

THE FRANKLIN COUNTY BOARD OF SUPERVISORS HELD THEIR REGULAR MONTHLY MEETING ON TUESDAY, MAY 19, 2009, AT 1:30 P.M., IN THE BOARD OF SUPERVISORS MEETING ROOM IN THE COUNTY COURTHOUSE.

THERE WERE PRESENT: Charles Wagner, Chairman
Wayne Angell, Vice-Chairman
Leland Mitchell
David Hurt left @ 5:00 P.M.
David Cundiff
Russ Johnson
Bobby Thompson

OTHERS PRESENT: Richard E. Huff, II, County Administrator
Christopher L. Whitlow, Asst. County Administrator
Larry V. Moore, Asst. County Administrator
B. J. Jefferson, County Attorney
Sharon K. Tudor, CMC, Clerk

Chairman Charles Wagner called the meeting to order.

Invocation was given by Supervisor Bobby Thompson.

Pledge of Allegiance was led by Supervisor David Cundiff.

PUBLIC COMMENT:

➤ Creed Law – St. Rt. 890 Greenbox Site Removal

Mr. Law requested the Board to close the St. Rt. 890 greenbox site located across from his home. Mr. Law presented a petition from residents containing 343 names from the Snow Creek area requesting the Board to close the site. Mr. Law also stated there was a safety issue at this site expressed to him by women.

Mr. Mitchell advised the public he and staff have looked at closing the site on weekends, using surveillance, and other means and stated it was going to cause an inconvenience if the site is closed or if it remains open.

Staff will bring back information regarding the possible closure of the site.

CONSENT AGENDA

APPROVAL OF ACCOUNTS PAYABLE LISTING, APPROPRIATIONS, TRANSFERS & MINUTES FOR – APRIL 20, 21 & 28, 2009

JUBAL EARLY CHAPTER UNITED DAUGHTERS OF THE CONFEDERACY RESOLUTION

WHEREAS, Virginia Confederate Memorial Day first was observed in 1866 and has been recognized since 1901 by various organizations for educational purposes and to call attention to the sacrifices of Virginians who participated in the War Between the States...

WHEREAS, Franklin County native Jubal Anderson Early participated in more battles in this war than any other general officer...

WHEREAS, Franklin County sent nearly 2,000 citizens to the War Between the States...

WHEREAS, the citizens of Franklin County answered a call by the governor to defend the Commonwealth of Virginia and Franklin County, and it is the desire of the Franklin County Historical Society, Jubal Early Chapter UDC and Fincastle Rifles Camp SCV that this never be forgotten...

WHEREAS, citizens of the area that would become Franklin County in 1786, rose to the call to defend this land and people from British Tyranny in 1776, it is the desire of Virginia's Old Carolina Road Chapter DAR that memories of this patriotism be held in our hearts forever...

WHEREAS, Franklin County has sent many sons and daughters to participate in battles for freedom all over the world...

WHEREAS, The Board of Supervisors encourages county citizens to take advantage of this opportunity and plan to join in a salute to all military veterans of Franklin County, especially those who lost life and limb.

BE IT THEREFORE RESOLVED, by the Board of Supervisors to acknowledge the efforts of Franklin County Historical Society in cooperation with the Jubal Early Chapter United Daughters of the Confederacy, Fincastle Rifles Camp Sons of Confederate Veterans and Virginia's Old Carolina Road Chapter National Society Daughters of the American Revolution to recognize the military service and sacrifices of all Franklin Countians including the more than 1,900 known county citizens who served in the military of the Confederate States of America as well as the numerous Revolutionary War soldiers and patriots who lived in the part of Virginia that would later become Franklin County. These groups strive to give special recognition to the many brave local people who were killed or maimed during the various wars and military conflicts to date in fighting for one freedom or another.

The Board encourages interested citizens to participate in an educational program and wreath laying ceremony **Saturday, May 23 at 9:30 a.m.** on the courthouse lawn. This event coincides with the traditional National Memorial Day which is now celebrated on the last Monday of each May.

SOUTHWEST VIRGINIA ANTIQUE FARM DAYS RESOLUTION

WHEREAS, the Southwest Virginia Antique Farm Days will be held in Franklin County from June 19, 2009 through June 20, 2009; and

WHEREAS, the Southwest Virginia Antique Farm Days has grown into one of Franklin County's largest tourism events bringing visitors from all over the region to the community and creating substantial revenue for local businesses; and

WHEREAS, the show brings enjoyment and recreational opportunity to thousands of Franklin County residents annually; and

WHEREAS, the show is made possible only because of the hard work and dedication of the citizens of Franklin County who volunteer their time to host this wonderful event, specifically those associated with the Southwest Virginia Antique & Power Festival, Inc.; and

WHEREAS, the 2008 show welcomed well over 5,000 visitors and exhibitors to Franklin County; and

WHEREAS, the show celebrated the agricultural heritage of the region and the role that mechanization played in Franklin County's growth and prosperity in the 1900's; and

NOW BE IT THEREFORE RESOLVED, the Franklin County Board of Supervisors hereby expresses and acknowledges its sincere appreciation for the contributions that the Southwest Virginia Antique & Power Festival, Inc. and others have made to the economy of Franklin County and to the enjoyment and education of thousands of residents and visitors alike through the 2009 Southwest Virginia Antique Farm Days.

AMATEUR RADIO WEEK RESOLUTION

WHEREAS, Amateur Radio operators are celebrating over a century of the miracle of the human voice broadcast over the airwaves; and

WHEREAS, Amateur Radio has continued to provide a bridge between peoples, societies and countries by creating friendships and the sharing of ideas; and

WHEREAS, Amateur Radio Operators have also provided countless hours of community services throughout these decades; and

WHEREAS, these Amateur Radio's services are provided wholly uncompensated; and

WHEREAS, the State also recognizes the services Amateur Radio's people also provide to our many Emergency Response organizations, including The Roanoke Chapter of the American Red Cross, The Franklin County Department of Public Safety, Carilion Franklin Memorial Hospital; and

WHEREAS, these same individuals have further demonstrated their value in public assistance by providing free radio communications for local parades, bike-a-thons, walk-a-thons, fairs and other charitable public events; and

WHEREAS, the Franklin County Board of Supervisors recognizes and appreciates the diligence of these “hams” who also serve as weather spotters in the Skywarn program of the US Government Weather Bureau; and

WHEREAS, Amateur Radio once again proved its undisputed relevance in the modern world in 2005 by providing emergency communications when other systems failed in the devastation of Hurricanes Katrina and Rita in the USA and in the Tsunami catastrophe overseas; and

WHEREAS, the ARRL is the leading organization for Amateur Radio in the USA; and

WHEREAS, the ARRL Amateur Radio Field Day exercise will take place on June 27-28, 2009 and is a 24 hour emergency preparedness exercise and demonstration of the Radio Amateurs’ skills and readiness to provide self supporting communications without further infrastructure being required; now

THEREFORE, WE, the Franklin County Board of Supervisors, do hereby officially recognize and designate June 22-28, 2009 as

Amateur Radio Week In Rocky Mount, VA

2009-2010 ANTHEM CONTRACT APPROVAL

County and Town staff recently met with our insurance consultant to review and discuss the health and dental insurance renewals for next fiscal year (FY09-10). Third quarter claims and experience were discussed as well as the renewal information presented by Anthem Blue Cross Blue Shield and Delta Dental.

Anthem Blue Cross Blue Shield initially presented a renewal quote with a **1.6%** premium increase for the County’s 09-10 health insurance. No additional funds were budgeted for health insurance increases in the County’s 09-10 budget. By restructuring the tiers and increasing the out of pocket from \$2,000/\$4,000 to \$2,500/\$5,000, staff was able to bring the total increase to approximately \$14,013. This increase has been passed on the employees and actually only results in a 1.6% increase for the employee only plan and a 5.9% increase to the family plan. Employee Child and Employee Spouse plans will decrease by 1% and 1.7% respectively.

The dental insurance proposal from Delta Dental presented a renewal quote with a 9% increase for a one year renewal. This increase has also been passed on the employees and has resulted in the Employee only monthly premium increasing \$2.26, Employee Child \$3.52, Employee Spouse \$3.64 and Family \$6.92. Schedules are submitted showing the premium breakdown and total costs to the County.

RECOMMENDATION:

Staff respectfully requests the Board to allow the County Administrator to renew our health insurance coverage with Anthem Blue Cross/Blue Shield and our dental insurance with Delta Dental for FY09-10 with the changes outlined above.

Current Premiums					
	Monthly Premium	County %	County Pays	Employee %	Employee Pays
Employee Only	441.69	82%	362.19	18%	79.50
Employee Child	675.79	75%	506.84	25%	168.95
Employee/Spouse	927.55	75%	695.66	25%	231.89
Employee Family	1,143.98	75%	857.99	25%	286.00

Renewal 7-1-09 10/30/50 w/80/20, \$2,500/\$5,000 OOP, Tier Shift					
	Monthly Premium	County %	County Pays	Employee %	Employee Pays
Employee Only	426.87	81%	346.11	19%	80.76
Employee Child	653.10	74%	485.91	26%	167.19
Employee/Spouse	896.42	75%	668.40	25%	228.02
Employee Family	1,195.22	75%	892.50	25%	302.72

Impact to Franklin County						
	<u>Current Premium</u>			<u>Renewal Premium</u>		Difference
	Number	County Cost	Total Cost	County Cost	Total Cost	
Employee Only	112	362.19	486,783.36	346.11	465,171.84	(21,611.52)
Employee Child	12	506.84	72,984.96	485.91	69,971.04	(3,013.92)
Employee/Spouse	64	695.66	534,266.88	668.40	513,331.20	(20,935.68)
Employee Family	110	857.99	1,132,546.80	892.50	1,178,100.00	45,553.20
			<u>2,226,582.00</u>		<u>2,226,574.08</u>	(7.92)

Impact to Franklin County Employees						
	<u>Current Premium</u>		<u>Renewal Premium</u>		Monthly Difference	Yearly Difference
	Monthly	Yearly	Monthly	Yearly		
Employee Only	79.50	954.00	80.76	969.12	1.26	15.12
Employee Child	168.95	2,027.40	167.19	2,006.28	(1.76)	(21.12)
Employee/Spouse	231.89	2,782.68	228.02	2,736.24	(3.87)	(46.44)
Employee Family	286.00	3,432.00	302.72	3,632.64	16.72	200.64
Employee Only Percentage Increase					1.58%	
Employee Child Percentage Increase					-1.04%	
Employee Spouse Percentage Increase					-1.67%	
Employee Family Percentage Increase					5.85%	

DENTAL INSURANCE RENEWALS

Current Premiums					
	Monthly Premium	County %	County Pays	Employee %	Employee Pays
Employee Only	25.00	86%	21.50	14%	3.50
Employee Child	39.16	81%	31.72	19%	7.44
Employee/Spouse	40.42	81%	32.74	19%	7.68
Employee Family	76.92	81%	62.31	19%	14.61

Renewal 7-1-09					
	Monthly Premium	County %	County Pays	Employee %	Employee Pays
Employee Only	27.26	79%	21.50	21%	5.76
Employee Child	42.68	74%	31.72	26%	10.96
Employee/Spouse	44.06	74%	32.74	26%	11.32
Employee Family	83.84	74%	62.31	26%	21.53

Impact to Franklin County						
	<u>Current Premium</u>			<u>Renewal Premium</u>		Difference
	Number	County Cost	Total Cost	County Cost	Total Cost	
Employee Only	96	21.50	24,768.00	21.50	24,768.00	0.00
Employee Child	7	31.72	2,664.48	31.72	2,664.48	0.00
Employee/Spouse	92	32.74	36,144.96	32.74	36,144.96	0.00
Employee Family	105	62.31	78,510.60	62.31	78,510.60	0.00
			<u>142,088.04</u>		<u>142,088.04</u>	0.00

	<u>Current Premium</u>		<u>Renewal Premium</u>		<u>Monthly Difference</u>	<u>Yearly Difference</u>
	<u>Monthly</u>	<u>Yearly</u>	<u>Monthly</u>	<u>Yearly</u>		
Employee Only	3.50	42.00	5.76	69.12	2.26	27.12
Employee Child	7.44	89.28	10.96	131.52	3.52	42.24
Employee/Spouse	7.68	92.16	11.32	135.84	3.64	43.68
Employee Family	14.61	175.32	21.53	258.36	6.92	83.04

FERRUM WATER AUTHORITY APPOINTMENT/CHARLIE CATLETT/UNEXPIRED TERM OF LARRY MOORE (2/1/2011)

Larry Moore, Sr. is currently a member of the Board of Directors for the Ferrum Water and Sewage Authority. After reviewing the job description and day to day tasks and experience of Charles Catlett, Project Manager for Franklin County it seems appropriate that Charles should be nominated as a member of the Ferrum Water Authority Board.

Charles brings over 40 years of experience as a manager and is very familiar with water and sewer operation having worked for the city of Lynchburg. Furthermore, Charles has worked closely with JJ Keith, Plant Manager and Daryl Spencer the Chairman of the Authority Board on various projects within Franklin County.

RECOMMENDATION:

It is the recommendation of the staff that Charles Catlett be appointed to fill Larry Moore's term set to expire on February 1, 2011.

ROCKY MOUNT LIONS CLUB 85TH ANNIVERSARY RESOLUTION

Celebrating the 85th Anniversary of the Rocky Mount Lions Club

WHEREAS, the Rocky Mount Lions Club was organized on *June 20, 1924* and chartered on *June 24, 1924* with 21 members, *and*

WHEREAS, the Rocky Mount Lions Club, has sponsored Ferrum Lions Club, Stuart Lions Club and Smith Mountain Lake Lions Club, *and*

WHEREAS, the Rocky Mount Lions Club could also be known as one of the first booster club for Franklin County High School athletics, by individual Rocky Mount Lion Club members signing individual notes in the amount of \$500.00 per note with a local bank to secure the funding for field lighting, *and*

WHEREAS, the Rocky Mount Lions Club provides a scholarship to a senior at Franklin County High School each year for \$500, renewable for three additional years, *and*

WHEREAS, the club motto is "We give that others may see", taking the challenge which Helen Keller gave to the Lions' International Convention in 1925,

NOW, THEREFORE, BE IT RESOLVED, that the Franklin County Board of Supervisors expresses their sincere appreciation to the Rocky Mount Lions Club for their **85** years of service to the citizens of Rocky Mount and Franklin County

BE IT FURTHER RESOLVED, that the Franklin County Board of Supervisors wishes to honor all the men who have unselfishly given of their time and talents to volunteer for this critically essential organization.

VIRGIL GOODE BUILDING ROOF REPLACEMENT BID AWARD

The existing roof on the Virgil H. Goode office building is approximately 28 years old and beginning to be expensive to maintain. At its April 21, 2009 meeting, the Board of Supervisors voted to allow staff to advertise and solicit sealed bids for the purpose of replacing the Goode Building roof.

In an effort to minimize cost, staff developed specifications (in house) for the work to be performed. The project was advertised in keeping with procurement guidelines and on Tuesday, May 12, 2009; five (5) bids were received for the project.

Melvin T. Morgan Roofing of Roanoke submitted a low bid of \$32,512. Staff is currently in the process of receiving the necessary insurance forms, manufacturer certifications and required references from this firm.

RECOMMENDATION:

Staff respectfully requests permission to award this work to Melvin T. Morgan Roofing. This company has agreed to complete the project in thirty (30) calendar days from written notice to proceed. The low bid received was approximately \$7,500 less than earlier estimates and funds are available in the current Capital Improvement Program.

SHERIFF'S REQUEST FOR PAY & CLASSIFICATION SYSTEM REVISION

Sheriff Hunt is in the process of restructuring his department and in doing so, wishes to create a new job title in his department of "Chief Deputy". This position would eliminate the former job title of "Major" and would be classified in the same pay range as the former "Major" position. A copy of the new job description is attached for the Board's review. The Board's practice has been to review and approve new position descriptions that are created in lieu of staff doing so.

RECOMMENDATION:

Staff recommends that the position description be approved with any changes as recommended by the Board.

OPEN SPACE AGREEMENTS – WATER'S EDGE & WATERFRONT

Ron Willard has requested that The Waterfront and The Water's Edge Golf Courses continue to be classified as open space for taxation purposes. Mr. Willard has submitted Open Space Use Agreements to be in effect from May 19, 2009 to May 31, 2013. VA Code 58.1-3230 states "use for a time period stated in the commitment of not less than four years nor more than 10 years". This is a continuation of use based on the property being originally placed in the open space category back in 2004 and no changes in use have occurred.

RECOMMENDATION:

Staff recommends that the Board approves the Open Space Use Agreements submitted by Mr. Willard for The Waterfront and The Water's Edge Golf Courses as submitted.

(RESOLUTION #01-05-2009)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to approve the consent agenda as presented and to pull the Sheriff's request for Pay and Classification System Revision.

MOTION BY: Russ Johnson

SECONDED BY: David Cundiff

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Mitchell, Hurt, Cundiff, Angell, Johnson, Thompson & Wagner

SHERIFF'S REQUEST FOR PAY & CLASSIFICATION SYSTEM REVISION

Sheriff Hunt is in the process of restructuring his department and in doing so, wishes to create a new job title in his department of "Chief Deputy". This position would eliminate the former job title of "Major" and would be classified in the same pay range as the former "Major" position. A copy of the new job description is attached for the Board's review. The Board's practice has been to review and approve new position descriptions that are created in lieu of staff doing so.

RECOMMENDATION:

Staff recommends that the position description be approved with any changes as recommended by the Board.

(RESOLUTION #02-05-2009)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to table the Sheriff's request until June Board meeting, in order for staff to answer questions regarding what impact the Lieutenant Colonel position would have on the pay and classification plan and how many times is a department head authorized to come before the Board requesting re-classifications within a given time frame.

MOTION BY: David Cundiff

SECONDED BY: Russ Johnson

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Mitchell, Hurt, Cundiff, Angell, Johnson, Thompson & Wagner

CLEMENTS MILL UPDATE

Tony Handy, Resident Administrator, VDOT, stated there wasn't an update available at this time. Mr. Huff stated he has discussed with Congressman Perriello's aid, obtaining possible funding for the Clements Mill bridge project, however, staff was informed there would be a 20% matching (\$120,000) funds requirement.

WATER EXTENSION OUTSIDE BOONES MILL TOWN LIMITS

Mr. Lynn Frith, Boones Mill town manager has requested (letter submitted dated April 14, 2009) permission to extend the Town's water lines to service the residential tracts of Orchards of Cahas subdivision being developed by Bethlehem Ridge owners Wesley Naff and Gary Garst.

This subdivision surrounds the existing Town of Boones Mill water system which includes a spring and three drilled wells, a 250,000 main storage tank, an 11,000 gallon spring storage tank, a fire hydrant and a twelve inch main waterline running from the main tank to the town limits.

Due to the higher elevation of the tracts, a booster station and additional service lines with meters will be needed in order to serve this subdivision. The Town of Boones Mill has consulted with the Virginia Department of Health, Office of Water Programs who concur with their preliminary plans to provide water service to these tracts.

Mr. Naff has already hired the engineering firm of Stone Engineering, Inc. from Rocky Mount, Virginia to perform the required PER (professional engineer report) to meet all requirements of the Virginia Department of Health. Mr. Frith has met with Dean Stone, PE and has provided details of the existing town water system for this PER. Once the plans and specifications are approved, the Town will perform construction and material compliance inspections and a final VDH approval before allowing water service.

A review and discussion has been conducted with WVWA and it is not financially feasible to consider a line to this development.

RECOMMENDATION:

Staff presents the request for the Board's direction. It is staff's recommendation that if this extension request should be approved, all approvals should be contingent on County and Virginia Department of Health (VDH) approvals. VDH advised that Boones Mill is authorized for 350 connections and may currently have capacity to include this development.

Such approval would be subject to the following:

- This extension shall be only to the eight (8) lots shown on the proposed plan of the approximate acreage shown
- Such approval is contingent on obtaining the necessary County and VDH approvals with the acknowledgement that sufficient information has been provided to ascertain compliance
- No future expansions or enlargements are contemplated by such approval

(RESOLUTION # 03-05-2009)

BE IT THEREFORE RESOLVED by the Board to forward the request to the Planning Commission for public hearing for a Comprehensive Plan 15.2-2232 Review prior to Board action.

MOTION BY: David Hurt

SECONDED BY: Russ Johnson

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Mitchell, Hurt, Cundiff, Angell, Johnson, Thompson & Wagner

ELECTRONIC POLLBOOKS PURCHASE

Les Hutchinson, Secretary, Electoral Board, stated currently the County uses paper pollbooks produced for each locality by the State Board of Elections. The pollbooks are used to process each registered voter, for each polling place. The pollbook is also used to give voting credit to each voter for participation in that election.

The State Board of Elections has an objective to have all localities using paper pollbooks to switch to using electronic pollbooks (EPB) by November 2010. While neither law nor policy mandate the use of EPB's at this time, we are aware of SB 1320 which passed the senate on a third reading by a 40-0 vote. The House tabled the bill in their Privileges and Elections Committee, but staff has been advised that it will be supported by the State Board of Elections again next year.

The impact of this on our locality is first, another unfunded mandate. Second, we have to make a recommendation without the final results of the Senate Bill being known. If the bill passes next year, it is unclear how quickly the paper copies of the pollbooks would be eliminated, but it could be within 12 months.

Options as we know them at this time:

(1) The State is now making available to the localities up to 6500 refurbished laptops statewide at a cost of \$100.00 per unit. The State, using Federal funding through the Help America Vote Act (HAVA) will pay the balance of the unit cost. Total unit cost is \$1,025.00 per unit. When the 6500 laptops are gone, this option will no longer be available. The complete system will include the laptop, 1 thumb drive, EPB applications, networking hubs and cables, software warranty, software maintenance, training, shipping and help center technical support.

(2) Do nothing at this time and continue using paper with the understanding that through law or policy we could be forced to make a change by November 2010. The cost for the paper printing would be passed on to the locality. The particulars of this option have not been delivered to us. Our current cost at the State printing rate is \$770.00 per election. Again, we have no information to what the cost would be, if this remains an option, in the future.

(3) Do nothing at this time and allow the law or policy issues to be resolved. If we were to use this option the current cost for a unit would be \$2,000.00 and up. Again, based on current assumptions that would not include warranties, training, technical support and data conversion to configure the pollbook data. If the County elects to wait and the HAVA money is depleted, the entire cost of the \$2,000 per unit could be required of the locality.

Peripherals to the laptop are a barcode scanner and printer. The barcode scanners would provide less typing, less errors and would speed up the registration process in searching for a voter. The printer would provide a paper trail/audit trail for each voter that was processed. The printer would also provide a tape that would reflect the zero proof tape at the start of Election Day and an end of day report for the total number of voters processed. We would anticipate the need for 30 scanners and 30 printers.

Clearly each locality is being forced to make financial decisions without the benefit of what the law/policy will be. Our objective is to try and present these options to our Board of Supervisors and reach a recommendation to present to them that will be the most cost efficient.

RECOMMENDATION:

The Franklin County Electoral Board respectfully requests funding for this project as follows:

We currently have \$10,673.00 in CIP to purchase the laptops needed. The additional cost projected is \$19,327.00 and this would be to cover the peripherals, electronic pollbook cases and implementation costs. We request funding to be made available for the \$19,327.00, to come from carryover funds within the total Registrar FY08-09 budget, and if necessary, from the other carryover funds of the County.

(RESOLUTION #04-05-2009)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to approve staff's recommendation as presented and to authorize the appropriation for funding from the County fund balance with reimbursement to come from within the current Registrar's budget and from carry over funds.

MOTION BY: Russ Johnson

SECONDED BY: David Cundiff

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Mitchell, Hurt, Cundiff, Angell, Johnson, Thompson & Wagner

CHAPTER 25-40 WIND ENERGY FACILITIES

Neil Holthouser, Director of Planning & Community Development, stated the Board of Supervisors has authorized an update of Franklin County's zoning and subdivision ordinances, to be conducted in two phases:

Phase I: Revisions and clarifications deemed necessary to address conflicts, interpretative issues, and other immediate concerns related to the zoning ordinance. This phase is to be prepared by Planning staff.

Phase II: General update of the entire zoning and subdivisions ordinances, with a focus on the structure and usability of the code, as well as new provisions deemed necessary to implement the County's Comprehensive Plan. This phase is to be prepared with the assistance of an outside consultant.

Recently, staff has encountered questions concerning wind energy as another source of energy and our current regulations do not specifically address these issues. Therefore, as part of Phase I, staff has prepared a series of amendments to the zoning ordinance to provide for wind energy facilities. The draft amendment contains new definitions, allowance of wind energy facilities as by-right or SUP in certain zoning districts, supplementary regulations, criteria for the granting of

an SUP, and the decommissioning or abandonment wind energy facilities. The draft addresses three types of wind energy facilities, each with its own acreage, setback and dimension requirements:

1. Small systems, which are designed to supplement other electrical sources for domestic use;
2. Large systems, which consist of two or more turbines having a rate capacity of up to 999 kilowatts; and
3. Utility scale systems, which consist of one or more turbines having a rate capacity of one megawatt or more.

PLANNING COMMISSION RECOMMENDATION:

On March 10, 2009, the Planning Commission held a public hearing in consideration of this amendment to the zoning ordinance, and approved the following by vote of 4-2, with one member being absent.

The Planning Commission recommends that the Board of Supervisors approve an ordinance to amend Chapter 25 of the County Code, as presented, to define and regulate wind energy facilities.

Article 1. General Provisions

Division 3. Definitions

Sec. 25-40. Principal definitions of the Zoning Ordinance

The following definitions shall apply in the interpretation and enforcement of this Chapter.

Wind energy facility: An electricity-generating facility that converts wind energy into electricity, consisting of one or more wind turbines and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities.

Wind energy facility, large system: A wind energy conversion system which has a rated capacity to generate more than 100 kilowatts but less than 1 megawatt of electricity.

Wind energy facility, small system: A wind energy conversion system which has a rated capacity to generate not more than 100 kilowatts of electricity, consists of no more than one wind turbine and tower; and generates electricity primarily for onsite use and consumption.

Wind energy facility, utility scale: A wind energy system conversion system which has a rated capacity to generate 1 megawatt or more of electricity.

Wind energy facility, wind farm: See "Wind energy facility, utility scale"

Wind energy facility, wind turbine: A wind energy conversion system that converts wind energy into electricity through the use of a turbine generator, and may include a nacelle, rotor, tower and pad transformer.

Windmill: A machine designed to convert the energy of the wind into more useful forms of energy using rotating blades to turn mechanical equipment to do physical work, without producing electricity. Windmills, as defined, are not regulated as wind energy facilities.

Article II. Basic Regulations

Division 4. Supplemental Regulations

Sec. 25-128. Towers, antennas, satellite dishes and *wind energy facilities.*

(c) *Wind Energy Facilities shall be subject to the following requirements:*

1. *Wind energy facilities shall be permitted as follows:*
 - a. *Small systems shall be a permitted use in the A-1 district; small systems shall require a special use permit in the B-2, M-1 and M-2 districts;*
 - b. *Large systems shall require a special use permit in the A-1, B-2, M-1 and M-2 districts;*

- c. Utility scale systems shall require a special use permit in the A-1, B-2, M-1 and M-2 districts.
2. An application for a special use permit for a wind energy facility shall contain the following:
- a. A narrative describing the proposed wind energy facility, including an overview of the project;
 - b. The approximate generating capacity of the wind energy facility;
 - c. The specific number, representative types and height or range of heights of wind turbines to be constructed, including their generating capacity, dimensions and respective manufacturers and a description of ancillary facilities;
 - d. Identification and location of the properties on which the proposed wind energy facility will be located;
 - e. A site plan sealed by a professional engineer, showing the planned location of each wind turbine, property lines, setback lines, access road and turnout locations, substation(s), electrical cabling from the wind energy facility to the substation(s), ancillary equipment, buildings, and structures, including permanent meteorological towers, associated transmission lines, and location of all structures and properties within the geographical boundaries of any applicable setback;
 - f. Signed and approved copies of any negotiated power purchase agreement and the utility company's approved schematics;
 - g. Decommissioning plans that describe the anticipated life of the wind power project, the estimated decommissioning costs in current dollars and the anticipated manner in which the wind power project will be decommissioned and the site restored;
 - h. Signature of the property owner(s) and the facility owner/operator of the wind energy facility;
 - i. Utility scales wind energy facilities shall require an Environmental Impact Study (EIS). The EIS shall require review and comments from applicable state and federal agencies, including, but not limited to, Virginia Department of Environmental Quality, Virginia Department of Mines, Minerals, and Energy, US Army Corps of Engineers, **National Park Service** and the US Fish and Wildlife Service; and,
 - j. Identification of adjacent land uses and zoning districts;
 - k. Topographic data of subject property based on a minimum of 10 foot contours;
 - l. Identification of existing tree lines on subject property;
 - m. Design of the wind energy facility, including materials, colors and finishes;
 - n. Estimated maximum decibel level of operating wind energy facility; and
 - o. Other relevant studies, reports, certifications and approvals as may be deemed necessary by Franklin County to ensure compliance with this ordinance.
3. The following dimensional requirements shall apply to the installation of wind turbines and/or wind energy facilities:
- a. Small systems shall require a five (5) acre minimum lot size; large systems shall require a ten (10) acre minimum lot size; utility scale systems shall require a **fifty (50)** acre minimum lot size.
 - b. Small systems shall not exceed a maximum height of one hundred (100) feet from grade; large systems shall not exceed a maximum height of two hundred (200) feet from grade; utility scale systems shall not exceed a maximum height of five hundred (500) feet from grade.

- c. Height shall be measured as the vertical distance from the highest point of the structure, including turbine blades when rotated to their highest elevation, to a point on the ground directly beneath the apex of the structure, including turbine blades.
- d. Wind energy facility shall be set back from property lines, public rights of way and private streets in accordance with the ratio of setback to height specified in the following table:

<u>Wind Energy Facility Type</u>	<u>Required setback from property line, expressed as a ratio of setback to height</u>	<u>Required setback from public right of way, expressed as a ratio of setback to height</u>	<u>Required setback from private street, expressed as a ratio of setback to height</u>
<u>Small System</u>	<u>1.5</u>	<u>2.0</u>	<u>2.0</u>
<u>Large System</u>	<u>1.0</u>	<u>1.5</u>	<u>1.5</u>
<u>Utility Scale</u>	<u>1.0</u>	<u>1.5</u>	<u>1.5</u>

- e. Setbacks shall be measured from a point directly beneath the apex of the structure, including turbine blades.
- f. As part of the special use permit process, the property owner(s) may request a deviation of the setback requirements of the subject property. The deviation shall describe how the proposed wind turbine and/or wind energy facility is not in compliance and state that consent is granted for the wind turbine and/or wind energy facility to not be setback as required by this ordinance. Any such deviation shall be signed by adjacent property owner(s) as a condition of the special use permit.

4. Wind Energy Facilities shall be subject to design and construction requirements as follows:

- a. The installation and design of the wind energy facility shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI).
- b. All electrical and mechanical components of the wind energy facility shall conform to relevant and applicable local, state and national codes.
- c. The visual appearance of wind energy facilities shall at a minimum:
 - 1. Maintain a galvanized finish and be non-obtrusive color such as white, off-white or gray;
 - 2. Not display advertising (including flags, streamers or decorative items), except for identification of the turbine manufacture, facility owner and operator.

5. Decommissioning or abandoned wind energy facility shall be subject to the following requirements:

- a. The wind energy facility owner, operator and/or property owner shall have three (3) months to complete decommissioning of the facility if no electricity is generated for a continuous period of twenty-four (24) months.
- b. Decommissioning shall include removal of wind turbines, buildings, cabling,

electrical components, roads and any other associated facilities.

- c. Disturbed earth shall be graded and re-seeded, unless the landowner requests in writing that the access roads or other land surface areas not be restored.
- d. A performance surety, in a form approved by the County Administrator or his designee, shall be submitted by the applicant prior to the issuance of land use and building permits in order to insure removal of the wind energy facility when it is no longer to be used for wind generation.

Article III. District Regulations

Division 1. Agricultural District (A-1)

Sec. 25-178. Permitted uses.

Within the Agricultural District (A-1) the following uses are permitted:

Wind energy facilities; small system (See section 25-128 (c)).

Sec. 25-179. Special use permits.

The following uses shall be permitted only by special use permit approved by the Board of Supervisors:

Wind energy facilities; large system (See section 25-128 (c)).

Wind energy facilities, utility scale system (See section 25-128 (c)).

Division 9. Business District, General (B-2)

Sec. 25-336. Special use permits.

The following uses shall be permitted only by special use permit approved by the Board of Supervisors:

Wind energy facilities; small system (See section 25-128 (c)).

Wind energy facilities; large system (See section 25-128 (c)).

Wind energy facilities; utility scale system (See section 25-128 (c)).

Division 10. Industrial District (M-1) – Light Industry

Sec. 25-354. Special use permits.

The following uses shall be permitted only by special use permits approved by the Board of Supervisors:

Wind energy facilities; small system (See section 25-128 (c)).

Wind energy facilities; large system (See section 25-128 (c)).

Wind energy facilities; utility scale system (See section 25-128 (c)).

Division 11. Industrial District (M-2) – Heavy Industry

Sec. 25-373. Special use permits.

The following uses shall be permitted only by special use permit approved by the Board of Supervisors:

Wind energy facilities; small system (See section 25-128 (c)).

Wind energy facilities; large system (See section 25-128 (c)).

Wind energy facilities; utility scale system (See section 25-128 (c)).

General discussion ensued.

(RESOLUTION #05-05-2009)

NOW THEREFORE BE IT ORDAINED, by the Board of Supervisors to approve the proposed ordinance amendment, as advertised, and that the public purpose is public necessity, convenience, general welfare, or good zoning practice and in accord with the requirements of Section 25-638 of the Franklin County Code and Section 15.2-2283, Purpose of zoning ordinances of the Code of Virginia of 1950, as amended to amend Chapter 25, "Zoning," of the Franklin County Code, to define and regulate wind energy facilities, by amending Article I, General Provisions, Division 3, Section 25-40, Principal definitions of the Zoning Ordinance, to include definitions for various types of wind energy facilities; Article II, Basic Regulations, Division 4, Section 25-128, Towers, antennas, and satellite dishes, to include supplemental regulations governing wind energy facilities; Article III, District Regulations, Division 1, Agricultural District (A-1), Section 25-178, Permitted uses, to allow for a small system wind energy facility by right; and Section 25-179, Special use permits, to allow for large system and utility scale wind energy facilities, with a special use permit; Division 9, Business District, General (B-2), Section 25-336, Special use permit, to allow for small system, large system, and utility scale wind energy facilities, with a special use permit; Division 10, Industrial District (M-1)-Light Industry, Section 25-354, Special use permits, to allow for small system, large system, and utility scale wind energy facilities, with a special use permit; and Division 11, Industrial District (M-2)-Heavy Industry, Section 25-373, Special use permits, to allow for small system, large system, and utility scale wind energy facilities, with a special use permit.

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF FRANKLIN COUNTY, that the County Code be, and is hereby amended for corrected references to the Code of Virginia as follows:

Article 1. General Provisions

Division 3. Definitions

Sec. 25-40. Principal definitions of the Zoning Ordinance

The following definitions shall apply in the interpretation and enforcement of this Chapter.

Wind energy facility: An electricity-generating facility that converts wind energy into electricity, consisting of one or more wind turbines and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities.

Wind energy facility, large system: A wind energy conversion system which has a rated capacity to generate more than 100 kilowatts but less than 1 megawatt of electricity.

Wind energy facility, small system: A wind energy conversion system which has a rated capacity to generate not more than 100 kilowatts of electricity, consists of no more than one wind turbine and tower; and generates electricity primarily for onsite use and consumption.

Wind energy facility, utility scale: A wind energy system conversion system which has a rated capacity to generate 1 megawatt or more of electricity.

Wind energy facility, wind farm: See "Wind energy facility, utility scale"

Wind energy facility, wind turbine: A wind energy conversion system that converts wind energy into electricity through the use of a turbine generator, and may include a nacelle, rotor, tower and pad transformer.

Windmill: A machine designed to convert the energy of the wind into more useful forms of energy using rotating blades to turn mechanical equipment to do physical work, without producing electricity. Windmills, as defined, are not regulated as wind energy facilities.

Article II. Basic Regulations

Division 4. Supplemental Regulations

Sec. 25-128. Towers, antennas, satellite dishes and wind energy facilities.

(c) Wind Energy Facilities shall be subject to the following requirements:

6. Wind energy facilities shall be permitted as follows:
 - a. Small systems shall be a permitted use in the A-1 district; small systems shall require a special use permit in the B-2, M-1 and M-2 districts;
 - b. Large systems shall require a special use permit in the A-1, B-2, M-1 and M-2 districts;
 - c. Utility scale systems shall require a special use permit in the A-1, B-2, M-1 and M-2 districts.

7. An application for a special use permit for a wind energy facility shall contain the following:
 - a. A narrative describing the proposed wind energy facility, including an overview of the project;
 - b. The approximate generating capacity of the wind energy facility;
 - c. The specific number, representative types and height or range of heights of wind turbines to be constructed, including their generating capacity, dimensions and respective manufacturers and a description of ancillary facilities;
 - d. Identification and location of the properties on which the proposed wind energy facility will be located;
 - e. A site plan sealed by a professional engineer, showing the planned location of each wind turbine, property lines, setback lines, access road and turnout locations, substation(s), electrical cabling from the wind energy facility to the substation(s), ancillary equipment, buildings, and structures, including permanent meteorological towers, associated transmission lines, and location of all structures and properties within the geographical boundaries of any applicable setback;
 - f. Signed and approved copies of any negotiated power purchase agreement and the utility company's approved schematics;
 - g. Decommissioning plans that describe the anticipated life of the wind power project, the estimated decommissioning costs in current dollars and the anticipated manner in which the wind power project will be decommissioned and the site restored;
 - h. Signature of the property owner(s) and the facility owner/operator of the wind energy facility;
 - i. Utility scales wind energy facilities shall require an Environmental Impact Study (EIS). The EIS shall require review and comments from applicable state and federal agencies, including, but not limited to, Virginia Department of Environmental Quality, Virginia Department of Mines, Minerals, and Energy, US Army Corps of Engineers, National Park Service and the US Fish and Wildlife Service; and,
 - j. Identification of adjacent land uses and zoning districts;
 - k. Topographic data of subject property based on a minimum of 10 foot contours;
 - l. Identification of existing tree lines on subject property;
 - m. Design of the wind energy facility, including materials, colors and finishes;
 - n. Estimated maximum decibel level of operating wind energy facility; and
 - o. Other relevant studies, reports, certifications and approvals as may be deemed necessary by Franklin County to ensure compliance with this ordinance.

8. The following dimensional requirements shall apply to the installation of wind turbines and/or wind energy facilities:

- a. Small systems shall require a five (5) acre minimum lot size; large systems shall require a ten (10) acre minimum lot size; utility scale systems shall require a fifty (50) acre minimum lot size.
- b. Small systems shall not exceed a maximum height of one hundred (100) feet from grade; large systems shall not exceed a maximum height of two hundred (200) feet from grade; utility scale systems shall not exceed a maximum height of five hundred (500) feet from grade.
- c. Height shall be measured as the vertical distance from the highest point of the structure, including turbine blades when rotated to their highest elevation, to a point on the ground directly beneath the apex of the structure, including turbine blades.
- d. Wind energy facility shall be set back from property lines, public rights of way and private streets in accordance with the ratio of setback to height specified in the following table:

Wind Energy Facility Type	Required setback from property line, expressed as a ratio of setback to height	Required setback from public right of way, expressed as a ratio of setback to height	Required setback from private street, expressed as a ratio of setback to height
Small System	1.5	2.0	2.0
Large System	1.0	1.5	1.5
Utility Scale	1.0	1.5	1.5

- e. Setbacks shall be measured from a point directly beneath the apex of the structure, including turbine blades.
- f. As part of the special use permit process, the property owner(s) may request a deviation of the setback requirements of the subject property. The deviation shall describe how the proposed wind turbine and/or wind energy facility is not in compliance and state that consent is granted for the wind turbine and/or wind energy facility to not be setback as required by this ordinance. Any such deviation shall be signed by adjacent property owner(s) as a condition of the special use permit.

9. Wind Energy Facilities shall be subject to design and construction requirements as follows:

- d. The installation and design of the wind energy facility shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI).
- e. All electrical and mechanical components of the wind energy facility shall conform to relevant and applicable local, state and national codes.
- f. The visual appearance of wind energy facilities shall at a minimum:

3. Maintain a galvanized finish and be non-obtrusive color such as white, off-white or gray;
4. Not display advertising (including flags, streamers or decorative items), except for identification of the turbine manufacture, facility owner and operator.

10. Decommissioning or abandoned wind energy facility shall be subject to the following requirements:

- e. The wind energy facility owner, operator and/or property owner shall have three (3) months to complete decommissioning of the facility if no electricity is generated for a continuous period of twenty-four (24) months.
- f. Decommissioning shall include removal of wind turbines, buildings, cabling, electrical components, roads and any other associated facilities.
- g. Disturbed earth shall be graded and re-seeded, unless the landowner requests in writing that the access roads or other land surface areas not be restored.
- h. A performance surety, in a form approved by the County Administrator or his designee, shall be submitted by the applicant prior to the issuance of land use and building permits in order to insure removal of the wind energy facility when it is no longer to be used for wind generation.

Article III. District Regulations

Division 1. Agricultural District (A-1)

Sec. 25-178. Permitted uses.

Within the Agricultural District (A-1) the following uses are permitted:

Wind energy facilities; small system (See section 25-128 (c)).

Sec. 25-179. Special use permits.

The following uses shall be permitted only by special use permit approved by the Board of Supervisors:

Wind energy facilities; large system (See section 25-128 (c)).

Wind energy facilities, utility scale system (See section 25-128 (c)).

Division 9. Business District, General (B-2)

Sec. 25-336. Special use permits.

The following uses shall be permitted only by special use permit approved by the Board of Supervisors:

Wind energy facilities; small system (See section 25-128 (c)).

Wind energy facilities; large system (See section 25-128 (c)).

Wind energy facilities; utility scale system (See section 25-128 (c)).

Division 10. Industrial District (M-1) – Light Industry

Sec. 25-354. Special use permits.

The following uses shall be permitted only by special use permits approved by the Board of Supervisors:

Wind energy facilities; small system (See section 25-128 (c)).

Wind energy facilities; large system (See section 25-128 (c)).

Wind energy facilities; utility scale system (See section 25-128 (c)).

Division 11. Industrial District (M-2) – Heavy Industry

Sec. 25-373. Special use permits.

The following uses shall be permitted only by special use permit approved by the Board of Supervisors:

Wind energy facilities; small system (See section 25-128 (c)).

Wind energy facilities; large system (See section 25-128 (c)).

Wind energy facilities; utility scale system (See section 25-128 (c)).

MOTION BY: David Hurt
 SECONDED BY: David Cundiff
 VOTING ON THE MOTION WAS AS FOLLOWS:
 AYES: Mitchell, Hurt, Cundiff, Thompson & Wagner
 NAYS: Angell & Johnson

MOTION PASSES WITH A 5-2 VOTE.

FY'2009-2010 SCHOOL CAPITAL SPENDING PLAN

Lee Cheatham, Director of Business & Finance, School System, stated the County Budget includes \$1,100,000 in 2009-10 for School Board Capital Spending purposes. Mr. Cheatham stated his recommendation is the following plan to the School Board and the Board of Supervisors on May 11, 2009 and May 19, 2009:

Revenues – County School Capital Funds	<u>\$1,100,000</u>
Proposed Expenditures:	
Purchase of Five (5) 65 Passenger Blue Bird School Buses from the State Contract	\$ 357,960
FCHS Hawkins Gymnasium Roof Replacement	415,204
ADA and Security Purpose Door Hardware Upgrades at BFMS East, BFMS West, The Gereau Center and One Elementary School	296,430
Contingency for Security Door Hardware Project	<u>30,406</u>
Total	<u>\$1,100,000</u>

The Board stated they had agreed during the adoption of the budget earlier, to authorize the School System to purchase five school buses from proposed \$1.1M School Capital budget and the school system would purchase (4) school buses as identified in the School's current budget or FY'2010 budget.

(RESOLUTION #06-05-2009)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to approve the aforementioned FY' 2009-2010 Capital spending plan as requested.

MOTION BY: Bobby Thompson
 SECONDED BY: David Hurt
 VOTING ON THE MOTION WAS AS FOLLOWS:
 AYES: Hurt, Angell & Thompson
 NAYS: Mitchell, Cundiff, Johnson & Wagner

MOTION FAILS WITH A 3-4.

(RESOLUTION #07-05-2009)

BE IT THEREFORE RESOLVED, School Board to proceed with \$742,040 worth of the projects for 2009-10. The \$357,960 for the purchase of 5 school buses was placed on hold until the School Board comes back with a matching request on September 15, 2009 for the purchase of 4 additional school buses using school carryover funds or FY'2010 budgeted funds.

MOTION BY: Russ Johnson
 SECONDED BY: Leland Mitchell
 VOTING ON THE MOTION WAS AS FOLLOWS:
 AYES: Mitchell, Cundiff, Angell, Johnson, & Wagner
 NAYS: Thompson & Hurt

THE MOTION PASSES WITH A 5-2 VOTE.

BURN BUILDING PROJECT AWARD

Mike Pruitt, Public Safety Volunteer & Training Coordinator, stated in April of 2007, Franklin County was awarded a grant in the amount of \$430,000 by the Virginia Fire Services board (VFSB) for the construction of a burn building to assist in training the fire service of our jurisdiction. While the grant requires no matching funds, it is the responsibility of the locality for site preparation and additional facility options over the award amount. Public Safety requested and has been allocated capital improvement plan (CIP) funds for site development which was awarded to Paul R. Shively Construction in January 2009. Site construction has been completed pursuant to the grant requirement and as approved by the Board.

To avoid loss of grant funds, the award of the bid must be prior to June 1, 2009. The building construction phase of this project was advertised and three (3) bids were received on Friday, May 15, 2009 at 1:00pm. WHP Training Towers was the lowest bidder in the amount of \$422,202.00.

RECOMMENDATION:

Authorize County staff to proceed in hiring WHP Training Towers to construct the burn training building in the amount of \$422,202.00.

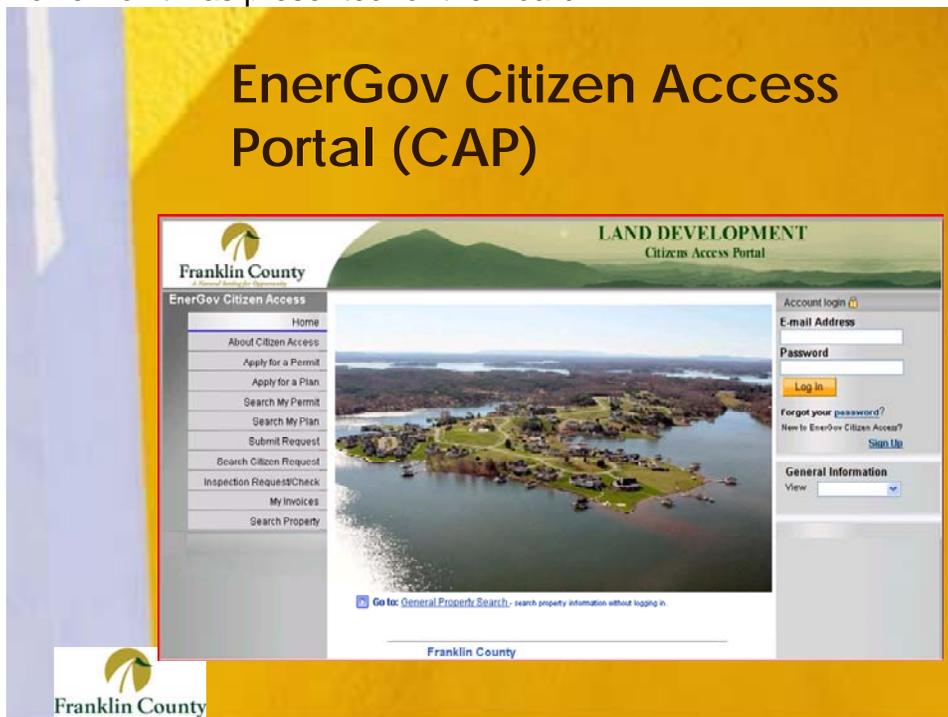
(RESOLUTION #08-05-2009)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to approve staff's recommendation.

MOTION BY: Bobby Thompson
 SECONDED BY: Leland Mitchell
 VOTING ON THE MOTION WAS AS FOLLOWS:
 AYES: Mitchell, Hurt, Cundiff, Angell, Johnson, Thompson & Wagner

ENERGOV BUILDING PERMIT SYSTEM

Sandie Terry, Director, Information Technology, presented an overview in support of the County's Building and Planning Department titled EnerGov Building Permit System. Mrs. Terry paid tribute to Jeff Scott and Aaron Burdick along with the Building and Planning Departments for the implementation of the new program and buy-in from within the departments. The following PowerPoint was presented for the Board:



Access to Building / Planning Services



24x7 access



More payment options



LAND MANAGEMENT SOLUTION

- Live on new commercial solution "EnerGov" on **January 7, 2008**
- **Building** Permits and inspections
- **Plan** Reviews
- **Erosion & Sediment** Inspections
- **Code Enforcement**
- **Interfaced to financials ("GEMS") and GIS**



EnerGov PORTAL & "IVR"

- Provides **secure web access** to permit and plan information
- **Includes Integrated Voice Response** – access via phone – toll free (*866-729-1968 assigned*)
- Provides customers with **24x7 access** to information
 - Improved customer service
- All online/IVR **requests** are **approved/processed** by staff
- Supports payment by **credit card**



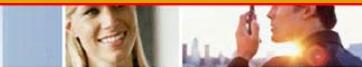
FEATURES

- **Apply** for **permits** online / via phone
- **Apply** for **plans** online / via phone
- **Search** for a permit or plan online
- **Request** an **inspection**
- **View** development **summary information** for a property
- **Online payments** for fees/charges
- Online/IVR requests are **processed** and **approved by** County staff



FEATURE DETAILS

- General public can view development **summary** information without having a logon

Property Information			
			
Property Address			
Parcel #: 0180000201			
100 RIDGE MOUNTAIN Drive BOONES MILL, VA 24065- [go back]			
Plan List			
Plan#	App Date	ProjectName	Complete
LAND-1-09-3996	1/29/2009	<NONE>	<input checked="" type="checkbox"/>
Permit List			
Type	App Date	Status	Issued
Garage	1/29/2009	Active	1/29/2009
Land Use	1/29/2009	Active	1/29/2009
Inspections List			
Inspection #	Type	Status	Completed
INSP-37282	Footing	Passed	2/23/2009



FEATURE DETAILS Cont'd.

- Applications and requests **require secure logon**
- Logon **request** can be made **online** and user notified by email once logon setup by staff (*permit techs*)
- Once logged into system can only **view data related to your account**
 - Permit techs will associate permits/parcels with user creating the online account



Once logged into the system, a **contractor** can see **only their** Associated plan cases, plan applications or permits.

Permit #	Project Name	Issued	Exp Date	Status	Type	Invoice
DEMO-5-09-5064	<TEST>	5/1/2009	5/1/2010	Active	Demolition	View
ELEC-5-09-5065	<TEST>	5/1/2009	5/1/2010	Active	Electrical	View
PLUMB-5-09-5062	<TEST>	5/1/2009	5/1/2010	Active	Plumbing	View
POOL-5-09-5068	<TEST>	5/1/2009	5/1/2010	Active	Pool	View

When viewing a permit, click a **button** to view invoices

Permit Information

Permit#: DEMO-5-09-5064 Status: Active [Open Invoices](#)

Permit Detail

Permit #:	DEMO-5-09-5064	Type:	Demolition
Parcel #:	12345	Owner:	KAREN RUNNER
Status:	Active	Project Name:	
Issued:	5/1/2009	Exp Date:	5/1/2010
Applicant:	KAREN RUNNER	Company:	VA INT
Contractor:			
Name:	KAREN RUNNER	Company:	VA INT
Address:	123 MAIN Street Rocky Mount VA 12345-		
Comments:			



When viewing a permit, click a **button** to view invoices

Permit Information

Permit#: DEMO-5-09-5064 Status: Active [Open Invoices](#)

Permit Detail

Permit #:	DEMO-5-09-5064	Type:	Demolition
Parcel #:	12345	Owner:	KAREN RUNNER
Status:	Active	Project Name:	
Issued:	5/1/2009	Exp Date:	5/1/2010
Applicant:	KAREN RUNNER	Company:	VA INT
Contractor:			
Name:	KAREN RUNNER	Company:	VA INT
Address:	123 MAIN Street Rocky Mount VA 12345-		
Comments:			



PORTAL PROCESSES

- Applications and **requests queued** in EnerGov system for processing by staff
- Assigned **staff notified** within application of pending online/IVR requests
 - *New version due out in a month that will include email notifications*
- **Staff review/process** requests and any **associated fees** are posted as **invoices** online for account owner
- Account **owner pays** invoices **online**



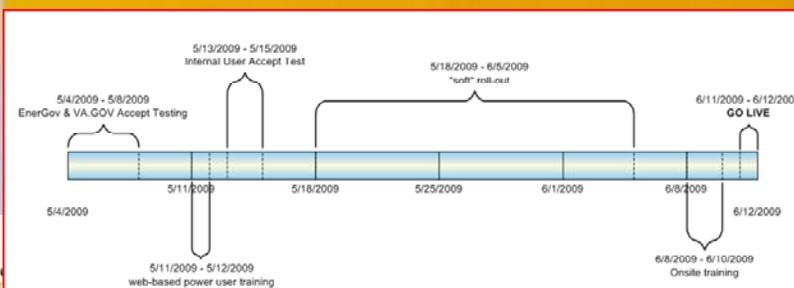
IMPLEMENTATION PROCESS

- Payment **interface completed (VA.GOV)**
- We have a **test install available** for internal staff to 'play' with the portal
 - Including ability to make payments with dummy credit card
- Training for few staff with **soft rollout** to key contractors
- **Marketing** of portal and IVR service
 - Flyers, cards and press releases
- **Training** for all **internal** staff
- **Public meeting** to announce and train contractors



IMPLEMENTATION SCHEDULE

- Portal opened to public access **this week**
- Web-ex training for few staff **last week** for **soft rollout** to key contractors
- **Marketing** of service in **a few weeks**
- **GO LIVE** including public meetings (2) **second week in June**



CHANGE

- **Change** is **difficult** to implement – human nature is to continue to do it the same way
- A move to **online services**
- Online/IVR components are
 - **more efficient**,
 - **More convenient** for citizens,
 - provide **better information** to the citizens and
 - **improves customer service**



MARKETING

- Nature of **business** (contractors) means **slow adoption** and necessity to **market** and push
- EnerGov provided fliers, cards, etc.
 - Provides web address and IVR number
 - Permits, permit cards, inspection worksheets, etc. will be modified to include address and phone number
- **Press Release** in development



NON CONFORMANCE IN LIGHTING

Richard E. Huff, II, County Administrator, stated he and the County Attorney had investigated whether or not the state code makes provision for localities to require a sunset clause for non-conformance lighting. After legal review, it was determined no such provision currently exists.

FUTURE JOINT MEETINGS WITH THE SCHOOL BOARD

Richard E. Huff, II, County Administrator, stated he had received a letter from the School Superintendent requesting joint meetings between the two Boards. The Board stated they would like to have an approved agenda prior to the joint meetings. The Board concurred with the request to meet with the School Board. *****

PUBLIC SAFETY/FIRE TRUCK PURCHASES/BURNT CHIMNEY

Daryl Hatcher, Director of Public Safety, advised the Board funding for this unit was approved in the 2008-2009 Capital budget not to exceed \$ 70,000.00 including the new “Skid Unit”. The “Skid Unit” will be bid separate.

This vehicle is to replace a 1979 Chevy Pick-up truck used as a brush truck. The “Skid Unit” was built by the department and made of steel. The weight of the tank, water and associated firefighting equipment makes this unit overweight. The unit has in excess of 100,000 miles at this time.

The following bids were received.

Duncan Ford – F-350 \$21,751.04

MidPoint Chevy 3500..... \$30,129.98

Nelson Dodge Dodge 3500..... .NO BID

Duncan Chrysler Plymouth Dodge 3500 \$35,439.00*

- Not available with gas engine as needed
- Not available with single rear wheels (Dual Only)

RECOMMENDATION:

It is recommended that the Board of Supervisors award the truck bid to Duncan Ford Inc. for \$21,751.04. This price is through the Commonwealth of Virginia. The 1979 truck will be declared surplus and sold the next time sealed bids are accepted.

(RESOLUTION #09-05-2009)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to approve staff's recommendation.

MOTION BY: David Hurt

SECONDED BY: David Cundiff

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Mitchell, Hurt, Cundiff, Angell, Johnson, Thompson & Wagner

GLADE HILL TANKER PURCHASE

In FY 08-09 the Board of Supervisors allocated CIP funding for the purchase of a fire apparatus for the Glade Hill Fire Department. In 2008, all county fire chiefs designed and agreed on base specifications for fire apparatus for Franklin County that meet NFPA standards. The vehicle to be purchased is a tanker vehicle that will replace a 1983 Ford tanker.

Tankers that are primarily used to provide rural water supply and therefore should be capable of carrying large amounts of water and off-loading quickly. County specifications require a tanker to be capable of transporting and delivering 2500 gallons of water while also being capable to provide limited fire suppression in the event of simultaneous structure fire responses.

The vehicle for Glade Hill Fire Department will replace a 1983 Ford tanker that after 26 years of service has surpassed its serviceable lifespan. The Glade Hill tanker has a water capacity of only 1000 gallons. The vehicle is currently in service, but was determined by the Glade Hill Fire Chief, as well as other volunteer chiefs and public safety staff as needing replacement.

The last tanker apparatus was purchased in 2006 for the Henry Fire Department at a cost of \$231,480 and was a demo model that sold new for \$285,000. Since that figure is dated, staff researched more recent purchase prices for tanker apparatus. Those prices vary but range between \$342,000 and \$369,000 for similarly equipped apparatus. The volunteer fire apparatus CIP budget contains enough revenue to cover the purchase of a new tanker vehicle within that price range.

RECOMMENDATION:

Staff respectfully recommends that the vehicle specifications be advertised for bid.

(RESOLUTION #10-05-2009)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to approve staff's recommendation as presented.

MOTION BY: David Cundiff

SECONDED BY: David Hurt

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Mitchell, Hurt, Cundiff, Angell, Johnson, Thompson & Wagner

OTHER MATTERS BY SUPERVISOR

David Hurt, Boone District Supervisor, requested the Board to adopt the following resolution marking 20 years Franklin County Free Wheelers Month.

RECOGNITION

WHEREAS, for more than a century, the bicycle has been an important part of the lives of many Americans, and today residents of all ages throughout our great Commonwealth engage in bicycling for transportation, recreation, fitness, and fun; and

WHEREAS, bicycling is the most efficient form of transportation and offers independent mobility for many Virginians traveling between work, school, and home, and the use of bicycles for transportation benefits all residents of Virginia by easing traffic congestion, reducing air pollution, saving highway construction dollars; and

WHEREAS, bicycling is recognized as an activity that can reduce the onset of chronic disease and reduce childhood obesity, and consideration of bicycling in transportation and land use

planning, and in programs such as Safe Routes to School will help create healthier and more active communities in Virginia; and

WHEREAS, bicycling offers a unique perspective from which residents and visitors may discover Virginia’s natural beauty, history, and culture, and a vast network of scenic rural roads and pleasant weather conditions may the Old Dominion a favorite destination for bicycling enthusiast; and

WHEREAS, the Commonwealth contains more miles of the U. S. Numbered Bicycle Route System than any other state, and Virginia is fortunate to play host to many organized recreational, competitive and charitable bicycling events such as the 20th Annual World Hunger Ride; and

WHEREAS, the Franklin Freewheelers Bicycle Club has through their efforts increased public awareness of the many benefits of bicycling, promoting bicycling safety, and encourages bike riding through many organized activities and their monumental support of the 20th Annual World Hunger Ride; and

NOW, THEREFORE BE IT RESOLVED, that the Franklin County Board of Supervisors hereby recognize May 2009 as **BIKE MONTH** and support the efforts of the Franklin Freewheelers Bicycling Club in their organization and support of the 20th Annual World Hunger Ride.

(RESOLUTION #11-05-2009)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to approve the aforementioned proclamation as requested.

MOTION BY: David Hurt
 SECONDED BY: Bobby Thompson
 VOTING ON THE MOTION WAS AS FOLLOWS:
 AYES: Mitchell, Hurt, Cundiff, Angell, Johnson, Thompson & Wagner

David Hurt, Boone District Supervisor, advised the Board he attended a VML Green Government Challenge Conference, relating to the implementation of specific environmental policies and practical actions that reduce the carbon emissions generated by both the local government and broader community. Mr. Hurt stated he would like to see how efficient Franklin County would rate on the grading survey and to have staff bring results back to the Board for review.

APPOINTMENTS:

- ***Dan River ASAP/3-Year Term***
- ***Library Board/4-Year Term***
 - *Boone District*
- ***Recreation Commission/3-Year Term***
 - Boone District
- ***Social Services Board/4-Year Term***
 - Blackwater District
 - Blue Ridge District

(RESOLUTION #12-05-2009)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to appoint Martha Haley-Bowling, Blue Ridge District, to serve on the Social Services Board with said term to expire 6/30/2013 and to re-appoint Dan Agee, Blackwater District, to serve on the Social Services Board with said term to expire 6/30/2013.

MOTION BY: Bobby Thompson
 SECONDED BY: Wayne Angell
 VOTING ON THE MOTION WAS AS FOLLOWS:
 AYES: Mitchell, Hurt, Cundiff, Angell, Johnson, Thompson & Wagner

CLOSED MEETING

(RESOLUTION #13-05-2009)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to into a closed meeting in accordance with 2.2-3711, a-3, Acquisition of Land, and a-5, Discussion of a Prospective New Business or of Expansion of an Existing One, of the Code of Virginia, as amended.

MOTION BY: David Cundiff
 SECONDED BY: David Hurt
 VOTING ON THE MOTION WAS AS FOLLOWS:
 AYES: Mitchell, Hurt, Cundiff, Angell, Johnson, Thompson & Wagner

MOTION: David Cundiff **RESOLUTION: #14-05-2009**

SECOND: Leland Mitchell MEETING DATE May 19, 2009
 WHEREAS, the Franklin County Board of Supervisors has convened an closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act: and

WHEREAS, Section 2.2-3712(d) of the Code of Virginia requires a certification by this Franklin County Board of Supervisors that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED, that the Franklin County Board of Supervisors hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Franklin County Board of Supervisors.

VOTE:

AYES: Mitchell, Hurt, Cundiff, Angell, Johnson, Thompson & Wagner

NAYS: NONE

ABSENT DURING VOTE: NONE

ABSENT DURING MEETING: NONE

FRANKLIN MEMORIAL PARK OFFICE REQUEST

Richard E. Huff, II, County Administrator shared with the Board that Circuit Court Judge, the Honorable William Alexander, has requested the County to consider providing single office space for cemetery related sales for the Franklin Memorial Park. The Park has been in receivership of the Courts since the early to mid-1990s. No action was taken by the Board on the request at this time.

Mr. Hurt left the meeting at approximately 5:00 p.m.

Chairman Wagner recessed the meeting for dinner.

Chairman Wagner called the meeting to order and recessed the meeting for the previously advertise public hearings as follows:

PUBLIC NOTICE

In accordance to Section 33.1-70.01 of the Code of Virginia, Franklin County Board of Supervisors and the Virginia Department of Transportation have jointly formulated a budget for the expenditure of improvement funds for the next fiscal year as well as to update the current Six-Year Secondary Roads Improvement Program based on projected allocation of funding.

Tony Handy, Resident Administrator, presented the 6-Year Secondary Roads Improvement Program as advertised.

The following individuals spoke regarding the proposed 6-Year Road Plan:

Tracy Stulz, Resident of Greenhouse Road, requested the Board to place their road in the 6-Year Secondary Road Plan. Ms. Stulz asked the Board why it has not been placed in the 6-Year Road Plan before now. Drainage and culverts were so bad it was going to be very costly and wondered why Turn Key was not made to fix the problem. Ms. Stulz stated approximately 190 cars travel this road per day and has 45 homes on this road.

Penny Laporter, Resident, Greenhouse Road, stated she was told in two years the road would be paved. She also stated a speed limit sign needed to be installed on this road. Ms. Laporter explained the dust was indeed a problem and she has not opened her windows for two years.

Martha Adams, Greenhouse Resident, stated she was told the road would be paved in 5 years. The dust was a big problem and urged the Board for their help.

Mary Jane Mack, Greenhouse Resident, a concerned landowner, with the service on this road for the past 2 ½ years and cannot understand why this road has not been in the 6-Year Plan. Ms. Mack stated when it rains the road becomes very slick and is unsafe.

Shanna Williams, Greenhouse Resident, the second house built on Greenhouse Road, was told the road was on the 6-Year Road plan and the road is very dangerous with no speed limit posting and the slick conditions after it rains.

General discussion ensued.

Mr. Cundiff stated next year would be the year to add Greenhouse Road prior to advertising of the plan.

(RESOLUTION #15-05-2009)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to approve the 6-Year Secondary Road Plan as advertised and as follows:

WHEREAS, Sections 33.1-23 and 33.1-23.4 of the 1950 Code of Virginia, as amended, provides the opportunity for each county to work with the Virginia Department of Transportation in developing a Secondary Six-Year Road Plan,

WHEREAS, this Board had previously agreed to assist in the preparation of this Plan, in accordance with the Virginia Department of Transportation policies and procedures, and participated in a public hearing on the proposed Plan (2010 through 2015) as well as the Construction Priority List (2010) on May 19, 2009 after duly advertised so that all citizens of the County had the opportunity to participate in said hearing and to make comments and recommendations concerning the proposed Plan and Priority List,

WHEREAS, Anthony L. Handy, Residency Administrator , Virginia Department of Transportation, appeared before the board and recommended approval of the Six-Year Plan for Secondary Roads (2010 through 2015) and the Construction Priority List (2010) for Franklin County,

NOW, THEREFORE, BE IT RESOLVED that since said Plan appears to be in the best interests of the Secondary Road System in Franklin County and of the citizens residing on the Secondary System, said Secondary Six-Year Plan (2010 through 2015) and Construction Priority List (2010) are hereby approved as presented at the public hearing.

MOTION BY: Russ Johnson

SECONDED BY: David Cundiff

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Mitchell, Cundiff, Angell, Johnson, Thompson & Wagner

ABSENT: Hurt

PETITION of the Franklin County Board of Supervisors to amend Chapter 25, "Zoning" of the Franklin County Code, to define and regulate vehicle-displayed signs, by amending Article I, General Provisions, Division 3, Definitions, Section 25-40, Principal definitions of the Zoning Ordinance, to include a definition of vehicle-displayed signs; and Article II, Basic Regulations, Division 4.1, Sign Regulations, Section 25-156.4, Prohibited Signs, to prohibit vehicle-displayed signs with certain exceptions. (Case # A-03-09-02)

Lisa Cooper, Senior Planner, Long Term Planning, stated the Board of Supervisors has authorized an update of Franklin County's zoning and subdivision ordinances, to be conducted in two phases:

Phase I: Revisions and clarifications deemed necessary to address conflicts, interpretative issues, and other immediate concerns related to the zoning ordinance. This phase is to be prepared by Planning staff.

Phase II: General update of the entire zoning and subdivisions ordinances, with a focus on the structure and usability of the code, as well as new provisions deemed necessary to implement the County's Comprehensive Plan. This phase is to be prepared with the assistance of an outside consultant.

Recently there was a situation concerning vehicle-displayed signs that needed to be addressed. Therefore, as part of Phase I, staff has prepared amendments to the zoning ordinance to clarify vehicle-displayed signs.

PLANNING COMMISSION RECOMMENDATION:

On April 14, 2009, the Planning Commission held a public hearing in consideration of this amendment to the zoning ordinance, and approved the following by vote of 6-0, with one member being absent.

The Planning Commission recommends that the Board of Supervisors approve an ordinance to amend Chapter 25 of the County Code, as presented, to define and regulate vehicle displayed signs with certain exceptions.

Article I. General Provisions

Division 3. Definitions

Sec. 25-40. Principal definitions of the Zoning Ordinance

Sign, vehicle-displayed: A sign, consisting of a fixed message or a changeable message panel, which is attached, affixed, or otherwise displayed on a stationary motor vehicle, trailer, or other mobile platform that is capable of being moved or relocated on its own chassis.

Article II

Division 4.1. Sign Regulations.

Sec. 25-156.4. Prohibited signs.

The following signs shall be prohibited:

- (a) ~~Roof-mounted signs are prohibited in Franklin County.~~
 (b) Vehicle-displayed signs, except as follows:

1. When such vehicle is parked in a designated parking area on the same premises as the advertised business is located;
2. When such vehicle is parked in a designated parking area on property owned, leased, or occupied by the owner or operator of the vehicle or trailer;
3. When such vehicle is parked in a designated parking area on property where the advertised business is conducting legitimate business activity; or
4. When such vehicle is being loaded or unloaded as part of its normal business use.
5. When such vehicle is parked in a designated parking area on property where the owner or operator of the vehicle is contemporaneously engaged in the conduct of a legitimate business.

Randy Hodges asked the Board for clarification on the proposed ordinance.

(RESOLUTION #16-05-2009)

NOW THEREFORE BE IT ORDAINED, by the Board of Supervisors to approve the proposed ordinance amendments, as advertised, and that the public purpose is public necessity, convenience, general welfare, or good zoning practice and in accord with the requirements of Section 25-638 of the Franklin County Code and Section 15.2-2283, Purpose of zoning ordinances of the Code of Virginia of 1950, as amended as follows:

Article I. General Provisions

Division 3. Definitions

Sec. 25-40. Principal definitions of the Zoning Ordinance

Sign, vehicle-displayed: A sign, consisting of a fixed message or a changeable message panel, which is attached, affixed, or otherwise displayed on a stationary motor vehicle, trailer, or other mobile platform that is capable of being moved or relocated on its own chassis.

Article II

Division 4.1. Sign Regulations.

Sec. 25-156.4. Prohibited signs.

The following signs shall be prohibited:

- (c) ~~Roof-mounted signs are prohibited in Franklin County.~~
 (d) Vehicle-displayed signs, except as follows:

6. When such vehicle is parked in a designated parking area on the same premises as the advertised business is located;
7. When such vehicle is parked in a designated parking area on property owned, leased, or occupied by the owner or operator of the vehicle or trailer;
8. When such vehicle is parked in a designated parking area on property where the advertised business is conducting legitimate business activity; or
9. When such vehicle is being loaded or unloaded as part of its normal business use.
10. When such vehicle is parked in a designated parking area on property where the owner or operator of the vehicle is contemporaneously engaged in the conduct of a legitimate business.

MOTION BY: Russ Johnson
 SECONDED BY: David Cundiff
 VOTING ON THE MOTION WAS AS FOLLOWS:
 AYES: Mitchell, Cundiff, Angell, Johnson, Thompson & Wagner
 ABSENT: Hurt

PUBLIC NOTICE

The Franklin County Board of Supervisors will hold a public hearing at approximately **6:00 P.M.**, on **Tuesday, May 19, 2009**, in the Meeting Room located in the Courthouse, Rocky Mount, Virginia to consider proposed amendments to Chapter 7 – Erosion and Sediment Control Ordinance for Franklin County. The proposed amendments would change the current ordinance as follows:

- **Creation of a sliding scale that establishes a minimum of 3,000 square feet for all land disturbing activities that are within 200 feet of any surface water or has slopes that exceed 15%, and establishes a minimum of 10,000 square feet for all land disturbing activities that are not within 200 feet of any surface water and does not have slopes that exceed 15%**
- **Require erosion and sediment control plans for single family homes be prepared by a responsible land disturber, professional engineer, certified landscape architect, or licensed surveyor**
- **Require all other erosion and sediment control plans be prepared by a responsible land disturber, professional engineer, certified landscape architect, or licensed surveyor**
- **Implementation of an Alternative Inspection Program, approved by the Virginia Soil and Water Conservation Board February 1, 2008**

Aaron Burdick, Senior Planner, Short Term Planning presented the proposed E & S amendments as advertised.

V. T. Crawford, Contractor, asked for clarification on the proposed amendments. Mr. Crawford stated the Shoreline Management plan is making it hard on developers and the homeowners for installation of rip-rap on properties due to AEP and other regulatory agencies.

CHAPTER 7 EROSION AND SEDIMENT CONTROL Article I. In General

- Sec. 7-1. Title of Chapter
- Sec. 7-2. Local control program established.
- Sec. 7-3. Definitions.
- Sec. 7-4. Purpose of the chapter.
- Sec. 7-5. Authority of the chapter.
- Sec. 7-6. Applicability to Boones Mill and Rocky Mount.
- Sec. 7-7. Appeals from decisions under chapter.
- Sec. 7-8. Violations of chapter—Penalty, injunctive relief, civil relief.
- Sec. 7-9. Enforcement of chapter by legal action.
- Sec. 7-10. Effect of compliance with chapter in proceedings for damages.
- Sec. 7-11. Permit for land-disturbing activities.
- Sec. 7-12. Erosion impact areas.
- Sec. 7-13. Shoreline protection required.
- Sec. 7-14. Bond or other security for land-disturbing activities.
- Sec. 7-15. Inspection of land-disturbing activities.
- Sec. 7-16. Severability.
- Sec. 7-17. Reserved.

Article II. Control Plan for A Land-Disturbing Activity

- Sec. 7-18. Submission and approval requirements.
- Sec. 7-19. Standards to be used in preparation and consideration.
- Sec. 7-20. Responsibility of property owner when work to be done by a contractor.
- Sec. 7-21. Approval or disapproval.
- Sec. 7-22. Changing approved plan.
- Sec. 7-23. Review Fee.

Article III. Alternative Inspection Program

ARTICLE I. IN GENERAL

Sec. 7-1. Title of chapter.

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

(Ord. of 5-19-1998)

Sec. 7-2. Local control program established.

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

(Ord. of 5-19-1998)

Sec. 7-3. Definitions.

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

Administrator or program administrator. The representative of the board of supervisors (the program authority) who has been appointed to serve as the agent of the board in administering this chapter.

Agreement in lieu of a plan. A contract between the program administrator and the owner which specifies conservation measures which must be implemented in the construction or location of a single-family residence, this contract may be executed by the program administrator, or designees, in lieu of a formal site plan. Provided, however, that no agreement in lieu of a plan may be issued for land-disturbing activity within two hundred (200) feet of state waters. Land-disturbing activity in such areas requires an erosion control plan (see section 7-13).

Applicant. Any person submitting an erosion and sediment control plan for approval or requesting the issuance of a permit, authorizing land-disturbing activities to commence.

Board. The Virginia Soil and Water Conservation Board.

Certified inspector. An employee or agent of Franklin County who (i) holds a certificate of competence from the board in the area of project inspection or (ii) is enrolled in the board's training program for project inspection and successfully completes such program within one year after enrollment.

Certified plan reviewer. An employee or agent of Franklin County who (i) holds a certificate of competence from the board in the area of plan review, (ii) is enrolled in the board's training program for plan review and successfully completes such program within one (1) year after enrollment, or (iii) is licensed as a professional engineer, architect, certified landscape architect or land surveyor pursuant to Article 1 (sec. 54.1-400 et seq.) of Chapter 4 of Title 54.1.

Certified program administrator. An employee or agent of Franklin County who (i) holds a certificate of competence from the board in the area of program administration or (ii) is enrolled in the board's training program for program administration and successfully completes such program within one (1) year after enrollment.

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

Conservation plan, erosion and sediment control plan or plan. A document containing material for the conservation of soil and water resources of a unit or units of land. It may include appropriate maps, and 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 to assure that the entire unit or units of land will be so treated to achieve the conservation objectives.

- (1) A conservation plan, erosion and sediment control plan, or plan associated with the construction of a single-family home must be prepared by a responsible land disturber, professional architect, professional engineer, certified landscape architect, or licensed surveyor.
- (2) All other conservation plans, erosion and sediment control plans, or plans must be prepared by a professional engineer, certified landscape architect, or licensed surveyor.

County. The County of Franklin.

Denuded. A term applied to land that has been physically disturbed and no longer supports adequate vegetative cover.

Department. The department of conservation and recreation.

District or soil and water conservation district. The Blue Ridge Soil and Water Conservation District, a political subdivision of this Commonwealth organized in accordance with the provisions of Article 3 (§ 10.1-506 et seq.) of chapter 5 of title 10.1.

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 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.

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

Land-disturbing activity. Any disturbance of land which may result in soil erosion from water or wind and the movement of sediment into water or onto land, including, but not limited to, clearing, grading, excavating, transporting and filling of land other than federal land, except that the term shall not include the following:

- (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 drain 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) Surface or deep mining.
- (6) Exploration or drilling for oil and gas including the well site, roads, feeder lines and off site disposal areas.
- (7) Tilling, planting, or harvesting of agricultural horticultural, or forest crops, or livestock feedlot operations; including agricultural engineering operations as follows; construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds not required to comply with the Dam Safety Act, Article 2, (section 10.1-604 et seq.) of Chapter 6 of this title, 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, or is converted to bona fide agricultural or improved pasture use.

- (8) Repair or rebuilding of the tracks, right-of-way, bridges, communication facilities and other related structures and facilities of a railroad company.
- (9) Disturbed area ten thousand (10,000) square feet or less in size that is not within two hundred (200) feet of any surface water and does not have slopes that exceed 15%.
- (10) Disturbed area three thousand (3,000) square feet or less in size that is within two hundred (200) feet of any surface water and does not have slopes that exceed 15%.
- (11) Installation of fence and sign posts or telephone and electric poles and other kinds of posts or poles.
- (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 plan-approving authority.

Land-disturbing permit. A permit issued by the county authorizing the applicant to undertake a land-disturbing activity in accordance with the provisions of the county erosion and sediment control program.

Local erosion and sediment control program or local program. An outline or explanation of the various elements or methods employed by the county to regulate land-disturbing activities and thereby minimize erosion and sedimentation in compliance with the state program.

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.

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

Person. 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, any interstate body, or any other legal entity.

Plan approving authority. The department of planning and community development of Franklin County.

Post-development. 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.

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

Program authority. Franklin County, Virginia.

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

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

Stabilized. An area that can be expected to withstand normal exposure to atmospheric conditions without incurring erosion damage.

State erosion and sediment control program or state program. The program administered by the Virginia Soil and Water Conservation Board pursuant to the state code including regulations designed to minimize erosion and sedimentation.

State waters. All waters on the surface and under the ground wholly or partially within or bordering the commonwealth or within its jurisdiction.

Surface water. All water at or above the land's surface including, but not limited to springs, streams, rivers, lakes, ponds, wetlands, and artificially created waterbodies.

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.

(Ord. of 5-19-1998; Ord. of 9-26-2006)

Sec. 7-4. Purpose of chapter.

The purpose of this chapter is to conserve the land, water, air and other natural resources of Franklin County and the State of Virginia and to promote the health, welfare and convenience of county residents by establishing requirements for the control of erosion and sedimentation and by establishing procedures by which these requirements can be administered and enforced.

(Ord. of 5-19-1998)

Sec. 7-5. Authority for chapter.

This chapter is authorized by the 1950 Code of Virginia, as amended, title 10.1, chapter 5, article 4 (section 10.1-560 et seq.), known as the "Erosion and Sediment Control Law." Such law provides for a comprehensive statewide program, with standards and guidelines to control erosion and sedimentation, which is implemented on a local level.

(Ord. of 5-19-1998)

Sec. 7-6. Applicability to Boones Mill.

This chapter shall apply to any land-disturbing activity in the incorporated town of Boones Mill.

(Ord. of 9-26-2006)

Sec. 7-7. Appeals from decisions under chapter.

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

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

(Ord. of 9-26-2006)

Sec. 7-8. Violations of chapter--Penalty, injunctive relief, civil relief.

(a) A violation of any provision of this chapter shall be deemed a Class 1 misdemeanor.

(b) The county, district, or board may apply to the Circuit Court of Franklin County for injunctive relief to enjoin a violation or a threatened violation of the chapter, without the necessity of showing that there does not exist an adequate remedy at law. Without limiting the remedies

which may be obtained in this section, any person violating or failing, neglecting or refusing to obey any injunction, mandamus or other remedy obtained pursuant to this section shall be subject, in the discretion of the court, to a civil penalty not to exceed two thousand dollars (\$2,000.00) for each violation.

(c) Civil penalties:

(1) A civil penalty in the amount listed on the schedule below shall be assessed for each violation of the respective offenses:

- a. Commencement of a land-disturbing activity without an approved plan as provided in section 7-11 shall be up to one thousand dollars (\$1,000.00)/day.
- b. 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.
- c. Failure to obey a stop work order shall be up to one hundred dollars (\$100.00)/day.
- d. Failure to stop work when a permit is revoked shall be up to one thousand dollars(\$1,000.00)/day.

(2) 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 three thousand dollars (\$3,000.00), except that a series of violations arising from commencement of land-disturbing activities without an approved plan 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 this section.

(d) 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.

(e) With the consent of any person who has violated or failed, neglected or refused to obey any regulation or order of the program administrator, or any condition of a permit or any provision of this chapter, the administrator may provide, in an order issued by the program administrator against such persons, for the payment of civil charges for violations in specific sums not to exceed the limit specified in subsection (e) of this section. Such civil charges shall be in lieu of any appropriate civil penalty which could be imposed under subsection (c) or (e).

(f) 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 in the following steps:

- (1) Issue a field correction notice listing the violations noted during inspection and the required corrective action.
- (2) Send a correction letter when follow-up inspection reveals that the violations cited in the field correction notice have not been corrected.
- (3) 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.
- (4) 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.

- (5) 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.

(Ord. of 5-19-1998)

Sec. 7-9. Enforcement of chapter by legal action.

The county attorney and/or commonwealth's attorney shall, upon request of the program authority, take legal actions to enforce the provisions of this chapter.

(Ord. of 5-19-1998)

Sec. 7-10. Effect of compliance with chapter in proceedings for damages.

Compliance with the provisions of this chapter shall be prima facie evidence, in any legal or equitable proceeding for damages caused by erosion, or sedimentation, that all requirements of law have been met and the complainant must show negligence in order to recover any damages.

(Ord. of 5-19-1998)

Sec. 7-11. Permit for land-disturbing activities.

Except as otherwise specifically provided, no person shall engage in any land-disturbing activity until he has acquired a land-disturbing permit from the Franklin County Department of Planning and Community Development.

(Ord. of 5-19-1998)

Sec. 7-12. 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 and require an approved plan.

(Ord. of 5-19-1998)

Sec. 7-13. Shoreline protection required.

Notwithstanding any other provision of this chapter, any person who conducts land-disturbing activities, any part of which is within two hundred (200) feet of frontage along state waters must obtain a land-disturbing permit and must, as a requirement of the land-disturbing permit, install and maintain appropriate shoreline protective measures which, as a minimum, shall protect the land area from erosion caused by wave action, water level fluctuation or other water movement, and shall also protect the water from siltation resulting from erosion of the shoreline, subject to the approval of American Electric Power and the U.S. Army Corps of Engineers.

A method of shoreline protection shall be proposed by the property owner or agent of the owner and shall be approved by the county based upon factors such as location of the property (i.e., main channel vs. cove), topography, existing natural protection such as rock, stable vegetation, etc., and other factors as deemed pertinent. Installation of riprap shall be according to standards set out in this chapter in subsection 7-19(b) below.

It shall be the responsibility of the owner to consult with the U.S. Army Corps of Engineers for any requirements of that agency.

(Ord. of 5-19-1998)

Sec. 7-14. Bond or other security for land-disturbing activities.

Prior to the issuance of any land-disturbing permit, the program administrator shall require an applicant or owner to submit a reasonable performance bond to secure the required erosion and sediment control measures with surety, cash escrow, letter of credit, any combination thereof, or such legal arrangement acceptable to the program administrator to ensure that measures could be taken by the county at the applicant or owner's expense should he fail, after proper notice and within the time specified to initiate or maintain appropriate conservation action which may be required of him by the approved plan. If the county takes such conservation action upon failure by the applicant or owner, the county may collect from the applicant or owner for the difference should the amount of the reasonable cost of such action exceed the amount of the security held. Within sixty (60) days of the achievement of adequate stabilization of the land-disturbing activity, such bond, cash escrow, letter of credit or other legal arrangement or the unexpended or

unobligated portion thereof, shall be refunded to the applicant or owner or terminated. These requirements are in addition to all other provisions of law relating to the issuance of such permits and are not intended to otherwise affect the requirements for such permits. Cash escrow agreements and letters of credit are the only acceptable forms of surety to ensure completion of required conservation actions.

(Ord. of 5-19-1998; Res. No. 20-10-98, 10-20-1998)

Sec. 7-15. Inspection of land-disturbing activities.

(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 plan to insure compliance with the approved plan, and to determine whether the measures required in the plan 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 Soil and Water Conservation Board's approved Alternative Inspection Program (AIP) for Franklin County, approved February 1, 2008.

(b) If the program administrator determines that there is a failure to comply with the plan, notice shall be served upon the permittee or person responsible for carrying out the 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 plan 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 plan shall be deemed to be in violation of this chapter, and upon conviction shall be subject to the penalties provided herein.

(c) Upon receipt of a sworn complaint of a substantial violation of this chapter from a designated inspector of the county or the district, the program administrator may, in conjunction with or subsequent to a notice to comply as specified in subsection (b) above, issue an order requiring that all or part of the land-disturbing activities permitted on the site be stopped until the specified corrective measures have been taken, or, if land-disturbing activities have commenced without an approved plan, requiring that all of the land-disturbing activities be stopped until an approved 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 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. If the alleged violator has not obtained an approved plan or any required permits 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 plan and any required permits have been obtained. Such an order shall be served upon the owner by registered or certified mail to the address specified in the permit application or the land records of the locality in which the site is located. The owner may appeal the issuance of an order to the Circuit Court of Franklin County. Any person violating or failing, neglecting or refusing to obey an order issued by the program administrator may be compelled in a proceeding instituted in the Circuit Court of Franklin County to obey same and to comply therewith by injunction, mandamus or other appropriate remedy. Upon completion and approval of corrective action or obtaining an approved plan or any required permits, the order shall immediately be lifted. Nothing in this section shall prevent the program administrator from taking any other action specified in section 7-8.

(Ord. of 9-26-2006)

Sec. 7-16. 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.

(Ord. of 5-19-1998)

Sec. 7-17. Reserved.

ARTICLE II. CONTROL PLAN FOR A LAND-DISTURBING ACTIVITY

Sec. 7-18. Submission and approval requirements.

(a) Except as otherwise specifically provided, no person shall engage in any land-disturbing activity until a 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 a plan to the board for review and approval, rather than submission to each jurisdiction concerned. Such person shall comply with section 7-12 of this chapter. 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 a plan for approval, and certifies, after approval, that the 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 a plan may be substituted for an erosion and sediment control plan if executed by the plan approving authority.

(e) Prior to the issuance of any permit for land disturbing activity, the person responsible for carrying out the plan shall provide the name of the responsible land disturber who will be in charge of and responsible for the projects land disturbance.

(f) Electric, natural gas and telephone utility companies, interstate and intrastate natural gas pipeline companies and railroad companies shall file general erosion and sediment control specifications annually with the board for review and written comments. The specifications shall apply to:

- (1) Construction, installation or maintenance of electric, natural gas and telephone utility lines and pipelines; and;
- (2) Construction of the tracks, rights of way, bridges, communication facilities and other related structures and facilities of the railroad company.

(g) State agency projects are exempt from the provisions of this chapter.
(Ord. of 5-19-1998; Ord. of 7-18-2006)

Sec. 7-19. Standards to be used in preparation and consideration.

(a) The Virginia Erosion and Sediment Control Handbook and Virginia Erosion and Sediment Control Regulations shall be available at the program administrators office and shall be used in preparing the plan required by this article. The county, in considering the adequacy of such plan, shall be guided by the standards set out in the handbook and regulations.

(b) Shoreline rip-rap shall be installed according to the following specifications, subject to approval under American Electric Power's Smith Mountain Lake Shoreline Management Plan:

- (1) Materials and design as part of an engineered plan, based on standards in the handbook and VDOT manual and approved by the county; or,
- (2) In the case of separate individual residential lots involving five hundred (500) feet or less of shoreline, the following minimum materials and design standards may be used:

- a. Stone--Class B erosion stone, VDOT Class I, or equivalent
- b. Plastic filter cloth--Exxon GTF-400 Geotextile or equivalent.
- c. Temporary and permanent seeding, fertilization, and mulching rates as specified by the Virginia Erosion and Sediment Control Handbook.
- d. Maximum slope ration 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.

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

(Ord. of 5-19-1998)

Sec. 7-20. Responsibility of property owner when work to be done by a contractor.

Whenever a land-disturbing activity is proposed to be conducted by a contractor performing construction work pursuant to a construction contract, the preparation, submission and approval of the required erosion and sediment control plan shall be the responsibility of the owner of the land.

(Ord. of 5-19-1998)

Sec. 7-21. Approval or disapproval.

(a) Upon receipt of a plan submitted under this chapter, together with the required fees, the program administrator shall act on such plan within forty-five (45) days, by either approving the plan in writing or by disapproving the plan in writing and giving specific reasons for disapproval. The program administrator shall approve the plan if the plan meets the conservation standards of the county E&S program and if the person responsible for carrying out the plan certifies that he will properly perform the erosion and sediment control measures included in the plan and will comply with all provisions of this chapter. If a temporary sediment basin, a permanent stormwater detention basin or any other permanent feature is a part of the approved plan, this same person must designate, in writing the person who will be liable for necessary long-term maintenance on these structures.

(b) If a plan is disapproved, the program administrator shall specify such modifications, terms and conditions as will permit approval of the plan and shall communicate such requirements to the permit issuing authority.

(c) If no action is taken by the plan approving authority within the time specified in subsection (a) above, the plan shall be deemed approved and the program administrator shall issue the land-disturbing permit.

(Ord. of 5-19-1998)

Sec. 7-22. Changing approved plan.

A 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 plan is inadequate to satisfy applicable regulations.
- (2) Where the person responsible for carrying out the approved plan finds that

because of changed circumstances or for other reasons the plan cannot be effectively carried out, and proposed amendments, consistent with the requirements of this chapter, are agreed to by the program administrator and the person responsible for carrying out the plan.

(Ord. of 5-19-1998)

Sec. 7-23. Review fee.

A plan review fee shall be paid to the county at the time of filing a plan under this article and prior to issuance of a land-disturbing permit or agreement in lieu of a plan. The maximum fee for any land-disturbing permit, regardless of acreage, shall be three thousand dollars (\$3,000.00). The fee shall be payable to the Treasurer of Franklin County in the amount required by a fee schedule adopted by the board of supervisors.

(Ord. of 5-19-1998; Ord. of 7-18-2006)

Cross references: Section 27-1, Fee Schedule.

ARTICLE III. ALTERNATIVE INSPECTION PROGRAM

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

AUTHORIZATION: 10.1-566 of Title 10.1 Chapter 5, Article 4 of the Code of Virginia and 4VAC50-30-60 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: The following classifications shall be assigned to projects based on a preliminary site visit and plan review:

CLASS 1 (LOW)	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 greater than or equal to 300 feet; weighted soil K-factor is less than .23 within the limits of disturbance.
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CLASS 2 (MED) 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 greater than or equal to 150 feet; weighted soil K-factor is between .23 and .36 within the limits of disturbance.

CLASS 3 (HIGH) 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 greater 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

<u>TOTAL DISTURBED ACREAGE</u>	<u>CHECK</u>	<u>RATING</u>	<u>DISTANCE TO WATERCOURSE</u>	<u>CHECK</u>	<u>RATING</u>
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
Soil Erodibility (base on K-Factor)			Distance—Downstream Adjacent Property		
Low (0.23 and lower)		1	Less than 50 feet		5
Moderate (0.24 - .036)		3	50 feet to 150 feet		3
High (.037 and higher)		5	Greater than 150 feet		1
Buffer Vegetation Condition			Length of Buffer		
Very Good (Dense, grass, hayfield)		0	0-50 feet		5
Good (Avg. grass, forest good pasture)		1	50-150 feet		3
Fair (poor grass, fair pasture)		3	150-300 feet		1
Poor (Bare soil, pavement)		5	Greater than 300 feet		0
Critical Slope			Crossing Water Course		
Does the slope meet or exceed the following criteria			Yes—inspect every two weeks (High Priority)		

Grade of slope—0-7%, slope length>300 feet OR			No		0
Grade of slope—7-15%, slope length>150 feet OR					
Grade of slope—15%, slope length>75 feet					
If yes to any of these slope conditions ___ Rating <u>3</u> If no, rating 0					

**OVERALL RATING
FREQUENCY**

INSPECTION

RETURN

(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.

(RESOLUTION #17-05-2009)

NOW THEREFORE BE IT ORDAINED, by the Board of Supervisors to approve the proposed ordinance amendments, as advertised, and t the public purpose is public necessity, convenience, general welfare, or good zoning practice and in accord with the requirements of Section 25-638 of the Franklin County Code and Section 15.2-2283, Purpose of zoning ordinances of the Code of Virginia of 1950, as amended.

MOTION BY: Russ Johnson
 SECONDED BY: David Cundiff
 VOTING ON THE MOTION WAS AS FOLLOWS:
 AYES: Mitchell, Cundiff, Angell, Johnson, Thompson & Wagner
 ABSENT: Hurt

Chairman Wagner adjourned the meeting.

 CHARLES WAGNER
 CHAIRMAN

 RICHARD E. HUFF, II
 COUNTY ADMINISTRATOR