Section 1 As deemed appropriate, the COMMISSION shall designate Policy Advisory Committees, which shall be composed of the following:

- A Chairman: Each Policy Advisory Committee shall be chaired by a member of the Commission, appointed by and serving at the pleasure of the COMMISSION.
- B. Jurisdiction Members: The governing bodies of each member jurisdiction shall designate one representative to each of the Policy Advisory Committees.
- C At-large Members: Each Policy Advisory Committee shall have two members to serve a voice for the under-represented groups of the elderly, youth, poor, blacks, and women, these members to have full voting rights. At-large members shall be nominated by the local governing bodies and appointed by the COMMISSION.

Section 2. All matters, prior to Board action, shall be referred to the appropriate Policy Advisory Committee by the Executive Director. Each such committee shall be responsible for preparing recommendations to the COMMISSION on such matters. A Policy Advisory Committee may seek the advice of a sub-committee on a particular issue before acting thereon.

Section 3. Each Policy Advisory Committee may organize such sub-committee as it deems proper and necessary, the Chairman of the Policy Advisory Committee to report such acts to the COMMISSION at a regular meeting thereof. Unless the Policy Advisory Committee votes otherwise, each such sub-committee shall be chaired by a member of the parent Policy Advisory Committee.

Section 4. The regular term of office for each Policy Advisory Committee member shall be three (3) years. The term of office of members of a sub-committee shall be three years or such shorter period as is specified when the sub-committee is authorized. Members may be reappointed to serve another term or may be removed from office at any time, at the discretion of their governing bodies.

Section 5. To insure stability of membership and retention of experienced members on Policy Advisory Committees, initial terms of members shall be established as follows, in alphabetical order of the jurisdictions, effective 1 July 1973:

Danville City.....	1 year, expiring 30 June 1974
Franklin County.....	1 year, expiring 30 June 1974
Henry County.....	2 years, expiring 30 June 1975
Martinsville City.....	2 years, expiring 30 June 1975
Patrick County.....	3 years, expiring 30 June 1976
Pittsylvania County.....	3 years, expiring 30 June 1976
Rocky Mount.....	3 years, expiring 30 June 1976
At-large Members.....	3 years, expiring 30 June 1976

Subsequent to these initial terms of office, all future appointments will be for a three (3) year term.

- Section 6 When a committee member has two consecutive unexcused absences from committee meetings, the jurisdiction which he represents will be notified of such absences.

## ARTICLE VIII

### West Piedmont Regional Alliance

- Section 1. In order to comply with and take advantage of Chapter 26.3, the Regional Competitiveness Act, Section 15.1-1227.1 through Section 15.1-1227.5, of the Code of Virginia, the West Piedmont Planning District Commission shall create the West Piedmont Regional Alliance operating as a special standing committee under the auspices and responsibility of the Commission, this Alliance's legal existence depending on the existence of Section 15.1-1227.2, of the Code of Virginia.

- A. Purpose of the West Piedmont Regional Alliance: The West Piedmont Regional Alliance shall provide the required institutional management body for the implementation of the Commonwealth of Virginia's Regional Competitiveness Act Program in the West Piedmont Region to promote increased intergovernmental cooperation and, through the cooperation created and the associated strategically planned projects, produce a region which is more economically competitive with competing localities outside the Commonwealth of Virginia.
- B. Authorities of the Alliance: The Alliance shall have no additional authority beyond that which is necessary for carrying out the purposes of the Regional Competitiveness Act or which is prescribed within the Act.

The existence and operations of the Alliance shall cease with the repeal of the Regional Competitiveness Act or by an action by the West Piedmont Planning District Board of Commissioners to repeal Article VIII of the Planning District Commission's Bylaws.

- C. Area of Coverage by the Alliance: All cities, counties, and towns with a population of 3,500 or greater within the Planning District will be invited to participate in the Alliance.
- D. Distribution of Regional Competitiveness Act Program Funds: Funds that may be received in the Planning District through awards of Regional Competitiveness Act funding from the Virginia Department of Housing and Community Development or its successor shall be distributed on the basis as determined by resolution by all participating local governments, with the amounts of the awards determined by the Commonwealth of Virginia.

For its efforts in serving as the administrative agent for the West Piedmont Regional Alliance and as necessary as the fiscal agent, it is understood that the West Piedmont Planning District Commission shall invoice the

localities receiving Regional Competitiveness Act funds in an amount up to but not exceeding ten (10) percent of the funds distributed.

E. Alliance Membership: Membership of the Alliance shall reflect the requirements of the Code of Virginia, changing upon amendments made to the Code of Virginia. At its inception, members to be included in the Alliance shall be:

- Chief elected officials, one each from the local government members of the Planning District, who may also be a Board of Commissioners member. The Planning District Commission shall invite officials (or their designees who must also be elected officials) to serve the Alliance.
- Local government administrators (or designees), one from each of the Commission's member localities. The Planning District Commission shall invite administrators/designees to serve the Alliance.
- Corporate officials, eight (8) members appointed by the Commission. Nominees must be chief executive officers and/or presidents of a business corporation or their designees.
- Presidents of Community Colleges (or their designees) within participating localities of the Planning District.
- Presidents of Four-Year Private Colleges (or their designees) within participating localities of the Planning.
- Public School Systems Superintendents (or their designees), two (2) superintendents (or their designees) from among the school systems of the member jurisdictions.
- Development Organization Representatives, two (2) members appointed by the Commission selected on a rotating basis from among the local economic development organizations or corporations within the Planning District.
- Civic Organization Representatives, two (2) members appointed by the Commission selected from a list of nominees submitted by Chamber of Commerce Directors whose lists of nominations may include: the Chamber Director, Chamber President, or a Director or President from other civic organizations and community action agencies within the Planning District.
- West Piedmont Planning District Commission representatives, two (2) members, the Chairman and Vice Chairman, or their designees in the event that they are members under another category; PDC representatives shall be appointed by the Commission Chairman.

F. Terms of Office:

- Chief elected official members (or their designees) shall serve for the term as determined by their localities.
- Local Government Administrators (or their designees) shall serve a term as determined by their localities.
- Corporate members shall serve three (3) year terms.
- Community College Presidents shall serve for their term of office with the Virginia Community College System. A designee of a Community College President shall serve such term as determined by the President.
- Presidents of the Four-Year Private Colleges shall serve for their term of office with the college. A designee of a President of a Four-year Private College shall serve such term as determined by the President.
- Public School Systems Superintendents (or their designees) shall serve for two (2) year terms.
- Development Organization Representatives shall serve two (2) year terms.
- Civic Organization representatives shall serve for two (2) year terms after which time the organizations making their original appointment shall be asked to renominate the member or nominate a new member; the Planning District Commission Board shall make the appointment(s) from the list of nominees.
- West Piedmont representatives shall serve for their term of office on the Commission, or for no more than two (2) years in the case of designees.

- G. Officers of the West Piedmont Regional Alliance: The Chairman and Vice-Chairman of the West Piedmont Planning District shall serve as Chairman and Vice-Chairman of the Alliance.

The Executive Director of the West Piedmont Planning District Commission shall serve as Executive Director of the West Piedmont Regional Alliance. He may assign duties to a designee, including the Deputy Director of the West Piedmont Planning District Commission.

- H. Quorum/Voting for Meetings: A quorum shall consist of one-third the Alliance's membership in attendance at a called meeting. If a quorum is present when a vote is taken, the official vote of a majority of the members present is the act of the Alliance.

Executive Committee. The Alliance may create an Executive Committee with no more than fourteen (14) members including the Chairman, Vice-Chairman chosen at a meeting of the full Alliance membership. The Alliance may delegate to the Executive Committee such responsibilities as the Alliance may determine, provided that these powers are not inconsistent with the provisions of the Virginia Regional Competitiveness Act.

- J. Committees. The Alliance Board may create one or more other committees and appoint members of the Board to serve on them. Each committee shall have two (2) or more members who serve at the pleasure of the Alliance Board. The creation of a committee and appointment of members to it shall be approved by a majority of directors in office when the action is taken. Each such committee shall be responsible for preparing recommendations to the Alliance on such matters as assigned.

- K. Termination: No provision is made for terminating participation by a member other than through term expiration; however, the Chairman of the Alliance may direct that a letter be sent to the original nominating party, advising of poor attendance, in effect, missing four (4) meetings in one (1) year.

- L. Bylaws for the Alliance: The Alliance shall operate under Article VIII of the West Piedmont Planning District Commission Bylaws as a standing committee of the Planning District. Once operative, the Alliance is permitted to adopt operating procedures in addition to but not in substitution for these bylaws herewith, insofar as these additional operating procedures do not conflict with West Piedmont Planning District Commission bylaws herewith.

- M. Fiscal Agency: The West Piedmont Planning District Commission may serve as Fiscal Agent for its Alliance. The Alliance shall be liable for compliance with the laws of the Commonwealth in all respects, as a subdivision of the West Piedmont Planning District Commission, which itself is a subdivision of the Commonwealth of Virginia.

- N. Administrative Agency: The West Piedmont Planning District Commission through its Executive Director and staff shall serve in the role of Administrative Agent for the Alliance. Local governing bodies participating in the Alliance and which receive Regional Competitiveness Act reward funding shall be billed at a rate not to exceed 10 percent per annum by the West Piedmont Planning District to cover costs of Alliance operations and administration.

- O. Freedom of Information, other Virginia Acts Impend on the Alliance: The Alliance is liable for the Virginia Freedom of Information Act, Procurement Act, and those other acts of the Commonwealth of Virginia which generally govern the acts or actions, procedures, and recordations of public bodies.

**ARTICLE IX**

**Amendments**

- Section 1** Any proposed amendment to these Bylaws shall be mailed to each member of the COMMISSION at least five days prior to the meeting at which it is to be voted upon. A majority vote of all members of the COMMISSION, voting at a regular meeting, shall be required to adopt any proposed amendment to the Bylaws.

**ARTICLE X**

**Parliamentary Procedure**

- Section 1** Robert's Rules of Order, Revised shall be the parliamentary authority for the conduct of meetings of the COMMISSION, the Executive Committee, Policy Advisory Committee, and the West Piedmont Regional Alliance, in all cases in which such rules apply and where they are not inconsistent with the provisions of the laws of Virginia, the Charter Agreement, and these Bylaws.

- Section 2.** During Policy Advisory Committee (or sub-committee) meetings, no action shall be taken with respect to a matter affecting only a particular jurisdiction unless the committee (or sub-committee) representative of that jurisdiction is present or unless he is represented by a proxy or written proxy statement. Matters so tabled shall be reported by the Committee Chairman to the COMMISSION at its next regular meeting. In extreme cases, committees may exercise their own judgment in deviating from this rule.

**ARTICLE XI**

- Section 1.** These Bylaws and any amendments thereto shall be effective immediately upon adoption.

# WEST PIEDMONT PLANNING DISTRICT BOARD

David Hoback, Executive Director

Post Office Box 5268

Martinsville, VA 24115

**1-YEAR TERM (2-BOS MEMBERS)**  
**CITIZEN APPOINTMENT (3-YEAR TERM)**

AS OF 11-17-2015

4<sup>th</sup> THURSDAY 7:00 Executive Board Meeting

7:30 Board Meeting-  
[tmeade@wppdc.org](mailto:tmeade@wppdc.org)

In 1968, Virginia was divided into 21 planning districts. A planning district commission is a political subdivision of the Commonwealth chartered under the Regional Cooperation Act by the local governments of each planning district. As such they are a creation of local government encouraged by the state.

The West Piedmont Planning District Commission is made up of the Cities of Danville and Martinsville; the Counties of Franklin, Henry, Patrick, and Pittsylvania; and the Town of Rocky Mount. The Commission has two elected representatives and one appointed representative. Elected representatives serve terms coincident with their elected terms of office or such shorter term as their governing bodies shall determine. Citizen, or appointed, representatives serve a three-year term. Both elected and appointed representatives have a vote on Commission matters. The Commission meets on the fourth Thursday of each month at its office at 1100 Madison Street in Martinsville; an agenda or cancellation notice is sent one week prior to the meeting date.

The purpose of Planning District Commissions, as set out in the Code of Virginia, Section 15.2-4207, is "...to encourage and facilitate local government cooperation and state-local cooperation in addressing on a regional basis problems of greater than local significance. The cooperation resulting from this chapter is intended to facilitate the recognition and analysis of regional opportunities and take account of regional influences in planning and implementing public policies and services. The planning district commission shall also promote the orderly and efficient development of the physical, social and economic elements of the district by planning and encouraging and assisting localities to plan for the future."

Virginia's PDCs provide a variety of technical and program services to member local governments. They include grant application assistance, management services for program implementation, land use planning services and mapping. The merging of mapping and information services has created the field of geographic information systems, where PDC's often lead the way. Transportation planning is another role for PDCs, who may deal with highway development, ridesharing, airport planning, and specialized transit. The West Piedmont Planning District Commission has also been designated as an Economic Development District by the U.S. Department of Commerce, making its member localities eligible to receive federal grant funds from that agency.

For the Commonwealth, PDCs serve as an accessible network that gives quick and complete statewide coverage. Each serves as the Affiliate State Data Center for the region. In this role they provide important information to businesses as well as citizens. PDCs are the regional contact for the Commonwealth Intergovernmental Review Process and provide input for a host of agencies and commissions.

Other duties of the PDC's are:

- To conduct studies on issues and problems of regional significance
- To identify and study potential opportunities for local cost savings and staffing efficiencies through coordinated local government efforts
- To identify mechanisms for the coordination of state and local interests on a regional basis
- To implement services upon request of member localities
- To provide technical assistance to state government and member localities
- To serve as a liaison between localities and state agencies, as requested.
- To review local government aid applications as required by applicable law through the A-95 or Intergovernmental Review Process
- To conduct strategic planning for the regional as required by applicable law
- To develop regional functional area plans as deemed necessary by the commission or as requested by member localities
- To assist state agencies, as requested, in the development of substate plans
- To participate in a statewide geographic information system, the Virginia Geographic Information Network, as directed by the Department of Planning and Budget
- To collect and maintain demographic, economic and other data, acting as a state data center affiliate in cooperation with the Virginia Employment Commission

Mr. Bobby Thompson  
364 Sawmill Road  
Ferrum, VA 24088  
493-0364

12-31-2015

Mr. Leland Mitchell  
4180 Sontag Road  
Rocky Mount, Virginia 24151  
493-0059

12-31-2016

Brian C. Hamilton  
100 Fralins Road  
Rocky Mount, Virginia 24151

12-31-2016

BY-LAWS  
FRANKLIN COUNTY PLANNING COMMISSION  
Adopted May 10, 2005

ARTICLE 1 – OBJECTIVES

- 1-1. This commission, established in conformance with the resolution adopted by the Board of Supervisors of Franklin County on February 29, 1961, had adopted the following Articles in order to facilitate its powers and duties in accordance with the provisions of Title 15, Article 2, Code of Virginia.
- 1-2. The official title of this commission shall be the “Franklin County Planning Commission”.

ARTICLE 2 – MEMBERS

- 2-1. A county planning commission shall consist of seven (7) members. Members shall be appointed by the Board of Supervisors.
- 2-2. Members shall be appointed for a term of four (4) years, ending on June 20. Any vacancy in membership shall be filled by appointment by the Board of Supervisors. It shall be for an expired term only. Any appointed member may be removed by the Board of Supervisors for inefficiency, neglect of duty or malfeasance in office. The Board may provide for the payment of expenses incurred by the performance of their official duties.
- 2-3. Attendance reports shall be made to the Franklin County Board of Supervisors each six (6) months, recommending that less than 50% attendance of each Commissioner would justify consideration for replacement.

ARTICLE 3 – OFFICERS AND THEIR SELECTION

- 3-1. The Officers of the Planning Commission shall consist of a chairman and vice chairman.
- 3-2. Nomination of officers shall be made from the floor at the regular July meeting each year. Election of officers shall follow immediately.
- 3-3. A candidate receiving a majority vote of the entire membership of the planning commission shall be declared elected. He shall take office immediately and serve for one (1) year or until his successor shall take office.
- 3-4. Vacancies in office shall be filled immediately by regular election procedures.

## ARTICLE 4 – DUTIES OF OFFICERS

- 4-1. The chairman shall be a citizen member of the commission and shall:
- 4-1-1. Preside at all meeting whenever possible.
  - 4-1-2. Appoint committees, special and/or standing.
  - 4-1-3. Rule on all procedural questions (subject to a reversal by a two-thirds (2/3) majority vote of the members present).
  - 4-1-4. Be informed immediately of any official communication and report same at the next regular meeting.
  - 4-1-5. Carry out other duties as assigned by the commission.
- 4-2. The vice-chairman shall be a citizen member of the commission and shall:
- 4-2-1. Act in the absence or inability of the chairman to act.
  - 4-2-2. Have the powers to function in the same capacity as the Chairman in cases of the chairman's inability to act.
- 4-3. The Franklin County Department of Planning and Community Development will provide staff functions to the commission. Among other duties that may be undertaken, it will include:
- 4-3-1. Keep a written record of all business transacted by the commission, the minutes.
  - 4-3-2. Notify all members of all pending meetings.
  - 4-3-3. Keep a file of all official records and reports of the commission.
  - 4-3-4. Certify all maps, records and reports of the commission.
  - 4-3-5. Give notice of all hearings and public meetings.
  - 4-3-6. Attend to all the correspondence of the commission.
  - 4-3-7. Keep a set of minutes of all meetings and send a copy to each member of the Commission and a public copy shall be sent to the County Clerk and individual copies shall be sent to such other persons as may be authorized by the Commission from time to time.
  - 4-3-8. Prepare and be responsible for the publishing of advertisements relating to public hearings.

## ARTICLE 5 – STANDING AND SPECIAL COMMITTEES

The need for standing committees shall be addressed by the Planning Commission at the February meeting each year. The committees must be approved by majority vote of those present at the regular February meeting.

- 5-1. Standing committees shall be appointed for one (1) year. Vacancies shall be filled immediately by the Commission Chairman.

- 5-2. Special committees may be appointed by the Chairman as necessary for the purposes and terms approved by the commission.

#### ARTICLE 6 – MEETINGS

- 6-1. Regular meetings of the Commission shall be held on the second Tuesday of each month at 7:00 p.m., unless otherwise designated.
- 6-2. Special meetings shall be called at the request of the Chairman or by two (2) members upon written request to the secretary. The secretary shall mail to all members, at least five (5) days in advance of a special meeting, a written notice fixing the time and place of the meeting and the purpose thereof. Written notice of a special meeting is not required if the time of the special meeting has been fixed at a regular meeting, or if all members are present at the special meeting or file a waiver of notice.
- 6-3. All regular meetings, hearing, records and accounts shall be open to the public.
- 6-4. A majority of the members of the Commission shall constitute a quorum. The number of votes necessary to transact business shall be majority vote of those present and voting. Voting will be by roll call, and a record shall be kept as a part of the minutes.

#### ARTICLE 7 – ORDER OF BUSINESS

- 7-1. The order of business for a regular meeting shall be:
- 7-1-1. Call to order by Chairman.
  - 7-1-2. Roll Call.
  - 7-1-3. Determination of a quorum.
  - 7-1-4. Approval of minutes of previous meeting.
  - 7-1-5. Report of standing committees.
  - 7-1-6. Report of special committees.
  - 7-1-7. Unfinished business.
  - 7-1-8. New business.
  - 7-1-9. Adjournment.
- 7-2. Motions shall be restated by the Chairman before a vote is taken. Also, the Chairman will explain what a “yes” and “no” vote will mean with respect to the motion being voted on. The names of persons making and seconding motions shall be recorded.
- 7-3. Parliamentary procedure in commission meetings shall be governed by the adopted rules of order, namely, Robert’s Rules of Order.

- 7-4. The secretary shall sign all minutes and at the end of the year shall certify that the minutes of the preceding year are a true and correct copy.

#### ARTICLE 8 – HEARINGS

- 8-1. In addition to those required by law, the commission, at its discretion, may hold public hearings when it decides that a hearing will be in the public interest.
- 8-2. Notice of hearing shall be published in accordance with Title 15.2-2204 of the Code of Virginia.
- 8-3. The case before the commission shall be summarized by the Chairman or other member delegated by the Chairman. Interested parties shall have the privilege of the floor, but the chairman shall have the right to limit the amount of speaking time for each individual and in total. Records or statements shall be recorded or sworn to, as evidence for any court of law, only after notice is given to the interested parties.
- 8-4. A record shall be kept of those speaking before the hearing.
- 8-5. Motions shall be restated by the Chairman before a vote is taken.

#### ARTICLE 9 – CORRESPONDENCE

- 9-1. It shall be the duty of the secretary to draft and sign all correspondence necessary for the execution of the duties and functions of the planning commission.
- 9-2. It shall be the duty of the secretary to communicate by telephone, facsimile or e-mail when necessary to make communications that cannot be carried out as rapidly as required through direct correspondence.

#### ARTICLE 10 – AMENDMENTS

- 10-1. These rules may be changed by a recorded two-thirds (2/3) vote of the entire membership after thirty (30) days' prior notice.

#### ARTICLE 11 – EFFECTIVE DATE

- 11.1. Nothing in the foregoing bylaws shall be construed as invalidating any official business of the commission transacted prior to that date.
- 11-2. The foregoing bylaws shall become effective upon vote of a majority of the commission in regular meeting.
- 11-3. Adopted: May 10, 2005

**PLANNING COMMISSION MEMBERS & TERMS**  
**Updated 1-21-2014**  
**4-YEAR TERMS**

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

**Gills Creek District**  
**Term Expires: 3-31-2016**

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

**Blue Ridge District**  
**Term Expires: 6-30-2016**

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

**Rocky Mount District**  
**Term Expires: 3-31-2018**

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

**Union Hall District**  
**Term Expires: 6-30-2016**

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

**Snow Creek District**  
**Term Expires: 6-30-2018**

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

**Blackwater District**  
**Term Expires: 6-30-2016**

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

**Boone District**  
**Term Expires 3-31-2018**

**\*Each term is for 4 years**

2

**TLAC BOARD MEMBERS**  
**Pam Dinkle, Executive Director**  
Karen/Secretary  
Post Office Box 55  
400 Scruggs Road, Suite 200  
Moneta, VA 24121  
540 721-4400 (T)  
540-721-4450 (Fax)

**1 YEAR TERMS**  
**1-19-2016**

The Tri-County Lake Administrative Commission (TLAC) was created on October 3, 2000. It replaced the Smith Mountain Lake Policy Advisory Board which was created in July of 1986. TLAC serves as an administrative department for the three counties surrounding Smith Mountain Lake (Bedford, Franklin, and Pittsylvania). TLAC carries out Smith Mountain Lake planning duties including, but not limited to, navigation marker issues, debris removal, invasive aquatic vegetation issues and coordination with APCO for lake related issues. TLAC strives to assist in the development of a harmonious community at Smith Mountain Lake through the administration of the programs and projects delegated to it by the three County Boards of Supervisors.

- The TLAC Board of Directors meets on the first Tuesday of each month at 4 P.M.
- Appointments/Re-appointments are made annually
  - Members:
    - Administrator from each member County
    - Supervisor from each member County
    - Citizen Representative from each member County (appointed by the County's Board of Supervisors)  
Note: Pittsylvania County's citizen representative serves only as an alternate for the County Supervisor
    - One member from the following local organizations:
      - Smith Mountain Lake Association
      - Smith Mountain Lake Chamber of Commerce
      - Appalachian Power Company
- Total Voting Members: 11
- Current Active Committees: Environmental and Navigation Committee Chairman must be active members of the TLAC Board of Directors
- Organizational Cooperative Agreement must be renewed every two years by all three Counties. The Boards of Supervisors recently approved the renewal of the agreement through October 3, 2008.

Loric M. Smith  
Citizen Appointment  
400 Emerald Bay Drive  
Moneta, Virginia 24121

1/31/2017

Robert M. Camicia  
Board Member  
143 Charlotte Lane  
Hardy, Virginia 24101

1/31/2017





# FRANKLIN COUNTY PUBLIC SCHOOLS

## Office of Superintendent

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

January 29, 2016

Mr. Vincent K. Copenhaver  
County Finance Director  
1255 Franklin Street, Suite 111  
Rocky Mount, VA 24151

Dear Vincent:

I am writing to respectfully request that the Franklin County Board of Supervisors consider approving an increase in our 2015-16 appropriations as follows:

Revenues:	
County Capital Funds for School Buses	<u>\$340,000</u>
Expenditures:	
3 Regular Replacement School Buses – 71 Passenger	\$270,000
1 Special Education Handicapped-Equipped Replacement Buses – 22 Passenger	68,000
Reserve for the Purchase of School Buses in 2015-16	<u>2,000</u>
Total Expenditures	<u>\$340,000</u>

We respectfully request that the Franklin County Board of Supervisors give its approval for this request at their meeting to be held on February 16, 2016.

Thank you for your consideration.

Sincerely,

C. David Terry  
Director of Business & Finance

CDT

- 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. Anthony Patterson, Director of Operations
- Mr. Brent Robertson, County Administrator

FRANKLIN COUNTY  
Board of Supervisors



Franklin County  
*A Natural Setting for Opportunity*

EXECUTIVE SUMMARY

<p><b><u>AGENDA TITLE</u></b> Authorization to Vacate a Portion of Road in Highland Shores</p> <p><b><u>SUBJECT/PROPOSAL/REQUEST:</u></b> Request for a public hearing to vacate a portion of a service road in Highland Shores.</p> <p><b><u>STAFF CONTACT(S):</u></b> Mr. Whitlow &amp; Ms. Cooper</p>	<p><b><u>AGENDA DATE:</u></b> 2/16/16</p> <p><b><u>ACTION:</u></b> Yes</p> <p><b><u>CONSENT AGENDA:</u></b> <b><u>ACTION:</u></b> No</p> <p><b><u>ATTACHMENTS:</u></b> YES</p> <p><b><u>REVIEWED BY:</u></b> <i>PR</i></p>	<p><b><u>ITEM NUMBER:</u></b></p> <p><b><u>INFORMATION:</u></b></p> <p><b><u>INFORMATION:</u></b></p>
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**BACKGROUND:**

Staff met with Linda Prayto concerning a service road located in Highland Shores. Mr. and Mrs. Prayto purchased property located on Highland Lake Drive, identified as tax map numbers 51.1-42 and 51-10.1 to construct a home closer to family. The Praytos have requested to vacate a portion of the fifty foot (50') service road to allow them to meet the setbacks of a corner lot and construct their home without having to build retaining walls to deal with the slope of the land. This will prevent the Praytos asking for a variance from the Board of Zoning Appeals dealing with a front yard setback for a corner lot. The portion of service road to be vacated is shared by the Praytos and their daughter and son-in-law.

**DISCUSSION:**

Staff research shows Highland Shores was platted in 1973. (See attached service road. The portion to be vacated is highlighted in orange.) The service road is not constructed and still remains undisturbed land. All properties adjoining the service road access their properties by Highland Lake Drive a secondary road in VDOT's secondary road system. The service road would only be vacated between Mr. and Mrs. Prayto and Mr. and Mrs. Smith, III, which are the Prayto's daughter and son-in-law. Other properties would not be affected by the closure of this portion of the service road.

**RECOMMENDATION:**

Staff respectfully requests the Board of Supervisors hold a public hearing on Tuesday, February 16, 2016, to consider vacating a portion of a service road in Highland Shores.

## § 15.2-2272

## Vacation of plat after sale of lot.

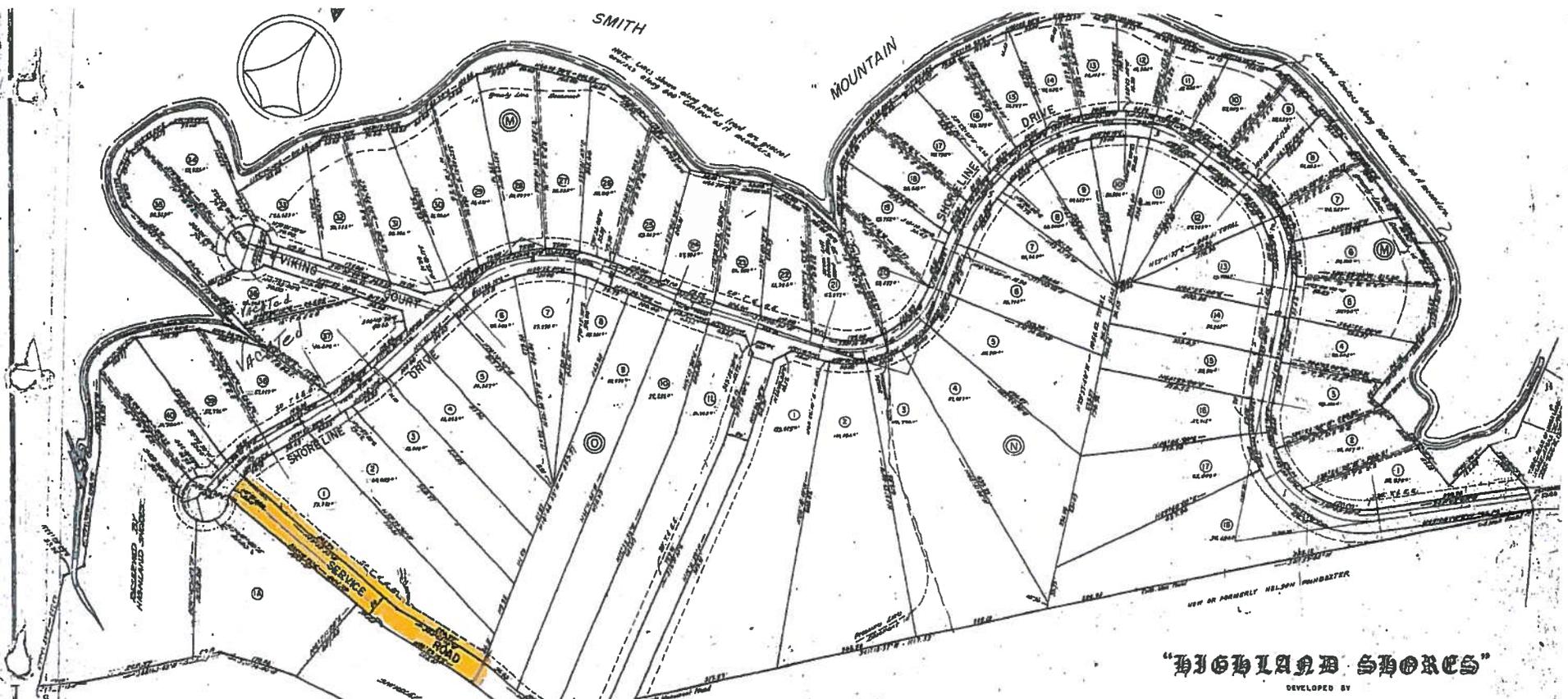
In cases where any lot has been sold, the plat or part thereof may be vacated according to either of the following methods:

1. By instrument in writing agreeing to the vacation signed by all the owners of lots shown on the plat and also signed on behalf of the governing body of the locality in which the land shown on the plat or part thereof to be vacated lies for the purpose of showing the approval of the vacation by the governing body. In cases involving drainage easements or street rights-of-way where the vacation does not impede or alter drainage or access for any lot owners other than those lot owners immediately adjoining or contiguous to the vacated area, the governing body shall only be required to obtain the signatures of the lot owners immediately adjoining or contiguous to the vacated area. The word "owners" shall not include lien creditors except those whose debts are secured by a recorded deed of trust or mortgage and shall not include any consort of an owner. The instrument of vacation shall be acknowledged in the manner of a deed and filed for record in the clerk's office of any court in which the plat is recorded.

By ordinance of the governing body of the locality in which the land shown on the plat or part thereof to be vacated lies on motion of one of its members or on application of any interested person. The ordinance shall not be adopted until after notice has been given as required by § 15.2-2204. The notice shall clearly describe the plat or portion thereof to be vacated and state the time and place of the meeting of the governing body at which the adoption of the ordinance will be voted upon. Any person may appear at the meeting for the purpose of objecting to the adoption of the ordinance. An appeal from the adoption of the ordinance may be filed within thirty days with the circuit court having jurisdiction of the land shown on the plat or part thereof to be vacated. Upon appeal the court may nullify the ordinance if it finds that the owner of any lot shown on the plat will be irreparably damaged. If no appeal from the adoption of the ordinance is filed within the time above provided or if the ordinance is upheld on appeal, a certified copy of the ordinance of vacation may be recorded in the clerk's office of any court in which the plat is recorded.

Roads within the secondary system of highways may be vacated under either of the preceding methods and the action will constitute abandonment of the road, provided the land shown on the plat or part thereof to be vacated has been the subject of a rezoning or special exception application approved following public hearings required by § 15.2-2204 and provided the Commissioner of Highways or his agent is notified in writing prior to the public hearing, and provided further that the vacation is necessary in order to implement a proffered condition accepted

Plat 5,



STATION	BEARING	DISTANCE	CHORD BEARING	CHORD DISTANCE
1	S 89° 15' 00" W	100.00	S 89° 15' 00" W	100.00
2	S 89° 15' 00" W	100.00	S 89° 15' 00" W	100.00
3	S 89° 15' 00" W	100.00	S 89° 15' 00" W	100.00
4	S 89° 15' 00" W	100.00	S 89° 15' 00" W	100.00
5	S 89° 15' 00" W	100.00	S 89° 15' 00" W	100.00
6	S 89° 15' 00" W	100.00	S 89° 15' 00" W	100.00
7	S 89° 15' 00" W	100.00	S 89° 15' 00" W	100.00
8	S 89° 15' 00" W	100.00	S 89° 15' 00" W	100.00
9	S 89° 15' 00" W	100.00	S 89° 15' 00" W	100.00
10	S 89° 15' 00" W	100.00	S 89° 15' 00" W	100.00
11	S 89° 15' 00" W	100.00	S 89° 15' 00" W	100.00
12	S 89° 15' 00" W	100.00	S 89° 15' 00" W	100.00
13	S 89° 15' 00" W	100.00	S 89° 15' 00" W	100.00
14	S 89° 15' 00" W	100.00	S 89° 15' 00" W	100.00
15	S 89° 15' 00" W	100.00	S 89° 15' 00" W	100.00

NOTES:  
 1. Easements shown are telephone and electric line easements and for drainage easements and are not reserved for any other purpose.  
 2. T & E Denotes Telephone & Electric Easement  
 3. T & D Denotes Telephone, Drainage & Electric Easement

**OWNER'S CERTIFICATE:**  
 The undersigned hereby acknowledges this plat and attestation to be their free act and deed and do hereby dedicate to public use as streets, alleys, driveways, and easements forever all areas so shown as otherwise indicated on this plat.  
 John W. Shiveley (Jr.)  
 As Director, Southeastern Associates

**SURVEYOR'S CERTIFICATE:**  
 I hereby certify that the plat herein is correct and accurate in all respects to the best of my knowledge and belief, and that the plat was compiled from an actual survey made under my direction and completed January, 1975; and further certify that the subdivision was made of the free consent and direction of the owners.  
 E. B. Robertson  
 Registered Surveyor No. 575

**SOURCE OF TITLE:**  
 Deed of B. S. S. from B. A. Davis, Jr. special commissioner to A. H. Shiveley, S.L. Borell, and H. H. King April 16, 1963, of record in Franklin County Circuit Court Clerk's Office in Deed Book 25, page 396.

**"HIGHLAND SHORES"**

DEVELOPED BY  
 SOUTHEASTERN ASSOCIATES  
 AND  
 SHIVELEY & ASSOCIATES  
 SITUATE UNION HALL MARSHAL DISTRICT  
 FRANKLIN COUNTY - VIRGINIA

Scale 1" = 100' January 10, 1975  
 Revised May 14, 1975

Filed in the Clerk's Office of Circuit Court of Franklin County the 10th day of January 1975 at 12:22 P.M.  
 By: [Signature] County Clerk.



For each copy of this plat...  
 [Signatures and stamps of officials, including the County Clerk and Board of Health members.]



**MEMORANDUM**  
**Case # REZO-12-15-14994**



**To:** Franklin County Board of Supervisors  
**From:** Steven M. Sandy, Current Planning Development Manager  
**Date:** January 29, 2016  
**Tax #s:** 0360018501A  
**District:** Boone District  
**Applicant:** David Sine  
**Owners:** Alvin Sine and Marcella Sine

**REQUEST:**

Petition of **David Sine, Petitioner** and **Alvin Sine & Marcella Sine, Owners**, requesting to amend proffered conditions #1 and #6, approved as part of a zoning amendment on November 27, 2007, relating to conformance to concept plan and allowable signage. The property is currently zoned Business District, General (B-2) consisting of +/- 1.58 acres, located at 20734 Virgil Goode Highway, in the Boone District of Franklin County, and further identified as Tax Map/Parcel #0360018501A. The Future Land Use Map of the Comprehensive Plan identifies this area as Route 220 Commercial Highway Corridor recommending commercial development. (Case # REZO-12-15-14994)

**RECOMMENDATION:**

Planning Commission recommends that the Board of Supervisors consider and approve the requested amendment to proffered conditions by rezoning from Business B-2 to Business B-2 with the following revised proffered conditions:

1. Substantial conformity. *The property shall be developed in substantial conformity with the conceptual plan, entitled "Blackwater 4WD & Tractor, LLC Concept Plan", prepared by Price Buildings, Inc. dated 01/08/16.*
2. Limitation of Use. *The use of the Property shall be limited to the uses permitted in the Business B-2 district, except that the following uses will not be permitted on the Property: Apartments with combined business; Assembly halls; Auction barn/auction house; Blacksmiths; Boat clubs; Car and vehicle wash operations; carpet cleaning; Cemeteries, community and commercial; Clubs (private); Clubs (public); Cold storage lockers, facilities; Drive-in restaurants/walk-ins; Flea markets; Gasoline stations; Laundromats; Marinas; Mobile home sales; Railroad facilities.*
3. *The applicant shall comply with all requirements of the Virginia Department of Health regarding the provision of water and sewage disposal.*
4. *The applicant shall coordinate with Virginia Department of Transportation to meet requirements for a commercial entrance permit.*
5. *The applicant shall maintain a twenty (20) foot landscaped buffer adjacent to Route 220. In addition, the applicant shall maintain landscaped buffer to the east and west of the property in conformance with the Franklin County Landscape and Buffering Ordinance adopted July 2002.*



**BACKGROUND:**

The petitioner requests to amend proffered conditions #1 and #6 from a previously approved rezoning of the property approved on November 27, 2007 (see attached). The conditions relate to conformance to the concept plan and allowable signage, respectively. This 1.58 +/- acre property fronts on U.S. 220 North in Boone District. The applicant has also submitted a conceptual plan entitled “Blackwater 4WD & Tractor, LLC Concept Plan” prepared by Price Buildings, Inc. and dated December 3, 2015. The new concept plan shows the proposed 20 x 40 showroom addition that was not included on the concept plan in 2007 approval. The applicant has submitted a revised concept plan dated January 8, 2016. Therefore, proffer #1 is being amended to reference the new concept plan depicting the addition.

In addition, the petitioner has proposed to eliminate condition #6 that limited signage on the property to two (2) freestanding signs measuring no more than thirty-two (32) square feet in area and a prohibition on off-premise signs on the property. Currently, the Business B-2 district allows multiple freestanding signs for businesses and allows up to one hundred (100) square feet of area for each freestanding sign. Individual freestanding signs are required to maintain a separation of 250 feet. Based on the current sign location, the removal of this proffer would allow the one existing sign to be increased to 100 square feet in area however, another sign would not be allowed on the property due to the separation distance. Furthermore, off-premise signage would not be allowed due to the prohibition found in Section 25-502.10 of the 220-North Mixed Use Overlay.

The aerial view of the parcel shows the highway commercial nature of the area. The area is served by public water and septic systems. US Route 220, fronting the property is a public highway; the property has approximately 380’ of frontage. .

During the Development Review Team (DRT) meeting where the application was reviewed with representatives from Public Works, Planning, VDOT, and the Virginia Dept. of Health. No major concerns were raised concerning the proposed special use permit.

The application was advertised, posted, and notifications sent to all adjacent property owners. Adjoining property owners and/or general public may raise comments and concerns during the public hearings.

**SITE STATISTICS:**

*Location:* 20734 Virgil H. Goode Highway (US 220 North), in the Boone District  
*Size:* +/- 1.58 acres  
*Existing Land Use:* Highway Commercial



*Adjoining Zoning:* A1, Agricultural District  
*Adjoining Land Uses:* Commercial, Agriculture  
*Adj. Future Land Uses:* Commercial Highway Corridor

**COMPREHENSIVE PLAN:**

This property is designated in the 2025 Comprehensive Plan as Commercial Highway Corridor.

**Commercial Highway Corridors** are linear commercial development along an established primary highway. These highway corridors are intended to provide development opportunities extending behind the parcels that front on the primary highway.

The Commercial Highway Corridors identified in the Franklin County Comprehensive Plan are:

Route 220:

Between Brick Church Road and Iron Ridge Road (The commercial highway corridor this particular property is located)  
Between Shady Lane (983) and the Rocky Mount Town limits.  
Between Cassell Drive and the Franklin County Commerce Park

Route 40 West:

Between the Rocky Mount Town limits and Six Mile Post Road

Route 40 East:

Between the Rocky Mount Town limits and Golden View Road

**Policies for Commercial Highway Corridors**

- 1. The County will explore and implement effective ways to manage and improve the negative impacts of strip commercial development on important arterial roads that have already experienced development. These impacts include frequent curb cuts, proliferation of signs and visual clutter, poor aesthetics and poor traffic flow.*
- 2. In areas that face increasing pressure for strip commercial development, the County will explore ways to provide incentives to encourage beneficial development, and desirable site characteristics, and to reduce the negative impacts on the rural character of the County. The methods will include planning for intersecting local access road nodes connecting to parallel collector roads.*
- 3. The County will encourage and monitor site plans for new development along key commercial corridors to coordinate entrances according good engineering practices to reduce safety hazards and congestion and to meet or exceed VDOT commercial highway entrance standards.*



4. Discourage further linear expansion of commercial highway corridors.
5. Discourage the future designation of any new commercial highway corridors.
6. New commercial development should be directed to identified Towns and Villages and/or lateral expansion of existing commercial corridors.
7. Scale and design of development should be in keeping with traditional character of Franklin County.

Also, this particular property is located in the 220 North Corridor Plan adopted by the Board of Supervisors in February of 2009. The property is located in the Mixed Use District of the plan.

**ZONING ORDINANCE:**

The development of the property is governed by Chapter 25 of the Franklin County Code. In addition, the property is located within the 220-North Mixed Use Overlay District and is subject to additional zoning regulations found in Chapter 25, Article IV, Division 6 of the County Code. These regulations govern required landscape yards, required landscaping, signage, etc. In particular, the overlay district requires a twenty-five (25) foot minimum landscape yard. This area shall landscape yard prohibits outdoor displays, outdoor storage, parking buildings within the yard.

**ANALYSIS:**

Staff believes that the zoning history for this property, including the most recent rezoning cases in 2003 and 2007, indicates willingness by the Board of Supervisors for this property to develop as part of the commercial highway corridor. The property is already developed with commercial use and has been for several years. Staff believes that the continued B-2, Business District General, is appropriate for a commercial highway corridor, if given proffered assurances to limit the impact of commercial uses and development through appropriate landscaping, screening, and buffering against adjacent uses.

Allowance of signage consistent with other Business B-2 uses does not appear to be inconsistent with other B-2 properties in the area along this major highway corridor.



**RECOMMENDATION:**

Planning Commission recommends that the Board of Supervisors consider and approve the requested amendment to proffered conditions by rezoning from Business B-2 to Business B-2 with the following revised proffered conditions:

1. *Substantial conformity. The property shall be developed in substantial conformity with the conceptual plan, entitled "Blackwater 4WD & Tractor, LLC Concept Plan", prepared by Price Buildings, Inc. dated 01/08/16.*
2. *Limitation of Use. The use of the Property shall be limited to the uses permitted in the Business B-2 district, except that the following uses will not be permitted on the Property: Apartments with combined business; Assembly halls; Auction barn/auction house; Blacksmiths; Boat clubs; Car and vehicle wash operations; carpet cleaning; Cemeteries, community and commercial; Clubs (private); Clubs (public); Cold storage lockers, facilities; Drive-in restaurants/walk-ins; Flea markets; Gasoline stations; Laundromats; Marinas; Mobile home sales; Railroad facilities.*
3. *The applicant shall comply with all requirements of the Virginia Department of Health regarding the provision of water and sewage disposal.*
4. *The applicant shall coordinate with Virginia Department of Transportation to meet requirements for a commercial entrance permit.*
5. *The applicant shall maintain a twenty (20) foot landscaped buffer adjacent to Route 220. In addition, the applicant shall maintain landscaped buffer to the east and west of the property in conformance with the Franklin County Landscape and Buffering Ordinance adopted July 2002.*



**SUGGESTED MOTIONS:**

The following suggested motions are sample motions that may be used. They include language found in Section 15.2-2283, Purpose of zoning ordinances of the Code of Virginia of 1950, as amended.

- 1) (**APPROVE**) I find that the proposal will not be of substantial detriment to adjacent property, that the character of the projected future land use of the community will not be adversely impacted, that such use will be in harmony with the purpose and intent of the zoning ordinance and with the public health, safety and general welfare. Therefore I move to recommend approval of the petitioner's request to amend the proffered conditions in Business B-2, with the proffered conditions submitted by the owner.

**OR**

- 2) (**DENY**) I find that the proposal is of substantial detriment to adjacent property and that such use will not aid in the creation of a convenient, attractive, or harmonious community. Therefore I move to recommend denial of the request to amend proffered conditions.

**OR**

- 3) (**DELAY ACTION**) I find that the required information for the submitted petition is incomplete. Therefore I move to delay action until all necessary materials are submitted to the Board of Supervisors.

STATE OF VIRGINIA:

BEFORE THE BOARD OF SUPERVISORS OF FRANKLIN COUNTY:

**RECOMMENDATION:**

A request for a rezone permit to amend proffered conditions #1 and #6, approved as part of a zoning amendment on November 27, 2007, relating to conformance to concept plan and allowable signage on approximately +/- 1.58 total acre parcel located at 20734 Virgil Goode Highway in the Boone District of Franklin County, identified and recorded as Tax Map # 36 Parcels # 185.1A in the Franklin County Real Estate Tax Records.

TO THE HONORABLE SUPERVISORS OF FRANKLIN COUNTY:

**WHEREAS**, the owners, **Alvin Sine & Marcella Sine** and petitioner, **David Sine**, have filed with the Secretary of the Planning Commission a petition requesting a rezone permit to amend proffered conditions #1 and #6.

**WHEREAS**, the petition was referred to the Planning Commission on January 12, 2016 and to the Board of Supervisors on February 16, 2016, which after due legal notice as required by Section 15.2-2204 and Section 15.2-2205 of the Code of Virginia of 1950, as amended, was held on January 12, 2016; and

**WHEREAS**, at that public hearing all parties in interest were afforded an opportunity to be heard; and

**WHEREAS**, the Planning Commission after due consideration, does have a recommendation for the Board of Supervisors.

For the petition of David Sine, Petitioner and Alvin Sine & Marcella Sine/Owners; Case # REZ\_-12-15-14994.

**NOW THEREFORE**, be it resolved, that the Planning Commission does have a recommendation to the Franklin County Board of Supervisors for the above-referenced parcel(s) of land and the Petitioner/Owner(s), regarding the rezone permit to amend proffered conditions as follows:

1. ***Substantial conformity.** The property shall be developed in substantial conformity with the conceptual plan, entitled "Blackwater 4WD & Tractor, LLC Concept Plan", prepared by Price Buildings, Inc. dated 01/08/16.*
2. ***Limitation of Use.** The use of the Property shall be limited to the uses permitted in the Business B-2 district, except that the following uses will not be permitted on the Property: Apartments with combined business; Assembly halls; Auction barn/auction house; Blacksmiths; Boat clubs; Car and vehicle wash operations; carpet cleaning; Cemeteries, community and commercial; Clubs (private); Clubs (public); Cold storage lockers, facilities; Drive-in restaurants/walk-ins; Flea markets; Gasoline stations; Laundromats; Marinas; Mobile home sales; Railroad facilities.*
3. *The applicant shall comply with all requirements of the Virginia Department of Health regarding the provision of water and sewage disposal.*

4. *The applicant shall coordinate with Virginia Department of Transportation to meet requirements for a commercial entrance permit.*
5. *The applicant shall maintain a twenty (20) foot landscaped buffer adjacent to Route 220. In addition, the applicant shall maintain landscaped buffer to the east and west of the property in conformance with the Franklin County Landscape and Buffering Ordinance adopted July 2002.*

The above action was a motion to approve with proffered conditions by Mrs. Angie McGhee, representative for the Boone District. The motion was seconded by, Mrs. Wendy Ralph, representative for the Union Hall District of Franklin County. The motion was a majority as written above upon the following vote:

AYES: McGhee, Doss, Ralph, Colby, Law, Mitchell  
NAYES:  
ABSTAIN: Webb  
ABSENT:

  
\_\_\_\_\_  
Clerk  
Franklin County Planning Commission

  
\_\_\_\_\_  
Date

FRANKLIN COUNTY  
PETITION/APPLICATION FOR REZONING  
(Type or Print)

I/We, Alvin + Marcella Sims, as Owner(s), Contract Purchasers, or Owner's Authorized Agent of the property described below, hereby apply to the Franklin County Board of Supervisors to amend the Franklin County Zoning Maps as hereinafter described:

1. Petitioners Name: David Sims

2. Property Owner's Name: Alvin + Marcella Sims

Phone Number: 540 580 4680

Address: 20734 Virgil Goode HWY  
Rocky MT Va Zip: 24151

3. Exact Directions to Property from Rocky Mount: North on RT 220  
Smiles, on Right Just Past Wirt

4. Tax Map and Parcel Number: Track A Parcel 36-185.1

5. Magisterial District: Boone

6. Property Information:

A. Size of Property: 1.580 Acres

B. Existing Land Use: Commercial B2

C. Existing Zoning: B2

D. Existing number of allowed dwelling units per acre or commercial/industrial development square feet per acre: \_\_\_\_\_

E. Is property located within any of the following overlay zoning districts:

Corridor District  Westlake Overlay District  Smith Mountain Lake Surface District

F. Is any land submerged under water or part of a lake? Yes No If yes, explain.  
\_\_\_\_\_  
\_\_\_\_\_

7. Proposed Development Information:

A. Proposed Land Use: Retail Sales/Keep AS IS

B. Proposed Zoning: Change zoning To Allow sign per Seco Code  
25-156.11

C. Size of Proposed Use: Add 40' x 20' Addition For Show Room  
To Front of Existing Building

D. Proposed dwelling units per acre or commercial/industrial development square feet per acre: \_\_\_\_\_

Remove Proffer # 6

Checklist for completed items:

- \_\_\_\_\_ Application Form
- \_\_\_\_\_ Letter of Application
- \_\_\_\_\_ List of Adjoining Property Owners and Addresses
- \_\_\_\_\_ Concept Plan
- \_\_\_\_\_ Application Fee

I certify that this petition/application for rezoning and the information submitted herein is correct and accurate.

Petitioner's Name (Print): David Sine

Signature of Petitioner: David Sine

Date: 11-28-15

Mailing Address: 20734 Vigil goode HWY  
Recky MT Va. 24151

Telephone: 540 580 4680

Owner's consent, if petitioner is not property owner:

Owner's Name (Print): Alin Sine

Signature of Owner: Alin Sine

Date: 12-1-15

Date Received by Planning Staff: \_\_\_\_\_

Time: \_\_\_\_\_

Clerk's Initials: \_\_\_\_\_

CHECK #: \_\_\_\_\_

RECPT. #: \_\_\_\_\_

AMOUNT: \_\_\_\_\_

ADJACENT PROPERTY OWNERS

Adjacent property owners are mailed a notice of the request. Please provide each owner's name and mailing address plus zip code for every property adjacent to the site and directly across from any public right-of-way adjoining the site. Names and addresses are available in the County Real Estate office in the Courthouse.

NAME: G.D. Barnhart ADDRESS: 737 Virginia AVE  
TAX MAP NUMBER: 36-186 Salem Va 24153

NAME: James Edwards ADDRESS: 20728 Virgil Goode Hwy  
TAX MAP NUMBER: 36-183.2A Rocky Mt Va 24151

NAME: Jackson McCray ADDRESS: 20732 Virgil Goode Hwy  
TAX MAP NUMBER: 36-185.1-B Rocky Mt Va 24151

NAME: David Allman ADDRESS: 255 Claybrook Rd  
TAX MAP NUMBER: 0360021300 Rocky Mt Va 24151

NAME: David Allman ADDRESS: 255 claybrook Rd  
TAX MAP NUMBER: 0360021301 Rocky Mt Va 24151

NAME: \_\_\_\_\_ ADDRESS: \_\_\_\_\_  
TAX MAP NUMBER: \_\_\_\_\_

## Letter of Application

For 20734 Virgil Goode HWY, Rocky Mt Va. 24151

The proposed use of the property is wholesale and retail sales per B2 zoning. Please see attached concept drawing from Price Builders date 12/3/15 and added it to the file in conjunction with the existing concept drawing from Stone Engineer dated 8/31/07 for the new addition location

We would like to add 20 x 40 showroom addition to the front of the existing build (see attached drawing) and remove Proffer #6 that restrains this retail site from effectively promoting our products and advertising specials and discounts of the month.

We would like Proffer #6 removed and have the standards of B2 Sign Regulations apply per section 25-156.11 of the Franklin county sign ordinances

There will be no or very little changes to the surrounding area due to only adding LED signage to the top of our existing sign (see attached photo and sign drawing).

STATE OF VIRGINIA:  
BEFORE THE BOARD OF SUPERVISORS OF FRANKLIN COUNTY

**FINAL ORDER**

A ± 1.50 acre parcel of land, a portion of ± 6.90 acres, located on State Route 220 North, 0.4 of a mile past Wirtz Road on the right, in the Boone Magisterial District of Franklin County, identified and recorded as a portion of Tax Map # 36, Parcel # 185.1, in the Franklin County Real Estate Tax Records.

TO THE HONORABLE SUPERVISORS OF FRANKLIN COUNTY:

WHEREAS, the Petitioner, **R. Jack Smith and Patsy C. Smith**, as Petitioners and Owners, did petition the Franklin County Board of Supervisors to amend the rezone approved March 18, 2003 to ~~eliminate proffer #2~~ which eliminates certain uses from the list of permitted uses on the property from the B-2, Business District General zoning in the Franklin County Zoning Ordinance.

WHEREAS, after due legal notice as required by Section 15.2-2204, and 15.2-2205, of the Code of Virginia of 1950, as amended, the Planning Commission did hold a public hearing on October 9, 2007 at which time all parties in interest were given an opportunity to be heard; and

WHEREAS, after full consideration at the public hearing held on November 27, 2007, the Franklin County Board of Supervisors determined that the Rezone Amendment Request be **GRANTED** with the proffers listed below.

Proffers for Case # RA 07-10-01, R. Jack Smith and Patsy C. Smith:

1. Site will be developed in accordance with the concept plan for R. Jack Smith and Patsy C. Smith, dated January 21, 2003, last revised August 31, 2007, as prepared by Stone Engineering.

2. The uses of this site will be limited to the uses permitted in the B-2 district, except that the following uses will not be permitted on the site:

- Apartments combined with business
- Assembly halls
- Auction barn/auction house
- Blacksmiths
- Boat clubs
- Car and vehicle wash operations
- Carpet cleaning
- Cemeteries, community and commercial
- Clubs (private)
- Clubs (public)
- Cold storage lockers, facilities
- Drive-in restaurants/walk-ins
- Flea markets
- Gasoline stations

Laundromats  
Marinas  
Mobile home sales  
Railroad facilities

3. The applicant will comply with all requirements of the Virginia Department of Health regarding the provision of water and sewage disposal.
4. The applicant will coordinate with Virginia Department of Transportation to meet requirements for a commercial entrance permit.
5. The applicant will maintain a twenty (20) foot landscaped buffer adjacent to Route 220. In addition, the applicant will maintain landscaped buffer to the east and west of the property in conformance with the Franklin County Landscape and Buffering Ordinance adopted July 2002.
6. The applicant will be limited to two (2) free standing signs measuring no more than thirty-two (32) square feet in area. There will be no off-premise signs located on the property.

**NOW, THEREFORE, BE IT ORDAINED** that the aforementioned parcel of land, which is contained in the Franklin County Tax Records as a portion of Tax Map # 36, Parcel # 185.1 (Deed Book 671, Page 116; Plat Book 430, Page 1031), be granted the request to amend the rezone approved March 18, 2003 to eliminate proffer #2 which eliminates certain uses from the list of permitted uses on the property from the B-2, Business District General zoning in the Franklin County Zoning Ordinance.

**BE IT FURTHER ORDAINED** that a copy of this order be transmitted to the Secretary of the Planning Commission and that she be directed to reflect this change on the official zoning map of Franklin County.

ADOPTED on motion of Supervisor Mr. David Hurt, representative for the Boone Magisterial District of Franklin County, seconded by Supervisor Mr. Russell Johnson, representative for the Gills Creek Magisterial District, upon the following recorded vote:

AYES: Angell, Hurt, Johnson, Mitchell, Poindexter, Quinn, Wagner

NAYES:

ABSENT:

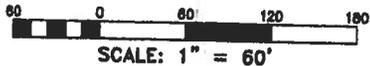
ABSTAIN:

Patricia A. Tolup Clerk  
Planning Commission Clerk for the  
Franklin County Board of Supervisors

January 8, 2008 Date

SURVEY FOR  
**JACKSON L. McCRAY**  
**DAWN H. McCRAY**

CREATING  
 TRACT A & TRACT B  
 BEING ALL OF TAX PARCEL: 36-185.1  
 BOONE MAGISTERIAL DISTRICT  
 FRANKLIN COUNTY, VIRGINIA  
 SURVEYED FEBRUARY 4, 2013  
 JOB NO. 6-13



KNOW ALL MEN BY THESE PRESENTS THAT I/WE, THE UNDERSIGNED, CERTIFY THAT I/WE AM/ARE THE OWNER(S) OF THE PROPERTY SHOWN ON THIS PLAT, THAT I/WE HEREBY DEDICATE TO PUBLIC USE THE PROPOSED PUBLIC UTILITY EASEMENT AS SHOWN ON THIS PLAT. I/WE FURTHER CERTIFY THAT RONALD E. YOUNT SURVEYED AND MADE THIS PLAT AT MY/OUR DIRECTION, FREE WILL AND CONSENT, AND THAT THE ENTIRE SUBDIVISION IS WITHIN THE BOUNDARIES OF A TRACT OF LAND CONVEYED TO ME/US BY A DEED RECORDED IN DEED BOOK 941, PAGE 1265, FRANKLIN COUNTY, VIRGINIA.

OWNER: JACKSON L. McCRAY SIGNATURE: \_\_\_\_\_  
 OWNER: DAWN H. McCRAY SIGNATURE: \_\_\_\_\_  
 COMMONWEALTH OF VIRGINIA, COUNTY OF \_\_\_\_\_, THE FOREGOING INSTRUMENTS WERE ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_  
 NOTARY PUBLIC: \_\_\_\_\_  
 MY COMMISSION EXPIRES: \_\_\_\_\_

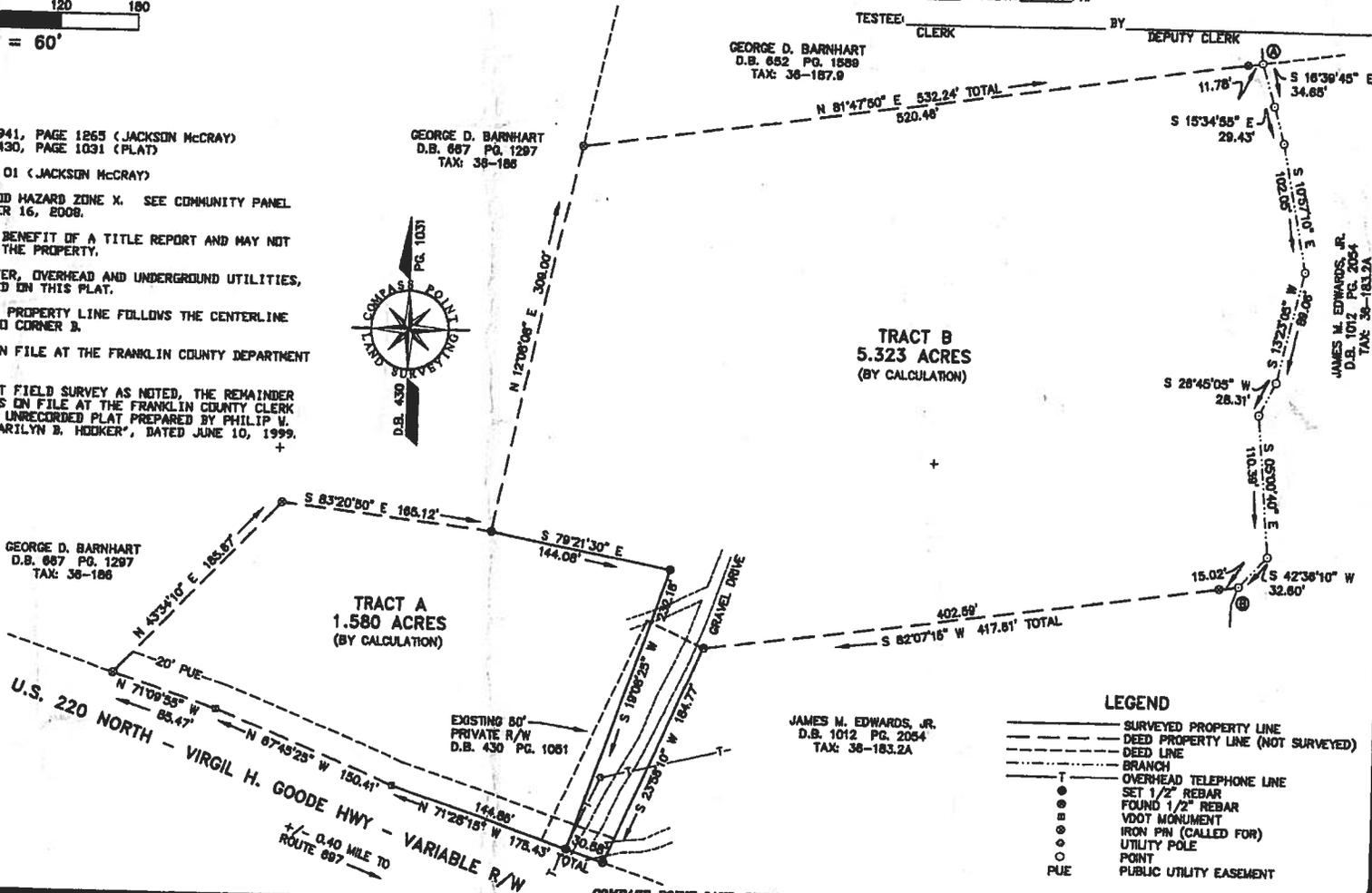
VICINITY MAP	APPROVING AUTHORITY
	FRANKLIN COUNTY HEALTH DEPARTMENT DATE: <u>2/20/13</u>
	VIRGINIA DEPARTMENT OF TRANSPORTATION DATE: _____
	FRANKLIN COUNTY SUBDIVISION AGENT DATE: _____

IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF THE COUNTY OF FRANKLIN, VIRGINIA, THIS PLAT WAS PRESENTED ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_ AND WITH THE CERTIFICATE OF ACKNOWLEDGEMENT THEREBY ANNEXED ADMITTED TO RECORD AT \_\_\_\_\_ O' CLOCK \_\_\_\_\_ M.

TESTEE: \_\_\_\_\_ BY \_\_\_\_\_ DEPUTY CLERK

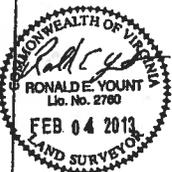
NOTES

- LEGAL REFERENCE: DEED BOOK 941, PAGE 1265 (JACKSON McCRAY)  
 DEED BOOK 430, PAGE 1031 (PLAT)
- TAX REFERENCE: 036.00-185.01 (JACKSON McCRAY)
- PROPERTY LOCATED IN FEMA FLOOD HAZARD ZONE X. SEE COMMUNITY PANEL # 51067C 0185C, DATED DECEMBER 16, 2008.
- SURVEY PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT AND MAY NOT INDICATE ALL ENCUMBRANCES ON THE PROPERTY.
- PROPERTY SERVED BY PUBLIC WATER, OVERHEAD AND UNDERGROUND UTILITIES, EXACT LOCATION NOT ILLUSTRATED ON THIS PLAT.
- CHORD BEARINGS AND DISTANCES, PROPERTY LINE FOLLOWS THE CENTERLINE OF THE BRANCH FROM CORNER A TO CORNER B.
- SEE WELL AND SEPTIC PERMITS ON FILE AT THE FRANKLIN COUNTY DEPARTMENT OF HEALTH.
- THIS PLAT REPRESENTS A CURRENT FIELD SURVEY AS NOTED, THE REMAINDER HAS BEEN PREPARED FROM RECORDS ON FILE AT THE FRANKLIN COUNTY CLERK OF CIRCUIT COURT'S OFFICE AND UNRECORDED PLAT PREPARED BY PHILIP W. NESTER ENTITLED "SURVEY FOR MARILYN B. HOOKER", DATED JUNE 10, 1999.



LEGEND

———	SURVEYED PROPERTY LINE
- - - - -	DEED PROPERTY LINE (NOT SURVEYED)
— · — · —	DEED LINE
— · — · —	BRANCH
T	OVERHEAD TELEPHONE LINE
●	SET 1/2" REBAR
○	FOUND 1/2" REBAR
■	VDOT MONUMENT
○	IRON PIN (CALLED FOR)
○	UTILITY POLE
○	POINT
PUE	PUBLIC UTILITY EASEMENT







# Price Buildings Inc.

1111 Callaway Road  
Rocky Mount, VA 24151

Phone: 540-483-7226  
Fax: 540-483-5061

Virginia Contractors License: 2701 033883A

March 17, 2015

David Sine  
20734 Virgil Goode Highway  
540-580-4680

Re: Showroom Addition to Tractor Dealership at 20734 Virgil Goode Hwy

We have prepared an estimated price for this addition based on the drawings provided by Price Buildings Inc. and drawn by Ron Yount.

Included In this price:

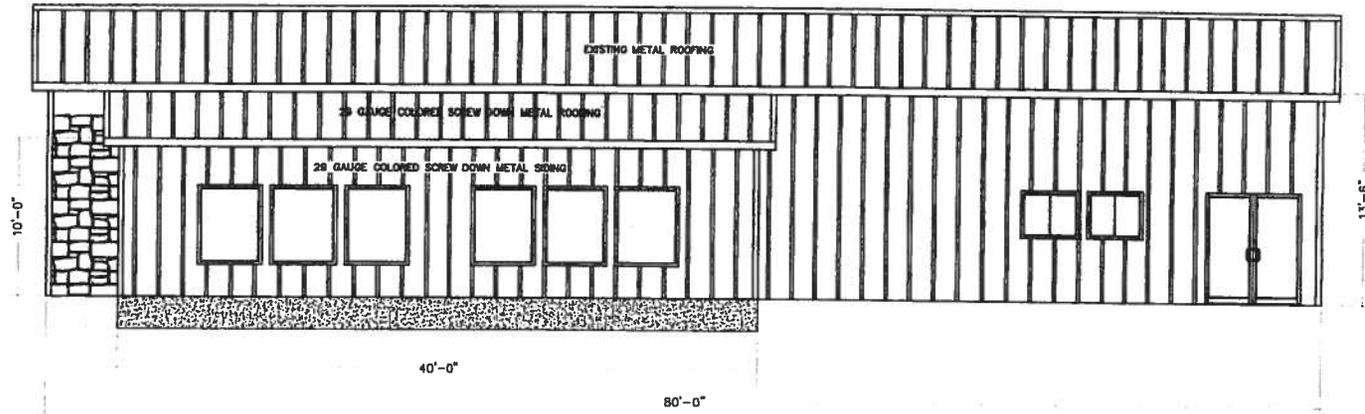
1. Building plans and minor site plan, provided that Franklin County does not require stamped plans
2. Building permit
3. Concrete footer and foundation wall
4. 4" concrete slab
5. 2 by 4 wood farming for walls
6. Manufactured wood half trusses on 24" centers
7. 7/16" osb wall sheathing with weather barrier under 29 gauge metal siding, color to be picked from standard color chart
8. 5/8" plywood roof sheathing with 30 # felt and 1 x 4 purlins on 24" centers with 26 gauge screw down metal roofing with mastic at the joints, color to be picked from standard color chart
9. Seamless aluminum gutters and down spouts, color to be picked from standard color chart
10. R-13 insulation in walls and R-38 insulation in ceiling
11. Steel doors and hollow metal frames where indicated on plans
12. Store front windows and doors to be low-e clear glass in bronze aluminum frames
13. Interior finish to be painted 1/2" drywall walls with vinyl base and painted drywall ceiling

Excluded from this price:

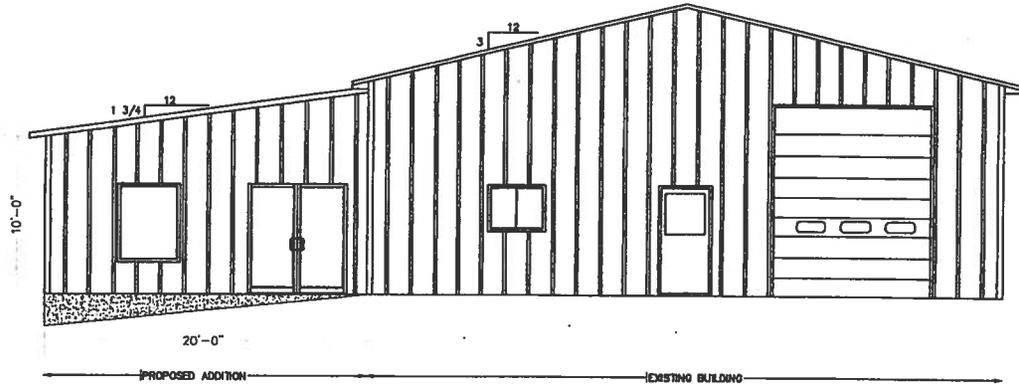
1. VDOT entrance permit if required
2. Bonds of any kind
3. Any grading other than restoring gravel parking lot around building to existing elevation
4. Any electrical work
5. Any plumbing work
6. Any HVAC work
7. Anything not mentioned above

The estimated price for this work is \$46,500.00

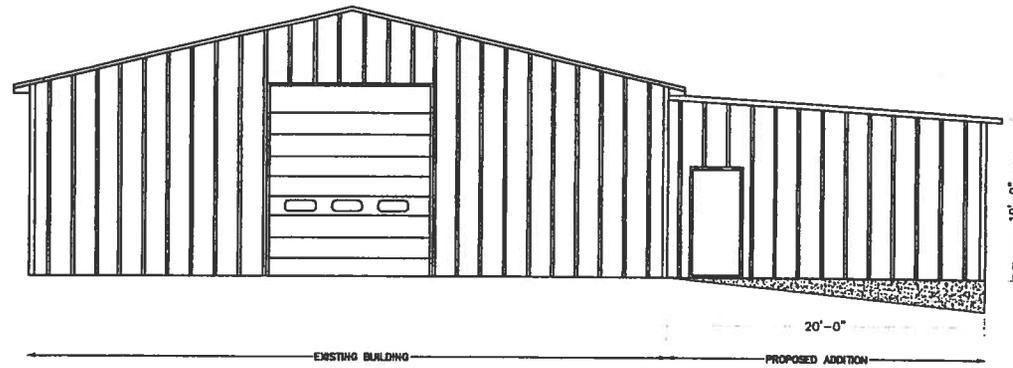




FRONT ELEVATION



RIGHT SIDE ELEVATION



LEFT SIDE ELEVATION

THE DESIGN AND/OR ARTISTIC CONCEPT FOR THIS DRAWING IS THE INTELLECTUAL PROPERTY OF PRICE BUILDINGS, INC. AND MAY NOT BE DUPLICATED WITHOUT PERMISSION FOR ANY REASON. IT IS PROVIDED FOR THE SOLE PURPOSE OF EVALUATING PROPOSALS BY PRICE BUILDINGS, INC. ANY OTHER USE IS A VIOLATION OF UNITED STATES COPYRIGHT LAW.

ELEVATIONS		REVISION	
DAVID SINE	NO.	DATE	
20734 VIRGIL H. GOODE HWY			
ROCKY MOUNT, VA			
SCALE			
3/16" = 1'-0"			
DATE			
MAR 4, 2015			
DRAWN BY			
RONALD YOUNT			
SHEET			
2			
OF 2 SHEETS			

Price Buildings, Inc.  
 1111 Callaway Road  
 Rocky Mount, VA 24151  
 Phone: 540-483-7226  
 Fax: 540-483-5061  
 Virginia Contractors License: 2701 039858A



SEAN  
WATERMAN

**BLACKWATER**



**4WD**

*and*

**TRACTOR**  
LLC

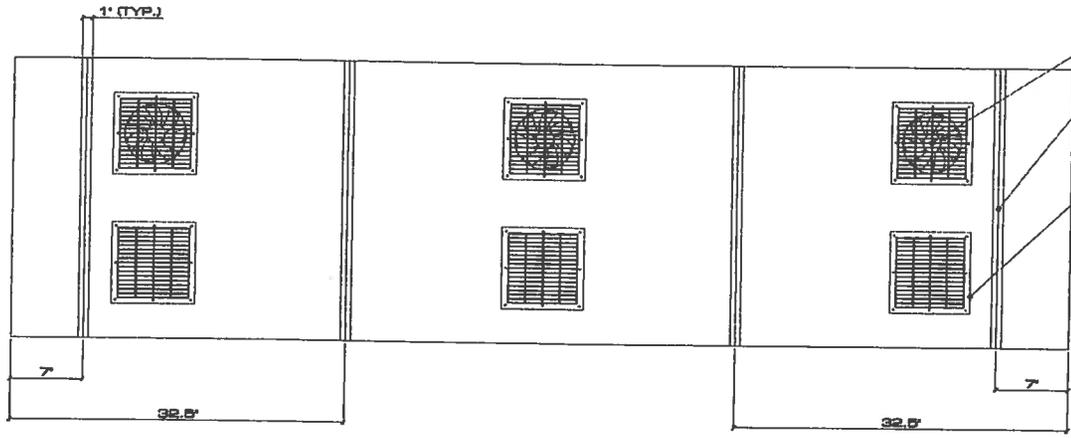
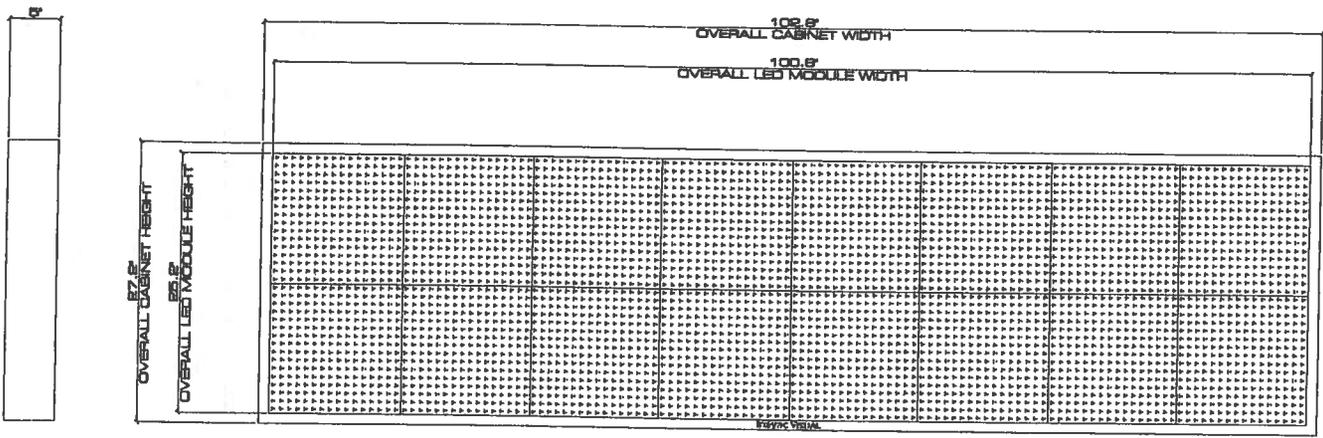
BLACKWATER4WD.COM

540-238-2244

# PRODUCT SPECIFICATIONS

## FULL COLOR SPECIFICATION

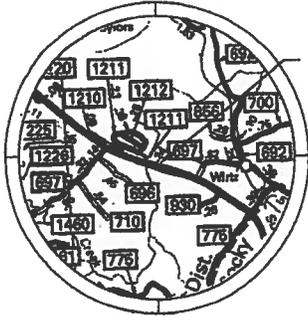
Full Color (1R, 1G, 1B LED)	Standard Colors
4. Trillion Shades of Full Color	Color Shading
32 Bit	Processing Capability
10mm, 16mm, 20mm	Pitch Selection
110° Horizontal, 70° Vertical	Viewing Angle
10mm: 9,000 NIT; 16mm: 14,000 NIT; 20mm: 9,000 NIT	Brightness
Automatic by Optic Sensor or Manually with 100 Grades	Display Dimming
≥100,000 Hours	Estimated LED Lifetime
Ethernet	Standard Communications
Wireless, Fiber Optic	Optional Communications
LedStudio, <b>SCALA</b> <input checked="" type="checkbox"/> Available	Programming Software
Text, Graphics, Animation, and VIDEO	Graphic Capability
110VAC / 220VAC	Voltage
-40° C (-40° F) to 70° C (158° F)	Temperature Rating
Front Access Via Cam Lock Mechanism	Service Access
Horizontal Weather Louvers, Exposed Potted Pixels in Bed of Silicone Gel, Cam Lock Mechanisms for Easy Removal Coated Electronics to Prevent Corrosion, Double Gasket Seal to Eliminate Water Entry	LED Tile Construction
Extruded Aluminum Cabinets with Solid Welded Mitred Corners, Painted Black Enamel - Baked	Cabinet Construction
Surge Protection Lightning Arrestor	Other Standard Equipment
Temperature Sensor	Optional Equipment
All Components UL Listed	Certifications
ISO 9001:2008 Assembled in the USA	Manufacturing Quality Standard
5 Year Limited Warranty	Warranty



- COOLING FAN (TYP.)
- ALLOWED DRILLING & MOUNTING LOCATION (TYP.)
- AIR INTAKE VENT (TYP.)

REVISION:	DRAWING NO.:	EXB CUSTOMER
1	DESIGN DATE:	03.19.15
2	UNIT OF MEAS.:	INCHES
3	SCALE:	NONE
4	DESIGNED BY:	DRC

inSync VISUAL



SITE

## LOCATION MAP

### GENERAL NOTES

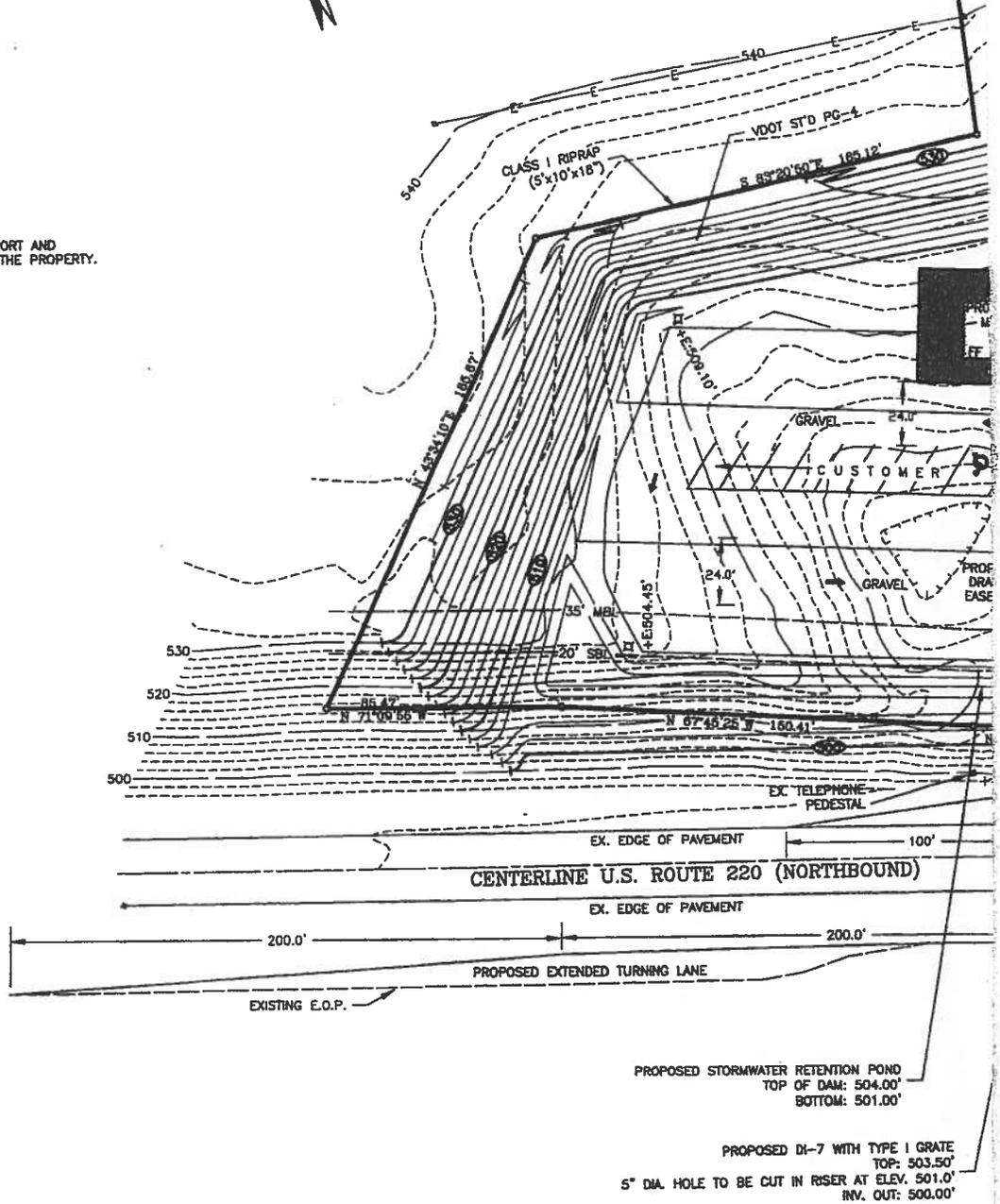
1. LEGAL REFERENCE: DEED BOOK 671, PAGE 116
2. TAX REFERENCE: 36-185.1
3. PROPERTY LOCATED IN HUD FLOOD HAZARD ZONE C.
4. SURVEY PERFORMED WITHOUT BENEFIT OF A TITLE REPORT AND THEREFORE MAY NOT INDICATE ALL ENCUMBRANCES UPON THE PROPERTY.
5. ASSUMED ELEVATION DATUM.

### SITE PLAN NOTES

1. LANDSCAPING IS TO CONSIST OF LOW GROWTH ORNAMENTAL VEGETATION AND SHRUBBERY. PROVIDE TOPSOIL AND PREPARATION OF FINISH GRADE AS SPECIFIED.
2. SEE ATTACHED EROSION AND SEDIMENT CONTROL PLAN NARRATIVE.
3. CONTRACTOR TO OBTAIN COMMERCIAL LAND DISTURBING PERMIT.
4. LANDOWNER/DEVELOPER: R. JACK SMITH, 20728 VIRGIL H. GOODE HIGHWAY, ROCKY MOUNT, VIRGINIA 24151, 540-334-1184.
5. CALL LOCATOR SERVICE (1-800-552-7001) TO BE COMPLETED BY CONTRACTOR AT LEAST 72 HOURS BEFORE DRIVING.
6. ALL UTILITY POLES SHOWN ARE EXISTING. CONTRACTOR TO COORDINATE WITH DEVELOPER AND UTILITY SERVICE FOR RELOCATION OF POLES, IF NECESSARY. CONTRACTOR TO COORDINATE RELOCATION WORK AND CONNECTION OF NEW SERVICE WITH AMERICAN ELECTRIC POWER (840-827-1221) AND SPRINT (540-666-4292).
7. THE PROPOSED ENTRANCE AND TURNING LANES ON VDOT PROPERTY SHALL BE CONSTRUCTED OF ASPHALT PAVEMENT CONSISTING OF 6" STONE BASE (NO. 21A) OVERLAIN WITH 10" BINDER AND 2" ASPHALT CONCRETE OR AS REQUIRED BY THE VDOT. THE REMAINDER OF THE ENTRANCE DRIVE AND ALL PARKING AREAS ON THE DEVELOPER'S PROPERTY SHALL BE GRAVEL UNDERLAIN WITH ATLANTIC CONSTRUCTION FABRICS (PRODUCT #2006) GEOTEXTILE OR APPROVED EQUAL.
8. ALL FILL MATERIAL IS TO BE COMPACTED TO A MINIMUM OF 95% OF STANDARD PROCTOR AT ±3% OPTIMUM MOISTURE CONTENT IN ACCORDANCE WITH ASTM D998. ALL EXCESS OR UNSATURABLE MATERIAL SHALL BE DISPOSED OF AT A LOCATION APPROVED BY THE OWNER AND ENGINEER.
9. THE DEVELOPER SHALL MAINTAIN A LANDSCAPED AREA ADJACENT TO U.S. ROUTE 220 OF NO LESS THAN 20 FEET IN WIDTH, SUCH WIDTH MEASURED FROM THE EDGE OF THE VDOT RIGHT-OF-WAY.
10. FOUR (4) POLE-MOUNTED LITES ARE TO BE INSTALLED AS SHOWN ON THE PLANS. SITE LITES TO BE SET TO ILLUMINATE INWARD TOWARD PROPOSED DEVELOPMENT.
11. THE DEVELOPER SHALL HAVE NO MORE THAN TWO (2) FREE STANDING SIGNS, EACH NO MORE THAN 32 SQUARE FEET IN AREA. THE HEIGHT OF EACH SIGN SHALL NOT EXCEED 35 FEET. THERE SHALL BE NO OFF-SITE ADVERTISING ON THE PROPERTY.
12. THE DEVELOPER WILL ALLOW FOR A MINIMUM 10' BUFFER ADJACENT TO THE EXISTING GRAVEL DRIVEWAY.
13. DEVELOPER TO SUBMIT APPLICATION FOR WATER AND SEWER TO THE FRANKLIN COUNTY HEALTH DEPARTMENT, P.O. BOX 249, ROCKY MOUNT, VIRGINIA 24151.
14. SITE USE TO BE WHOLESALE AND/OR RETAIL SALES WITH INSIDE AND OUTSIDE DISPLAYS ON +/- 1.50 ACRES.
15. THIS CONCEPT PLAN SHOWS PROPOSED IMPROVEMENTS AS DEVELOPED IN ACCORDANCE WITH THE ORIGINAL CONCEPT PLAN. AS SUCH, THIS CONCEPT PLAN SHOULD ONLY BE USED TO ASSIST THE OWNER IN REZONING TO B-2 TO REMOVE A PREVIOUSLY LIMITING PROFFER (I.E. ALLOW ADDITIONAL USES) AND SHOULD NOT BE CONSIDERED AS DOCUMENTATION OF EXISTING CONDITIONS.

GEORGE D. BARNHART

D.B. 401, PG. 1346  
ZONED A-1



### PARKING SUMMARY

3,200 S.F. OFFICE AREA

MINIMUM 15 CUSTOMER SPACES REQUIRED BY LETTER FROM FRANKLIN CO. PLANNING COMMISSION

TOTAL CUSTOMER SPACES PROPOSED: 23 SPACES  
REGULAR SPACE: 10'x20'  
HANDICAP SPACE: 15'x20'

PROPOSED 47 L.F. - 15" RCP  
INV. IN: 495.50'  
INV. OUT: 494.50'

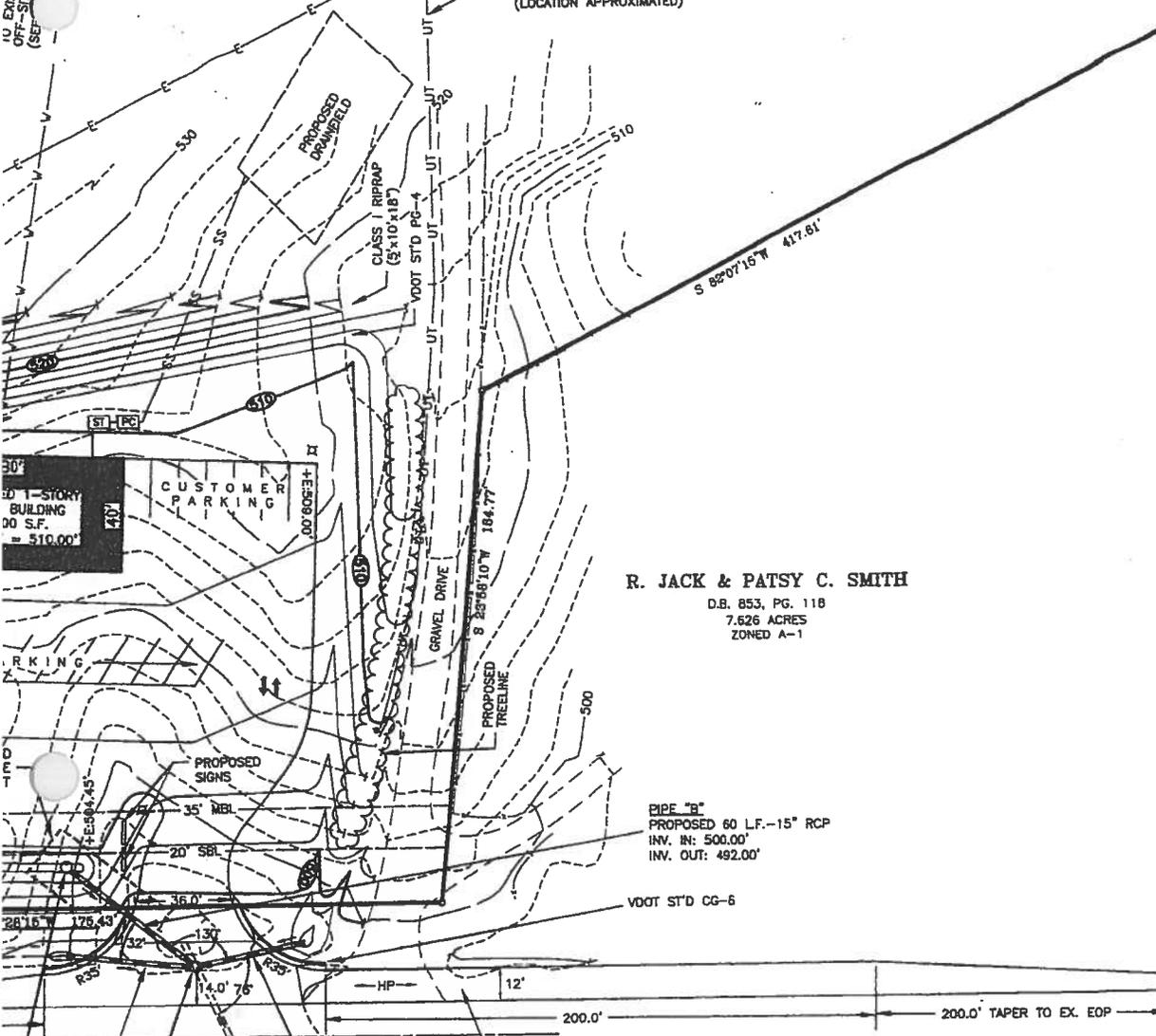
PIPE "A"

**R. JACK & PATSY C. SMITH**

D.B. 571, PG. 116  
6.900 ACRES  
ZONED A-1

10 EXISTING OFF-SITE WELL (SEE SHEET 13)

EXISTING UNDERGROUND TELEPHONE (LOCATION APPROXIMATED)



**R. JACK & PATSY C. SMITH**

D.B. 853, PG. 118  
7.526 ACRES  
ZONED A-1

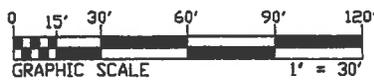
PIPE "B"  
PROPOSED 60 LF.-15" RCP  
INV. IN: 500.00'  
INV. OUT: 492.00'

VOOT ST'D CG-6

PIPE "C"  
PROPOSED 40 LF.-15" RCP  
INV. IN: 496.00'  
INV. OUT: 492.00'

EXISTING 18" RCP  
INV. IN: 492.63'  
INV. OUT: 489.52'  
APPROX. 11 LF. TO BE REMOVED FOR CONNECTION TO PROPOSED DI-7

PROPOSED VOOT ST'D DI-7 WITH TYPE II GRATE  
TOP: 497.00'  
INV. IN: 494.50' (PIPE "A")  
INV. IN: 492.00' (PIPE "B")  
INV. IN: 492.00' (PIPE "C")  
INV. OUT: 491.82'



**LEGEND**

- SURVEYED PROPERTY LINE
- DEED LINE
- E— OVERHEAD ELECTRIC
- UT— UNDERGROUND TELEPHONE
- C— OVERHEAD CABLE
- X— BOARD FENCE
- SF— SILT FENCE
- W— PROPOSED WATER LINE
- SS— PROPOSED SANITARY SEWER
- EXISTING 2' CONTOURS
- EXISTING 10' CONTOURS
- PROPOSED 2' CONTOURS
- PROPOSED 10' CONTOURS
- ⊙ 1/2" IRON REBAR FOUND POINT
- ⊙ UTILITY POLE
- ⊙ SITE LIGHT
- ⊙ PERMANENT SEEDING
- ⊙ LANDSCAPING
- ⊙ OUTLET PROTECTION
- ⊙ CONSTRUCTION ENTRANCE
- ST SEPTIC TANK
- PC SEPTIC PUMP CHAMBER

RCP DENOTES REINFORCED CONCRETE PIPE  
CMP DENOTES CORRUGATED METAL PIPE  
MEL DENOTES MINIMUM BUILDING LINE  
SBL DENOTES SETBACK LINE  
E: DENOTES SPOT ELEVATION  
HP DENOTES HIGH POINT

DATE	DESCRIPTION	APPROVAL
1/19/01	VOOT ENTRANCE AND DRAINAGE COMMENTS	
8/31/07	REVISED PARKING AND USE	

**Stone Engineering**  
P.O. BOX 1058  
Rocky Mount, Virginia 24151  
(640) 483-0078

DRAWN: RJS  
CHECKED: RJS/CDS  
SCALE: RJS

**CONCEPT PLAN FOR R. JACK & PATSY C. SMITH**  
U.S. HIGHWAY 220  
BRONE MAGISTERIAL DISTRICT  
FRANKLIN COUNTY, VIRGINIA

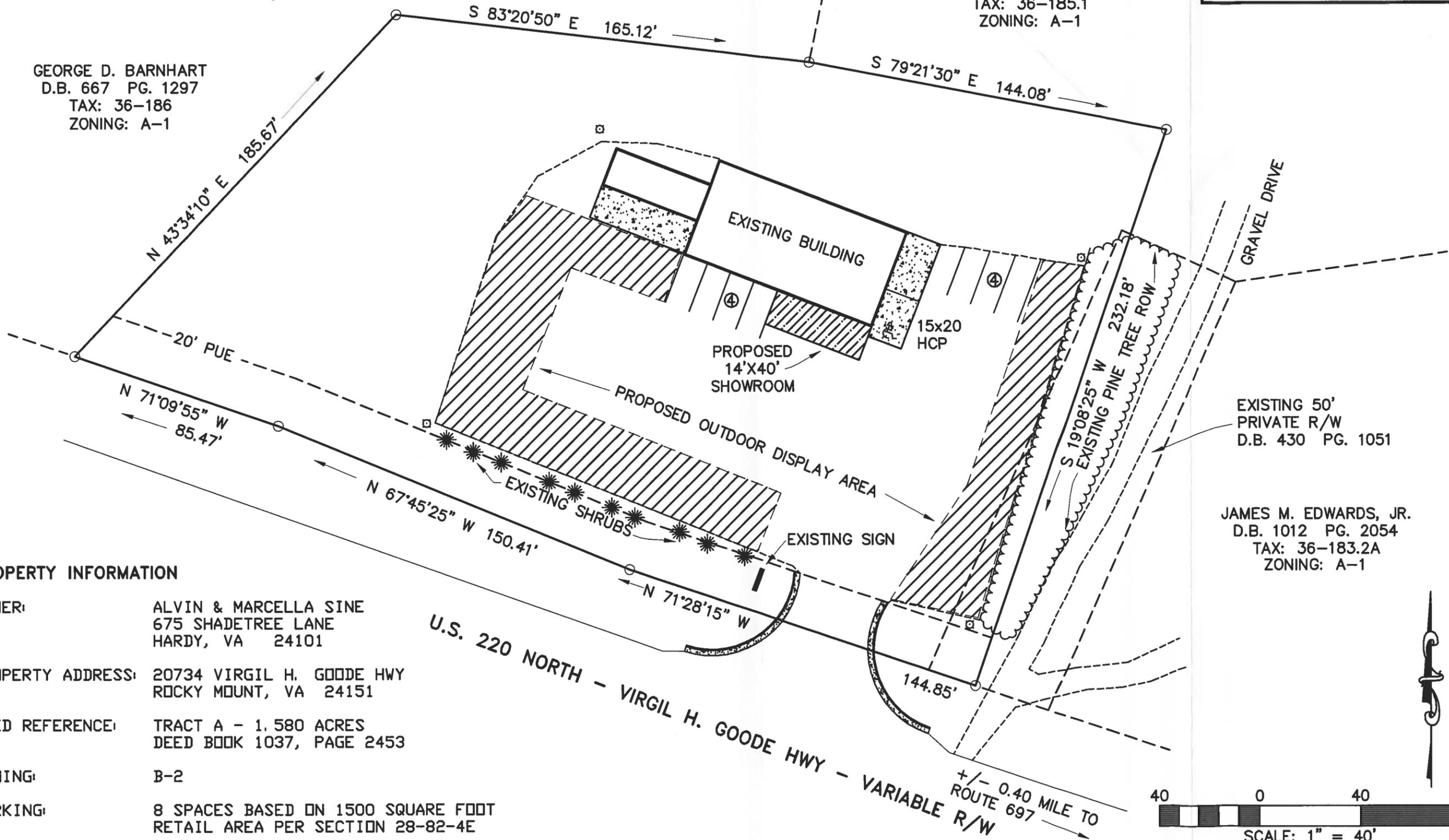
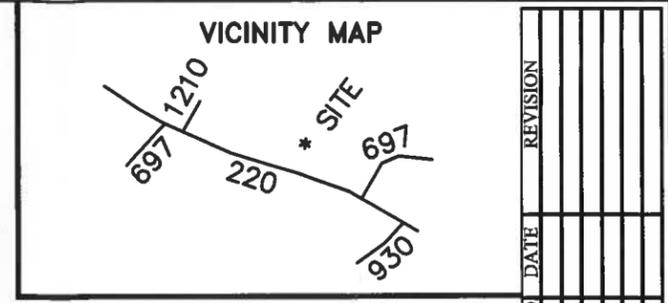
DATE: JANUARY 21, 2003  
SCALE: 1" = 30'  
PERMIT NO.  
SHEET 1 OF 1  
PROJECT NO. 00146

# BLACKWATER 4WD & TRACTOR, LLC CONCEPT PLAN

TAX PARCEL: 36-185.1A  
BOONE MAGISTERIAL DISTRICT  
FRANKLIN COUNTY, VIRGINIA

JACKSON L. MCCRAY, JR  
D.B. 941 PG. 1265  
TAX: 36-185.1  
ZONING: A-1

GEORGE D. BARNHART  
D.B. 667 PG. 1297  
TAX: 36-186  
ZONING: A-1



## PROPERTY INFORMATION

OWNER: ALVIN & MARCELLA SINE  
675 SHADE TREE LANE  
HARDY, VA 24101

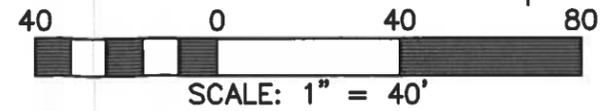
PROPERTY ADDRESS: 20734 VIRGIL H. GOODE HWY  
ROCKY MOUNT, VA 24151

DEED REFERENCE: TRACT A - 1.580 ACRES  
DEED BOOK 1037, PAGE 2453

ZONING: B-2

PARKING: 8 SPACES BASED ON 1500 SQUARE FOOT  
RETAIL AREA PER SECTION 28-82-4E

JAMES M. EDWARDS, JR.  
D.B. 1012 PG. 2054  
TAX: 36-183.2A  
ZONING: A-1



NO.	DATE	REVISION

**Price Buildings, Inc.**  
1111 Callaway Road  
Rocky Mount, VA 24151  
Phone: 540-483-7226  
Fax: 540-483-5081  
Virginia Contractors License: 2701 033883A



SCALE	1" = 40'
DATE	01/08/16
DRAWN BY	R. YOUNT
SHEET	1
OF 1 SHEETS	

**MEMORANDUM**  
**Case # SPEC-12-15-15015**



**To:** Franklin County Board of Supervisors  
**From:** Steven M. Sandy, Director of Planning & Community Development  
**Date:** January 29, 2016  
**Tax #s:** 0360018501A  
**District:** Boone District  
**Applicant:** David Sine  
**Owners:** Alvin Sine and Marcella Sine

**REQUEST:**

Petition of **David Sine, Petitioner** and **Alvin Sine & Marcella Sine, Owners**, requesting a Special Use Permit in Business District, General (B-2) for outdoor displays on business property consisting of +/- 1.58 acres, located on 20734 Virgil Goode Highway, in the Boone District of Franklin County, and further identified as Tax Map/Parcel #0360018501A. The Future Land Use Map of the Comprehensive Plan identifies this area as Route 220 Commercial Highway Corridor recommending commercial development. (Case # SPEC-12-15-15015)

**RECOMMENDATION:**

Planning Commission recommends that the Board of Supervisors consider and approve the requested Special Use Permit for Outdoor Displays on Business property with the following conditions:

1. Substantial conformity. *The property shall be developed in substantial conformity with the conceptual plan, entitled "Blackwater 4WD & Tractor, LLC Concept Plan", prepared by Price Buildings, Inc. dated 01/08/16.*
2. Limitation of Use. *The use of "Outdoor Displays on Business Property" shall be limited to that area (140' x 25') and location as shown on concept plan referenced in #1 above.*
3. Zoning Regulations. *The use of "Outdoor Displays Business Property" shall comply with the Special Use Permit conditions herein as well as all zoning regulations found under Business District (B-2) and Route 220 North Mixed Use Overlay.*



**BACKGROUND:**

The petitioner requests a Special Use Permit for “*Outdoor Displays on Business Property*” for the 1.58 +/- acre property fronting on U.S. 220 North in Boone District. The applicant has also submitted a conceptual plan entitled “Blackwater 4WD & Tractor, LLC Concept Plan” prepared by Price Buildings, Inc. and dated December 3, 2015. The applicant has submitted a revised concept plan dated January 8, 2016. In order to allow “*Outdoor Displays on Business Property*”, a Special Use Permit is required to be issued by the Board of Supervisors under Section 25-336 of the County Code.

The aerial view of the parcel shows the highway commercial nature of the area. The area is served by public water and septic systems. US Route 220, is a public highway fronting the property. The property has approximately 380’ of frontage.

During the Development Review Team (DRT) meeting where the application was reviewed with representatives from Public Works, Planning, VDOT, and the Virginia Dept. of Health, no major concerns were raised concerning the proposed special use permit.

The application was advertised, posted, and notifications sent to all adjacent property owners. No comments have been received as of the date of this report. However, adjoining property owners and/or general public may raise comments and concerns during the public hearings.

**SITE STATISTICS:**

- Location:* 20734 Virgil H. Goode Highway (US 220 North), in the Boone District
- Size:* +/- 1.58 acres
- Existing Land Use:* Highway Commercial, Business District (B-2)
- Adjoining Zoning:* A1, Agricultural District
- Adjoining Land Uses:* Commercial, Agriculture
- Adj. Future Land Uses:* Commercial Highway Corridor

**COMPREHENSIVE PLAN:**

This property is designated in the 2025 Comprehensive Plan as Commercial Highway Corridor.

Commercial Highway Corridors are linear commercial development along an established primary highway. These highway corridors are intended to provide development opportunities extending behind the parcels that front on the primary highway.



The Commercial Highway Corridors identified in the Franklin County Comprehensive Plan are:

Route 220:

Between Brick Church Road and Iron Ridge Road (The commercial highway corridor this particular property is located)

Between Shady Lane (983) and the Rocky Mount Town limits.

Between Cassell Drive and the Franklin County Commerce Park

Route 40 West:

Between the Rocky Mount Town limits and Six Mile Post Road

Route 40 East:

Between the Rocky Mount Town limits and Golden View Road

### **Policies for Commercial Highway Corridors**

- 1. The County will explore and implement effective ways to manage and improve the negative impacts of strip commercial development on important arterial roads that have already experienced development. These impacts include frequent curb cuts, proliferation of signs and visual clutter, poor aesthetics and poor traffic flow.*
- 2. In areas that face increasing pressure for strip commercial development, the County will explore ways to provide incentives to encourage beneficial development, and desirable site characteristics, and to reduce the negative impacts on the rural character of the County. The methods will include planning for intersecting local access road nodes connecting to parallel collector roads.*
- 3. The County will encourage and monitor site plans for new development along key commercial corridors to coordinate entrances according good engineering practices to reduce safety hazards and congestion and to meet or exceed VDOT commercial highway entrance standards.*
- 4. Discourage further linear expansion of commercial highway corridors.*
- 5. Discourage the future designation of any new commercial highway corridors.*
- 6. New commercial development should be directed to identified Towns and Villages and/or lateral expansion of existing commercial corridors.*
- 7. Scale and design of development should be in keeping with traditional character of Franklin County.*

Also, this particular property is located in the 220 North Corridor Plan adopted by the Board of Supervisors in February of 2009. The property is located in the Mixed Use District of the plan.



**ZONING ORDINANCE:**

Special Uses for the A-1 District are set forth in Sec. 25-336. The requested use is referenced as “Outdoor Displays on Business Property” to allow.

The property is located in the 220-North Mixed Use Overlay District and is subject to additional zoning regulations found in Chapter 25, Article IV, Division 6 of the County Code. These regulations govern required landscape yards, required landscaping, signage, etc. In particular, the overlay district requires a twenty-five (25) foot minimum landscape yard. This landscape yard area prohibits outdoor displays, outdoor storage, parking buildings within the yard. Therefore, the proposed outdoor display area will need to maintain a setback of twenty-five (25) feet from the right of way.

Sec. 25-638 of the Zoning Ordinance sets forth the County’s authority to issue special use permits for certain uses. The ordinance states that, in order to issue a special use permit, the Board of Supervisors must find that *“such use will not be of substantial detriment to adjacent property, that the character of the zoning district will not be changed thereby, and that such use will be in harmony with the purpose and intent of this chapter, with the uses permitted by-right in the zoning district, with additional regulations provided in sections 25-111 through 25-137, supplemental regulations, and amendments, of this chapter, and with the public health, safety, and general welfare.”*

Sec. 25-640 of the Zoning Ordinance sets forth the County’s authority to impose conditions for the issuance of special use permits. The ordinance states that the Board of Supervisors *“may impose upon any such permit such conditions relating to the use for which such permit is granted as it may deem necessary in the public interest...”* Conditions associated with a special use permit must be related to the particular land use which required the permit, and must be related to some impact generated by or associated with such land use.

Sec. 25-641 of the Zoning Ordinance states that a special use permit shall expire eighteen (18) months from the date of issuance if *“no commencement of use, structure or activity has taken place.”* The ordinance states that “commencement” shall consist of “extensive obligations or substantial expenditures in relation to the project,” including engineering, architectural design, land clearing, and/or construction.

**ANALYSIS:**

In accordance with Section 25-638 of the Zoning Ordinance, the proposed special use permit is being evaluated to determine if the use will be substantial detriment to adjacent properties, whether the character of the zoning district will be changed thereby, and that such uses will be in harmony with the purpose and intent of this chapter, with the uses permitted by-right in the zoning district, with additional regulations provided in sections 25-111 through 25-137, supplemental regulations, and amendments, of this chapter, and



with the public health, safety, and general welfare. Review of the proposed use does identify potential impacts in the following areas to be addressed:

Visual Clutter - Items displayed shall be in good working condition and displayed within the designated area as shown on the concept plan. Items shall not infringe on the required parking spaces and/or required landscape yard.

**RECOMMENDATION:**

Planning Commission recommends that the Board of Supervisors consider and approve the requested Special Use Permit for Outdoor Displays on Business property with the following conditions:

1. *Substantial conformity. The property shall be developed in substantial conformity with the conceptual plan, entitled "Blackwater 4WD & Tractor, LLC Concept Plan", prepared by Price Buildings, Inc. dated 01/08/16.*
2. *Limitation of Use. The use of "Outdoor Displays on Business Property" shall be limited to that area (140' x 25') and location as shown on concept plan referenced in #1 above.*
3. *Zoning Regulations. The use of "Outdoor Displays Business Property" shall comply with the Special Use Permit conditions herein as will as all zoning regulations found under Business District (B-2) and Route 220 North Mixed Use Overlay.*



**SUGGESTED MOTIONS:**

The following suggested motions are sample motions that may be used. They include language found in Section 15.2-2283, Purpose of zoning ordinances of the Code of Virginia of 1950, as amended.

- 1) **(APPROVE)** I find that the proposal will not be of substantial detriment to adjacent property, that the character of the projected future land use of the community will not be adversely impacted, that such use will be in harmony with the purpose and intent of the zoning ordinance and with the public health, safety and general welfare. Therefore I move to recommend approval of the petitioner's request for a Special Use Permit for "Outdoor Displays on Business property", in accordance with Sec. 25-179 of the Zoning Ordinance, with the conditions as recommended in the staff memorandum.

**OR**

- 2) **(DENY)** I find that the proposal is of substantial detriment to adjacent property and that such use will not aid in the creation of a convenient, attractive, or harmonious community. Therefore I move to recommend to deny the request for the Special Use Permit.

**OR**

- 3) **(DELAY ACTION)** I find that the required information for the submitted petition is incomplete. Therefore I move to delay action until all necessary materials are submitted to the Board of Supervisors.

STATE OF VIRGINIA:

BEFORE THE BOARD OF SUPERVISORS OF FRANKLIN COUNTY:

**RECOMMENDATION:**

A request for a special use permit in the Business District, General (B-2) for "Outdoor displays" on business property consisting of approximately +/- 1.58 total acre parcel located at 20734 Virgil Goode Highway in the Boone District of Franklin County, identified and recorded as Tax Map # 36 Parcels # 185.1A in the Franklin County Real Estate Tax Records.

TO THE HONORABLE SUPERVISORS OF FRANKLIN COUNTY:

**WHEREAS**, the owners, **Alvin Sine & Marcella Sine** and petitioner, **David Sine**, have filed with the Secretary of the Planning Commission a petition requesting a special use permit for "Outdoor displays".

**WHEREAS**, the petition was referred to the Planning Commission on January 12, 2016 and to the Board of Supervisors on February 16, 2016, which after due legal notice as required by Section 15.2-2204 and Section 15.2-2205 of the Code of Virginia of 1950, as amended, was held on January 12, 2016; and

**WHEREAS**, at that public hearing all parties in interest were afforded an opportunity to be heard; and

**WHEREAS**, the Planning Commission after due consideration, does have a recommendation for the Board of Supervisors.

For the petition of David Sine, Petitioner and Alvin Sine & Marcella Sine/Owners; Case # SPEC-12-15-15015

**NOW THEREFORE**, be it resolved, that the Planning Commission does have a recommendation to the Franklin County Board of Supervisors for the above-referenced parcel(s) of land and the Petitioner/Owner(s), regarding the Special use permit for "Outdoor displays" with conditions as follows:

1. ***Substantial conformity.** The property shall be developed in substantial conformity with the conceptual plan, entitled "Blackwater 4WD & Tractor, LLC Concept Plan", prepared by Price Buildings, Inc. dated 01/08/16.*
2. ***Limitation of Use.** The use of "Outdoor Displays on Business Property" shall be limited to that area and location as shown on concept plan referenced in #1 above.*
3. ***Zoning Regulations.** The use of "Outdoor Displays Business Property" shall comply with the Special Use Permit conditions herein as well as all zoning regulations found under Business District (B-2) and Route 220 North Mixed Use Overlay.*

The above action was a motion to approve with conditions by Mrs. Angie McGhee, representative for the Boone District. The motion was seconded by, Mr. Edmund Law, representative for the Rocky Mount District of Franklin County. The motion was a majority as written above upon the following vote:

AYES: McGhee, Doss, Ralph, Colby, Law, Mitchell  
NAYES:  
ABSTAIN: Webb  
ABSENT:

*Tracy A. Church* Clerk  
Franklin County Planning Commission

*01/20/2014* Date

- > Special use permit is effective immediately after action by the Board of Supervisors
- > Special use permits expire in 18 months if there is no commencement of the use or related activity

**FRANKLIN COUNTY  
PETITION/APPLICATION FOR SPECIAL USE PERMIT  
(Type or Print)**

I/We, Alvin + Marcella Sine, as Owner(s), Contract Purchasers, or Owner's Authorized Agent of the property described below, hereby apply to the Franklin County Board of Supervisors for a special use permit on the property as described below:

1. Petitioners Name: David Sine

2. Property Owner's Name: Alvin + Marcella Sine

Phone Number: 540-580-4680

Address: 20734 Virgil Goode Hwy  
Rocky Mt Va. Zip: 24151

3. Exact Directions to Property from Rocky Mount: north on RT 220 5 miles on right just past Wirtz Rd

4. Tax Map and Parcel Number: Tract A Parcel 36-185.1

5. Magisterial District: Bone

6. Property Information:

A. Size of Property: 1.580 Acres

B. Existing Zoning: Commercial B2

C. Existing Land Use: B2

D. Is property located within any of the following overlay zoning districts:  
 Corridor District  Westlake Overlay District  Smith Mountain Lake Surface District

E. Is any land submerged under water or part of a lake? Yes No If yes, explain.  
\_\_\_\_\_  
\_\_\_\_\_

7. Proposed Special Use Permit Information:

A. Proposed Land Use: Retail + Wholesale + outside displays

B. Size of Proposed Use: 1.58

C. Other Details of Proposed Use: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Checklist for completed items:**

- \_\_\_\_\_ Application Form
- \_\_\_\_\_ Letter of Application
- \_\_\_\_\_ List of Adjoining Property Owners and Addresses
- \_\_\_\_\_ Concept Plan
- \_\_\_\_\_ Application Fee

I certify that this application for a special use permit and the information submitted herein is correct and accurate.

Petitioner's Name (Print): David Sine

Signature of Petitioner: [Handwritten Signature]

Date: 12-14-15

Mailing Address: 20734 Virgil Goode Hwy  
Rocky MT Va 24151

Telephone: 540-560-4680

**Owner's consent, if petitioner is not property owner:**

Owner's Name (Print): Alvin & Marcella Sine

Signature of Owner: \_\_\_\_\_

Date: 12-14-15

Date Received by Planning Staff: \_\_\_\_\_

Time: \_\_\_\_\_

Clerk's Initials: \_\_\_\_\_

CHECK #: \_\_\_\_\_

RECPT. #: \_\_\_\_\_

AMOUNT: \_\_\_\_\_

//

**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
- Sec. 7-7 Standards to be used in preparation and consideration
- Secs. 7-8 - 7-9 Reserved

**Division 2. Administration**

- Sec. 7-10. Permits
- Sec. 7-11. Fees
- Sec. 7-12. Reference Documents

**Sec. 7-13 Appeals**

- Sec. 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. Responsibility of property owner when work is being done by a contractor
- Sec. 7-26. Approval or Disapproval
- Sec. 7-27. Variances
- Sec. 7-28. Changing an approved erosion and sediment control plan
- Sec. 7-29. Performance ~~Bond~~ Surety
- Sec. 7-30. Long term maintenance of permanent facilities
- Sec. 7-31. Closure of Erosion and Sediment Control Permit
- Sec. 7-32. Monitoring and Inspections
- Sec. 7-33. Enforcement
- Secs. 7-34 - 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. Permit Required for Land Disturbing Activities**
- Sec. 7-52. Stormwater Management Permit Required**
- Sec. ~~7-51~~ **53.** Submission and Approval of Plans
- Sec. ~~7-52~~ **54.** Stormwater Pollution Prevention Plan
- Sec. ~~7-53~~ **55.** Stormwater Management Plan
- Sec. 7-54 **56.** Pollution Prevention Plan
- Sec. ~~7-55~~ **57.** Review of Stormwater Management Plan

Sec. 7-56 58. Technical Criteria for Regulating Land Disturbing ~~Activity~~ Activities

Sec. 7-57 59. Performance ~~Bond~~ Surety

Sec. 7-58 60. Long term maintenance of Permanent Stormwater Facilities

Sec. 7-59 61. Closure of Land Disturbing Activities

Sec. 7-60 62. Monitoring and Inspections

Sec. 7-61 63. Enforcement

Sec. 7-62 64. Reserved

DRAFT

## **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 (**ESC**) 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 (**VASWM Act**) 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 (§ 62.1-15:51et 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 (**62.1-44.15:27**), Franklin County hereby establishes the following local control programs:

1. Effective April 15, 2014, a Virginia Erosion and Sediment Control Program (**VESCP**) shall be in the effective to 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 (**VESC**) Handbook as currently in effect and amended from time to time. Franklin County hereby designates the ~~Department Planning and Community Development~~ **Development Review Coordinator** 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 promulgate 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 Planning and Community Development~~ **Development Review Coordinator** as the Administrator of its Virginia Stormwater Management Program (**VSMP**).

**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, unless they choose to administer their own program.

**Sec. 7-6. Severability.**

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

**Sec. 7-25 7. Standards to be used in preparation and consideration.**

- (A) The most recent edition of the Virginia Erosion and Sediment Control (**VESC**) Handbook and Virginia Erosion and Sediment Control and Stormwater Management (SWM) Regulations and the Virginia Stormwater Management (**VSMP**) Handbook shall be available at the program administrators office as well as online and shall be used in preparing the Erosion and Sediment Control and Stormwater Management Plans required by this article. The county, in considering the adequacy of such Erosion and Sediment Control and Stormwater Managment Plans, 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 (**AEP**) Smith Mountain Lake Shoreline Management Plan adopted as of January 30, 2014, as amended; any land disturbing

~~activities 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.

**Secs. 7-8 - 7-9 Reserved**

## Division 2. Administration

### Sec. 7-10. Permits.

The following **land disturbing** 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~~ application(s). 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~~ application.
- (B) The application review fees shall cover costs associated with the implementation of the **VSMP and VESCP** related to land disturbing activities as listed on the **Land Use Development** Fee Schedule, **Chapter 27 of the Franklin County Code** 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~~ application(s). The permit application review fee **a minimum of fifty (50%) percent** shall be due at the time of initial submittal of the stormwater management plan **application**.
- ~~(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.~~
- (D) All incomplete payments will be deemed as non-payments, and the applicant shall be notified of any incomplete payments. Interest may be charged for late payments at the underpayment rate set forth in the Code of Virginia § 58.1-15 and will be calculated on a monthly basis at the applicable periodic rate. A ten (10%) percent late fee shall be charged to any delinquent (over 90 days past due) account. The county shall be entitled to all remedies available under the Code of Virginia in collecting any past due amount.**

**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.

**Sec. 7-~~62~~ 13. 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.**

**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 & and/or VSMP Administrator, hereby designated as the Development Review Coordinator, ~~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.

**"Agreement in lieu of a stormwater management plan"** means a contract between the VSMP authority and the owner or permittee that specifies the methods that shall be implemented to comply with the requirements of a VSMP for the construction of a single-family residence; such contract may be executed by the VSMP authority in lieu of a stormwater management 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, 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.

**"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" or "DEQ"** 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 surety 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 in 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 tidal or non-tidal 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 "VESCP" 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.

**"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 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.

**"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.

**"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.

**"SWM"** means stormwater management.

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

**"Town"** An incorporated town.

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

**"Virginia Erosion and Sediment Control Program" or "VESCP"** means a program approved by the Board that has been established by a VESCP authority for the effective control of soil erosion, sediment deposition, and nonagricultural runoff associated with a land disturbing activity to prevent the unreasonable degradation of properties, stream channels, waters, and other natural resources and shall include such items where applicable as local ordinances, rules, permit requirements, annual standards and specifications, policies and guidelines, technical materials, and requirements for plan review, inspection, enforcement where authorized in the ESC Act and this 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 **of the Code of Virginia**;
  - (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.) **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 **Section 10.1-1163 of Article 9 of Chapter 11 of Title 10.1 of the Code of Virginia**;
  - (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~~ **21** 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.
  - (3) Any land disturbance in accordance with Section 7-20(B) shall be exempt.**

**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 **a plan** 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~~ **five (5) acres**; 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 of Plan.**

- (A) Except as otherwise specifically provided, no person shall engage in any land disturbing activity until an Erosion and Sediment Control Plan (ESC 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 (DEQ) 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~~ ESC plan for approval (unless otherwise exempted by this Ordinance), and certifies, after approval, that the ~~Erosion and Sediment Control Plan~~ ESC 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~~ ESC plan in accordance with Section 7-22(B) 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~~ ESC 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~~ DEQ 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. 7-26 25. 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~~ ESC plan shall be the responsibility of the owner of the land.

**Sec. 7-27 26. Approval or disapproval.**

- (A) Upon receipt of an ~~erosion and sediment control~~ **ESC** plan submitted under this article, together with the required fees, the program administrator shall act on such ~~erosion and sediment control~~ **ESC** plan within forty-five (45) days, by either approving the ~~Erosion and Sediment Control~~ **ESC** Plan in writing or by disapproving the ~~Erosion and Sediment Control~~ **ESC** Plan in writing and giving specific reasons for disapproval. The program administrator shall approve the ~~Erosion and Sediment Control~~ **ESC** Plan if the ~~Erosion and Sediment Control~~ **ESC** Plan meets the conservation standards of the county ~~E&S~~ **ESC** program and if the person responsible for carrying out the ~~Erosion and Sediment Control~~ **ESC** Plan certifies that he will properly perform the erosion and sediment control measures included in the ~~Erosion and Sediment Control~~ **ESC** 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~~ **ESC** 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~~ **ESC** Plan is disapproved, the program administrator shall specify such modifications, terms and conditions as will permit approval of the ~~Erosion and Sediment Control~~ **ESC** 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~~ **ESC** 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~~ **ESC** Plan is deemed disapproved, the applicant must resubmit within six (6) months following the date of disapproval, or the ~~Erosion and Sediment Control~~ **ESC** Plan shall be deemed abandoned. If an ~~Erosion and Sediment Control~~ **ESC** Plan is deemed abandoned, the applicant may resubmit the ~~Erosion and Sediment Control~~ **ESC** Plan after the six (6) month period, however, the following shall apply:
- (1) The ~~Erosion and Sediment Control~~ **ESC** Plan will be subject to a new review and all applicable fees must be paid.
  - (2) The ~~Erosion and Sediment Control~~ **ESC** Plan will be reviewed under the current ~~Department of Environmental Quality~~ **DEQ** regulations in place at the time of resubmittal.
- (E) Should a land disturbing activity not begin within **one hundred eighty (180)** days following ~~Erosion and Sediment Control~~ **ESC** Plan approval, or after the ~~Erosion and Sediment Control~~ **ESC** Plan is ready for approval but the plan approval authority has not received the required performance ~~bond~~ **surety**, the plan will be considered abandoned. If an ~~Erosion and Sediment Control~~ **ESC** Plan is deemed abandoned, the following shall apply:
- (1) The ~~Erosion and Sediment Control~~ **ESC** Plan will be subject to a new review and all applicable fees must be paid.

- (2) The ~~Erosion and Sediment Control~~ ESC Plan will be reviewed under the current ~~Department of Environmental Quality~~ DEQ regulations in place at the time of re-submittal.
- (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~~ ESC Plan to determine whether the ~~Erosion and Sediment Control~~ ESC 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~~ ESC Plan is no longer valid, the ~~Erosion and Sediment Control~~ ESC Plan shall be deemed abandoned. If an ~~Erosion and Sediment Control~~ ESC Plan is deemed abandoned, the following shall apply:
- (1) The ~~Erosion and Sediment Control~~ ESC Plan will be subject to a new review and all applicable fees must be paid.
- (2) The ~~Erosion and Sediment Control~~ ESC Plan will be reviewed under the current ~~Department of Environmental Quality~~ DEQ regulations in place at the time of re-submittal.

#### **Sec. 7-28 27. 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~~ ESC 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 ten (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. 7-29-28. Changing an approved erosion and sediment control plan.**

An ~~Erosion and Sediment Control~~ ESC 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~~ ESC Plan is inadequate to satisfy applicable regulations.

2. Where the person responsible for carrying out the approved ~~Erosion and Sediment Control~~ ESC Plan finds that because of changed circumstances or for other reasons the ~~Erosion and Sediment Control~~ ESC 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 29. Performance Bond Surety.**

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~~ surety to secure the required erosion and sediment control measures. Such ~~bond~~ surety may take the form of ~~surety~~, cash escrow, letter of credit, insurance bond, any combination thereof, or such legal arrangement acceptable to the ~~program administrator~~ County Attorney. Such ~~bond~~ surety 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~~ ESC Plan, the county may utilize said ~~bond~~ surety 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~~ surety, 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 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 in lieu of a plan may be substituted for an engineered plan and an associated ~~performance bond~~ surety to secure the required erosion and sediment control measures permit. ~~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 30. 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~~ ESC 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 31. 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~~ **ESC** plan.

**Sec. 7-34 32. Monitoring and Inspections.**

- (A) The program administrator shall provide for periodic inspections of land disturbing activity either through the district or through county personnel. The district may inspect, monitor and make reports to the county, but enforcement shall be the responsibility of the program administrator. The program administrator may require monitoring and reports from the person responsible for carrying out the ESC plan or Agreement in Lieu of plans to ~~insure~~ **ensure** 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 plan 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~~ ESC 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~~ ESC 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~~ ESC Plan and any required permits have been obtained.
- (D) The required ~~Erosion and Sediment Control~~ ESC 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~~ ESC 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 33. 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: **A civil penalty in the amount listed on the schedule below shall be assessed for each violation of the respective offenses:**
- 1.2.** 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.
  - 2.3.** 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.
  - 3.4.** Failure to obey a stop work order shall be up to one hundred dollars (\$100.00)/day.
  - 4.5.** 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~~ **ESC** 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**63**).
- (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~~ **Erosion and Sediment Control and Stormwater Management Manual.**

**Sec. 7-36 34. 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 7-34 - 7-39. Reserved.**

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## 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

Critical Slope		Crossing Water Course	
Does the slope meet or exceed the following criteria		Yes—inspect every two weeks (High Priority)	
Grade of slope—0—7%, slope length>300 feet OR		No	0
Grade of slope—7—15%, slope length>150 feet OR			
Grade of slope—15%, slope length>75 feet			
If yes to any of these slope conditions, rating 3 If no, rating 0			
OVERALL RATING		INSPECTION RETURN FREQUENCY	
(TOTAL OF THE ABOVE CATEGORIES)			
If _____ is 26-33 then		_____ Once every two (2) weeks	
If _____ is 20-26 then		_____ Once every five (5) weeks	
If _____ is 13-19 then		_____ Once every eight (8) weeks	
If _____ is 12 or less then		_____ Frequency based on criteria below	

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

Project Name: \_\_\_\_\_ Approved By: \_\_\_\_\_  
Date: \_\_/\_\_/\_\_\_\_

**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 (1) 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 (1) acre of land area ~~except for~~ or activities that are part of a larger common plan of development or sale that is one acre or greater of disturbance;
  - (5) Discharges to a sanitary sewer or a combined sewer system;
  - (6) Activities under a State or ~~F~~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 thirty (30) days of commencing the land disturbing activity.

**Sec. 7-51. 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 a SWM permit by the Department of Planning and Community Development.**

**(B) A Stormwater Management permit is required if:**

- (1) The area of land disturbance in one (1) acre or greater; or**
- (2) The area of land disturbance as part of a common plan of development or sale not covered by an active SWM permit.**

**(C) A Stormwater Management permit is not required if:**

- (1) The area of land disturbance is less than one (1) acre; or**
- (2) The area of land disturbance as part of a common plan of development or sale covered by an active SWM permit.**
- (3) Any land disturbance in accordance with Section 7-50(B) shall be exempt.**

**Sec. 7-52. Stormwater Management**

**(A) Except as otherwise provided in this article, no SWM permit for land disturbing activity shall be issued without an approved SWM plan.**

**(B) An Agreement in lieu of a Stormwater Management plan may be substituted for a stormwater management plan under the following conditions:**

- (1) The land disturbing activity is associated with the construction of a single-family residence; and**
- (2) The area of land disturbance is less than five (5) acres; 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. 7-51 53. 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, **if such statement is required;**
  - (2) An ~~Erosion and Sediment Control~~ **ESC** Plan approved in accordance with the Franklin County Erosion and Sediment Control Ordinance Section 7-23 **24**, and;
  - (3) A ~~Stormwater Management~~ **SWM** Plan that meets the requirements of ~~Section 7-50~~ **Sections 7-53 and 7-54** 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 54. 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 **-70**.
- (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 55. Stormwater Management Plan; Contents of Plan.**

- (A) The ~~Stormwater Management~~ **SWM** Plan, as required by this Article, must apply the stormwater management technical criteria set forth in this Article to the entire land disturbing activity, consider all sources of surface runoff and all sources of subsurface and groundwater flows converted to surface runoff, **individuals lots in new residential, commercial, or industrial developments shall not be considered separate land disturbing activities,** 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 Franklin County **Erosion and Sediment Control and Stormwater Management** 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 this Article and the Franklin County **Erosion and Sediment Control and Stormwater Management** 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 ~~this s~~ Section 7-53 of ~~this the o~~ 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 this Article. 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 56. 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 57. 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~~ SWM plan according to the following:
- (1) The Administrator shall determine the completeness of a plan in accordance with this Article, 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 sixty (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 sixty (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 forty-five (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 ninety (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~~ Erosion and Sediment control and Stormwater Management 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~~ SWM plans may be modified as follows:
- (1) Modifications to an approved ~~stormwater management~~ SWM plan shall be allowed only after review and written approval by the Administrator. The Administrator shall have sixty (60) calendar days to respond in writing either approving or disapproving such request.
  - (2) The Administrator may require that an approved ~~stormwater management~~ SWM 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 this Article.

**Sec. 7-56 58. 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 Erosion and Sediment Control and Stormwater Management Manual, latest edition.

(B) Any land disturbing activity shall be considered grandfathered by the VSMP authority and shall be subject to the Part II C (9VAC25-870-93 et seq.) technical criteria of the article provided: ~~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) A proffered or conditional zoning plan, zoning with a plan of development, preliminary or final subdivision plat, preliminary or final site plan, or any document determined by the locality to be equivalent thereto (i) was approved by the locality prior to July 1, 2012, (ii) provided a layout as defined in 9VAC25-870-10, (iii) will comply with the Part II C technical criteria of this chapter, and (iv) has not been subsequently modified or amended in a manner resulting in an increase in the amount of phosphorus leaving each point of discharge, and such that there is no increase in the volume or rate of runoff; ~~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) A state permit has not been issued prior to July 1, 2014; and ~~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.~~

**(3) Land disturbance did not commence prior to July 1, 2014.**

**(C) Locality, state, and federal projects shall be considered grandfathered by the VSMP authority and shall be subject to the Part II C technical criteria of this article provided:** ~~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.~~

**(1) There has been an obligation of locality, state, or federal funding in whole or in part, prior to July 1, 2012, or the department has approved a stormwater management plan prior to July 1, 2012;**

**(2) A state permit has not been issued prior to July 1, 2014; and**

**(3) Land disturbance did not commence prior to July 1, 2014.**

**(D) Land disturbing activities grandfathered under subsections A and B of this section shall remain subject to the Part II C technical criteria of the article for one additional state permit cycle. After such time, portions of the project not under construction shall become subject to any new technical criteria adopted by the board.** ~~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) 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 criteria of Part II C.**

(F) Nothing in this Section shall preclude an operator from constructing to a more stringent standard at their discretion.

**Sec. 7-57 59. Performance Bond Surety.**

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/she fail, after proper notice, within the time specified to initiate or maintain appropriate actions which may be required of him/her by the permit conditions as a result of his/her 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 sixty (60) days of the completion of the requirements of the permit conditions, such ~~bond~~ surety, 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 60. 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~~ SWM 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~~ **Section 7-60(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 61. 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; **excluding individual residential lot improvement (agreement in lieu of plan).** 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~~ **SWM** plan.

**Sec. 7-60 62. 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~~ **ESC** plan;
- (2) Compliance with the approved ~~stormwater management~~ **SWM** 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 VSMP authority shall establish an inspection program that ensures that stormwater management facilities are being adequately maintained as designed after completion of land disturbing activities. Inspection programs shall:**

- (1) Be approved by the board;**
- (2) Ensure that each stormwater management facility is inspected by VSMP authority, or its designee, not to include the owner, except as provided in subsections C and D of this section, at least once every five (5) years; and**

**(3) Be documented by records.**

**(C) The Virginia Stormwater Management Program (VSMP) authority may utilize the inspection reports of the owner of a stormwater management facility as part of an inspection program established in subsection B of this section if the inspection is conducted by a person who is licensed as a professional engineer, architect, landscape architect, or land surveyor pursuant to Article I (Section 54.1-400 et. seq.) of Chapter 4 of Title 54.1; a person who works under the direction and oversight of the licensed professional engineer, architect, landscape architect, or land surveyor; or a person who holds an appropriate certificate of competence from the board.**

**(D) If a recorded instrument is not required pursuant to 9VAC25-870-112, a VSMP authority 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 VSMP authority.**

~~(E)(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.

~~(F)(C)~~ In accordance with a performance bond surety with ~~surety~~, cash escrow, letter of credit, insurance bond or 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.

~~(G)(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 this Article.~~

**Sec. 7-61 63. 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~~ **Erosion and Sediment Control and Stormwater Management** 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 this Article.
- (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 Franklin County ~~Stormwater Management and Erosion Control~~ **Erosion and Sediment Control and Stormwater Management** 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~~ **Franklin County or Towns within the County** 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~~ **Franklin County or Towns within the County** 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.~~

**Sec. 7-64. Reserved**

Chapter 27

LAND USE DEVELOPMENT \*

c. 27-1. Fee schedule.

**SUBDIVISIONS (Chapter 19)**

Minor Subdivisions <del>Family Divisions,</del> Subdivisions of 2 lots or less, Boundary Line Adjustments, etc.	\$75.00
<b><u>Family Divisions, Boundary Line Adjustments,</u></b> Vacations, etc.	\$50.00
Vacations requiring Public Hearing	\$200.00
Major Subdivisions 3 lots or greater	\$125.00 + \$10.00 per lot
<b><u>Large Lot Subdivisions 5 to 15 acres</u></b>	<b><u>\$10.00 per lot</u></b>

**ZONING PERMITS (Chapter 25)**

Single Family Dwellings, <b><u>Temporary Events</u></b>	\$35.00
Multi-Family Dwellings	\$35.00 per unit
Docks, Piers, etc. (2 or less slips)	\$50.00
Docks, Piers, etc. (3 or greater slips)	\$50.00 + \$5.00 per slip
All other Accessory Uses	\$25.00
Additions to Primary Structures	\$35.00
Signage	\$40.00

\*Cross references - Erosion and sediment control, ch. 7; subdivision, ch. 19; water and sewer systems, ch. 22; zoning, ch. 25; PUD district ordinance, app. A

Chapter 27

LAND USE DEVELOPMENT \*

Sec. 27-1. Fee schedule.

**SITE PLAN REVIEW (Chapter 25)**

Planned Developments	\$250.00 + \$10.00 per acre
All Others	\$200.00 + \$10.00 per acre

**PUBLIC WATER & SEWER REVIEW (CHAPTER 22/§ 22-36(D))**

Public Water & Sewer (Residential)	\$200.00 + \$5.00 per structure/unit
Public Water or Public Sewer (Residential)	\$100.00 + 2.50 per structure/unit
Public Water & Sewer (Commercial/Industrial)	\$200.00 + \$5.00 per 1,500 sq. ft. of floor space of structures
Public Water or Sewer (Commercial/Industrial)	\$100.00 + \$2.50 per 1,500 sq. ft.

**REZONINGS (Chapter 25)**

Planned Developments	\$300.00 + \$10.00 per acre
Residential/Agricultural	\$250.00 + \$5.00 per acre
Commercial & Industrial	\$250.00 + \$5.00 per acre

Chapter 27

LAND USE DEVELOPMENT \*

c. 27-1. Fee schedule.

**SPECIAL USE PERMITS (Chapter 25)**

Planned Developments <u>and Conformance Review</u>	\$300.00 + \$5.00 per acre
Residential/Agricultural	\$250.00 + \$5.00 per acre
Commercial & Industrial	\$250.00 + \$5.00 per acre

**BOARD OF ZONING APPEALS (Chapter 25)**

Appeal	\$200.00
Variance	\$200.00

**EROSION & SEDIMENT CONTROL & STORMWATER (Chapter 7)**

Agreement in Lieu of Plan <u>for ESC</u>	\$100.00
E-&S <u>ESC</u> Plan Review	\$200.00 + \$20.00 per acre

<b><u>STORMWATER MANAGEMENT FEE TYPE</u></b>	TOTAL FEE <b><u>Registration/Coverage 9VAC25-870-820 - Coverage under General Permit for discharge of stormwater from construction activities</u></b>	VSMP Authority (Franklin County) portion <b><u>Modification/Transfer 9VAC25-870-825</u></b>	VA Department of Environmental Quality (DEQ) portion <b><u>Annual Permit Maintenance 9VAC25-870-830</u></b>
General / Stormwater Management – Detached Single family home construction with land disturbance acreage less than five (5) acres <b><u>(agreement in lieu of Plan).</u></b>	\$209.00 <b><u>(state portion \$0)</u></b>	<b><u>\$0.00</u></b>	<b><u>\$0.00</u></b>
General / Stormwater Management – Small Construction Activity / Land Clearing (areas within common plans of development or sale) with land disturbance acreage less than one (1) acre, <b><u>except single family detached.</u></b>	\$290.00 <b><u>(state portion \$81.00)</u></b>	<b><u>\$20.00 (No state portion)</u></b>	<b><u>\$50.00 (No state portion)</u></b>

Chapter 27

LAND USE DEVELOPMENT \*

**Sec. 27-1. Fee schedule.**

General / Stormwater Management – Small Construction Activity / Land Clearing ( <b>sites or areas within common plans of development or sale</b> ) with land disturbance acreage greater than or equal to one (1) acre but less than five (5) acres.	\$2,700.00 <b>(state portion \$756.00)</b>	<b>\$200.00</b> <b>(No state portion)</b>	<b>\$400.00</b> <b>(No state portion)</b>
General / Stormwater Management – Large Construction Activity / Land Clearing ( <b>sites or areas within common plans of development or sale</b> ) with land disturbance greater than or equal to five (5) acres but less than ten (10) acres.	\$3,400.00 <b>(state portion \$952.00)</b>	<b>\$250.00</b> <b>(No state portion)</b>	<b>\$500.00</b> <b>(No state portion)</b>
General / Stormwater Management – Large Construction Activity / Land Clearing ( <b>sites or areas within common plans of development or sale</b> ) with land disturbance greater than or equal to ten (10) acres but less than fifty (50) acres.	\$4,500.00 <b>(state portion \$1,260.00)</b>	<b>\$300.00</b> <b>(No state portion)</b>	<b>\$650.00</b> <b>(No state portion)</b>
General / Stormwater Management – Large Construction Activity / Land Clearing ( <b>sites or areas within common plans of development or sale</b> ) with land disturbance greater than or equal to fifty (50) acres but less than one hundred (100) acres.	\$6,100.00 <b>(state portion \$1,708.00)</b>	<b>\$450.00</b> <b>(No state portion)</b>	<b>\$900.00</b> <b>(No state portion)</b>
General / Stormwater Management – Large Construction Activity / Land Clearing ( <b>sites or areas within common plans of development or sale</b> ) with land disturbance greater than or equal to one hundred (100) acres.	\$9,600.00 <b>(state portion \$2,688.00)</b>	<b>\$700.00</b> <b>(No state portion)</b>	<b>\$1,400.00</b> <b>(No state portion)</b>

**ADDITIONAL FEES**

Zoning Compliance Letter	\$75.00
<b>Manufactured, Home Park (Chapter 10)</b>	<b>\$35.00 + \$3.50 per lot</b>
Re-Inspect failed inspection	\$100.00

**Application fees are hereby waived for the following:**

- Franklin County School Board.**
- Fire and rescue companies serving Franklin County.**
- Any agency, board or division acting in the name of the Board of Supervisors of Franklin County.**

(ORD. of 8-19-03; Res. No. 18-06-05; Amend of 3-25-05(6); Res. No. 10-06-2014, 6-17-14)Draft January 8, 2016





**Franklin County**  
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## EXECUTIVE SUMMARY

**AGENDA TITLE:** Philpott Lake, Jamison Mill Bridge Replacement

**SUBJECT/PROPOSAL/REQUEST:** Request to assist by reimbursing DRBA for costs to remove existing bridge.

**STRATEGIC PLAN FOCUS AREA:**  
Goal # 5 – Economic Development Strategy  
Action Strategy:

**STAFF CONTACT(S):**  
Messrs. Robertson, Burnette

**AGENDA DATE:** 2/16/2016

**ACTION:**

**CONSENT AGENDA:**  
**ACTION:**

**ATTACHMENTS:**

**REVIEWED BY:** PR

**ITEM NUMBER:**

**INFORMATION:**

**INFORMATION:**

### BACKGROUND:

The entrance bridge was deemed the most significant safety hazard in the parks on Philpott Lake a number of years ago. Tight budgets in the US Army Corps of Engineers (USACE) have not allowed this project to garner funding. In a last-ditch effort to resolve this issue, USACE turned to a partnership effort with the Dan River Basin Association (DRBA), who was working with a few companies to provide the equipment and labor to remove and replace the bridge, with USACE providing \$150,000. Once USACE secured the \$150,000, the potential companies for DRBA fell through, leaving USACE with only the ability to procure the concrete, hardware, and rock components for the bridge, hoping that DRBA would find another company to do the work. That effort was unsuccessful, so USACE decided to attempt to finish the project through a contract, which also failed for lack of funding and an unrealistic Internal Government Estimate.

### DISCUSSION:

The current effort has been made possible by DRBA's success at securing a local contractor to demolish and remove the existing bridge at a very low cost, which DRBA has turned to Franklin County to cover. This allows USACE to re-scope the contract, removing the demolition, and also removing the paving of the new bridge. While USACE works to get this contract in place, DRBA is prepared to move forward getting the existing bridge removed.

### RECOMMENDATION:

Staff respectfully requests that the Board of Supervisors commit to reimbursing DRBA for costs incurred removing Jamison Mill Park Entrance Bridge, amount not to exceed \$10,000. However, the recommendation is also that the Board of Supervisors hold this commitment until word that USACE has a successful bidder to perform a successful bridge construction contract effort.

FRANKLIN COUNTY  
Board of Supervisors



Franklin County  
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EXECUTIVE SUMMARY

<b>AGENDA TITLE:</b> Library Organizational Updates	<b>AGENDA DATE:</b> February 16, 2016 <b>ITEM NUMBER:</b>
<b>SUBJECT/PROPOSAL/REQUEST</b>	<b>ACTION:</b> <b>INFORMATION:</b>
Structural Program Improvements	
<b>STRATEGIC PLAN FOCUS AREA:</b>	<b>CONSENT AGENDA:</b>
Operational Effectiveness	<b>ACTION:</b> YES <b>INFORMATION:</b>
<b>STAFF CONTACT(S):</b>	<b>ATTACHMENTS:</b>
Messrs. Robertson, Whitlow, Barry	<b>REVIEWED BY:</b> PR

**BACKGROUND:**

The Franklin County Public Library consists of the main facility located in Rocky Mount, a branch located in Westlake, and a bookmobile. These facilities are currently supported by approximately 8 full time employees, 14 part-time employees, and approximately 18 volunteers. During the last year, various operational and program improvements have been made to better support customers. Such enhancements have included new circulation software, improved seating areas, more community programs, grant partnership funding, staff training, and a greater focus on customer service.

In January 2015, Alison Barry was hired as the Director of the Franklin County Library System. The new Library Director's challenge was to meet County Administration's and the Library Board's expectations to improve the quality and quantity of services provided to the community. The strategy was to provide more progressive activities, increased technology capability and outstanding customer service to make the library a focal point of the community. Mrs. Barry gladly accepted this challenge and reviewed the various programs/activities, the collection, library operations and staffing. This review took time, whereby various goals and desired outcomes were developed.

In working with the Library Board of Trustees, such review indicates the Franklin County Public Library has wonderful facilities that are well loved by the community. The assessment further notes that the Library also has some opportunities for improvements as its offerings maybe slightly outdated and behind in the critical roles of technology and youth programming, therefore, under-serving the County. Libraries are no longer just bricks and mortar book storage facilities; instead they should offer the patrons they serve new educational opportunities, programming that informs and entertains and an opportunity for life-long learning.

With a few small position changes/adaptations the Library can continue to support the community in the manner it deserves. This includes more technology initiatives for both adults and children, more STEM (Science, Technology, Engineering, Math) programs for our elementary/middle school aged users, and bookmobile outreach efforts that bring the full "library experience" (technology in addition to books) to those who cannot make it to the actual library buildings. A reorganizing of some job tasks and duties among some existing positions will help create a more equitable workflow

and thus a more efficient staff.

**DISCUSSION:**

As part of the operational review, Library staff has worked to refocus a couple of its full time and part time positions to better support the goals and objectives of more technology and youth programming. More specifically, a couple of organization modifications would include the following:

- Adapt the current fulltime bookmobile position to a full-time technology/mobile media librarian position, while modifying the current fulltime bookmobile position to a part time ILL and bookmobile assistant. The technology position will support the bookmobile, yet such role will be expanded to increase the emphasis on technology and multi-media offerings in an effort to meet customer service needs
- Adapt the current fulltime librarian for special services position at Westlake to a full time coordinator of user services position at Westlake. This position will assist in programming, technology and circulation at Westlake, while modifying the current librarian for special services position to a part time youth services assistant who will focus solely on developing programming for preschool/elementary/young adult populations at Westlake. The coordinator of user services position will better support every aspect of operations at Westlake, while focusing the youth services assistant position on both children and teen programs

Such adaption and modification will be to existing positions, whereby such organizational updates will not increase the number of net positions or salaries budget within the Library system. Furthermore, such changes and modified positions will be posted whereby those affected employees within the existing positions will have the opportunity to apply and seek one of the newly, adapted positions.

The Franklin County Library Board of Trustees has reviewed the Director's operational assessment and has subsequently approved such structural program improvements as outlined in this summary. Section #3.05 of the County's Human Resources Policy Manual notes "it is the responsibility of the department head/designee to maintain equitable and properly evaluated positions within his/her department" and that "changes in the functions or responsibilities of an existing position shall be submitted to the County Administrator for submission to the Board of Supervisors for approval".

**RECOMMENDATION:**

As previously reviewed and supported by the Library Board of Trustees, staff respectfully requests the Board of Supervisors approve these structural changes as presented.

FRANKLIN COUNTY  
Board of Supervisors



Franklin County

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EXECUTIVE SUMMARY

<p><b><u>AGENDA TITLE:</u></b>  <b>APPROVAL FOR DANCE HALL PERMIT FOR  FRANK R. ERHARTIC, JR  FERRUM, VIRGINIA 24088</b></p> <p><b><u>SUBJECT/PROPOSAL/REQUEST</u></b></p> <p><b>Seek Board Approval for the Issuance of 2016  Dance Hall Permit for Frank R. Erhartic, Jr.</b></p> <p><b><u>STRATEGIC PLAN FOCUS AREA:</u></b>  <b><u>Goal #</u></b>  <b><u>Action Strategy:</u></b></p> <p><b><u>STAFF CONTACT(S):</u></b>  <b>Mr. Robertson &amp; Mrs. Tudor</b></p>	<p><b><u>AGENDA DATE:</u></b>                    <b><u>ITEM NUMBER:</u></b>  <b>FEBRUARY 16, 2016</b></p> <p><b><u>ACTION:</u></b>                                <b><u>INFORMATION:</u></b></p> <p><b><u>CONSENT AGENDA:</u> YES</b>  <b><u>ACTION:</u></b>                                <b><u>INFORMATION:</u></b></p> <p><b><u>ATTACHMENTS:</u> YES</b></p> <p><b><u>REVIEWED BY:</u></b> <i>BR</i></p>
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**BACKGROUND:**

In accordance with Section 3-16, Public Dance Halls, staff has received a dance hall application from Frank R. Erhartic, Jr., as submitted. The Board tabled Mr. Erhartic's dance hall permit during their Tuesday, January 19, 2016 meeting in order to obtain additional information from the applicant. Attached hereto, Mr. Erhartic has submitted a revised dance hall application with the required signatures in accordance with Franklin County Code Section 3-16, which states the definition of a public dance hall, as follows:

**Sec. 3-16. - Defined.**

For the purposes of this article the term "public dance hall" includes any dance hall or other place where there is dancing and which is open to members of the public upon the payment of an admission fee or any other form of compensation to the operator. (Ord. of 12-19-77)

Mr. Erhartic, has received the required pertinent signatures from the Planning & Zoning, Public Safety and Sheriff's Departments, in accordance with Section 3-19, as follows: (with the exception of the Building Official's and Fire Marshall signatures at this time).

**Sec. 3-19. - Permit.**

- (a) It shall be unlawful for any person to own, operate or maintain a public dance hall within the county, unless he has a permit so to do issued pursuant to this section.
- (b) Application for a permit required by this section shall be filed with the county administrator, who shall, within thirty (30) days thereafter, conduct such investigation as he deems necessary and report the results thereof to the board of supervisors.

(c) Upon receipt of the report referred to in subsection (b) above, the board of supervisors shall either approve or disapprove the permit application. If the application is approved by the board, the county administrator shall issue a signed permit to the applicant. If the application is disapproved by the board, the permit shall be denied.

(d) Upon receipt of approved county dance hall license from the board of supervisors, it shall be displayed next to the existing ABC License within the establishment.

(Ord. of 12-19-77; Res. No. 24-12-91, 12-17-91)

State Law reference— Authority of county to require dance hall permit, Code of Virginia, § 18.2-433

#### Sec. 3-38. - Fee.

The annual fee for a license required by this division shall be one hundred dollars (\$100.00); provided, however, that such fee shall be prorated as follows, if the initial license is obtained after the beginning of the license year:

- (1) If obtained during the first quarter of the year, the fee shall be one hundred dollars (\$100.00).
- (2) If obtained during the second quarter of the year, the fee shall be seventy-five dollars (\$75.00).
- (3) If obtained during the third quarter of the year, the fee shall be fifty dollars (\$50.00).
- (4) If obtained during the last quarter of the year, the fee shall be twenty-five dollars (\$25.00).

The fee prescribed by this section shall be paid to the county treasurer.

(Ord. of 12-19-77)

Cross reference— License taxes, § 20-151 et seq.

State Law reference— Authority of county to impose license tax on dance halls, Code of Virginia, § 18.2-433.

#### Sec. 3-39. - Issuance.

Upon proper application, payment of the fee prescribed by Section 3-38 and compliance with all applicable provisions of this article, the county administrator shall issue the license for a public dance hall; provided, however, that no such license shall be issued until such time as the board of supervisors has approved such application.

(Ord. of 12-19-79; Res. No. 39-01-91, 1-22-91)

Mr. Erhartic, Jr., applicant, stated he intends to bring along with the appropriate signatures of the Building Official and Fire Marshall **Section III: Division of Public Safety (page 4) & Section IV: Building Inspection (page 5)** to the Board on Tuesday, February 16, 2016 for the Board's review and consideration. Mr. Erhartic stated he will have an architect's signature for the change of use of a building required from the Building Official. Once Section III is executed the Fire Marshall will consider executing page 5 of the Dance Hall Application.

#### **RECOMMENDATION:**

***Staff respectfully request Board action/direction on the submitted Dance Hall Application.***

\$100.00/ yrd.  
2-11-16  
P.H.



# Franklin County

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## DANCE HALL PERMIT APPLICATION

### Dance Hall Permit Application Instructions

This application must be completed in its entirety and submitted to the County Administrator's Office, 1255 Franklin Street, Suite 111, Rocky Mount, Virginia 24151 along with the Dance Hall Application fee of 100.00, **AT LEAST THIRTY DAYS PRIOR TO THE EVENT**. Payment may be made in cash, check, or money order made payable to the County of Franklin.

The following County departments will review this application: Planning & Community Development, Public Safety, Building Inspections, Commissioner of Revenue, Treasurer and Sheriff's Department. Each department has its own section within this application. A copy of Franklin Code Chapter 3, Article II titled "Dance Halls" is available upon request. Please read through these instructions completely before you begin. If you have any questions, you may contact the County Administrator's Office at (540) 483-3030.

#### SECTION I (page 2)

This section is general information about the applicant, the venue, and the event. This page will be forwarded to all of the reviewing departments.

You must select one of the following:

- Continuous (to operate a permanent dance hall)
- Promoter – Multiple Events (to conduct multiple dances at the same location)
- Single Event (to conduct a single dance)

Permits issued as Promoter – Multiple Events are valid for 12 months following the date of issuance. You may list as many events as desired within the 13-month period following the date of application, provided that all events will occur at the same location. Final approval for each dance will not be granted until the premises passes inspection by the Public Safety Department prior to the dance. It is **your** responsibility to contact the Public Safety Department at (540) 483-3091 a minimum of 30 days prior to each event to arrange for an inspection.

#### SECTION II (page 3)

This section is for the Planning & Community Department, who determines if the venue is properly zoned for the event. You **must** submit a floor plan showing total floor area and area devoted to dancing.

#### SECTION III (page 3)

This section is for the Division of Public Safety. You **must** submit the following with your application:

1. A site plan for the venue indicating the building location and parking areas; and
2. A floor plan for the venue indicating locations of exits, seating areas, dance floors, food preparation areas, and other occupied areas.
3. A certificate of Liability Insurance

The venue must submit to a fire inspection of the premises, to include building systems, occupancy limits, emergency exit conditions, fire suppression and detection systems, and emergency evacuation plans.

#### SECTION IV (page 5)

section is for Building Inspections, who determines if the venue adheres to the Virginia Uniform Statewide Building

Code.

**SECTION V (pages 6-7)**

This section is for the Sheriff's Division. Background screening is performed on the applicant, as well as those affiliated with the dance hall venue and promotion of the event. **The Authorization to Obtain Information (page 7) must be notarized.**

Within 30 days of filing a completed application, or a longer period if requested by the applicant, the Chief of Police shall issue a permit or provide a written decision of denial to the applicant.

**SECTION I - GENERAL INFORMATION**

Check one:  Continuous (permanent dance hall)       Promoter - Multiple Events (multiple dances at the same location)       Single Event (one dance)

**APPLICANT INFORMATION**

Name: Frank R. Erhartic JR FREJEN Enterprises LLC DBA Southern Twist  
Name of individual applying      Name of your business or employer

Phone numbers: 540-346-4663 540-425-0744  
Home      Work      Cell      Fax

E-mail address: Frankinroanoke@gmail.com

Address: 320 Huntington Blvd NE Roanoke VA 24012  
Street      City      State      Zip code

Have you ever had a dance hall permit denied or revoked by any jurisdiction?  Yes  No  
If yes, list the date(s) and reason(s) for revocation(s):

ABC license #: 087131 **\*\*An ABC license is required if there will be ANY alcohol at your dance hall, either served by your or brought by the attendees\*\***

Has your ABC license ever been suspended/revoked or have you ever been denied an ABC license?  
 Yes  No  
If yes, list the date(s) and reason(s) why:

**EVENT INFORMATION**

Name of event: \_\_\_\_\_ Date of event: \_\_\_\_\_

Sponsoring organization: \_\_\_\_\_

Anticipated number of attendees: \_\_\_\_\_ Attendee ages:  18 and over  18 and under  
 21 and over  21 and under  All ages

**VENUE INFORMATION**

Name of business: Southern Twist Restaurant Phone number: 540-346-4663

Address: 8160 Franklin St Ferrum VA 24088  
Street      City      State      Zip code

Contact person/manager: Frank Erhartic JR

SECTION II - PLANNING

VENUE INFORMATION

Tax map or parcel number: 0810014600

Zoning: NZ

Type of business (check one):

- Restaurant
- Private Club (if admission privileges are sold to the general public at any time, check "Other")
- Other

Floor plan showing total area and area devoted to dancing attached?  Yes  No

Total floor area (in square feet): 2528 total Area devoted to dancing (in square feet): 660

FOR PLANNING DEPARTMENT OFFICE USE ONLY

Case number: \_\_\_\_\_

- The location **COMPLIES** with zoning regulations for a public dance hall.
- The location **DOES NOT** comply with zoning regulations for a public dance hall.
- The proposed use is not a public dance hall as defined in the zoning ordinance.

**NOT IN ZONED AREA** SMS

Director of planning (or designee):

Steven M. Sandy

Date: 2/4/16



## Franklin County

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### Development Services – Dept. of Building Inspections

1255 Franklin St. Ste. 103, Rocky Mount, VA 24151

Phone 540-483-3047; Fax 540-483-6665

February 8, 2016

Mr. Frank Erhartic  
8160 Franklin Street  
Ferrum, VA 24088

Reference: Dance Hall Permit Application

Mr. Erhartic,

The Franklin County Building Department received your application for the dance hall permit. Based on our records the current use group for the property is a A-2 Assembly based on the 2012 Virginia Building Code. The proposed new use of the property will be an A-3 Assembly based on the 2012 Virginia Building Code. A site visit was made to the location and based on the request for the dance hall it was determined a change of use will be required for compliance with the building code..

In order to achieve the change of use and architect will need to complete a structural evaluation of the building for the new proposed use. Once this has been completed a signed and sealed plan for the building will need to be submitted to our office for approval.

Based on the determination a change of use is required the Building Inspections Office section of the application cannot be approved at this time.

I have attached a copy of the change of use process for your review.

If I may be of further assistance, please feel free to contact me.

Sincerely,



Andy Morris, CBO  
Building Official

**SECTION IV – BUILDING INSPECTION OFFICE**

Existing/previous use of space: Restaurant

Proposed occupant load: 75 max in dance area

Floor plan provided indicating locations of exits, seating areas, dance floors, food preparation areas, and other occupied areas?  Yes  No

**FOR BUILDING INSPECTIONS OFFICE USE ONLY**

Date of inspection: 2-8-2016

Use group: A-2

Occupant load: 75 proposed

Construction type: 5B

CO number: unable to determine

The location **COMPLIES** with applicable provisions of the Virginia Uniform Statewide Building Code.

The location **DOES NOT** comply with applicable provisions of the Virginia Uniform Statewide Building Code.

Building Official (or designee): [Signature]

Date: 2-8-16

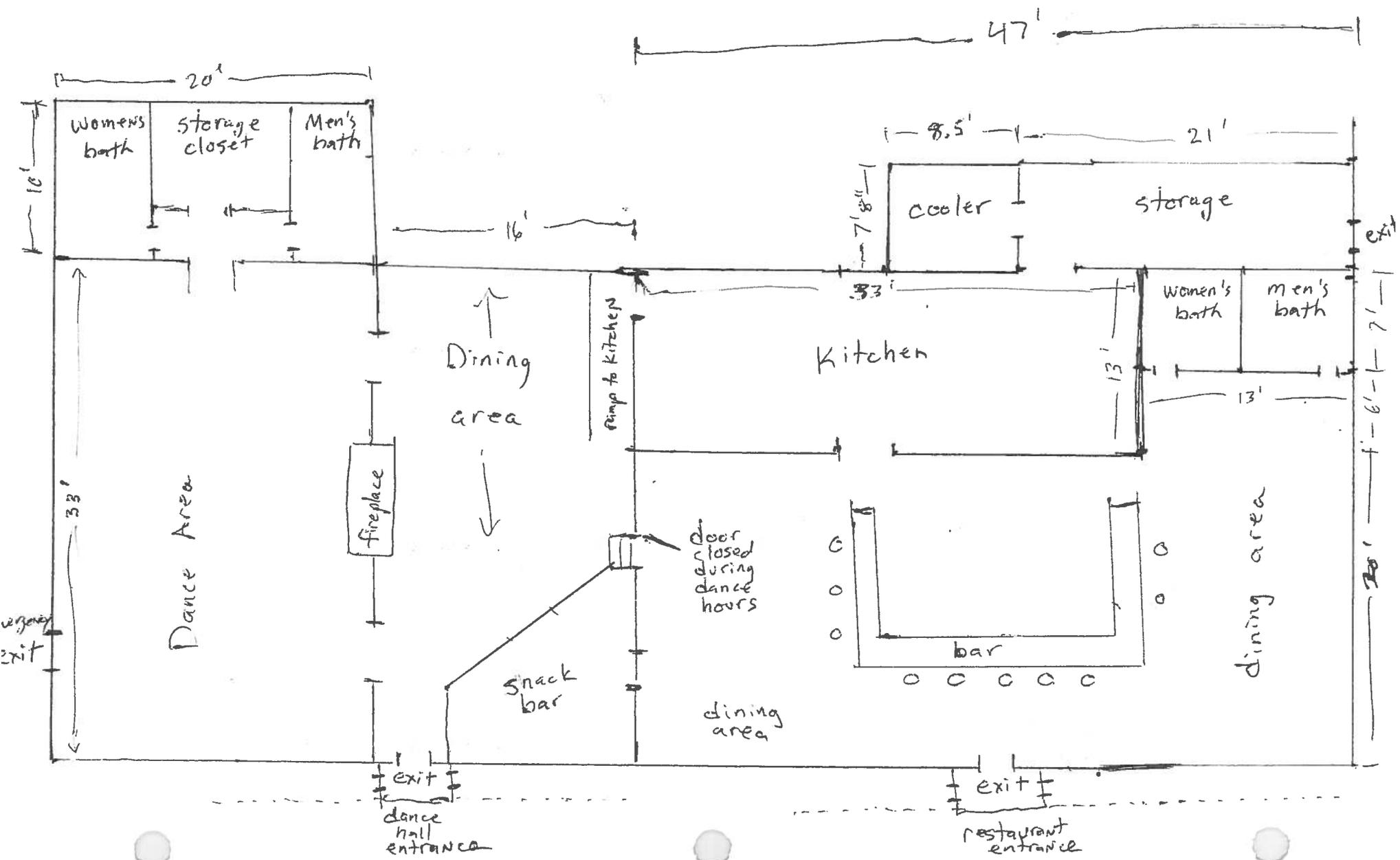
\* **SECTION 2 (CODES/COMPLIANCE)**

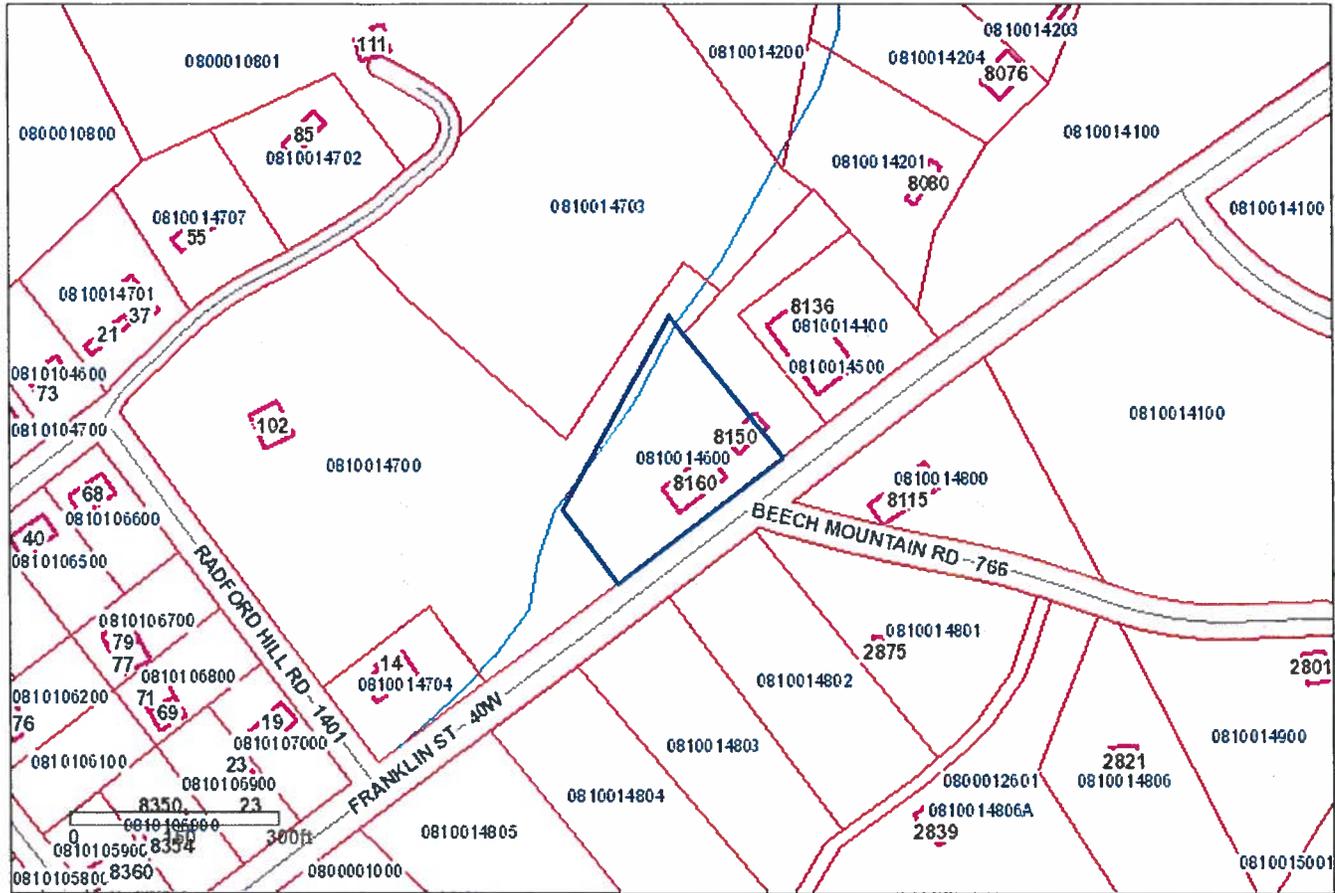
**BUILDING INSPECTION (CONTACT # (540) 483-3047)**

This section will determine if the venue's structure adheres to the Virginia Uniform Statewide Building Code.



# Southern Twist Floor Plan





### Franklin County, VA

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

#### Parcels

<p><b>Parcel ID:</b> 0810014600  <b>Map:</b> 08100  <b>Parcel:</b> 14600  <b>Zoning:</b> NZ  <b>Owner:</b> SITESTAR CORPORATION (TRUSTEE) (FREEDOM VIRGINIA LAND TRUST)  <b>Owner address:</b> C/O ERHARTIC FRANK 8160 FRANKLIN STREET  <b>City:</b> FERRUM  <b>State:</b> VA  <b>Zip1:</b> 24088</p>	<p><b>Description 1:</b> RT 40 WEST  <b>Acres:</b> 1.34  <b>Land Value:</b> 67000  <b>Building Value:</b> 213600  <b>Sale Price:</b> 96500  <b>Sale Date:</b> 12/30/2014</p>	<p><b>Deed book:</b> 1056  <b>Deed page:</b> 2718  <b>Plat book:</b> 982  <b>Plat page:</b> 264  <b>Instrument type:</b> DB  <b>Instrument year:</b> 2014  <b>Instrument number:</b> 7443  <b>District:</b> BR  <b>Grantor:</b> MY FERRUM RESTAURANT LLC</p>
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**Attributes at point:** N: 3500916, E: 11049056

<p><b>School Districts</b>                  School District: Ferrum</p>	<p><b>Election Districts</b>                  District Name: Blue Ridge                  Supervisor: Bobby W. Thompson</p>	
<p><b>Precincts and Political Districts</b>                  Precinct Name: Ferrum                  House District: 9                  Senate District: 19</p>	<p><b>Voting Precincts</b>                  Name: Ferrum                  White Population: 1851                  Black Population: 441                  Other Population: 99</p>	<p><b>Franklin County Zoning</b>                  Zoning Class: NZ                  Proffers:                  Case Number:                  Date Approved: Null                  Previous Case:                  Previous1:</p>

**SECTION V – SHERIFF'S DEPARTMENT**

**APPLICANT INFORMATION**

Name: Frank Erhartic JR FREJEN Enterprises, LLC  
*Name of individual applying* *Name of your business or employer*

Position with business: Manager

Date of birth: 7/4/68 Last four digits of SSN: 6910 Marital status: S

Race: C Sex: M Height: 5'8" Weight: 190 Hair: brown

Eyes: ~~blue~~ hazel

Have you ever been convicted of any criminal violations?  Yes  No

If yes, list the date(s) and offense(s):

**REFERENCES**

List the name, residential address, and telephone number of two individuals who are neither minors nor relatives of the applicant or of any person affiliated with the proposed dance hall.

1. Name: Don Mathingley Relationship to applicant: friend  
Phone numbers: 301-509-0625  
Address: 455 Robertson Lane Rocky Mount VA 24151  
*Home Street Work City State Zip code*

2. Name: Monte Spencer Relationship to applicant: friend  
Phone numbers: 540-493-8379  
Address: 3717 Old Forge Rd Rocky Mount VA 24151  
*Home Street Work City State Zip code*

**SECURITY**

What arrangements have you made for security for the dance hall? Include the security company's name, number of security personnel, etc. For information on hiring off-duty Franklin County Sheriff's Office call (540) 483-3000.

We will be hiring our own security but may consider outside help if needed.

- Per the Background Requirements list, there is no reason to deny this permit

Captain P.B. Caldwell FLSO  
2/10/16

**PROMOTER / MANAGER / OFFICER'S INFORMATION**

Provide the name, title, home address, and telephone number of each individual who is an officer, director, partner, principal, or manager of the proposed public dance hall, as well as any promoter involved in conducting the dances at the proposed public dance hall. Attach a separate piece of paper if needed.

1.	Name: <u>Frank Erhart Jr</u>	DOB: <u>7/4/68</u>	SSN: <u>105-62-6910</u>
	Phone numbers: <u>540-425-0744</u> <u>540-346-4663</u>	Work title: <u>Manager/owner</u>	
	<i>Home</i>	<i>Work</i>	
	Address: <u>320 Huntington Blvd NE</u>	<u>Roanoke</u>	<u>VA</u> <u>24012</u>
	<i>Street</i>	<i>City</i>	<i>State</i> <i>Zip code</i>
2.	Name: _____	DOB: _____	SSN: _____
	Phone numbers: _____	Work title: _____	
	<i>Home</i>	<i>Work</i>	
	Address: _____	_____	_____
	<i>Street</i>	<i>City</i>	<i>State</i> <i>Zip code</i>
3.	Name: _____	DOB: _____	SSN: _____
	Phone numbers: _____	Work title: _____	
	<i>Home</i>	<i>Work</i>	
	Address: _____	_____	_____
	<i>Street</i>	<i>City</i>	<i>State</i> <i>Zip code</i>
4.	Name: _____	DOB: _____	SSN: _____
	Phone numbers: _____	Work title: _____	
	<i>Home</i>	<i>Work</i>	
	Address: _____	_____	_____
	<i>Street</i>	<i>City</i>	<i>State</i> <i>Zip code</i>

**LEASED OR RENTED PROPERTY**

If the applicant does not own the premises of the proposed dance hall, the following signed statement must be obtained from the owner or owners of the premises:

I, \_\_\_\_\_, the owner or owners of the property at  
*(name of owner)*  
 \_\_\_\_\_ do hereby authorize the applicant,  
*(address of proposed dance hall)*  
 \_\_\_\_\_, to use the above listed property for a public dance hall.  
*(name of applicant)*  
 \_\_\_\_\_  
*Signature of owner* *Date*

**AUTHORIZATION TO OBTAIN INFORMATION**

I authorize the County of Franklin, Sheriff's Department to perform a background investigation in connection with my application for a public dance hall permit.

This investigation may include information as to my credit, criminal convictions, Division of Motor Vehicle records, personal references, professional references, previous employers, and other appropriate sources.

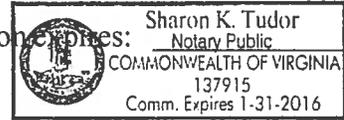
I authorize the release of any information that the County of Franklin may request from the above sources. All information I have provided on this application is true and accurate.

Applicant's signature: Frank R. Ely Date: 2/4/16

Commonwealth of Virginia  
County of Franklin  
Sheriff's Department

On this 4th day of February, 2016, Frank,  
who name is signed to the foregoing instrument, personally appeared before me, acknowledged the foregoing signature to be his, and having been duly sworn by me, made oath that the statements made in the said instrument are true.

Signature of Notary Public: Sharon K. Tudor My commission expires: \_\_\_\_\_



Franklin County Treasurer

1255 Franklin Street  
Suite 101  
Rocky Mount  
Virginia, 24151

Phone - (540) 483-3078  
Fax - (540) 483-3080

2/2/2016 04:44 PM Cashier 0002  
T/Ref 1013050993 Reg 1013 Tran No 5954  
Cash Report: 160203-01 for 2/3/2016

02 - Franklin County  
Treasurer Susan J. Wray

FOOD & BEVERAGE (MEALS TAX)

Name: SOUTHERN TWIST RESTAURANT

Acct: 147408

Bill: 2015-103525-12 (2015/12)

Validation Number: 167857 \$106.80

Penalty \$10.68

Interest \$0.42

(Total Paid \$117.90.)

FOOD & BEVERAGE (MEALS TAX)

Name: SOUTHERN TWIST RESTAURANT

Acct: 147408

Bill: 2016-104053-1 (2016/1)

Validation Number: 167860 \$54.42

=====  
Total \$172.32

Check (\$172.32)

Check No. 1073



**Franklin County**  
A Natural Setting for Opportunity

**DANCE HALL PERMIT**

DATE SUBMITTED:

NAME OF OWNER/OPERATOR:  
COMPLETE MAILING ADDRESS:

FRANK R. ERHARTIC JR  
8160 FRANKLIN ST  
FERRUM VA 24088

TELEPHONE NUMBER:  
CELL PHONE NUMBER:  
EMAIL ADDRESS:

540-346-4663 ✓  
540-425-0744 ✓

frankinronoke@gmail.com

NAME OF PROPERTY OWNER:  
COMPLETE MAILING ADDRESS:

Freedom Virginia Land Trust  
8160 Franklin St  
Ferrum VA 24088

TELEPHONE NUMBER:  
SOCIAL SECURITY NUMBER:

540-425-0744

BUSINESS NAME:  
COMPLETE ADDRESS

FREJEN ENTERPRISES LLC  
8160 Franklin St, Ferrum VA 24012

FEDERAL ID NUMBER:  
TAX MAP & PARCEL NUMBER:

47-3198080

0810014600

The following questions must be answered completely or your application will not be processed.

1. State the hours of operation:

Thursday-Saturday  
Initially ~~Saturday~~ 6pm - 2am  
6-9 High School Age  
9:30-2:00am - 21+

Possibly some dancing on Fridays ~~eventually~~

2. Do you have an ABC License? If so, list the license number and expiration date.

087131 3/31/16

Yes

3. Do you wish for this Dance Hall permit to be an annual event?

Yes

a. If the answer to the above questions is "NO", please explain your reasoning for not wanting an annual permit:

IN THE AREA BELOW, PLEASE DESCRIBE THE FOLLOWING:

1. Seating area:

seating area is mostly located with tables outside the dance area.

2. Dance area:

dance area contains a stage for live music or Karaoke. Can hold up to 75 people with 50 comfortably in and around area.

3. Type of dance hall operation:

We have a stage for a band + a dance area.

4. Security enforcement:

There will be at least one security person during dancing hours

5. Please provide a sketch of dance area showing dimension, location of exits, and layout

a. Attach hereto



FREJEN ENTERPRISES LLC  
SOUTHERN TWIST RESTAURANT

540-346-4663  
8160 FRANKLIN ST  
FERRUM, VA 24088

68-316/514

1365

DATE

2/11/16

PAY TO  
THE ORDER OF

County of Franklin  
One hundred and  $\frac{40}{100}$

\$ 100.00

DOLLARS



Security Features  
Visible in U.S.A.

UNION BANK & TRUST

FOR

dance hall permit

Paul R. Elmer

MP



1365