

6 December, 2013

To: Board of Supervisors
From: S. Carter
Re: December 10, 2013 Board of Supervisors Meeting (Agenda Summary)

The December 10, 2013 meeting of the Board of Supervisors will be conducted on at 2 p.m. in the General District Courtroom. A brief summary of the matters to be considered includes:

Afternoon Session (2 p.m.)

I. Call to Order: Chairman Bruguire inclusive of Moment of Silence and Pledge of Allegiance.

II. Consent Agenda: Items for approval consideration include meeting minutes, refunds and an FY13-14 Budget amendment..

III. Public Comments & Presentation: Following receipt of input from the public under public comments, Mr. Gary Eanes of Wampler-Eanes will report to the Board on the completion of the 2014 General Reassessment of Real Property. Thereafter, Messrs. Don Austin and Randy Hamilton of VDOT will conduct a brief work session with the Board on the 2015-2020 Secondary Six Year Plan (the agenda includes the current 2014-2019 SSYP and a draft 2015-2020 SSYP, as prepared by VDOT staff for the Board's consideration to move this subject to public hearing in early 2014.

IV. New Business: Items to be considered include – a) a second review of the draft ordinance, policy and procedures and an MOU (with TJSWCD) pertinent to implementation of a local Stormwater Management Program, inclusive of a resolution authorizing the submittal of this information to VA-DEQ for review and approval (this is a mandatory responsibility); a related consideration is adding a staff position in lieu of the MOU with TJSWCD; b) review of proposed amendments to Article 20 Tower Ordinance with the local Zoning Ordinance, inclusive of specific recommendations from the County's Planning Commission, which has completed its review and public hearing on this subject following previous referral from the Board of Supervisors (a resolution is included providing for authorization of a public hearing on this subject); c) consideration of enacting a local admissions tax; a draft ordinance is included in the agenda and a closed session reference will be prepared for the meeting for purpose of conferring with the County Attorney for provision of legal advice on this subject, as may be necessary (Code of VA reference §2.2-3711.A.7) – related to this subject Chairman Bruguire has spoken with Del. Dickie Bell on introduction of legislation to authorize Nelson County's full access to the provisions of §58.1-3817 et seq of the Code of VA (Admissions Tax) and will introduce a resolution seeking the Board's support of this legislative initiative; d) consideration of a funding request from the Sheriffs Department for purchase of a new police vehicle (see agenda).

V. Reports, Appointments, Directive, Correspondence: See agenda inclusive of a letter from Nelson County School Division's FFA program requesting funding for purchase of rings in recognition of a national FFA title by the program in 2013.

VI. Recess and Reconvene for Evening Session

Evening Session (7 p.m.)

I. & II. Call to Order and Public Comments (Chairman Bruguire and Board).

III. Public Hearings: A. Conditional Rezoning #2013-004 (Blue Mountain Brewery): The applicant is requesting approval of a conditional rezoning application to rezone property from R-1 to A-1. See agenda for a complete summary on this application, including the recommendation of the Planning Commission.

B. Comprehensive Plan Amendment: The public hearing is for receipt of comment from the public and to proceed with approval of a revision to Chapter 3 of the local Comprehensive Plan to add Goals and Principals relate to Telecommunications Infrastructure (see agenda).

AGENDA
NELSON COUNTY BOARD OF SUPERVISORS
December 10, 2013

**THE REGULAR MEETING CONVENES AT 2:00 P.M. IN THE GENERAL DISTRICT
COURTROOM OF THE COURTHOUSE IN LOVINGSTON**

- I. Call to Order**
 - A. Moment of Silence
 - B. Pledge of Allegiance

- II. Consent Agenda**
 - A. Resolution –**R2013-79** Minutes for Approval
 - B. Resolution –**R2013-80** COR Refunds
 - C. Resolution –**R2013-81** FY13-14 Budget Amendment

- III. Public Comments and Presentations**
 - A. Public Comments
 - B. Presentation – 2014 General Reassessment of Real Property (G. Eanes)
 - C. VDOT Report
 - 1. 2015-2020 Secondary Six Year Plan (SSYP) Workshop (R. Hamilton)

- IV. New Business/ Unfinished Business (As May Be Presented)**
 - A. Application to DEQ for Local Program Authority, Virginia Stormwater Management Program (**R2013-82**)
 - B. Zoning Ordinance Amendments, Article 20 Tower Ordinance – Planning Commission Recommendations (**R2013-83**)
 - C. Consideration of Admissions Tax Implementation
 - D. Request For Funding-Sheriff’s Department Vehicle

- V. Reports, Appointments, Directives, and Correspondence**
 - A. Reports
 - 1. County Administrator’s Report
 - 2. Board Reports
 - B. Appointments
 - C. Correspondence
 - 1. FFA Recognition Request
 - D. Directives

- VI. Recess and Reconvene for Evening Session**

EVENING SESSION

7:00 P.M. – NELSON COUNTY COURTHOUSE

I. Call to Order

II. Public Comments

III. Public Hearings

A. Conditional Rezoning #2013-004 –Mr. Taylor Smack / Blue Mountain Brewery

Consideration of an application to rezone a 2.472 acre parcel of property at 9403 Critzer Shop Road, Afton, Tax Map #4-A-60, from Residential (R-1) to Agricultural (A-1), pursuant to Article 16, Section 1-1. The applicant has voluntarily included the following proffers: Kennels (per Section 4-1-9); Public Utilities (per Section 4-1-11); and Automobile Graveyard (per Section 4-1-18).

B. Comprehensive Plan Amendments - Proposed Revisions to Chapter Three of the Nelson County Comprehensive Plan “Goals and Principles” Relating to Telecommunication Infrastructure.

IV. Other Business (As May Be Presented)

V. Adjournment

RESOLUTION R2013-79
NELSON COUNTY BOARD OF SUPERVISORS
APPROVAL OF MEETING MINUTES
(November 14, 2013)

RESOLVED, by the Nelson County Board of Supervisors that the minutes of said Board's meeting conducted on **November 14, 2013** be and hereby are approved and authorized for entry into the official record of the Board of Supervisors meetings.

Approved: December 10, 2013

Attest: _____, Clerk
Nelson County Board of Supervisors

November 14, 2013

Virginia:

AT A REGULAR MEETING of the Nelson County Board of Supervisors at 2:00 p.m. in the General District Courtroom located on the third floor of the Nelson County Courthouse.

Present: Thomas H. Bruguire, Jr. West District Supervisor- Chair
 Constance Brennan, Central District Supervisor - Vice Chair
 Larry D. Saunders, South District Supervisor
 Allen M. Hale, East District Supervisor
 Thomas D. Harvey, North District Supervisor
 Stephen A. Carter, County Administrator
 Candice W. McGarry, Administrative Assistant/Deputy Clerk
 Debra K. McCann, Director of Finance and Human Resources
 Tim Padalino, Director of Planning and Zoning
 Phil Payne IV, County Attorney
 David Thompson, Building Code Official

Absent: None

I. Call to Order

Mr. Bruguire called the meeting to order at 2:03 pm, with all Supervisors present to establish a quorum.

- A. Moment of Silence
- B. Pledge of Allegiance – Mr. Saunders led the Pledge of Allegiance.

II. Consent Agenda

Mr. Hale asked for an explanation on the transfer of funds for the Sheriff's Department that was included in the FY13-14 Budget Amendment. Mr. Carter noted it was an appropriation of funds in addition to the \$80,000 already approved for Sheriff's Vehicles to pay for the equipping of these vehicles. He added that they had used 4/5 of the approved funding on the first vehicle and needed more to equip the other two cars. Ms. McCann noted that the Sheriff's Department had provided the cost estimate of \$80,000 for cars including equipment for the budget. She added that she had advised them that they could not spend \$5,000 equipping one vehicle and that in doing so, they would run out of money. Ms. McCann then noted that she had suggested that the Sheriff's Department use Asset Forfeiture funds for this and alternately, the Sheriff decided to make the funding request to the Board. Ms. McCann reported that the vehicles cost \$23,000 each and that the radios would have been separate. She noted that the equipping included striping, lights etc.

Mr. Hale then suggested that if they had Asset Forfeiture funds, they should make a contribution of these funds towards this expense. Ms. McCann noted that they had a balance of approximately \$5,000 in Asset Forfeiture funds remaining.

Mr. Carter noted that should the Board approve the request, it would not hurt the fund balance at this point given that the contingency fund was still well over a million dollars. He added that the Sheriff's Department had not provided sufficient information when their vehicle estimates were put together for the budget.

Mr. Hale then noted the reason stated in the request for the increase in costs and Ms. McCann confirmed that the vehicles were cars, not SUV's and were less than \$24,000 each.

Mr. Harvey then inquired as to how the speed enforcement revenue was coming in and Mr. Carter noted that he thought they were close to hitting the budget number. He added that staff would report more on that in December/January for the Board's consideration of authorizing additional vehicles.

Mr. Hale then suggested that it would be appropriate for the Sheriff's Department to let the Board know what the Asset Forfeiture funds would be used for and Mr. Harvey advised that it was usually used for guns and vests.

Mr. Harvey and Ms. Brennan then noted minor corrections to the October 8th minutes for approval; which were acknowledged by Ms. McGarry.

Mr. Saunders then moved to approve the Consent Agenda and Mr. Harvey seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion and the following resolutions were adopted:

A. Resolution –**R2013-73** Acceptance of Conveyance – Tyler Property

RESOLUTION R2013-73
NELSON COUNTY BOARD OF SUPERVISORS
AUTHORIZATION FOR ACCEPTANCE OF CONVEYANCE
BRUCE K. TYLER & LYNN A. TYLER

RESOLVED, by the Nelson County Board of Supervisors that the County Attorney, Philip D. Payne, IV is hereby authorized to accept the conveyance of property from Bruce K. Tyler and Lynn A. Tyler on behalf of the Nelson County Board of Supervisors; the conveyed property being .67 acres more or less, together with various easements, and .933 acres together with various easements all in the Rockfish Magisterial District of Nelson County.

B. Resolution –**R2013-74** Minutes for Approval

RESOLUTION R2013-74
NELSON COUNTY BOARD OF SUPERVISORS
APPROVAL OF MEETING MINUTES
(October 8, 2013 and October 24, 2013)

November 14, 2013

RESOLVED, by the Nelson County Board of Supervisors that the minutes of said Board's meetings conducted on **October 8, 2013 and October 24, 2013** be and hereby are approved and authorized for entry into the official record of the Board of Supervisors meetings.

C. Resolution –**R2013-75** COR Refunds

**RESOLUTION R2013-75
NELSON COUNTY BOARD OF SUPERVISORS
APPROVAL OF COMMISSIONER OF REVENUE REFUNDS**

RESOLVED, by the Nelson County Board of Supervisors that the following refunds, as certified by the Nelson County Commissioner of Revenue and County Attorney pursuant to §58.1-3981 of the Code of Virginia, be and hereby are approved for payment.

<u>Amount</u>	<u>Category</u>	<u>Payee</u>
\$76.19	2012 PP Tax & Vehicle License Fee	Jactino Sanchez-Garcia 101 Old Courthouse Turnpike Lynchburg, VA 24501
\$98.09	2013 PP Tax & Vehicle License Fee	Terri Johnson 567 Buffalo Bend Road Amherst, VA 24521
\$601.28	2011-2013 PP Tax & Vehicle License Fee	Cameron Enterprises P.O. Box 22845 Oklahoma City, OK 73123

D. Resolution –**R2013-76** FY13-14 Budget Amendment

**RESOLUTION R2013-76
NELSON COUNTY BOARD OF SUPERVISORS
AMENDMENT OF FISCAL YEAR 2013-2014 BUDGET
NELSON COUNTY, VA
November 14, 2013**

BE IT RESOLVED by the Board of Supervisors of Nelson County that the Fiscal Year 2013-2014 Budget be hereby amended as follows:

I. Appropriation of Funds (General Fund)

<u>Amount</u>	<u>Revenue Account</u>	<u>Expenditure Account</u>
\$ 600.00	3-100-001601-0007	4-100-021060-7007
\$ 702.00	3-100-002404-0007	4-100-082050-6008

\$ 1,302.00

II. Transfer of Funds (General Fund)

<u>Amount</u>	<u>Credit Account (-)</u>	<u>Debit Account (+)</u>
\$ 9,850.00	4-100-999000-9905	4-100-043040-5409

III. Public Comments and Presentations

A. Public Comments

1. John Gooch, Executive Director of Community Energy Conservation Program, Charlottesville, Virginia

Mr. Gooch introduced himself and noted that their operation was located in Charlottesville and that they had a satellite office in Staunton. He noted that they were a non-profit organization that provided weatherization to low income individuals in surrounding counties. He noted that their activities included conducting energy audits, sealing leaks, repairing leaky ducts, installing carbon monoxide and smoke detectors, and even replacing inefficient refrigerators. Mr. Gooch noted that they work with Departments of Social Services for referrals and that there were income level thresholds. He noted that they inspected homes within 48 hours of referral and if the issues could not be fixed with the residents in place, they would relocate them as needed. Mr. Gooch added that he would like to expand their services in Nelson County, as they have only done three (3) homes here. He noted that they were in the process of applying to DHCD as a weatherization agency and he would come for a letter of support from the Board in the near future. Mr. Gooch then noted that for every dollar spent, \$2.50 could be leveraged. He concluded by noting that they were able to spend up to \$2,500 per household.

Mr. Harvey noted that he had seen a program on the news the previous night on something similar to this. Mr. Gooch noted that they did conduct audits where they put a fan in front of a door and took readings. Mr. Harvey noted that Home Depot lent out devices that showed the flow of air and Mr. Gooch noted that this device did as well.

Ms. Brennan noted that a friend's new home still had leakage after having an energy audit done and she asked if Mr. Gooch's organization looked at wood heated homes. Mr. Gooch noted that they did. He then noted that their crisis program could not be utilized for renters but they would do something for them through the weatherization program and it was based on the number of occupants of the house.

Mr. Hale then inquired as to what was considered low income for a two (2) person household. Mr. Gooch noted that for 1 individual it was 60% of the state median income or \$27,209 and this amount increased by \$8,372 per person. He noted that the Crisis Program started at \$1,200 per month and increased by \$435 per person per month. It was noted that Social Security recipients would then be eligible. Mr. Gooch noted that the weatherization

program provided for higher priority to be given to the elderly and to those with children living in the home.

2. Ms. McCann then introduced Sara Turner, new to the County Administration Office and noted that she was excited to have her. She added that Ms. Turner was a Physics major and had received her Bachelor's degree and MBA from Butler. She added that she was excited about the skills Ms. Turner brought to the office.

B. Presentation – 2014 TJPDC Legislative Program Approval (R2013-77)

Mr. Blount noted that the following were priority areas and that some have been regional priorities for a number of years. He noted that the top priority in the proposed program was public education funding, while focus was maintained on state funding obligations, mandates, and cost shifting in the second priority.

- 1) Public Education Funding
- 2) State Mandates and Funding Obligations
- 3) Transportation Funding and Devolution
- 4) Chesapeake Bay TMDL
- 5) Land Use and Growth Management
- 6) Comprehensive Services Act

He noted that as in the past, the legislative program draft also contained sections that highlighted ongoing local government positions. He noted that changes in these sections under "Areas of Continuing Concern" were underlined where the language was new, while language proposed for deletion was stricken.

Mr. Blount noted that he has done some repositioning to emphasize some items this year and the Continuing Concerns section contained locality specific items.

Mr. Blount then noted that the top priority was public education funding as requested by other localities in the region. He noted that State funding had dropped considerably from 35% to 30% of the state General Fund budget even though enrollment was increasing by 30,000 in five years. He added that he was not optimistic but that there was some opportunity to put more money back into education this year. He noted that this addressed VRS as well and it would be a big ticket item as the recommended rates for teachers was a 3% jump. He noted a 24% increase in what would have to go in to pay contributions. He then noted a change in the GAAP accounting rule, concerning the unfunded liability of teachers' pensions that would mean this would have to be put onto local books.

Mr. Blount reported that the plan urged the state to not to shift its responsibilities to localities. He noted that a task force was looking at the legislative review process and their comments would go to the Commission on Local Government the following week.

Mr. Blount then noted that in the Transportation section, the focus was on the restoration of secondary and rural allocations and the opposition to devolution was maintained.

Mr. Blount then noted that in the TMDL position statements, there was a statement related to including a statement in lieu of a plan for the Stormwater Management program as there was in the Erosion and Sediment Control Act. He noted that including this had been discussed in Nelson.

Mr. Blount then noted that their position was to go on record in support of a one year delay in the Stormwater Management Program (SWMP) implementation, moving the deadline from July 2014 to July 2015. Mr. Carter then asked Mr. Blount to include this in the legislative program.

Mr. Blount then reported that the Land Use and Growth Management section addressed the change in the definition of farms and that there was a statement against any lessening of the Board's authority in this realm.

Mr. Blount then noted that the Environmental Quality section contained the statement supporting the Tye River Scenic River Designation and he noted that he would work with legislators on getting the bill in this year.

Mr. Blount then advised the Board regarding the upcoming Annual Legislative Program on December 3rd at 6pm at the Water Street Center. He noted that they would talk about the Affordable Care Act and they had some good presenters scheduled.

Mr. Blount noted that he would include the extension of the SWMP deadline in the TJPDC document and Mr. Carter noted that at the VACO conference a floor amendment was made to this effect to their legislative program. Mr. Blount then confirmed that the General Assembly could change this deadline. He added that it was his sense that there were a number of things being discovered that needed more work and localities were working towards meeting deadlines. He noted that he would not be surprised if these things were addressed through legislation this year. He added that there were different amendments discussed at the Agriculture session at VACO.

Mr. Bruguiere commented that people were dismayed that they were not in the Chesapeake Bay watershed and were having to do this.

Mr. Hale then moved to approve resolution **R2013-77** Approval of 2014 Thomas Jefferson Planning District Legislative Program and he noted that the resolution provided for amendments presented on 11/14.

Ms. Brennan seconded the motion and there being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion and the following resolution was adopted:

**RESOLUTION R2013-77
NELSON COUNTY BOARD OF SUPERVISORS
APPROVAL OF 2014 THOMAS JEFFERSON PLANNING DISTRICT
LEGISLATIVE PROGRAM**

RESOLVED, by the Nelson County Board of Supervisors that the 2014 Thomas Jefferson Planning District Legislative Program be and hereby is approved by said governing body with the legislative program to serve as the basis of legislative positions and priorities of the member localities of the Thomas Jefferson Planning District Commission for the 2014 Session of the Virginia General Assembly, with amendments presented by Mr. Blount on November 14, 2013 as well as incorporation of the recommendations put forth by the Board as applicable.

C. Presentation – Stormwater Management Program Implementation (A. Sappington)

Ms. Sappington acknowledged that any extension of the program implementation deadline would not happen until spring and the County still needed to meet deadlines that would occur prior to that. She noted that currently there was a July 1, 2014 deadline for implementation.

Ms. Sappington then noted that she had been working with County staff and Joyce Engineering on the program documents. She added that in terms of the Ordinance, the group went with the bare minimum required.

Ms. Sappington then presented the following PowerPoint:

COMPARISON: EXISTING VSMP vs. VSMP AS OF JULY 2014

ADMINISTRATION:

NOW	• DEQ
JULY	• Local administration

SWPPP:

NOW	• Not reviewed prior to construction
JULY	• To be reviewed locally

She noted that there would not be much difference for developers in the administration of the program, it would run more smoothly with local administration and would dovetail with the E&S program. She added that the SWPP would be reviewed locally, most likely by the Soil and Water Conservation District along with the E&S plans.



COMPARISON: EXISTING VSMP vs. VSMP AS OF JULY 2014

PERMIT COVERAGE:

NOW	• Through DEQ
JULY	• Through DEQ but will need local coordination & plan approval

TECHNICAL CRITERIA:

NOW	• Quality & quantity
JULY	• Quality & quantity, but new computation methods & criteria



COMPARISON: EXISTING VSMP vs. VSMP AS OF JULY 2014

FEES:

NOW	<ul style="list-style-type: none"> • Paid to DEQ for permit coverage • 1 - <5 acres = \$450 • \geq5 acres = \$750
JULY	<ul style="list-style-type: none"> • Paid to locality & DEQ to cover all costs • 1 - <5 acres = \$2,700 (DEQ share = \$756) • \geq5 acres = \$3,400 to \$9,000 (DEQ share: \$952 to \$2,688)

Ms. Sappington noted that the fees were a tremendous change and were intended to cover the entire program costs. She added that the DEQ portion intended to cover shares of costs for the program and that they were recommended by DEQ statewide based on average statewide costs.



FEES:

Disturbed Area (acres)	Statewide Fee	28% to DEQ (Fixed Amount)	Locality Portion (May Be Changed)
< 1 (Subdivision)	\$290	\$81	\$209
≥ 1 & < 5	\$2,700	\$756	\$1,944
≥ 5 & < 10	\$3,400	\$952	\$2,448
≥ 10 & < 50	\$4,500	\$1,260	\$3,240
≥ 50 & < 100	\$6,100	\$1,708	\$4,392
≥ 100	\$9,600	\$2,688	\$6,912

Ms. Sappington then advised that the Board could petition the State Water Control Board to lower the fees; however it would be the local share that would be lowered and the County would have to document that it could adequately cover its program costs. She added that according to the staffing study done by Joyce Engineering, the fees as presented did not currently cover the anticipated local costs.

Mr. Bruguiere then asked if the average homeowner would pay \$2,700 in fees. Ms. Sappington replied that only homes with a really long driveway and homeowners that were clearing more than an acre. She noted that if the residence was within a common plan of development, the fees would be included in the developers plan. She noted that it was intended to cover the build out of the site.

Mr. Harvey suggested that the fees would hurt those putting in lower income homes and that it would put small developers out of business. He added that this would never happen in Charlottesville and that it would hurt rural areas.

Ms. Sappington then explained that if the Soil and Water Conservation District did the plan review, then the local fee would cover this cost via an agreement. She noted that they would review subdivisions with common plans of development. She added that they and the County would work out the MOU which would lay out who would do what on this. She noted that they (the SWCD) would do as much as the Board wanted them to do. Mr. Carter noted that they and staff have been mostly focused on the Ordinance, policies and procedures and timeline etc. thus far.

Mr. Hale noted that he believed that in most cases if a person were subdividing a two (2) acre lot, it would be unusual for it to require a disturbed area of 50%. He further noted that

for those cases seen most often, the landowner could do without disturbing more than one acre.

Mr. Harvey noted that this program went against everything the Board has worked on and it will force developers to develop small lots. He noted he was afraid that people would have no idea what was coming on this until they applied for the plan at the office.

Ms. Sappington then reviewed the following comparison:

LOCAL E&SC PROGRAM vs. LOCAL VSMP		
	EROSION & SEDIMENT CONTROL	STORMWATER MANAGEMENT
Land disturbance trigger	<ul style="list-style-type: none"> • $\geq 10,000$ sq. ft. 	<ul style="list-style-type: none"> • ≥ 1 acre
Water issues addressed	<ul style="list-style-type: none"> • Addresses water quality during construction (related to soil erosion) & channel adequacy 	<ul style="list-style-type: none"> • Addresses water quality and quantity after development (related to impervious surfaces)
Local implementation	<ul style="list-style-type: none"> • Program Administration, Plan Review, Inspections, Enforcement 	<ul style="list-style-type: none"> • SAME
Fees	<ul style="list-style-type: none"> • Fees to cover program costs at discretion of locality 	<ul style="list-style-type: none"> • Fees required to cover state & local program costs (see attached schedule, local share can be altered w/SWCB approval)
State permit coverage	<ul style="list-style-type: none"> • Not required 	<ul style="list-style-type: none"> • Required

LOCAL E&SC PROGRAM vs. LOCAL VSMP		
	EROSION & SEDIMENT CONTROL	STORMWATER MANAGEMENT
Permanent practices	<ul style="list-style-type: none"> • Maintenance plan required (but Nelson County requires recorded maintenance agreement) • No engineering certification for installation 	<ul style="list-style-type: none"> • Recorded maintenance agreement required • Construction record drawing required (sealed & signed by professional) • Enforcement for long-term maintenance
Agriculture & Forestry	<ul style="list-style-type: none"> • Exempt 	<ul style="list-style-type: none"> • Exempt
Single family homes in "common plan"	<ul style="list-style-type: none"> • Handled through Agreement in Lieu of Plan 	<ul style="list-style-type: none"> • Covered under full "common plan of development" (ultimate build-out)
Single family homes separately built	<ul style="list-style-type: none"> • Exempt 	<ul style="list-style-type: none"> • If greater than 1 acre, plan, permit & fee required.

Mr. Harvey then inquired whether or not the fact that single family homes in a common plan that were “covered under full common plan of development” (ultimate build out) would be on deeds. Ms. Sappington noted that they were supposed to be filed in the courthouse and Mr. Payne added that if they were recorded in the Clerk’s office, then title searchers would catch this like other easements.



BACKGROUND & WHERE WE ARE NOW

- January 29, 2005 – DCR/DEQ began statewide coverage of SWM Program
- September 2011 – amended SWM Regulations became effective
- July 1, 2014 – Local VMSP to be established & implemented
- Every 5 years – DEQ re-issued general permit; localities continue to approve “SWM General Permit Coverage”



DEADLINES

- December 15, 2013 – Application to be local “Program Authority” due to DEQ to include final drafts of:
 1. Policies & Procedures
 2. SWM Ordinance (consensus, intent to proceed)
 3. Funding & Staffing Plan
 4. Partnering Agreement (MOU w/TJSWCD)
- April 1, 2014 – Final adopted ordinance & application due to DEQ
- July 1, 2014 – VSMP Authority approved; local implementation begins

Ms. Sappington reiterated that as of that week, the application deadline to be a local “Program Authority” was changed to January 15, 2013. She added that in order to apply, the

Ordinance did not have to be adopted, but there had to be a consensus from the Board that they were heading in that direction.

Additionally, Ms. Sappington noted that the April 2014 deadline had been moved to May 15, 2014 for formal adoption. She advised that the Board do this before this date so it could go forward to DEQ.



TO DO

- November or early December (BOS):
 1. Final staffing plan including draft contracts or MOU's for partnerships
 2. Proposed Fee Schedule
 3. Permission to submit SWM Ordinance as final draft
- December 15, 2013 – Submit application to DEQ
- Early 2014 – Finalize partner contracts/MOUs
- Early 2014 – Public participation for SWM Ordinance
- March 2014 – Final BOS approval of Ordinance
- April 1, 2014 – Submit final application to DEQ
- July 1, 2014 – Local VSMP begins

Ms. Sappington noted that the permission to submit the SWM Ordinance as final draft would come in the form of a resolution from the Board to give their permission to submit. Ms. Sappington reiterated that the April 1, 2014 deadline to submit the final application had been changed to May 15, 2014. She added that she would rather see a year of transition instead of a one year extension.

In response to questions, Ms. Sappington noted that the Board would have to have a public hearing on the Ordinance to adhere to state and local regulations and that in terms of maintenance, Louisa County developed a tracking program for both them and Nelson to use and that landowners could submit certified reports rather than them having to inspect every site. Ms. Brennan noted that it was possible that local engineers could be certified to do inspections as well.

Mr. Harvey then asked if landowners could be made to upgrade on existing projects and Ms. Sappington noted that there were grandfathering provisions included if a project was already started etc. She added that this applied only for new construction; however there was a criterion for redevelopment depending on when the original improvement was done. Ms. Sappington then confirmed that developers would have to submit an E&S plan and a storm water management plan; which would be reviewed together as one plan given that similar information was required.

Mr. Harvey then asked how this requirement would affect cable installations and Ms. Sappington noted that cables fell under linear disturbance at the moment, however it would apply to cell towers if more than an acre was being disturbed.

Ms. Sappington reiterated that Joyce Engineering worked with staff and Phil Payne to draft the Ordinance and that the components in the Ordinance were the bare minimum with the only discretion being in the fees. She added that the fees were pretty comparable and that all of the localities that she worked with were planning to adopt the recommended fee schedule.

Mr. Hale noted that some of the definitions may conflict with the local Subdivision Ordinance and Mr. Carter noted that some changes may have to be made to both the Zoning and Subdivision Ordinances; however staff wanted to keep this separate. Mr. Harvey indicated that a concern would be family divisions; however he noted these would not be subject to the requirements until land was disturbed.

Ms. Sappington then asked the Board how they would like to proceed in order to meet the deadlines and Mr. Carter suggested that he would like to work on this on the staff level and then reintroduce the topic in December to update the Board and then start formal steps in January. Mr. Harvey noted that he would like to work on it as it went along instead of all at once.

Ms. Sappington suggested that the documents with comments be presented in January and Mr. Carter added that then they would bring the MOU forward with information as to complying with the DEQ deadlines.

Mr. Hale confirmed that the application deadline was now January 15, 2013 and that the Ordinance presented was a draft that would need to be finalized by May 15, 2013.

Ms. Brennan then suggested that the Board discuss the presented fee schedule and Mr. Carter noted that the projected costs to operate the program for the County exceeded the projected revenues from the recommended fees. Ms. Sappington confirmed this and suggested that the County use these fees and then track the program costs over the next two years to see if they needed adjusting. Mr. Carter strongly suggested that the Board not adjust the fees until the County had some experience in operating the program.

Ms. Sappington and Mr. Thompson concurred and noted that plan review and inspections would take longer, there was training involved, and administrative costs associated with it.

Mr. Harvey then asked if some of the storm water inspections could be done at the same time as conducting a building inspection and Mr. Thompson noted that a lot had to be done as it occurred and there was a lot of tracking involved. Ms. Brennan noted the work flow chart of activities that showed what had to be done and when and Mr. Thompson reiterated that there was a significant amount of tracking involved.

Mr. Hale then noted that the \$2,700 fee for an average small subdivision could be divided between each lot and then would be more reasonable on a per site basis.

Mr. Bruguiere noted that he thought that single lots should be exempt. Ms. Sappington noted that she did not think there would be that many. She noted that the Board could petition the State Water Control Board to lower the fee for these and then the County would cover those costs with other funds. Mr. Harvey noted that these could use an “agreement in lieu of plan” like in the administration of the Erosion and Sediment control program and Mr. Carter noted that this was being requested by Nelson and others through legislation.

Mr. Thompson noted that this would limit people from clearing a lot of land for a view for example; however disturbance of half an acre was customary in building a home.

Mr. Blount then noted that at VACO, the steering committee noted that they would approve a 90%/10% split of the fees between the state/locality and Ms. Sappington noted that the 28% split was a problem. Mr. Carter added that Delegate Landes said they would look at this but that there was no guarantee it would change.

Ms. Brennan noted that the flow charts that Joyce provided were very helpful to see the process and timeframe things had to be done in. Mr. Thompson noted that they would have to monitor pollution prevention as well.

It was noted that the County did have to do storm water plans for the schools, the courthouse and the collection sites and the program has been in place already. It was noted that VDOT fit into the program the same as they did now within their regulations.

In conclusion, it was decided that some of the documents would be reviewed with the Board in December and staff would proceed with developing the MOU with the TJSWCD and meet the deadlines as originally set. Mr. Hale indicated that he would work on reviewing the Ordinance.

D. VDOT Report

1. 2015-2020 Six Year Improvement Plan (Primary SYIP)

Mr. Padalino provided the following report regarding the Primary SYIP

Below are the 2011 priorities, with comments included:

1. ~~River Road (Route 6 West) at the intersection with Old Roberts Mountain Road (Route 634)~~ *(addressed through signalization and signs)*
2. ~~Laurel Road (Route 639) at the intersection with Irish Road (Route 6 East)~~ *(removed from consideration and funds transferred to HSIP project)*
3. Richmond Highway (Route 60) at the intersection with Allen's Creek Road (Rt. 622)
4. Spruce Creek Lane (Route 627) at the intersection with Rockfish Valley Highway (Route 151)

5. River Road (Route 6 West) at the intersection with Rockfish Valley Highway (Route 151)
6. ~~Route 56 Extension, Lovington~~ (*does not seem to be a feasible project or a current priority*)
7. Front Street (Business Route 29), Lovington (*needs clarification and/or new project title*)
8. Patrick Henry Highway (Route 151) at the "Y" intersection with Tye Brook Highway (Route 56) (*does not currently seem to be a high priority relative to other projects/needs*)
9. Rockfish Valley Highway (Route 151) at the intersection with Rodes Farm Drive (Route 613) (*was not considered to be a high priority relative to other intersections identified in VDOT's 151 Corridor Study*)
10. James River Road (Route 56E) at intersection with Findlay Mountain Road (Rt.647)

Route 151 Priorities (as identified in VDOT's Route 151 Corridor Study project)*

1. Intersection upgrades for Rockfish Valley Highway (Route 151) at intersection with Afton Mountain Road (Route 6) and Avon Road (Route 638) (*selected for funding through HSIP grant*)
2. Intersection upgrades for Rockfish Valley Highway (Route 151) at intersection with Rockfish School Lane (Route 635) (*selected for funding through HSIP grant*)
 - Intersection improvements for the "Martin's Store Substation" location where River Road (Route 6 West) intersects with Rockfish Valley Highway (Route 151)
 - Intersection improvements for Rockfish Valley Highway (Route 151) at intersection with Spruce Creek Lane (Route 627) and Glenthorne Loop (Route 627)
 - Intersection improvements for Rockfish Valley Highway (Route 151) and Tanbark Drive (Route 849).
 - Intersection improvements for Rockfish Valley Highway (Route 151) and Rodes Farm Drive (Route 613)

Previously listed priority projects for consideration

- Front Street (U.S. Route 29 Business) and Main Street (Route 1001) pedestrian and streetscape improvements as identified in Lovington Master Plan and Lovington Safety Study
- Intersection improvements for Richmond Highway (U.S. Route 60) at the intersection with Allen's Creek Road (Route 622)
- James River Road (Route 56) at intersection with Findlay Mountain Road (Route 647)
- Patrick Henry Highway (Route 151) at the "Y" intersection with Tye Brook Highway (Route 56)

New suggestions for consideration (not previously listed and not on Route 151)

- Improvements in the vicinity of the intersection of Thomas Nelson Highway (U.S. Route 29) and Oak Ridge Road (Route 653)
 - Route 29 improvements in Lovingson to improve the three existing crossover turn lanes and to improve safety for pedestrian crossings at Main Street and Front Street South
-

(Please note: Several other important projects were identified in the Route 151 Corridor Study, but they may not be as high of a priority as other projects in other portions of the County. For example, VDOT provided recommendations for improvements at Creek Road near Ashley's Store; at Beech Grove Road; at Bland Wade Lane; and at Lodebar Estate, among several other intersections. Please reference pages 23-25 of the 151 Corridor Study for a more complete overview.*

The VDOT Route 151 Corridor Study also included recommendations for significant improvements at the major intersection of Route 151 and U.S. Route 250 as one of the highest priorities; but that project is not located in Nelson County (and thus is not reflected here as a County priority).

The Corridor Study also included important long-term projects involving the reconstruction of Route 151 from Adial Road (Route 634) to U.S. Route 250, including paved 6-foot shoulders marked as bicycle lanes.

Mr. Carter noted that the Commonwealth Transportation Board was conducting meetings across state and that they wanted comments on the Six Year Improvement Plan by December 6th.

Mr. Carter suggested that the Board look at the previous recommendations with updates and provide any specific recommendations to be submitted to the CTB and VDOT. He added that they should definitely include the two HSIP projects on the list. Mr. Harvey reported that the preliminary survey was done at Anderson's store but he has not noticed anything being done at Route 635. Mr. Carter noted that the two HSIP projects were a couple of years away from completion and that in talking with Don Austin about the priorities, he suggested not submitting a long list of things since funding was limited. Mr. Carter then advised that the two HSIP projects should be included and then the Board should give consideration to the 2011 priorities.

Mr. Saunders noted that #10, James River Road (Route 56E) at intersection with Findlay Mountain Road (Rt.647) has been on the list forever and he had gotten two calls that week about this intersection. Mr. Hale noted that he thought it should be moved up the list since it was a safety concern. Mr. Harvey noted he would have to consider the accident history and he did not think there had been many there.

November 14, 2013

Mr. Saunders noted that there also needed to be something in the County's Ordinances to deal with old, partially burned down houses like the one at that intersection. Mr. Carter advised that Mr. Payne's opinion was that if the building was not a threat to the public then the County could not do anything; however if it was threat to the public then the Board could do something. Ms. Brennan added that she thought this should be revisited and Mr. Bruguere noted that buildings such as this one could be considered an attractive nuisance. Mr. Carter noted that he thought that if a tenant of a building complained, then the County had the right to go visit and address any deficiencies. He noted that to date, the Board had not addressed a maintenance feature of the Code. Ms. Brennan indicated that the demolition of dangerous buildings should be looked at again.

Mr. Carter then directed the Board's attention to the new suggestions from staff in consult with Rick Youngblood of VDOT. He added that staff had spoken to Mr. Youngblood and because of the LOCKN festival; he suggested looking at these items.

Mr. Bruguere agreed with lengthening the acceleration/deceleration lanes into Lovington. Mr. Saunders noted that a sidewalk was required from the new Family Dollar site out to Route 29 which encouraged people to cross Highway 29 into Lovington.

Ms. Brennan noted that the Oak Ridge Intersection was bad even without the festival. Mr. Saunders noted that a suggestion had been made to have a third lane coming out of Tye River Elementary School to the Oak Ridge intersection. Mr. Carter noted that when he mentioned studying that intersection, Mr. Youngblood noted that he thought it would be favorably considered. He noted that it would not have to be part of the plan but the study could be requested in a letter along with the plan.

Mr. Saunders then noted that he gets calls weekly about Route 654, Cedar Creek and that he had asked Don Austin to get a traffic count there. Mr. Carter noted that VDOT did not want any more secondary roads in the system.

Ms. Brennan noted that Tanbark Drive in Lovington needed to be brought up to standards as it was awful. Mr. Carter noted that the road served commercial interests and Mr. Saunders added that one property owner along the road would not contribute to fixing it.

Ms. Brennan then moved to include the two HSIP projects, the intersection of Route 29 and Route 653, the improvements to the crossovers in Lovington on Highway 29, and the Route 56E intersection with Findlay Mtn. Road to the Six Year Plan Priorities.

Mr. Saunders noted that he would like staff to review the issue with the house at the intersection of Route 56 E and Findlay Mountain Road to see if anything could be done.

Mr. Saunders then seconded the motion and there being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

Mr. Carter then added that if the Board did not object, maybe staff would submit the whole list and note the priorities. He added he would ask Chris Winstead his thoughts on this.

November 14, 2013

IV. New Business/ Unfinished Business (As May Be Presented)

Introduced: Resolution to Designate the Depository for Revenue Recovery Funds

Ms. McCann noted that since the County was contracting with a new firm for EMS billing, they would be handling deposits differently. She noted that the proposed resolution authorized the use of a bank clearing account and that all checks would be scanned and submitted and then transferred to the County's bank in Lovingson. She noted that this was a more automated and electronic means for making deposits. She added that this was necessary because there was no Union First Market Bank where the billing company was located. She added that she had spoken with the Treasurer about how it would work and she was in agreement with the process.

Ms. Brennan then moved to approve resolution **R2013-78**, Designation of Depository for Revenue Recovery (Paid EMS) Funds and Mr. Harvey seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion and the following resolution was adopted:

**RESOLUTION R2013-78
NELSON COUNTY BOARD OF SUPERVISORS
DESIGNATION OF DEPOSITORY FOR REVENUE RECOVERY
(PAID EMS) FUNDS**

ACCOUNT RESOLUTIONS

By the *(circle one)* Board of Directors *I* Managers *I* Members *I* Partners *I* Sole Proprietor of Nelson County Board of Supervisors, " a business organized in the state of Virginia as a *(Indicate entity type)* Government ("Company") approving resolutions designating Kenney Bank and Trust as a depository with authorization to transfer funds:

RESOLVED, that Kenney Bank and Trust (Bank) is hereby designated as a depository in which the funds of this Company may, from time to time, subject to the rules and regulations of the Bank governing the Clearing Account, be deposited by any of its officers, managers, members, partners, sole proprietor, agents or employees, as applicable; and that any such officer, manager, member, partner, sole proprietor, agent or employee of the Company is hereby authorized on behalf of the Company and in its name to endorse for deposit with Bank into the Clearing Account any and all checks, drafts, or other instruments or orders for the payment of money payable to the Company, which endorsement may be in writing, by stamp, or otherwise, with or without designation or signature of the person so endorsing, it being understood that on all such items all prior endorsements are guaranteed by the Company or the Individual(s) legally responsible for the entity, irrespective of the lack of an express guarantee in the endorsement of the Company.

FURTHER RESOLVED that Bank, in accordance with the provisions of the Item Processing Agreement entered into by and between Bank and Company, be and is hereby

November 14, 2013

authorized and directed to transfer funds in the Clearing Account of the Company to the Designated Account as that term is defined in the Item Processing Agreement.

FURTHER RESOLVED that Bank be and is hereby authorized to comply with any process, summons, order, injunction, execution, levy, lien, or notice of any kind (hereafter called "Process") received by or served upon Bank, which in Bank's opinion affects this deposit account and Bank may, at its option and without liability, thereupon refuse to transfer sums from this account and may either hold the balance therein until Process is disposed of to Bank's satisfaction, or pay the balance over to the source of the Process.

FURTHER RESOLVED that the individual authorized to provide certifications for the Company is authorized and directed to certify to Bank the foregoing resolutions and that the provisions thereof are in conformity with the governance and organizational documents of the Company and that the foregoing resolutions and the authority thereby conferred shall remain in full force and effect until the Company officially notifies Bank to the contrary in writing and Bank may conclusively presume that such resolves are in effect.

Introduced: Jefferson Building Change Order for Exterior Work

Mr. Carter noted that previously the Board had requested staff to obtain a change order from Owen Building & Remodeling, Inc. for the repair and painting of the exterior of the Jefferson Building. He noted that this had just been received and that the total cost was \$46,316.00 for the following:

Scraping of all loose paint and prepare exterior walls for paint.
Properly remove, collect and dispose of lead contaminated paint chips.
Wet wash/wipe exterior of building as needed to remove debris and dust prior to painting.
Apply block filler on raw brick surfaces and primer on all other surfaces.
Paint all exterior walls with two coats of Sherwin Williams Conflex XL Smooth Finish A5 400 Series Elastomeric Paint.

The proposal also contained the following note:

Note: We still feel strongly that the original proposal we submitted provides the preferred method for this project, given the age and nature of the masonry. The lime wash in the original proposal would allow moisture to escape the exterior while elastomeric coating will trap moisture in the brick. While the elastomeric coating may provide some waterproofing where it makes contact with the building, water from the ground will still be siphoned and brought into the masonry, providing environments for black mold growth inside the building. A limewash would allow the brick to breathe and release the siphoned moisture.

Mr. Hale noted that he had spoken again to Bob Self about this and he had some hesitation with the removal of masonry. He noted that this could often be harder on brick to remove the stucco; however this needed to go forward.

Ms. Brennan recommended that the Board go with Owen's original proposal, which was only \$35,000 more than this one. She noted that they said that using regular paint could allow for black mold growth in the building. She added that they should check out the stucco removal and noted that this proposal was higher than they thought it would be and that the Board should do it right by following the original proposal.

Mr. Saunders suggested that the Board should get another price for comparison.

Mr. Bruguere noted that he thought that if they pulled off the stucco, it would pull off the bricks and there would be more pointing up of bricks to be done.

Mr. Hale noted that he had no knowledge on which way was best; however Bob Self was the chief restoration man at Monticello and he was not enthusiastic about using the recommended method of removing stucco. He noted that he thought painting it would be fine and that Randy Vaughn did not think there was a moisture problem with the building now. Mr. Saunders concurred and noted that with the HVAC systems in and building occupancy, he did not think moisture would be a problem either. Ms. Brennan noted that she would hate to see black mold become a problem in a few years.

Mr. Hale noted that he asked about the peel off method and Bob Self said he was not sold on that.

Members then briefly discussed whether or not the full Board needed to consider these issues and Mr. Harvey moved that Mr. Hale and Mr. Saunders work with staff to complete the Jefferson Building.

It was clarified that they would be given carte blanche to finish the building and that these two members would decide on the exterior rehabilitation.

Mr. Hale seconded the motion and Ms. Brennan expressed her strong interest in proceeding with doing the exterior the other way; however she would trust Mr. Hale and Mr. Saunders to do it. Mr. Saunders then noted that Bob Self was probably the most knowledgeable of all of those consulted.

There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

V. Reports, Appointments, Directives, and Correspondence

A. Reports

1. County Administrator's Report

Mr. Carter reported the following:

A. Courthouse/Government Center Project (All Related):

1) Courthouse Addition: Final retainage is pending payment to Blair Construction, as County and Blair staffs are working to resolve the recurrence of water entering the tunnel structure.

Mr. Carter noted that \$37,000 in retainage was being held. He noted that Mr. Payne was looking at this; however the subcontractor would warranty the work once they said it was fixed and they were working on this. Mr. Carter added that staff was concerned that if the money was released, they would not come back if there was a problem.

2) Jefferson Building: Project is nearing completion (contract date is 11-18-13). Pending receipt is a change order for the building exterior rehabilitation.

Mr. Carter reported that the project was nearing completion and the Board would be discussing the exterior. Mr. Carter noted that the Commonwealth's Attorney's office would move in as soon as possible but he would have to speak to Mr. Martin about when. Mr. Saunders noted that his moving would free up that current office to proceed with changes. It was noted that the exterior work should not affect them and Mr. Carter stated he had related that to them and they did not seem concerned. Mr. Carter noted the possibility of the relocation of the Superintendent into the old Commonwealth's Attorney's space.

3) Magistrate's Building: Installation of interior flooring scheduled for completion on 11-20.

Mr. Carter reported that after this, the only thing to do was to charge the HVAC system and then the building would be usable.

B. Broadband Project: Project close out is pending final review/approval by NTIA. First tower lease with Stewart Computer Services (Martin's Store) completed on 11-8. Work in process with AT&T on co-location on Rt. 151 Corridor towers. BRI and CCTS working on completing fiber service connections to (approximately 24 customers – Paul's Creek Subdivision, North Branch School, Heartwood Design and Ashley's Market). Staff continuing to work on possible CDBG application to VA-DHCD (with prior Board approval). A meeting is scheduled with Festy Experience sponsors on 11-26 and BRI has been requested canvas interest in Rt. 151 Corridor expansion.

Mr. Carter noted that once the NTIA grant closed out, this should alleviate concerns held by AT&T regarding collocating on the towers. He then noted that Blue Ridge Internetworks would canvass the neighborhood for interest in expansion of the fiber to Route 664 and also north to the county line in Afton. He added that staff was confirming information on the LMI requirement for the DHCD grant.

C. 2012 Radio Project (Narrow banding): In process. Summer 2014 completion.

Mr. Carter noted that the County was still waiting for the extension approval to June 30, 2014. He noted that he had spoken with Motorola and they have not identified anyone in the Greenbank Office to move the approval of frequencies along. He added that the County may

need to get its Congressman involved. Mr. Bruguire confirmed that they were holding things up right now.

Mr. Harvey added that Susan Rorrer was coming to the EMS Council meeting the following week and he noted that the pagers were needed now. Mr. Carter noted that Ms. Rorrer had explained that the mobiles were installed to work on both bands right now and that the wide band would be removed once the narrowband was up. He added that she said that for the pagers and handhelds, the plan was to wait until the project was ready to go so that they only had to program them once for narrow-banding. He noted that they did not talk much about pagers. Mr. Harvey indicated that there was a problem concerning the ownership of the radios that were removed from the vehicles that had new ones installed and that they were possibly destroyed. Mr. Carter noted that this was a Clear Communications problem and that Lovington had expressed concern with that. Mr. Bruguire noted that they were supposed to sell them back to Elecom and nobody knew for how much. Mr. Harvey noted that he thought for \$500 each and that these were paid for by federal grant funds.

D. Lovington Health Care Center: Project meeting with JABA conducted on 10-28. Follow up meeting, including Rosewood Village representatives scheduled for 11-27.

Mr. Carter reported that an Architectural firm was doing gratis work in developing floor plans for the building and the group had discussed the feasibility of the plan. He noted that concerns were expressed by him and Marta Keene about the financial feasibility so JABA was going to look at the study more in depth to explore more memory care units. He added that the County was recently made aware that Rosewood Village in Stoney Creek had plans to continue with their development. He noted that the market study information was shared with them and that the County, JABA, and the Rosewood Village folks would have a meeting to see if the two projects could work or if there was a way to collaborate on them etc. Mr. Carter noted that the market study showed that the Lovington facility would have to draw occupants from Wintergreen which would be questionable now if the Rosewood Village facility proceeded.

Mr. Harvey noted that he did not think that the building was built for assisted living and Mr. Carter acknowledged that it was a concern that had been expressed. Ms. Brennan noted that the units they were looking at were not that kind and there would be common eating areas etc. She added that it will probably end up being something different and the opportunity for memory care units was better than assisted living. Mr. Hale noted it was worth pursuing.

E. BR Tunnel and BR Railway Trail Projects: 1) **BRRT** – Construction project awarded to Keith Barber Const. Inc. (\$208,509). Completion date is 5-15-14 (renovate depot building, scales, construct cover on Naked Creek Bridge, signage and small extension of trail at eastern terminus). 2) **BRT** – Fed. Hwy Administration approval to bid Phase 1 project is pending. Closing of Tyler property acquisitions completed 11-14. VA-DCR has advised staff funding is directly available for acquisition of western trail easement from ROLC (in process).

Mr. Hale recommended that Mr. Carter talk to the City of Waynesboro about this. He added that the County needed to give them an updated appraisal for the trail and did not need to apply for the funds. Mr. Carter reported that he emailed the President of the family corporation (ROLC) about this and he noted it would require a vote of 100 members.

F. EMS (Revenue Recovery Program): Contract with EMS Management & Consultants, Inc. commences 12-1-13.

G. Health Department Demolition: Pre-bid meeting completed on 11-13 (fourteen companies attended). Bid receipt is 11-22 at 2 p.m.

H. 2014 General Reassessment: Assessment notices sent to property owners and assessor hearings are in process (to 11-22 at 1 p.m.). Mr. Eanes will report to Board at the 12-10 meeting. Final certification of Gen. Reassessment to County by 12-13. Appointment of Board Equalization projected for 12-10 meeting. Staff analysis of assessment results in process, pending receipt of final certified valuations.

I. Solid Waste: Variance request to DEQ to move to annual rather than bi-annual groundwater monitoring testing and reporting in process. Public notice completed with 30 day public comment period concluding on 11-20, thereafter final approval decision by DEQ.

Mr. Carter noted that monitoring costs have been \$70,000 to \$100,000 per year and this would be cut in half.

J. Lockn Festival: Sponsors have announced return in 2014. Special Event(s) Permit approval is an incumbent requirement (pending initial submittal).

Mr. Harvey inquired as to when they would get the report on local revenues from LOCKN and Mr. Carter noted that Jean Payne and Maureen Kelley were working on this. He added that some of the lodging taxes were reported as sales tax and this was being undone. He noted that the lodging tax for camping was about \$14,000 and was sent to the state in error. Mr. Harvey noted that he wanted to know the amount of actual dollars coming in and Mr. Carter assured him that they have been asked to follow up.

Ms. Brennan then asked if there was any Board interest in adopting an admissions tax and Mr. Bruguere noted that the only real income from LOCKN would be from an admissions tax.

Mr. Harvey then added that he would like to know where the initially reported \$1.6 million number came from. Mr. Carter reported that in the past, multipliers had been used to estimate the local impact of the Festy and these same principles were used to estimate the local impact of the LOCKN festival.

Mr. Carter noted that not all vendors were required to get a business license; however Jean Payne was following up on the collection of sales tax. He added that he has suggested to Ms. Payne that each vendor get a Business License in future years. Mr. Bruguere agreed

and noted that he thought that the sales tax needed to be paid before the vendors left. Mr. Harvey then noted that to his knowledge, at the end of each festival day all vendors counted their money in a tent in front of someone and their share was paid.

Members then revisited the question of looking at an Admissions Tax and Mr. Carter noted that to implement this, the County would have to advertise it, conduct a public hearing and adopt an Ordinance. He added that per the State Code, Nelson County had the authority to implement a tax of 1%-10% of the admissions cost and had access to five (5) of the six (6) categories. Members and staff briefly discussed that LOCKN has already been selling tickets and it was unsure as to how this tax, if implemented, would or would not be applied to these sales.

Mr. Carter suggested that staff could look at this for discussion in December. Mr. Brugiare noted that was fine with him; however, if this were implemented he would like to see the funds to go towards something specific. Mr. Harvey agreed and noted he would support it if the funds went towards building an aquatics center.

K. Other: BOS Input.

Mr. Carter reported that staff was working to develop the provisions for the demolition of the Massies Mill school. Mr. Hale noted that there had been interest in the stage etc. from the folks at the Heritage Center. Mr. Carter added that the Millennium Group had contacted him about going over to the building with Paul Truslow to look at it. Mr. Hale noted that he thought that they should be able to take whatever they want except for the previously discussed soapstone. Mr. Harvey and Mr. Saunders suggested that they should sign a waiver of liability before going into the building. Members and staff agreed that the building was in such disrepair it was dangerous.

2. Board Reports

Mr. Harvey noted that he had no report; however he wanted to give the schools permission to proceed with the ball field lights.

Mr. Brugiare noted having spoken with Musco Lighting at the VACO conference and they sent him the drawings they had done for the schools. Mr. Harvey suggested checking on local options as there was a contractor in the county willing to help do this.

Mr. Carter noted having also spoken with Musco representatives at VACO and they then sent Dr. Collins an estimate of \$340,604 for the lights, and the electrical upgrade by CVEC would be a little over \$40,000 so it would cost approximately \$385,000 to do it. He added that the last estimate was \$400,000 just for the lights.

Mr. Harvey noted that this was an unfinished project and strides had been made at the schools; therefore he would definitely like to authorize this project.

Mr. Carter then reported that the schools were coming forward with a request for \$170,000 for projects that had already been authorized and completed. He noted that some of the

project costs were paid out of last year's budget and included the asbestos floor replacement, resurfacing the track and tennis courts, and the new visitors' side bleachers at the football field. Ms. McCann noted that she thought these funds would come out of the Capital Fund and there was only \$750,000 in funds uncommitted, so approximately \$580,000 would be left. She added that this balance did not include the funds set aside for the building envelope at Tye River Elementary School. Mr. Carter added that they would be coming forward in the near future with school safety improvement funding requests also.

Mr. Harvey then noted that the School Board needed the go ahead to do it and they could break this up into two projects. He suggested that they could also negotiate with CVEC on the power upgrade. Mr. Carter noted that he could not tell whether or not the \$40,000 to upgrade the power would be amortized over time or paid up front. Ms. Brennan noted she wanted to see the whole cost package.

Mr. Harvey then noted that he thought the elementary schools should be close to being paid for and Mr. Carter noted Staff could check. Mr. Harvey noted that the Board would be asking the Schools to proceed with them getting the lighting project in line and engineers were not needed. Mr. Carter noted that it could be possible to utilize cooperative procurement to hire Musco and have them do it turnkey. He noted that the quote from Musco says that the County or Schools were responsible for all of the electrical. Mr. Harvey reiterated that the Board would not be approving the project but would allow them to get things together. Members agreed by consensus to ask the Schools to put together a total cost estimate to complete the ball fields lighting project.

Mr. Hale reported that the Blue Ridge Tunnel Foundation got a grant from the National Park Service to advise the Foundation on partnering with them. Mr. Hale also reported that he would be giving a presentation on the Tunnel project to the Augusta County Board of Supervisors to get them on board.

Mr. Hale then reported that he attended a gathering in Warminster to recognize St. George Tucker who was a revolutionary war hero from Bermuda that organized the Bermuda gun powder project. He added that he was an influential teacher of law at William & Mary and his second wife was a family member of the Cabell Family.

Ms. Brennan, Mr. Saunders, and Mr. Bruguire had no report.

B. Appointments

Ms. McGarry noted that there were no appointments to be made and that candidates were needed for the TJPDC Corporation, the Board of Zoning Appeals, JABA Advisory Council, and the PVCC Board. Ms. McGarry noted that it was to be determined if Mr. Bradshaw wished to be reappointed to the BZA.

Ms. McGarry then noted information provided to the Board at the meeting pertaining to the Board of Equalization. It was noted that staff would check with previous members to see if they wished to be reappointed.

It was noted that David Hite and Craig Cooper wanted to serve again and Mr. Hale noted that he would contact Andy Wright.

Mr. Hale reiterated that the County needed someone on the TJPDC Corporation Board that was not him or Tim Padalino and Ms. Brennan needed to recommend someone. Mr. Carter then suggested Mr. George Krieger. It was noted that this Board was the Foundation that could raise money on behalf of TJPDC. Members then asked Mr. Carter to see if Mr. Krieger would do it.

C. Correspondence

There was no correspondence considered by the Board.

D. Directives

There were no directives given by the Board; however Mr. Hale noted he would be absent for the December 10, 2013 meeting.

VI. Adjournment – The Evening Session Has Been Cancelled

At 5:00 pm, Mr. Harvey moved to adjourn and Mr. Hale seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by voice vote to approve the motion and the meeting adjourned.

**RESOLUTION R2013-80
NELSON COUNTY BOARD OF SUPERVISORS
APPROVAL OF COMMISSIONER OF REVENUE REFUNDS**

RESOLVED, by the Nelson County Board of Supervisors that the following refunds, as certified by the Nelson County Commissioner of Revenue and County Attorney pursuant to §58.1-3981 of the Code of Virginia, be and hereby are approved for payment.

<u>Amount</u>	<u>Category</u>	<u>Payee</u>
\$161.04	2012 & 2013 RE Tax	Portia Mae Craig 904 Rockfish Crossing Schuyler, VA 22969
\$137.50	2010-2013 Vehicle License Fee	Electrical Innovations P.O. Box 12 Afton, VA 22920
\$30.00	Business License	Karen Kemp 4770 Tye River Road Amherst, VA 24521
\$4,588.50	2011-2013 RE Tax	William W. Martin 587 Chapel Hollow Road Afton, VA 22920

Adopted: December 10, 2013

Attest: _____, Clerk
Nelson County Board of Supervisors

COUNTY OF NELSON
JEAN W. PAYNE
COMMISSIONER OF REVENUE
P. O. Box 246
Lovingston, VA 22949

Telephone: 434-263-7070
Fax: 434-263-7074
email: jpayne@nelsoncounty.org

November 13, 2013

Mr. Thomas Bruguiera, Chairman
Nelson County Board of Supervisors
P O Box 336
Lovingston, Va. 22949

Dear Tommy,

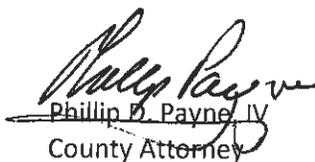
This letter shall serve as a written request that a refund of \$161.04 be issued to Portia Mae Criag, 904 Rockfish Crossing, Schuyler, Va. 22969. We had the square footage wrong on her house for 2012 and 2013.

Sincerely,



Jean W. Payne
Commissioner of the Revenue

The undersigned has reviewed the request of the Commissioner and consents to the refund requested above.



Phillip D. Payne, IV
County Attorney

COUNTY OF NELSON
JEAN W. PAYNE
COMMISSIONER OF REVENUE
P. O. Box 246
Lovington, VA 22949

Telephone: 434-263-7070
Fax: 434-263-7074
Email: jpayne@nelsoncounty.org

November 15, 2013

Mr. Thomas Bruguere, Chairman
Nelson County Board of Supervisors
P. O. Box 336
Lovington, VA 22949

**Re: Electrical Innovations
P O Box 12 Afton, VA 22920
1994 Ford Pickup #4600**

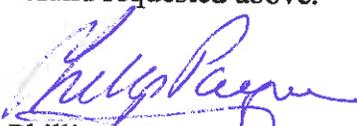
This letter shall serve as written request that a refund for a 2010 – 2013 vehicle license refund of \$137.50 be issued to the above referenced taxpayer. This vehicle has not been tagged since May 2008.

Supporting data is available in this office for you review.

Respectfully requested,


Jean W. Payne
Commissioner of Revenue

The undersigned has reviewed the request of the Commissioner and consents to the refund requested above.


Phillip D. Payne, IV
County Attorney

COUNTY OF NELSON
JEAN W. PAYNE
COMMISSIONER OF REVENUE
P. O. Box 246
Lovington, VA 22949

Telephone: 434-263-7070
Fax: 434-263-7074
Email: jpaync@nelsoncounty.org

November 21, 2013

Mr. Thomas Bruguere, Chairman
Nelson County Board of Supervisors
P. O. Box 336
Lovington, VA 22949

This letter shall serve as written request that a 2013 Business License refund of **\$30.00** be issued to Karen Kemp at 4770 Tye River Road Amherst, VA 24521. The business license issued has been returned to this office and supporting data is available for your review.

Respectfully requested,


Jean W. Payne
Commissioner of Revenue

The undersigned has reviewed the request of the Commissioner and consents to the refund requested above.


Phillip D. Payne, IV
County Attorney

COUNTY OF NELSON
JEAN W. PAYNE
COMMISSIONER OF REVENUE
P. O. Box 246
Lovingston, VA 22949

Telephone: 434-263-7070
Fax: 434-263-7074
email: jpayne@nelsoncounty.org

November 22, 2013

Mr. Thomas Bruguere, Chairman
Nelson County Board of Supervisors
P O Box 336
Lovingston, Va. 22949

Dear Tommy,

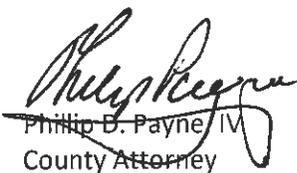
This letter shall serve as a written request that a refund of \$4588.50 be issued to William W. Martin, 587 Chapel Hollow Road, Afton, Va. 22920. Mr. Martin is a disabled veteran and has completed the application for the exemption. This refund is for the taxes that have already been paid for 2011, 2012 and 2013.

Sincerely,



Jean W. Payne
Commissioner of the Revenue

The undersigned has reviewed the request of the Commissioner and consents to the refund requested above.



Phillip D. Payne IV
County Attorney

**RESOLUTION R2013-81
 NELSON COUNTY BOARD OF SUPERVISORS
 AMENDMENT OF FISCAL YEAR 2013-2014 BUDGET
 NELSON COUNTY, VA
 December 10, 2013**

BE IT RESOLVED by the Board of Supervisors of Nelson County that the Fiscal Year 2013-2014 Budget be hereby amended as follows:

I. Appropriation of Funds (School Fund)

<u>Amount</u>	<u>Revenue Account (-)</u>	<u>Expenditure Account (+)</u>
\$ 27,740.00	3-205-004105-0001	4-205-066100-9305
\$ 142,260.00	3-205-004105-0001	4-205-064100-8000
\$ 170,000.00		

II. Transfer of Funds (Capital Fund)

<u>Amount</u>	<u>Credit Account (-)</u>	<u>Debit Account (+)</u>
\$ 170,000.00	4-110-999000-9903	4-110-093100-9100

III. Appropriation of Funds (General Fund)

<u>Amount</u>	<u>Revenue Account (-)</u>	<u>Expenditure Account (+)</u>
\$ 170,000.00	3-100-004105-0110	4-100-093100-9206

Adopted: December 10, 2013

Attest: _____, Clerk
 Nelson County Board of Supervisors

EXPLANATION OF BUDGET AMENDMENT

- I. The **School Fund Appropriation** reflects an appropriation request by the Nelson County School Board for **\$170,000** for previously approved capital improvement projects. Attached is a full explanation provided by Shannon Irvin. The funds are reflected in the School Fund as a transfer from the General Fund.
- II. The **Transfer of Funds** reflects within the Capital Fund a transfer to the General Fund for purposes of School capital improvements (**\$170,000**). In accordance with accounting rules, the funding from the Capital Fund cannot be directly transferred to the School Fund, but rather must be first transferred to the General Fund, then to the School Fund.
- III. The **Appropriation of Funds** reflects within the General Fund a transfer to the School Fund for purposes of School capital improvements (**\$170,000**). The source of funding is a transfer in from the Capital Fund.

From: [Steve Carter](#)
To: [orchards187@gmail.com](#); [Connie Brennan](#); [Constance Brennan](#); [harveyasc@gmail.com](#); "Tommy Harvey"; [Allen Hale \(super@buteobooks.com\)](#); [Larrya5819@aol.com](#)
Cc: [Jean Payne](#); [Debbie McCann](#); [Candy McGarry](#); [Sara Turner](#)
Subject: 2014 General Re-Assessment of Real Property (Real Estate)
Date: Friday, October 25, 2013 1:31:23 PM
Attachments: [SKMBT_C55213102413230.pdf](#)
[SKMBT_C55213102513010.pdf](#)

Good afternoon,

Wampler-Eanes has completed the 2014 General Re-Assessment of Real Estate (subject to ensuing Assessor's Hearings, Certifying the 2014 Assessment to the County and, thereafter, Board of Equalization Hearings).

The above attachments are:

1. A "Summary" of the change in valuations for the various categories of property classes that Wampler-Eanes has assessed. The overall reduction in Real Estate Values (subject to the above noted hearings, which will unlikely significantly change the current reduction(s) is eighteen percent (18%). While not the outcome is negative and will present challenges, nevertheless, it is not the approximate 29% that was reported for the failed 2012 General Re-Assessment.
2. The Assessor's Notice that is included in the 2014 Real Estate Assessment that is being mailed (today, 10-25) to all property owners. The notice provides input to property owners on the schedule for conduct of the Assessor's Hearings (two business weeks beginning on November 11th and continuing through November 22)

Staff will develop an impact analysis pertinent to the outcome(s) of the 2014 Gen. Re-Assessment but cannot presently provide a definitive date when this analysis will be completed (the goal is as soon as possible but a specific date is not, as noted, determined at present).

As noted, the assessment notices are being mailed to property owner's today. It is anticipated that the 2014 General Re-Assessment will be certified to the County by Wampler-Eanes prior to the December 10, 2014 Board of Supervisors meeting. As such, staff has scheduled Mr. (Gary) Eanes to attend the 12-10 BOS meeting to report to the Board on the re-assessment

Next steps for staff, including the above noted analysis, will be working with the Board to establish the local Board of Equalization, which is then appointed by the Circuit Court, training of the BoE by the VA Department of Taxation, meeting with Mr. Eanes, and scheduling the BoE hearings, etc.

Staff has also discussed placing an advertisement in the Nelson County Times to reiterate to property owners that the 2014 re-assessment has been completed, notices sent, hearing dates, established, etc. A final decision on this will be made on 10-28 to provide for drafting and placement of the public notice.

Please advise if you have questions or comments on the information provided herewith.

Thanks very much.

Steve

Stephen A. Carter
Nelson County Administrator
P. O. Box 136
84 Courthouse Square
Lovingston, VA 22949
Ph. (434) 263-7001
Fx. (434) 263-7004

From: copier@nelsoncounty.org [mailto:copier@nelsoncounty.org]

Sent: Thursday, October 24, 2013 1:24 PM

To: Steve Carter

Subject: Message from KMBT_C552

Area 001

*** SUMMARY ***

Start: 14:15:51 1 1 1

End: 14:20:53 NOT MAPPED 556

Property Class	Number of Parcels	Certified Value Total	Calculated Value Total	% Change
Agricultural	2547	L: 880461300 B: 247541000 T: 1128002300	721776100 224424400 946200500	-18 % -9 % -16 %
Mineral	0	L: 0 B: 0 T: 0	0 0 0	% % %
Industrial	0	L: 0 B: 0 T: 0	0 0 0	% % %
Commercial	293	L: 31125490 B: 86276910 T: 117402400	29859200 94023300 123882500	-4 % 9 % 6 %
Residential	12978	L: 845847700 B: 1537720200 T: 2383567900	597520200 1304238800 1901759000	-29 % -15 % -20 %
Multifamily	36	L: 3533800 B: 7039400 T: 10573200	3022900 6697400 9720300	-14 % -5 % -8 %
Forest	0	L: 0 B: 0 T: 0	0 0 0	% % %
Recreational	0	L: 0 B: 0 T: 0	0 0 0	% % %
Exempt	0	L: 0 B: 0 T: 0	0 0 0	% % %
Utility	0	L: 0 B: 0 T: 0	0 0 0	% % %
Other	0	L: 0 B: 0 T: 0	0 0 0	% % %
Totals	15854	L: 1760968290 B: 1878577510 T: 3639545800	1352178400 1629383900 2981562300	-23 % -13 % -18 %



BOARD OF SUPERVISORS

THOMAS D. HARVEY
North District

LARRY D. SAUNDERS
South District

ALLEN M. HALE
East District

THOMAS H. BRUGUIERE, JR.
West District

CONSTANCE BRENNAN
Central District

STEPHEN A. CARTER
Administrator

CANDICE W. McGARRY
Administrative Assistant/
Deputy Clerk

DEBRA K. McCANN
Director of Finance and
Human Resources

**RESOLUTION R2013-41
NELSON COUNTY BOARD OF SUPERVISORS
SIX-YEAR ROAD PLAN
AND CONSTRUCTION PRIORITY LIST**

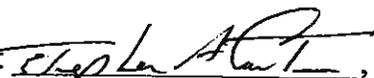
WHEREAS, Sections 33.1-23.1 and 33.1-23.4 of the 1950 Code of Virginia, as amended, provides the opportunity for each county to work with the Virginia Department of Transportation in developing a Secondary Six-Year Road Plan, and

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 (2013/14 through 2018/19) as well as the Construction Priority List (2013/14) on June 11, 2013 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, and

WHEREAS, Don Austin, Virginia Department of Transportation, appeared before the Board and recommended approval of the Six-Year Plan for Secondary Roads (2013/14 through 2018/19) and the Construction Priority List (2013/14) for Nelson County,

NOW, THEREFORE, BE IT RESOLVED that since said Plan appears to be in the best interests of the Secondary Road System in Nelson County and of the citizens residing on the Secondary System, said Secondary Six-Year Plan (2013/14 through 2018/19) and Construction Priority List (2013/14) are hereby approved, as amended as applicable at the public hearing.

Adopted: June 11, 2013

Attest: , Clerk
Nelson County Board of Supervisors

Secondary System
Nelson County
Construction Program
Estimated Allocations

Fund	FY2014	FY2015	FY2016	FY2017	FY2018	FY2019	Total
CTB Formula - Unpaved State	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Formula Secondary State	\$0	\$0	\$0	\$106,819	\$133,424	\$161,375	\$401,618
Secondary Unpaved Roads	\$0	\$0	\$0	\$100,677	\$125,752	\$152,096	\$378,525
TeleFee	\$44,250	\$46,166	\$46,166	\$46,166	\$46,166	\$46,166	\$275,080
Residue Parcel	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total	\$44,250	\$46,166	\$46,166	\$253,662	\$305,342	\$359,637	\$1,055,223

Board Approval Date: 06/11/2013


----- 6/11/13
Director of Program Management Date


----- 6/11/2013
County Administrator Date

District: Lynchburg
 County: Nelson County

Board Approval Date: 06/11/2013

2014-15 through 2018-19

Route PPMS ID Accomplishment Type of Funds Type of Project Priority #	Road Name Project # Description FROM TO Length	Estimated Cost Ad Date	Traffic Count Scope of Work FHWA # Comments
0006 73096 WORK/TASK ORDER STP Minimum Plan 0001.01	RIVER ROAD 0006062282 RTE 6 - INSTALL SIGNS/FLASHING LIGHTS AT RTE 634 0.152 MILE SOUTH OF RTE 634 0.226 MILE NORTH OF RTE 634 0.4	PE \$250,000 RW \$50,000 CN \$100,000 Total \$400,000 6/11/2013	580 Safety 13021 REGULAR CONSTRUCTION
0006 104677 RAAP CONTRACT Minimum Plan 0001.02	ROCKFISH VALLEY HIGHWAY 0006062762 RTE 6/151 - CONSTRUCT LEFT TURN LANE AT RTE 638 0.200 MILE SOUTH OF RTE 638 0.200 MILE NORTH OF RTE 638 0.4	PE \$200,000 RW \$300,000 CN \$1,000,000 Total \$1,500,000	7200 Safety 13021 REGULAR CONSTRUCTION
0151 104676 RAAP CONTRACT Minimum Plan 0001.03	ROCKFISH VALLEY HIGHWAY 0151062763 RTE 6/151 - CONSTRUCT LEFT TURN LANE AT RTE 635 0.200 MILE SOUTH OF RTE 635 WEST 0.200 MILE NORTH OF RTE 635 WEST 0.4	PE \$300,000 RW \$300,000 CN \$900,000 Total \$1,500,000	7200 Safety 13021 REGULAR CONSTRUCTION
0681 73122 STATE FORCES/HIRED EQUIPMENT S NO PLAN,SECONDARY 0002.01	PIGEON HILL ROAD 0681062P01 RTE 681 - RURAL RUSTIC (SURFACE TREAT NON-HARDSURFACE) 0.100 MILE NORTH OF RTE 666 RTE 769 0.5	PE \$16,918 RW \$200 CN \$187,880 Total \$204,998 6/4/2012	110 Resurfacing 16005 UNPAVED CONSTRUCTION CONSTRUCTION COMPLETE
0641 73119 STATE FORCES/HIRED EQUIPMENT S NO PLAN,SECONDARY 0002.02	EADES LANE 0641062P01 RTE 641 - RURAL RUSTIC (SURFACE TREAT NON-HARDSURFACE) 0.200 MILE EAST OF RTE 29 0.440 MILE EAST OF RTE 29 0.2	PE \$6,780 RW \$0 CN \$67,006 Total \$73,786 6/4/2012	60 Resurfacing 16005 UNPAVED CONSTRUCTION CONSTRUCTION COMPLETE
0726 73121 STATE FORCES/HIRED EQUIPMENT S NO PLAN,SECONDARY 0002.03	DONAHUE LANE 0726062P01 RTE 726 - RURAL RUSTIC (SURFACE TREAT NON-HARDSURFACE) RTE 151 DEAD END 0.6	PE \$12,295 RW \$0 CN \$145,557 Total \$157,852 7/23/2012	80 Resurfacing 16005 UNPAVED CONSTRUCTION CONSTRUCTION COMPLETE

District: Lynchburg

County: Nelson County

Board Approval Date: 06/11/2013

2014-15 through 2018-19

Route PPMS ID Accomplishment Type of Funds Type of Project Priority #	Road Name Project # Description FROM TO Length	Estimated Cost Ad Date	Traffic Count Scope of Work FHWA # Comments
0662 73115 STATE FORCES/HIRED EQUIPMENT S NO PLAN,SECONDARY 0002.04	S POWELLS ISLAND 0662062P01 RTE 662 - RURAL RUSTIC (SURFACE TREAT NON-HARDSURFACE) RTE 739 0.640 MILE NORTH OF ROUTE 739 0.6	PE \$15,000 RW \$0 CN \$175,597 Total \$190,597 6/15/2013	60 Resurfacing 16005 UNPAVED CONSTRUCTION
4005 100010 S 0006.01	1204005 COUNTYWIDE ENGINEERING & SURVEY VARIOUS LOCATIONS IN COUNTY VARIOUS LOCATIONS IN COUNTY	PE \$0 RW \$0 CN \$0 Total \$0	0 Preliminary Engineering 16015 MINOR SURVEY & PRELIMINARY ENGINEERING FOR BUDGET ITEMS AND INCIDENTAL TYPE WORK
4008 100319 S 0006.02	1204008 COUNTYWIDE RIGHT OF WAY ENGR. VARIOUS LOCATIONS IN COUNTY VARIOUS LOCATIONS IN COUNTY	PE \$0 RW \$0 CN \$0 Total \$0	0 Right of Way 16016 USE WHEN IMPRACTICAL TO OPEN A PROJECT: ATTORNEY FEES & ACQUISITION COST
4007 99836 S 0006.03	1204007 COUNTYWIDE TRAFFIC SERVICES VARIOUS LOCATIONS IN COUNTY VARIOUS LOCATIONS IN COUNTY	PE \$0 RW \$0 CN \$0 Total \$0	0 Safety 16021 TRAFFIC SERVICES INCLUDE SECONDARY SPEED ZONES, SPEED STUDIES, OTHER NEW SECONDARY SIGNS
4003 99998 S 0006.04	1204003 COUNTYWIDE RURAL ADDITIONS VARIOUS LOCATIONS IN COUNTY VARIOUS LOCATIONS IN COUNTY	PE \$0 RW \$0 CN \$0 Total \$0	0 Reconstruction w/o Added Capacity 16004 RURAL ADDITIONS - SECTION 33.1-72.1. ROLLOVER OF FUNDS CAN BE FOR FIVE YEARS

Secondary System
Nelson County
Construction Program
Estimated Allocations

Fund	FY2015	FY2016	FY2017	FY2018	FY2019	FY2020	Total
CTB Formula - Unpaved State	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Formula Secondary State	\$0	\$0	\$107,000	\$133,000	\$161,000	\$161,000	\$562,000
Secondary Unpaved Roads	\$0	\$0	\$101,000	\$126,000	\$152,000	\$152,000	\$531,000
TeleFee	\$46,000	\$46,000	\$46,000	\$46,000	\$46,000	\$46,000	\$276,000
Residue Parcel	\$0	\$0	\$0	\$0	\$0	\$0	\$0
STP Converted from IM	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Federal STP - Bond Match	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Formula STP	\$0	\$0	\$0	\$0	\$0	\$0	\$0
MG Formula	\$0	\$0	\$0	\$0	\$0	\$0	\$0
BR Formula	\$0	\$0	\$0	\$0	\$0	\$0	\$0
State Funds	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Federal STP	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total	\$46,000	\$46,000	\$254,000	\$305,000	\$359,000	\$359,000	\$1,369,000

Board Approval Date:

Director of Program Management

Date

County Administrator

Date

Candy McGarry

From: Boochie64@aol.com
Sent: Monday, February 11, 2013 8:13 PM
To: Candy McGarry
Subject: (no subject)

Ms.Mcgarry,
I would like to submit the below "letter to the board".
Thank You,
Maria Pope
974 Carter-Hill Rd.
Roseland, Va 22967

Please Consider Carter-Hill Road for Surface Treatment!

We on Carter-Hill have waited for years to get our road paved. Finally, one day few years ago we saw in the newspaper we were due for surface treatment. We were very happy. So, as time went by nothing happen. So we continue to call about the pot holes, the ditches, the dust, ripples that shake your car out of line and numerous other problems.

I have thought about how much money that could be saved just by surface treating the road. Since the article in the paper, Parrish lane below us has been done, and just recently Pigeon Hill Road. We have hear every excuse but to no avail. We would like to know how did Pigeon Hill Road get done before us? I have asked what needs to be done for us to get on the list?

I know we have enough traffic, the road is wide enough. We just need your approval to get it done. We at Carter-Hill have waited long enough. Please don't put us off again. We have been in the 6 year plan for over 9 years. It's time, we don't need the whole road done. We would like from the part that is paved below at Billy Hills to the Mount Pleasant Church. Please let me know when the next meeting for residents to attend so we can have a voice. Not just this letter.

Nelson County**Stormwater Management Program****Policies and Procedures**

Nelson County adopted a local stormwater management program to protect the general health, safety, and welfare of the citizens of the County and protect the quality and quantity of state waters from the potential harm of unmanaged stormwater, including protection from a land disturbing activity causing unreasonable degradation of properties, water quality, stream channels, and other natural resources. Therefore, the County adopts the following policies and procedures for the administration and implementation of the County's Stormwater Management (SWM) Program.

Stormwater Management Program - Program Staff

Program Administrator: David Thompson
 Nelson County Building Official
 P.O. Box 558 (80 Front Street)
 Lovingson, VA 22949
 Telephone: 434-263-7080 FAX: 434-263-7086

Plan Reviewer: Thomas Jefferson Soil and Water Conservation District
 706 Forest Street, Suite G
 Charlottesville, VA 22903
 Telephone: 434-975-0224 FAX: 434-975-1367

Inspector: Nelson County or Designated Agent

Enforcement: Nelson County Attorney

Stormwater Management (SWM) Program - Program Administration

Stormwater Management Plan Submission

Procedure: The Applicant, or designated agent, shall submit four (4) hard copies and one (1) digital copy, if possible, of the SWM plan to the Program Administrator for review and approval prior to beginning land disturbance on the proposed project site. The Applicant shall submit a completed County's *Application for Stormwater Management Permit Coverage Form* and a completed, signed *Stormwater Management Plan Completeness Review Checklist* with the submission of the SWM plan.

Procedure: The Program Administrator, or designated County staff, shall enter the date the SWM plan is received into the County's records tracking program within seven (7) business days of receiving the plan.

Policy: Upon the submission of the SWM plan, the Applicant, or designated agent, shall pay fifty percent (50%) of the locality portion of the SWM fee, per Table 1 in the County's SWM Permit Fee Schedule, to the County Treasurer. The timeline for SWM plan completeness review does not begin until the fee is paid. The Applicant shall complete and submit the *Stormwater Management Permit Fee Form* with the fee payment and the submission of the SWM plan.

Procedure: The Program Administrator, or designated County staff, shall enter the date the Applicant pays the required 50% of the SWM fee into the County's records tracking program within seven (7) business days of receiving the fee payment.

Policy: The Program Administrator shall deliver the submitted SWM plan to the Plan Reviewer within one (1) business day of receipt of the SWM plan.

Procedure: The Program Administrator, or designated staff, shall enter the date the SWM plan is delivered to the Plan Reviewer into the County's tracking program within seven (7) business days of SWM plan submittal to the Plan Reviewer.

VSMP Registration: E-Permitting

Policy: The Applicant, or designated agent, shall initiate the Commonwealth's E-Permitting process upon the submission of the SWM plan. The timeline for SWM plan completeness review does not begin until the E-Permitting process is initiated.

Procedure: The Program Administrator, or designated County staff, shall enter the date the Applicant initiates the E-Permitting process into the County's records tracking program within seven (7) business days of the Applicant or designated agent submitting the SWM plan.

Procedure: The Applicant, or designated agent, will monitor and complete the steps, as needed, in the E-Permitting system to obtain General Permit Coverage for the proposed project. The required steps include the payment of the Commonwealth's 28% of the applicable fee per Table

1 of the County's SWM Permit Fee Schedule. This payment is made prior to the issuance of permit coverage, but after County approval of the SWM plan.

Policy: The Program Administrator, or designated County staff, will monitor and complete the steps, as needed, in the E-Permitting system to allow the Applicant to obtain General Permit Coverage for the proposed project. The required steps include entering the date of SWM plan approval into E-Permitting system.

Procedure: The Program Administrator, or designated County staff, shall enter the County's required data into the E-Permitting process within five (5) business days of plan approval and other County required actions.

Performance Bonds

Policy: The Applicant, or designated agent, shall submit to the Program Administrator a performance bond, or other acceptable form of surety, sufficient to cover the construction (implementation) costs associated with the approved SWM Best Management Practices (BMPs) for the proposed project. The bond must be paid after SWM plan approval and before the issuance of local permit coverage. The Applicant shall also complete and submit the County's performance guarantee (*Stormwater Management Performance Bond Form, Stormwater Management Cash Escrow Form, Stormwater Management Letter of Credit Form*) with the submission and payment of the performance bond.

Procedure: The Program Administrator, or designated County staff, shall enter the date the performance bond, or other acceptable form of surety, is submitted to the County into the County's records tracking program within seven (7) business days of receiving the performance bond, or other acceptable form of surety.

Procedure: The performance bond, or other acceptable surety, will be returned to the Applicant upon completion of the SWM BMPs, submission of the as-built surveys and drawings for the SWM BMPs, and County approval of permit termination per the timelines established in the County's SWM Ordinance.

Procedure: The Program Administrator, or designated County staff, shall enter the date the performance bond, or other acceptable surety, is returned to the Applicant into the County's records tracking program within seven (7) business days of the performance bond, or other acceptable surety, return to the Applicant.

Procedure: The County will utilize the performance bond, if needed, to address corrective issues with the approved SWM BMPs, if the applicant fails to properly install the approved SWM BMPs. SWM inspections, which identify needed corrective measures to the SWM BMP, will be utilized in the expenditure of the performance bond.

Local Permit Issuance

Policy: The County will issue the local SWM permit once the SWM plan has been approved; the appropriate local and state permitting fees paid; the appropriate performance bond is paid; and the E-Permitting process has been completed.

Procedure: The Program Administrator, or designated County staff, shall enter the date the local SWM permit is issued into the County's records tracking program within seven (7) business days of permit issuance.

Policy: The Applicant shall not begin land disturbance on the proposed project until the County has issued local stormwater management permit coverage.

Stormwater Management (SWM) Program - Plan Review

SWM Plan Completeness Review

Policy: The Plan Reviewer will review the submitted SWM plan for completeness within fifteen (15) calendar days from the date the SWM plan is received by the Program Administrator. The completeness of the plan will be determined in accordance with 4VAC50-60-55.B of the Virginia Stormwater Management Permit Program regulations.

Procedure: The Plan Reviewer will document completeness of the SWM plan or identify missing items that need to be addressed in the SWM plan utilizing the County's *Stormwater Management Plan Completeness Review Checklist*.

Policy: The Plan Reviewer will notify the Applicant, or designated agent, of the decision regarding the completeness of the submitted SWM plan within fifteen (15) calendar days of SWM plan submission.

Policy: If the Plan Reviewer does not review and determine the completeness of the submitted SWM plan within fifteen (15) calendar days of SWM plan submission, the SWM plan will be deemed complete.

Procedure: If the SWM plan is determined to be not complete, the Applicant, or designated agent, will be notified in writing, or through email, the reasons for the SWM plan not being complete.

Procedure: If the SWM plan is determined to be complete, the Applicant, or designated agent, will be notified in writing, or through email, that the SWM plan is complete and the SWM plan will be reviewed.

Procedure: The Plan Reviewer shall enter the date the SWM plan was determined complete or not complete into the County's records tracking program within seven (7) business days of completeness review.

SWM Plan Review

Policy: The Plan Reviewer will review the complete SWM plan within forty-five (45) calendar days from the date the SWM plan was deemed complete. If the Plan Reviewer exceeds the forty-five (45) calendar days for plan review, the plan shall be deemed approved.

Policy: A condition of plan approval is that all stormwater management best management practices, except for those on individual residential lots, are required to have legally enforceable long-term maintenance agreements. The maintenance agreements shall be submitted with the proposed SWM plan for review and approval.

Procedure: The Plan Reviewer will complete the County's *Stormwater Management Plan Review Checklist* to document the deficiencies of the SWM plan and identify additional information needed. If the complete SWM plan cannot be approved, the Applicant, or designated agent, will be notified in writing, or through email, of the reasons that the plan cannot be approved.

Procedure: The Plan Reviewer will complete the County's *Stormwater Management Plan Review Checklist* to document satisfactory conditions of the SWM plan. If the SWM plan can be approved, the Applicant, or designated agent, will be notified in writing, or through email, that the SWM plan is approved.

Procedure: The Plan Reviewer shall enter the date the SWM plan was approved or not approved into the County's records tracking program within seven (7) business days of plan review.

Policy: Upon SWM plan approval, the Applicant will pay the remaining fifty percent (50%) of the locality portion of the SWM fee per Table 1 in the County's SWM Permit Fee Schedule. The Applicant shall complete and submit the *Stormwater Management Permit Fee Form* with the fee payment. The Applicant should complete and submit a copy of the initial fee form, if available, to provide proof of the initial fee payment at plan submission.

Procedure: The Program Administrator, or designated County staff, shall enter the date the Applicant pays the remainder 50% of the locality portion of the SWM fee into the County's records tracking program within seven (7) business days of fee payment.

Stormwater Management (SWM) Program - Inspections

SWM Inspections

Policy: The permitted land disturbing activity will be inspected at least three (3) times during project implementation. The inspections will be as follows: at the beginning of land disturbance; at the initial installation of each approved SWM best management practice; and at project completion.

Policy: The Inspector will provide a written inspection report for each SWM inspection completed. The Inspector will complete the appropriate County inspection form (*Stormwater Management Project SWPPP or Stormwater Management Project Site Inspection Form*) to document site conditions and to provide a written report of site inspection.

Procedure: The inspector should complete the County's *Stormwater Management Project SWPPP Inspection Form* to document the first inspection of the project and the *Stormwater Management Project Site Inspection Form* to document the remaining project inspections. The Inspector may elect to complete both forms during the first inspection.

Procedure: The Inspector shall enter the date of site inspection into the County's records tracking program within seven (7) business days of site inspection.

Policy: The Inspector will provide a signed copy of the *Stormwater Management Project SWPPP Inspection Form* or *Stormwater Management Project Site Inspection Form* to the operator of the permitted land disturbing activity.

Procedure: The County's *Stormwater Management Project SWPPP Inspection Form* or *Stormwater Management Project Site Inspection Form* will be used to identify any deficiencies with approved SWM plan implementation and provide a timeline for the implementation of corrective measures.

SWM Re-inspections

Procedure: If corrective measures are required, the Inspector will re-inspect the land disturbing activity within three (3) business days of the completion deadline for corrective measures.

Procedure: The Inspector shall enter the re-inspection date into the County's records tracking program within seven (7) business days of the re-inspection date.

Policy: The Inspector will provide a written re-inspection report for each SWM re-inspection completed. The Inspector will complete the County's *Stormwater Management Project SWPPP Inspection Form* or *Stormwater Management Project Site Inspection Form*, as applicable, to document site conditions and to provide a written re-inspection report.

Policy: The Inspector will provide a signed copy of the County's *Stormwater Management Project SWPPP Inspection Form* or *Stormwater Management Project Site Inspection Form*, as applicable, to the operator of the permitted land disturbing activity.

Procedure: The re-inspection report will identify any corrective measures that have not been completed and provide a new timeline for the implementation of the corrective measures. Depending on the severity of non-compliance with the corrective action, the inspector may move forward with additional enforcement action.

Stormwater Management (SWM) Program – Enforcement

Policy: For qualifying projects identified not to have SWM permit coverage, the Program Administrator will utilize one of the following: 1.) *Notice of Stormwater Management Permit Requirement Form*, 2.) *Stormwater Management Project Stop Work Order Form*, 3.) *Stormwater Management Project Stop Work Order Form* and initiate enforcement options and will send the completed form to the identified property owner. The Program Administrator shall send the completed form via certified mail to the property owner within three (3) business days of project being identified. The completed form may also be posted on the identified site in addition to or as an alternative to being sent by certified mail.

Procedure: The Inspector shall enter the date the *Notice of Stormwater Management Permit Requirement Form* was sent to the property owner and/or posted on-site into the County's records tracking program within seven (7) business days of sending the notice of permit requirement.

Policy: If the *Notice of Stormwater Management Permit Requirement Form* has been sent to the property owner and/or posted on-site and the property owner has not responded within seven (7) calendar days of receipt by certified mail, the Program Administrator will complete and send, by certified mail, the *Stormwater Management Project Stop Work Order Form* to the property owner. The Program Administrator shall send the *Stormwater Management Project Stop Work Order Form* within one (1) business day of the expiration of the 7 calendar day deadline for property owner response.

Procedure: The Inspector shall enter the date the *Stormwater Management Project Stop Work Order Form* was sent to the property owner and/or posted on-site into the County's records tracking program within seven (7) business days of sending the *Stop Work Order Form*.

Policy: Enforcement action, per the County's SWM Ordinance, will be initiated on a permitted project after a third consecutive re-inspection report requiring repeat corrective measures to bring the permitted project into compliance with the approved stormwater management plan. However, enforcement action may be initiated after the initial site visit if County staff determines that significant environmental impacts are being created by the land disturbing project.

Stormwater Management (SWM) Program - Long-term Inspections and Maintenance for Best Management Practices (BMPS)

Policy: All SWM BMPs, except for SWM BMPs on individual residential lots, are required to have legally enforceable long-term maintenance agreements. The maintenance agreement will be reviewed and approved by the Program Administrator, or designated County staff, during the complete SWM plan review and approval process.

Procedure: The Program Administrator, or designated County staff, shall enter the date the required SWM BMP long-term maintenance agreement was approved into the County's records tracking program within seven (7) business days of the approval date of the long-term maintenance agreement.

Policy: The Applicant will provide as-built drawings, appropriately sealed and signed by a professional registered in the Commonwealth of Virginia pursuant to Article 1 of Chapter 4 of Title 54.1 as required, for all SWM BMPs requiring long-term maintenance agreements prior to local permit and general permit termination. The professional that signs and seals the as-built drawings is certifying that the stormwater management facility has been constructed in accordance with the approved plan.

Policy: The as-built drawings of the SWM BMP will be submitted no later than thirty (30) calendar days from the date of SWM BMP completion.

Procedure: The Program Administrator, or designated County staff, shall enter the date the as-built drawings of the SWM BMP was received into the County's records tracking program within seven (7) business days of receiving the as-built drawings.

Policy: The owner of a SWM BMP which has a long-term maintenance agreement will submit a third party inspection report with-in one (1) year of SWM BMP completion and every five (5) years after the initial inspection report.

Procedure: The Program Administrator, or designated County staff, shall enter the date the third party inspection report was received into the County's records tracking program within seven (7) business days of receiving the third party inspection report.

Policy: The owner of the SWM BMP shall perform all maintenance, if maintenance needs are identified in the inspection report, per the recorded maintenance agreement. The owner will provide a record of the maintenance performed to the County within seven (7) business days of performing the required maintenance.

Policy: If the owner of the SWM BMP does not provide proof of performing the required maintenance, enforcement action per the County's Stormwater Management Ordinance and the BMP long-term maintenance agreement shall be taken by the County.

Procedure: The Program Administrator, or designated County staff, shall enter the date the required SWM BMP maintenance was completed into the County's records tracking program within seven (7) business days from receipt of the report documenting completed maintenance.

Permit Modifications

Procedure: If a permit modification is requested, the Applicant, or designated agent, shall complete and submit a revised copy of the County's *Application for Stormwater Management Permit Coverage Form* to the Program Administrator.

Policy: Upon the submission of the revised *Application for Stormwater Management Permit Coverage Form*, the Applicant, or designated agent, shall pay the permit modification fee, per Table 2 in the County's SWM Permit Fee Structure, and 100% of the permit fee increase (new permit fee minus the original permit fee) if applicable, to the County Treasurer. The timeline for modification approval does not begin until the fee is paid. The Applicant shall complete and submit the *Stormwater Management Permit Fee Form* with the fee payment and the submission of the revised application form.

Procedure: The Program Administrator, or designated County staff, shall enter the date the revised *Application for Stormwater Management Permit Coverage Form* is received into the County's records tracking program within seven (7) business days of receiving the revised application form.

Procedure: The Program Administrator, or designated County staff, shall enter the date the Applicant pays the required modification fee and the applicable increase in permit fee, into the County's records tracking program within seven (7) business days of receiving the fee payment.

Administrative Change to Permit

Procedure: If a permit modification is requested, that has no change to the original amount of land disturbed, the Applicant, or designated agent, shall complete and submit a revised copy of the County's *Application for Stormwater Management Permit Coverage Form* to the Program Administrator.

Policy: The Program Administrator, or designated County staff, shall complete the review of the permit modification request within two (2) business days after the Applicant, or designated agent, has paid the applicable permit modification fee and increase in permit fee, if applicable.

Procedure: If the permit modification request cannot be approved, the Applicant, or designated agent, will be notified in writing, or through email, of the reasons that the modification request cannot be approved. The applicant will be notified within seven (7) business days of the completion of permit modification review.

Procedure: If the permit modification request can be approved, the Applicant, or designated agent, will be notified in writing, or through email, that the permit modification is approved. The applicant will be notified within seven (7) business days of the completion of permit modification review.

Revised SWM Plan Required

Procedure: If a permit modification is requested, that requires a revision to the approved SWM Plan, the Applicant, or designated agent, shall submit four (4) hard copies and one (1) digital copy, if possible, of the revised SWM plan to the Program Administrator for review and approval prior to beginning land disturbance on the modified project site. The Applicant shall submit a completed County's *Application for Stormwater Management Permit Coverage Form* and a completed, signed *Stormwater Management Plan Completeness Review Checklist* with the submission of the revised SWM plan

Procedure: The County's policies and procedures for SWM Plan review and approval will be followed in the review of the revised SWM plan per the requested permit modification.

Permit Maintenance Fees

Policy: The Applicant, or designated agent, shall pay the required permit maintenance fee, per Table 3 in the County's SWM Permit Fee Structure, on the anniversary date of permit coverage each year the project remains active until the project has been terminated. The Applicant shall complete and submit the *Stormwater Management Permit Fee Form* with the maintenance fee payment.

Procedure: The Program Administrator, or designated County staff, shall notify the Applicant, or designated agent, of a permitted project of the requirement to pay the permit maintenance fee on the anniversary date of permit coverage. The notification shall be written and sent to the Applicant, or designated agent, by certified mail thirty (30) business days prior to the anniversary date of permit coverage.

Policy: If the Applicant, or designated agent, does not pay the permit maintenance fee on or by the due date or within seven (7) business days after the due date, the Program Administrator, or designated County staff, shall initiate enforcement action against the operator. The enforcement action may be the issuance of a Stop Work Order or other applicable options provided for in the County's SWM Ordinance.

Procedure: The Program Administrator, or designated County staff, shall enter the date the permit maintenance fee notification was sent by certified mail into the County's records tracking program within seven (7) business day of mailing.

Procedure: The Program Administrator, or designated County staff, shall enter the date the permit maintenance fee notification was received by the Applicant, or designated agent, into the County's records tracking program within seven (7) business day of receipt by certified mail.

Procedure: The Program Administrator, or designated County staff, shall enter the date the permit maintenance fee was paid into the County's records tracking program within seven (7) business day of receiving payment of the permit maintenance fee.

Procedure: The Program Administrator, or designated County staff, shall enter the date that enforcement action was initiated to obtain permit maintenance fee payment into the County's records tracking program within seven (7) business day of initiating enforcement action.

Stormwater Management Permit Termination

Policy: The Operator, or designated agent, shall terminate the project's stormwater management permit coverage at the completion of the project. The County's *Stormwater Management Permit Termination Checklist* shall be completed and submitted to the Program Administrator for review and approval to obtain termination of permit coverage.

Policy: The Program Administrator, or designated County Staff, will review the submitted *Stormwater Management Permit Termination Checklist* and inspect the permitted project within ten (10) business days from the date the form was received to determine if permit coverage should be terminated. The Program Administrator, or designated County staff, will complete the County's section of the submitted *Stormwater Management Permit Termination Checklist* to document satisfactory project completion in accordance with the SWM Plan and requirements of the County's SWM Ordinance.

Procedure: The Program Administrator, or designated County staff, shall enter the date that the *Stormwater Management Permit Termination Checklist* was received into the County's records tracking program within seven (7) business days of form receipt.

Procedure: If the Program Administrator, or designated County staff, determines that permit termination cannot be approved, the Applicant will be notified in writing, or through email, of the reasons that permit coverage cannot be terminated. The Applicant will be notified within seven (7) business days of the completion of permit termination review.

Procedure: If the Program Administrator, or designated County staff, determines that permit termination can be approved, the Applicant will be notified in writing, or through email, that permit coverage for the project has been terminated. The Applicant will be notified within seven (7) business days of the completion of permit termination review.

Procedure: The Program Administrator, or designated County staff, shall enter the date that permit termination was approved or not approved into the County's records tracking program within seven (7) business days of permit termination review.

**AN ORDINANCE TO ADOPT REGULATIONS RELATED TO
STORMWATER MANAGEMENT IN ORDER TO PROTECT WATER QUALITY AND
QUANTITY AND TO COMPLY WITH STATE LAW REQUIREMENTS**

Section 1-1. PURPOSE AND AUTHORITY.

- (a) The purpose of this Ordinance is to ensure the general health, safety, and welfare of the citizens of Nelson County, Virginia and protect the quality and quantity of state waters from the potential harm of unmanaged stormwater, including protection from land disturbing activities causing unreasonable degradation of properties, water quality, stream channels, and other natural resources, and to establish procedures whereby stormwater requirements related to water quality and quantity shall be administered and enforced.
- (b) This Ordinance is adopted pursuant to Article 2.3 (§ 62.1-44.15:24 et seq.) of Chapter 3.1 of Title 62.1 of the Code of Virginia.

Section 1-2. DEFINITIONS.

In addition to the definitions set forth in 9VAC25-870-10 of the Virginia Stormwater Management Regulations, as amended, which are expressly adopted and incorporated herein by reference, the following words and terms used in this Ordinance have the following meanings unless otherwise specified herein. Where definitions differ, those incorporated herein shall have precedence.

"*Administrator*" means the Building Official for Nelson County who is authorized to delegate duties and responsibilities set forth in this Ordinance to qualified technical personnel, plan examiners, inspectors, and other employees or third-parties.

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

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

"*Board*" means the Board of Supervisors of Nelson County, Virginia.

"*Common plan of development or sale*" means a contiguous area where separate and distinct construction activities may be taking place at different times on difference schedules.

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

"*Clean Water Act*" or "*CWA*" means the federal Clean Water Act (33 U.S.C §1251 et seq.), formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution

Control Act Amendments of 1972, Public Law 92-500, as amended by Public Law 95-217, Public Law 95-576, Public Law 96-483, and Public Law 97-117, or any subsequent revisions thereto.

"Department" or *"DEQ"* means the Virginia Department of Environmental Quality.

"Development" means land disturbance and the resulting landform associated with the construction of residential, commercial, industrial, institutional, recreation, transportation or utility facilities or structures or the clearing of land for non-agricultural or non-silvicultural purposes.

"District" means the Thomas Jefferson Soil & Water Conservation District.

"General permit" means the state permit titled GENERAL PERMIT FOR DISCHARGES OF STORMWATER FROM CONSTRUCTION ACTIVITIES found in found in 9VAC25-880-1 et seq. of the Regulations authorizing a category of discharges under the CWA and the Act within a geographical area of the Commonwealth of Virginia.

"Land disturbance" or *"land-disturbing activity"* means a man-made change to the land surface that potentially changes its runoff characteristics including clearing, grading, or excavation except that the term shall not include those exemptions specified in Section 1-3 (c) of this Ordinance.

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

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

"Permittee" means the person to whom the Stormwater Management Permit is issued.

"Person" means any individual, corporation, partnership, association, state, municipality, commission, or political subdivision of a state, governmental body, including federal, state, or local entity as applicable, any interstate body or any other legal entity.

"Regulations" means the Virginia Stormwater Management Program (VSMP) Permit Regulations, 9VAC25-870-60, as amended .

"Site" means the land or water area where any facility or land-disturbing activity is physically located or conducted, including adjacent land used or preserved in connection with the facility or land-disturbing activity.

"State" means the Commonwealth of Virginia.

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

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

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

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

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

"*Stormwater management plan*" means a document or compilation of documents containing materials meeting the requirements of Section 1-6 of this Ordinance.

"*Stormwater Pollution Prevention Plan*" or "*SWPPP*" means a document or compilation of documents meeting the requirements of Section 1-5 of this Ordinance, and which include at minimum, an approved erosion and sediment control plan, an approved stormwater management plan, and a pollution prevention plan.

"*Subdivision*" means the same as defined in Appendix B, Section 2 of the Nelson County Subdivision Ordinance.

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

"*Virginia Stormwater Management Act*" or "*Act*" means Article 2.3 (§62.1-44.14:24 et seq.) of Chapter 3.1 of Title 62.1 of the Code of Virginia.

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

"*Virginia Stormwater Management Program*," "*VSMP*," or "*Stormwater Management Program*" means the program established by the County to manage the quality and quantity of runoff resulting from land-disturbing activities in accordance with state law, and which has been approved by the SWCB.

"Virginia Stormwater Management Program authority" or "VSMP authority" means the County.

Section 1-3. STORMWATER PERMIT REQUIREMENT; EXEMPTIONS.

- (a) Except as provided herein, no person may engage in any land-disturbing activity until a Stormwater Management Permit has been issued by the Administrator in accordance with the provisions of this Ordinance.
- (b) Notwithstanding any other provisions of this Ordinance, the following activities are exempt, unless otherwise required by federal law:
 - (1) Permitted surface or deep mining operations and projects, or oil and gas operations and projects conducted under the provisions of Title 45.1 of the Code of Virginia;
 - (2) Clearing of lands specifically for agricultural purposes and the management, tilling, planting, or harvesting of agricultural, horticultural, or forest crops, livestock feedlot operations, or as additionally set forth by the State Board in regulations, including engineering operations as follows: construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage, and land irrigation; however, this exception shall not apply to harvesting of forest crops unless the area on which harvesting occurs is reforested artificially or naturally in accordance with the provisions of Chapter 11 (§ 10.1-1100 et seq.) of Title 10.1 of the Code of Virginia or is converted to bona fide agricultural or improved pasture use as described in Subsection B of § 10.1-1163 of Article 9 of Chapter 11 of Title 10.1 of the Code of Virginia;
 - (3) Single-family residences separately built and disturbing less than one acre and not part of a larger common plan of development or sale, including additions or modifications to existing single-family detached residential structures;
 - (4) Land disturbing activities that disturb less than one acre of land area, and which are not part of a larger common plan of development or sale that is one acre or greater of disturbance;
 - (5) Discharges to a sanitary sewer or a combined sewer system;
 - (6) Activities under a State or federal reclamation program to return an abandoned property to an agricultural or open land use;
 - (7) Routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original construction of the project. The paving of an existing road with a compacted or impervious surface and reestablishment of existing associated ditches and shoulders shall be deemed routine maintenance if performed in accordance with this Subsection; and

- (8) Conducting land-disturbing activities in response to a public emergency where the related work requires immediate authorization to avoid imminent endangerment to human health or the environment. In such situations, the Administrator shall be advised of the disturbance within seven days of commencing the land-disturbing activity and compliance with the requirements of Section 1-8 of this Ordinance is required within 30 days of commencing the land-disturbing activity.

**Section 1-4. STORMWATER MANAGEMENT PROGRAM ESTABLISHED;
SUBMISSION AND APPROVAL OF PLANS; PROHIBITIONS.**

- (a) Pursuant to § § 62.1-44.15:27 of the Code of Virginia, the County hereby establishes a Stormwater Management Program for land-disturbing activities and adopts the applicable Regulations that specify standards and specifications for such programs promulgated by the State Board for the purposes set out in Section 1-1 of this Ordinance. The Board hereby designates the Nelson County Building Official as the Administrator of the Stormwater Management Program. The program and regulations provided for in this Ordinance shall be made available for public inspection at the Administrator's office.
- (b) No stormwater management permit shall be issued by the Administrator, until the following items have been submitted to and approved by the Administrator as prescribed herein:
- (1) A permit application that includes a General permit registration statement which, among other things, certifies that a Stormwater Pollution Prevention Plan (SWPPP) has been prepared in accordance with state law;
 - (2) An erosion and sediment control plan approved in accordance with Chapter 9, Article III of the Nelson County Code, also known as the "Nelson County Erosion & Sediment Ordinance," and;
 - (3) A stormwater management plan that meets the requirements of Section 1-6 of this Ordinance.
- (c) No stormwater management permit shall be issued until evidence of General permit coverage is obtained from DEQ.
- (d) No stormwater management permit shall be issued until the fees required to be paid pursuant to Section 1-15, are received, and a reasonable performance bond required pursuant to Section 1-16 of this Ordinance has been received.
- (e) No stormwater management permit shall be issued unless and until the stormwater management permit application and attendant materials and supporting documentation demonstrate that all land clearing, construction, disturbance, land development and drainage will be done according to the approved stormwater management plan.
- (f) No grading, building or other local permit shall be issued for a property unless a stormwater management permit has been issued by the Administrator, and the Applicant

provides a certification that all land clearing, construction, disturbance, land development and drainage will be done according to the approved permit conditions.

- (g) As a condition of permit approval, a construction record drawing for permanent stormwater management facilities shall be submitted to the Administrator upon completion of construction. The construction record drawing shall be appropriately sealed and signed by a professional registered in the Commonwealth of Virginia, certifying that the stormwater management facilities have been constructed in accordance with the approved plan. Construction record drawings may not be required for stormwater management facilities for which maintenance agreements are not required pursuant to Section 1-10 (b).

Section 1-5. STORMWATER POLLUTION PREVENTION PLAN; CONTENTS OF PLANS.

- (a) The Stormwater Pollution Prevention Plan (SWPPP) that is required to be prepared before a registration statement for General permit coverage may be submitted to DEQ for approval (as referenced in Section 1-4(b)(1)) shall include the content specified by 9VAC25-870-54, 9VAC25-880-70, and any other applicable regulations including, but not limited to i) a stormwater management plan that meets the requirements of this Ordinance, ii) a County-approved Erosion and Sediment Control plan, and 3.) a pollution prevention plan that meets the requirements of 9VAC25-870-56.
- (b) The SWPPP shall be amended by the operator whenever there is a change in design, construction, operation, or maintenance that has a significant effect on the discharge of pollutants to state waters which is not addressed by the existing SWPPP. The SWPPP shall also be amended by the operator, if an inspection reveals that the SWPPP is inadequate to satisfy applicable regulations. All amendments must be approved by the Administrator, as required.
- (c) The SWPPP must be maintained by the operator at a central location onsite. If an onsite location is unavailable, notice of the SWPPP's location must be posted near the main entrance at the construction site.
- (d) Construction activities that are part of a common plan of development and disturb less than one acre may utilize a SWPPP template provided by DEQ and need not provide a separate stormwater management plan if one has been prepared and implemented for the larger development project, to the extent permitted by state law.

Section 1-6. STORMWATER MANAGEMENT PLAN; CONTENTS OF PLAN.

- (a) The Stormwater Management Plan, required in Section 1-4(b)(3) of this Ordinance, must include the following information and must consider all sources of surface and groundwater flows converted to surface runoff:

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

- (b) If an operator intends to meet the water quality and/or quantity requirements set forth in Section 1-7 of this Ordinance through the use of off-site compliance options, where applicable, then a letter of availability from the off-site provider must be included. Approved off-site options must achieve the necessary nutrient reductions prior to the commencement of the applicant's land-disturbing activity except as otherwise allowed by § 62.1-44.15:35 of the Code of Virginia.
- (c) Elements of a stormwater management plan that include activities regulated under Chapter 4 (§54.1-400 et seq.) of Title 54.1 of the Code of Virginia shall be appropriately sealed and signed by a professional registered in the Commonwealth of Virginia pursuant to Article 1 (§ 54.1-400 et seq.) of Chapter 4 of Title 54.1 of the Code of Virginia.

Section 1-7. REVIEW OF STORMWATER MANAGEMENT PLANS.

- (a) The Administrator shall review stormwater management plans and shall approve or disapprove such plans as follows:
 - (1) The Administrator shall determine the completeness of a plan in accordance with Section 1-6 of this Ordinance, and shall notify the applicant, in writing, of such determination, within 15 calendar days of receipt. If the plan is deemed to be incomplete, the above written notification shall contain the reasons the plan is deemed incomplete.
 - (2) The Administrator shall have an additional 60 calendar days from the date of the communication of completeness to review the plan, except that if a determination of completeness is not made within the time prescribed in subdivision (1), then plan shall be deemed complete and the Administrator shall have 60 calendar days from the date of submission to review the plan.
 - (3) The Administrator shall review any plan that has been previously disapproved, within 45 calendar days of the date of resubmission.
 - (4) During the review period, the plan shall be approved or disapproved and the decision communicated in writing to the person responsible for the land-disturbing activity or his designated agent. If the plan is not approved, the reasons for not approving the plan shall be provided in writing. Approval or denial shall be based on the plan's compliance with the requirements of this Ordinance.
 - (5) If a plan meeting all requirements of this Ordinance is submitted and no action is taken within the time provided above in subdivision (2) for review, the plan shall be deemed approved.
- (b) Approved stormwater management plans may be modified as follows:
 - (1) Modifications to an approved stormwater management plan shall be allowed only after review and written approval by the Administrator. The Administrator shall have 60 calendar days to respond in writing either approving or disapproving such request.

- (2) The Administrator may require that an approved stormwater management plan be amended, within a time prescribed by the Administrator, to address any deficiencies noted during inspection.
- (c) The Administrator shall require the submission of a construction record drawing for permanent stormwater management facilities once construction is completed. The Administrator may elect not to require construction record drawings for stormwater management facilities for which recorded maintenance agreements are not required pursuant to Section 1-10 (b).

Section 1-8. TECHNICAL CRITERIA FOR REGULATED LAND DISTURBING ACTIVITIES.

- (a) To protect the quality and quantity of state water from the potential harm of unmanaged stormwater runoff resulting from land-disturbing activities, the County hereby adopts the technical criteria for regulated land-disturbing activities set forth in Part II B of the Regulations, as amended, which shall apply to all land-disturbing activities regulated pursuant to this Ordinance, except as expressly set forth in Subsection (b) of this Section.
- (b) Notwithstanding the foregoing, any land-disturbing activity proposed to occur pursuant to i) a plan of development proffered as part of a condition rezoning and approved by the governing body; ii) any other plan of development or site plan approved by the County, including any plan approved pursuant to a rezoning request, a variance request, or a request for a special use permit; iii) an approved final subdivision plat or iv) an approved preliminary plat where the applicant has diligently pursued final plat approval within a reasonable period of time under the circumstances in accordance with § 15.2-2307 of the *Code of Virginia* was approved by the County prior to July 1, 2012, and for which no coverage under the general permit has been issued prior to July 1, 2014, shall be considered grandfathered and shall not be subject to the technical criteria of Part II B [of the Regulations], but shall be subject to the technical criteria of Part II C [of the Regulations] for those areas that were included in the approval, provided that the Administrator, finds that the following criteria apply:
 - (1) The plat includes conceptual drawing(s) sufficient to provide for the specified stormwater management facilities required at the time of approval;
 - (2) The resulting land-disturbing activity will be compliant with the requirements of Part II C [of the Regulations]; and
 - (3) In the event that the approved plat is subsequently modified or amended in a manner such that there is no increase over the previously approved plat in the amount of phosphorus leaving each point of discharge of the land-disturbing activity through stormwater runoff, and such that there is no increase over the previously approved plat or plan in the volume or rate of runoff, the grandfathering shall continue as before.
- (c) For local, state, and federal projects for which there has been an obligation of local, state, or federal funding, in whole or in part, prior to July 1, 2012, or for which the Virginia

Department of Conservation of Recreation has approved a stormwater management plan prior to July 1, 2012, such projects shall be considered grandfathered by the County and shall be subject to the technical requirements of Part II C of the Regulations for those areas that were included in the approval.

- (d) For land-disturbing activities grandfathered Sections (b) or (c) of this Section, construction must be completed by June 30, 2019, or portions of the project not under construction shall become subject to the technical requirements of Subsection (a) above.
- (e) In cases where governmental bonding or public debt financing has been issued for a project prior to July 1, 2012, such project shall be subject to the technical requirements Part IIC of the Regulations, as adopted by the County in Subsection (b) of this Section.

Section 1-9. EXCEPTIONS TO TECHNICAL CRITERIA.

- (a) In approving a Stormwater Management Plan as set forth in Sec. 1-8 of this Ordinance, the Administrator may grant exceptions to the technical requirements of Part II B or Part II C of the Regulations, provided the Administrator finds the following:
 - (1) The exception is the minimum necessary to afford relief;
 - (2) Reasonable and appropriate conditions are imposed so that the intent of the Act, the Regulations, and this Ordinance are preserved;
 - (3) Granting the exception will not confer any special privileges that are denied in other similar circumstances, and;
 - (4) The exception requests is not based upon conditions or circumstances that are self-imposed or self-created. Economic hardship alone is not sufficient reason to grant an exception from the requirements of this Ordinance.
- (b) Exceptions to the requirement that the land-disturbing activity obtain a required stormwater management permit shall not be given by the Administrator, nor shall the Administrator approve the use of a BMP not found on the Virginia Stormwater BMP Clearinghouse Website, or any other control measure duly approved by the Director of DEQ.
- (c) Exceptions to requirements for phosphorus reductions shall not be allowed unless offsite options otherwise permitted pursuant to 9VAC25-870-69 have been considered and found not available.
- (d) Nothing in this Section shall preclude an operator from constructing to a more stringent standard at the operator's discretion.

Section 1-10. LONG-TERM MAINTENANCE OF PERMANENT STORMWATER FACILITIES.

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

Section 1-11. MONITORING AND INSPECTIONS.

- (a) The Administrator, or the District, shall inspect the land-disturbing activity during construction for:
- (1) Compliance with the approved erosion and sediment control plan;
 - (2) Compliance with the approved stormwater management plan;
 - (3) Development, updating, and implementation of a pollution prevention plan; and
 - (4) Development and implementation of any additional control measures necessary to address any TMDL.

- (b) The Administrator may require monitoring and reports from the permittee to ensure compliance with the Stormwater Management Permit and to determine whether the measures required in the permit provide effective stormwater management.
- (c) The Administrator may, at reasonable times and under reasonable circumstances, enter any building or upon any property, public or private, for the purpose of obtaining information or conducting surveys or investigations necessary in the enforcement of the provisions of this Ordinance.
- (d) In accordance with a performance bond with surety, cash escrow, letter of credit, any combination thereof, or such other legal arrangement or instrument, the Administrator may also enter any building or upon any property, public or private, for the purpose of initiating or maintaining appropriate actions which are required by the permit conditions associated with a land-disturbing activity when a permittee, after proper notice, has failed to take acceptable action within the time specified.
- (e) In accordance with § 62.1-44.15:40 of the Code of Virginia, the Administrator may require every stormwater management permit applicant or permittee, or any such person subject to stormwater management permit requirements under this Ordinance, to furnish when requested such application materials, plans, specifications, and other pertinent information as may be necessary to determine the effect of such person's discharge on the quality of state waters, or such other information as may be necessary to accomplish the purposes of this Ordinance.
- (f) Post-construction inspections of stormwater management facilities required by the provisions of this Ordinance shall be conducted pursuant to the County's adopted and State Board approved inspection program, and shall occur, at minimum at least once every five years except as may otherwise be provided for in Section 1-10. The County may utilize the inspection reports of the Owner if the inspection is conducted by a person who is licensed as a professional engineer, architect, landscape architect, or land surveyor pursuant to Article 1 (§ 54.1-400 et seq.) of Chapter 4 of Title 54.1; a person who works under the direction and oversight of the licensed professional engineer, architect, landscape architect, or land surveyor; or a person who holds an appropriate certificate of competence from the State Board.
- (g) If the Administrator determines that there is a failure to comply with the conditions of a Stormwater Management Permit, notice shall be served upon the permittee or person responsible for carrying out the permit conditions by registered or certified mail to the address specified in the permit application, or by delivery at the site of the development activities to the agent or employee supervising such activities. The notice shall specify the measures needed to comply with the permit conditions and shall specify the time within which such measures shall be completed. Upon failure to comply within the time specified, a stop work order may be issued in accordance with subsection (b) of this Section by the Administrator, or the permit may be revoked. The Administrator may pursue enforcement in accordance with Section 1-14 of this Ordinance.

- (1) If a permittee fails to comply with a notice issued in accordance with subsection (g) above, within the time specified, the Administrator may issue an order requiring the owner, permittee, person responsible for carrying out an approved plan, or the person conducting the land-disturbing activities without an approved plan or required permit to cease all land-disturbing activities until the violation of the permit has ceased, or an approved plan and required permits are obtained, and specified corrective measures have been completed. Such orders shall be issued in accordance with the County's local enforcement procedures, and shall become effective upon service on the person by certified mail, return receipt requested, sent to his address specified in the land records of the locality, or by personal delivery by an agent of the County.
- (2) If the Administrator determines that any such violation is grossly affecting or presents an imminent and substantial danger of causing harmful erosion of lands or sediment deposition in waters within the watersheds of the Commonwealth or otherwise substantially impacting water quality, it may issue, without advance notice or hearing, an emergency order directing such person to cease immediately all land-disturbing activities on the site and shall provide an opportunity for a hearing, after reasonable notice as to the time and place thereof, to such person, to affirm, modify, amend, or cancel such emergency order.
- (3) If a person who has been issued an order is not complying with the terms thereof, the Administrator may institute an injunctive proceeding in accordance with Section 1-14, in addition to any other administrative and/or judicial proceedings initiated.

Section 1-12. HEARINGS

- (a) Any permit applicant or permittee aggrieved by any action of the County taken without a formal hearing, or by inaction of the County, may demand in writing a formal hearing by the Board, or such other local appeals board or designee as may be established by law, provided a petition requesting such hearing is filed with the Administrator within 30 days after notice of such action is given by the Administrator.
- (b) The hearings held under this Section shall be conducted by the Board at a regular or special meeting of the Board or by at least one member of the Board designated by the Chairman to conduct such hearings on behalf of the Board, or by the local appeals body, or the designee at any other time and place authorized.
- (c) A verbatim record and/or a recording of the proceedings of such hearings shall be taken and filed with the Board or the local appeals body or designee. Depositions may be taken and read as in actions at law.
- (d) The Board or its designated member, or the local appeals body, as the case may be, shall have power to issue subpoenas and subpoenas duces tecum, and at the request of any party shall issue such subpoenas. The failure of a witness without legal excuse to appear or to testify or to produce documents shall be acted upon by the local governing body, or its designated member, whose action may include the procurement of an order of enforcement from the circuit court. Witnesses who are subpoenaed shall receive the same fees and reimbursement for mileage as in civil actions.

Section 1-13. APPEALS.

Any permit applicant or permittee who is aggrieved by a permit or enforcement decision of the County, is entitled to judicial review thereof, provided an appeal is filed within 30 days from the date of the decision being appealed.

Section 1-14. ENFORCEMENT.

- (a) Any person who violates any provision of this Ordinance or who fails, neglects or refuses to comply with any order of the County shall be subject to a civil penalty not to exceed \$32,500 for each violation within the discretion of the court. Each day of violation of each requirement shall constitute a separate offense.
- (b) Violations for which a penalty may be imposed under this subsection shall include but not be limited to the following:
 - (1) Failing to have a general permit registration;
 - (2) Failing to prepare a SWPPP;
 - (3) Having an incomplete SWPPP;
 - (4) Not having a SWPPP available for review as required by law;
 - (5) Failing to have an approved erosion and sediment control plan;
 - (6) Failing to install stormwater BMPs or erosion and sediment controls as required by this Ordinance and/or state law;
 - (7) Having stormwater BMPs or erosion and sediment controls improperly installed or maintained;
 - (8) Operational deficiencies;
 - (9) Failure to conduct required inspections, or having incomplete, improper, or missed inspections.
- (c) The County may issue a summons for collection of the civil penalty and the action may be prosecuted in the appropriate circuit court. In imposing a civil penalty pursuant to this subsection, the court may consider the degree of harm caused by the violation and also the economic benefit to the violator from noncompliance.
 - (1) With the consent of any person who has violated or failed, neglected or refused to obey any provision of this Ordinance, any condition of a permit or state permit, any regulation or order of the County, the County may provide, in an order issued against such person, for the payment of civil charges for violations in specific sums, not to

exceed the limit specified in this section. Such civil charges shall be instead of any appropriate civil penalty that could be imposed under this section.

- (2) Any civil charges collected shall be paid to the locality or state treasury pursuant to subsection (d) of this Section.
- (d) Any civil penalties assessed by a court as a result of a summons issued by the County shall be paid into the treasury of the County to be used for the purpose of minimizing, preventing, managing, or mitigating pollution of the waters of the locality and abating environmental pollution therein in such manner as the court may, by order, direct.
- (e) Notwithstanding any other civil or equitable remedy provided by this section, any person who willfully or negligently violates any provision of this Ordinance, any order of the County, any condition of a permit, or any order of a court shall be guilty of a misdemeanor punishable by confinement in jail for not more than 12 months and a fine of not less than \$2,500 nor more than \$32,500, either or both.
- (f) Any person who knowingly violates any provision of this Ordinance, any regulation or order of the VSWCB or the County, any condition of a permit or any order of a court as herein provided, or who knowingly makes any false statement in any form required to be submitted under this chapter or knowingly renders inaccurate any monitoring device or method required to be maintained under this chapter, shall be guilty of a felony punishable by a term of imprisonment of not less than one year nor more than three years, or in the discretion of the jury or the court trying the case without a jury, confinement in jail for not more than 12 months and a fine of not less than \$5,000 nor more than \$50,000 for each violation. Any defendant that is not an individual shall, upon conviction of a violation under this subsection, be sentenced to pay a fine of not less than \$10,000. Each day of violation of each requirement shall constitute a separate offense.
- (g) Any person who knowingly violates any provision of this Ordinance, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily harm, shall, upon conviction, be guilty of a felony punishable by a term of imprisonment of not less than two years nor more than 15 years and a fine of not more than \$250,000, either or both. A defendant that is not an individual shall, upon conviction of a violation under this subsection, be sentenced to pay a fine not exceeding the greater of \$1 million or an amount that is three times the economic benefit realized by the defendant as a result of the offense. The maximum penalty shall be doubled with respect to both fine and imprisonment for any subsequent conviction of the same person under this subsection.
- (h) Any person violating or failing, neglecting, or refusing to obey any rule, regulation, ordinance, order, or any permit condition issued by the Locality or any provisions of this chapter may be compelled in a proceeding instituted in any appropriate court by the Locality to obey same and to comply therewith by injunction, mandamus or other appropriate remedy. 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 as set forth in subsection (a) of this Section.

- (i) In any action to enjoin a violation or a threatened violation of the provision of this Ordinance, the County may apply to the appropriate court in any jurisdiction wherein the land lies and is not required to show that an adequate remedy at law does not exist.

1-15. FEES

- (a) Fees for coverage under the general Permit shall be imposed by the County in accordance with Table 1 of the County's Stormwater Management Fee Schedule. Sites purchased for development within a previously permitted common plan of development or sale shall be subject to fees in accordance with the disturbed acreage of the site or sites according to Table 1.
- (b) Fees for permit modifications (not including minor modifications) or transfer of registration statements from the general Permit shall be imposed in accordance with Table 2 of the County's Stormwater Management Fee Schedule. The fee assessed shall be based on the total disturbed acreage of the site, in accordance with Table 2.
- (c) Fees for annual permit maintenance shall be imposed in accordance with Table 3 of the County's Stormwater Management Fee Schedule, including fees imposed on expired permits that have been administratively continued. The maintenance fees shall apply until the permit coverage is terminated.
 - a. General permit coverage maintenance fees shall be paid annually to the County by the anniversary date of general permit coverage. No permit will be reissued or automatically continued without payment of the required fee. General permit coverage maintenance fees shall be applied until a Notice of Termination is effective.
- (d) No permit application fees will be assessed to:
 - a. Permittees who request minor modifications to permits, however any such permit modification that results in any change to an approved stormwater management plan that requires additional review by the Administrator shall not be exempt pursuant to this section.
 - b. Permittees whose permits are modified or amended at the request of the Department, excluding errors in the registration statement identified by the Administrator or errors related to the acreage of the site.
- (e) All incomplete payments will be deemed as nonpayments, and the applicant shall be notified of any incomplete payments. Interest may be charged for late payments at the underpayment rate set forth in §58.1-15 of the Code of Virginia and is calculated on a monthly basis at the applicable periodic rate. A 10% late payment fee shall be charged to any delinquent (over 90 days past due) account. The County shall be entitled to all remedies available under the Code of Virginia in collecting any past due amount.

- (f) The Stormwater Management Fee Schedule shall be adopted by the Board by Resolution, and may be amended by the Board, from time to time, in the same manner, provided that the amount of fees charged shall conform to state law requirements.
- (g) The Administrator shall not review any stormwater management plan for coverage or modification until the fees required by this Section are paid as required by the County.

1-16. Performance Bond.

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

1-17. Severability.

If any court of competent jurisdiction invalidates any provision of this Ordinance, the remaining provisions shall not be effected and shall continue in full force and effect.

PREPARED FOR:
NELSON COUNTY
P.O. BOX 558
LOVINGSTON, VIRGINIA 22949



DRAFT STAFFING AND FUNDING PLAN: LOCAL STORMWATER MANAGEMENT PROGRAM

MARCH 2013

PREPARED BY:

JOYCE
ENGINEERING

1604 OWNBY LANE
RICHMOND, VIRGINIA 23220
PHONE: 804.355.4520
FAX: 804.355.4282
WWW.JOYCEENGINEERING.COM
JOYCE PROJECT No. 889.1301.01.01

**DRAFT Staffing and Funding Plan
Nelson County Local Stormwater Management Program**

TABLE OF CONTENTS

1.0 INTRODUCTION.....1

2.0 STORMWATER MANAGEMENT PROJECTS.....1

3.0 LOCAL VSMP STAFFING PLAN.....1

 3.1 Staff Time2

 3.2 Staffing Assignments2

4.0 LOCAL VSMP FUNDING PLAN3

5.0 PLAN FOR ADDITIONAL FUNDING.....3

TABLES

Table 1 Projected Projects for Stormwater Management Program

Table 2 Staffing Requirements for Stormwater Management Program

Table 3 2014 Staffing Requirements

Table 4 2015 Staffing Requirements

Table 5 2016 Staffing Requirements

Table 6 2017 Staffing Requirements

Table 7 2018 Staffing Requirements

Table 8 2019 Staffing Requirements

Table 9 Staffing Requirements Summary and FTE (2014-2019)

Table 10 Statewide Fees and Projected Projects for Stormwater Management Program

Table 11 Projected Funding for Stormwater Management Program (2014-2019)

Table 12 Stormwater Management Program Cost (2014-2019)

Table 13 Stormwater Management Program Cost vs. Funding (2014-2019)

1.0 INTRODUCTION

The Department of Conservation and Recreation (DCR) presently administers and implements the Virginia Stormwater Management Program (VSMP) Permit regulations for land disturbing projects throughout the Commonwealth. On July 1, 2014, local governments will become responsible for the administration and implementation of the VSMP for the issuance of coverage under the Construction General Permit. The following project, staffing and funding information has been developed to demonstrate Nelson County can administer and implement the Local VSMP.

2.0 STORMWATER MANAGEMENT PROJECTS

Table 1 provides land disturbance project information for Nelson County for 2007 through 2012 and projected information for 2014 through 2019. The information was developed using data provided by the County for 2007 through 2012. The number of Common Plan of Development projects is based on 364 residential permits (Agreement in Lieu of Plan), disturbing 182 acres (an average of 0.5 acre per permit), for 2007-2012 and the assumption that 90% are in a common plan of development.

The data from the past 6 years provide a history of development trends in Nelson County. Based on this information, an estimate of future development was developed for planning purposes. The projected projects for 2014 through 2019 are also included in Table 1.

3.0 LOCAL VSMP STAFFING PLAN

In the development of the statewide stormwater management fees, DCR provided information to the Technical Advisory Committee (TAC) related to staff times required to implement the VSMP. This information included the time for administrative actions, plan reviews, inspections, and enforcement.

Specifically, the TAC was given the number of hours required for plan review and inspections for land disturbance in the following categories: 1) greater than 2,500 square feet and less than 0.5 acre, 2) greater than or equal to 0.5 acre and less than 1 acre, and 3) greater than and equal to 1 acre. In the final Statewide Permit Fees, a fee was established for the category of less than 1 acre. No fee was established for greater than or equal to 2,500 square feet or for greater than or equal to 0.5 acre but less than or equal to 1 acre.

The majority of Nelson County's projects belonging to "the less than 1 acre of land disturbance" category are covered by an Agreement in Lieu of a Plan. Therefore, the plan review and inspection times for Nelson County's projects in the "less than 1 acre" category should be less than the plan review and inspection times for the "greater than or equal to 1 acre and less than 5 acres" category. Table 2 provides a breakdown by project size for estimated staff times, and includes staff hours for each component of program implementation. The plan review and inspection times for "less than 1 acre" are appropriately reduced.

The information provided to the TAC included 1 hour for determining if the submitted Stormwater Management Plan was administratively complete. This time was additive to plan review and is included in the plan review time in Table 2. Similarly, the information provided to the TAC also included 1 hour of travel time and 1 hour of technical assistance per site visit. As shown in Table 2, the time associated with travel, inspection and staff assistance for the “less than 1 acre” sites are 50% less than the same time associated with the “greater than or equal to 1 acre and less than 5 acres” sites. These times were additive to the inspection times and are included in the inspection times in Table 2.

Local VSMP implementation also requires an identified Program Administrator, possible plan review resubmittals and administrative tracking of long-term maintenance inspections. If the Stormwater Management Plan is deemed incomplete, then additional hours are required for the processing and review of the second Plan submittal. The information provided to the TAC included 1 hour for determining if the resubmitted Stormwater Management Plan was administratively complete and is included in Table 2. Similarly, hours for reviewing the second plan submittal and administrative tracking of long-term inspections are also included in Table 2. The time for second plan review for “less than 1 acre” sites is 50% less than the same time associated with the “greater than or equal to 1 acre and less than 5 acres” sites, since most of the “less than 1 acre” projects are covered by an Agreement in Lieu of a Plan.

The information provided to the TAC did not include the time required to perform long-term inspections in the calculation of the Statewide Fees. However, the information did include an estimate of 75 hours based on one inspection per year at 3 hours per inspection over 25 years. Since long-term inspections are the Owners’ responsibilities, no hours for long-term inspections were included in Table 2.

3.1 Staff Time

Using the number of projected projects from Table 1 and the staff times from Table 2, the staff hours needed to implement the Local VSMP can be calculated. Tables 3 through 8 show the number of hours required for each labor category included in Table 2, based on the anticipated number and sizes of future projects for 2014 through 2019, respectively.

Table 9 summarizes the 2014 through 2019 staffing requirements presented in Tables 3 through 8 and also includes Full Time Equivalents (FTEs) for each position. It should be noted that the yearly FTE for Program Administrator is less than or equal to 0.02, and the yearly FTE for enforcement is generally 0.03.

3.2 Staffing Assignments

Based on the FTEs required for each position, Nelson County is considering adding the Program Administration, Administrative Assistance, and Enforcement responsibilities of the VSMP to the

current responsibilities of the Virginia Erosion and Sediment Control Program (VESCP) Administrator, Administrative Assistant, and County Attorney. Specifically, the Building Code Official will serve as the VSMP Program Administrator, and the Building Inspection Department Administrative Assistant will perform VSMP Administrative Assistance. The County Attorney will be responsible for Enforcement. The County plans to outsource Plan Review responsibilities to the Thomas Jefferson Soil and Water Conservation District (District). The District presently provides Plan Review services for the VESCP. In addition, the County anticipates outsourcing Inspection responsibilities to the District. If the District does not accept the Inspection responsibilities, the County will utilize a third party (consulting firm) inspector.

4.0 LOCAL VSMP FUNDING PLAN

DCR established a Statewide Permit Fee for land disturbing projects based on the amount of disturbed area. The fee was established to cover the costs associated with stormwater management program implementation. The fee is split between the Local VSMP authority (78%) and DCR (28%). The fees are shown in Table 10. Table 10 also repeats the information concerning projected stormwater management projects that was included in Table 1.

As shown in Table 11, Nelson County's portion of the Statewide Fee can be applied to the proposed projects for 2014 through 2019 to calculate the funding available to implement the program. Utilizing the staff compensation provided in Table 12 and the needed FTEs provided in Table 9, a yearly and total program cost can be calculated for 2014 through 2019. These annual costs are also included in Table 12.

As presented in Table 13, the total fees collected to fund implementation of the Local VSMP implementation for 2014 and 2015 equal \$34,654. The total staffing costs for the Local VSMP implementation for 2014 and 2015 equal \$98,298. Therefore, the program costs for 2014 and 2015 exceed program funding by \$63,344 (or \$31,822 annually).

Additional program costs may exist, such as staff training, computers, software, equipment, and vehicles. These costs will be evaluated prior to submission of the final Staffing and Funding Plan to DCR.

5.0 PLAN FOR ADDITIONAL FUNDING

The County's VESCP, which has a staff of three, is funded through permitting fees and the General Fund. Similarly, the County intends to use resources from the General Fund to subsidize the Local VSMP. In addition, the County staff expects that permit applicants will request assistance with entering data into the E-Permitting system. During the first two years of VSMP implementation, the County anticipates all permit applicants to request assistance. As time progresses, the County anticipates the permit applicants for Common Plan of Development projects will continue to request E-Permitting assistance. Therefore, the County is currently considering charging a fee for E-Permitting assistance.

TABLES

Table 1
Projected Projects for Stormwater Management Program
Nelson County, Virginia

IV A

JOYCE Project Thomas Jefferson SWCD
 JOYCE Project No. 889.1301.01.01
 Date: March 5, 2013

Land Disturbance Project Information (2007 - 2012)

Disturbed Area (acres)	2007	2008	2009	2010	2011	2012
≥ 1 < 5	10	5	5	4	3	2
≥ 5 < 10	1	0	0	0	1	1
≥ 10 < 50	4	1	1	0	0	1
≥ 50 < 100	0	0	0	0	0	0
≥ 100	0	0	0	0	0	0
Common Plan < 1	55	56	56	55	57	55

Projected Stormwater Management Projects (2014 - 2019)

Disturbed Area (acres)	2014	2015	2016	2017	2018	2019
≥ 1 < 5	3	3	4	4	5	5
≥ 5 < 10	0	0	1	1	1	1
≥ 10 < 50	0	0	1	1	1	2
≥ 50 < 100	0	0	0	0	0	0
≥ 100	0	0	0	0	0	0
Common Plan < 1	55	55	55	56	56	57

Table 2
Staffing Requirements for Stormwater Management Program
Nelson County, Virginia

IV A

JOYCE Project Thomas Jefferson SWCD
 JOYCE Project No. 889.1301.01.01
 Date: March 5, 2013

Staff Hours for SWM Program Implementation

Land Disturbance (acres)	Admin. Assistance (hours)	Plan Review (hours)	SWPPP Review (hours)	Inspection (hours)	Enforcement (hours)
< 1	1	6	0.6	1.5	1
≥ 1 < 5	1	11	1.4	3.8	1
≥ 5 < 10	1	16	1.8	4.7	1
≥ 10 < 50	1	26	2.3	5.5	1
≥ 50 < 100	1	41	2.8	7	1
≥ 100	1	41	2.8	7	1

Additional Staff Hours for SWM Program Implementation

Land Disturbance (acres)	2nd Admin. Assistance (hours)	Program Administration (hours)	Long-term Admin. Assistance (hours)	2nd Plan Review (hours)
< 1	1	0.5	0.5	3
≥ 1 < 5	1	0.5	0.5	6
≥ 5 < 10	1	0.5	0.5	8.5
≥ 10 < 50	1	0.5	0.5	13.5
≥ 50 < 100	1	0.5	0.5	21
≥ 100	1	0.5	0.5	21

Table 3
2014 Staffing Requirements
Nelson County, Virginia

IV A

JOYCE Project Thomas Jefferson SWCD
 JOYCE Project No. 889.1301.01.01
 Date: March 5, 2013

Administrative Assistant

Disturbed Area (acres)	2014 Projects	Additive Hours per Project*	Subtotal Hours
≥ 1 < 5	3	2	6
≥ 5 < 10	0	2	0
≥ 10 < 50	0	2	0
≥ 50 < 100	0	2	0
≥ 100	0	2	0
Common Plan < 1	55	2	110
Total Hours			116

* Admin. Assistance + 2nd Admin. Assistance Hours

Program Administrator

Disturbed Area (acres)	2014 Projects	Hours per Project	Subtotal Hours
≥ 1 < 5	3	0.5	1.5
≥ 5 < 10	0	0.5	0
≥ 10 < 50	0	0.5	0
≥ 50 < 100	0	0.5	0
≥ 100	0	0.5	0
Common Plan < 1	55	0.5	27.5
Total Hours			29

Plan Review

Disturbed Area (acres)	2014 Projects	Hours per Project	Subtotal Hours
≥ 1 < 5	3	11	33
≥ 5 < 10	0	16	0
≥ 10 < 50	0	26	0
≥ 50 < 100	0	41	0
≥ 100	0	41	0
Common Plan < 1	55	6	330
Total Hours			363

**Table 3
2014 Staffing Requirements
Nelson County, Virginia**

2nd Plan Review

Disturbed Area (acres)	2014 Projects	Hours per Project	Subtotal Hours
≥ 1 < 5	3	6	18
≥ 5 < 10	0	8.5	0
≥ 10 < 50	0	13.5	0
≥ 50 < 100	0	21	0
≥ 100	0	21	0
Common Plan < 1	55	3	165
Total Hours			183

SWPPP Review

Disturbed Area (acres)	2014 Projects	Hours per Project	Subtotal Hours
≥ 1 < 5	3	1.4	4.2
≥ 5 < 10	0	1.8	0
≥ 10 < 50	0	2.3	0
≥ 50 < 100	0	2.8	0
≥ 100	0	2.8	0
Common Plan < 1	55	0.6	33
Total Hours			37.2

Inspections*

Disturbed Area (acres)	2014 Projects	Hours per Project	Subtotal Hours
≥ 1 < 5	3	11.4	34.2
≥ 5 < 10	0	14.1	0
≥ 10 < 50	0	16.5	0
≥ 50 < 100	0	21	0
≥ 100	0	21	0
Common Plan < 1	55	4.5	247.5
Total Hours			281.7

*Assumes 3 per project per DCR

Enforcement

Disturbed Area (acres)	2014 Projects	Hours per Project	Subtotal Hours
≥ 1 < 5	3	1	3
≥ 5 < 10	0	1	0
≥ 10 < 50	0	1	0
≥ 50 < 100	0	1	0
≥ 100	0	1	0
Common Plan < 1	55	1	55
Total Hours			58

Table 3
2014 Staffing Requirements
Nelson County, Virginia

IV A

Longterm BMP Inspections Administrative Assistance

Disturbed Area (acres)	2014 Projects	Hours per Project	Subtotal Hours
≥ 1 < 5	3	0.5	1.5
≥ 5 < 10	0	0.5	0
≥ 10 < 50	0	0.5	0
≥ 50 < 100	0	0.5	0
≥ 100	0	0.5	0
Common Plan < 1	55	0.5	27.5
Total Hours			29

Table 4
2015 Staffing Requirements
Nelson County, Virginia

IV A

JOYCE Project Thomas Jefferson SWCD
 JOYCE Project No. 889.1301.01.01
 Date: March 5, 2013

Administrative Assistant

Disturbed Area (acres)	2015 Projects	Additive Hours per Project*	Subtotal Hours
≥ 1 < 5	3	2	6
≥ 5 < 10	0	2	0
≥ 10 < 50	0	2	0
≥ 50 < 100	0	2	0
≥ 100	0	2	0
Common Plan < 1	55	2	110
Total Hours			116

* Admin. Assistance + 2nd Admin. Assistance Hours

Program Administrator

Disturbed Area (acres)	2015 Projects	Hours per Project	Subtotal Hours
≥ 1 < 5	3	0.5	1.5
≥ 5 < 10	0	0.5	0
≥ 10 < 50	0	0.5	0
≥ 50 < 100	0	0.5	0
≥ 100	0	0.5	0
Common Plan < 1	55	0.5	27.5
Total Hours			29

Plan Review

Disturbed Area (acres)	2015 Projects	Hours per Project	Subtotal Hours
≥ 1 < 5	3	11	33
≥ 5 < 10	0	16	0
≥ 10 < 50	0	26	0
≥ 50 < 100	0	41	0
≥ 100	0	41	0
Common Plan < 1	55	6	330
Total Hours			363

**Table 4
2015 Staffing Requirements
Nelson County, Virginia**

2nd Plan Review

Disturbed Area (acres)	2015 Projects	Hours per Project	Subtotal Hours
≥ 1 < 5	3	6	18
≥ 5 < 10	0	8.5	0
≥ 10 < 50	0	13.5	0
≥ 50 < 100	0	21	0
≥ 100	0	21	0
Common Plan < 1	55	3	165
Total Hours			183

SWPPP Review

Disturbed Area (acres)	2015 Projects	Hours per Project	Subtotal Hours
≥ 1 < 5	3	1.4	4.2
≥ 5 < 10	0	1.8	0
≥ 10 < 50	0	2.3	0
≥ 50 < 100	0	2.8	0
≥ 100	0	2.8	0
Common Plan < 1	55	0.6	33
Total Hours			37.2

Inspections*

Disturbed Area (acres)	2015 Projects	Hours per Project	Subtotal Hours
≥ 1 < 5	3	11.4	34.2
≥ 5 < 10	0	14.1	0
≥ 10 < 50	0	16.5	0
≥ 50 < 100	0	21	0
≥ 100	0	21	0
Common Plan < 1	55	4.5	247.5
Total Hours			281.7

*Assumes 3 per project per DCR

Enforcement

Disturbed Area (acres)	2015 Projects	Hours per Project	Subtotal Hours
≥ 1 < 5	3	1	3
≥ 5 < 10	0	1	0
≥ 10 < 50	0	1	0
≥ 50 < 100	0	1	0
≥ 100	0	1	0
Common Plan < 1	55	1	55
Total Hours			58

Table 4
2015 Staffing Requirements
Nelson County, Virginia

Longterm BMP Inspections Administrative Assistance

Disturbed Area (acres)	2015 Projects	Hours per Project	Subtotal Hours
≥ 1 < 5	3	0.5	1.5
≥ 5 < 10	0	0.5	0
≥ 10 < 50	0	0.5	0
≥ 50 < 100	0	0.5	0
≥ 100	0	0.5	0
Common Plan < 1	55	0.5	27.5
		Total Hours	29

Table 5
2016 Staffing Requirements
Nelson County, Virginia

IV A

JOYCE Project Thomas Jefferson SWCD
 JOYCE Project No. 889.1301.01.01
 Date: March 5, 2013

Administrative Assistant

Disturbed Area (acres)	2016 Projects	Additive Hours per Project*	Subtotal Hours
≥ 1 < 5	4	2	8
≥ 5 < 10	1	2	2
≥ 10 < 50	1	2	2
≥ 50 < 100	0	2	0
≥ 100	0	2	0
Common Plan < 1	55	2	110
Total Hours			122

* Admin. Assistance + 2nd Admin. Assistance Hours

Program Administrator

Disturbed Area (acres)	2016 Projects	Hours per Project	Subtotal Hours
≥ 1 < 5	4	0.5	2
≥ 5 < 10	1	0.5	0.5
≥ 10 < 50	1	0.5	0.5
≥ 50 < 100	0	0.5	0
≥ 100	0	0.5	0
Common Plan < 1	55	0.5	27.5
Total Hours			30.5

Plan Review

Disturbed Area (acres)	2016 Projects	Hours per Project	Subtotal Hours
≥ 1 < 5	4	11	44
≥ 5 < 10	1	16	16
≥ 10 < 50	1	26	26
≥ 50 < 100	0	41	0
≥ 100	0	41	0
Common Plan < 1	55	6	330
Total Hours			416

Table 5
2016 Staffing Requirements
Nelson County, Virginia

2nd Plan Review

Disturbed Area (acres)	2016 Projects	Hours per Project	Subtotal Hours
≥ 1 < 5	4	6	24
≥ 5 < 10	1	8.5	8.5
≥ 10 < 50	1	13.5	13.5
≥ 50 < 100	0	21	0
≥ 100	0	21	0
Common Plan < 1	55	3	165
Total Hours			211

SWPPP Review

Disturbed Area (acres)	2016 Projects	Hours per Project	Subtotal Hours
≥ 1 < 5	4	1.4	5.6
≥ 5 < 10	1	1.8	1.8
≥ 10 < 50	1	2.3	2.3
≥ 50 < 100	0	2.8	0
≥ 100	0	2.8	0
Common Plan < 1	55	0.6	33
Total Hours			42.7

Inspections*

Disturbed Area (acres)	2016 Projects	Hours per Project	Subtotal Hours
≥ 1 < 5	4	11.4	45.6
≥ 5 < 10	1	14.1	14.1
≥ 10 < 50	1	16.5	16.5
≥ 50 < 100	0	21	0
≥ 100	0	21	0
Common Plan < 1	55	4.5	247.5
Total Hours			323.7

*Assumes 3 per project per DCR

Enforcement

Disturbed Area (acres)	2016 Projects	Hours per Project	Subtotal Hours
≥ 1 < 5	4	1	4
≥ 5 < 10	1	1	1
≥ 10 < 50	1	1	1
≥ 50 < 100	0	1	0
≥ 100	0	1	0
Common Plan < 1	55	1	55
Total Hours			61

Table 5
2016 Staffing Requirements
Nelson County, Virginia

IV A

Longterm BMP Inspections Administrative Assistance

Disturbed Area (acres)	2016 Projects	Hours per Project	Subtotal Hours
≥ 1 < 5	4	0.5	2
≥ 5 < 10	1	0.5	0.5
≥ 10 < 50	1	0.5	0.5
≥ 50 < 100	0	0.5	0
≥ 100	0	0.5	0
Common Plan < 1	55	0.5	27.5
		Total Hours	30.5

Table 6
2017 Staffing Requirements
Nelson County, Virginia

IV A

JOYCE Project Thomas Jefferson SWCD
 JOYCE Project No. 889.1301.01.01
 Date: March 5, 2013

Administrative Assistant

Disturbed Area (acres)	2017 Projects	Additive Hours per Project*	Subtotal Hours
≥ 1 < 5	4	2	8
≥ 5 < 10	1	2	2
≥ 10 < 50	1	2	2
≥ 50 < 100	0	2	0
≥ 100	0	2	0
Common Plan < 1	56	2	112
Total Hours			124

* Admin. Assistance + 2nd Admin. Assistance Hours

Program Administrator

Disturbed Area (acres)	2017 Projects	Hours per Project	Subtotal Hours
≥ 1 < 5	4	0.5	2
≥ 5 < 10	1	0.5	0.5
≥ 10 < 50	1	0.5	0.5
≥ 50 < 100	0	0.5	0
≥ 100	0	0.5	0
Common Plan < 1	56	0.5	28
Total Hours			31

Plan Review

Disturbed Area (acres)	2017 Projects	Hours per Project	Subtotal Hours
≥ 1 < 5	4	11	44
≥ 5 < 10	1	16	16
≥ 10 < 50	1	26	26
≥ 50 < 100	0	41	0
≥ 100	0	41	0
Common Plan < 1	56	6	336
Total Hours			422

**Table 6
2017 Staffing Requirements
Nelson County, Virginia**

2nd Plan Review

Disturbed Area (acres)	2017 Projects	Hours per Project	Subtotal Hours
≥ 1 < 5	4	6	24
≥ 5 < 10	1	8.5	8.5
≥ 10 < 50	1	13.5	13.5
≥ 50 < 100	0	21	0
≥ 100	0	21	0
Common Plan < 1	56	3	168
Total Hours			214

SWPPP Review

Disturbed Area (acres)	2017 Projects	Hours per Project	Subtotal Hours
≥ 1 < 5	4	1.4	5.6
≥ 5 < 10	1	1.8	1.8
≥ 10 < 50	1	2.3	2.3
≥ 50 < 100	0	2.8	0
≥ 100	0	2.8	0
Common Plan < 1	56	0.6	33.6
Total Hours			43.3

Inspections*

Disturbed Area (acres)	2017 Projects	Hours per Project	Subtotal Hours
≥ 1 < 5	4	11.4	45.6
≥ 5 < 10	1	14.1	14.1
≥ 10 < 50	1	16.5	16.5
≥ 50 < 100	0	21	0
≥ 100	0	21	0
Common Plan < 1	56	4.5	252
Total Hours			328.2

*Assumes 3 per project per DCR

Enforcement

Disturbed Area (acres)	2017 Projects	Hours per Project	Subtotal Hours
≥ 1 < 5	4	1	4
≥ 5 < 10	1	1	1
≥ 10 < 50	1	1	1
≥ 50 < 100	0	1	0
≥ 100	0	1	0
Common Plan < 1	56	1	56
Total Hours			62

Table 6
2017 Staffing Requirements
Nelson County, Virginia

IV A

Longterm BMP Inspections Administrative Assistance

Disturbed Area (acres)	2017 Projects	Hours per Project	Subtotal Hours
≥ 1 < 5	4	0.5	2
≥ 5 < 10	1	0.5	0.5
≥ 10 < 50	1	0.5	0.5
≥ 50 < 100	0	0.5	0
≥ 100	0	0.5	0
Common Plan < 1	56	0.5	28
		Total Hours	31

Table 7
2018 Staffing Requirements
Nelson County, Virginia

IV A

JOYCE Project Thomas Jefferson SWCD
 JOYCE Project No. 889.1301.01.01
 Date: March 5, 2013

Administrative Assistant

Disturbed Area (acres)	2018 Projects	Additive Hours per Project*	Subtotal Hours
≥ 1 < 5	5	2	10
≥ 5 < 10	1	2	2
≥ 10 < 50	1	2	2
≥ 50 < 100	0	2	0
≥ 100	0	2	0
Common Plan < 1	56	2	112
Total Hours			126

* Admin. Assistance + 2nd Admin. Assistance Hours

Program Administrator

Disturbed Area (acres)	2018 Projects	Hours per Project	Subtotal Hours
≥ 1 < 5	5	0.5	2.5
≥ 5 < 10	1	0.5	0.5
≥ 10 < 50	1	0.5	0.5
≥ 50 < 100	0	0.5	0
≥ 100	0	0.5	0
Common Plan < 1	56	0.5	28
Total Hours			31.5

Plan Review

Disturbed Area (acres)	2018 Projects	Hours per Project	Subtotal Hours
≥ 1 < 5	5	11	55
≥ 5 < 10	1	16	16
≥ 10 < 50	1	26	26
≥ 50 < 100	0	41	0
≥ 100	0	41	0
Common Plan < 1	56	6	336
Total Hours			433

**Table 7
2018 Staffing Requirements
Nelson County, Virginia**

2nd Plan Review

Disturbed Area (acres)	2018 Projects	Hours per Project	Subtotal Hours
≥ 1 < 5	5	6	30
≥ 5 < 10	1	8.5	8.5
≥ 10 < 50	1	13.5	13.5
≥ 50 < 100	0	21	0
≥ 100	0	21	0
Common Plan < 1	56	3	168
Total Hours			220

SWPPP Review

Disturbed Area (acres)	2018 Projects	Hours per Project	Subtotal Hours
≥ 1 < 5	5	1.4	7
≥ 5 < 10	1	1.8	1.8
≥ 10 < 50	1	2.3	2.3
≥ 50 < 100	0	2.8	0
≥ 100	0	2.8	0
Common Plan < 1	56	0.6	33.6
Total Hours			44.7

Inspections*

Disturbed Area (acres)	2018 Projects	Hours per Project	Subtotal Hours
≥ 1 < 5	5	11.4	57
≥ 5 < 10	1	14.1	14.1
≥ 10 < 50	1	16.5	16.5
≥ 50 < 100	0	21	0
≥ 100	0	21	0
Common Plan < 1	56	4.5	252
Total Hours			339.6

*Assumes 3 per project per DCR

Enforcement

Disturbed Area (acres)	2018 Projects	Hours per Project	Subtotal Hours
≥ 1 < 5	5	1	5
≥ 5 < 10	1	1	1
≥ 10 < 50	1	1	1
≥ 50 < 100	0	1	0
≥ 100	0	1	0
Common Plan < 1	56	1	56
Total Hours			63

Table 7
2018 Staffing Requirements
Nelson County, Virginia

Longterm BMP Inspections Administrative Assistance

Disturbed Area (acres)	2018 Projects	Hours per Project	Subtotal Hours
≥ 1 < 5	5	0.5	2.5
≥ 5 < 10	1	0.5	0.5
≥ 10 < 50	1	0.5	0.5
≥ 50 < 100	0	0.5	0
≥ 100	0	0.5	0
Common Plan < 1	56	0.5	28
		Total Hours	31.5

Table 8
2019 Staffing Requirements
Nelson County, Virginia

JOYCE Project Thomas Jefferson SWCD
 JOYCE Project No. 889.1301.01.01
 Date: March 5, 2013

Administrative Assistant

Disturbed Area (acres)	2019 Projects	Additive Hours per Project*	Subtotal Hours
≥ 1 < 5	5	2	10
≥ 5 < 10	1	2	2
≥ 10 < 50	2	2	4
≥ 50 < 100	0	2	0
≥ 100	0	2	0
Common Plan < 1	57	2	114
Total Hours			130

* Admin. Assistance + 2nd Admin. Assistance Hours

Program Administrator

Disturbed Area (acres)	2019 Projects	Hours per Project	Subtotal Hours
≥ 1 < 5	5	0.5	2.5
≥ 5 < 10	1	0.5	0.5
≥ 10 < 50	2	0.5	1
≥ 50 < 100	0	0.5	0
≥ 100	0	0.5	0
Common Plan < 1	57	0.5	28.5
Total Hours			32.5

Plan Review

Disturbed Area (acres)	2019 Projects	Hours per Project	Subtotal Hours
≥ 1 < 5	5	11	55
≥ 5 < 10	1	16	16
≥ 10 < 50	2	26	52
≥ 50 < 100	0	41	0
≥ 100	0	41	0
Common Plan < 1	57	6	342
Total Hours			465

Table 8
2019 Staffing Requirements
Nelson County, Virginia

2nd Plan Review

Disturbed Area (acres)	2019 Projects	Hours per Project	Subtotal Hours
≥ 1 < 5	5	6	30
≥ 5 < 10	1	8.5	8.5
≥ 10 < 50	2	13.5	27
≥ 50 < 100	0	21	0
≥ 100	0	21	0
Common Plan < 1	57	3	171
Total Hours			236.5

SWPPP Review

Disturbed Area (acres)	2019 Projects	Hours per Project	Subtotal Hours
≥ 1 < 5	5	1.4	7
≥ 5 < 10	1	1.8	1.8
≥ 10 < 50	2	2.3	4.6
≥ 50 < 100	0	2.8	0
≥ 100	0	2.8	0
Common Plan < 1	57	0.6	34.2
Total Hours			47.6

Inspections*

Disturbed Area (acres)	2019 Projects	Hours per Project	Subtotal Hours
≥ 1 < 5	5	11.4	57
≥ 5 < 10	1	14.1	14.1
≥ 10 < 50	2	16.5	33
≥ 50 < 100	0	21	0
≥ 100	0	21	0
Common Plan < 1	57	4.5	256.5
Total Hours			360.6

*Assumes 3 per project per DCR

Enforcement

Disturbed Area (acres)	2019 Projects	Hours per Project	Subtotal Hours
≥ 1 < 5	5	1	5
≥ 5 < 10	1	1	1
≥ 10 < 50	2	1	2
≥ 50 < 100	0	1	0
≥ 100	0	1	0
Common Plan < 1	57	1	57
Total Hours			65

Table 8
2019 Staffing Requirements
Nelson County, Virginia

Longterm BMP Inspections Administrative Assistance

Disturbed Area (acres)	2019 Projects	Hours per Project	Subtotal Hours
≥ 1 < 5	5	0.5	2.5
≥ 5 < 10	1	0.5	0.5
≥ 10 < 50	2	0.5	1
≥ 50 < 100	0	0.5	0
≥ 100	0	0.5	0
Common Plan < 1	57	0.5	28.5
Total Hours			32.5

Table 9
Staffing Requirements Summary and FTE (2014 - 2019)
Nelson County, Virginia

2017 Staffing Summary and FTE

Staff Position	Total Staff Hours	Staff (FTE)
Administrative Assistance*	155	0.07
Program Administrator	31	0.01
Plan Review**	679.3	0.33
Inspector	328.2	0.16
Enforcement	62	0.03

*Admin Assistant + Long-term BMP Inspections Admin Assistance

**Plan Review + SWPPP Review + 2nd Plan Review

2018 Staffing Summary and FTE

Staff Position	Total Staff Hours	Staff (FTE)
Administrative Assistance*	157.5	0.08
Program Administrator	31.5	0.02
Plan Review**	697.7	0.34
Inspector	339.6	0.16
Enforcement	63	0.03

*Admin Assistant + Long-term BMP Inspections Admin Assistance

**Plan Review + SWPPP Review + 2nd Plan Review

2019 Staffing Summary and FTE

Staff Position	Total Staff Hours	Staff (FTE)
Administrative Assistance*	162.5	0.08
Program Administrator	32.5	0.02
Plan Review**	749.1	0.36
Inspector	360.6	0.17
Enforcement	65	0.03

*Admin Assistant + Long-term BMP Inspections Admin Assistance

**Plan Review + SWPPP Review + 2nd Plan Review

Staff FTE per Position (2014 - 2019)

Staff Position	Staff (FTE)
Administrative Assistance*	0.44
Program Administrator	0.09
Plan Review**	1.90
Inspector	0.92
Enforcement	0.18

*Admin Assistant + Long-term BMP Inspections Admin Assistance

**Plan Review + SWPPP Review + 2nd Plan Review

Table 10
Statewide Fees and Projected Projects for Stormwater Management Program
Nelson County, Virginia

IV A

JOYCE Project Thomas Jefferson SWCD
 JOYCE Project No. 889.1301.01.01
 Date: March 5, 2013

Statewide VSMP Permit Fees

Disturbed Area (acres)	Statewide Fee	Locality Fee (72%)	DCR Fee (28%)
≥ 1 < 5	\$2,700	\$1,944	\$756
≥ 5 < 10	\$3,400	\$2,448	\$952
≥ 10 < 50	\$4,500	\$3,240	\$1,260
≥ 50 < 100	\$6,100	\$4,392	\$1,708
≥ 100	\$9,600	\$6,912	\$2,688
Common Plan < 1	\$290	\$209	\$81

Land Disturbance Project Information (2007 - 2012)

Disturbed Area (acres)	2007	2008	2009	2010	2011	2012
≥ 1 < 5	10	5	5	4	3	2
≥ 5 < 10	1	0	0	0	1	1
≥ 10 < 50	4	1	1	0	0	1
≥ 50 < 100	0	0	0	0	0	0
≥ 100	0	0	0	0	0	0
Common Plan < 1	55	56	56	55	57	55

Projected Stormwater Management Projects (2014 - 2019)

Disturbed Area (acres)	2014	2015	2016	2017	2018	2019
≥ 1 < 5	3	3	4	4	5	5
≥ 5 < 10	0	0	1	1	1	1
≥ 10 < 50	0	0	1	1	1	2
≥ 50 < 100	0	0	0	0	0	0
≥ 100	0	0	0	0	0	0
Common Plan < 1	55	55	55	56	56	57

Table 11
Projected Funding for Stormwater Management Program (2014 - 2019)
Nelson County, Virginia

JOYCE Project Thomas Jefferson SWCD
 JOYCE Project No. 889.1301.01.01
 Date: March 5, 2013

2014 Projected Funding

Land Disturbance (acres)	No. of Projects	Locality Fee	Locality SWM Revenue
< 1	55	\$209	\$11,495
≥ 1 < 5	3	\$1,944	\$5,832
≥ 5 < 10	0	\$2,448	\$0
≥ 10 < 50	0	\$3,240	\$0
≥ 50 < 100	0	\$4,392	\$0
≥ 100	0	\$6,912	\$0
Total Funding			\$17,327

2015 Projected Funding

Land Disturbance (acres)	No. of Projects	Locality Fee	Locality SWM Revenue
< 1	55	\$209	\$11,495
≥ 1 < 5	3	\$1,944	\$5,832
≥ 5 < 10	0	\$2,448	\$0
≥ 10 < 50	0	\$3,240	\$0
≥ 50 < 100	0	\$4,392	\$0
≥ 100	0	\$6,912	\$0
Total Funding			\$17,327

2016 Projected Funding

Land Disturbance (acres)	No. of Projects	Locality Fee	Locality SWM Revenue
< 1	55	\$209	\$11,495
≥ 1 < 5	4	\$1,944	\$7,776
≥ 5 < 10	1	\$2,448	\$2,448
≥ 10 < 50	1	\$3,240	\$3,240
≥ 50 < 100	0	\$4,392	\$0
≥ 100	0	\$6,912	\$0
Total Funding			\$24,959

Table 11
Projected Funding for Stormwater Management Program (2014 - 2019)
Nelson County, Virginia

2017 Projected Funding

Land Disturbance (acres)	No. of Projects	Locality Fee	Locality SWM Revenue
< 1	56	\$209	\$11,704
≥ 1 < 5	4	\$1,944	\$7,776
≥ 5 < 10	1	\$2,448	\$2,448
≥ 10 < 50	1	\$3,240	\$3,240
≥ 50 < 100	0	\$4,392	\$0
≥ 100	0	\$6,912	\$0
Total Funding			\$25,168

2018 Projected Funding

Land Disturbance (acres)	No. of Projects	Locality Fee	Locality SWM Revenue
< 1	56	\$209	\$11,704
≥ 1 < 5	5	\$1,944	\$9,720
≥ 5 < 10	1	\$2,448	\$2,448
≥ 10 < 50	1	\$3,240	\$3,240
≥ 50 < 100	0	\$4,392	\$0
≥ 100	0	\$6,912	\$0
Total Funding			\$27,112

2019 Projected Funding

Land Disturbance (acres)	No. of Projects	Locality Fee	Locality SWM Revenue
< 1	57	\$209	\$11,913
≥ 1 < 5	5	\$1,944	\$9,720
≥ 5 < 10	1	\$2,448	\$2,448
≥ 10 < 50	2	\$3,240	\$6,480
≥ 50 < 100	0	\$4,392	\$0
≥ 100	0	\$6,912	\$0
Total Funding			\$30,561

Table 12
Stormwater Management Program Cost (2014 - 2019)
Nelson County, Virginia

2016 Program Cost

Staff Position	Hourly Compensation	Total Hours	SWM Program Costs
Administrative Assistant	\$27.37	152.5	\$4,174
Program Administrator	\$42.64	30.5	\$1,300
Plan Reviewer	\$38.50	669.7	\$25,783
Inspector	\$35.11	323.7	\$11,366
Enforcement	\$200.00	61	\$12,200
Total Cost			\$54,823

2017 Program Cost

Staff Position	Hourly Compensation	Total Hours	SWM Program Costs
Administrative Assistant	\$27.37	155	\$4,242
Program Administrator	\$42.64	31	\$1,322
Plan Reviewer	\$38.50	679.3	\$26,153
Inspector	\$35.11	328.2	\$11,524
Enforcement	\$200.00	62	\$12,400
Total Cost			\$55,641

2018 Program Cost

Staff Position	Hourly Compensation	Total Hours	SWM Program Costs
Administrative Assistant	\$27.37	157.5	\$4,310
Program Administrator	\$42.64	31.5	\$1,343
Plan Reviewer	\$38.50	697.7	\$26,861
Inspector	\$35.11	339.6	\$11,924
Enforcement	\$200.00	63	\$12,600
Total Cost			\$57,039

2019 Program Cost

Staff Position	Hourly Compensation	Total Hours	SWM Program Costs
Administrative Assistant	\$27.37	162.5	\$4,447
Program Administrator	\$42.64	32.5	\$1,386
Plan Reviewer	\$38.50	749.1	\$28,840
Inspector	\$35.11	360.6	\$12,661
Enforcement	\$200.00	65	\$13,000
Total Cost			\$60,335

Table 13
Stormwater Management Program Cost vs. Funding (2014 - 2019)
Nelson County, Virginia

IV A

JOYCE Project Thomas Jefferson SWCD
JOYCE Project No. 889.1301.01.01
Date: March 5, 2013

Program Cost vs. Funding

Year	Funding from Fees	Program Cost	Delta
2014	\$17,327.00	\$49,149	-\$31,822
2015	\$17,327.00	\$49,149	-\$31,822
2016	\$24,959.00	\$54,823	-\$29,864
2017	\$25,168.00	\$55,641	-\$30,473
2018	\$27,112.00	\$57,039	-\$29,927
2019	\$30,561.00	\$60,335	-\$29,774

MEMORANDUM OF UNDERSTANDING
between
THE COUNTY OF NELSON
and the
THOMAS JEFFERSON SOIL & WATER CONSERVATION DISTRICT

This Memorandum of Understanding is made and entered into the _____ day of _____, 2013, by and between the County of Nelson (County) and the Thomas Jefferson Soil & Water Conservation District (TJSWCD).

The County and the TJSWCD, recognizing the need for a close working relationship to ensure the effective administration of Nelson County's Stormwater Ordinance and the Virginia Stormwater Management (VSMP) Program, enter into this Memorandum of Understanding (MOU). This MOU relates exclusively to the regulations according to the Virginia Stormwater Management Program and registering for the "General permit" with the Department of Environmental Quality. "General permit" is defined in the Nelson County Stormwater Ordinance. The Virginia Stormwater Management Permit includes the "General permit" coverage and must be issued by DEQ prior to any permits authorizing development or construction. Nelson County is the Program Authority and its designated representative defined as the "Administrator" in the Nelson County Stormwater Ordinance.

THE TJSWCD AGREES TO:

1. Serve as the Plan Review and Approval Agency for Nelson County Stormwater Management plans for projects within Nelson County. The TJSWCD will provide electronic copies of all correspondence related to approval or disapproval of plans submitted. Upon approval of a plan, the TJSWCD will forward the approved plans and other required documents to the "Administrator".
2. Schedule and conduct pre-construction conferences with the developer and contractor for each development project.
3. Conduct VSMP inspections, and provide follow-up correspondence and documentation to the Program Administrator for Nelson County. Assist the Program Administrator with formal Notices to Comply, provide regularly scheduled state-mandated inspections, follow-up inspections to repeal a Notice to Comply or Stop Work Orders, notify the Program Administrator of all results of site inspections, including the final stabilization inspection for bond release, assist with the required information to terminate the permit with DEQ and assist the locality to obtain a final engineered as built site plan of all stormwater management improvements and the required long term maintenance agreements and inspection arrangements.
4. Review periodic monitoring reports submitted by the developer or the RLD.
5. Work with developers, the RLD and the Program Authority both in the field and by correspondence to revise the storm water management plans, if necessary, to achieve the best practices for the site and any modifications required to terminate the permit with DEQ.
6. Assist the Program authority in maintaining all inspection correspondence and reports on file indefinitely.
7. Keep the County informed of the status of projects through a schedule agreed upon between the TJSWCD and the Program Administrator for Nelson County.

8. Report all violations, with the potential of required legal action, in writing to the Program Authority.
9. If requested, accompany a representative of the Program Authority to provide technical assistance regarding enforcement actions on active projects.
10. Meet with the Program Authority and Department of Environmental Quality (DEQ) to discuss any problems or concerns with the Nelson County Stormwater Management Program and procedures.
11. Investigate Stormwater management complaints on active projects.
12. Provide a written annual report/update to the Nelson County Board of Supervisors regarding issues related to the Nelson County Program.
13. Perform all plan reviews and inspections with consistent intent of compliance with the regulations adopted in the Nelson County Stormwater Management Ordinance most recently adopted by the Nelson County Board of Supervisors.
14. Provide supervision and up-to-date training for staff to maintain state-mandated certifications in plan reviews and inspections.

THE COUNTY AGREES TO:

1. The County will administer the VSMP though the requirements of the Nelson County Stormwater Ordinance. The "Administrator" will provide for DEQ "General permit" registration coverage, bonding, permit processing and long-term storage of documents. The Program Authority will collect all fees and project bond arrangements, provide program administration, advise the applicant of uncompleted items & deficiencies, track the VSMP permit application process, provide assistance for permit registration to DEQ, notify TJSWCD and the applicant when a permit is issued authorizing the scope of the work to begin
2. Provide funding (in quarterly payments in accordance with program cost estimates in the Staffing Funding Plan, Table 12, prepared by Joyce Engineering, March 2013 as negotiated annually) for the TJSWCD, to accept the responsibility of reviewing and approving VSMP Plans, and completing VSMP Inspections on all permitted projects as defined above. The inspections include regularly scheduled state-mandated inspections, stabilization inspections (including the final bond release inspections), and follow-up inspections to repeal a Notice to Comply or a Stop Work Order. Additional costs such as travel expenses, GPS, and mobile computer equipment will be negotiated separately.
3. Update the Nelson County Stormwater Management Ordinance as required by the Virginia Stormwater Management Law.
4. Establish fees to collect revenues to defer some or all of the expenses of the Nelson County Stormwater Management Program.
5. Appoint a liaison to work with the TJSWCD to ensure adequate communication regarding the Program Authority and individual projects.
6. Furnish applicants for "Virginia Stormwater Management Permits" a copy of the most recent TJSWCD -VSMP Plan Checklist.
7. Serve as the VSMP Administrator for permit processing and Program Authority and, upon notification of VSMP Plan approval from the TJSWCD, serve ias the Program Authority to communicate through DEQ processes the program administration's responsibly for data submittal

to complete the registration processes. The Program Authority will notify the applicant and TJSWCD of any registration deficiencies or permit issuance by DEQ. The Program Authority will provide for record keeping, document storage, document retrievals and assist in final permit termination required by DEQ of the permittee.

- 8. Be responsible for collecting all fees and bonds related to the Nelson County Stormwater Management Program. Be responsible for all reductions, releases, and tracking of bonds. Bond reductions will be based on input from the TJSWCD.
- 9. Be responsible for issuing all enforcement actions, such as Stop Work Orders, cashing of security bonds, withholding of occupancy permits, withholding of additional building or land-disturbing permits, or issuing fines, after receiving a report of a violation from the TJSWCD. The County will be responsible for all legal actions that may be necessary, and agrees to inform the TJSWCD in writing of any action taken.
- 10. Be responsible for maintaining on permanent file, copies of approved plans for all completed projects.
- 11. Meet with the TJSWCD and DEQ as necessary to discuss any problems with the Nelson County Stormwater Management Program and procedures.
- 12. Provide copies of all updates to the Nelson County Stormwater Management Ordinance and fee schedules to the TJSWCD.
- 13. Perform administrative and enforcement actions with the intent of achieving a consistent & equal regulatory application of the Nelson County Stormwater Ordinance and the Virginia Stormwater Management law and regulations.
- 14. The County will provide or renegotiate a new MOU with TJSWCD for long term BMP Inspection and maintenance as required by Chapter 9 of the Virginia Stormwater Management Handbook (revised September 2012).

THIS MEMORANDUM OF UNDERSTANDING will be effective when signed by both parties and will continue in effect until modified or terminated by mutual consent of the parties hereto, or may be terminated by either party by giving 60 days notice in writing to the other party.

Nelson County:

By: _____ Date _____

Thomas Jefferson Soil & Water Conservation District:

By: _____ Date _____
Chairman

RESOLUTION R2013-82
NELSON COUNTY BOARD OF SUPERVISORS
AUTHORIZATION FOR SUBMITTAL TO THE VIRGINIA DEPARTMENT OF
ENVIRONMENTAL QUALITY (DEQ) FOR LOCAL VIRGINIA
STORMWATER MANAGEMENT PROGRAM (VSMP)
PROGRAM AUTHORITY

WHEREAS, pursuant to Article 2.3 (§ 62.1-44.15:24 et seq.) of Chapter 3.1 of Title 62.1 of the Code of Virginia and 9VAC25-870-10 of the Virginia Stormwater Management Regulations, Nelson County has developed its local Stormwater Management Program; and

WHEREAS, localities are required to submit their applications for local “Program Authority” to the Virginia Department of Environmental Quality (DEQ) by January 15, 2013 including drafts of the following for review and approval:

1. Program Policies and Procedures
2. Stormwater Management Ordinance
3. Program Funding and Staffing Plan
4. Program Partnering Agreement (MOU with TJSWCD) if applicable and;

WHEREAS, the Nelson County Board of Supervisors has reviewed the aforementioned documents and intends to proceed with adoption of its local Stormwater Management Program and Ordinance,

NOW THEREFORE BE IT RESOLVED, that the Nelson County Board of Supervisors does hereby authorize the County Administrator to submit the County’s application for “Local Program Authority” to DEQ for their review and approval by the required deadline.

Adopted: _____, 2013

Attest: _____, Clerk
 Nelson County Board of Supervisors

DEPARTMENT OF
PLANNING & ZONING



PLANNING COMMISSION
BOARD OF ZONING APPEALS

To: Chairman and Members, Nelson County Board of Supervisors; and
Mr. Stephen A. Carter, County Administrator, County of Nelson

From: Tim Padalino | Director | Department of Planning & Zoning

Date: December 5, 2013

Subject: Staff Report for Planning Commission Recommendations for the Proposed Amendments to Zoning Ordinance Article 20, "Communication Tower"

Introduction

On August 13th, the Board of Supervisors referred to the Planning Commission a set of proposed amendments to Article 20 of the Nelson County Zoning Ordinance (Board of Supervisors Resolution R2013-58). Those original proposed amendments to Article 20, "Communication Tower" included the repeal of Sections 20-1 through 20-17 and the enactment of replacement sections 20-1 through 20-16 and 20-19. Those initial proposed amendments did not include any proposed amendments to Section 20-18 "Class IV Facilities" that was adopted by the Board of Supervisors on June 26th.

Those initial proposed amendments were contained in a June 26th draft, which was supplied to all Planning Commissioners and subsequently reviewed at a Public Hearing on September 18th; at a Work Session on October 15th (attended by Mr. Phillip D. Payne IV, County Attorney); and at Planning Commission meetings on October 23rd and November 20th.

This report identifies the Planning Commission's recommended revisions (dated November 26th) to the original proposed amendments (dated June 26th), as determined during the Commission's careful review between September 18th and November 20th.

Overview of Original Proposed Amendments (Dated June 26th)

The original proposed amendments that the Board referred to the Commission (dated June 26th) were primarily authored by Mr. Phillip D. Payne IV, County Attorney. Those "referred amendments" were crafted with heavy reliance upon a set of proposed amendments that had been previously recommended by the Commission, and also relied heavily upon the subsequent outline that had been prepared last fall by then-Director of Planning & Zoning Mr. Fred Boger.

Overall, that effort to amend the existing Ordinance was largely a response to Supreme Court decisions from 2012 concerning Albemarle County, which resulted in a ruling on the purpose and procedures of the Planning Commission as specified in the Code of Virginia, and relating to the review of permit applications for communication tower facilities. These proposed amendments were crafted with special attention to these newly clarified legal dimensions of the Planning Commission's authority and roles within the overall review and permitting process for proposed telecommunication facilities.

Those referred amendments contained several notable revisions to the policies and procedures in the existing adopted Ordinance:

- **The proposed re-classification of communication tower “classes” and the revised procedures for processing those permit applications.**

Currently, the three classes (I, II, and III) provide for a maximum height of 130 feet, and all towers with a height above 85 feet (Class II and Class III) require Special Use Permits. As a part of the SUP process for Class II and Class III tower permit applications, proposed towers with a height between 85' and 130' currently require a Public Hearing complete with notification of adjoining property owners and proper Legal Notice advertisement.

In contrast, the referred amendments designate all towers up to a height of 130 feet (which is the current maximum height) as the new “Class I” towers, which would only require administrative review and approval from the Agent. Accordingly, under the referred amendments, all proposed towers of a height of 130' or less would no longer be subject to the public hearing process or notification of adjoining property owners, resulting in less public awareness of proposed communication tower projects.

Additionally, there would be no maximum tower height under the referred amendments.

Finally, the referred amendments would result in there being provisions for Class I Communication Towers, Class II Communication Towers, and Class IV Facilities. The referred amendments would also leave the Definitions for “Class IV Personal Wireless Service Facilities” unchanged (located in the recently-enacted Section 20-18-1).

- **Summary of Fee Schedule changes:** Under the referred amendments, Class I tower applications would be \$1,000 and Class II Tower application would be \$2,000. Under the current adopted Ordinance, the applications fees are \$500 for Class II towers (up to 95' in height) and \$1,000 for Class III towers (greater than 95' in height but not to exceed 130' in height).
- **Clarification of Planning Commission Role and Responsibilities:** Under the referred amendments, the new “Class II” towers would require Board approval and are considered “telecommunication facilities” for state law purposes. As such, the new Class II tower applications would thus require Planning Commission review for compliance with

the Comprehensive Plan. However, the review of applications for the foregoing purpose would be the Planning Commission's only function in the Ordinance.

- **Implications for Comprehensive Plan:** Because the Planning Commission would be responsible for reviewing all proposed Class II towers as "telecommunication facilities" relative to the Comprehensive Plan, there must be new language and content added to the Comprehensive Plan to guide the Planning Commission review of these types of applications.

Planning Commission Recommendations for Revisions to the Referred Amendments (Dated November 26th)

As noted above, those initial proposed amendments (dated June 26th) were reviewed by the Planning Commission at a Public Hearing on September 18th; at a Work Session on October 15th (attended by Mr. Phillip D. Payne IV, County Attorney); and at regular meetings on October 23rd and November 20th.

Based on a careful review of the referred amendments with County staff and the County Attorney, and with consideration to public comments, the Planning Commission developed recommended revisions (dated November 26th) to the original proposed amendments (dated June 26th). The attached "red-line" Word document contains all of the recommended revisions, as shown in blue and red writing. Some of the most important recommendations include:

- **Establish different criteria for defining Class I and Class II towers.**

The Planning Commission recommends establishing different criteria for determining whether a tower would be Class I or Class II. The criteria include slightly lower heights than what the referred amendments specify; the Zoning District; and the proximity to a residence.

Specifically, the recommendations are for Class I towers to be limited to 100' in height, and that any such tower would automatically be processed as a Class II Tower if it is within a Residential (R-1), (R-2), or Residential Planning Community (RPC) District. To further protect residences, the recommendations include the requirement for a Class I tower to be automatically processed as a Class II Tower if the proposed location is within 300' of an occupied dwelling.

Additionally, the PC recommends that a Class II Tower be given a maximum height of 130'.

- **Establish a new Section 20-20 titled "Tower Permit Applications Eligible for Administrative Review."**

The existing adopted Ordinance currently allows for applications to an administrative review process pursuant to two different Sections: Section 20-11 "Amendment to an

Approved Communication Tower Permit” and Section 20-18 “Class IV Personal Wireless Facilities.” The recommendations (dated November 26th) seek to consolidate all administrative reviews into one application process, to be contained in a newly proposed Section 20-20.

The current adopted Ordinance allows for applications to seek administrative review and approval to conduct various types of modifications or alterations to an approved tower permit / existing tower facility. However, the referred amendment (dated June 26th) would only provide for co-location applications, omitting from administrative review several common application types such as antenna/equipment replacement, facility modifications, alterations to lease area(s), etc.

These various types of tower permit / tower facility modifications and alterations should remain eligible for administrative review. The proposed Section 20-20 (pages 20-25) consolidates all of those applications into one provision, and provides a clarified and consistent permitting process (which would benefit both applicants and staff).

Please note that the proposed Section 20-20 also includes a provision for an application for “Temporary Tower Permits,” which was recognized as a necessary provision after the Lockn’ Festival.

- **Revise the existing Section 20-18 “Class IV Personal Wireless Services” to establish a better permitting process for co-locations and other administrative reviews, which are currently shoehorned into the existing adopted definition of “Class IV Personal Wireless Service Facility.”**

Section 20-18 was created in isolation, separate from and prior to the referred amendments that address the entire Section 20. Now that the balance of the Ordinance is being reviewed for amendment, there is a need to better integrate the existing Section 20-18 provisions.

Under the Planning Commission’s proposed revisions, most of the Class IV personal wireless facilities (types i – iv) would continue to be processed through the same existing regulations found in Section 20-18. However, some of the current Class IV categories (types v – viii) would be processed through the proposed Section 20-20 “Tower Permit Applications Eligible for Administrative Review.” This is a more appropriate arrangement that would be easier for applicants to follow, and easier for staff to interpret and administer.

Specifically, type v (co-locations) would be processed through proposed Section 20-20-A; and Section 20-20-B would include type vi (replacement of equipment that does not result in a substantial increase in size), type vii (replacement of a wooden monopole with a metal monopole of the same height, with restrictions on the diameter of the replacement pole), and type viii (placement of a freestanding monopole 40’ in height or less in non-residential zoning districts). Proposed Section 20-20-C would include a new permitting process for Temporary Tower Permits, which would be defined in Section 20-3.

The fees for the administrative review applications in the proposed Sections 20-20-A and 20-20-B would be \$100, the same as they are now. The proposed Section 20-20-C would include a \$500 application fee for Temporary Tower Permits, which currently is not addressed by the Zoning Ordinance.

- **Establish clarified procedures for the Board of Supervisors to grant “modifications” of certain regulations and to impose conditions.**

This would be found in Section 20-17, and provides the procedures for reviewing requests for modifications, for determining hardship, for imposing conditions to ensure the “Purposes” set forth in Section 20-2, and for requiring public hearing and notice per State Code requirements.

- **Establish appropriate provisions for telecommunication facilities in the Comprehensive Plan.**
 - This should be located within existing “Chapter Three – Goals and Principles.”
 - Please see this month’s report detailing a proposed amendment to the Comprehensive Plan, which was reviewed by the Planning Commission at a Public Hearing on November 20th, and which the Commissioners recommended for approval by the Board of Supervisors by a unanimous 4-0 vote.

Finally, the Planning Commission also suggested that the Board consider possible language to address two issues that were not contained in the referred amendments (dated June 26th). Borrowing from the motion made by Commissioner Russell: “[T]he Commission ask[s] that the Board of Supervisors consider including a maintenance clause in the Ordinance, and also to look into the possibility of requiring the Applicant or the County to notify Adjacent Property Owners when the County considers [applications for] Towers up to one-hundred (100) feet.

I remain available to discuss the Planning Commission’s recommendations for the referred amendments to the Communication Tower Ordinance. Please contact me at your convenience if you require assistance with the information contained in this report, or if you would like to ask any questions or provide any comments. Thank you.

DRAFT 11/26/13 PLANNING COMMISSION RECOMMENDATIONS

THE REPEAL OF SECTIONS 20-1 THROUGH 20-17 OF ARTICLE 20 OF APPENDIX A, ZONING, OF THE CODE OF NELSON COUNTY VIRGINIA, AND THE ENACTMENT OF REPLACEMENT SECTIONS 20-1 THROUGH 20-17 AND 20-19 THROUGH 20-20, AND AMENDMENT OF SECTION 20-18 TO READ AS FOLLOWS:

ARTICLE 20. COMMUNICATION TOWER ORDINANCE

20-1 Title

This section shall be known as the Communication Tower Ordinance of Nelson County, Virginia.

20-2 Purpose

The purpose of this article is to establish a clear guideline for siting all types of communication towers in Nelson County so as to:

20-2-1 Protect the health, safety, and general welfare of residents, businesses, and visitors in Nelson County.

20-2-2 Avoid potential damage to adjacent properties from communication tower failure, including, but not limited to, excessive wind or ice, and falling ice or debris.

20-2-3 Minimize potential hazards from communication towers to private aircraft, low-flying law enforcement and medical aircraft, and helicopters.

20-2-4 Maximize the use of existing communication towers to reduce the collective number of towers required in Nelson County for all varieties, types, and forms of wireless service.

20-2-5 Regulate the placement, appearance, and construction of all varieties, forms, and types of communications towers.

20-2-6 Restrict the location of communication towers that adversely ~~impact~~~~detract from~~ the natural beauty of the mountains in Nelson County.

20-2-7 Minimize the negative economic impact on tourism.

20-2-8 Protect the view from the Blue Ridge Parkway, ~~and the Skyline Drive,~~ and along designated Virginia Scenic Byways.

20-2-9 Protect the University of Virginia’s observatory on Fan Mountain from light pollution.

20-3 Jurisdiction

This ordinance shall apply to all areas of unincorporated Nelson County.

20-4 Definitions

For the purposes of this Article 20, the following definitions are provided:

Amateur Radio Operator: An amateur radio operator commonly referred to as HAM operator, who has a valid FCC issued license to operate an individual system.

ANSI: American National Standards Institute

Antenna: Any apparatus or device used for the purpose of collecting or transmitting electromagnetic waves, including, but not limited to, directional antennas, such as panels, microwave dishes and satellite dishes, and omni-directional antennas, such as whip antennas. Antennas for receiving broadcast signals only for non-commercial use and antennas for licensed amateur radio operators and citizens band operators are excluded from this definition.

Antenna array: An orderly arrangement of antennas mounted at the same height on a tower or other structure and intended to transmit a signal providing coverage over a specific area.

Antenna, attached: An antenna or antenna array that is secured to an existing building or tower, other antenna support structure, or utility pole or cross county electrical distribution tower, with or without any accompanying new pole or device which attaches it to the building or structure, together with feed lines and base station which may be located either on the roof, or inside or outside the building or structure.

Antenna, combined: An antenna or antenna array designed and utilized to provide services for more than one wireless provider for the same or similar type of services.

Antenna support structure: A vertical projection composed of metal or other material with or without a foundation that is designed for the express purpose of accommodating antennas at a desired height. Antenna support structures do not include any device used to attach antennas to an existing building, unless the device extends above the highest point of the building by more than twenty (20) feet. -Types of support structures include, but are not limited to, the following:

- (1) Guyed antenna support structure: A style of antenna support structure consisting of a single truss assembly composed of sections with bracing incorporated. The sections are attached to each other, and the assembly is attached to a foundation and supported by a series of wires that are connected to anchors placed in the ground or on a building.
- (2) Lattice antenna support structure: A tapered style of antenna support structure that consists of vertical and horizontal supports with multiple legs and cross-bracing and metal crossed strips or bars to support antenna.
- (3) Monopole antenna support structure: A style of freestanding antenna support structure consisting of a single shaft usually composed of two or more hollow sections that are, in turn, attached to a foundation. This type of antenna support structure is designed to support itself without the use of guy wires or other

stabilization devices. These facilities are mounted to a foundation that rests on or in the ground or on a building's roof.

Base station: The wireless service provider's specific equipment used to transmit and receive radio signals within and including cabinets, shelters, pedestals or similar enclosures generally used to contain electronic equipment for said purpose.

Broadband: A communications network in which the bandwidth can be divided and shared by multiple simultaneous signals (as for voice or data or video).

Class I Communication Tower: A communication tower ~~between which is equal to or greater than~~ forty (40) ~~feet in tower height~~ and ~~which is less than or equal to~~ one hundred ~~(100)thirty (1030)~~-feet in tower height located in a Conservation District, C-1; - Agricultural District, A-1; -Service Enterprise District, SE-1; Business, B-1; Business, B-2; Industrial, M-1; or Industrial, M-2 zoning districts.

Class II Communication Tower: Any communication tower located in a Residential, R-1; Residential, R-2; ~~and or Residential Planned Community, (RPC) Planned Residential~~-District; ~~or any communication tower within three hundred (300) feet of an occupied dwelling residential structure; or, and,~~ any communication tower in any district that is greater than one hundred ~~thirty (100)1030~~ feet in tower height, ~~to a maximum allowed height of 130 feet.~~

Class IV Personal Wireless Services: As defined in Section 20-18 of this Article.

Co-location: The practice of installing and operating multiple wireless carriers, service providers, and/or radio common carrier licensees on the same antenna support structure or attached wireless communication facility using different and separate antennas, feed lines, and radio frequency generating equipment.

Communication tower: Any tower or structure, natural or man-made, existing or erected, used to support one or more antennas, including self-supporting lattice towers, guyed towers, or monopoles. This term includes radio and television transmission towers, broadband towers, microwave towers, common carrier towers, wireless telephone towers, alternative tower structures and the like.

Communication Tower Permit: The permit issued by the Nelson County Planning Department for compliance with this ordinance.

Completed Application: Is an application that has been filed in the correct form in the proper office accompanied by the appropriate fee and all information required by this Article.

EIA: Electronic Industries Association.

Existing Communication Tower: Any communication tower existing in Nelson County that was placed, built, erected, or for which a Special Use Permit had been approved by the Nelson County Board of Supervisors before January 1, 1997.

Existing Vegetative Canopy: The existing vegetative plants, trees, or shrubs at the site-specific location of the proposed communication tower site that will provide

natural camouflage, concealment, or otherwise hide the communication tower after its construction. This vegetative canopy ~~shall~~may also be used to determine the ~~permissible~~allowable tower height, ~~as defined herein~~.

Feed lines: Cables used as the interconnecting media between the transmission/receiving base station and the antenna.

Final Approving Authority: The Nelson County Planning and Zoning Director or the Board of Supervisors, as designated in this Article.

IEEE: The Institute of Electrical and Electronic Engineers.

Least Visually Obtrusive Profile: The design of a wireless communication facility intended to present a visual profile that is the minimum necessary for the facility to function properly.

License-Exempt Spectrum: The range of frequencies designated by the Federal Communications Commission as “unlicensed” or “License-Exempt” which users can operate without an FCC license but must use certified radio equipment and must comply with the FCC's technical requirements, including power limits. Users of the license-exempt bands do not have exclusive use of the spectrum and are subject to interference.

~~*Licensed Spectrum for Commercial Services:* Licensed spectrum allows for exclusive, and in some cases non-exclusive, use of particular frequencies or channels in particular locations~~

~~*Nelson County:* For the purposes of administering this Article, Nelson County refers to: the Planning and Zoning Director, or the Nelson County Board of Supervisors.~~

Planning Commission: The Nelson County Planning Commission.

Spectrum: For purposes of this Article a spectrum is a range of radio frequencies (bands) approved by the Federal Communications Commission.

Structure: Anything constructed or erected, the use of which required permanent location on the ground, or attachment to something having a permanent location on the ground. Fences are excluded from this definition.

Substantial increase in the size of a previously approved Communication Tower:

(i) The mounting of the proposed antenna on the tower would increase the existing height of the tower by more than 10%, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this paragraph if necessary to avoid interference with existing antennas; or

(ii) The mounting of the proposed antenna would involve the installation of more than the standard number of new equipment cabinets for the technology involved, not to exceed four, or more than one new equipment shelter; or

(iii) The mounting of the proposed antenna would involve adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this paragraph if necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable; or

(iv) The mounting of the proposed antenna would involve excavation outside the current tower site, defined as the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site.

Temporary Tower: A communication tower, not exceeding one-hundred (100) feet in height, erected for a duration not to exceed thirty (30) days, located in a Conservation District, C-1; Agricultural District, A-1; Service Enterprise District, SE-1; Business, B-1; Business, B-2; Industrial, M-1; or Industrial, M-2 zoning district.

Tower Height: The vertical distance from the finished grade to the uppermost point of a communication tower including any antenna, beacon, light, lightning rod, or other fixtures attached to the communication tower. ~~A lightning rod, which may not exceed 2 feet in height, is excluded from this definition.~~ In the event an antenna is attached to a structure, the height of the structure shall be included in the tower height.

Tower Site: The real property, which an applicant(s) is required to have ownership of, leasehold of, interest in, easement over, or any combination of the aforementioned to locate a communication tower and any auxiliary buildings.

View Shed (1) Blue Ridge Parkway; Skyline Drive: An unobstructed sight or the range of one’s sight while traveling, visiting, driving or otherwise, using the natural or man-made resources of the Blue Ridge Parkway (BRP) or the Skyline Drive. For the purposes of this ordinance, the view shed distance is one (1) air mile from the outermost boundary line of the Blue Ridge Parkway or Skyline Drive.

View Shed (2) Virginia Scenic ~~Byway~~By-Way: An unobstructed sight or the range of one’s sight while traveling, visiting, or driving along a highway that has been designated by the State of Virginia as a Scenic ~~Byway~~By-Way.

20-5 Communication Tower Categories

The following minimum requirements for each category shall be met before a permit will be approved for any communication tower:

- A. A Class I Communication Tower requires approval by the Planning and Zoning Director and the issuance of a Class I Communication Tower Permit. For such

applications, the Planning and Zoning Director shall be the Final Approving Authority.

B. A Class II Communication Tower requires approval by the Board of Supervisors and the issuance of a Class II Communication Tower Permit. For such applications, the Board of Supervisors shall be the Final Approving Authority.

C. Class IV Wireless Services Facilities must comply with Section 20-18.

20-6 Application and Procedure for Approval of a Class I Communication Tower Permit

A. Application Form: A Completed Application form, signed by the property owner(s), the property owner's agent or the contract purchaser, and the proposed facility's owner. If the owner's agent signs the application, he shall also submit written evidence of the existence and scope of the agency. If the contract purchaser signs the application, he shall also submit the owner's written consent to the application.

B. Property Description: A recorded plat or recorded boundary survey of the parcel on which the facility will be located, provided that, if neither a recorded plat nor boundary survey exists, a copy of the legal description of the parcel and the Nelson County Circuit Court deed book and page number.

C. Plans and Drawings:

A scaled plan and a scaled elevation view and other supporting drawings, calculations, and other documentation required by the Planning and Zoning Director, signed and sealed by an appropriate licensed professional. The plans and supporting drawings, calculations and documentation shall show:

1. The location and dimensions of all existing and proposed improvements on the parcel, including access roads and structures, that are within one thousand (1,000) feet of the proposed tower site, and the maximum height above ground of the facility: (also identified in height above sea level).
2. The benchmarks and datum used for elevations. The datum shall coincide with the Virginia State Plane Coordinate System, South Zone, North American Datum of 1983 (NAD83), United States Survey Feet North American Vertical Datum of 1988 (NAVD88), and the benchmarks shall be acceptable to the ~~Planning and Zoning Director~~ Planning and Zoning Director.
3. Except where the facility would be attached to an existing structure, the topography within three hundred (300) feet of the proposed facility, in contour intervals not to exceed ten (10) feet for all lands within Nelson County and, in contour intervals shown on United States Geological Survey topographic survey maps or the best topographic data available, for lands not within Nelson County.
4. The location of any stream, wetland, as identified by Army Corps of Engineers and/or the Virginia Department of Environmental Quality, and floodplain area within one thousand (1,000) feet of the proposed tower.

5. The height, caliper and species of all trees where the drip line is located within two hundred (200) feet of the facility that are relied upon to establish the proposed height and/or screening of the tower and all trees that will be adversely impacted or removed during installation or maintenance of the facility shall be noted.
6. Fall Area: The minimum distance from the tower's base to the property line shall be: (i) ~~85 foot high or less~~ wood poles – 10-0% of tower height; (ii) ~~wood poles greater than 85 feet in height~~ 100% of tower height; (iii) metal monopole - 110% of tower height; and (iii~~v~~) lattice tower - 125% of tower height. The fall area for a metal monopole and lattice tower may be modified by Nelson County upon written certification by a licensed professional engineer that the tower is designed with the number of proposed and future antennas to collapse within the boundary lines of the subject property.
7. All existing and proposed setbacks, parking, fencing and landscaping.
8. The design of the facility, including the specific type of support structure and the design, type, location, size, height and configuration of all existing and proposed antennas and other equipment.
9. Identification of each paint color on the facility, by manufacturer's color name and color number. A paint chip or sample shall be provided for each color.
10. The proposed safety measure(s) at the base of the communication tower for the safety and general welfare of the public.

D. Other Requirements:

1. Federal Aviation Administration (FAA) hazard determination report and documentation that the request presents no hazard to any airport.
2. Identification sign. A sign measuring six (6) square feet or less, clearly visible, identifying the owner(s) and operator(s) of the communication tower site and a local or toll free emergency phone number for each. The sign shall be posted at the entrance to the proposed communication tower site. ~~This provision may be waived by Nelson County the Final Approving Authority.~~
3. Security Fencing. Towers shall be enclosed by security fencing no less than eight (8) feet in height and shall also be equipped with an appropriate anti-climbing device. ~~This provision may be waived by Nelson County the Final Approving Authority.~~
4. Landscaping. The following requirements shall govern the landscaping surrounding the communication tower; however, Nelson County the Final Approving Authority may modify or waive such requirements.
 - a. Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the support buildings at any time of year

from adjacent property. -The standard buffer shall consist of a landscaped strip at least four (4) feet wide outside the perimeter of the facilities.

- b. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, Nelson County may determine the natural growth around the property perimeter may be sufficient buffer.
- c. Existing trees within two hundred (200) feet of the tower shall not be removed except as may be authorized to permit construction of the tower and installation of access for vehicles and utilities.

5. Lighting.

- a. The communication tower shall be unlit unless required by a federal agency.
- b. A light installed on the outside of the building shall be a manually turned on/off switch for use only when service representatives are present on the site.
- c. A light installed on an equipment cabinet shall be no more than one (1) foot above the top of the cabinet.

6. Insurance: All communication tower applicants shall provide a current Certificate of Insurance for general liability insurance in a form acceptable to the County Attorney for a minimum amount of one million dollars (\$1,000,000). Proof of insurance shall be required at the beginning of the permit application process and again at the time of the biannual inspection.

F. ~~Nelson County~~The Final Approving Authority reserves the right to refer this documentation to a telecommunication consultant for verification that the site selected is an appropriate site to provide reasonable communication service to Nelson County and to locate other alternative sites for consideration. The applicant will be responsible for the cost of this review.

G. The Planning and Zoning Director shall review a Completed Application for compliance with the foregoing requirements, the other provisions of this Article 20, and other applicable law, and upon finding the application to be in compliance, shall issue a Class I Communication Tower permit.

20-7 Application and Procedure for Approval of a Class II Communication Tower Permit

A. A Class II Communication Tower may be established upon approval of a Class II Communication Tower Permit by the Nelson County Board of Supervisors initiated upon a Completed Application which satisfies the requirements for a Class I Communication Tower Permit and the additional requirements in this subsection.

- B. Upon receipt by the Planning and Zoning Director of a Completed Application, the Planning Commission shall conduct a review of the application to determine whether the proposed communication tower is substantially in accord ~~compliance~~ with the Comprehensive Plan and communicate its determination together with any additional recommendations to the Board of Supervisors. In connection with any such determination, the Planning Commission may, and at the direction of the Board of Supervisors shall, hold a public hearing, after notice as required by Section 15.2-2204 of the Code of Virginia. The Planning Commission's ~~action~~decision shall comply with the requirements of the Federal Telecommunications Act of 1996. Failure of the Planning Commission to act on any such application within 90 days of such submission shall be deemed approval of the application by the Planning Commission unless the Board of Supervisors has authorized an extension of time for consideration or the applicant has agreed to an extension of time. The Board of Supervisors may extend the time required for action by the Planning Commission by no more than 60 additional days. If the Planning Commission has not acted on the application by the end of the extension, or by the end of such longer period as may be agreed to by the applicant, the application is deemed approved by the Planning Commission.
- C. The Board of Supervisors shall hold at least one (1) public hearing on the application after notice as required by Section 15.2-2204 of the Code of Virginia, and make its decision on the application within one hundred fifty (150) days from the date the Completed Application was submitted to the Planning and Zoning Director. This time period may be extended by the Board of Supervisors provided the applicant consents to the extension.
- D. Balloon Test. For any proposed tower requiring a Class II Communication Tower Permit, a balloon test shall be conducted as follows:
1. The applicant shall contact the Planning and Zoning Director within ten (10) days after the date the Complete Application was submitted to schedule a date and time when the balloon test will be conducted. The test shall be conducted within forty (40) days after the date the Complete Application was submitted, and the applicant shall provide the Planning and Zoning Director with at least seven (7) days prior notice, provided that this deadline may be extended due to inclement weather or by the agreement of the applicant and the agent.
 2. Prior to the balloon test, the location of the access road, the lease area, the tower site, the reference tree and the tallest tree within fifty (50) feet of the proposed tower shall be surveyed and staked or flagged in the field.
 3. The test shall consist of raising one or more balloons from the site to a height equal to the proposed tower.
 4. Photographs of the balloon test shall be taken from the nearest residence and from appropriate locations on abutting properties, along each publicly used road from which the balloon is visible, and other properties and locations as directed by the Planning and Zoning Director and shall be superimposed to scale onto the photographs. The photographs must be filed with the Planning

and Zoning Director before the application can be reviewed by the Planning Commission.

E. Alternative Site(s): No new Class II Communication Tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Board of Supervisors Nelson County that:

~~A.~~ 1. No existing towers or structures are located within the geographic area required to meet applicant's engineering requirements.

~~B.~~

~~C.~~ 2. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.

~~D.~~ 3. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.

~~E.~~ 4. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing tower or structure would cause interference with the applicant's proposed antenna.

~~F.~~ 5. The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding the cost of new tower development are presumed to be unreasonable.

~~G.~~ 6. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

F. Factors considered in granting a Class II Communication Tower permit: The following factors shall be used in determining whether to issue a Class II Communication Tower Permit:

1. Height of the proposed tower or pole and proximity of the tower or pole to residential structures and residential district boundaries;

2. Nature of the uses on adjacent and nearby properties, surrounding topography, surrounding tree coverage and foliage, design of the tower or pole, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;

3. Proposed ingress and egress;

4. Applicant's co-location policy;

5. Consistency with the Comprehensive Plan and the purposes set forth in Section 20-2; ~~and,~~

6. Proximity to commercial or private airports and heliports: and.

7. The results of the balloon test and subsequent photo simulations for compliance with the purposes as set forth in Section 20-2.

G. The Board of Supervisors may impose as conditions for approval such requirements and conditions as are necessary to satisfy or remedy the foregoing factors.

20-8 View Sheds, **Required Minimum** Setbacks

A. View Shed (1) – Blue Ridge Parkway and Skyline Drive.

No application for a communication tower permit to be located within the view shed of the Blue Ridge Parkway (BRP) or the Skyline Drive shall be submitted without first notifying the Virginia Department of Historic Resources (DHR), the BRP ~~Park~~ Superintendent and/or the Superintendent of ~~the~~ Shenandoah National Park in writing. Such notice shall: a) be sent by certified mail, return receipt requested; b) state the location of the proposed communication tower; c) describe the proposed communication tower (including tower height) and proposed antennas; and d) request the Superintendent(s) comment on the proposed communications tower in writing. Comments received from DHR and the Superintendent(s) shall be submitted with the application. In the event DHR and the Superintendent(s) do not provide written comments within 60 days of receiving the applicant’s notification, a communication tower permit application for review and comment may be submitted with evidence that the notice was sent.

B. **Required Minimum** Setbacks – View Sheds (1) and (2).

1. A communication tower which does not exceed ~~100~~95 feet in tower height: 500 feet from the boundary line of the Blue Ridge Parkway, Skyline Drive or Virginia Scenic ~~Byway~~By-Way closest to the tower.
2. A communication tower that is greater than ~~100~~95 feet in tower height but does not exceed 130 feet in tower height: 1,000 feet from the boundary line of the Blue Ridge Parkway, Skyline Drive or Virginia Scenic ~~Byway~~By-Way closest to the tower.
3. A communication tower greater than 130 feet in tower height: 2,000 feet from the boundary line of the Blue Ridge Parkway, Skyline Drive or Virginia Scenic ~~Byway~~By-Way closest to the tower.

20-9 Standards for Siting and Construction

A. Metal communication towers shall meet all requirements of federal, state, and local government regulations and EIA and ANSI standards. The Nelson County Building Official may request, at the applicant’s expense, an independent engineer to confirm the safety of the tower.

B. The communication tower design plan shall be prepared by a registered engineer and contain the following information:

1. The name, address and telephone number of the engineer.
2. A design plan showing the communication tower, base, and the foundations for all support structures, all proposed auxiliary buildings and any other proposed improvements, including the utilities connections within and to the proposed site. Engineering or construction methods for all antennas to be located on the proposed communication tower.
3. Provision in the design of a metal communication tower to allow additional sections to be added for possible co-location of other providers on it.
4. The Planning and Zoning Director shall approve the color of each metal, wood, or concrete monopole. The antennas, supporting brackets and all other equipment attached to the tower shall be a color that closely matches that of the tower. The ground equipment, the ground equipment cabinet and the concrete pad shall be a color that is consistent with the character of the area.
6. Each wood or concrete tower shall be constructed so that all cables; wiring and similar attachments that run vertically from the ground equipment to the antennas are placed away from public view, as determined by the Planning and Zoning Director. Metal towers shall be constructed so that vertical cables, wiring and similar attachments are contained within the tower's structure. Co-locator cables, wiring and similar equipment may be placed outside, if necessary, provided they are located facing the interior of the property away from public view as reasonably determined by the Planning and Zoning Director.
7. The facility shall be designed, constructed and maintained as follows: (a) guy wired towers shall not be permitted; (b) outdoor lighting for the facility shall be permitted only during maintenance periods; regardless of the lumens emitted, each outdoor luminaire shall be fully shielded; (c) lightning rod, ~~whose height shall not exceed two (2) feet and~~ whose width shall not exceed one (1) inch in diameter at the base and tapering to a point, may be installed at the top of facility or the structure; and (d) within one month after the completion of the installation of the facility, the applicant shall provide a statement to the Planning and Zoning Director certifying that the height of all components of the facility complies with this regulation.
8. Equipment shall be attached to the tower as follows: (a) each antenna proposed to be attached under the pending application shall not exceed the size shown on the application, which size shall not exceed one thousand one hundred fifty two (1152) square inches; (b) the required antenna size may be waived by the Ffinal Aapproving Aauthority; (c) no antenna at installation shall project more than twelve (12) inches from the structure; (d) the required distance from the structure and the size of the antennas may be modified by the Ffinal

~~A~~approving ~~A~~authority; and (e) each antenna and associated equipment shall be a color that matches the existing structure.

9. No slopes associated with the installation of the facility and accessory uses shall be created that are steeper than 2:1 unless proposed retaining walls, revetments, or other stabilization measures are acceptable to the ~~Planning and Zoning Director~~Final Approving Authority.

10. The site shall provide adequate opportunities for screening and the tower shall be sited to have the Least Visually Obtrusive Profile from adjacent parcels and streets, regardless of their distance from the tower. If the tower would be visible from a state designated scenic river, scenic by-way, or a national park or national forest, regardless of whether the site is adjacent thereto, the facility also shall be sited to minimize its visibility from such river, scenic by-way, park or forest. If the tower would be located on lands subject to or adjacent to a conservation easement or an open space easement, the facility shall be sited so that it is not visible from any resources specifically identified for protection in the deed of easement.

20-10 Building Permits

A. A final revised set of plans for the construction of the facility, as needed, signed by the Planning and Zoning Director shall be submitted with the application for a building permit.

B. All plans for communication tower structures and auxiliary structures shall be approved by the Nelson County Building and Inspections Department. The proper building and inspection permit(s) shall be issued before construction begins. No building permit(s) will be issued until a communication tower permit from the Nelson County Planning Department has been issued to the applicant(s).

20-11 ~~Reserved for future use.~~Co-location Policy

~~Applicants for new communication tower permits must agree to allow additional permitted uses of the tower by future applicants, provided: (a) that these future uses do not interfere with use(s) of the tower by its owner(s) or other lessee(s); (b) space is available on the tower for co-location; and (c) tower owner and co-locator agree to lease terms. The Planning and Zoning Director shall approve co-location on a Class I and Class II Communication Towers. The tower may be designed to allow for an additional increase in height for future co-location, but the tower shall only be constructed to a height for those antennas that will be placed into immediate operation once construction is complete.~~

20-12 Removal and Reporting

A. The facility shall be disassembled and removed from the site within ninety (90) days of the date its use for wireless communication purposes is discontinued.

B. The applicant shall a report within thirty (30) days any change in the ownership of the facility. Information to be provided is the new owner(s) name, address, telephone number, e-mail address, and a 24 hour emergency telephone number and contact person to the Planning and Zoning Director.

20-13 Exemption from Regulations Otherwise Applicable

Except as otherwise exempted in this paragraph, each facility shall be subject to all applicable regulations in this chapter.

A. ~~The Final Approving Authority Nelson County~~ may authorize a metal communication tower- to be located closer in distance than the required fall zone of the tower or other mounting structure to any lot line if the applicant obtains an easement or other recordable document showing agreement between the lot owners, acceptable to the County Attorney, addressing development on the part of the abutting parcel sharing the common lot line that is within the facility’s fall zone. If the right-of-way for a public street is within the fall zone, the Virginia Department of Transportation shall be included in the staff review, in lieu of recording an easement or other document. The fall area for a metal monopole and lattice tower may be waived or modified by the Final Approving Authority upon certification by a licensed professional engineer that the tower is designed to collapse within the property lines of the subject property.

B. Except for towers subject to the location standards for View Shed (1) or View Shed (2) the area and bulk regulations or minimum yard requirements of the zoning district in which the facility will be located shall not apply.

C. Notwithstanding Zoning Ordinance Article 2, Definitions – Yard, a facility may be located in a required yard.

D. Notwithstanding Zoning Ordinance Article 13, Site Development Plan, a site plan shall not be required for a facility, but the facility shall be subject to the requirements of Article 13 and the applicant shall submit all schematics, plans, calculations, drawings and other information required by the Planning and Zoning Director to determine whether the facility complies with Article 13. In making this determination, the Planning and Zoning Director may impose reasonable conditions authorized by Article 13 in order to assure compliance.

E. Any antenna used exclusively for non-profit, non-broadcast, and non-commercial applications including, but not limited to, residential broadcast reception, amateur radio, citizens band radio, and public safety, local government, fire, rescue, police, and non-profit medical radio services is exempt from application and fees.

20-14 Appeals

A. A decision of the Planning and Zoning Director may be appealed to the Nelson County Board of Supervisors. An appeal shall be submitted in writing to the office of

the Planning and Zoning Director within thirty (30) calendar days after the date of the denial.

B. A decision of the Board of Supervisors may be appealed to the Nelson County Circuit Court by filing a petition specifying the grounds for the appeal within thirty (30) days after the Board's final decision.

20-15 Access to Site

Nelson County shall be provided reasonable access to the Communication Tower and Personal Wireless Service Facility sites for the purpose of ensuring compliance with this ordinance.

20-16 Application Fee Schedule

Class I Communication Towers:

An application permit fee of one thousand dollars (\$1,000.00)

Class II Communication Towers:

An application permit fee of two thousand dollars (\$2,000.00)

20-17 RESERVED Modification of Certain Regulations

A. The Board of Supervisors may modify the location or height restrictions, or both, upon a determination that (i) the strict application of the ordinance would produce undue hardship; (ii) such hardship is not shared generally by other properties in the same zoning district and the same vicinity; and (iii) the authorization of the modification will not be of substantial detriment to adjacent property and the character of the zoning district will not be changed by the granting of the modification.

B. In authorizing a modification, the Board of Supervisors may impose such conditions regarding the location, character, and features of the communication tower as it may find necessary for compliance with the purposes set forth in Section 20-2.

C. No such modification shall be authorized except after notice and hearing as required by Section 15.2-2204 of the Code of Virginia.

20-18 Class IV Personal Wireless Services-

Notwithstanding anything to the contrary in the other sections of this communication tower ordinance, the provisions of this subsection 20-18 shall govern with respect to the telecommunications facilities and services addressed herein.

20-18-1 Definitions.

Antenna array: An orderly arrangement of antennas mounted at the same height on a tower or other structure and intended to transmit a signal providing coverage over a specific area for a single provider of personal wireless services.

Class IV Personal Wireless Service Facility (“Class IV Facility”): A personal wireless service facility that:

- (i) is located within an existing structure but which may include a self-contained ground equipment shelter not exceeding one hundred fifty (150) square feet that is not within the building, or, a whip antenna that satisfies the requirements of Section 20-18-2; or
- (ii) consists of one or more antennas, other than a microwave dish, attached to an existing structure and are flush mounted to the structure, together with associated personal wireless service equipment; or
- (iii) consists of a single attachment pole attached to an existing structure the total height of which, together with a grounding rod, shall not exceed twenty (20) feet above the top of the structure. An attachment pole may be guyed to increase its stability; or
- (iv) is located within or camouflaged by an addition to an existing structure determined by the Planning and Zoning Director to be in character with the structure and the surrounding district; or
- (v) ~~Reserved for future use. is a co-location that does not result in a substantial increase in the size of an existing Communication Tower; or~~
- (vi) ~~Reserved for future use. is the replacement of equipment that does not result in a substantial increase in the size of an existing Communication Tower; or~~
- (vii) ~~Reserved for future use. is the replacement of a wooden monopole with a metal monopole of the same height that does not exceed a maximum base diameter of thirty (30) inches and a maximum diameter at the top of eighteen (18) inches; or~~
- (viii) ~~Reserved for future use. is the placement of a freestanding monopole forty (40) feet or less in height in the following zoning districts: Conservation C-1, Agricultural A-1, Service Enterprise SE-1, Business B-1, Business B-2, Limited Industrial M-1, and Industrial M-2.~~

Existing structure: For the purposes of this subsection 20-18, a lawfully constructed or established structure, but excluding (i) existing Communication Towers approved under this ordinance or by special use permit before the effective date of this subsection and (ii) flagpoles.

Personal wireless services: Commercial mobile services, unlicensed wireless services, common wireless exchange access services, and for the purposes of this chapter, unlicensed wireless broadband internet access.

~~*Substantial increase in the size of an previously approved existing Communication Tower:*~~

~~(i) The mounting of the proposed antenna on the tower would increase the existing height of the tower by more than 10%, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this paragraph if necessary to avoid interference with existing antennas; or~~

~~(ii) The mounting of the proposed antenna would involve the installation of more than the standard number of new equipment cabinets for the technology involved, not to exceed four, or more than one new equipment shelter; or~~

~~(iii) The mounting of the proposed antenna would involve adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this paragraph if necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable; or~~

~~(iv) The mounting of the proposed antenna would involve excavation outside the current tower site, defined as the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site.~~

~~*Temporary Tower: A communication tower, not exceeding eighty (80) feet in height, erected for a duration of less than ninety (90) days located in a Conservation District, C-1; Agricultural District, A-1; Service Enterprise District, SE-1; Business, B-1; Business, B-2; Industrial, M-1; or Industrial, M-2 zoning district.*~~

Unlicensed Wireless Service: The offering of telecommunication services using duly authorized devices which do not require individual licenses from the Federal Communications Commission, but does not mean the provision of direct-to-home satellite services. This service is sometimes referred to “License-Exempt”. Users of the license-exempt bands do not have exclusive use of the spectrum and are subject to interference.

20-18-2 Design Standards.

1. *General Design.* The Class IV Facility shall be designed, installed, and maintained as follows: (i) guy wires shall not be permitted except with attachment poles; (ii) outdoor lighting for the Facility shall be permitted only during maintenance periods; (iii) any cabinet or shelter not located within the existing structure shall be screened from all lot lines either by terrain, existing structures, existing vegetation, or by added vegetation

approved by the Planning and Zoning Director; (iv) in connection with an existing structure or monopole, a grounding rod, whose height shall not exceed two feet and whose width shall not exceed one inch in diameter at the base and tapering to a point, may be installed at the top of the structure and (v) a whip antenna less than six (6) inches in diameter may exceed the height of the existing structure or monopole.

2. *Antennas and associated equipment, existing structure exterior.* Equipment shall be attached to the exterior of an existing structure only as follows: (i) the total number of arrays of antennas attached to the existing structure shall not exceed three (3), and each antenna proposed to be attached under the pending application shall not exceed the size shown on the application, which size shall not exceed one thousand one hundred fifty two (1152) square inches; (ii) no antenna shall project from the structure beyond the minimum required by the mounting equipment, and in no case shall any point on the face of an antenna project more than twelve (12) inches from the existing structure; and (iii) each antenna and associated equipment shall be a color that matches the existing structure. For purposes of this section, all types of antennas and dishes regardless of their use shall be counted toward the limit of three arrays. These standards shall not apply to antennas and associated equipment that are located entirely within an existing structure.

3. *Antennas and associated equipment, attachment pole.* An attachment pole (i) shall not exceed three inches in diameter; (ii) shall be grayish-brown in color unless a different color is either approved or required by the Planning and Zoning Director; (iii) the antennas, supporting brackets, and all other equipment attached to the attachment pole shall be a color that closely matches that of the attachment pole; and (iv) the total number of antennas shall not exceed three (3), and each antenna proposed to be attached under the pending application shall not exceed the size shown on the application, which size shall not exceed one thousand one hundred fifty two (1152) square inches.

4. *Ground equipment shelter, fencing.* Any cabinet or shelter not located within an existing building shall be fenced only with the approval of the agent upon finding that the fence: (i) would protect the facility from trespass in areas of high volumes of vehicular or pedestrian traffic or, in the rural areas, to protect the facility from livestock or wildlife and (ii) would not be detrimental to the character of the area.

5. ~~Limit of three (3) antennas. Class IV Monopole. A freestanding monopole, as defined in subsection viii of the Class IV Facility definition, (i) shall be constructed of either wood, metal, or concrete; (ii) shall not exceed a maximum base diameter of thirty (30) inches and a maximum diameter at the top of eighteen (18) inches; (iii) shall be grayish-brown in color unless a different color is either approved or required by the Planning and Zoning Director; (iv) the antennas, supporting brackets, and all other equipment attached to the monopole shall be a color that closely matches that of the monopole; (v) the total number of arrays of antennas attached to the monopole shall not exceed three (3) and each antenna proposed to be attached under the pending application shall not exceed the size shown on the application, which size shall not exceed one thousand one hundred fifty two (1152) square inches.~~ For purposes of this section, all types of

antennas and dishes, regardless of their use, shall be counted toward the limit of three arrays.

20-18-3 Application and Approval Procedure.

A. No application is required for Class IV Facilities listed in subsections (i) and (ii) of the definition.

B. Class IV Facilities listed in subsections (iii) and (iv) of the definition require application to the Planning and Zoning Director containing the following information:

1. A completed application form, signed by the parcel owner, the parcel owner’s agent or the contract purchaser, and the proposed facility’s owner. If the owner’s agent signs the application, he shall also submit written evidence of the existence and scope of the agency. If the contract purchaser signs the application, he shall also submit the owner’s written consent to the application.
2. If antennas are proposed to be added to an existing structure, all existing antennas and other equipment on the structure, as well as all ground equipment, shall be identified by owner, type and size.
3. The design of the facility, including the specific type of support structure and the design, type, location, size, height and configuration of all existing and proposed antennas and other equipment. The method(s) by which the antennas will be attached to the mounting structure shall be depicted.
4. Identification of each paint color on the facility, by manufacturer color name and color number. A paint chip or sample may be requested for each color.

~~D. Class IV Facilities listed in subsection (ix) of the definition require application to the Planning and Zoning Director containing the following information:~~

- ~~1. The information required in the preceding subsections B and C.~~
- ~~2. The Planning and Zoning Director may waive or modify the above requirements in connection with a Temporary Tower.~~
- ~~3. The Planning and Zoning Director may require a performance bond in an amount determined by the Planning and Zoning Director as sufficient to effect removal.~~
- ~~4. The applicant shall comply with the applicable provisions of Section 20-8, View Sheds, Setbacks.~~

20-18-4 Fee Schedule for certain Class IV Facilities.

(a) Class IV Facilities listed in subsections (iii) and (iv) of the definition, each application: Twenty Dollars (\$20.00).

~~(b) Class IV Facilities listed in subsections (v) through (viii) of the definition, each application: One Hundred Dollars (\$100.00).~~

~~(e) Class IV Facility listed in subsection (ix), each application: Five Hundred Dollars (\$500.00);~~

20-18-5 Compliance.

Any Class IV Facility regulated by this Section 20-18, and not otherwise in compliance with the other provisions of the tower ordinance, shall be registered and brought into compliance with this Section 20-18 within ninety (90) days of enactment.

20-18-6 Denial of application, appeal.

If the Planning and Zoning Director should deny an application, the denial shall be in writing, shall identify the requirements which were not satisfied and shall inform the applicant what must be done to satisfy each requirement. The applicant may appeal a denial to the Board of Supervisors. An appeal shall be in writing and be filed in the office of the clerk of the Board of Supervisors within ~~ten-thirty~~ (340) calendar days after the date of denial by the Planning and Zoning Director.

~~20-18 Class IV Personal Wireless Service Facility UNCHANGED~~

20-19 Authority of Planning and Zoning Director

A. In addition to the foregoing provisions, the ~~Nelson County~~ Planning and Zoning Director shall have all necessary authority on behalf of the governing body to administer and enforce ~~this~~ the Communication Tower Ordinance, including written orders to remedy any condition found in violation of this ordinance and the initiation of legal action to insure compliance with the ordinance, including injunction, abatement, or other appropriate action or proceedings.

B. If it should become necessary for an approved Communication Tower Permit to be changed, the ~~Nelson County~~ Planning and Zoning Director shall upon an applicant’s request either administratively approve an amendment to the permit in accordance with Section 20-18, Section 20-20, or other applicable provisions of this Article, or, if the proposed change will substantially affect the terms of the original permit, require that a new application be submitted for review and action in accordance with this Article.

20-20 Tower Permit Applications Eligible for Administrative Review

A. “Co-location” Applications

1. Policy. Applicants for new communication tower permits must agree to allow additional permitted uses of the tower by future applicants, provided: (a) that these future uses do not interfere with use(s) of the tower by its owner(s) or other lessee(s); (b) space is available on the tower for co-location; and (c) tower owner and co-locator agree to lease terms. The Planning and Zoning Director shall approve co-location on Class I and Class II Communication

Towers if the proposed co-location does not result in a substantial increase in the size of an existing Communication Tower. The tower may be designed to allow for an additional increase in height for future co-location, but the tower shall only be constructed to the approved height for those antennas that will be placed into immediate operation once construction is complete.

2. Procedures. If a Co-location Application meets the terms set forth in the Policy, the proposal requires a Complete Application be made to the Planning and Zoning Director containing the following information:

- i. A completed application form, signed by the parcel owner, the parcel owner's agent or the contract purchaser, and the proposed facility's owner. If the owner's agent signs the application, he shall also submit written evidence of the existence and scope of the agency. If the contract purchaser signs the application, he shall also submit the owner's written consent to the application.
- ii. Specific information identifying the existing approved tower facility, including:
 - a. Tower name, number, and/or location; or
 - b. Approved Tower Permit number if it is a Class II tower or Class III tower, or the Tower Registration number if it is a Class I tower.
- iii. If antennas are proposed to be added to an existing structure, all existing antennas and other equipment on the structure, as well as all ground equipment, shall be identified by owner, type and size.
- iv. The design of the facility, including the specific type of support structure and the design, type, location, size, height and configuration of all existing and proposed antennas and other equipment, distinguishing existing approved equipment from proposed new equipment. The method(s) by which the antennas will be attached to the mounting structure shall be depicted.
- v. Identification of each paint color on the facility, by manufacturer color name and color number. A paint chip or sample may be requested for each color.
- vi. Reserved for future use.
- vii. All existing and proposed setbacks, parking, fencing, and landscaping.
- viii. The requirements in items (iii.) through (vii.) above may be waived by the Planning and Zoning Director if an appropriate approved plan is already on file with the County.
- ix. Fee payment.

3. Fee. The fee to submit an application for a "Co-location Permit" pursuant to Section 20-20 is \$100.

B. "Tower Permit Amendment" Applications

1. Policy. The Planning and Zoning Director may administratively review and approve eligible applications for amendments or alterations to an approved Communication Tower Permit, if the proposed amendment or alteration would not, in the Director's opinion, substantially affect or deviate from the terms or conditions of the original approved permit. The following types of amendments or alterations are eligible:

- i. the replacement of equipment that does not result in a substantial increase in the size of an existing Communication Tower, as defined;
or
- ii. the replacement of a wooden monopole with a metal monopole of the same height that does not exceed a maximum base diameter of thirty (30) inches and a maximum diameter at the top of eighteen (18) inches;
- iii. the placement of a freestanding monopole forty less than (40) feet in height in all zoning districts; which meets the following criteria:
 1. shall be constructed of either wood, metal, or concrete;
 2. shall not exceed a maximum base diameter of thirty (30) inches and a maximum diameter at the top of eighteen (18) inches;
 3. shall be grayish-brown in color unless a different color is either approved or required by the Planning and Zoning Director;
 4. the antennas, supporting brackets, and all other equipment attached to the monopole shall be a color that closely matches that of the monopole;
 5. the total number of arrays of antennas attached to the monopole shall not exceed three (3) and each antenna proposed to be attached under the pending application shall not exceed the size shown on the application, which size shall not exceed one thousand one hundred fifty two (1152) square inches; or
- iv. other amendments or alterations to an approved Communication Tower Permit that do not, in the Planning & Zoning Director's opinion, substantially affect the terms or conditions of the original permit, including but not limited to the replacement or alteration of equipment and related facilities within the lease area.

2. Procedures. If an applicant's proposal for a Tower Permit Amendment meets the terms set forth in the Policy, the proposal requires a Complete Application be made to the Planning and Zoning Director containing the following information:

- i. A completed application form, signed by the parcel owner, the parcel owner's agent or the contract purchaser, and the proposed facility's

owner. If the owner's agent signs the application, he shall also submit written evidence of the existence and scope of the agency. If the contract purchaser signs the application, he shall also submit the owner's written consent to the application.

ii. Specific information identifying the existing approved tower facility, including:

a. Tower name, number, and/or location; or

b. Approved Tower Permit number if it is a Class II tower or Class III tower, or the Tower Registration number if it is a Class I tower.

iii. If antennas are proposed to be added to an existing structure, all existing antennas and other equipment on the structure, as well as all ground equipment, shall be identified by owner, type and size.

iv. The design of the facility, including the specific type of support structure and the design, type, location, size, height and configuration of all existing and proposed antennas and other equipment. The method(s) by which the antennas will be attached to the mounting structure shall be depicted.

A.—v. Identification of each paint color on the facility, by manufacturer color name and color number. A paint chip or sample may be requested for each color.

vi. A scaled plan depicting fall area: The minimum distance from the tower's base to the property line shall be: (i) wood poles – 100% of tower height; (ii) metal monopole – 110% of tower height; and (iii) lattice tower – 125% of tower height. The fall area for a metal monopole and lattice tower may be modified by the Planning and Zoning Director upon written certification by a licensed professional engineer that the tower is designed with the number of proposed and future antennas to collapse within the boundary lines of the subject property.

vii. All existing and proposed setbacks, parking, fencing, and landscaping.

viii. The requirements in items (iii.) through (vii.) above may be waived by the Planning and Zoning Director if an appropriate approved plan is already on file with the County.

ix. Fee payment.

3. Fee. The fee to submit an application for a "Tower Permit Amendment" pursuant to Section 20-20 is \$100.

C. "Temporary Tower Permit" Applications

1. Policy. The Planning and Zoning Director may administratively review and approve eligible permit applications for a Temporary Tower, as defined. The Planning and Zoning Director may require a performance bond in an amount determined by the Planning and Zoning Director as sufficient to effect

removal. The applicant shall comply with the applicable provisions of Section 20-8, View Sheds, Setbacks.

2. Procedures. If an applicant's proposal for a Temporary Tower Permit meets the terms set forth in the Policy, the proposal requires a Complete Application be made to the Planning and Zoning Director containing the following information:

- i. A completed application form, signed by the parcel owner, the parcel owner's agent or the contract purchaser, and the proposed facility's owner. If the owner's agent signs the application, he shall also submit written evidence of the existence and scope of the agency. If the contract purchaser signs the application, he shall also submit the owner's written consent to the application.
- ii. The proposed duration for the Temporary Tower to be in place, including specific dates for placement and removal, not to exceed a maximum total duration of 30 days.
- iii. A sketch plan identifying the design of the Temporary Tower facility, including the location of the lease area within the property, the location of the Temporary Tower and other associated temporary equipment within the lease area, and the specific type of support structure, guy wires, and anchor.
- iv. A scaled, detailed drawing identifying the height of the Temporary Tower and the design, type, location, size, height, configuration, and method of mounting of all antennas and other equipment to be installed on the Temporary Tower.
- v. Identification of each paint color on the Temporary Tower facility, by manufacturer color name and color number. A paint chip or sample may be requested for each color.
- vi. A scaled plan depicting fall area. The minimum distance from the base of a Temporary Tower to the property line(s) shall be a minimum of 150% of the Temporary Tower height.
- vii. All existing and proposed setbacks, parking, fencing, and landscaping.
- viii. The requirements in items (iii.) through (vii.) above may be waived by the Planning and Zoning Director if an appropriate approved plan is already on file with the County.
- vi. Fee payment.

3. Fee. The fee to submit an application for a "Temporary Tower Permit" pursuant to Section 20-20 is \$500.

D. Denial of application, appeal.

1. If the Planning and Zoning Director should deny an application submitted pursuant to Section 20-20, the denial shall be in writing, shall identify the

requirements which were not satisfied and shall inform the applicant what must be done to satisfy each requirement. The applicant may appeal a denial to the Board of Supervisors. An appeal shall be in writing and be filed in the office of the clerk of the Board of Supervisors within thirty (30) calendar days after the date of denial by the Planning and Zoning Director.

**RESOLUTION R2013-83
NELSON COUNTY BOARD OF SUPERVISORS
AUTHORIZATION FOR PUBLIC HEARING TO AMEND THE CODE OF
NELSON COUNTY, VIRGINIA – APPENDIX A, ZONING ORDINANCE,
ARTICLE 20, COMMUNICATION TOWERS**

BE IT RESOLVED, that pursuant to §15.2-1427 and § 15.2-2204 of the Code of Virginia 1950 as amended, the County Administrator is hereby authorized to advertise a public hearing to be held on _____ at 7:00 p.m. in the General District Courtroom in the Courthouse in Lovington, Virginia. The purpose of said public hearing is to receive public input on an ordinance proposed for passage to amend Appendix A, Zoning Ordinance Article 20 “Communication Towers”, to repeal and re-enact Section 20-1 to 20-17, and Section 20-19, to amend Section 20-18 and enact Section 20-20.

Adopted: _____, 2013

Attest: _____, Clerk
Nelson County Board of Supervisors

Draft of 11/21/13

Sec. 11-195. Admissions Tax.

(a) An admissions tax of ____% is hereby levied on the amount paid for admission to any spectator event occurring in Nelson County, which tax is to be added to and collected by the seller along with the price of admission or other charge. As used in this section "spectator event" includes, but is not limited to, the following:

- (1) Any motion picture, play, concert, opera, stage show, or other similar performances;
- (2) Any sporting or athletic contest, competition, exhibition, or event, except where the person admitted is participating in any such activity;
- (3) Any show, display, or exhibition (e.g. antique show, art exhibition, car show, horse show, computer show, etc.);
- (4) Any lecture, talk, literary reading, or similar performance; and
- (5) Any restaurant, bar, roof garden, winery, cabaret, or similar place furnishing a public performance for profit where music or other entertainment is offered the patron in connection with the serving or selling of food, beverages, or merchandise and at which is charged, however denominated, an admission fee or cover charge.

(b) If any person is admitted free to any spectator event at any time when an admission charge is made to other persons, an equivalent tax shall be levied and shall be collected based on the price charged to such other persons of the same class for the same or similar accommodations, such tax to be paid by or on behalf of the person so admitted.

Sec. 11-196. Exclusions.

No admissions tax shall be levied on:

- (a) Admissions charged for attendance at any event, the gross receipts of which go wholly to charitable purpose or purposes; or
- (b) Admissions charged for attendance at public or private elementary, secondary, and college-sponsored events, including events sponsored by school-recognized organizations; or,
- (c) Admissions charges of one dollar (\$1.00) or less.

Sec. 11-197. Collection of Admissions Tax; Records.

(a) Every seller of admission to an event with respect to which the admission tax is levied under this article shall collect the amount of tax imposed from the purchaser on whom the same is levied at the time payment for such admission becomes due and payable. The amount of tax shall be added to the cost of admission by the seller. Such taxes collected by the seller shall be held in trust until remitted to the county.

- (b) Every seller of admissions with respect to which a tax is levied shall make out a return upon such forms and setting forth such information as the Commissioner of Revenue may prescribe and require, showing the amount of admissions collected and the tax required to be collected, and shall sign and deliver such return to the Treasurer with a remittance of such tax. The return and remittance shall be made on or before the twentieth (20th) day of each month, covering the amount of tax collected during the preceding month.
- (c) Every seller of admissions shall keep and preserve for a period of three years records showing the purchases for events and identifying the price charged against each purchaser with respect to each admission and shall make such records available to the Commissioner of Revenue upon request.

Sec.11-198. Procedure upon Failure to Collect, Report, etc. Taxes

- (a) It shall be the duty of the Commissioner of Revenue to ascertain the name of every person conducting a taxable event, liable for the collection of the tax hereby levied, who fails, refuses, or neglects to collect the tax or make, within the time prescribed in this article, the required reports or remittances.
- (b) The Commissioner of Revenue may proceed by warrant or summons against each such person in the manner provided by law.
- (c) If any person whose duty it is to collect and remit the tax imposed by this article should fail to do so within the time and in the amount specified, there shall be added to such tax a penalty in the amount of ten per cent (10%) if the failure is for not more than thirty days, with an additional ten per cent (10%) for each additional thirty days or fraction thereof during which the failure continues, not to exceed twenty-five per cent (25%) in the aggregate.

Sec. 11-199. Determination.

All determinations concerning the classification of events shall be made by the Commissioner of Revenue. A request for a determination shall be made in writing on forms approved by the Commissioner

Sec. 11-200. Violation of Article.

Any person violating or failing to comply with any provisions of this article shall be guilty of a Class One Misdemeanor. Each violation or failure to comply with this article shall constitute a separate offense. Conviction for such violation shall not relieve any person from the payment, collection, or remittance of the tax imposed in this article.

Cigarette Tax on a Pack of 20 in 2012

Tax Levied	Number of Localities			Total
	Cities	Counties	Towns	
Up to 15 cents	5	0	26	31
16 - 30 cents	8	2	17	27
31 - 45 cents	3	0	2	5
46 - 60 cents	7	0	4	11
Over 60 cents	7	0	4	11
Total	30	2	53	85
Median rate	33¢	30¢	15¢	20¢

The cigarette tax is in addition to the state 4 percent sales tax and the 1 percent local option sales tax.

ADMISSIONS TAX

In fiscal year 2011, the admissions tax accounted for 0.38 percent of the total tax revenue for cities. Receipts were negligible for counties and large towns. These are averages; the relative importance of the tax varies significantly among individual localities. For information on receipts by individual localities, see Appendix C.

Events to which admissions are charged are classified into five groups by § 58.1-3817 of the *Code of Virginia*; they are: (1) those events from which the gross receipts go entirely to charitable purposes; (2) admissions charged for events sponsored by public and private educational institutions; (3) admissions charged for entry into museums, botanical or similar gardens, and zoos; (4) admissions charged for sporting events; and (5) all other admissions.

In imposing the admissions tax, localities have the authority to tax each class of admissions with the same or with a different tax rate. A locality may impose admission taxes at lower rates for events held in privately-owned facilities than for events held in facilities owned by the locality. Section 58.1-3818 allows a locality to exempt certain qualified charitable events from admissions tax charges. Twelve counties (Arlington, Brunswick, Charlotte, Clarke, Culpeper, Dinwiddie, Fairfax, Madison, Nelson, New Kent, Prince George and Sussex) have been granted permission to levy an admissions tax at a rate not to exceed 10 percent of the amount of charge for admissions (§§ 58.1-3818 and 58.1-3840). Only three counties, Dinwiddie, New Kent, and Roanoke, report levying the tax.¹

Cities and towns are granted the authority to levy the admissions tax under the "general taxing powers" found in their charters (§ 58.1-3840). As shown in the text table, 16 cities and 2 towns (Culpeper and Vinton) reported levying

Admissions Tax, 2012

Rate	Number of Localities			
	Cities	Counties	Towns	Total
0.0 - 2%	0	0	0	0
2.1 - 4%	0	2	0	2
4.1 - 6%	6	1	2	9
6.1 - 8%	3	0	0	3
8.1 - 10%	7	0	0	7
Total	16	3	3	21
Median rate	7.25%	4%	3%	5%

the admissions tax. For cities, the levy ranged from 5 percent to the full 10 percent. The median rate was 7.25 percent.

MOTOR FUELS TAX ON DISTRIBUTORS

The fuel distribution license tax is a state tax on distributors of motor fuels to retailers in qualifying localities. Under § 58.1-1720 a *state tax* of 2.1 percent may be imposed on any distributor in a qualifying locality in the business of selling fuels at wholesale to retail dealers for retail sale within the qualifying locality. To be eligible a locality must be: (i) any county or city that is a member of a transportation district in which a rail commuter mass transport system and a bus commuter mass transport system are owned or operated by an agency as defined in § 15.2-4502, or (ii) any county or city that is a member of a transportation district subject to § 15.2-4515 and is contiguous to the Northern Virginia Transportation District. In addition, § 58.1-1722 excludes the amount of the tax imposed and collected by the distributor from the distributor's gross receipts for purposes of BPOL taxes imposed under Chapter 37 (§ 58.1-3700 et seq.).

The tax is imposed in 11 localities that belong to two transportation commissions. The Northern Virginia Transportation Commission (NVTC) consists of Fairfax, Loudoun and Arlington counties and Alexandria, Fairfax and Falls Church cities. The tax helps provide financial support for the activities of the Washington Metropolitan Area Transit Authority (WMATA), also known as Metro, and the Virginia Railway Express (VRE), the commuter line between Washington D.C. and Manassas and Fredericksburg. The other commission, the Potomac and Rappahannock Transportation Commission (PRTC), consists of three cities (Fredericksburg, Manassas, and Manassas Park), and two counties (Prince William and Stafford). It provides support to rail transport (VRE) in the affected counties and bus services originating in Prince William County through Omniride and Omnilink.



¹ The Auditor of Public Accounts' *Comparative Report of Local Government Revenues and Expenditures*, dealing with the years ended 2010 and 2011, lists receipts from the admissions tax for both Albemarle and Lee counties. When contacted in 2012, each county said that the receipts originated from sources other than the admissions tax.

Table 16.1
Meals, Transient Occupancy, Cigarette, Admissions, and Motor Vehicle Fuel Excise Taxes, 2012

Locality	Local Taxes				State Motor Fuels License Tax on Distributors (%)
	Meals (Restaurant) Tax (%)	Transient Occupancy (Hotel and Motel) Tax (%)	Cigarette Tax (Per Pack)	Admissions Tax (%)	
Cities (Note: All cities responded to the survey.)					
Alexandria	4.0	6.5 + \$1 per night	80¢	10.0 ^a	2.1
Bedford	5.0	5.0	30¢	N/A	N/A
Bristol	6.0	6.0	N/A	N/A	N/A
Buena Vista	6.0	6.0	N/A	N/A	N/A
Charlottesville	4.0	6.0	35¢	N/A	N/A
Chesapeake	5.5	8.0	50¢ (20 cig.) 62.5¢ (25 cig.) 75¢ (30 cig.)	10.0	N/A
Colonial Heights	6.0	8.0	N/A	N/A	N/A
Covington	7.5	2.0	30¢	N/A	N/A
Danville	6.0	6.0	N/A	N/A	N/A
Emporia	6.5	10.0	N/A	N/A	N/A
Fairfax	4.0	4.0	85¢	N/A	2.1
Falls Church	4.0	5.0	75¢ (20 cig.) 93.8¢ (25 cig.) \$1.125 (30 cig.)	N/A	2.1
Franklin	6.5	8.0	80¢	N/A	N/A
Fredericksburg	6.0	8.0	31¢	6.0	2.1
Galax	4.0	N/A	N/A	N/A	N/A
Hampton	7.5	8.0	80¢	10.0	N/A
Harrisonburg	6.5	6.5	30¢	5.0	N/A
Hopewell	5.5	8.0	N/A	N/A	N/A
Lexington	5.0	6.0	N/A	N/A	N/A
Lynchburg	6.5	5.5 + \$1 per night	35¢ (20 cig.) 43.8¢ (25 cig.)	7.0	N/A
Manassas	4.0	5.0	65¢ (20 cig.) 82.5¢ (25 cig.) 100¢ (30 cig.)	N/A	2.1
Manassas Park	4.0	4.0	50¢	N/A	2.1
Martinsville	6.5	2.0	20¢	N/A	N/A
Newport News	7.5	7.5	85¢ (20 cig.) 106.25¢ (25 cig.) 127.5¢ (30 cig.)	7.5	N/A
Norfolk	6.5	8.0 + \$1 per night	75¢ (20 cig.) 93.5¢ (25 cig.)	10.0	N/A
Norton	6.0	4.0	15¢	N/A	N/A
Petersburg	6.0	6.0	10¢	5.0	N/A
Poquoson	5.5	N/A	10¢	N/A	N/A
Portsmouth	6.5	8.0	60¢ (20 cig.) 73¢ (25 cig.)	10.0	N/A
Radford	5.5	6.0	15¢	N/A	N/A
Richmond	6.0	8.0	N/A	7.0	N/A
Roanoke	5.0	7.0	54¢	5.5	N/A
Salem	6.0	7.0	15¢ (20 cig.) 18.75¢ (25 cig.) 22.5¢ (30 cig.)	5.0	N/A
Staunton	6.0	5.0	20¢	N/A	N/A
Suffolk	6.5	8.0	50¢ (20 cig.)	10.0	N/A
Virginia Beach	5.5	8.0	65¢ (20 cig.)	10.0 ^b	N/A
Waynesboro	6.0	10.5 ^c	81¢ (25 cig.)	5.0 ^d	N/A
Williamsburg	5.0	6.0	20¢	N/A	N/A
Winchester	5.0	5.0	30¢	N/A	N/A
		5.0	25¢	5.0	N/A

N/A Not applicable.

^a Not to exceed \$0.50 per person.

^b For concert events.

^c Imposed on special districts (Sandbridge).

^d For participatory sporting events.

Table 16.1 Meals, Transient Occupancy, Cigarette, Admissions, and Motor Vehicle Fuel Excise Taxes, 2012 (continued)

Locality	Local Taxes				State Motor Fuels License Tax on Distributors (%)
	Meals (Restaurant) Tax (%)	Transient Occupancy (Hotel and Motel) Tax (%)	Cigarette Tax (Per Pack)	Admissions Tax (%)	
Counties (Note: All counties responded to the survey. Those that answered "not applicable" for all items are excluded.)					
Accomack	N/A	5.0	N/A	N/A	N/A
Albemarle	4.0	5.0	N/A	N/A	N/A
Alleghany	4.0	5.0	N/A	N/A	N/A
Amherst	4.0	5.0	N/A	N/A	N/A
Arlington	4.0	5.2	30¢ (20 cig.) 37.5¢ (25 cig.)	N/A	2.1
Augusta	4.0	4.0	N/A	N/A	N/A
Bath	4.0	4.0	N/A	N/A	N/A
Bedford	4.0	5.0	N/A	N/A	N/A
Bland	4.0	2.0	N/A	N/A	N/A
Botetourt	4.0	5.0	N/A	N/A	N/A
Brunswick	N/A	5.0	N/A	N/A	N/A
Buchanan	N/A	2.0	N/A	N/A	N/A
Buckingham	N/A	2.0	N/A	N/A	N/A
Caroline	4.0	5.0	N/A	N/A	N/A
Carroll	4.0	5.0	N/A	N/A	N/A
Chesterfield	N/A	8.0	N/A	N/A	N/A
Clarke	N/A	2.0	N/A	N/A	N/A
Craig	4.0	5.0	N/A	N/A	N/A
Culpeper	N/A	2.0	N/A	N/A	N/A
Dickenson	2.0	N/A	N/A	N/A	N/A
Dinwiddie	4.0	5.0	N/A	4.0	N/A
Fairfax	N/A	4.0	30¢	N/A	2.1
Fauquier	N/A	2.0	N/A	N/A	N/A
Floyd	N/A	5.0	N/A	N/A	N/A
Franklin	4.0	5.0	N/A	N/A	N/A
Frederick	4.0	2.0	N/A	N/A	N/A
Giles	N/A	2.0	N/A	N/A	N/A
Gloucester	4.0	4.0	N/A	N/A	N/A
Goochland	N/A	2.0	N/A	N/A	N/A
Grayson	N/A	2.0	N/A	N/A	N/A
Greene	4.0	5.0	N/A	N/A	N/A
Greensville	4.0	2.0	N/A	N/A	N/A
Halifax	4.0	5.0	N/A	N/A	N/A
Hanover	N/A	8.0	N/A	N/A	N/A
Henrico	N/A	8.0	N/A	N/A	N/A
Henry	4.0	2.0	N/A	N/A	N/A
Isle of Wight	4.0	2.0	N/A	N/A	N/A
James City	4.0	5.0	N/A	N/A	N/A
		+ \$2 per night			
King George	4.0	5.0	N/A	N/A	N/A
King William	4.0	N/A	N/A	N/A	N/A
Lee	N/A	2.0	N/A	N/A	N/A
Loudoun	N/A	5.0	N/A	N/A	2.1
Louisa	4.0	2.0	N/A	N/A	N/A
Madison	4.0	5.0	N/A	N/A	N/A
Mecklenburg	N/A	2.0	N/A	N/A	N/A
Montgomery	4.0	3.0	N/A	N/A	N/A
Nelson	4.0	5.0	N/A	N/A	N/A
New Kent	4.0	2.0	N/A	4.0	N/A
Northampton	4.0	5.0	N/A	N/A	N/A
Nottoway	N/A	2.0	N/A	N/A	N/A
Orange	4.0	2.0	N/A	N/A	N/A
Page	4.0	5.0	N/A	N/A	N/A
Patrick	N/A	5.0	N/A	N/A	N/A
Pittsylvania	4.0	N/A	N/A	N/A	N/A
Prince George	4.0	5.0	N/A	N/A	N/A

N/A Not applicable.

Table 16.1 Meals, Transient Occupancy, Cigarette, Admissions, and Motor Vehicle Fuel Excise Taxes, 2012 (continued)

Locality	Local Taxes				State Motor Fuels License Tax on Distributors (%)
	Meals (Restaurant) Tax (%)	Transient Occupancy (Hotel and Motel) Tax (%)	Cigarette Tax (Per Pack)	Admissions Tax (%)	
Counties (continued)					
Prince William	N/A	5.0	N/A	N/A	2.1
Pulaski	4.0	5.0	N/A	N/A	N/A
Rappahannock	4.0	2.0	N/A	N/A	N/A
Roanoke	4.0	5.0	N/A	5.0	N/A
Rockbridge	4.0	6.0	N/A	N/A	N/A
Rockingham	4.0	2.0	N/A	N/A	N/A
Scott	N/A	2.0	N/A	N/A	N/A
Shenandoah	N/A	2.0	N/A	N/A	N/A
Smyth	N/A	5.0	N/A	N/A	N/A
Southampton	4.0	2.0	N/A	N/A	N/A
Spotsylvania	4.0	5.0	N/A	N/A	N/A
Stafford	4.0	5.0	N/A	N/A	2.1
Sussex	N/A	2.0	N/A	N/A	N/A
Tazewell	N/A	5.0	N/A	N/A	N/A
Warren	4.0	2.0	N/A	N/A	N/A
Washington	N/A	2.0	N/A	N/A	N/A
Wise	N/A	5.0	N/A	N/A	N/A
Wythe	4.0	5.0	N/A	N/A	N/A
York	4.0	5.0	N/A	N/A	N/A
+ \$2 per night					
Towns (Note: Towns that answered "not applicable" for all items in this table are excluded. For a listing of town respondents and non-respondents, see Appendix B.)					
Abingdon	7.0	7.0	10¢	N/A	N/A
Alberca	5.5	5.0	N/A	N/A	N/A
Altavista	5.5	5.5	N/A	N/A	N/A
Amherst	4.0	5.0	N/A	N/A	N/A
Appalachia	3.0	N/A	20¢	N/A	N/A
Appomattox	5.0	5.0	N/A	N/A	N/A
Ashland	5.0	5.0	19¢	N/A	N/A
Big Stone Gap	6.0	5.0	N/A	N/A	N/A
Blacksburg	6.0	7.0	30¢ (20 cig.) 37.5¢ (25 cig.) 45¢ (30 cig.)	N/A	N/A
Blackstone	6.5	6.0	20¢ (20 cig.)	N/A	N/A
Bluefield	5.0	5.0	10¢	N/A	N/A
Boones Mill	4.0	N/A	N/A	N/A	N/A
Boydton	4.0	N/A	N/A	N/A	N/A
Bridgewater	6.0	N/A	N/A	N/A	N/A
Broadway	4.0	N/A	N/A	N/A	N/A
Brookneal	5.0	N/A	N/A	N/A	N/A
Buchanan	4.0	N/A	N/A	N/A	N/A
Burkeville	5.5	5.0	N/A	N/A	N/A
Capron	4.0	N/A	N/A	N/A	N/A
Cedar Bluff	6.0	N/A	N/A	N/A	N/A
Charlotte Court House	5.0	N/A	N/A	N/A	N/A
Chase City	5.0	N/A	N/A	N/A	N/A
Chatham	5.0	N/A	N/A	N/A	N/A
Chilhowie	5.0	5.0	6¢	N/A	N/A
Chincoteague	5.0	3.0	N/A	N/A	N/A
Christiansburg	7.5	9.0	40¢ (20 cig.) 50¢ (25 cig.) 60¢ (30 cig.)	N/A	N/A
Clarksville	5.0	5.5	N/A	N/A	N/A
Clifton Forge	4.5	N/A	4¢ (20 cig.) 5¢ (25 cig.) 6¢ (30 cig.)	N/A	N/A
Clintwood	6.0	5.0	5¢	N/A	N/A
Coeburn	7.0	N/A	15¢	N/A	N/A

N/A Not applicable.

Table 16.1 Meals, Transient Occupancy, Cigarette, Admissions, and Motor Vehicle Fuel Excise Taxes, 2012 (continued)

Locality	Local Taxes			Admissions Tax (%)	State Motor Fuels License Tax on Distributors (%)
	Meals (Restaurant) Tax (%)	Transient Occupancy (Hotel and Motel) Tax (%)	Cigarette Tax (Per Pack)		
Towns (continued)					
Colonial Beach	4.0	4.0	25¢	N/A	N/A
Crewe	5.0	N/A	N/A	N/A	N/A
Culpeper	5.0	5.0	10¢	1.0	N/A
Damascus	5.0	5.0	10¢	N/A	N/A
Dayton	5.0	N/A	N/A	N/A	N/A
Dublin	4.0	N/A	N/A	N/A	N/A
Duffield	3.5	N/A	N/A	N/A	N/A
Dumfries	4.0	5.5 + \$1 per night	60¢	N/A	N/A
Edinburg	5.0	N/A	N/A	N/A	N/A
Farmville	7.0	7.0	N/A	N/A	N/A
Fincastle	4.0	N/A	N/A	N/A	N/A
Floyd	5.0	5.0	N/A	N/A	N/A
Front Royal	4.0	6.0	N/A	N/A	N/A
Gate City	3.5	2.0	N/A	N/A	N/A
Glade Spring	5.0	N/A	N/A	N/A	N/A
Glen Lyn	N/A	5.0	N/A	N/A	N/A
Gordonsville	5.5	N/A	10¢	N/A	N/A
Gretna	5.0	2.5	N/A	N/A	N/A
Grundy	4.0	5.0	5¢	N/A	N/A
Halifax	3.0	3.5	N/A	N/A	N/A
Hamilton	4.0	2.0	N/A	N/A	N/A
Haymarket	4.0	N/A	45¢	N/A	N/A
Haysi	5.0	N/A	5¢	N/A	N/A
Herndon	2.5	6.0	75¢	N/A	N/A
Hillsville	5.0	5.0	N/A	N/A	N/A
Honaker	5.0	N/A	N/A	N/A	N/A
Hurt	4.0	N/A	N/A	N/A	N/A
Independence	5.0	5.0	N/A	N/A	N/A
Iron Gate	4.0	N/A	10¢	N/A	N/A
Irvington	N/A	2.0	N/A	N/A	N/A
Kenbridge	5.0	N/A	N/A	N/A	N/A
Keysville	5.0	N/A	N/A	N/A	N/A
Kilmarnock	5.0	8.0	30¢	N/A	N/A
Lacrosse	4.0	4.0	N/A	N/A	N/A
Lawrenceville	5.0	5.0	N/A	N/A	N/A
Lebanon	5.0	5.0	N/A	N/A	N/A
Leesburg	3.5	6.0	75¢	N/A	N/A
Louisa	5.5	1.0	N/A	N/A	N/A
Lovettsville	3.0	5.0	40¢	N/A	N/A
Luray	4.0	5.0	15¢	N/A	N/A
Madison	4.0	N/A	N/A	N/A	N/A
Marion	7.0	6.0	12¢	N/A	N/A
Middleburg	4.0	5.0	60¢	N/A	N/A
Middletown	4.0	4.0	N/A	N/A	N/A
Mineral	5.0	5.0	N/A	N/A	N/A
Narrows	4.0	4.0	N/A	N/A	N/A
Nassawadox	4.0	N/A	N/A	N/A	N/A
New Market	5.0	4.0	20¢	N/A	N/A
Occoquan	2.0	2.0	N/A	N/A	N/A
Onley	4.0	2.0	N/A	N/A	N/A
Orange	8.0	5.0	12¢	N/A	N/A
Parksley	4.0	N/A	N/A	N/A	N/A
Pearisburg	4.0	5.0	N/A	N/A	N/A
Pembroke	4.0	N/A	N/A	N/A	N/A
Pennington Gap	5.0	2.0	N/A	N/A	N/A

N/A Not applicable.

Table 16.1 Meals, Transient Occupancy, Cigarette, Admissions, and Motor Vehicle Fuel Excise Taxes, 2012 (continued)

Locality	Local Taxes				State Motor Fuels License Tax on Distributors (%)
	Meals (Restaurant) Tax (%)	Transient Occupancy (Hotel and Motel) Tax (%)	Cigarette Tax (Per Pack)	Admissions Tax (%)	
Towns (continued)					
Pound	4.0	4.0	5¢	N/A	N/A
Pulaski	6.0	6.0	20¢	N/A	N/A
Purcellville	5.0	3.0	65¢	N/A	N/A
Rich Creek	4.0	5.0	N/A	N/A	N/A
Rocky Mount	5.0	5.0	10¢	N/A	N/A
Rural Retreat	5.0	5.0	N/A	N/A	N/A
Saint Paul	5.0	5.0	5¢	N/A	N/A
Saltville	6.0	N/A	5¢	N/A	N/A
Shenandoah	6.0	4.0	10¢	N/A	N/A
Smithfield	5.0	5.0	25¢	N/A	N/A
South Boston	4.0	5.5	N/A	N/A	N/A
South Hill	5.5	5.5	N/A	N/A	N/A
Stanley	4.0	4.0	15¢	N/A	N/A
Stephens City	5.0	4.0	25¢	N/A	N/A
Strasburg	5.0	5.0	25¢	N/A	N/A
Surry	3.0	3.0	N/A	N/A	N/A
Tappahannock	4.0	2.0	15¢	N/A	N/A
Tazewell	6.0	N/A	3¢	N/A	N/A
Timberville	5.0	4.0	10¢	N/A	N/A
Urbanna	5.0	5.0	N/A	N/A	N/A
Victoria	4.0	N/A	N/A	N/A	N/A
Vienna	3.0	3.0	75¢ (20 cig.) 93.75¢ (25 cig.) 112.5¢ (30 cig.)	N/A	N/A
Vinton	5.0	2.0	20¢	5.0	N/A
Wakefield	5.0	N/A	N/A	N/A	N/A
Warrenton	4.0	4.0	15¢	N/A	N/A
Warsaw	4.0	2.0	25¢	N/A	N/A
Waverly	5.0	N/A	N/A	N/A	N/A
Weber City	3.5	N/A	N/A	N/A	N/A
Windsor	5.0	N/A	25¢ (20 cig.) 31¢ (25 cig.) 38¢ (30 cig.)	N/A	N/A
Wise	6.0	5.0	10¢	N/A	N/A
Woodstock	5.0	5.0	10¢	N/A	N/A
Wytheville	6.0	6.0	15¢	N/A	N/A

N/A Not applicable.

§ 58.1-3817. Classification of events to which admission is charged.

In accordance with the provisions of Article X, Section 1 of the Constitution of Virginia, events to which admission is charged shall be divided into the following classes for the purposes of taxation:

1. Admissions charged for attendance at any event, the gross receipts of which go wholly to charitable purpose or purposes.
2. Admissions charged for attendance at public and private elementary, secondary, and college school-sponsored events, including events sponsored by school-recognized student organizations.
3. Admissions charged for entry into museums, botanical or similar gardens, and zoos.
4. Admissions charged to participants in order to participate in sporting events.
5. Admissions charged for entry into major league baseball games and events at any major league baseball stadium which has seating for at least 40,000 persons.
6. All other admissions.

(Code 1950, § 58-404.1; 1950, p. 635; 1971, Ex. Sess., c. 1; 1984, c. 675; 1989, c. 291; 1997, c. [287](#).)

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

§ 58.1-3818. Admissions tax in certain counties.

A. Fairfax, Arlington, Dinwiddie, Prince George and Brunswick Counties are hereby authorized to levy a tax on admissions charged for attendance at any event. The tax shall not exceed 10 percent of the amount of charge for admission to any such event. Notwithstanding any other provisions of law, the governing bodies of such counties shall prescribe by ordinance the terms, conditions and amount of such tax and may classify between events conducted for charitable and those conducted for noncharitable purposes.

B. Notwithstanding the provisions of subsection A, Culpeper County and New Kent County are hereby authorized to levy a tax on admissions charged for attendance at any event as set forth in subsection A.

C. Notwithstanding the provisions of subsection A, Charlotte County, Clarke County, Madison County, Nelson County, and Sussex County are hereby authorized to levy a tax on admissions charged for attendance at any spectator event; however, a tax shall not be levied on admissions charged to participants in order to participate in any event. The tax shall not exceed 10 percent of the amount of charge for admission to any event. Notwithstanding any other provisions of law, the governing body of such county shall prescribe by ordinance the terms, conditions and amount of such tax and may classify between the events as set forth in § [58.1-3817](#).

D. Notwithstanding the provisions of subsections A, B and C, localities may, by ordinance, elect not to levy an admissions tax on admission to an event, provided that the purpose of the event is solely to raise money for charitable purposes and that the net proceeds derived from the event will be transferred to an entity or entities that are exempt from sales and use tax pursuant to § [58.1-609.11](#).

(Code 1950, § 58-404.2; 1971, c. 212; 1977, c. 573; 1978, c. 432; 1984, c. 675; 1995, c. [201](#); 1998, cc. [150](#), [532](#); 1999, c. [986](#); 2001, c. [485](#); 2003, cc. [757](#), [758](#); 2007, c. [813](#).)

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



Nelson County Sheriff's Office

94 Courthouse Square
PO Box 36
Livingston, VA 22949
434-263-7050
434-263-7056 (Fax)

W. David Brooks
Sheriff

November 20, 2013

To: Board of Supervisors
County of Nelson
84 Courthouse Square
Livingston, VA 22949

Re: Request for Traffic Enforcement Replacement Vehicle

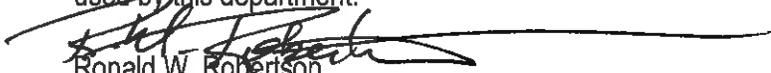
The Nelson County Sheriff's Office request additional funding as listed below to purchase and equip and new vehicle for our traffic enforcement program. The Dodge Intrepid used for this program is out of service due to engine failure.

- | | |
|--|---------------|
| 1. 2014 Chevrolet Impala, Flex Fuel, 3.6L V6 w/Engine block heater | \$17,728.50 |
| 2. Funding to equipment vehicle with lights, siren, radio system, Computer Stand and installation. Approximate cost: | \$ 5, 500.00 |
| 3. Total Request Amount: | \$ 23, 228.50 |

This request is for the sole purpose of providing our traffic enforcement officer with a vehicle that is reliable and trustworthy. The current vehicle in use today is a 2009 Dodge charger with over 212 thousand miles and often needing repairs. This vehicle is separate and not included in the request provided at the beginning of the physical year.

At present time, the Nelson County Sheriff's Office is showing to have 3 vehicles located in the motor pool. This is true, however, their value as a traffic enforcement is unreliable at best. One being used for prisoner transport has approximately 189 thousand miles, the other has a unreliable transmission with 173 thousand miles. Third and final vehicle will be issued to a new deputy on December 1, 2013 and this vehicle has approximately 137 thousand miles.

All requested monies requested for this project that is not used will remain in the county coffers and not used by this department.



Ronald W. Robertson
Captain/Chief Deputy
Nelson County Sheriff's Office



NELSON COUNTY BOARDS AND COMMISSIONS APPLICATION FORM

Subject: Appointments - Statement of Interest Form

Completing this form is one way to indicate your interest in being considered for appointment to some of the Boards, Commissions and Committees appointed by the Board of Supervisors. All appointments remain at the discretion of the Board of Supervisors.

Please complete and mail this form to:

Nelson County Board of Supervisors
Attention: Stephen A. Carter, Clerk of Board
Post Office Box 336
Lovingsston, VA 22949

or fax to (434) 263-7004

Date Nov. 19, 2013

Mr. Mrs. X Ms.

Name: Shelby Ralston Bruguere

List a maximum of three (3) Boards on which you are interested in serving.

- 1. Planning Commission
2. Board of Zoning and Appeals
3. Board of Equalization

Home Address:

8063 Rockfish Valley Hwy., Afton, Va 22920

Occupation: REALTOR@ Employed by: Self / Licensed with Keller Williams Realty

Home Phone No.: 540-456-6778 Business Phone No.: 434-531-9732

Fax No.: 1-434-382-0608 E-Mail Address: ShelbyBruguere@gmail.com

Do you live in Nelson County? Yes X No

Are you currently a member of a County Board, Commission, Committee or Authority? Yes No X

V B

If yes, list the Board(s):

What talent(s) and/or experience can you bring to the Board(s)?

Licensed real estate agent in the Commonwealth of Virginia

Knowledgeable about State and Local Codes & Standards

Experienced in analyzing property characteristics in order to ascertain fair market valuations of both vacant and improved properties.

What do you feel you can contribute to the Board(s) and to the community that may not be evident from information already on this form?

As a lifelong resident of the county, I understand the various nuances of the different areas/sections of the county and how actions taken in one area may impact the others.

Please use this space for any additional information you would like to provide:

A resume or separate sheet with additional information may be included.

ATTENDANCE REQUIREMENTS

Section 2-153, Absences, Chapter 2, Administration, Article V. Appointments for Boards and Commissions of the Nelson County Code, an appointee of the Board of Supervisors who either (a) fails, during a calendar year, to attend seventy-five percent of the regular meetings of the board or commission of which he/she is a member, or (b) is absent for three consecutive regular meetings, shall be deemed to have tendered his/her resignation from such position. The Board of Supervisors may accept such resignation by appointing another person to fill the position.

In light of the above, will you be able to attend at least 75% of the regular meetings of the boards to which you may be appointed?

Yes X No

NELSON COUNTY BOARDS AND COMMISSIONS APPLICATION FORM

Subject: Appointments - Statement of Interest Form

Completing this form is one way to indicate your interest in being considered for appointment to some of the Boards, Commissions and Committees appointed by the Board of Supervisors. All appointments remain at the discretion of the Board of Supervisors.

Please complete and mail this form to:

Nelson County Board of Supervisors
Attention: Stephen A. Carter, Clerk of Board
Post Office Box 336
Lovingston, VA 22949

or fax to (434) 263-7004

Date 11/25/2013

Mr. Mrs. Ms.

Name: Robert J. McSwain

List a maximum of three (3) Boards on which you are interested in serving.

- 1. Board of Equalization
- 2. _____
- 3. _____

Home Address: 3254 Dutch Creek Lane
Shipman, VA 22971

Occupation: Retired Employed by: NA

Home Phone No.: (434) 263-6714 Business Phone No.: NA

Fax No.: NA E-Mail Address: losthorsehoe2@gmail.com

Do you live in Nelson County? Yes No

Are you currently a member of a County Board, Commission, Committee or Authority? Yes No

If yes, list the Board(s):

What talent(s) and/or experience can you bring to the Board(s)?

I own a house and forest land in Nelson County. I am familiar with the real estate tax assessment process and its impact on individual property owners, as well as County finances. I have researched land parcels in the Courthouse records and understand the importance of factors that affect property values (e.g., zoning, road

What do you feel you can contribute to the Board(s) and to the community that may not be evident from information already on this form?

access, power, and water).
I am willing to work with the other Board members to reach consensus.

Please use this space for any additional information you would like to provide:

A resume or separate sheet with additional information may be included.

ATTENDANCE REQUIREMENTS

Section 2-153. Absences, Chapter 2, Administration, Article V. Appointments for Boards and Commissions of the Nelson County Code, an appointee of the Board of Supervisors who either (a) fails, during a calendar year, to attend seventy-five percent of the regular meetings of the board or commission of which he/she is a member, or (b) is absent for three consecutive regular meetings, shall be deemed to have tendered his/her resignation from such position. The Board of Supervisors may accept such resignation by appointing another person to fill the position.

In light of the above, will you be able to attend at least 75% of the regular meetings of the boards to which you may be appointed?

Yes No

NELSON COUNTY BOARDS AND COMMISSIONS APPLICATION FORM

Subject: Appointments - Statement of Interest Form

Completing this form is one way to indicate your interest in being considered for appointment to some of the Boards, Commissions and Committees appointed by the Board of Supervisors. All appointments remain at the discretion of the Board of Supervisors.

Please complete and mail this form to:

Nelson County Board of Supervisors
Attention: Stephen A. Carter, Clerk of Board
Post Office Box 336
Lovingston, VA 22949

or fax to (434) 263-7004

RECEIVED

DEC 3 2013

COUNTY ADMINISTRATOR'S
OFFICE

Date 12/2/2013

Mr. Mrs. Ms.

Name: KATHRYN L. DAGOSTINO

List a maximum of three (3) Boards on which you are interested in serving.

- 1. BOARD OF EQUALIZATION OF REAL ESTATE ASSESSMENT
- 2. _____
- 3. _____

Home Address:

347 AVON ROAD
ASTON, VA 22920

Occupation: RETIRED Employed by: _____

Home Phone No.: 434-981-5381 Business Phone No.: _____

Fax No.: _____ E-Mail Address: 1.katdog1@gmail.com

Do you live in Nelson County? Yes No

Are you currently a member of a County Board, Commission, Committee or Authority? Yes No

If yes, list the Board(s):

BOARD OF EQUALIZATION

What talent(s) and/or experience can you bring to the Board(s)?

I HAVE BEEN A LEGAL ASSISTANT FOR THE PAST 20 YEARS; MUCH OF THAT EXPERIENCE HAS FOCUSED ON REAL ESTATE. I AM FAMILIAR WITH THE ASSESSMENT PROCESS AND HOW IT TRANSLATES TO REAL PROPERTY TAXES. AS A NELSON COUNTY PROPERTY OWNER, I UNDERSTAND FIRST-HAND HOW ASSESSMENTS ARE DONE, THE GRIEVANCE PROCEDURE AND HOW ADJUSTMENTS ARE MADE.

What do you feel you can contribute to the Board(s) and to the community that may not be evident from information already on this form?

AS A RESULT OF MY PROFESSIONAL EXPERIENCE, I'M ABLE TO CONTRIBUTE THE SKILLS FOR SUCCESSFULLY WORKING WITH THE PUBLIC. WITH A CARING AND EMPATHETIC MANNER, I CAN BE HELPFUL TO EVEN THOSE WHO HAVE COMPLAINTS. I HAVE EXCELLENT COMMUNICATION & PROBLEM-SOLVING SKILLS THAT FOSTER A "WIN-WIN" OUTCOME.

Please use this space for any additional information you would like to provide:

I HAVE SPOKEN WITH MY SUPERVISOR, TOMMY HARVEY, AND HAVE PROVIDED HIM WITH A COPY OF THIS STATEMENT OF INTEREST FORM.

A resume or separate sheet with additional information may be included.

ATTENDANCE REQUIREMENTS

Section 2-153, Absences, Chapter 2, Administration, Article V. Appointments for Boards and Commissions of the Nelson County Code, an appointee of the Board of Supervisors who either (a) fails, during a calendar year, to attend seventy-five percent of the regular meetings of the board or commission of which he/she is a member, or (b) is absent for three consecutive regular meetings, shall be deemed to have tendered his/her resignation from such position. The Board of Supervisors may accept such resignation by appointing another person to fill the position.

In light of the above, will you be able to attend at least 75% of the regular meetings of the boards to which you may be appointed?

Yes No

Kathryn L. Dagostino

1948 Berry Hill Road, Nellysford, VA 22958

434/981-5381 Kathryn.Dagostino444@gmail.com

Experience

- 2010-2013** **Paralegal**, Tucker Griffin Barnes, Charlottesville, VA. Administer Workers' Compensation caseload from initial claim through settlement. Draft legal documents and correspondence. Manage Registered Agent duties with the State Corporation Commission. Extensive contact with clients, outside attorneys, courts and commissions. Write attorney blogs for lawyers.com.
- 2008-2009** **Development Assistant** Planned Parenthood Health Systems, Charlottesville, VA. Manage database. Generate and analyze reports. Bookkeeping and accounts receivable. Identify and research funding sources. Prepare grant proposals. Plan and coordinate events. Write and edit promotional materials.
- 2006-2008** **Corporate Legal Assistant**, LeClairRyan, PC, Charlottesville, VA. Contract review and administration. Organize formation of corporate entities. Ensure ongoing compliance with State Corporation Commission regulations. Draft and edit legal documents. Formulate budgets. Invoicing and accounts reconciliation. Plan events and travel. Organize and manage filing systems. Develop marketing and presentation materials.
- 2004-2006** **Trusts & Estates Paralegal**, McGuireWoods, LLP, Charlottesville, VA. Prepare probate, estate and trust administration filings, accountings and tax returns. Meet filing/action deadlines. Work with high net-worth clients regarding wealth management. Research legal and tax issues.
- 2002-2004** **Secondary Markets Manager**, 1st Nations Mortgage Corp., Charlottesville, VA. Prefunding review of consumer loan documents to ensure regulatory compliance. Provide information to regulatory agencies/auditors. Generate loan documents. Manage post-closing compliance of loans and sale to investors. Prepare financial and status reports. Promoted from mortgage loan processor.
- 1998-2002** **Legal Assistant**, Office of General Counsel, Association for Investment Management and Research, Charlottesville, VA. Work with members to formulate policies and proposals. Develop presentation and conference materials. Track, maintain information, and generate reports from a variety of databases.
- 1991-1998** **Legal Assistant**, Office of Richard A. Davis, Attorney, Charlottesville, VA. Office management, bookkeeping, invoicing. Organize and conduct residential and commercial real estate transactions. Prepare legal documents and correspondence.

Education

- 1977-1979** Master of Science, School of Planning, Land Use/Energy/Environment, University of Tennessee, Knoxville.
- 1972-1977** Bachelor of Science, School of Communications/Journalism, University of Tennessee, Knoxville.

From: [DAVID HIGHT](#)
To: [Candy McGarry](#)
Subject: Re: 2014 Board of Equalization
Date: Monday, November 18, 2013 11:54:19 AM

Yes, I am perfectly willing and have already indicated that to Mr. Bruguiera.

Dave Hight

On Mon, Nov 18, 2013 at 9:51 AM, Candy McGarry <CMcGarry@nelsoncounty.org> wrote:

Gentlemen,

I am writing you to see if you would be willing to serve again on the Board of Equalization for the 2014 Reassessment. Please let me know at your earliest convenience, thank you!

Sincerely,

Candy McGarry

Candy McGarry

Nelson County Administrator's Office

Administrative Asst./Deputy Clerk

ph: [434-263-7002](tel:434-263-7002)

fax: [434-263-7004](tel:434-263-7004)

BOARD OF ZONING APPEALS

Board Appoints & Recommends Certification by the Circuit Court

<u>Name & Address</u>	<u>Term Expiration Date</u>
Goffrey E. Miles 146 Miles Lane Faber, VA 22938 (434) 263-5339	November 11, 2016
John J. Bradshaw 412 Hickory Creek Rd. Walnut Valley Farm Faber, VA 22938 (434) 263-4381	November 9, 2013
Gifford Childs 5596 Taylor Creek Rd. Afton, VA 22920 (434) 361-9147	November 11, 2017
Linda C. Russell 1236 Stoney Creek W. Nellysford, VA 22958 (434)361-2137	November 11, 2014
Kim T. Cash P.O. Box 14 Montebello, VA 24464 (540) 377-6409	November 10, 2015
Ronald L. Moyer (Appointed 4/1/05 Alternate) P.O. Box 94 Shipman, VA 22971 (434) 263-5947 (h) (434) 263-5031 (w)	March 30, 2010

BOARD OF ZONING APPEALS

Board Recommends Appointment to the Circuit Court.

Established: by Article 14 of the Nelson County Code,

Composition: 5 members recommended by the BOS and appointed by the Nelson Circuit Court, 1 of which is an active Planning Commission member.

Term of Office: 5 years; No Term Limits

Summary of Duties:

To hear and decide applications for Special Use Permits where authorized by Ordinance including deciding interpretation of the district map where there is uncertainty as to location or boundary. To authorize upon appeal in specific cases such variance from the terms of the ordinance as will not be contrary to public interest.

Meetings:

Meetings are held at the call of the Chairman or at such times as a quorum of the board may determine. Members serve on a volunteer basis without pay other than for travel expenses.

JEFFERSON AREA BOARD FOR AGING COUNCIL ON AGING

2 Members

Term

Ms. Mary Lee Embrey (VACANT) January 1, 2010 -December 31, 2012
 10874 Rockfish River Rd.
 Shipman, VA 22971
 (434) 263-5668

Ms. Deborah R. Harvey January 1, 2011-December 31, 2013
 (Appointed 4/12/11)
 80 Simpsons LN
 Lovingson, VA 22949
 (434) 263-5465 (H)
 (434) 220-1625
Harvey@srcinc.com
Drharvey60@gmail.com

Constance Brennan (At Large Member)
 524 Buck Creek Lane
 Faber, VA 22938
 H (434) 263-4690
connie@cstone.net

Term(s) of Office: 2 years: January 1st to December 31st

Summary of Duties: The Council Member acts with other Advisory Council members to provide input on the development and administration of JABA's Area Plan, participate in public hearings, represent the interests of older persons, and review and comment on all community policies, programs and actions affecting the senior citizen's and elder caregivers of Planning District Ten.

Meetings:

Meets the first Thursday of each month at The Woods Edge in Charlottesville. Members serve on a volunteer basis.

TJPDC Corporation
 401 E. Water Street
 Charlottesville, Virginia 22902
 (434) 979-7310
 corporation@tjpd.org

Building Partnerships to Improve our Region

The mission of the TJPDC Corporation is to promote regional cooperation and collaboration among government, the private sector, and community organizations to improve the quality of life for citizens in the planning district ([City of Charlottesville](#) and Counties of [Albemarle](#), [Fluvanna](#), [Greene](#), [Louisa](#) and [Nelson](#) in Central Virginia).

The Corporation assists community efforts in the areas of:

- Housing
- Environment
- Community Development
- Transportation
- Workforce and Economic Development
- The Arts
- Universal Design

History of the TJPDC Corporation

The Thomas Jefferson Planning District Commission ([TJPDC](#)) incorporated the TJPDC Corporation in order to establish it as a 501 (c)(3) non-profit organization. The TJPDC Corporation Board was formed with 11 Board members, six of whom were members of the TJPDC Commission, representing each of the six member localities. The board began meeting regularly in June 2010. TJPDC Corporation submitted Form 1023 to the IRS to apply for non-profit status on May 7, 2011 and received its determination letter from the IRS on January 31, 2012. The TJPDC Corporation is intended to be tied to the mission and activities of the Thomas Jefferson Planning District Commission ([TJPDC](#)).

Board Members

TJPDC Appointees

City of Charlottesville

Ms. Genevieve (Gennie) Keller
 Charlottesville Planning Commission
 P. O. Box 92
 Charlottesville, VA 22902
 Mobile: (434) 825-2973

Board-Elected Directors

Pat Groot, Treasurer
 Grants Administrator, TJPDC
 401 E. Water St.
 Charlottesville VA 22902
 Work: (434) 979-7310 ext. 102
 Fax: (434) 979-1597
 E-mail: pgroot@tjpd.org

Email: genevieve.keller@gmail.com

Albemarle County

Ms. Ann H. Mallek, Vice Chair
 Board of Supervisors
 P O Box 207
 Earlysville, VA 22936
 Mobile: (434) 996-6159
 Home: (434) 978-1150
 Email: amallek@albemarle.org

Fluvanna County

Mr. Keith B. Smith
 35 Acre Lane
 Palmyra VA, 22963
 Mobile: (434) 531-0795
 Email: keithsmith011163@gmail.com

Greene County

Ms. Andrea Wilkinson
 716 Advance Mills Road
 Ruckersville, VA 22968
 Work: (434) 985-3870
 Email: wilkinsonCPA@aol.com

Louisa County

Mr. Tommy Barlow
 Board of Supervisors
 4089 Cross County Road
 Mineral, VA 23117
 Home: 804) 556-4656
 Work: 804) 556-4666
 Email: TBarlow@louisa.org

Nelson County

(vacant)

Carl Schmitt
 1307 Parker Mtn. Rd.
 Stanardsville, VA 22973
 Home: 434-985-9815
chschnitt@firstnetva.com

Sally Thomas
 889 Leigh Way
 Charlottesville, VA 22901
 Home: (434) 295-1819
 E-mail: writeinsal@aol.com

Staff

Billie Campbell, ED, Secretary
 TJPDC
 401 E. Water St/PO Box 1505
 Charlottesville, VA 22902-1505
 Work: 434-979-7310 ext. 230
 Fax: 434-979-1597
 E-mail: bcampbell@tjpd.org

Board Composition from Bylaws

- At least seven (7) and no more than thirteen (13)
- Six directors selected from TJPDC Commission to represent each member locality
- Up to seven (7) at-large directors elected by the TJPDC Corporation Board
- Elected at the annual meeting. No limit to the number of one-year terms.

From: [Steve Carter](#)
To: [Candy McGarry](#)
Cc: [David Blount \(DBlount@tjpd.org\)](#); [Tim Padalino](#); [Allen Hale \(super@buteobooks.com\)](#)
Subject: FW: TJPDC Corporation
Date: Thursday, October 24, 2013 9:54:11 AM

Candy,

Please include this subject (appointment – see below) for consideration at the BOS' November meeting. Some background is provided in the messages below but you may want to obtain more information on the TJPDC Corporation from David and also proceed to advertise this vacancy in the NC Times.

Thanks,

Steve

Stephen A. Carter
Nelson County Administrator
P. O. Box 136
84 Courthouse Square
Lovingston, VA 22949
Ph. (434) 263-7001
Fx. (434) 263-7004

From: Tim Padalino
Sent: Thursday, October 24, 2013 9:39 AM
To: Steve Carter; Allen Hale (super@buteobooks.com)
Subject: FW: TJPDC Corporation

Hello Steve and Allen,

I'm writing to see if there's been any recent discussion about the new TJPDC Corporation's representative from Nelson County?

David Blount reach out to me to see if I had any updated info (below); which I do not. And to be frank about it, I hold a very strong preference for the County to be represented by someone other than Allen or myself (as we already serve on the Commission; and as I was just elected as Vice-Chair for the TJPDC Rural Tech, after essentially insisting that I not be elected Chair...)

Any thoughts on this?

Tim Padalino
[434]-263-7090

From: David Blount [<mailto:DBlount@tjpd.org>]
Sent: Wednesday, October 23, 2013 11:01 PM
To: Tim Padalino
Subject: FW: TJPDC Corporation

Hey Tim,

I hope all is well with you. I was wondering if you had heard any discussion re: the highlighted piece below? We have a vacancy in the Nelson County representation on the TJPDC Corporation Board, which is the TJPDC's non-profit arm. We would like to get this filled by the end of calendar year, at the latest. The Board meets five times per year (next meeting is on Monday, then there will be a meeting in December prior to the holidays). The seat can be filled by an elected official, staff or citizen (we have a mix from the other localities now, including several Commissioners that serve). Perhaps now that you are settled in on the Commission, it is a role that you might fill?!?!?!?

I will be out of the office tomorrow, but would appreciate hearing back from you by email. Or, if you would like more information about this, please call Billie Campbell at the office on Thursday and she will be glad to fill you in. Thanks, Tim. Look forward to seeing you soon.
David

From: David Blount
Sent: Friday, October 11, 2013 9:49 AM
To: 'Steve Carter'
Subject: RE: NACo

Thanks, Steve. The reason I was inquiring is that NACo has a new grants clearinghouse that we might be interested in accessing, and would hope to work with you to be able to do so.

By the way, have you all had any more discussion about appointing someone to serve on the TJPDC Corporation Board?

Thanks....hope you have a nice weekend.

David

<u>NAME, ADDRESS & PHONE</u>	<u>TERM: 4 Years, July-June</u>	<u>Terms Served</u>
Russell B. Otis 286 Riverfield Farm Lane Faber, VA 22938 (434) 263-5527 (H) (434)-325-8531 (w) rotiswpoa@cs.com	July 1, 2013 – June 30, 2017	(T1)

Authority: Code of Virginia §23-220

Membership: Members consist of representatives from the local community college participating jurisdictions.

Terms: Four (4) years from July 1 – June 30, **2 Term Limit**

Summary of Duties: To assist in ascertaining educational needs, enlisting community involvement and support, and perform such other duties as may be prescribed by the State Board including: participating in the selection, evaluation, and removal of the college president, review and act upon all new curricular proposals as well as the discontinuation of curricular programs, review and act on the annual local funds budget as prepared by the president, review and act on local regulations on student conduct developed by the president, and review and act on an annual written report on the operations of the college as prepared by the president.

Meetings: Meetings are held five (5) or six (6) times a year generally on the first Wednesday at 4:00 PM for approximately 1 ½ hours at PVCC in September, November, January, March and May. The March meeting rotates its location among the seven (7) participating jurisdictions. Members serve on a voluntary basis.

PIEDMONT VIRGINIA COMMUNITY COLLEGE BOARD

PROFILE

As a part of the twenty-three community college system of the Commonwealth of Virginia, Piedmont Virginia Community College is governed by the State Board for Community Colleges which is appointed by the Governor. The College also has a local advisory board which is appointed by its participating local jurisdictions.

Based on State Board policy, specific duties of the College Board include:

- Participates in the selection, evaluation, and removal of the college president.
- Participates in the development and evaluation of a program of community college education of high quality.
- Is responsible for eliciting community participation in program planning and development, for establishing local citizen advisory committees for specialized programs and curricula, and for approving the appointments of all members of these committees.
- Serves as an advocate to the College for the educational needs of the citizens of his/her jurisdiction.
- Serves as an advocate for the College to the citizens and leaders of his/her jurisdiction.
- Reviews and acts on all new curricular proposals as well as proposals for the discontinuation of curricular programs.
- Oversees the development and evaluation of the community service program for the College, giving the president the authority to grant an "award of completion" to a person successfully completing an approved noncredit program.
- Reviews and acts on the annual local funds budget as prepared by the president.
- Reviews and acts on local regulations on student conduct developed by the president.
- Reviews and acts on an annual written report on the operations of the College as prepared by the president.

The College Board has no authority in the development of the College's annual operating budget nor in the handling of personnel matters. However, it is kept informed of the fiscal status of the College by the president and receives summaries of the College's biennial financial plans and annual spending plans. The Board is also kept informed of personnel matters by the president.

The College Board meets five or six times a year. Generally, meetings are held on the first Wednesday at 4:00 p.m. in the months of September, November, January, March, and May. With the exception of the March meeting, the College Board convenes on campus. In an effort to better serve the College's entire service region, the March meeting rotates among the seven

jurisdictions served by the College. A summer meeting is often scheduled based on the interest of the Board members. College Board meetings usually last one-and-a-half hours. In addition to the regular meetings of the College Board, the Virginia Community College System hosts an annual meeting in November.

From the perspectives of race, gender, and profession, the College Board reflects the diversity of the College's service area. Board members are viewed as the "representative voice" for their jurisdictions and are valued for the unique orientations they bring to the work of the College. Within this context, a working knowledge of the community is essential.

In compliance with State Board policy, members of the College Board are appointed to four-year terms and are eligible for one reappointment. They may also be appointed to fill the unexpired terms of individuals who resign from the board.

There are three standing committees of the College Board—namely, Finance and Building, Curriculum, and Community Relations. Board members are expected to serve on one of the committees.

Below is a list of the current membership of the Piedmont Virginia Community College Board. Included in it is the profession and/or business affiliation of the members.

Albemarle County

Stephen Davis
Consultant

Debbi Goodman
Educational Writer/Speech Pathologist

Sean J. Moynihan
Consultant

Bruce Dotson
UVA Faculty, retired

Buckingham County

Vera Cooke-Merritt
Elementary Public School Teacher

City of Charlottesville

Alvin Edwards
Pastor

Robert Hodous
Attorney

Sean McCord
Information Technology, UVA

Peter T. Kleeman
Transportation/Environmental Consultant

Fluvanna County

Leonard F. Gardner
U.S. Govt. Administrator, retired

Greene County

Laila Bare (Chair)
Educator and Consultant

Louisa County

Ava Pippin
High School Business Teacher, retired

Nelson County

VACANT



Nelson County High School
6919 Thomas Nelson Highway
Lovingson, VA 22949
(434) 263-8317 Fax: (434) 263-5987

November 27, 2013

Mr. Steve Carter
County Administrator-Nelson County
P.O. Box 336
Lovingson, VA 22949

Dear Mr. Carter,

In a letter dated November 11, 2013 I shared with you the recent success the Nelson Senior FFA Meat Evaluation and technology Team and the FFA Forestry Judging Team both had in the national FFA competitions.

This was the first time in the 60 years that Nelson County High School has had a national and champion team. It is the first time that the school system has had a national champion and a 3rd place national team in the same year. These teams competed in true national contests. The state FFA winning teams, in both of the contests, from the 50 states plus the territories of Guam, Puerto Rico, and the Virgin Islands could participate.

The Nelson Senior FFA Meat Evaluation and Technology team competed against 42 other full state winning teams from across the nation. One Hundred and sixty four students competed in the event. The Nelson Senior FFA Forestry judging team placed 1st in the Nation while competing against 40 other state winning teams from across the nation. Over 160 students competed in the contest.

On behalf of the students on the national Meat Evaluation and Technology team that won their state contest and placed 3rd in the national contest and on behalf of the Nelson County FFA Forestry Judging team that won their local, regional, state and now national contest would the Nelson County Board of Supervisors consider recognizing the students accomplishments at the February Board of Supervisors meeting with a token of recognition and appreciation on behalf of the citizens of our county? No teams have ever accomplished what these students have done in the history of public education in our county. Would the board consider paying for rings to be made and present them to the students reflecting the state and national recognition these students have brought to our county and state?

The cost for the national rings for the 8 students would be \$1,525.00. If the board wishes to give Mr. Scott Massie and I a ring for coaching the teams, the total cost would be \$1,860.00.

I appreciate the manner in which the Nelson County Board of supervisors has assisted the FFA members in the past and hope that they will be able to continue to promote excellence in our members in the future. I look forward to hearing from you soon.

Sincerely,

Edward W. McCann
FFA Advisor, NCHS



Nelson County High School
6919 Thomas Nelson Highway
Lovingson, VA 22949
(434) 263-8317 Fax: (434) 263-5987

November 11, 2013

Mr. Steve Carter
County Administrator-Nelson County
P.O. Box 336
Lovingson, VA 22949

Dear Mr. Carter,

It is with a great deal of pride and satisfaction that I write to you and the Nelson County Board of Supervisors. Several Members of the Nelson Senior FFA were recognized at the National FFA convention in Louisville, Kentucky. The convention was attended by over 63,000 FFA members, advisors, and guests from across the 50 states including the territories of Guam, Puerto Rico, and the Virgin Islands.

While at the Convention the Nelson Senior FFA competed in the National FFA Forestry Judging and the National Meat Evaluation and Technology Career Development Events in Louisville Kentucky.

The Nelson Senior FFA Meat Evaluation and Technology team competed against 42 other state winning teams from across the nation. One Hundred and sixty four students competed in the event. The team placed 3rd in the entire nation. Ben Fitzgerald earned a gold medal and placed 14th, Zach Phillips earned a gold medal and placed 16th, Phillip Saunders earned a gold medal and placed 23rd, and Jenny Elgin earned a silver medal and placed 63rd. This is the highest rating that a Nelson County FFA Meat Evaluation and Technology team has ever achieved in the 59 years of Nelson County FFA history.

The National FFA Meats Technology and Evaluation CDE is a competitive event that tests students' skills and competencies in evaluating and identifying meat carcasses and products. Event components include a general knowledge exam; beef carcass evaluation; identification of wholesale and retail cuts of beef, lamb, and pork; quality and yield grading of beef carcasses; a team meat merchandising event; and solving of a meat formulation problem. The Nelson County High school team has competed and won in the state contest in late March, in Blacksburg on the campus of VA Tech. This gave them the privilege of representing Nelson County and Virginia at the National FFA Convention & Expo. The event was held at the University of Kentucky in Lexington, Ky. and is one of many educational activities at the National FFA Convention & Expo in which FFA members apply classroom knowledge to real-life situations.

The Nelson Senior FFA Forestry judging team placed 1st in the Nation while competing against 40 other state winning teams from across the nation. Over 160 students competed in the contest. The forestry judging event is sponsored by Husqvarna and John Deere as a special project of the National FFA Foundation.

The National FFA Forestry Career Development Event is a competitive event that tests students' skills and knowledge in the area of forest management. Event components include a general forest knowledge exam, tree identification, timber cruising, tree/forest disorders identification, a chainsaw practicum, forestry issues interview, surveying, wood product identification, forestry tool and equipment identification, and a team activity.

The Nelson Senior FFA team competed in, and won, the local, regional and state levels of competition earning them the right and privilege of representing Nelson County and Virginia at the National FFA Convention & Expo.

The event was held at Bernheim Forest in Clermont, Ky. and is one of many educational activities at the national convention in which FFA members apply classroom knowledge to real-life situations.

Jack Taggart was the high individual in the national contest earning a gold medal. Jamie Conner was second in the nation and earned a gold medal; Zach Barnes was 19th in the nation and earned a gold medal. Jesse Carter was 43rd and earned a Gold medal.

This is the first time an FFA team from Nelson County has won a national contest in the 59 year history of the school. This is also the first time a team from Nelson County High school has won a true national contest. The team was also the first state forestry team made up of all freshmen when they won the state contest in May of this year. This was the only team from Virginia that won one of the 24 national FFA contests. They were also one of the youngest teams to compete in the national contest.

While in Louisville the Nelson County High school FFA chapter was recognized in the 2013 National chapter awards program. The program recognizes outstanding FFA chapters from throughout the country that successfully completes activities that encourage the members to grow as individuals, work as a team and serve others in their community.

On behalf of the students on the national Meats team that won their state contest and placed 3rd in the national contest and on behalf of the Nelson County FFA forestry team that won their local, regional, state and now national contest would the Nelson County Board of Supervisors consider recognizing the students accomplishments at the December Board meeting with a token of appreciation on behalf of the citizens of our county? No teams have ever accomplished what these students have done in the history of public education in our county. Would the board consider having rings made and present them to the students reflecting the state and national recognition these students have brought to our county and state?

I am enclosing the news release from National FFA for both teams. I look forward to hearing from you soon.

Sincerely,



Edward W. McCann
FFA Advisor, NCHS

DEPARTMENT OF
PLANNING & ZONING



PLANNING COMMISSION
BOARD OF ZONING APPEALS

To: Chairman and Members, Nelson County Board of Supervisors; and
Mr. Stephen A. Carter, County Administrator, County of Nelson

From: Tim Padalino | Director | Department of Planning & Zoning

Date: December 5, 2013

Subject: Staff Report for Conditional Rezoning #2013-004 (Smack / Blue Mountain Brewery)

Introduction

The Department of Planning & Zoning received an application on October 24th from Mr. Taylor Smack of Blue Mountain Brewery, seeking review and approval of Conditional Rezoning #2013-004 pursuant to Article 16, Section 4-1 of the Nelson County Zoning Ordinance. This request seeks a conditional rezoning of Tax Map Parcel #4-A-60 from Residential (R-1) to Agricultural (A-1) in order to, “utilize the newly purchased property for brewery business that is not allowed in residential zoning.”

The applicant has voluntarily included proffers as part of this Conditional Rezoning request. Specifically, Mr. Smack proffers away all rights to the following uses as listed and as defined in the Nelson County Zoning Ordinance: Kennels (per Section 4-1-9); Public Utilities (per Section 4-1-11); and Automobile Graveyard (per Section 4-1-18).

Property Information

The subject property is located in the Afton area at 9403 Critzer Shop Road, further identified as Tax Map Parcel #4-A-60 (Figure 1). This 2.4-acre property, which is adjacent to the existing Blue Mountain Brewery (BMB), was previously the site of a single-family residential redevelopment which was abandoned before being sold to Mr. Smack. This property is currently zoned Residential (R-1), with some of the adjacent properties zoned Agricultural (A-1) including the site of the existing brewery, identified as Tax Map Parcel #4-A-59 (Figure 2). The subject property is owned by the applicant (Taylor Smack / BMB).

Notes from Site Plan Review

The Site Plan Review Committee met previously on October 9th to discuss a previous rezoning application from Mr. Smack, which was subsequently withdrawn at the October 23rd Planning Commission meeting. That previous application’s Minor Site Plan was re-submitted with Conditional Rezoning #2013-004, as no material change occurred. The Committee’s comments from October 9th are as follows:

Mr. Matt Clarke, Virginia Department of Transportation (VDOT) representative, noted that the rezoning application and stated purposes for the request could eventually result in a need for substantial improvements to the transportation facilities on-site, as well as off-site along the adjacent portion of Route 151. Specifically, VDOT provided the following initial comments:

- *In order to adequately assess the potential traffic and safety impacts build out under the proposed rezoning may have on Route 151, additional information is needed. This will include:*
 - *A explanation of the intended use of the property and its interconnectivity with the adjoining brewery and restaurant (Blue Mountain Brewery, Inc.),*
 - *The anticipated traffic generated from this intended use along with direction split at the entrance,*
 - *To help assist in the determination of potential traffic impacts resulting from the close proximity of the adjoining business, Blue Mountain Brewery, Inc., vehicle trip generations and directional splits are also requested for Blue Mountain Brewery, Inc.*
- *Access (entrance design) criteria to be aware of:*
 - *Commercial entrance spacing,*
 - *Entrance sight distances, i.e. intersection sight distance, stopping sight distances, and sight distance for left turns,*
 - *Based on anticipated traffic generation volumes at the entrance(s) there may be the potential for required road improvement such as right and or left turn lanes to address capacity and safety along Route 151,*
 - *As the Route 151 Corridor is identified as a Bicycle Route, accommodations for cyclists should also be considered.*
- *Once the intended use is defined and the requested traffic generation information is provided, we can complete our assessment and provide our final comments and recommendations. I am also available to meet with the County and land owner to discuss this opportunity in greater depth.*

However, VDOT's comments from that Site Plan Review meeting and from a subsequent conference call with Mr. Jeff Kessler on Monday, Dec. 2nd make it clear that they do not currently have enough information to provide the County or the applicant with detailed, formal comments. Instead, VDOT has reiterated that any specific on-site and/or off-site transportation issues will be addressed during the Major Site Plan Review process and/or any future Special Use Permit application process.

Notes on Application & Notes from Applicant

The applicant has provided a brief narrative to explain the intent and purpose of this rezoning application:

Blue Mountain Brewery has recently purchased the several acres of land adjacent to the brewery directly to the north of the Brewery site on Rt 151 North. This property is bound by Rt. 151 to the west, Church of the Blue Ridge to the north, and by Blue Mountain Brewery's existing property on the east and south sides. All our existing property before this purchase is zoned A-1, and we seek to rezone this new parcel as A-1 as well. It is currently zoned Residential.

Our reasoning for this request is fourfold:

1. *Rezoning this land Agricultural provides continuity with our other property*
2. *We would like to use this land for purposes that are allowable as by-right uses under A-1 zoning and/or with a Special Use Permit, but that are not allowable under the current R-1 zoning (proposed uses are hop growing, parking, wedding ceremonies and events center)*
3. *Much of the surrounding land that is not residential is zoned Agricultural*
4. *This area on Rt. 151 has developed as a region of thriving Agri-Tourism, filled with commercial ventures in rural, agricultural settings and uses*

Other Information

In accordance with Code of Virginia §15.2-2204. Advertisement of plans, ordinances, etc.: joint public hearings; written notice of certain amendments., I provided formal notification of this Conditional Rezoning application to Mr. Thomas Foley, Albemarle County's Chief Executive Officer, due to the subject property's proximity to Albemarle County. Shortly after that notification, Ms. Amelia McCulley, Zoning Administrator for Albemarle County and Afton resident, contacted this Department and expressed concerns over road safety and traffic issues related to any potential expansion of the brewery operation. Ms. McCulley also expressed that she was, "concerned that none of the proffers appear to address the public safety issue relating to traffic," and asked that these comments be included in this staff report to the Nelson County Supervisors.

Staff Recommendation

In consideration of the subject property's proximity (and direct adjacency) to other properties in the Agricultural District (A-1), and in consideration of the existing agricultural and agritourism land uses in the immediate area (such as Blue Mountain Brewery, Critzer Family Farm, A.M. Fog, Veritas Vineyard and Winery, and the Brew Ridge Trail), the proposed uses would be in keeping with the character and activity of the area.

The applicant's conditional rezoning request essentially seeks to expand the existing A-1 District from adjacent parcels onto the subject property. This proposal represents an acceptable land use pattern. As such, staff recommended to the Planning Commission at their November 20th Public Hearing that they recommend approval of Conditional Rezoning #2013-004 to the Board of Supervisors.

Planning Commission Recommendation

The Planning Commission reviewed this proposal at a public hearing on November 20th. That public hearing did not include any comment from the public, and the application review concluded with the following motion:

Commissioner Russell made the motion to recommend to the Board of Supervisors to approve Conditional Rezoning #2013-004 for Taylor Smack to rezone Tax Map #4-A-60 at 9403 Critzer Shop Road, Afton. The basis for this recommendation is that the rezoning, with conditions, not allowing Kennels; Public Utilities; or Automobile Graveyards Classes A or B, fits into the pattern of development that currently exists in the area at the upper northern section of Route 151. Commissioner Allen seconded the motion. Motion passed 4-0.

Conclusion

This application has been properly advertised in compliance with the requirements set forth in Code of Virginia § 15.2-2204. *Advertisement of plans, ordinances, etc.; joint public hearings; written notice of certain amendments.* Specifically, the Legal Notice advertising the public hearings by the Planning Commission on November 20th and by the Board of Supervisors on December 10th was advertised as follows:

- In the Nelson County Times on October 31, November 14, and November 21
- In the Daily Progress on November 8 and November 14

Please contact me with any questions or concerns leading up to the December 10th Board of Supervisors meeting and public hearing. Thank you very much.

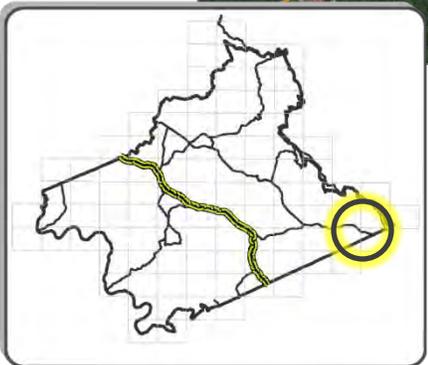


Figure 1. This aerial image of tax map parcel #4-A-60 (highlighted) shows the subject property in relationship to the existing Blue Mountain Brewery on Critzer Shop Road in Atton. The inset vicinity map identifies the approximate location of the property relative to the rest of Nelson County.

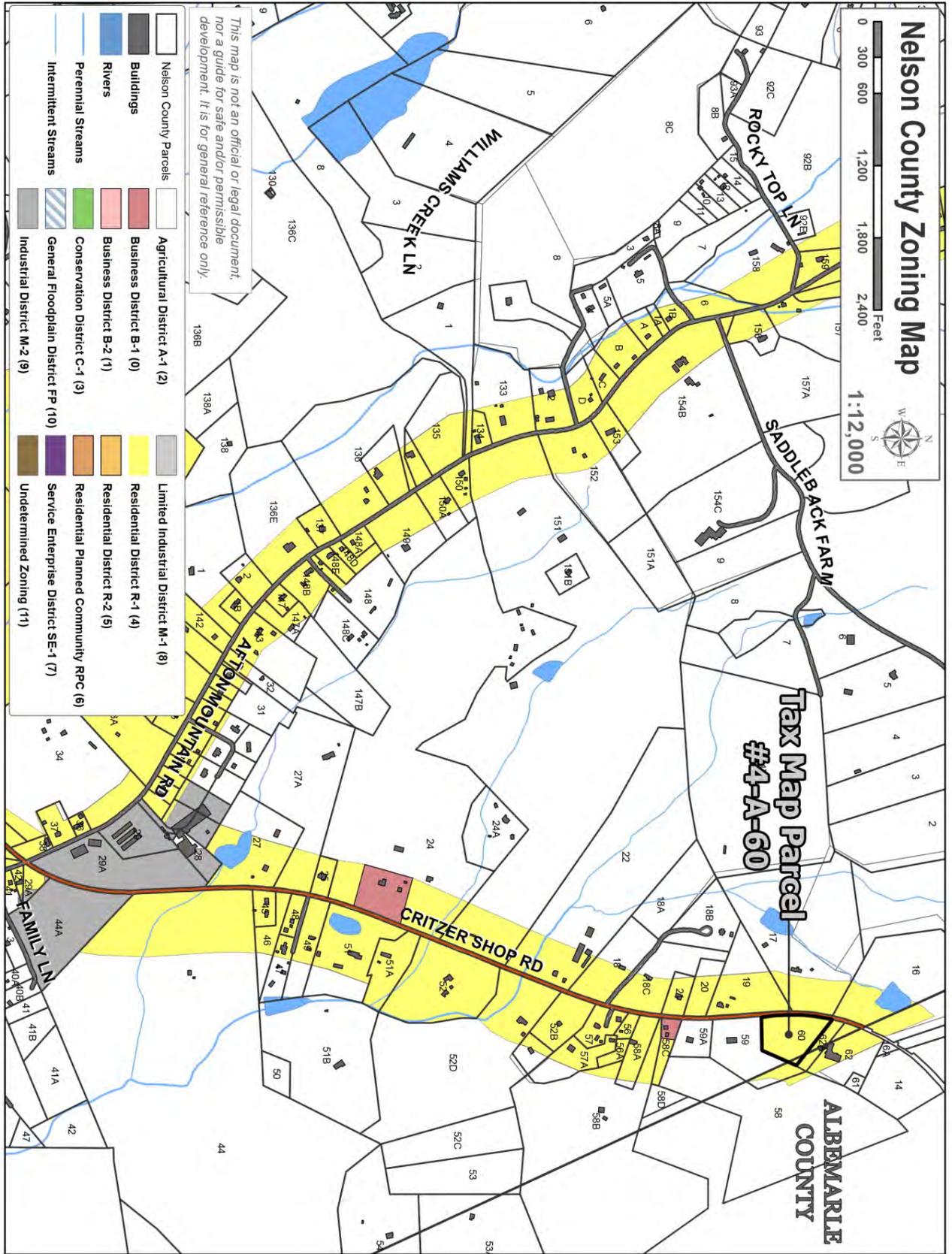
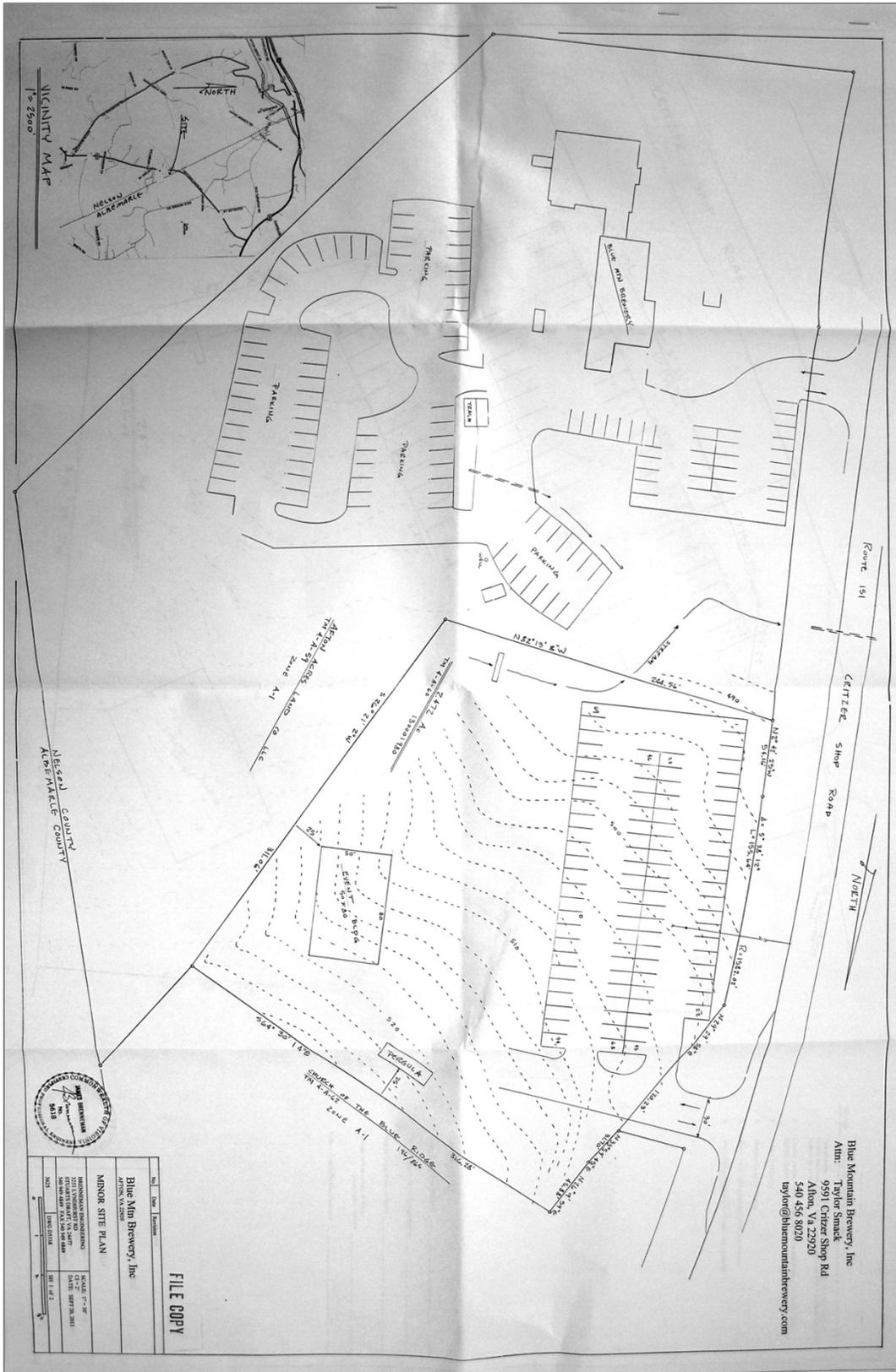


Figure 2: Zoning Map of subject property in relation to the surrounding area in Afton.



Rezoning #2013-004 Minor Site Plan: Sheet 1 (subject property and adjacent brewery property)



Rezoning #2013-004 Minor Site Plan: Sheet 2 (detail of subject property)



Subject property as seen looking north along Route 151.



Subject property as seen looking east across Route 151, with the existing Blue Mountain Brewery property at the far right of the image (to the south).

CONDITIONAL REZONING No. 2013-004

TO THE ZONING ADMINISTRATOR:

1. The undersigned hereby petitions the Planning Commission and/or Board of Supervisors for approval of the following (check appropriate box):

- Rezonning from ... to ...
Special Use Permit
Site Plan - Preliminary (Optional)
Site Plan - Final
Amend text of Zoning Ordinance
Subdivision - Regular Preliminary
Subdivision - Regular Final
Site Plan - Minor
Site Plan - Major
Other - R1 to A-1 conditional

Pursuant to Article 16, Section 1-1 of the Nelson County Zoning Ordinance. Pursuant to Section, Subsection of the Nelson County Subdivision Ordinance.

Reason(s) for request: TO utilize the newly purchased property for brewery business that is not allowed in R-1 zoning.

2. Applicant(s) and Property Owner(s): (Please print names of applicants and property owners and indicate applicable title. If applicant is not the property owner, show relationship, i.e. lessee, contract purchaser, etc.)

Applicant Property Owner Name: Taylor Smuck / Blue Mtn. Brewery
Address: 9519 Critzer Shop Rd., Afton, VA 22920
Tel. No.: 540-456-8020 Cell No. 540-471-7648 E-mail addr. Taylor@bluemountainbrewery.com

Relationship (if applicable): owner / president

Applicant Property Owner Name:
Address:
Tel. No.: Cell No. E-mail addr.

Relationship (if applicable):

Applicant Property Owner Name:
Address:
Tel. No.: Cell No. E-mail addr.

Relationship (if applicable):

Applicant Property Owner Name:
Address:
Tel. No.: Cell No. E-mail addr.

Relationship (if applicable):

(Use reverse if more space is needed.)

3. Location and Characteristics of Property:

a. Address of property including specific location, route numbers, street names, direction (NSEW), Magisterial District, etc.: 9403 Critzer Shop Rd., on northbound Rt. 151 Rockfish Valley District

Official tax map number: TM-4-A-60

b. Acreage of property: 2.472

c. Present use: Abandoned; formerly residential

d. Present zoning classification: R-1

e. Zoning classification of surrounding properties:

(Continued on reverse.)

4. Names of Adjacent Property Owners: _____

5. Affidavit: The undersigned applicant(s) and/or property owner(s) certifies that this application and the foregoing answers, statements, and other information herewith submitted are, in all respects, true and correct to the best of their knowledge and belief. Also, the applicant(s) and/or property owner(s) gives permission for members of the Planning Commission, Board of Supervisors, and County Staff to visit and view the subject property.

Signature: [Signature]

Signature: _____

Signature: _____

Signature: _____

6. Additional information: Applicant would like to make the following Proffers: I accept this conditional rezoning to A-1 will not include the right to use the property - now or ever - as 1) Kennels as mentioned in Zoning Ordinance 4-1-9; 2) Public Utilities as mentioned in Zoning Ordinance 4-1-11; 3) Automobile graveyard as mentioned in Zoning Ordinance 4-1-18. Also see attachment.

7. Please note: In the event of cancellation or postponement at your request after the initial newspaper advertisement for this application, an additional fee will apply for re-advertisement. The fee will be based on the actual cost of the ad, and will not apply in cases of Planning Commission or Board of Supervisor deferments.

*****TO BE COMPLETED BY PLANNING & ZONING OFFICE*****

Completed application and fee (\$ 25) received on 11/7

Hearing Notice published on • DAILY PROGRESS: Nov. 8th; Nov 14th • N.C. TIMES: OCT. 31ST+Nov. 14TH

Planning Commission action: Date of Hearing: 11/20/2013

Recommendation: Recommended for approval by BOS

Board of Supervisor action: Date of Hearing: 12/10/2013

Date of Decision: _____

Action: _____

6. Additional Information:

Blue Mountain Brewery has recently purchased the several acres of land adjacent to the brewery directly to the north of the Brewery site on Rt 151 North. This property is bound by Rt. 151 to the west, Church of the Blue Ridge to the north, and by Blue Mountain Brewery's existing property on the east and south sides. All our existing property before this purchase is zoned A-1, and we seek to rezone this new parcel as A-1 as well. It is currently zoned Residential.

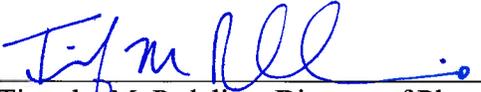
Our reasoning for this request is fourfold:

1. Rezoning this land Agricultural provides continuity with our other property
2. We would like to use this land for purposes that are allowable as by-right uses under A-1 zoning and/or with a Special Use Permit, but that are not allowable under the current R-1 zoning (proposed uses are hop growing, parking, wedding ceremonies and events center)
3. Much of the surrounding land that is not residential is zoned Agricultural
4. This area on Rt. 151 has developed as a region of thriving Agri-Tourism, filled with commercial ventures in rural, agricultural settings and uses

Members of the Board of Supervisors,

I hereby certify that the attached resolution pertaining to the recommendation of amendments of Chapter 3 of the Comprehensive Plan to the Board of Supervisors is a true and correct record of the action taken by the Planning Commission on November 20, 2013 and the 4-0 vote of approval was recorded as follows:

Commissioner Russell:	Yes
Commissioner Allen:	Yes
Commissioner Hunt:	Yes
Commissioner Proulx:	Yes



Timothy M. Padalino, Director of Planning and Zoning

**A RESOLUTION
TO RECOMMEND ADOPTION OF
PROPOSED AMENDMENTS TO
CHAPTER THREE – “GOALS AND PRINCIPLES” – OF THE
NELSON COUNTY COMPREHENSIVE PLAN**

WHEREAS, the Nelson County Planning Commission, at their scheduled November 20th, 2013 public meeting, has reviewed, considered, and conducted a public hearing for proposed amendments and additions to the Comprehensive Plan relating to Chapter Three – Goals and Principles; and

WHEREAS, notice of public hearing was published in the Nelson County Times on October 31 and November 14, 2013, and published in the Daily Progress on November 8 and November 14, 2013; and

NOW, THEREFORE, THE NELSON COUNTY PLANNING COMMISSION RESOLVED THE FOLLOWING:

The Planning Commission recommends to the Board of Supervisors the November 20, 2013 revision of Chapter Three, entitled Goals & Principles, in the Nelson County Comprehensive Plan, with one minor change; the addition of “Scenic Byways” to the fifth principle under the Telecommunication section on page 15.

APPROVED: P. Proaly
CHAIR

ATTEST: T. M. All
Planning Commission Secretary

DATE: November 20, 2013

DEPARTMENT OF
PLANNING & ZONING



PLANNING COMMISSION
BOARD OF ZONING APPEALS

To: Chairman and Members, Nelson County Board of Supervisors; and
Mr. Stephen A. Carter, County Administrator, County of Nelson

From: Tim Padalino | Director | Department of Planning & Zoning

Date: December 5, 2013

Subject: Staff Report for Proposed Revisions to Chapter Three of the Nelson County Comprehensive Plan – “Goals and Principles” – Relating to Telecommunication Infrastructure

Introduction

In a memo dated June 3rd, 2013, Mr. Phillip D. Payne IV, County Attorney notified Nelson County staff that the Comprehensive Plan must include language relating to Communication towers, since the Planning Commission is required to review applications relative for “appropriateness relative to the Comprehensive Plan.” Specifically, Mr. Payne noted the following:

“Class II towers require Board approval and are considered “telecommunication facilities” for state law purposes, and thus require Planning Commission review for compliance with the Comprehensive Plan. ... I remind you that something about telecommunications needs to go into the Comprehensive Plan.”

Per this guidance, I have proposed that such language be inserted into the existing Chapter Three – “Goals and Principles” – under a new area titled Telecommunications. This would include one Goal and five related Principles, as detailed in the attached “red-line” document.

These proposed revisions (additions) were reviewed by the Planning Commission at a properly-advertised Public Hearing on November 20th, at which the Commissioners recommended by a unanimous 4-0 vote that the revisions be adopted by the Board of Supervisors.

I remain available to discuss the proposed revision to the existing Chapter Three – “Goals and Principles” of the Comprehensive Plan. Please contact me at your convenience if you require assistance with the information contained in this report, or if you would like to ask any questions or provide any comments. Thank you.

Nelson County Comprehensive Plan

Chapter Three—Goals and Principles

The following goals and principles state the long-term expectations for the county under ~~nine~~^{eight} key areas: Economic Development, Transportation, Education, Public and Human Services, Natural, Scenic, and Historic Resources, Recreation, Development Areas, ~~and~~—Rural Conservation, ~~and~~ Telecommunications. Under each goal, principles are stated. Principles are a more specific statement of the actions intended to achieve the broad goal. In the following Land Use Plan Chapter and the Plan Implementation Chapter guidance is given for achieving these goals and principles. The information attached as appendices to this Plan provide the data and community input upon which these goals and principles are, in part, based.



Paul's Creek Community

Economic Development

Goal – Enhance the quality of life for Nelson County residents by maintaining and encouraging a diverse and vibrant local economy in designated development areas and compatible with the county's size and rural character.

Principle – Encourage a diverse mix of businesses and industries.

Principle – Discourage strip development and encourage limited access and internal access management in large scale commercial and industrial uses.

Principle – Support adequate setbacks, vegetative buffering, dark sky lighting, and unobtrusive signage in large scale commercial and industrial uses to protect primary roadways.

Principle – Support small scale commercial development as infill and as new development in designated development areas.

Goal – Seek to have new residential development support the additional county costs associated with the development.

Principle – Determine the cost of new residential development and encourage proffers to defray the county costs associated with the development.

Goal – Support and encourage tourism as a viable means to diversify the local economy.

Principle – Support local tourism and link it to the region’s many tourism programs.

Principle – Promote historic sites that are accessible to the public as part of the tourist economy.

Principle – Promote local greenways and other recreational opportunities to enhance tourism.

Goal – Recognize the importance of the county’s agricultural economy as an integral part of Nelson’s economic heritage and as an important part of the current economy.

Principle – Support a local farmer’s market, or markets, with an emphasis on local products.

Principle – Encourage businesses and industries that support and strengthen the county’s agricultural economy.

Principle – Encourage the protection of prime farmland from development that would reduce its long term viability as part of the agricultural economy.

Principle – Promote farming as a productive way of life.



Productive Orchard Industry

Principle – Support enhanced transportation of agricultural and wood products to markets.

Principle – Encourage development of a regional distribution system for agricultural products.

Transportation

Goal – Promote a safe, efficient and diverse transportation system to serve both local and regional traffic.

Principle – Emphasize the importance of safety on county roads and publicize the negative affects of speeding.

Principle – Ensure that through truck traffic is meeting state standards.

Principle – Encourage the use of the county’s existing rail lines for the movement of commercial and industrial goods and for passenger service, including tourists.



The Train Depot at Oakridge

Principle – Increase the mobility of the general public, and especially the elderly, handicapped and economically disadvantaged by encouraging walking, bicycling, bus and van services, park and ride lots, and carpooling.

Goal – Enhance the internal and external flow of traffic within designated development areas.

Principle – Promote internal vehicular, pedestrian, and bicycle connections within development areas.

Principle – Encourage a network of streets for internal traffic flow within development areas that limit “cut through” traffic.

Principle – For large scale industrial and commercial park development off Route 29, limit access to locations established in the Route 29 Corridor Development Study when possible.

Principle – Support improvements to designated roadways that include facilities for bicyclists, following the Regional Bicycle and Pedestrian Plan.

Education

Goal – Support the educational needs of all Nelson’s citizens as a means of preparing for their future roles as workers, citizens, and parents.

Principle – Support excellence in public education, including the school facilities.

Principle – Promote the year-round use of school buildings as community and multi-use facilities.

Principle – Support educational programs through the county schools, community based organizations, and community colleges that provide a trained workforce for local industries.

Principle – Ensure that the county’s library system meets the needs of a growing population.

Principle – Ensure adequate adult education to help adults fulfill their roles as workers, citizens, and parents.



Site of the Rockfish Valley Elementary School

Public and Human Services

Goal – Promote an equitable level of public services – fire protection, rescue services, crime protection and prevention – to all county residents.

Principle – Ensure that the E911 operations center is fully supported and maintains a coordinated emergency response system so that all citizens can receive help as quickly as possible.

Principle – Support the county’s fire and rescue squads to ensure an efficient delivery of services, with an emphasis on prevention and training.

Principle – Support the county sheriff’s department so that services are delivered efficiently and in a manner sensitive to the safety and protection of all residents.

Goal – Support the development of adequate infrastructure in designated development areas and in other areas of the county where lack of adequate water and sewage disposal creates a potential health risk.

Principle – The Nellysford and Schuyler development areas are priorities for development of adequate water and sewer service.

Principle – Support efforts to provide the Piney River community, and other areas with existing problems, with safe, adequate water and sewer service.

Principle – Support development of a plan to assess and monitor groundwater.

Principle – Support development of surface water impoundments as a public water source.

Goal – Encourage access to a full range of quality health care facilities and programs for all county residents.

Principle – Develop a specific community health improvement strategy.

Principle – Support health care outreach to special populations such as the economically disadvantaged, the elderly, children, and the disabled.

Goal – Support and strengthen resources to address the human service needs of county residents, with an emphasis on those with special needs.

Principle – Encourage development of the interdisciplinary facilities in support of the elderly, the disabled, children, and the economically disadvantaged.

Principle – Support regional human service providers based on documentation of services to be provided to Nelson residents, and with an emphasis on consolidation of services rather than duplication of effort.

Goal – Promote sound waste disposal practices and promote recycling for all county residents.

Principle – Support waste management and recycling planning that will include a rational, cost-effective, environmentally sound approach for handling waste and recycling material.

Principle – Sensitivity to our natural environment as well as economics should guide future waste management and recycling policy.

Goal – Reduce the number of county residents living in substandard housing by supporting the rehabilitation of substandard county residences and buildings.

Principle – Support the rehabilitation of substandard housing, particularly those residences lacking indoor plumbing and which house low income residents.

Natural, and Scenic, and Historic Resources

Goal – Recognize that the natural environment is an important facet of our quality of life and efforts should be made to support and enhance that environment.

Principle – Recognize the importance of ground water and surface water to the county by supporting guidelines for the protection of these resources and conducting additional water studies as needed.

Principle – Protect natural resources, including prime soils for agricultural use, groundwater, air, wetlands, and forest resources.

Principle – Recognize the county's major rivers and waterways as significant environmental resources and provide for their protection and appropriate use for recreation.

Principle – Limit development on critical slopes in order to maintain the balance between slope, soils, geology, and vegetation.

Goal – Protect the county’s scenic resources as essential to the county’s rural character, economic strength and quality of life.

Principle – Protect the county’s scenic roadways by designating them as State Scenic Byways and by adopting a local scenic byways ordinance as needed. In particular, support designation of Route 29 from Woods Mill to the Albemarle County line and Route 664 as scenic byways.

Principle – Maintain areas of scenic beauty of the county’s waterways and rivers as natural resources and in support of the county’s tourism program.

Principle – Promote the preservation of the viewsheds of scenic vistas as an important part of the county’s tourism program.

Principle – Discourage ridgeline development.

Goal – Preserve and protect the historic character and features of Nelson County.

Principle – Recognize and honor stewardship of historic properties and sites through, for example, the Historic Designation Program and through formal recognition by the Board of Supervisors.

Principle – Encourage the establishment of local historic districts in support of the county’s tourism program and to protect their historical, architectural, and cultural significance. Lovington and Schuyler, in particular, are appropriate for historic district designation.

Principle – Promote architectural compatibility of new development, including infill development, in designated development areas where significant historic resources exist.



Swannanoa

Recreation

Goal – Promote a diversity of recreational opportunities for Nelson’s citizens and for those who visit the county as tourists.

Principle – Promote recreation facilities that are county-wide resources for recreation and athletic events.

Principle – Encourage small-scale “pocket” parks in designated development areas to enhance the recreational opportunities for nearby residents.

Principle – Support the development of county greenways, including the Blue Ridge Railway Trail, and new greenways, for recreation, and to preserve open space and protect river and stream corridors.



Blue Ridge Railway Trail

Principle - For increased recreational and tourism opportunities, provide access and connections to key destination points and attractions.



The Tye River

Development Areas

Goal – Channel new development into designated development areas thereby retaining the county’s rural character.

Principle - Direct large scale commercial and industry into development areas designated Mixed Commercial or Light Industrial in the Future Land Use Map or where appropriately zoned.

Principle - Discourage strip development and encourage limited access and internal access management in large-scale commercial and industrial uses.

Principle - Promote dark sky lighting, unobtrusive signage and design guidelines in all commercial and industrial development.



Stone Church in Schuyler

Principle - Direct small-scale commercial and residential development into development areas designated Rural Small Town, Rural Village, or Neighborhood Mixed Use, in the Future Land Use Map.

Principle - Encourage exclusively residential development on the periphery of designated development areas as defined in the Future Land Use Map.

Principle - Promote orderly expansion in designated development areas that is consistent with the pattern and character of existing development.

Goal - Ensure that new development does not exceed the county’s ability to provide the needed services and infrastructure.

Principle - Limit development densities to ensure future development stays within the capacities of water and sewer systems.

Principle - Encourage proffers to defray the county costs associated with development.

Goal - Encourage and support the development of safe, sanitary and affordable housing for county residents of all incomes.



Principle - Support affordable housing development in designated development areas.

Montreal Village in Shipman

Principle - Fund affordable housing development and the rehabilitation of substandard housing using a combination of private and public (federal, state, and local) funds and continue to support private foundations and organizations in the development of affordable housing and in the rehabilitation of substandard housing.

Rural Conservation

Goal - Maintain the rural character of Nelson County.

Principle - Protect sensitive rural areas such as steep slopes, river and stream corridors, prime farmland, old growth forests, and historic sites from encroaching development by discouraging rural growth in areas adjacent to these sensitive areas.

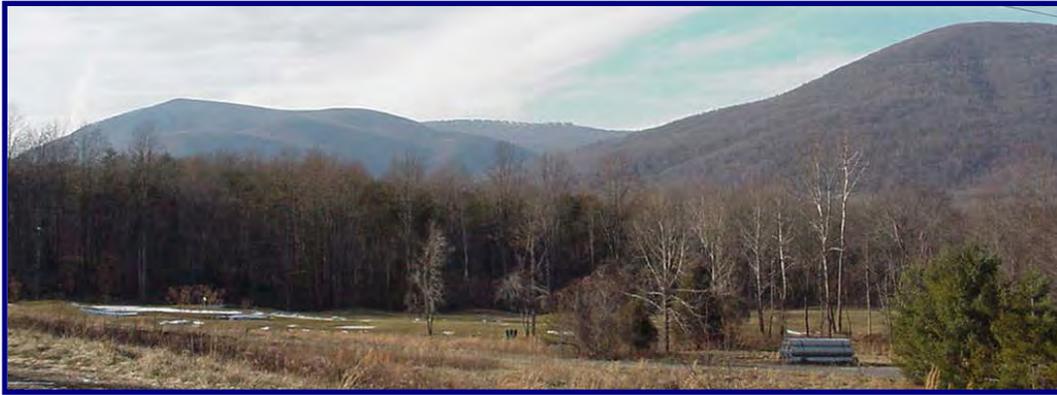
Principle - Protect rural scenic roadways through vegetative buffers between the roadways and new rural subdivision growth.

Principle - Protect scenic views and vistas by encouraging the siting of new buildings in conformance with the existing topography and into the existing landscape and vegetation.

Goal - Protect productive agricultural and forestal land.

Principle - Promote voluntary measures such as Agricultural Forestal Open Space designations and voluntary dedication of easements as undeveloped land.

Principle – Continue the Land Use Taxation as an incentive for continued agricultural productivity.



The Rockfish Valley

Telecommunications

Goal – Support the appropriate and efficient development of telecommunication infrastructure.

Principle – Recognize and support telecommunications infrastructure as an essential component for successfully growing and sustaining a strong rural economy including home occupations, tourism and resort industries, and telecommuters.

Principle – Recognize and support telecommunication infrastructure as a valuable tool for improving emergency services and law enforcement operations.

Principle – Ensure that telecommunication facilities are subject to appropriate review and approval procedures and, when appropriate, the public hearing process.

Principle – Ensure that each tower permit application is carefully reviewed for appropriateness with the Zoning Ordinance and Zoning Map, as well as its appropriateness relative to the Comprehensive Plan.

Principle – Ensure that careful consideration is given to preserving Nelson County’s invaluable scenic resources and recreational resources such as the Blue Ridge Parkway, Appalachian Trail, George Washington National Forest, and designated Virginia Scenic Byways.

§ 15.2-2226. Adoption or disapproval of plan by governing body.

After certification of the plan or part thereof, the governing body shall post the comprehensive plan or part thereof certified by the local planning commission on a website that is maintained by the governing body or on any other website on which the governing body generally posts information, and that is available to the public or that clearly describes how the public may access information regarding the plan or part thereof being considered for adoption.

After a public hearing with notice as required by § 15.2-2204, the governing body shall proceed to a consideration of the plan or part thereof and shall approve and adopt, amend and adopt, or disapprove the plan. In acting on the plan or part thereof, or any amendments to the plan, the governing body shall act within ninety days of the local planning commission's recommending resolution. Any comprehensive plan or part thereof adopted by the governing body pursuant to this section shall be posted on a website that is maintained by the local governing body or on any other website on which the governing body generally posts information, and that is available to the public or that clearly describes how the public may access information regarding the plan or part thereof adopted by the local governing body. Inadvertent failure to post information on a website in accordance with this section shall not invalidate action taken by the governing body following notice and public hearing as required herein.

(Code 1950, § 15-964.4; 1962, c. 407, § 15.1-450; 1975, c. 641; 1976, c. 642; 1997, c. 587; 2000, c. 893; 2009, c. 605.)

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

§ 15.2-2227. Return of plan to local planning commission; resubmission.

If the governing body disapproves the plan, then it shall be returned to the local planning commission for its reconsideration, with a written statement of the reasons for its disapproval.

The commission shall have sixty days in which to reconsider the plan and resubmit it, with any changes, to the governing body.

(Code 1950, § 15-964.5; 1962, c. 407, § 15.1-451; 1997, c. [587](#).)

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