

**COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
REGULAR MEETING
May 13, 2014**

The Henrico County Board of Supervisors convened a regular meeting on Tuesday, May 13, 2014, at 7:00 p.m. in the Board Room, Administration Building, Henrico County Government Center, Parham and Hungary Spring Roads, Henrico County, Virginia.

Members of the Board Present:

Patricia S. O'Bannon, Chairman, Tuckahoe District
Frank J. Thornton, Vice Chairman, Fairfield District
Richard W. Glover, Brookland District
David A. Kaechele, Three Chopt District
Tyrone E. Nelson, Varina District

Other Officials Present:

John A. Vithoukas, County Manager
Joseph P. Rapisarda, Jr., County Attorney
Michael L. Wade, Sheriff
Barry R. Lawrence, CMC, Assistant to the County Manager/Clerk to the Board
Joseph P. Casey, Deputy County Manager for Administration
Jane D. Crawley, Deputy County Manager for Community Services
Timothy A. Foster, Deputy County Manager for Community Operations
Randall R. Silber, Deputy County Manager for Community Development

Mrs. O'Bannon called the meeting to order at 7:06 p.m.

Mrs. O'Bannon led recitation of the Pledge of Allegiance.

George T. Drumwright, Jr., retired Deputy County Manager for Community Services, delivered an invocation.

On motion of Mr. Kaechele, seconded by Mr. Glover, the Board approved the minutes of the April 22, 2014, Regular and Special Meetings.

The vote of the Board was as follows:

Yes: O'Bannon, Thornton, Glover, Kaechele, Nelson

No: None

MANAGER'S COMMENTS

There were no comments from the Manager.

BOARD OF SUPERVISORS' COMMENTS

There were no comments from the Board of Supervisors.

RECOGNITION OF NEWS MEDIA

Mrs. O'Bannon recognized Ted Strong from the *Richmond Times-Dispatch*.

PRESENTATIONS

Mr. Nelson presented a proclamation recognizing May 17 - 23, 2014, as Safe Boating Week. Accepting the proclamation was Eric Perkins, Commander of the U.S. Coast Guard Auxiliary Flotilla 31, Division 3, 5th District, Southern Region. Joining him were David Paxton, Flotilla Staff Officer for Diversity and Governmental Affairs; Jason Wilmoth, Flotilla Staff Officer for Materials; Susan Eberly, Flotilla member; Tony McDowell, Henrico Fire Chief; Mike Cox, Assistant Chief of Operations for the Henrico Division of Fire; Captain Bryan Miers from the Division of Fire; and Doug Middleton, Henrico Chief of Police.

Mrs. O'Bannon presented a proclamation recognizing May 18 - 24, 2014, as Emergency Medical Services Week. Accepting the proclamation were Fire Chief McDowell and John Tatum, Vice President of the Henrico Association of Volunteer Rescue Squads and President of the Tuckahoe Volunteer Rescue Squad. Joining them were Assistant Fire Chief Cox; Fire Battalion Chief Gary Samuels; Police Chief Middleton; Steve Weis, Emergency Communications Manager for the Henrico Division of Police; David Duke, President of the Henrico Volunteer Rescue Squad; Doug Davies, President of the Lakeside Volunteer Rescue Squad; Andy Inge, Operations Officer for the Lakeside Volunteer Rescue Squad; Eric Dement, Operations Officer for the Tuckahoe Volunteer Rescue Squad; and Ed Farish, a member of the Tuckahoe Volunteer Rescue Squad.

Mr. Thornton presented a proclamation recognizing May 2014 as Older Americans' Month. Accepting the proclamation were Dr. Thelma Bland Watson, Executive Director of Senior Connections, The Capital Area Aging on Aging; and Shawn Rozier, Assistant Director of the Henrico Department of Social Services (DSS). Joining them were Gloria Johnson, Henrico County's representative on the Senior Connections Board of Directors; Amy Cavender Turpin, Henrico County Care Coordinator for Senior Connections; Susan Umidi, DSS Adult Services Supervisor; Carol Young, DSS Senior Family Services Specialist; and Beth Banton, Rachel Maxey, and Rene White, DSS Family Services Specialists.

APPOINTMENTS

128-14 Resolution – Appointment of Member – Cable Television Advisory Committee.

On motion of Mr. Thornton, seconded by Mr. Nelson, and by unanimous vote, the Board approved this item – see attached resolution.

129-14 Resolution – Appointment of Members – Finance Board.

On motion of Mr. Kaechele, seconded by Mr. Glover, and by unanimous vote, the Board approved this item – see attached resolution.

PUBLIC HEARINGS – REZONING CASES AND PROVISIONAL USE PERMITS

130-14 Wilton Acquisition, LLC: Request to conditionally rezone from R-3
REZ2014- One-Family Residence District to RTHC Residential Townhouse
00006 District (Conditional) Parcels 768-751-4119, -2435, -0638, -1362, 767-
Brookland 750-8298, 767-751-8651, and 768-750-0490 containing 24.54 acres,
located on the south line of Wistar Road approximately 160' west of its
intersection with Walkenhut Drive.

Mrs. O'Bannon noted the first proffered condition submitted by the applicant for this case pertaining to "Maximum Number and Size of Units" excluded the word "exceed" in the first sentence. Mr. Rapisarda acknowledged this was a clerical omission and confirmed the omission would be corrected for the record. Ms. Moore responded to questions from Mr. Nelson.

Pat Frazier, a Wistar Road resident, questioned the purpose of the water features identified on the subject site and the proposed distance between the dwellings and the road. Ms. Moore responded to these questions and follow-up questions from Mr. Glover.

On motion of Mr. Glover, seconded by Mr. Kaechele, and by unanimous vote, the Board followed the recommendation of the Planning Commission, and approved this item with the following proffered conditions:

1. **Maximum Number and Size of Units.** The number of dwellings to be constructed onsite shall not exceed one hundred nine (109) units. The minimum square footage of finished floor area shall be 1,600 sq. ft. for both the two and three story units. The average square feet of finished floor area for all the units shall be 1,800 sq. ft. at the end of the project.

The applicant shall maintain a record of the finished floor area of each unit and submit to the County on a quarterly basis to insure the minimum 1,800 sq. ft. average finished floor area of all units.

2. **Conceptual Plan.** Development of the Property shall be in substantial conformance with the attached conceptual site plan, Exhibit 'A' (see case file) unless otherwise approved by the Planning Commission at the time of Plan of Development approval. In no case shall any 3-story units be located adjacent to single family homes. The location of 3-story units shall be in conformance with Exhibit 'A' (see case file). No dwelling unit shall back up to Wistar Road, unless approved by the Planning Commission. There will be no more than seven (7) units in a row in the entire development.
3. **Exterior Materials.** These units are to be built in a Craftsman Style Architecture which incorporates different exterior materials in various amounts. The exposed portion of each exterior wall surface (front, rear and sides) of any building (excluding rooftop screening materials for mechanical equipment) shall be brick, stone, and/or vinyl siding excluding windows, doors, breezeways, and other architectural design features. The visible portions of exterior building foundations shall be constructed of brick or stone. A minimum of thirty percent (30%) of the total front façade space (ie., in the aggregate for the entire project) shall be brick or stone. Any single attached row of units shall have front façade space of at least fifteen (15%) percent brick or stone.

The applicant shall maintain a record of percentages of the materials for the front of the units where required and shall provide such lists at the time of each building permit.

The front stoop and steps of each dwelling unit shall be constructed of brick or stone.

4. **Exterior Elevations.** The dwelling units on the Property shall have an exterior architectural style and use design elements similar to the concept drawings attached as Exhibit 'B' (see case file), which such renderings are conceptual in nature and are provided only as an illustration of the quality of the design and architectural style of such buildings. In addition, per Exhibit 'C' (see case file) the side and back elevations are herein submitted as a part of this case. To minimize visual repetition of buildings, no two adjacent buildings shall have the same identical individual elevation sequence pattern across the front of the building.

5. **Buffers.** There shall be a twenty (20) foot buffer and tree save area along the eastern property line as it abuts single family homes in the Walkenhut Estates Subdivision, subject to the removal of fallen, diseased or dead plant growth, except to the extent necessary for utility easements, including drainage. There shall also be a twenty-five (25) foot buffer along Wister Road.
6. **Fences.** Fencing of white vinyl 6' high shall be used in the 20' buffer area adjacent to the Walkenhut Estates Subdivision and fencing of white vinyl 6' high shall be used in the 10' buffer along the western property line adjacent to GPIN #767-751-2632. Additionally a white vinyl 6' high fence shall be installed along the southern development area as indicated on the concept plan (see case file). The 25' buffer along Wistar Road shall contain a decorative metal fence with brick or stone columns 50' on center with a wrought iron appearance and to be landscaped per Exhibit 'D' (see case file). Wooden stockade style fences shall be prohibited.
7. **Roads.** All roads to be constructed in the development shall be privately maintained but shall be constructed in accordance with the County of Henrico Public Road Standards and specifications with respect to pavement design and road width. All roads to be at least 24' in width. Prior to the issuance of the 21st Certificates of Occupancy, the applicant's engineer shall certify that the private roads serving the development have been constructed in compliance with the applicable Henrico County Road Standards as to width. This can be done in phases.
8. **Underground Utilities.** Except for junction boxes, meters and existing overhead utility lines and technical or environmental reasons, all utility lines shall be underground.
9. **Mechanical Equipment.** Mechanical equipment shall be screened from public view at ground level at the Property lines in a manner approved at the time of POD review.
10. **Lighting.** All lighting for the townhouses and additional parking areas will be by residential light posts. Parking lot lighting standards shall not exceed 15' in height and shall be positioned in such a manner as to minimize the impact of such lighting offsite.
11. **Signage.** Any detached signs on the Property shall be ground mounted, monolithic-type signs. The entrance sign and landscaping shall be constructed substantially similar to Exhibit 'E' (see case file) and shall include brick, brick veneer, stone,

synthetic stone or similar masonry material with wrought iron accents. Such signs shall not exceed six (6) feet in height as measured from the grade of the base of the sign and shall be externally lit employing ground-mounted floodlight or spotlight-type fixtures directed toward such signs and away from public rights-of-way.

12. **Sound Suppression.** Walls between units shall have a minimum sound transmission coefficient rating of 54.
13. **Ownership.** The townhouses shall be marketed as owner-occupied.
14. **Restrictive Covenants/Homeowners Association.** Prior to or concurrent with the conveyance of any part of the Property covered on the POD approved by the County, restrictive covenants describing development controls and maintenance of the property shall be recorded in the Clerk's Office of the Circuit Court of Henrico County. In addition, there shall be a Homeowners' Association of the owners of the units on the property that shall be responsible for the enforcement of the restrictive covenants, including maintenance of the lots, common areas, roads and unit exteriors. Parking of recreational vehicles, boats and campers shall be prohibited in the development.
15. **Trash Pickup and Street Cleaning.** There shall be no trash pickup or street cleaning between the hours of 9:00 p.m. and 7:00 a.m. any day of the week. There shall be no street cleaning or trash pick-up on Sundays. There shall be no central trash receptacles.
16. **Mailboxes.** All mailboxes shall be of a uniform design.
17. **Model Home.** No more than two (2) dwelling units on the Property may be used for a model home. The garage for any such dwelling unit may be used for the office for the model home, provided that such office shall be converted to a garage when the dwelling unit is no longer used as a model home.
18. **Severance.** The unenforceability, elimination, revision or amendment of any proffer set forth herein, in whole or in part, shall not affect the validity or enforceability of the other proffers or the unaffected part of any such proffer.
19. **Construction Hours.** The hours of exterior construction activities, including operation of bulldozers and other earth)

moving equipment shall be between 7:00 a.m. and 7:00 p.m. Monday through Saturday, except in emergencies or where unusual circumstances require extending the specific hours in order to complete work such as concrete pours and utility connections. Hours shall be posted in both English and Spanish during construction of community. Sunday hours shall be between 9:00 a.m. and 5:00 p.m.

20. **Conservation Areas.** Notwithstanding the uses permitted and regulated by the zoning of the property, such portions (s) of the Property which lie within a one hundred (100) year flood plain as determined by definitive engineering studies approved by the Department of Public Works, and such portions (s) of the Property which may be inundated by waters impounded to a maximum elevation determined in a controlled, regulated manner by a structure or structures approved by the Department of Public Works, may only be used for the following purposes:
 - a. Stormwater management and retention areas;
 - b. Ponds, lakes and similar areas intended as aesthetic or recreational amenities or wildlife habitats;
 - c. Access drives, utility easements, signage, walkways and recreation facilities installed in a manner to minimize their impacts; and
 - d. Such additional uses to be uses identified in (a), (b), and (c) above as may be deemed compatible and of the same general character by the Director of Planning pursuant to Chapters 19 and 24 of the County Code.
21. **BMP's.** Should any above ground BMP be required the BMP shall be landscaped per the Planning Commission and maintained by the homeowners' association of the RTHC zoned property. Any wet BMP required shall be aerated.
22. **Chimneys.** Any dwellings with a fireplace other than direct vent gas fireplaces or appliances shall have masonry chimneys faced with brick or stone similar to the foundation.
23. **Irrigation.** Front and side yards shall be sodded and irrigated.
24. **Garages.** Each residential garage on the Property shall be constructed with at least a one (1) car garage which can accommodate a car parked inside. Each garage shall have a minimum interior dimension clear space at the time of construction of eleven (11) feet wide by eighteen (18) feet deep. Attached

garages shall be integrated into the overall design and massing of the house. Windows shall be offered as an option for garage doors. All garage doors shall have, at a minimum, one architectural detail, including but not limited to windows, carriage door handles, exposed hinges or accent columns.

25. **Driveways.** All driveways shall be constructed of either cobblestone, brick, asphalt pre-cast pavers, concrete or other similar materials approved by the Director of Planning. There shall be no driveways that directly access Wistar Road.
26. **Interior Sidewalks.** Sidewalks a minimum of four (4) feet in width shall be provided in front of all buildings.
27. **Trees and Landscaping.** There shall be at least one (1) tree with a minimum caliper of two and a half (2-1/2) inches at the time of planting, retained or planted on each side of each building. Landscape plans shall be subject to Planning Commission review. Once approved, minor alterations to the plan may be approved by the Director Planning.
28. **Foundations Planting.** Each townhome shall have a minimum of four (4) shrubs planted along the front foundation.
29. **Perimeter Sign.** The Developer shall install signage noting the tree save area against the Walkenhut Estates Subdivision. No trespassing signs will be installed around the perimeter of the wetlands.
30. **Sidewalk.** A standard 4' wide sidewalk, with a 2' wide utility strip, shall be installed along the entire frontage of Wistar Road.
31. **Graveyard.** Prior to POD approval the owner or developer shall have a visual examination survey performed by a registered professional archeologist to determine whether any graves exist on the property. If any graves are discovered, either prior to or during construction, the owner or developer shall either remove and reinter the remains or shall protect the remains and provide an ingress/egress easement, all as required by law.

The vote of the Board was as follows:

Yes: O'Bannon, Thornton, Glover, Kaechele, Nelson

No: None

131-14
REZ2014-
00015
Brookland

Attack Properties: Request to conditionally rezone from O/SC Office/Service District (Conditional) to RTHC Residential Townhouse District (Conditional) and M-1C Light Industrial District (Conditional) part of Parcels 770-752-3830, 770-752-7621, and 771-752-1713 containing 12.45 acres (8.1 acres proposed RTHC and 4.35 acres proposed M-1C), located on the west line of Staples Mill Road (U.S. Route 33) approximately 400' north of its intersection with Wistar Road.

Ms. Moore responded to questions from Mr. Glover and Mrs. O'Bannon.

Bruce Stanley, an adjacent property owner and Wistar Road resident, expressed concerns regarding the subject site's proposed buffer and retaining pond. Ms. Moore and Steve Yob, Director of Public Works, responded to his concerns and to follow-up questions from Mrs. O'Bannon and Mr. Glover. Mr. Glover pointed out there would be a considerable distance between the residential area on Wistar Road and the proposed townhomes and commented favorably on the quality and square footage of the proposed townhomes.

On motion of Mr. Glover, seconded by Mr. Kaechele, and by unanimous vote, the Board followed the recommendation of the Planning Commission, and approved this item with the following proffered conditions:

APPLICABLE TO ALL

1. **Buffer.** A landscaped/buffered area of a minimum of one hundred (100) feet shall be maintained along that portion of the western boundary of the Property abutting Henrico County GPINs 770-752-0850 and 770-752-0373, except for utility easements or other purposes required or approved by the Planning Commission at the time of Plan of Development or landscape plan review. Existing vegetation and underbrush may, and fallen, diseased or dead plant growth shall be removed from the buffer area, and if so removed, additional plantings shall be added. Where the placement of utility easements within the buffer area results in the inability of the owner to provide adequate screening within such buffer area, screening shall be provided adjacent to the buffer area to properly screen development on the Property from adjacent properties, as determined by the Planning Commission at the time of landscape plan review.
2. **Access.** There shall be a maximum of two (2) access drives directly to and from Staples Mill Road and a maximum of one (1)

access drive to and from Wistar Road. There shall be no direct vehicular access to or from any other public street.

3. **Parking Lot Lighting.** Parking lot lighting shall be oriented in such a manner as to minimize the impact of such lighting on area residences and shall not exceed an intensity of one-half (1/2) foot candle around the perimeter of the Property.
4. **Severance.** The unenforceability, elimination, revision or amendment of any proffer set forth herein, in whole or in part, shall not affect the validity or enforceability of the other proffers or the unaffected part of any such proffer.

APPLICABLE TO M-1C PROPERTY

5. **Uses.** Uses on the M-1C Property shall be those permitted in and regulated by Section 24-50.18 of the Zoning Ordinance of Henrico County, not to include Section 24-50.18:1(b). Retail facilities shall not occupy more than twenty (20) percent of the building and shall not be open to the public between midnight and 6:00 a.m. The following uses shall be prohibited:
 - a. child care centers, not to preclude adult day care centers;
 - b. flea markets or antique auctions;
 - c. permanent on-site recycling collection facilities;
 - d. funeral homes, mortuaries, crematories and/or undertaking establishments;
 - e. gun shop, sales and repair;
 - f. recreation facilities, indoor, including theaters, bowling alleys, skating rinks (ice skating and roller skating), swimming pools, tennis, model racing tracks, electronic video game rooms, bingo halls, archery ranges and similar activities;
 - g. sign printing and painting shops (fabrication);
 - h. establishments whose primary business is check cashing, making motor vehicle title loans or making payday loans as defined and regulated by Sections 6y.2-2100 et seq., 6.2-2200 et seq. and 6.2-1800 et seq. of the Code of Virginia (this shall not preclude banks, savings and loans, or similar institutions that are not regulated by the foregoing Virginia Code Sections);
 - i. automotive filling and service stations including towing service;
 - j. grocery stores;
 - k. restaurants with drive-through windows;
 - l. dance halls;

- m. private club, lodge, meeting hall and fraternal organization;
- n. department stores;
- o. garden center;
- p. radio/TV stations;
- q. recording studios;
- r. hospital or clinic for small animals, dogs, cats, birds and the like;
- s. lawnmower, yard and garden equipment rental, sales and services;
- t. adult businesses as defined by Section 24-3 of the Henrico County Code; and
- u. bars, which, for purposes of this restriction, shall mean a business establishment whose primary business is the sale of alcoholic beverages for on-premises consumption. This restriction shall not prohibit the sale of alcoholic beverages in restaurants as licensed by the Virginia Department of Alcoholic Beverage Control.

6. **Architectural Treatment.** The exposed portions of all exterior wall surfaces (front, rear, and sides) of each building constructed on the M-1C Property shall be similar in architectural treatment and materials and shall be predominantly of brick and/or glass except to the extent that other architectural materials are used for trim or architectural decorations.
7. **Height.** No building constructed on the M-1C Property shall exceed thirty-five (35) feet in height.

APPLICABLE TO RTHC PROPERTY

8. **Conceptual Master Plan.** Development of the RTHC Property shall be in general conformance with the Conceptual Master Plan attached hereto entitled "Rocky Branch Villas, Henrico County, Virginia, Conceptual Design-January 2014" prepared by Cite Design and The Bay Companies, (the "Concept Plan") (see case file), which Concept Plan is conceptual in nature and may vary in detail, unless otherwise requested and specifically approved at the time of Plan of Development and/or subdivision review.
9. **Entrance Feature & Fencing.** An entrance feature with decorative metal fencing and brick or stone columns shall be provided at the access to the RTHC Property and along a portion of the Staples Mill Road RTHC frontage in general conformance with the plan entitled "Rocky Branch Villas, Henrico County, Virginia, Conceptual Entrance Design - April 2014" prepared by

Cite Design and attached hereto (see case file), unless otherwise requested and specifically approved at the time of Plan of Development and/or subdivision review.

10. **Greenbelt.** A greenbelt will be provided twenty-five (25) feet in width exclusive of lots, to include a berm a minimum of three (3) feet in height, with supplemental plantings as per Transitional Buffer Twenty-Five requirements adjacent to the right-of-way line of the Staples Mill Road RTHC frontage south of the southernmost entrance sign shown on the Concept Plan (see case file). The greenbelt may include utility easements, turn lanes, fencing, signage, sidewalks, and other purposes requested and specifically permitted, or if required, at the time of Plan of Development and/or subdivision approval, or by any other governmental body. Any utility easements (other than existing utility easements) permitted within the aforesaid greenbelt shall be extended generally perpendicular to the greenbelt unless otherwise requested and specifically permitted or if required by the County at the time of Plan of Development.
11. **Protective Covenants.** Prior to or concurrent with the recordation of a subdivision plat approved by the County and before the conveyance of any portion of the RTHC Property covered by said subdivision plat (other than for the dedication of easements, roads or utilities), a document shall be recorded in the Clerk's Office of the Circuit Court of Henrico County, Virginia, setting forth controls on the development and maintenance of such portions of the RTHC Property.
12. **Sidewalks.** Sidewalks shall be provided along both sides of the internal private roadways and parking areas as shown on the Concept Plan (see case file).
13. **Underground Utilities.** Except for junction boxes, meters, pedestals, transformers, transmission mains and existing overhead utility lines and technical or environmental reasons, all utility lines shall be underground.
14. **Best Management Practice.** Any Best Management Practice structures shall be located outside of any landscaped buffer within the RTHC Property, except as a landscaping amenity or water-related feature and if requested and specifically permitted by the Director of Planning or the Planning Commission at the time of subdivision and/or Plan of Development review.

Any above-ground wet Best Management Practice structure shall include an aeration feature to move water within such structure.

15. **Minimum Sizes.** The minimum finished floor area of each home shall be 1,800 square feet.
16. **Architectural Treatment.** Townhomes constructed on the RTHC Property shall be generally in conformance with the elevations attached hereto as Exhibits C1, C2 and C3 (see case file) unless requested and approved at the time of Plan of Development.
17. **Building Materials.** All buildings shall have exposed exterior walls (above grade and exclusive of windows, gables, doors, trim, soffit and fascia) of stone, stone veneer, brick, vinyl (a minimum of .042" nominal thickness as evidenced by manufacturer's printed literature), hardi-plank, engineered wood (e.g. LP Smartside), or a combination of the foregoing unless different architectural treatment and/or materials are specifically approved with respect to the exposed portion of any such wall, at the time of Plan of Development. A minimum of thirty-five (35) percent in the aggregate, of the exterior portions of the front building wall surfaces of each building, excluding windows, doors, breezeways, gables and architectural design features, shall be of brick, stone or stone veneer construction.
18. **Foundations.** All finished floor areas, except basements, shall be constructed above grade or give the appearance of being constructed above grade. The exterior portions of all residential foundations, including the exterior portion of foundations below the first floor level which is visible above grade, shall be constructed of brick, stone or stone veneer. There shall be a minimum vertical height of twelve (12) inches of brick, stone or stone veneer above grade utilized on slab-on-grade foundations to present the appearance of a crawl space.
19. **Cantilevering.** There shall be no cantilevered treatment of any architectural features on the first floor. Items on the second floor such as balconies, decks, box or bay-type windows may be cantilevered, but shall include decorative corbels.
20. **Sound Suppression.** Interior walls between homes shall have a minimum sound transmission coefficient rating of 54. A cross-sectional detail, reviewed and approved by a certified architect or engineer as to the methodology to accomplish the sound coefficient rating, shall be included in building permit application.

21. **Garages.** All homes shall include a minimum of a one (1) car attached garage. All garages shall have a minimum clear space of eighteen (18) feet deep and eleven (11) feet wide, exclusive of the concrete support piers at the entrance to the garage. All garage doors shall have, at minimum, one architectural detail including, but not limited to, windows, carriage door handles, exposed hinges or accent columns.
22. **Driveways.** All driveways directly serving homes shall be constructed of concrete, aggregate materials, asphalt, brick or stone pavers.
23. **Marketing.** All homes shall be marketed for sale as "Owner-occupied."
24. **Private Street.** Prior to the issuance of a permanent Certificate of Occupancy for any home, the developer shall provide the Planning Department certification from a licensed engineering firm that the roadway within the development was constructed according to the approved plan and in compliance with Henrico County road design standards and specifications, to include proper compaction of sub-base soils, utility trenches, base stone and asphalt, but excluding road widths, turning radii, cross over and entrance spacing, sight distance and vertical curves, or a bond in an amount satisfactory to the Director of the Department of Public Works shall be provided to Henrico County for items not yet completed. The internal road within the RTHC Property shall be private and shall be maintained by the Homeowners Association.
25. **Street Lights.** Street Lights shall be provided and shall not exceed sixteen (16) feet in height. The street lights shall be non-glare and residential in character.
26. **Density.** There shall be no more than fifty-four (54) residential units developed on the RTHC Property.
27. **Landscaped Medians.** Landscaping and trees shall be provided within grassy medians within the RTHC Property as generally shown on the Concept Plan (see case file). Actual plantings shall be depicted on a plan to be approved at the time of Plan of Development or Landscape Plan approval.
28. **Front Yards.** Front yards shall initially be sodded and irrigated, exclusive of mulched flowerbeds and landscaping.

29. **Units in a Row.** There shall be no more than six (6) residential units developed in a row on the RTHC Property.
30. **Amenity.** A park area with benches shall be provided within the common area.
31. **Hours of Construction.** The hours of exterior construction activities, including operation of bulldozers and other earthmoving equipment shall be between 7:00 a.m. and 7:00 p.m., Monday through Saturday, except in emergencies or where unusual circumstances require extending the specific hours in order to complete work such as concrete pours and utility connections. No exterior construction shall occur on Sunday. Hours shall be posted in both English and Spanish during construction of community.
32. **No Central Trash.** There shall be no central trash receptacles on the RTHC Property.
33. **Fencing.** No wooden stockade or wooden privacy fences shall be allowed on the RTHC Property. A white solid vinyl privacy fence a minimum of six (6) feet in height shall be provided along that portion of the southern property line where the three sets of townhome buildings shown on the Concept Plan back up to such line.
34. **Emergency Access.** Emergency access for the RTHC Property shall be provided through the M-IC Property, unless otherwise requested and specifically approved at the time of Plan of Development and/or subdivision review.

The vote of the Board was as follows:

Yes: O'Bannon, Thornton, Glover, Kaechele, Nelson

No: None

132-14
PUP2014-
00009
Fairfield

Verizon Wireless: Request for a Provisional Use Permit under Sections 24-95(a)(3), 24-120 and 24-122.1 of Chapter 24 of the County Code in order to construct a monopole-style telecommunications tower up to 199' in height and related equipment on part of Parcel 794-745-8161, located on the north line of Azalea Avenue between Wilkinson Road and Richmond-Henrico Turnpike.

No one from the public spoke in opposition to this item.

On motion of Mr. Thornton, seconded by Mr. Nelson, and by unanimous vote, the Board followed the recommendation of the Planning Commission, and approved this item subject to the following conditions:

1. If the use of the tower for communication purposes is discontinued for 180 days, the antennas and all related structures shall be removed from the site within ninety (90) days. Within ten (10) business days after written request by the County, the owner of the antennas and equipment shall provide the County with written confirmation of the status of the facility, the number of and identity of users, available co-location space and such additional information as may be reasonably requested.
2. Application for a building permit to install the telecommunication tower must be made within one year after the Provisional Use Permit is granted by the Board of Supervisors, unless an extension of time is granted by the Director of Planning upon a written request by the applicant.
3. The applicant shall obtain approval from the Planning Commission should the FAA require the addition of standard obstruction marking and lighting (i.e. red lighting and orange and white striping) to the telecommunication tower. Any changes to the proposed galvanized finish of the telecommunication tower shall be submitted to the Director of Planning for approval.
4. When site construction is initiated as a result of this Provisional Use Permit, the applicant shall complete requirements prescribed by Chapter 10 of the Henrico County Code. In particular, land disturbance of more than 2,500 square feet will require that construction plans include a detailed drainage and erosion control plan prepared by a professional engineer certified in the State of Virginia. Ten (10) sets of the construction plans shall be submitted to the Department of Public Works for approval.
5. If ownership of the lease is transferred to another provider, the new owner shall submit a Transfer of Provisional Use Permit.
6. The height of the telecommunication tower and all equipment shall not exceed 199 feet.
7. This permit shall apply only to the 2,500 square foot lease area identified in Exhibits A and B (see case file).

8. The co-location of as many additional users as technically feasible shall be allowed at this site.
9. Prior to the co-location of any carrier's antennas or addition of equipment lease space, a revised site plan and equipment placement details shall be submitted to the Planning Department for approval.
10. Any UHF, VHF or other type of receivers/transmitters that would interfere with the County's Division of Police emergency communications are prohibited from this telecommunication tower. The County shall have the right to install antennas and other equipment on the tower as well as place support equipment within the ground lease area, provided that all antennas and other equipment are compatible with other parties' use of the tower.
11. A landscaping plan will be submitted with the building permit application in accordance with Exhibit B (see case file).
12. A minimum 8 foot tall privacy fence constructed with solid boards of recycled plastic, engineered plastic or similar composite material shall enclose the entire equipment compound area. Construction drawings and color samples shall be submitted with the building permit or Plan of Development application for approval by the Planning Department.
13. Unless dead or diseased, the existing trees on the subject property within 100 feet of the proposed lease area shall be preserved and shall not be pruned to reduce their height.
14. Electric wires and other cables shall be prohibited on the exterior of the telecommunication tower.

The vote of the Board was as follows:

Yes: O'Bannon, Thornton, Kaechele, Nelson

Absent: Glover

133-14
PUP2014-
00010
Fairfield

Verizon Wireless: Request for a Provisional Use Permit under Sections 24-95(a)(3), 24-120 and 24-122.1 of Chapter 24 of the County Code in order to construct a monopole-style telecommunications tower up to 154' in height and related equipment on Parcel 794-737-7079 located between Richmond Henrico Turnpike and Meadowbridge Road approximately 510' south of their intersection with E. Laburnum Avenue.

Jim Strauss, Principal Planner, responded to questions from Mrs. O'Bannon and Mr. Kaechele.

No one from the public spoke in opposition to this item.

On motion of Mr. Thornton, seconded by Mr. Nelson, and by unanimous vote, the Board followed the recommendation of the Planning Commission and approved this item subject to the following conditions:

1. If the use of the tower for communication purposes is discontinued for 180 days, the antennas and all related structures shall be removed from the site within ninety (90) days. Within ten (10) business days after written request by the County, the owner of the antennas and equipment shall provide the County with written confirmation of the status of the facility, the number of and identity of users, available co-location space and such additional information as may be reasonably requested.
2. Application for a building permit to install the telecommunication tower must be made within one year after the Provisional Use Permit is granted by the Board of Supervisors, unless an extension of time is granted by the Director of Planning upon a written request by the applicant.
3. The applicant shall obtain approval from the Planning Commission should the FAA require the addition of standard obstruction marking and lighting (i.e. red lighting and orange and white striping) to the telecommunication tower. Any changes to the proposed galvanized finish of the telecommunication tower shall be submitted to the Director of Planning for approval.
4. When site construction is initiated as a result of this Provisional Use Permit, the applicant shall complete requirements prescribed by Chapter 10 of the Henrico County Code. In particular, land disturbance of more than 2,500 square feet will require that construction plans include a detailed drainage and erosion control plan prepared by a professional engineer certified in the State of Virginia. Ten (10) sets of the construction plans shall be submitted to the Department of Public Works for approval.
5. If ownership of the lease is transferred to another provider, the new owner shall submit a Transfer of Provisional Use Permit.
6. The height of the telecommunication tower shall not exceed 154 feet.

7. This permit shall apply only to the 2,500 square foot lease area identified in Exhibits B, C and D (see case file).
8. The co-location of as many additional users as technically feasible shall be allowed at this site.
9. Prior to the co-location of any carrier's antennas or addition of equipment lease space, a revised site plan and equipment placement details shall be submitted to the Planning Department for approval.
10. Any UHF, VHF or other type of receivers/transmitters that would interfere with the County's Division of Police emergency communications are prohibited from this telecommunication tower. The County shall have the right to install antennas and other equipment on the tower as well as place support equipment within the ground leased area, provided that all antennas and other equipment are compatible with other parties' use of the tower.
11. A landscaping plan will be submitted with the building permit application in accordance with Exhibits E and F (see case file).
12. A privacy fence constructed with solid recycled plastic, engineered plastic or composite boards, or other similar materials, a minimum of 8' in height, shall enclose the entire equipment compound area. Chain-link/barbed wire fencing is prohibited. Construction drawings and color samples shall be submitted with the building permit or Plan of Development application for approval by the Planning Department.
13. Unless dead or diseased, the existing trees within 50' of the proposed lease area shall be preserved and shall not be pruned to reduce their height.
14. Electric wires and other cables shall be prohibited on the exterior of the telecommunication tower.

The vote of the Board was as follows:

Yes: O'Bannon, Thornton, Kaechele, Nelson

Absent: Glover

134-14
REZ2014-
00017
Fairfield

HHHunt Providence LLC: Request to conditionally rezone from R-3C One-Family Residence District (Conditional) and RTHC Residential Townhouse District (Conditional) to C-1C Conservation District (Conditional) parts of Parcels 775-765-2697 and 774-765-4773

containing 15.8 acres, located on the west line of Woodman Road approximately 1425' south of its intersection with Mountain Road.

Mr. Strauss responded to questions from Mr. Thornton and Mrs. O'Bannon.

No one from the public spoke in opposition to this item.

On motion of Mr. Thornton, seconded by Mr. Nelson, and by unanimous vote, the Board followed the recommendation of the Planning Commission and approved this item with the following proffered condition:

1. The proffers applicable to the parcels zoned R-3C and RTHC in Case no. C-8C-12 shall be applicable to these parcels for which C-1C zoning is requested.

The vote of the Board was as follows:

Yes: O'Bannon, Thornton, Glover, Kaechele, Nelson

No: None

PUBLIC HEARING - OTHER ITEM

Public Hearing on Unsolicited Proposal for Central Police Station on Villa Park Drive - Fairfield District.

General Service Director John Neil, Mr. Vithoukas, Mr. Rapisarda, and Police Chief Doug Middleton, responded to a number of questions and comments from the Board regarding the process for considering and approving development proposals submitted pursuant to the Public-Private Partnership Act (PPEA) and the proposed site for construction of the Central Police Station. Mr. Glover expressed concerns about the speed of the process and the Board's limited leverage with the developer. There was extended discussion by the Board with staff on this item.

No one from the public spoke in opposition to this item.

Mr. Vithoukas confirmed for Mr. Glover that he and his staff were recommending this proposal. Mr. Vithoukas suggested the Board can have another work session on this item and acknowledged PPEA is a different procurement process than what the Board has used in the past. Mr. Rapisarda clarified the purpose of this public hearing and Ms. Stowe reiterated for Mrs. O'Bannon the Board's role in awarding contracts.

PUBLIC COMMENTS

There were no comments from the public.

GENERAL AGENDA

- 135-14 Resolution - Signatory Authority - Governor's Opportunity Fund Performance Agreement - Fareva Richmond Inc.
- Gary McLaren, Executive Director of the Economic Development Authority, responded to questions from the Board.
- On motion of Mr. Glover, seconded by Mr. Nelson, and by unanimous vote, the Board approved this item - see attached resolution.
- 136-14 Resolution - Award of Contract - Operational Medical Director Services, Division of Fire.
- Tony McDowell, Fire Chief, responded to a question from Mr. Glover.
- On motion of Mr. Glover, seconded by Mr. Kaechele, and by unanimous vote, the Board approved this item - see attached resolution.
- 137-14 Resolution - Signatory Authority - First Amendment to Lease - Capital Region Workforce Partnership - 7333 Whitepine Road - Chesterfield County.
- Jon Tracy, Director of Real Property, responded to questions from Mrs. O'Bannon and Mr. Kaechele.
- On motion of Mr. Kaechele, seconded by Mr. Glover, and by unanimous vote, the Board approved this item - see attached resolution.
- 138-14 Resolution - Award of Construction Contract - Courtney Area Water Line Rehabilitation - Brookland District.
- Bill Mawyer, Director of Public Utilities, responded to questions from Mr. Glover.
- On motion of Mr. Glover, seconded by Mr. Kaechele, and by unanimous vote, the Board approved this item - see attached resolution.
- 139-14 Resolution - Award of Construction Contract - Kildare Water System Improvements - Brookland District.

Mr. Mawyer responded to questions from Mr. Glover and Mrs. O'Bannon.

On motion of Mr. Glover, seconded by Mr. Kaechele, and by unanimous vote, the Board approved this item – see attached resolution.

140-14 Resolution - Award of Construction Contract - Equipment Replacement - River Road Sewage Pumping Station - Tuckahoe District.

Mr. Mawyer responded to questions from Mrs. O'Bannon and Mr. Glover.

On motion of Mr. Kaechele, seconded by Mr. Glover, and by unanimous vote, the Board approved this item – see attached resolution.

141-14 Resolution - Award of Construction Contract - Shane Road Recycle Center - Tuckahoe District.

Mr. Mawyer responded to questions from the Board.

On motion of Mr. Glover, seconded by Mr. Kaechele, and by unanimous vote, the Board approved this item – see attached resolution.

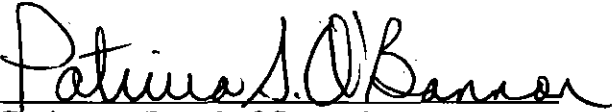
142-14 Introduction of Ordinance – To Amend and Reordain Chapter 10 of the Code of the County of Henrico By: Repealing Article II Titled “Erosion and Sediment Control,” Adding a New Article II Titled “Stormwater Management,” and by Changing the Title of Article VII from “Stormwater Management” to “Illicit Discharge Detection and Monitoring”

On motion of Mr. Kaechele, seconded by Mr. Glover and by unanimous vote, the Board approved this item – see attached introduction of ordinance.

143-14 Resolution - Acceptance of Roads – Varina District

On motion of Mr. Nelson, seconded by Mr. Thornton, and by unanimous vote, the Board approved this item – see attached resolution.

There being no further business, the meeting was adjourned at 8:50 p.m.


Chairman, Board of Supervisors
Henrico County, Virginia

Proclamation



OF THE BOARD OF SUPERVISORS OF HENRICO COUNTY, VIRGINIA

SAFE BOATING WEEK

May 17 - 23, 2014

WHEREAS, many Henrico residents choose recreational boating as a way to relax with their families and friends; and

WHEREAS, opportunities for on-the-water activities grow each year; and

WHEREAS, with this growth comes additional risk and responsibility; and

WHEREAS, more than 5,000 of the approximately 250,000 boats currently registered in the Commonwealth of Virginia are owned by residents of the County of Henrico; and

WHEREAS, the use of kayaks and other self-propelled watercraft not required to be registered is increasing rapidly; and

WHEREAS, additional boaters from outside the County visit our waters each boating season; and

WHEREAS, it is important that both novice and experienced boaters practice safe boating habits, maintain essential safety equipment, and wear a life jacket; and

WHEREAS, the law requires that a wearable life jacket be carried for each person on board all boats; and

WHEREAS, the life jackets of today are more comfortable, attractive, and wearable than the styles of the past; and

WHEREAS, the theme for the North American Safe Boating Campaign, "Wear It!", acknowledges that many lives are saved by the use of life jackets; and

WHEREAS, boating safety education classes and complimentary vessel safety checks are readily available throughout the year from the United States Coast Guard Auxiliary.

NOW, THEREFORE, BE IT PROCLAIMED that the Board of Supervisors of Henrico County, Virginia, hereby recognizes May 17 – 23, 2014, as Safe Boating Week and urges all Henrico boaters to take a boating safety course, wear their life jackets, have their boats checked for other safety equipment, and practice safe boating.



Barry R. Lawrence
Barry R. Lawrence, Clerk
May 13, 2014

Patricia S. O'Bannon
Patricia S. O'Bannon, Chairman
Board of Supervisors

Proclamation



OF THE BOARD OF SUPERVISORS OF HENRICO COUNTY, VIRGINIA

EMERGENCY MEDICAL SERVICES WEEK

May 18 - 24, 2014

WHEREAS, the provision of emergency medical services (EMS) is vital to the public's well-being and dramatically improves the survival and recovery rates of those who experience sudden illness or injury; and,

WHEREAS, members of Henrico EMS teams are ready to provide life-saving care to those in need 24 hours a day, seven days a week; and,

WHEREAS, whether career or volunteer, Henrico EMS team members engage in thousands of hours of specialized training and continuing education to enhance their life-saving skills; and,

WHEREAS, these persons are frequently exposed to a variety of hazards and dangerous situations during the performance of their duties; and,

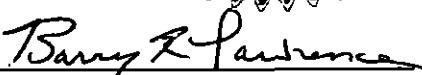
WHEREAS, Henrico's citizens, businesses, and visitors benefit daily from the knowledge and skills of these highly trained EMS providers; and,


WHEREAS, the Henrico County EMS system, consisting of the Division of Fire, Henrico Volunteer Rescue Squad, Lakeside Volunteer Rescue Squad, Tuckahoe Volunteer Rescue Squad, and the Division of Police, recorded 36,176 responses for service during Fiscal Year 2012-2013; and,

WHEREAS, it is appropriate to acknowledge the value and the accomplishments of EMS providers and to educate the public about injury prevention and how to respond to a medical emergency.

NOW, THEREFORE, BE IT PROCLAIMED that the Board of Supervisors of Henrico County, Virginia, hereby recognizes May 18 - 24, 2014, as Emergency Medical Services Week and encourages the community to observe this week with appropriate programs, ceremonies, and activities.




Barry R. Lawrence, Clerk
May 13, 2014


Patricia S. O'Bannon, Chairman
Board of Supervisors

Proclamation



OF THE BOARD OF SUPERVISORS OF HENRICO COUNTY, VIRGINIA

OLDER AMERICANS MONTH

May 2014

WHEREAS, Henrico County is a community that includes a growing population of citizens age 60 and older; and

WHEREAS, Senior Connections, The Capital Area Agency on Aging and the Henrico County Department of Social Services, in collaboration with other local agencies and groups, have long-established partnerships that support older adults, individuals with disabilities, and caregivers; and

WHEREAS, Senior Connections and local agencies share resources to maximize service for older adults, persons with disabilities, and caregivers; and

WHEREAS, the month of May has been designated by the U.S. Administration for Community Living and the Virginia Department for Aging and Rehabilitative Services as the time for communities to honor and recognize older citizens ; and

WHEREAS, this year's theme for May is "Safe Today, Healthy Tomorrow," which emphasizes the value of injury prevention and safety awareness in helping older adults remain healthy and active; and

WHEREAS, the Henrico Department of Social Services, along with community partners, protects vulnerable adults from abuse, neglect, and exploitation so that they can remain "Safe Today, Healthy Tomorrow"; and

WHEREAS, Senior Connections and the County of Henrico support prevention, health promotion, wellness, and nutrition services in the spirit of this year's theme and provide opportunities to enrich the lives of individuals young and old; and

WHEREAS, the Henrico County Department of Social Services is committed to having an engaged, livable, and stable community to promote the wellness of older citizens as part of the Age Wave Planning efforts; and

WHEREAS, Senior Connections and the Henrico Department of Social Services have joined community partners to support services that will assist older citizens to live safely in their homes and community as they age in place; and

WHEREAS, acknowledging older citizens and their contributions will help us achieve stronger and more meaningful connections with each other, while maintaining a viable, vibrant, and livable community for citizens of all ages.

NOW, THEREFORE, BE IT PROCLAIMED that the Board of Supervisors of Henrico County, Virginia, hereby recognizes May 2014 as Older Americans Month and calls this observance to the attention of all Henrico citizens.



Patricia S. O'Bannon
Patricia S. O'Bannon, Chairman
Board of Supervisors

Barry R. Lawrence
Barry R. Lawrence, Clerk
May 13, 2014



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 128-14

Page No. 1 of 1

Agenda Title: RESOLUTION - Appointment of Member - Cable Television Advisory Committee

For Clerk's Use Only:

Date: MAY 13 2014

- ☒ Approved
☐ Denied
☐ Amended
☐ Deferred to:

BOARD OF SUPERVISORS ACTION

Moved by (1) Thornton Seconded by (1) Nelson
(2) (2)

REMARKS:

APPROVED

YES NO OTHER

Glover, R.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kaechele, D.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Nelson, T.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
O'Bannon, P.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Thornton, F.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

BE IT RESOLVED that the Board of Supervisors of Henrico County, Virginia, appoints the following person to the Cable Television Advisory Committee for a term expiring December 31, 2014, or thereafter, when his successor shall have been appointed and qualified:

Fairfield District

Charles M. Sheppard

By Agency Head

By County Manager

Routing:

Yellow to:

Copy to:

Certified:

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Clerk, Board of Supervisors

Date:



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 129-14

Page No. 1 of 1

Agenda Title: RESOLUTION - Appointment of Members - Finance Board

For Clerk's Use Only:

Date: MAY 13 2014

- ☒ Approved
☐ Denied
☐ Amended
☐ Deferred to:

BOARD OF SUPERVISORS ACTION

Moved by (1) Kaechele Seconded by (1) Glover
(2) _____ (2) _____

REMARKS:

APPROVED

YES NO OTHER

Glover, R.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kaechele, D.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Nelson, T.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
O'Bannon, P.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Thornton, F.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

WHEREAS, by ordinance adopted March 11, 2008, the Board of Supervisors created a finance board (the "Finance Board") to serve as trustee of funds designated by the County to be held, accumulated, and invested by the Finance Board for the purpose of funding Other Post-Employment Benefits; and

WHEREAS, as provided by Section 15.2-1547 of the Code of Virginia, the Finance Board currently is made up of the Director of Finance, who serves an indefinite term, and three additional members with proven integrity, business ability, and demonstrated experience in cash management and investments, who serve two-year terms.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Henrico County, Virginia, appoints the following persons to the Finance board for two-year terms expiring May 8, 2016, or thereafter, when their successors shall have been appointed and qualified:

Joseph P. Casey
Vaughan G. Crawley
Kevin D. Smith

By Agency Head _____

By County Manager _____

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Certified:

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Clerk, Board of Supervisors

Date: _____

PUBLIC HEARING - Public Hearing on Unsolicited Proposal for Central Police Station on Villa Park Drive - Fairfield District

Under this agenda item, the Board would hold a public hearing on the unsolicited proposal of HPDC Partners, LLC to build a 10,000 square foot police station on Villa Park Drive for the Henrico County Division of Police.

The proposal was submitted under the Public-Private Education Facilities and Infrastructure Act of 2002 on January 10, 2014. The Board was briefed on the conceptual proposal in a work session on February 11, 2014, and accepted it by formal action that same day. No other proposals have been submitted.

Notice of this public hearing will appear in the *Richmond Times-Dispatch* on May 6. The notice will also inform the public that the proposal is available for review on the County's website at <http://www.co.henrico.va.us/purchasing/ppea-ppta-proposals/> and in the Office of the County's Purchasing Director.

No Board action is required for this agenda item.



**COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE**

Agenda Item No. **135-14**
Page No. 1 of 1

Agenda Title: RESOLUTION — Signatory Authority — Governor's Opportunity Fund Performance Agreement — Fareva Richmond Inc.

For Clerk's Use Only:

Date: **MAY 13 2014**

- ☒ Approved
☐ Denied
☐ Amended
☐ Deferred to:

BOARD OF SUPERVISORS ACTION

Moved by (1) Clover Seconded by (1) Nelson
(2) _____ (2) _____

REMARKS:

APPROVED

YES NO OTHER

Nelson, T.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Glover, R.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kaechele, D.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
O'Bannon, P.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Thornton, F.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

WHEREAS, the County, the Henrico County Economic Development Authority ("EDA"), and Fareva Richmond, Inc. ("Fareva") have negotiated a performance agreement that provides for an appropriation of \$1.3 million by the Board of Supervisors to the EDA and a grant of \$1.3 million by the EDA to Fareva; and,

WHEREAS, in return for the grant, Fareva will make a capital investment of at least \$42 million at its Darbytown Road facility and will maintain the existing 494 jobs and create and maintain at least 90 new jobs at the facility by December 31, 2016; and,

WHEREAS, the Governor's Opportunity Fund will make a \$650,000 grant to the County to support the project; and,

WHEREAS, the EDA approved the performance agreement at its regular meeting on April 17, 2014.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors that it authorizes the County Manager to execute the performance agreement in a form approved by the County Attorney among the County, the EDA, and Fareva.

Comments: The Executive Director of the EDA recommends approval of this Board paper, and the County Manager concurs.

By Agency Head

By County Manager

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Clerk, Board of Supervisors

Date: _____



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 136-14
Page No. 1 of 2

Agenda Title: **RESOLUTION — Award of Contract – Operational Medical Director Services – Division of Fire**

For Clerk's Use Only:

Date: MAY 13 2014

☒ Approved
☐ Denied
☐ Amended
☐ Deferred to:

BOARD OF SUPERVISORS ACTION

Moved by (1) Celone Seconded by (1) Kaechele
(2) _____ (2) _____

REMARKS:

APPROVED

YES NO OTHER

Glover, R.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kaechele, D.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Nelson, T.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
O'Bannon, P.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Thornton, F.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

WHEREAS, on March 7, 2014, the County received seven proposals in response to RFP No. 14-9553-2CS to provide Operational Medical Director Services – Division of Fire; and,

WHEREAS, based upon review and evaluation of the written proposals, the selection committee interviewed the following firms:

MCVP Associated Physicians
Randall Geldreich, LLC
Wilford Ira Mills, IV

WHEREAS, the selection committee subsequently negotiated a contract with **MCVP Associated Physicians** in the amount of \$75,000 for a one year term from June 1, 2014 through May 31, 2015, with the possibility of four additional one-year terms.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors that:

1. A contract to provide Operational Medical Director Services – Division of Fire is awarded to **MCVP Associated Physicians** for a term of one year from June 1, 2014 through May 31, 2015 in the amount of \$75,000 in accordance with RFP #14-9553-2CS dated February 7, 2014 and **MCVP Associated Physicians'** proposal dated March 7, 2014 and scope of work and proposed pricing dated April 4, 2014.

By Agency Head

Anthony E. McDaniel
8/23

By County Manager

[Signature]

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Clerk, Board of Supervisors

Date: _____

**COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE**

Agenda Item No. 136-14
Page No. 2 of 2

**Agenda Title: Resolution - Award of Contract – Operational Medical Director Services –
Division of Fire**

2. The County Manager and Clerk are authorized to execute the contract in a form approved by the County Attorney.
3. The County Manager, or the Purchasing Director as his designee, is authorized to execute all change orders within the scope of the project budget.

Comments: Funding to support this contract is available within the project budget. The Fire Chief and the Purchasing Director recommend approval of this Board paper, and the County Manager concurs.



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 137-14

Page No. 1 of 1

Agenda Title: **RESOLUTION — Signatory Authority — First Amendment to Lease —
Capital Region Workforce Partnership — 7333 Whitepine Road —
Chesterfield County**

For Clerk's Use Only:

Date: May 13, 2014

☒ Approved
☐ Denied
☐ Amended
☐ Deferred to:

BOARD OF SUPERVISORS ACTION

Moved by (1) Kacchele Seconded by (1) Alonzo
(2) _____ (2) _____

REMARKS:

APPROVED

YES NO OTHER

Glover, R.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kacchele, D.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Nelson, T.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
O'Bannon, P.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Thornton, F.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

WHEREAS, as fiscal agent for the Capital Region Workforce Partnership, the County leases a 10,000 square-foot office building at 7333 Whitepine Road in Chesterfield County from FP Chesterfield ABEF, LLC for use by entities providing training and other services pursuant to the Workforce Investment Act of 1998; and,

WHEREAS, the current lease terminates on July 31, 2014; and,

WHEREAS, the owner is willing to extend the lease for a two-year term commencing August 1, 2014 with annual rent of \$173,700 for the first year and \$178,911 for the second year; and,

WHEREAS, the lease amendment gives the County the option to renew the lease at any time for a new five-year term which would begin after giving the owner 180 days written notice; and,

WHEREAS, if the County exercises the option to renew for a new five-year term, the owner will provide a \$230,000 tenant improvement allowance and the annual rent would decrease to \$163,500 in the first year of the new term and escalate by 3% per year annually thereafter.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors that the County Manager is hereby authorized to execute the lease amendment in a form approved by the County Attorney, subject to annual appropriations by the Board and continued state and federal funding.

Comments: The Directors of Capital Region Workforce Partnership and Real Property recommend approval of this paper; the County Manager concurs.

By Agency Head

Dr. B. Gray

By County Manager

[Signature]

Routing:

Yellow to:

Real Property

Copy to:

Certified:

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Clerk, Board of Supervisors

Date:



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 138-14
Page No. 1 of 2

Agenda Title: **RESOLUTION — Award of Construction Contract — Courtney Area Water Line Rehabilitation — Brookland District**

For Clerk's Use Only:

Date: **MAY 13 2014**

- ☒ Approved
☐ Denied
☐ Amended
☐ Deferred to:

BOARD OF SUPERVISORS ACTION

Moved by (1) Cilone Seconded by (1) Kacchale
(2) _____ (2) _____

REMARKS:

APPROVED

YES NO OTHER

Glover, R. ☒ _____
Kacchale, D. ☒ _____
Nelson, T. ☒ _____
O'Bannon, P. ☒ _____
Thornton, F. ☒ _____

WHEREAS, five bids were received on March 20, 2014 in response to Invitation for Bid No. 14-9557-2CE and Addendum No. 1 for the Courtney Area Water Line Rehabilitation project in the Brookland District; and,

WHEREAS, the project includes replacing approximately 1,920 feet of water piping and 84 water service connections; and

WHEREAS, the bids were as follows:

<u>Bidders</u>	<u>Bid Amounts</u>
Possie B. Chenault, Inc.	\$ 442,150
Walter C. Via Enterprises, Inc.	\$ 617,960
F.L. Showalter, Inc.	\$ 653,000
Franklin Mechanical Contractors, Inc.	\$ 746,472
Lyttle Utilities, Inc.	\$ 847,500

WHEREAS, after a review and evaluation of all bids received, it was determined that Possie B. Chenault, Inc. is the lowest responsive and responsible bidder with a bid of \$ 442,150.

By Agency Head

By County Manager

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Clerk, Board of Supervisors

Date: _____

**COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE**

Agenda Item No. 138-14

Page No. 2 of 2

**Agenda Title: RESOLUTION — Award of Construction Contract — Courtney Area Water Line
Rehabilitation — Brookland District**

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors:

1. The contract is awarded to Possie B. Chenault, Inc., the lowest responsive and responsible bidder, in the amount of \$442,150 pursuant to Invitation for Bid No. 14-9557-2CE, Addendum No. 1, and the bid submitted by Possie B. Chenault, Inc.
2. The County Manager is authorized to execute the contract in a form approved by the County Attorney.
3. The County Manager, or the Purchasing Director as his designee, is authorized to execute change orders within the scope of the project budget not to exceed 15% of the original contract amount.

Comment: Funding to support the contract will be provided by the Water and Sewer Enterprise Fund. The Director of Public Utilities and the Purchasing Director recommend approval of this Board paper, and the County Manager concurs.



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 139-14
Page No. 1 of 2

Agenda Title: **RESOLUTION — Award of Construction Contract — Kildare Water System Improvements — Brookland District**

For Clerk's Use Only: Date: MAY 13 2014 <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Amended <input type="checkbox"/> Deferred to:	BOARD OF SUPERVISORS ACTION Moved by (1) <u>Glover</u> Seconded by (1) <u>Kacchale</u> (2) _____ (2) _____ REMARKS: APPROVED	YES NO OTHER Glover, R. <u>✓</u> _____ Kacchale, D. <u>✓</u> _____ Nelson, T. <u>✓</u> _____ O'Bannon, P. <u>✓</u> _____ Thornton, F. <u>✓</u> _____
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WHEREAS, four bids were received on February 25, 2014 in response to Invitation for Bid No. 14-9536-1CE for the Kildare Water System Improvements project in the Brookland District; and,

WHEREAS, the project includes replacing approximately 2,400 feet of water piping in the Kildare area between Lacy Lane and Staples Mill Road; and,

WHEREAS, the bids were as follows:

<u>Bidders</u>	<u>Bid Amounts</u>
Southern Construction Utilities, Inc.	\$389,277.00
Franklin Mechanical Contractors, Inc.	\$582,140.00
F.L. Showalter, Inc.	\$693,500.00
Walter C. Via Enterprises, Inc.	\$752,750.00

WHEREAS, after a review and evaluation of all bids received, it was determined that Southern Construction Utilities, Inc. is the lowest responsive and responsible bidder with a bid of \$389,277.00

By Agency Head

Attilio O. Petrini

By County Manager

[Signature]

Routing:

Yellow to: _____

Copy to: _____

Certified:

A Copy Teste: _____

Clerk, Board of Supervisors

Date: _____

**COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE**

Agenda Item No. 139-14

Page No. 2 of 2

Agenda Title: **RESOLUTION — Award of Construction Contract — Kildare Water System
Improvements — Brookland District**

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors:

1. The contract is awarded to Southern Construction Utilities, Inc., the lowest responsive and responsible bidder, in the amount of \$389,277.00 pursuant to Invitation for Bid No. 14-9536-1CE and the bid submitted by Southern Construction Utilities, Inc.
2. The County Manager is authorized to execute the contract in a form approved by the County Attorney.
3. The County Manager, or the Purchasing Director as his designee, is authorized to execute change orders within the scope of the project budget, not to exceed 15% of the original contract amount.

Comment: Funding to support the contract will be provided by the Water and Sewer Enterprise Fund. The Director of Public Utilities and the Purchasing Director recommend approval of this Board paper, and the County Manager concurs.



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 140-14

Page No. 1 of 2

Agenda Title: RESOLUTION — Award of Construction Contract — Equipment Replacement — River Road Sewage Pumping Station — Tuckahoe District

For Clerk's Use Only:

MAY 13 2014

Date: _____

- ☒ Approved
☐ Denied
☐ Amended
☐ Deferred to: _____

BOARD OF SUPERVISORS ACTION

Moved by (1) Kaechele Seconded by (1) Glover
(2) _____ (2) _____

REMARKS

APPROVED

YES NO OTHER

Glover, R. ✓
Kaechele, D. ✓
Nelson, T. ✓
O'Bannon, P. ✓
Thornton, F. ✓

WHEREAS, six bids were received on April 9, 2014 in response to Invitation to Bid No. 14-9560-2CE and Addendum No. 1 for the River Road Sewage Pumping Station Pumps and AFD Replacement project in the Tuckahoe District; and,

WHEREAS, the project includes replacing three sewage pumping station pumps and adjustable frequency drive units that have deteriorated; and,

WHEREAS, the bids were as follows:

<u>Bidders</u>	<u>Bid Amounts</u>
Ulliman Schutte Construction, LLC	\$1,289,000
MEB General Contractors, Inc.	\$1,385,000
Waco, Inc.	\$1,446,000
Southwood Building Systems, Inc.	\$1,456,900
T.A. Loving Company	\$1,550,000
W.M. Schlosser Company, Inc.	\$1,633,000

WHEREAS, after a review and evaluation of all bids received, it was determined that Ulliman Schutte Construction, LLC is the lowest responsive and responsible bidder with a bid of \$1,289,000.

By Agency Head

[Signature]

By County Manager

[Signature]

Routing:

Yellow to: _____

Copy to: _____

Certified:

A Copy Teste: _____

Clerk, Board of Supervisors

Date: _____

**COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE**

Agenda Item No. **140-14**

Page No. 2 of 2

Agenda Title: **RESOLUTION — Award of Construction Contract — Equipment Replacement — River Road Sewage Pumping Station — Tuckahoe District**

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors:

1. The contract is awarded to Ulliman Schutte Construction, LLC, the lowest responsive and responsible bidder, in the amount of \$1,289,000 pursuant to Invitation to Bid No. 14-9560-2CE, Addendum No.1, and the bid submitted by Ulliman Schutte Construction, LLC.
2. The County Manager is authorized to execute the contract in a form approved by the County Attorney.
3. The County Manager, or the Purchasing Director as his designee, is authorized to execute change orders within the scope of the project budget not to exceed 15% of the original contract amount.

Comment: Funding to support the contract will be provided by the Water and Sewer Enterprise Fund. The Director of Public Utilities and the Purchasing Director recommend approval of this Board paper, and the County Manager concurs.



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 141-14
Page No. 1 of 2

Agenda Title: **RESOLUTION — Award of Construction Contract — Shane Road Recycle Center — Tuckahoe District**

For Clerk's Use Only: Date: MAY 13 2014 <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Amended <input type="checkbox"/> Deferred to:	BOARD OF SUPERVISORS ACTION Moved by (1) <u>Clover</u> Seconded by (1) <u>Kaechele</u> (2) _____ (2) _____ REMARKS: APPROVED	YES NO OTHER Glover, R. <input checked="" type="checkbox"/> _____ Kaechele, D. <input checked="" type="checkbox"/> _____ Nelson, T. <input checked="" type="checkbox"/> _____ O'Bannon, P. <input checked="" type="checkbox"/> _____ Thornton, F. <input checked="" type="checkbox"/> _____
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WHEREAS, four bids were received on April 8, 2014 in response to Invitation for Bid No. 14-9566-2CE and Addenda No. 1 and No. 2 for the Shane Road Recycle Center project in the Tuckahoe District; and,

WHEREAS, the project includes construction of a recycling center, installation of approximately 800 feet of stormwater piping along Woodcrest Road, and widening of Quioccasin and Shane Roads; and

WHEREAS, the bids were as follows:

<u>Bidders</u>	<u>Bid Amounts</u>
Haley Builders, Inc.	\$597,400.00
Perkinson Construction, LLC	\$721,431.50
J.R. Caskey, Inc.	\$807,323.00
Southwood Building Systems, Inc.	\$828,250.00

WHEREAS, after a review and evaluation of all bids received, it was determined that Haley Builders, Inc. is the lowest responsive and responsible bidder with a bid of \$ 597,400.

By Agency Head [Signature]

By County Manager [Signature]

Routing:

Yellow to: _____

Copy to: _____

Certified:

A Copy Teste: _____

Clerk, Board of Supervisors

Date: _____

**COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE**

Agenda Item No. 141-14

Page No. 2 of 2

Agenda Title: **RESOLUTION — Award of Construction Contract — Shane Road Recycle Center
— Tuckahoe District**

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors:

1. The contract is awarded to Haley Builders, Inc., the lowest responsive and responsible bidder, in the amount of \$597,400 pursuant to Invitation for Bid No. 14-9566-2CE, Addenda No. 1 and No. 2, and the bid submitted by Haley Builders, Inc.
2. The County Manager is authorized to execute the contract in a form approved by the County Attorney.
3. The County Manager, or the Purchasing Director as his designee, is authorized to execute change orders within the scope of the project budget not to exceed 15% of the original contract amount.

Comment: Funding to support the contract will be provided by the Solid Waste Special Revenue Fund. The Director of Public Utilities and the Purchasing Director recommend approval of this Board paper, and the County Manager concurs.



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 142-14

Page No. 1 of 1

Agenda Title: INTRODUCTION OF ORDINANCE – To Amend and Reordain Chapter 10 of the Code of the County of Henrico By: Repealing Article II Titled “Erosion and Sediment Control,” Adding a New Article II Titled “Stormwater Management,” and by Changing the Title of Article VII from “Stormwater Management” to “Illicit Discharge Detection and Monitoring”

For Clerk's Use Only:

MAY 13 2014

Date:

- ☒ Approved
☐ Denied
☐ Amended
☐ Deferred to:

BOARD OF SUPERVISORS ACTION

Moved by (1) Kaechele Seconded by (1) Glover
(2) _____ (2) _____

REMARKS:

APPROVED

YES NO OTHER

Glover, R. ☒ _____
Kaechele, D. ☒ _____
Nelson, T. ☒ _____
O'Bannon, P. ☒ _____
Thornton, F. ☒ _____

The Clerk is authorized to advertise in the Richmond Times Dispatch on May 20 and May 27, 2014, the following ordinance for a public hearing to be held on June 10, 2014, at 7:00 p.m. in the Board Room.

“An ordinance to amend and Chapter 10 of the Code of the County of Henrico by: repealing Article II titled “Erosion and Sediment Control,” adding a new Article II titled “Stormwater Management,” and by changing the Title of Article VII from “Stormwater Management” to “Illicit Discharge Detection and Monitoring.” A copy of the full text of this ordinance shall be on file in the Office of the County Manager.”

Comment: The Director of Public Works recommends approval, and the County Manager concurs.

By Agency Head

By County Manager

Routing:

Yellow to: _____

Copy to: _____

Certified:

A Copy Teste: _____

Clerk, Board of Supervisors

Date: _____

ORDINANCE - To Amend and Reordain Chapter 10 of the Code of the County of Henrico By: Repealing Article II Titled "Erosion and Sediment Control," Adding a New Article II Titled "Stormwater Management," and by Changing the Title of Article VII from "Stormwater Management" to "Illicit Discharge Detection and Monitoring"

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF HENRICO COUNTY, VIRGINIA:

1. That Article II of Chapter 10 of the Code of the County of Henrico titled "Erosion and Sediment Control" be repealed.
2. That a new Article II of Chapter 10 titled "Stormwater Management" be added to the Code of the County of Henrico as follows:

ARTICLE II. STORMWATER MANAGEMENT

Division 1. Purpose, Definitions, and Applicability

Sec. 10-27. Purpose and authority.

(a) The purposes of this article are to promote and protect the health, safety, and general welfare of the citizens of Henrico County; to protect state waters, stream channels, and other natural resources from the potential impacts of development; and to establish procedures whereby state and federal requirements related to stormwater quality and quantity shall be administered and enforced.

(b) This article sets forth the county's provisions for complying with state requirements for erosion and sediment control, stormwater management, and protection of Chesapeake Bay Preservation Areas as well as for complying with federal requirements in the Clean Water Act. Authority and additional definitions for this article are provided by § 62.1-44.15:24 et seq. (Stormwater Management Act), § 62.1-44.15:51 et seq. (Erosion and Sediment Control Law), and § 62.1-44.15:67 et seq. (Chesapeake Bay Preservation Act) of the Code of Virginia, and the state regulations implementing these acts.

Sec. 10-28. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Act or Virginia Stormwater Management Act means § 62.1-44.15:24 et seq. of the Code of Virginia.

Administrator means the director of public works or his designee.

Agreement in lieu of an erosion and sediment control plan means a contract executed by the administrator and the owner in lieu of an erosion and sediment control plan for construction of a single-family residence which specifies conservation measures to be used during construction.

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

Applicant means any person executing an agreement in lieu of a plan, submitting an ECP for approval, submitting an application for a permit, or requesting issuance of a permit authorizing land-disturbing activities to commence.

Best management practices or BMPs means the 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.

Board means the State Water Control Board.

Buffer means a natural or landscaped area or screening device intended to provide a horizontal distance and open space, to preserve vegetation, and to lessen the impact and adverse relationships between dissimilar, unrelated or incompatible land uses, or to provide an area of natural or planted vegetation to protect Chesapeake Bay Preservation Areas and county and state waters from degradation due to land disturbances or uses.

Certificate of competence means a valid certificate of competence from the Board as specified in 9VAC25-850-40 and 9VAC25-850-50.

Chesapeake Bay Preservation Area or CBPA means any land as defined in § 24-3 of the Code. Chesapeake Bay Preservation Areas shall consist of a resource protection area and a resource management area.

Chesapeake Bay Preservation Act land-disturbing activity or CBPA land-disturbing activity means a land-disturbing activity, including clearing, grading, or excavation, that results in land disturbance in a CBPA equal to or greater than 2,500 square feet and less than one acre. The term does not include the following activities as provided in § 62.1-44.15:34 of the Code of Virginia:

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 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 § 10.1-1100 et seq. of the Code of Virginia or is converted to bona fide

agricultural or improved pasture use as described in § 10.1-1163(B) 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 less than 2,500 square feet in CBPAs or activities that are part of a larger common plan of development or sale that is one acre or greater of disturbance;
5. Discharges to a sanitary sewer or a combined sewer system;
6. Activities under a state or federal reclamation program to return an abandoned property to an agricultural or open land use;
7. Routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original construction of the project. The paving of an existing road with a compacted or impervious surface and reestablishment of existing associated ditches and shoulders shall be deemed routine maintenance if performed to maintain the original line and grade, hydraulic capacity, or original construction of the project; 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 VSMP authority shall be advised of the disturbance within seven days of commencing the land-disturbing activity and compliance with the administrative requirements of subsection A of § 62.1-44.15:34 of the Code of Virginia is required within 30 days of commencing the land-disturbing activity.

Clearing means any activity which removes vegetation, including cutting and/or removal of trees, root mat, or topsoil.

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

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, and any subsequent revisions thereto.

Department means the Virginia Department of Environmental Quality.

Development means land disturbance and the resulting landform associated with the construction of residential, commercial, industrial, institutional, recreational, transportation or utility facilities or structures or the clearing of land for non-agricultural or non-silvicultural purposes. For purposes of this article, the regulation of discharges from development does not include exemptions found in 9VAC25-870-300.

District or soil and water conservation district means a political subdivision of the state organized in accordance with the provisions of § 10.1-506 et seq. of the Code of Virginia.

Environmental compliance plan or ECP means a document containing the information set forth in § 10-32 of the Code that is required to comply with this article.

Erosion and sediment control plan or ESC plan means a document containing material, including all major conservation decisions, for the conservation of soil and water resources of a unit or group of units of land. Each plan shall contain the information specified in § 10-34 of the Code.

Excavating means any digging, scooping, or other method of removing earth materials.

Exception means an approved deviation from the requirements applicable to VESCP land-disturbing activities.

Filling means any depositing or stockpiling of earth materials.

Final stabilization means that one of the following:

1. All soil-disturbing activities at the site have been completed and a permanent vegetative cover has been established on denuded areas not otherwise permanently stabilized. Permanent vegetation shall not be considered established until a ground cover is achieved that is uniform (e.g., evenly distributed), is mature enough to survive, and will inhibit erosion;
2. For individual lots in residential construction, final stabilization is achieved by either:
 - a. The homebuilder completing final stabilization as specified in subdivision 1 of this definition; or
 - b. The homebuilder establishing temporary stabilization, including perimeter controls for an individual lot prior to occupation of the home by the homeowner, and informing the homeowner of the need for, and benefits of, final stabilization;
3. For construction projects on land used for agricultural purposes (e.g., pipelines across crop or range land), final stabilization is achieved by returning the disturbed land to its preconstruction agricultural use. Areas disturbed that were not previously used for agricultural activities, such as buffer strips immediately adjacent to surface waters, and areas that are not being returned to their preconstruction agricultural use must meet the final stabilization criteria specified in subsection 1 or 2 of this definition.

Flood-prone area means the component of a natural or restored stormwater conveyance system that is outside the main channel. Flood-prone areas may include, but are not limited to, the floodplain, the floodway, the flood fringe, wetlands, riparian buffers, or other areas adjacent to the main channel.

General Construction Permit or GCP means the state permit titled GENERAL VPDES PERMIT FOR DISCHARGES OF STORMWATER FROM CONSTRUCTION ACTIVITIES set forth at 9VAC25-880-70 that authorizes a category of discharges under the Act and the CWA within a geographical area.

Grading means any excavating or filling of earth materials or any combination thereof which changes the slope or contour of land.

Highly erodible soils means soils (excluding vegetation) with an erodibility index (EI) from sheet and rill erosion equal to or greater than eight. The erodibility index for any soil is defined as the product of the rill formula $RKLS/T$, where K is the soil susceptibility to water in the surface layer; R is the rainfall and runoff; LS is the combined effects of slope length and steepness; and T is the soil loss tolerance.

Highly permeable soils means soils with a given potential to transmit water through the soil profile. Highly permeable soils are identified as any soil having a permeability equal to or greater than six inches of water movement per hour in any part of the soil profile to a depth of 72 inches (permeability groups "rapid" and "very rapid") as found in the National Soil Survey Handbook of November 1996 in the Field Office Technical Guide of the U.S. Department of Agriculture Natural Resources Soil Conservation Service.

Impervious cover means a surface composed of any material that significantly impedes or prevents natural infiltration of water into the soil. Impervious surfaces include, but are not limited to, roofs, buildings, streets, parking areas, and any concrete, asphalt, or compacted gravel surface.

Land development approval process means an administrative procedure for approvals required by the Code, including approvals of construction plans, plans of development, conditional and special use permits, provisional use permits, landscape plans, agreements in lieu of a plan, erosion and sediment control plans, building permits, conditional or final subdivision plats, and construction plans.

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

Manual means Henrico County Environmental Compliance Manual.

Minor modification means an amendment to an existing General Construction Permit before its expiration not requiring extensive review and evaluation including, but not limited to, changes in EPA promulgated test protocols, increasing monitoring frequency requirements, changes in sampling locations, and changes to compliance dates within the overall compliance schedules. A minor General Construction 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.

100-year floodplain means the special flood hazard area as defined in § 24-3 of the Code.

Operator means the owner or operator of any facility or activity subject to the Act and this article. In the context of stormwater associated with a large or small construction activity, operator means any person associated with a construction project that meets either of the following two criteria: (i) the person has direct operational control over construction plans and specifications, including the ability to make modifications to those plans and

specifications, or (ii) the person has day-to-day operational control of those activities at a project that are necessary to ensure compliance with a stormwater pollution prevention plan for the site or other state permits or VSMP authority permit conditions (i.e., they are authorized to direct workers at a site to carry out activities required by the stormwater pollution prevention plan or to comply with other permit conditions). In the context of stormwater discharges from municipal separate storm sewer systems, operator means the operator of the regulated system.

Owner means the owner of the freehold of the premises or lesser estate therein, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee, or other person in control of a property.

Permittee means the person to whom the permit authorizing land-disturbing activities is issued, including any owner or operator whose construction site is covered under a GCP, or the person who certifies that the approved erosion and sediment control plan, ECP, or agreement in lieu of a plan will be followed.

Person means any individual, corporation, partnership, association, state, municipality, commission, political subdivision, governmental body, any interstate body, or any other legal entity.

Postdevelopment means conditions that may be reasonably expected or anticipated to exist after completion of the land development activity on a specific site or tract of land.

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

Prior developed lands means land that has been previously utilized for residential, commercial, industrial, institutional, recreational, transportation, or utility facilities or structures, and that will have the impervious areas associated with those uses altered during a land-disturbing activity.

Resource management area or RMA means that component of Chesapeake Bay Preservation Areas defined in §§ 24-3 and 24-106.3 of the Code.

Resource protection area or RPA means that component of a Chesapeake Bay Preservation Area comprised of lands adjacent to water bodies with perennial flow that have an intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to impacts which may result in significant degradation to the quality of state waters.

Regulations means the Virginia Stormwater Management Program regulations set out in 9VAC25-870-10 et seq., as amended.

Silvicultural activities means forest management activities, including, but not limited to, the harvesting of timber, the construction of roads and trails for forest management purposes, and the preparation of property for reforestation that are conducted in accordance with the silvicultural best management practices developed and enforced by the state forester pursuant to § 10.1-1105 of the Code of Virginia, and are located on property defined as real estate devoted to forest use under § 58.1-3230 of the Code of Virginia.

Single-family residence means a noncommercial dwelling that is occupied exclusively by one family.

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

State means the Commonwealth of Virginia.

State permit means an approval to conduct a land-disturbing activity issued by the Board in the form of a state stormwater individual permit or coverage issued under a state General Construction Permit or an approval issued by the Board for stormwater discharges from a municipal separate storm sewer system. Under these state permits, the state imposes and enforces requirements pursuant to the federal Clean Water Act and regulations, the Act and the Regulations.

State Water Control Law means § 62.1-44.2 et seq. of the Code of Virginia. On July 1, 2013, it incorporated the Chesapeake Bay Preservation Act, the Erosion and Sediment Control Law, and the Stormwater Management Control Act under the jurisdiction of the Board.

State waters means all water, on the surface and under the ground, wholly or partially within or bordering the state 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 plan or SWM plan means a document containing material describing methods for complying with the requirements of this article. An agreement in lieu of a stormwater management plan as defined in this section shall be considered to meet the requirements of a stormwater management plan.

Stormwater Pollution Prevention Plan or SWPPP means a document that is prepared in accordance with good engineering practices and that identifies potential sources of pollutants that may reasonably be expected to affect the quality of stormwater discharges. A SWPPP for construction activities shall identify and require the implementation of control measures and shall include by reference an approved erosion and sediment control plan, an approved stormwater management plan, and a pollution prevention plan.

Stream protection area or SPA means an area 50 feet in width adjacent to both sides of a stream that extends upstream from the RPA boundary to a point where the drainage area is 100 acres or more. The SPA is measured from the streambank or the limits of the two-year storm flow if the streambank is not defined.

Subdivision means a division of land as defined in § 19-2 of the Code.

Tidal shore means land contiguous to a tidal body of water between the mean low water level and the mean high water level.

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.

Transporting means any moving of earth materials from one place to another, other than such movement incidental to grading, when such movement results in destruction of the vegetative ground cover, either by tracking or the buildup of earth materials, and erosion and sedimentation.

Variance means an approved deviation from the requirements applicable to VSMP land-disturbing activities.

Virginia Erosion and Sediment Control Program authority or VESCP authority means the county department of public works, which is responsible for determining the adequacy of erosion and sediment control plans and their approval.

Virginia Erosion and Sediment Control Program land-disturbing activity or VESCP land-disturbing activity means any man-made change to the land surface that may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands in the state. It includes, but is not limited to, clearing, grading, excavating, transporting, and filling of land. The term does not include the following activities as provided in § 62.1-44.15:51 of the Code of Virginia:

1. Minor land-disturbing activities such as home gardens and individual home landscaping, repairs, and maintenance work;
2. Individual service connections;
3. Installation, maintenance, or repair of any underground public utility lines when such activity occurs on an existing hard-surfaced road, street or sidewalk, provided the land-disturbing activity is confined to the area of the road, street or sidewalk that is hard-surfaced;
4. Septic tank lines or drainage fields unless included in an overall plan for land-disturbing activity relating to construction of the building to be served by the septic tank system;
5. Permitted surface or deep mining operations and projects, or oil and gas operations and projects conducted pursuant to title 45.1 of the Code of Virginia;

6. Tilling, planting, or harvesting of agricultural, horticultural, or forest crops, livestock feedlot operations, or as additionally set forth by the Board in regulation, including engineering operations as follows: construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage and land irrigation; however, this exception shall not apply to harvesting of forest crops unless the area on which harvesting occurs is reforested artificially or naturally in accordance with the provisions of § 10.1-1100 et seq. of the Code of Virginia or is converted to bona fide agricultural or improved pasture use as described in § 10.1-1163(B) of the Code of Virginia;
7. Repair or rebuilding of the tracks, right-of-way, bridges, communication facilities and other related structures and facilities of a railroad company;
8. Agricultural engineering operations, including but not limited to the construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds not required to comply with the provisions of the Dam Safety Act (§ 10.1-604 et seq. of the Code of Virginia), ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage and land irrigation;
9. Disturbed land areas of less than 2,500 square feet in size;
10. Installation of fence and sign posts or telephone and electric poles and other kinds of posts or poles;
11. Shoreline erosion control projects on tidal waters when all of the land-disturbing activities are within the regulatory authority of and approved by local wetlands boards, the Virginia Marine Resources Commission, or the United States Army Corps of Engineers; however, any associated land that is disturbed outside of this exempted area shall remain subject to this article and the regulations adopted pursuant thereto; and
12. Emergency work to protect life, limb or property, and emergency repairs; however, if the land-disturbing activity would have required an approved erosion and sediment control plan if the activity were not an emergency, then the land area disturbed shall be shaped and stabilized in accordance with the requirements of the VESCP authority.

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 Act and associated regulations.

Virginia Stormwater Management Program or VSMP means a program approved by the Board after June 30, 2013 that has been established to manage the quality and quantity of runoff resulting from land-disturbing activities and shall include such items as local ordinances, rules, permit requirements, annual standards and specifications, policies and guidelines, technical materials, and requirements for plan review, inspection, enforcement as authorized in this article, and evaluation consistent with the requirements of this article and associated regulations.

Virginia Stormwater Management Program authority or VSMP authority means the county department of public works, which is responsible for determining the adequacy of stormwater management plans and their approval.

Virginia Stormwater Management Program land-disturbing activity or VSMP land-disturbing activity means a man-made change to the land surface that potentially changes its runoff characteristics, including clearing, grading, or excavation. The term does not include the following activities as provided in § 62.1-44.15:34 of the Code of Virginia:

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 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 § 10.1-1100 et seq. of the Code of Virginia or is converted to bona fide agricultural or improved pasture use as described in § 10.1-1163(B) of the Code of Virginia;
3. Single-family residences separately built and disturbing less than one acre and not part of a larger common plan of development or sale, including additions or modifications to existing single-family detached residential structures;
4. Land-disturbing activities that disturb less than one acre of land area except for land-disturbing activity exceeding an area of 2,500 square feet in CBPAs or activities that are part of a larger common plan of development or sale that is one acre or greater of disturbance;
5. Discharges to a sanitary sewer or a combined sewer system;
6. Activities under a state or federal reclamation program to return an abandoned property to an agricultural or open land use;
7. Routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original construction of the project. The paving of an existing road with a compacted or impervious surface and reestablishment of existing associated ditches and shoulders shall be deemed routine maintenance if performed in accordance with this subsection; and
8. Conducting land-disturbing activities in response to a public emergency where the related work requires immediate authorization to avoid imminent endangerment to human health or the environment. In such situations, the VSMP authority shall be advised of the disturbance within seven days of commencing the land-disturbing activity and compliance with the administrative requirements of subsection A of § 62.1-44.15:34 of the Code of Virginia is required within 30 days of commencing the land-disturbing activity.

Water quality impact assessment means an evaluation of the environmental impacts associated with proposed development in Chesapeake Bay Preservation Areas. The evaluation components may be submitted as part of the plan of development process or in a separate document.

Wetlands, nontidal means those wetlands other than tidal wetlands that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support,

and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, as defined by current federal regulatory programs under § 404 of the Clean Water Act.

Wetlands, tidal means vegetated and nonvegetated wetlands as defined in § 28.2-1300 of the Code of Virginia.

Sec. 10-29. Applicability.

- (a) This article regulates three types of land disturbances and land-disturbing activities as defined in § 10-28 of the Code:
 - (1) VESCP land-disturbing activity;
 - (2) VSMP land-disturbing activity; and
 - (3) CBPA land-disturbing activity.
- (b) A land-disturbing activity may be a VESCP land-disturbing activity and/or either a VSMP land-disturbing activity or a CBPA land-disturbing activity.

Division 2. Plan Requirements for Land-Disturbing Activities

Sec. 10-30. General requirements for all land-disturbing activities.

- (a) No person shall conduct a land disturbance or a land-disturbing activity until:
 - (1) An environmental compliance plan meeting the requirements of § 10-32 of the Code has been submitted to and approved by the administrator;
 - (2) A maintenance agreement or other enforceable mechanism ensuring long term maintenance for permanent stormwater facilities meeting the requirements of § 10-54 of the Code has been submitted to and approved by the administrator;
 - (3) A financial guarantee in accordance with § 10-46 of the Code has been submitted to and approved by the administrator; and
 - (4) A preconstruction meeting in accordance with § 10-48 of the Code has been conducted.
- (b) No county department which issues grading, building, or other permits for work resulting in a regulated land-disturbing activity may issue such permits until the applicant demonstrates compliance with the applicable requirements of subsection (a) and has certified that the ECP will be followed. The owner is responsible for obtaining approval even if the land-disturbing activity will be performed by contractors or others.

Sec. 10-31. Applicable design standards, specifications and methods.

The applicant shall use the applicable standards in the Virginia Erosion and Sediment Control Regulations at 9VAC25-840 et seq., the Virginia Erosion and Sediment Control

Handbook, the Regulations, the Virginia BMP Clearinghouse, and the Manual in the preparation and submission of an ECP. The plan-approving authority shall be guided by the same standards, regulations and guidelines in considering the adequacy of a plan submittal. When the standards vary between the publications, the state regulations shall take precedence.

Sec. 10-32. Components of environmental compliance plan.

The ECP shall contain the following components:

(a) General information

- (1) A statement that it was prepared by a professional registered in the state pursuant to § 54.1-400 et seq. of the Code of Virginia;
- (2) A site plan or map which conforms to a subdivision plat or plan of development which complies with chapters 19 or 24 of the Code;
- (3) A tree protection plan which complies with § 24-106.2 of the Code;
- (4) The location of RPAs, SPAs, and all buffers required by conditions of zoning, development, or use;
- (5) A certification by the permittee that:
 - a) All wetlands, RPAs, SPAs, and buffers will be conspicuously flagged or otherwise identified and not disturbed unless authorized; and
 - b) The permittee will notify the administrator upon completion of the flagging;
- (6) A comprehensive drainage plan;
- (7) Evidence on the site plan that no more land than is necessary to provide for the proposed use or development shall be disturbed;
- (8) A statement by the permittee acknowledging that the U.S. Army Corps of Engineers and the Department may have additional jurisdiction over wetlands not regulated by the county; and
- (9) Evidence that all applicable U.S. Army Corps of Engineers and state permits necessary for activities in state waters and wetlands, or appropriate waivers of jurisdiction, have been obtained.
- (b) An environmental site assessment in accordance with § 10-33 of the Code;
- (c) Information addressing the Chesapeake Bay Preservation Act requirements of § 10-39 of the Code;
- (d) Information addressing the municipal separate storm sewer system program requirements in chapter 15 of the Manual; and
- (e) Other components as applicable to the type of land-disturbing activity:
 - (1) An erosion and sediment control plan in accordance with § 10-34 of the Code;
 - (2) A stormwater management plan in accordance with § 10-35 of the Code;
 - (3) A pollution prevention plan in accordance with § 10-36 of the Code;
 - (4) Measures to address applicable TMDLs in accordance with § 10-37 of the Code; and
 - (5) A stormwater pollution prevention plan in accordance with § 10-38 of the Code.
- (f) Exception for single-family residential structures. Unless otherwise required by §§ 10-34 through 10-38 of the Code or by the administrator, the requirements of subsections (a)(1), (a)(3), and (b) are not applicable to the construction of single-

family residential structures, including additions or modifications to existing single-family residential structures.

Sec. 10-33. Environmental site assessment component of environmental compliance plans.

- (a) The environmental site assessment component of the ECP shall indicate whether the following features are present on the site:
- (1) Surface waters (including wetlands) under the jurisdiction of the state or federal government;
 - (2) Stream protection area features as described in chapter 6 of the Manual;
 - (3) Resource protection area features as described in § 24-106.3(b)(1) of the Code, including:
 - a. Perennial streams;
 - b. Tidal shores;
 - c. Tidal wetlands;
 - d. Nontidal wetlands connected by surface flow and contiguous to tidal wetlands or perennial streams; and
 - e. Areas within 100 feet of any of the items listed in provisions a through d above.
 - (4) Resource management area features as described in § 24-106.3(b)(2) of the Code, including:
 - a. Special flood hazard areas as defined in § 24-3 of the Code that are contiguous to any of the features identified in provision (3) above;
 - b. Highly erodible soils, including steep slopes that are contiguous to any of the features identified in provision (3) above;
 - c. Highly permeable soils that are contiguous to any of the features identified in provision (3) above;
 - d. Nontidal wetlands other than those described in provision (1) above that are contiguous to any of the features identified in provision (3) above; and
 - e. Areas within 100 feet of any of the items listed in provision (1) above.
- (b) The applicant shall accurately map the location of all the above features on a site in the ECP.

Sec. 10-34. Erosion and sediment control plan requirements for VESCP land-disturbing activities.

- (a) An erosion and sediment control plan must be prepared for VESCP land-disturbing activities.
- (b) An ESC plan must include the following:
- (1) Measures to control erosion and sediment;
 - (2) A statement by the permittee that all erosion and sediment control measures shall be maintained;
 - (3) Information assuring and demonstrating compliance with the minimum standards of the Board's erosion and sediment control regulations. Compli-

ance with the water quantity requirements of § 10-39 of the Code shall be deemed to satisfy the requirements of subsection 19 of 9VAC25-840-40;

- (4) Calculations for sediment traps, basins, outlet protection, etc. as applicable;
 - (5) Clear delineation of the preliminary limits of disturbance necessary for installation of the initial erosion and sediment control measures. The preliminary areas of land disturbance shall be the minimum necessary for installation of the initial erosion and sediment control measures, and the delineation shall include all areas necessary for such installation, including stockpiles, borrow areas, and staging areas;
 - (6) Clear delineation of the ultimate limits of disturbance; and
 - (7) A sequence of construction that details construction schedules and the installation, inspection, and maintenance of ESC measures.
- (c) An agreement in lieu of an erosion and sediment control plan may be substituted for an ESC plan when the VESCP land-disturbing activity results from the construction of single-family residential structures, including additions or modifications to existing single-family detached residential structures.
- (d) A certificate of competence shall not be required for persons carrying out an agreement in lieu of a plan for construction of a single-family residence. However, if a violation occurs during the land-disturbing activity, then the person responsible for carrying out the agreement in lieu of a plan shall correct the violation and provide the name of an individual holding a certificate of competence. Failure to provide the name of an individual holding a certificate of competence shall be a violation of this article.

Sec. 10-35. Stormwater management plan requirements for VSMP and CBPA land-disturbing activities.

- (a) A SWM plan must be prepared for VSMP land-disturbing activities and CBPA land-disturbing activities. However, an agreement in lieu of a stormwater management plan may be substituted for a SWM plan when the VSMP land-disturbing activity results from the construction of a single-family residence.
- (b) The SWM plan shall contain information demonstrating compliance with the following requirements of chapter 9 of the Manual:
- (1) The general SWM plan requirements;
 - (2) The stormwater quality requirements;
 - (3) The channel protection requirements; and
 - (4) The flood protection requirements.
- (c) For purposes of computing predevelopment runoff, all pervious lands on the site shall be assumed to be in good hydrologic condition in accordance with the U.S. Department of Agriculture's Natural Resources Conservation Service (NRCS) standards, regardless of conditions existing at the time of computation. Predevelopment runoff calculations utilizing other hydrologic conditions may be

utilized, provided that actual site conditions warrant such consideration and their use is approved by the administrator.

- (d) Predevelopment and postdevelopment runoff characteristics and site hydrology shall be verified by site inspections, topographic surveys, available soil mapping or studies, and calculations consistent with good engineering practices. Guidance provided in the Virginia Stormwater Management Handbook and by the Virginia Stormwater BMP Clearinghouse shall be considered appropriate practices.
- (e) Proposed residential, commercial, or industrial developments shall apply these stormwater management criteria to the development as a whole. Individual lots in new developments, including those developed under subsequent owners, shall not be considered separate land-disturbing activities; rather, the entire development shall be considered a single land-disturbing activity. Hydrologic parameters shall reflect the ultimate development and shall be used in all engineering calculations.
- (f) Elements of the stormwater management plans requiring services regulated under article 1 of chapter 4 of title 54.1 of the Code of Virginia shall be appropriately sealed and signed by a professional registered in the state pursuant to § 54.1-400 et seq. of the Code of Virginia.
- (g) In lieu of providing the information required by subsection (b), activities grandfathered under § 10-50 of the Code must comply with the technical criteria in chapter 14 of the Manual. In those cases, stormwater management plans must:
 - (1) Specify the applicable watershed management area designation and all watershed management practices that will be implemented, including construction of best management practices or a contribution to the county's environmental fund at a rate of \$8,000.00 per pound of pollutant removal required for the project in accordance with chapter 14 of the Manual;
 - (2) Include calculations and other evidence necessary to show that nonpoint source pollution loads of phosphorous and sediments to receiving surface waters during and after development will be controlled in accordance with chapter 14 of the Manual; and
 - (3) Demonstrate compliance with the 50/10 detention requirements in chapter 14 of the Manual.

Sec. 10-36. Pollution prevention plan requirements for VSMP land-disturbing activities.

- (a) A pollution prevention plan must be prepared for VSMP land-disturbing activities.
- (b) The pollution prevention plan shall include the following information:
 - (1) The standard plan sheet provided by the county;
 - (2) Identification of measures that will be used to minimize the following:
 - a. The discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters;

- b. The exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste, and other materials present on the site to precipitation and to stormwater; and
 - c. The discharge of pollutants from spills and leaks, including chemical spill and leak prevention and response procedures;
- (3) Identification of practices that will be used to prohibit the following discharges:
- a. Wastewater from washout of concrete, unless managed by an appropriate control;
 - b. Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds, and other construction materials;
 - c. Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance; and
 - d. Soaps or solvents used in vehicle and equipment washing.
- (c) The pollution prevention plan shall prohibit discharges from dewatering activities, including discharges from dewatering of trenches and excavations, unless managed by appropriate controls.
- (d) The pollution prevention plan shall be implemented and updated by the operator in accordance with § 10-49 of the Code as necessary throughout all phases of the VSMP land-disturbing activity to implement appropriate pollution prevention measures applicable to construction activities.

Sec. 10-37. Total maximum daily load (TMDL) requirements.

- (a) To satisfy the TMDL requirements of the General Construction Permit, the following control measures must be used for all VSMP land-disturbing activities:
- (1) Nutrients must be applied in accordance with manufacturer's recommendations and shall not be applied during rainfall events;
 - (2) Permanent or temporary soil stabilization measures shall be applied to denuded areas within seven days after final grade is reached on any portion of the site;
 - (3) The operator shall conduct inspections to ensure compliance with the SWPPP and GCP conditions in accordance with the following frequency:
 - a. At least once every four business days; or
 - b. At least once every five business days and no later than 48 hours following any measurable storm event. In the event that a measurable storm event occurs when there are more than 48 hours between business days, the inspection shall be conducted on the next business day.
- (b) These control measures are not required for CBPA land-disturbing activities.

Sec. 10-38. Stormwater pollution prevention plan requirements for VSMP land-disturbing activities.

- (a) A SWPPP must be prepared for all VSMP land-disturbing activities.

(b) A SWPPP must include the following information:

- (1) Information complying with the SWPPP requirements in chapter 13 of the Manual;
- (2) An ESC plan in accordance with § 10-34 of the Code;
- (3) A SWM plan in accordance with § 10-35 of the Code;
- (4) A PPP in accordance with § 10-36 of the Code; and
- (5) Measures to address applicable TMDLs in accordance with § 10-37 of the Code.

(c) A SWPPP must accomplish the following:

- (1) Control the volume and velocity of runoff within the site to minimize soil erosion;
- (2) Control stormwater discharges, including both peak flow rates and total stormwater volume, to minimize erosion at outlets and to minimize downstream channel and stream bank erosion;
- (3) Minimize the amount of soil exposed during construction activity;
- (4) Minimize the disturbance of steep slopes;
- (5) Minimize sediment discharges from the site;
- (6) Provide and maintain natural buffers around surface waters, direct stormwater to vegetated areas to increase sediment removal, and maximize stormwater infiltration, unless infeasible;
- (7) Minimize soil compaction and, unless infeasible, preserve topsoil;
- (8) Ensure that stabilization of disturbed areas will be initiated immediately whenever any clearing, grading, excavating, or other earth-disturbing activities have permanently ceased on any portion of the site or temporarily ceased on any portion of the site and will not resume for a period exceeding 14 calendar days; and
- (9) Utilize outlet structures that withdraw water from the surface, unless infeasible, when discharging from basins and impoundments.

Compliance with an ESC plan developed in accordance with § 10-34 of the Code is deemed to satisfy the requirements of this subsection.

(d) The operator must maintain and update the SWPPP in accordance with § 10-49 of the Code.

Sec. 10-39. Information regarding Chesapeake Bay Preservation Areas in the ECP.

The ECP shall include the following features:

- (a) The location of all CBPAs, including all land-disturbing activities contemplated therein.
- (b) A water quality impact assessment for any proposed development within a RPA, including any buffer area modification, and for any development in RMA which, due to the unique characteristics of the site or intensity of the proposed development, is considered by the administrator to be

environmentally sensitive land. Two types of water quality impact assessments are appropriate:

- (1) A minor water quality impact assessment for development which causes no more than 5,000 square feet of land disturbance within CBPAs. A minor water quality impact assessment must demonstrate that the remaining buffer area and additional vegetated area equal to the area of encroachment into the buffer will maximize water quality protection and mitigate the effects of the buffer encroachment;
- (2) A major water quality impact assessment for any development which exceeds 5,000 square feet of land disturbance within CBPAs. A major water quality impact assessment must demonstrate that the remaining buffer area and additional vegetated area equal to the area of encroachment into the buffer will maximize water quality protection and will mitigate the effects of the buffer encroachment. In addition, the major water quality impact assessment shall address all the following requirements except those waived by the administrator:
 - a. Describe the existing topography, soils, hydrology and geology of the site and adjacent lands.
 - b. Describe the impacts of the proposed development on topography, soils, hydrology, and geology on the site and adjacent lands.
 - c. Indicate the following:
 - i. Disturbances or destruction of wetlands and justification for such action;
 - ii. Disruptions or reduction in the supply of water to wetlands, streams, lakes, rivers, or other water bodies;
 - iii. Disruptions to existing hydrology, including wetlands and stream circulation patterns;
 - iv. Source location and description of proposed fill material.
 - v. Location of dredge material and location of dumping area for such material;
 - vi. Location of and impacts on shellfish beds, submerged aquatic vegetation, and fish spawning areas;
 - vii. Estimation of predevelopment and postdevelopment pollutant loads in runoff;
 - viii. Estimation of the percentage increase in impervious surface on the site and types of surfacing materials used.
 - ix. Percentage of site to be cleared for the project;
 - x. Anticipated duration and phasing schedule of the construction project; and
 - xi. Listing of all required permits from all applicable agencies necessary to develop the project.

- d. Describe the proposed mitigation measures for the potential hydrological impacts. Potential mitigation measures include:
 - i. Proposed erosion and sediment control steps. Steps may include minimizing the extent of the cleared area, perimeter controls, reduction of runoff velocities, measures to stabilize disturbed areas, and the schedule and personnel for site inspection;
 - ii. Proposed stormwater management system;
 - iii. Creation of wetlands to replace those lost; and
 - iv. Minimizing cut and fill.
- (c) An acknowledgement that the owner is subject to the CBPA requirements of § 24-106.3 of the Code.

Sec. 10-40. Review and approval of ECPs and supporting documentation.

- (a) The applicant shall submit an ECP and supporting documentation addressing the applicable requirements of § 10-32 of the Code to the administrator for review.
- (b) The administrator shall approve or disapprove the submittal as follows:
 - (1) The administrator shall review the submittal within 45 calendar days of the date of submission;
 - (2) The administrator shall review any submittal that has been previously disapproved within 45 calendar days of the date of resubmission;
 - (3) During the review period, the administrator shall approve or disapprove the submittal and communicate the decision in writing to the person responsible for the land-disturbing activity or his designated agent. If the submittal is not approved or if the plan is returned for insufficient information, the administrator shall provide the reasons for not approving the submittal in writing and indicate the modifications, additions, terms, and conditions that will permit approval of the submittal. Approval or denial shall be based on the submittal's compliance with the requirements of § 10-32 of the Code. Where available to the applicant, electronic communication may be considered communication in writing; and
 - (4) If a submittal meets all requirements of this article and no action is taken within the time specified above, the submittal shall be deemed approved.
- (c) The administrator shall not approve an ECP unless it contains all information and control measures required by this article.

Sec. 10-41. Amendments to approved plans.

- (a) The administrator shall review field work under the ECP. The administrator may require amendments to an approved ECP to address any deficiencies. In the alternative, the administrator may amend components of the ECP if on-site inspection indicates that the ECP is inadequate to satisfy state or county requirements or if, because of changed circumstances, the ECP cannot be carried out. The persons responsible for carrying out the ECP must agree to the administrator's amendments, and the amendments must be consistent with state law.
- (b) Modifications to an approved ECP shall be allowed only after review and written approval by the administrator. The administrator shall have 60 calendar days to either approve or disapprove a request in writing.
- (c) If the land disturbance or land-disturbing activity ceases for more than 180 days, the administrator may reevaluate the ECP to determine whether the ECP still satisfies the requirements of this article and to verify that all requirements are still appropriate. If the administrator finds the ECP to be inadequate, the operator must submit amendments to the ECP which the administrator must approve prior to the resumption of the land-disturbing activity.

Division 3. General Construction Permits for Discharges
of Stormwater from Construction Activities

Sec. 10-42. General Construction Permit requirements.

- (a) General Construction Permit coverage is required for all VSMP land-disturbing activities. A GCP is not required for CBPA land-disturbing activities.
- (b) All VSMP land-disturbing activities must satisfy the following requirements:
 - (1) The owner must submit a GCP application/registration statement to the administrator; however, in accordance with § 62.1-44.15:28 of the Code of Virginia, no registration statement is required for the construction of a single-family detached residential structure within or outside a common plan of development or sale;
 - (2) The owner must pay the applicable GCP fee set forth in chapter 12 of the Manual to the administrator; and
 - (3) The owner must obtain evidence of GCP coverage from the Department and submit it to the administrator, except for VSMP land-disturbing activities resulting from the construction of a single-family detached residential structure within or outside a common plan of development.
- (c) No county department may issue grading, building, or other permits for a VSMP land-disturbing activity until the owner complies with the requirements of

subsection (b). The owner is responsible even if the land-disturbing activity will be performed by others.

Sec. 10-43. Issuance, modification, maintenance, transfer, or termination of General Construction Permits.

(a) Issuance of GCP.

- (1) The administrator will process the GCP application using the procedures in chapters 12 and 18 of the Manual. GCPs are issued by the Department.
- (2) Prior to issuance of the GCP, the administrator must:
 - a. Verify the information on the registration statement is accurate and complete;
 - b. Verify that the ECP has been approved by the VSMP authority; and
 - c. Verify that all applicable permit fees have been submitted.

(b) Modification of GCP.

- (1) The operator must use the procedures in chapters 12 and 18 of the Manual to seek modifications to the GCP.
- (2) Modifications requiring changes to the GCP that require review by the administrator require payment of the fees in chapter 12 of the Manual.
- (3) Modifications resulting in additional land-disturbing activity are subject to additional permit issuance fees equal to the difference between the initial permit issuance fee paid and the permit issuance fee that applies to the total disturbed acreage.

(c) Maintenance of GCP.

- (1) The operator must use the procedures in chapters 12 and 18 of the Manual regarding maintenance of the GCP. Annual maintenance fees in accordance with chapter 12 of the Manual apply to the GCP until the permit is terminated in accordance with subsection (e).

(d) Transfer of GCP.

- (1) The operator must use the procedures in chapters 12 and 18 of the Manual to transfer a GCP.
- (2) GCP transfers require payment of the transfer fees in chapter 12 of the Manual.

(e) Termination of GCP.

- (1) The operator shall submit a notice of termination to the administrator within 30 days of one or more of the following events:
 - a. Necessary permanent control measures included in the SWPPP for the site are in place and functioning effectively, and final stabilization has been achieved on all portions of the site for which the operator is responsible. When applicable, long term responsibility and maintenance obligations shall be recorded in the Clerk's Office of the Henrico County Circuit Court prior to submission of a notice of termination;

- b. Another operator has assumed control over all areas of the site that have not been finally stabilized and has obtained coverage for the ongoing discharge;
 - c. The operator has obtained coverage under an alternative VPDES or state permit; or
 - d. For residential construction only, temporary soil stabilization has been completed and title to the residence has been transferred to the homeowner.
- (2) Authorization to discharge terminates at midnight on the date that the notice of termination is submitted for the conditions set forth in provisions b through d of subsection (e)(1). Authorization to discharge for the condition set forth in provision a of subsection (e)(1) shall be effective upon notification from the Department that the necessary conditions have been met or 60 days after submittal of the notice of termination, whichever occurs first.
- (3) The notice of termination shall be signed as set forth in chapter 18 of the Manual.

Sec. 10-44. General Construction Permit time limits on applicability of approved design criteria.

- (a) VSMP land-disturbing activities that obtain an initial state permit or commence land disturbance prior to July 1, 2014 shall be conducted in accordance with the technical criteria of chapter 14 of the Manual. Such projects shall remain subject to such technical criteria for two additional state permit cycles. At the conclusion of two additional state permit cycles, portions of the project not under construction shall become subject to the current technical criteria adopted by the Board.
- (b) VSMP land-disturbing activities that obtain an initial state permit on or after July 1, 2014 shall be conducted in accordance with the technical criteria in chapter 9 of the Manual, except as provided for in §10-50 of the Code. Land-disturbing activities conducted in accordance with the technical criteria of chapter 9 of the Manual shall remain subject to such criteria for two additional state permit cycles. At the conclusion of two additional state permit cycles, portions of the project not under construction shall become subject to the current technical criteria adopted by the Board.
- (c) Nothing in this section shall preclude an operator from satisfying more stringent technical criteria for land-disturbing activities at its discretion.

Division 4. Maintenance and Financial Guarantees

Sec. 10-45. Long term maintenance provisions for permanent stormwater facilities.

- (a) The VSMP authority shall require the owner's written acceptance of long term responsibility for maintenance of stormwater management facilities to control the quality and quantity of runoff. The owner's acceptance shall be set forth in an

instrument in a form provided by the VSMP authority. The instrument will, at a minimum:

- (1) Identify the owner of the property, or its successors in interest, as the responsible party;
 - (2) State that it runs with the land;
 - (3) Permit the VSMP authority to have access to the property for regulatory inspections and maintenance, if necessary;
 - (4) Provide for owner inspections and maintenance as well as the owner's submission of inspection and maintenance reports to the VSMP authority;
 - (5) Be enforceable by all appropriate governmental parties;
 - (6) Be submitted to the VSMP authority for review and approval prior to the approval of the ECP; and
 - (7) Be recorded in the Clerks' Office of the Henrico County Circuit Court prior to (i) recordation of a subdivision plat, if applicable and (ii) prior to the administrator's release of the owner's financial guarantee for all other plans.
- (b) Recorded instruments are not required for stormwater management facilities designed to treat stormwater runoff primarily from an individual residential lot on which they are located. The administrator shall send the owners of those facilities an educational mailing once every five years describing the maintenance responsibilities for those facilities.

Sec. 10-46. Financial guarantee.

- (a) The owner shall be responsible for the cost of all control measures required by this article.
- (b) An applicant other than a state or federal entity must submit a cash escrow, irrevocable letter of credit, or other financial guarantee acceptable to the VSMP authority that will ensure that the VSMP authority can implement control measures at the applicant's expense should the applicant fail, after proper notice, to initiate or maintain control measures required as a result of its land-disturbing activity. Unless deemed necessary by the administrator, a financial guarantee is not required for construction on a single-family residential lot.
- (c) In accordance with § 10-30 of the Code, no person shall conduct land disturbance or a land-disturbing activity until the owner has submitted a financial guarantee in an amount determined by the administrator. This financial guarantee shall be equal to the approximate total cost of providing environmental compliance control measures and water quality improvements and in a form approved by the county attorney, guaranteeing that the required control measures will be properly and satisfactorily undertaken.
- (d) Upon completion of the land disturbance or land-disturbing activity and achievement of full stabilization of the land, the owner or permittee must provide written notification to the administrator. Upon verification of final stabilization of the land disturbance or land-disturbing activity in the project or any section thereof, submission of required stormwater management facility construction record

drawings in accordance with § 10-47 of the Code, and a GCP termination statement if applicable, the administrator shall reduce or return the financial guarantee to the owner or permittee within 60 calendar days based upon the percentage of stabilization accomplished in the project or section thereof.

- (e) If the measures required by the ECP are not completely constructed, or, if constructed, fail through overload or inadequate maintenance, then the county may, if the owner or permittee does not, install control measures equal to those which would have been furnished by the approved plans or agreement in lieu of a plan. The cost of any such measures taken by the county shall be borne by the owner or permittee and shall be a charge against the financial guarantee. The county shall be entitled to collect from the owner any amount it expended which exceeds the financial guarantee. Within 60 calendar days of the achievement of final stabilization of the land-disturbing activity, the financial guarantee, or the unexpended portion thereof, shall be refunded to the applicant.

Sec. 10-47. Stormwater management facility construction record drawing.

- (a) A stormwater management facility construction record drawing shall be developed for each permanent stormwater management facility and submitted to the administrator for approval prior to release of the bond required in § 10-46 of the Code.
- (b) The stormwater management facility construction record drawing shall be appropriately sealed and signed by a professional registered in the state.
- (c) The stormwater management facility construction record drawing shall include a statement certifying that the stormwater management facility has been constructed in accordance with the approved ECP.
- (d) Stormwater management facility record drawings are not required for stormwater management facilities designed to treat stormwater runoff primarily from an individual residential lot on which they are located.

Division 5. Implementation of plans

Sec. 10-48. Preconstruction meeting required.

- (a) In accordance with § 10-30 of the Code, no person shall conduct land disturbance or a land-disturbing activity until a preconstruction meeting has been conducted.
- (b) Prior to the preconstruction meeting, the limits of all wetlands, RPAs, SPAs, and other areas to be protected shall be conspicuously flagged, marked with signage, or otherwise identified as shown on the ECP. The limits of these features will be verified during the preconstruction meeting.

- (c) During the preconstruction meeting, the requirements of the ECP will be reviewed.
- (d) During the preconstruction meeting for a VSMP land-disturbing activity, the SWPPP must be available for review and shall include:
 - (1) A copy of the registration for coverage;
 - (2) A copy of the notice of coverage letter;
 - (3) A copy of the GCP;
 - (4) A narrative description of the nature of the construction activity;
 - (5) Identification of the operator's inspection frequency in accordance with § 10-49 of the Code; and
 - (6) The location of the on-site rain gauge or a description of the methodology for identifying measurable storm events if the operator inspections are to be performed every seven calendar days and no later than 48 hours following a measurable storm event.
- (e) Prior to the conclusion of the preconstruction meeting for a VESCP land-disturbing activity, the individual holding a certificate of competence who will be in charge and responsible for carrying out the VESCP land-disturbing activity shall be identified and noted on the ESC plan.
- (f) Prior to conclusion of the preconstruction meeting for a VSMP land-disturbing activity, the following items must be addressed:
 - (1) The name, phone number, and qualifications of the qualified personnel conducting inspections for compliance with a SWPPP shall be identified and noted on the SWPPP;
 - (2) The individuals or positions with delegated authority to sign inspection reports or modify the SWPPP in accordance with the signatory requirements of chapter 18 of the Manual must be identified and noted on the SWPPP;
 - (3) The SWPPP shall be signed and dated in accordance with the signatory requirements of chapter 18 of the Manual;
 - (4) Evidence of GCP coverage must be posted conspicuously near the main entrance of the construction site;
 - (5) A copy of the SWPPP must be made available at a central location onsite for use by those having responsibilities under the SWPPP whenever they are on the construction site; and
 - (6) The SWPPP must be available upon request by the Department, the administrator, or the EPA. If an on-site location is unavailable to store the SWPPP when no personnel are present, notice of the SWPPP's location must be posted near the main entrance of the construction site.
- (g) The administrator or his designee will sign the ECP, distribute signed copies of the ECP to appropriate parties, and authorize commencement of the land disturbance or land-disturbing activity only after the requirements of the preconstruction meeting are satisfied.

- (h) Preconstruction meetings are not required for the construction of single-family residential structures, including additions or modifications to existing single-family detached residential structures, unless deemed necessary by the administrator.

Sec. 10-49. Operator responsibilities.

- (a) An operator of a land-disturbing activity is responsible for ensuring compliance with the following:
- (1) The plans and documents required by § 10-32 of the Code are submitted for review and approved by the administrator prior to initiating a land disturbance;
 - (2) A preconstruction meeting in accordance with § 10-48 of the Code is conducted prior to initiating land disturbance;
 - (3) The approved ECP is implemented;
 - (4) Maintenance of the environmental control measures in the ECP is continued.
- (b) An operator of a VSMP land-disturbing activity is also responsible for ensuring compliance with the following:
- (1) The required registration statement is submitted to the Department in a format specified by the Department prior to initiating land disturbance;
 - (2) Applicable GCP issuance fees as set forth in chapter 12 of the Manual are paid;
 - (3) Evidence of GCP coverage is submitted to the administrator prior to initiating land disturbance;
 - (4) A copy of the notice of coverage letter must be posted conspicuously near the main entrance of the construction site and maintained until the GCP is terminated;
 - (5) The operator conducts site inspections at the following intervals:
 - a. At least once every four business days; or
 - b. At least once every five business days and no later than 48 hours following any measurable storm event. In the event that a measurable storm event occurs when there are more than 48 hours between normal business days, the inspection shall be conducted on the next business day;
 - (6) Records of required inspections are maintained and included in the SWPPP in accordance with chapter 18 of the Manual;
 - (7) Identification, including name, phone number and qualifications, of the qualified personnel conducting the required inspections is provided;
 - (8) The SWPPP is implemented, maintained, and amended in accordance with chapter 18 of the Manual;
 - (9) Applicable GCP modification, transfer and maintenance fees in accordance with chapter 12 of the Manual are paid;
 - (10) GCP coverage is terminated in accordance with § 10-43 of the Code;
 - (11) A copy of the SWPPP is made available at a central location on-site for use by those having responsibilities under the SWPPP whenever they are on the construction site;
 - (12) The SWPPP and all updates are made available upon request to the Department, the VSMP authority, the EPA, the VESCP authority, local government officials, or the operator of a municipal separate storm sewer

system receiving discharges from the construction activity. If an on-site location is unavailable to store the SWPPP when no personnel are present, notice of the SWPPP's location is posted near the main entrance of the construction site;

- (13) A stormwater management facility construction record drawing in accordance with § 10-47 of the Code is submitted prior to release of the financial guarantee required by § 10-46 of the Code; and
- (14) SWPPPs and pollution prevention plans for construction activities covered by a previous GCP are reviewed and updated as necessary no later than 30 calendar days following permit coverage to address all applicable requirements of the latest GCP.

Division 6. Grandfathering, variances and exceptions

Sec. 10-50. Grandfathered activities.

- (a) Any VSMP or CBPA land-disturbing activity shall be grandfathered and subject to the technical criteria of chapter 14 of the Manual if:
 - (1) A proffered or conditional zoning plan, zoning with a plan of development, preliminary or final subdivision plat, preliminary or final site plan, or any document determined by the administrator to be equivalent thereto (i) was approved by the county prior to July 1, 2012, (ii) provided a layout as defined in § 10-28 of the Code, (iii) will comply with the technical criteria of chapter 14 of the Manual, and (iv) has not been subsequently modified or amended in a manner resulting in an increase in the amount of phosphorus leaving each point of discharge, and such that there is no increase in the volume or rate of runoff;
 - (2) A state permit has not been issued prior to July 1, 2014; and
 - (3) Land disturbance did not commence prior to July 1, 2014.
- (b) County, state, and federal projects shall be grandfathered and subject to the technical criteria of chapter 14 of the Manual provided:
 - (1) There has been an obligation of county, state, or federal funding, in whole or in part, prior to July 1, 2012, or the Department has approved a stormwater management plan prior to July 1, 2012;
 - (2) A state permit has not been issued prior to July 1, 2014; and
 - (3) Land disturbance did not commence prior to July 1, 2014.
- (c) VSMP and CBPA land-disturbing activities grandfathered under subsections (a) and (b) shall remain subject to the technical criteria of chapter 14 of the Manual for one additional state permit cycle. After one additional state permit cycle, the portions of the project not under construction shall become subject to the current technical criteria adopted by the Board.
- (d) In cases where governmental bonding or public debt financing has been issued for a project prior to July 1, 2012, such project shall be subject to the technical criteria of chapter 14 of the Manual.

- (e) Nothing in this section shall preclude an operator from satisfying more stringent technical criteria for land-disturbing activities at its discretion.

Sec. 10-51. Variances from requirements for VESCP land-disturbing activities.

- (a) This section applies to VESCP land-disturbing activities.
- (b) The administrator may waive or modify any of the requirements of the ESC plan that are deemed inappropriate or too restrictive under the following conditions:
 - (1) An applicant may request a variance by explaining the reasons in writing. Specific variances which are allowed shall be documented in the plan;
 - (2) During construction, the person responsible for implementing the approved plan may request a variance in writing from the administrator; and
 - (3) The administrator shall respond in writing either approving or disapproving the request. If the administrator does not approve a variance within ten calendar days of receipt of the request, the request is denied. Following disapproval, the applicant may resubmit a variance request with additional documentation.
- (c) The administrator shall consider variance requests judiciously, keeping in mind both the need of the applicant to maximize cost effectiveness and the need to protect off-site properties and resources from damage. Variances shall be the minimum necessary to afford relief, and the administrator shall impose reasonable conditions necessary to protect water quality.

Sec. 10-52. Exceptions to requirements for VSMP land-disturbing activities.

- (a) This section applies to VSMP land-disturbing activities as defined in § 10-28 of the Code.
- (b) The administrator may only grant exceptions to the requirements of § 10-35 of the Code.
- (c) Exception requests must be made in writing and must include the reasons for making the request.
- (d) Exception requests may be submitted to the administrator at any time during the plan review and approval process or after the VSMP land-disturbing activity has commenced.
- (e) Economic hardship alone is not a sufficient reason for an exception from the requirements of this chapter.
- (f) An exception to the requirement that the VSMP land-disturbing activity obtain GCP coverage shall not be granted under any circumstances.

- (g) An exception to fully satisfying required phosphorus reductions shall not be granted unless offsite options in accordance with chapter 9 of the Manual have been considered and are not available.
- (h) An exception cannot be allowed for use of a BMP not found on the Virginia Stormwater BMP Clearinghouse Website except where allowed in accordance with chapter 14 of the Manual.

Division 7. Inspections and Monitoring

Sec. 10-53. Right of entry.

- (a) The Department, the VSMP authority, where authorized to enforce this article, any duly-authorized agent of the Department or VSMP authority, or the county may, at reasonable times and under reasonable circumstances, enter any establishment or upon any property, public or private, to obtain information or conduct surveys or investigations necessary to enforce this article. For the county, this authority shall apply only to those properties from which a discharge enters its municipal separate storm sewer system.
- (b) In accordance with a financial guarantee, a VSMP authority may also enter any establishment or upon any property, public or private, to initiate or maintain appropriate actions that 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.

Sec. 10-54. Monitoring and inspection of land-disturbing activities.

- (a) The administrator shall inspect land-disturbing activities to ensure compliance with the provisions of the ECP required in § 10-30 of the Code.
- (b) The administrator shall provide notice of the inspection to the owner, operator, permittee or person responsible for carrying out the ECP.
- (c) The administrator will conduct inspections in accordance with the following frequencies:
 - (1) Inspections to monitor compliance with the requirements of an ESC plan shall be conducted in accordance with the county's alternate inspection program approved by the Soil and Water Conservation Board or the Board;
 - (2) Inspections to monitor compliance with the requirements of a SWM plan shall occur at least once every three months;
 - (3) Inspections to monitor compliance with the requirements of a pollution prevention plan shall occur at least once every three months; and
 - (4) Inspections to monitor compliance with the measures required to address applicable TMDLs in accordance with § 10-37 of the Code shall occur at least once every three months.

- (g) The operator of a VSMP land-disturbing activity shall conduct inspections to ensure compliance with the SWPPP and other GCP conditions in accordance with the following frequency:
 - (1) At least once every four business days; or
 - (2) At least once every five business days and no later than 48 hours following any measurable storm event. In the event that a measurable storm event occurs when there are more than 48 hours between business days, the inspection shall be conducted on the next business day.
- (h) The operator of a VSMP land-disturbing activity shall maintain and include records of the required inspections in the SWPPP in accordance with chapter 18 of the Manual.
- (i) The administrator may require every permit applicant, every permittee, or any person subject to GCP requirements under § 62.1-44.15:24 et seq. of the Code of Virginia to furnish when requested such application materials, plans, specifications, and other pertinent information as may be necessary to determine the effect of its discharge on the quality of state waters, or such other information as may be necessary to accomplish the purposes of the Act. Any personal information shall not be disclosed except to an appropriate official of the Board, the Department, the U.S. Environmental Protection Agency, or as required by the Virginia Freedom of Information Act (§ 2.2-3700 et seq. of the Code of Virginia).

Sec. 10-55. Monitoring and inspection of permanent stormwater facilities.

- (a) The VSMP authority shall establish an inspection program that ensures stormwater management facilities are being adequately maintained as designed after completion of land-disturbing activities. The inspection program shall:
 - (1) Be approved by the Board;
 - (2) Ensure that each stormwater management facility is inspected by the administrator or its designee, not to include the owner, at least once every five years unless it is inspected as provided in subsection (c); and
 - (3) Be documented by records.
- (b) The owner of a stormwater management facility must provide inspection and maintenance reports to the VSMP authority in accordance with the provisions of the recorded maintenance agreement required by § 10-45 of the Code.
- (c) The VSMP authority may utilize the inspection reports submitted by the owner of a stormwater management facility as required by § 10-54 of the Code as part of an inspection program established in subsection (a) of this section if the inspection is conducted by a person who is licensed as a professional engineer, architect, landscape architect, or land surveyor pursuant to § 54.1-400 et seq. of the Code of Virginia; a person who works under the direction and oversight of the licensed professional engineer, architect, landscape architect, or land surveyor, or who holds an appropriate certificate of competence from the Board.

- (d) Stormwater management facilities for which a recorded instrument is not required under § 10-54 of the Code shall not be subject to the requirement for inspections conducted by the VSMP authority. The administrator shall send the owners of those facilities an educational mailing once every five years describing the maintenance responsibilities associated with the facilities.

Division 8. Enforcement and Appeals

Sec. 10-56. Enforcement.

- (a) If the administrator determines there is a failure to comply with the provisions of this article, he may pursue the following enforcement measures to ensure compliance:
- (1) Verbal warnings and inspection reports;
 - (2) Notices of corrective action;
 - (3) Notices to comply and stop work orders in accordance with § 62.1-44.15:37 of the Code of Virginia;
 - (4) Criminal penalties in accordance with §62.1-44.15:49(B) and (C) of the Code of Virginia; and
 - (5) Injunctions in accordance with §§ 62.1-44.15:42 and 62.1-44.15:48 of the Code of Virginia.
- (b) The enforcement measures listed in subsection (a) will be undertaken in accordance with chapter 21 of the Manual.
- (c) Nothing in this article removes from the Board its authority to enforce the provisions of the Act and its implementing regulations.
- (d) The Department may terminate state permit coverage during its term and require an application for an individual state permit or it may deny a state permit renewal application for a permittee's failure to comply with state permit conditions or on its own initiative in accordance with the Act and this article.
- (e) Any person who violates any provision of this article or of any regulation, ordinance, or standard and specification adopted or approved hereunder, including those adopted pursuant to the conditions of a municipal separate storm sewer system permit, or who fails, neglects, or refuses to comply with any order of a VSMP authority authorized to enforce this article, the Department, the Board, or a court, issued as herein provided, 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.
- (f) Violation of this article shall be a misdemeanor.

Sec. 10-57. Appeals.

- (a) A permit applicant, permittee, or person subject to the permit requirements of this article who is aggrieved by a decision of the administrator may file a notice of appeal stating the grounds therefor with the county manager within 15 working days of the

decision being appealed. The county manager shall render a written decision on the appeal. The county manager's decision shall be the final decision of the county.

- (b) The county manager's decision may be appealed by the filing of a notice of appeal stating the grounds therefor with the Henrico County Circuit Court within 30 days of the county manager's decision.

Secs. 10-40-58 – 10-66. - Reserved.

3. That the title of Article VII of the Code of the County of Henrico be amended and reordained as follows:

**ARTICLE VII. STORMWATER MANAGEMENT
ILLCIT DISCHARGE DETECTION AND MONITORING**

4. That this ordinance shall be in full force and effect on and after July 1, 2014.



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 143-14
Page No. 1 of 1

Agenda Title: Resolution – Acceptance of Roads – Varina District

For Clerk's Use Only: Date: MAY 13 2014 <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Amended <input type="checkbox"/> Deferred to:	BOARD OF SUPERVISORS ACTION Moved by (1) <u>Nelson</u> Seconded by (1) <u>Thornton</u> (2) _____ (2) _____ REMARKS: APPROVED	YES NO OTHER Glover, R. <input checked="" type="checkbox"/> _____ Kaechele, D. <input checked="" type="checkbox"/> _____ Nelson, T. <input checked="" type="checkbox"/> _____ O'Bannon, P. <input checked="" type="checkbox"/> _____ Thornton, F. <input checked="" type="checkbox"/> _____
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BE IT RESOLVED by the Board of Supervisors that the following named and described sections of roads are accepted into the County road system for maintenance.

Kingsland Pointe - Varina District

Kingsland Pointe Drive from Varina Road to 0.38 Mi. N. of Varina Road	0.38 Mi.
Barrett Place from Kingsland Pointe Drive to 0.35 Mi. N. of Kingsland Pointe Drive	0.35 Mi.
Grinn Court from Barrett Place to 0.19 Mi. N. of Barrett Place	<u>0.19 Mi.</u>
Total Miles	0.92 Mi.

Kingsridge, Section 1 – Varina District

Kingsridge Parkway from Laburnum Avenue to 0.29 Mi. W. of Laburnum Avenue	<u>0.29 Mi.</u>
Total Miles	0.29 Mi.

By Agency Head _____

By County Manager _____

Routing:

Yellow to: _____

Copy to: _____

Certified:

A Copy Teste: _____

Clerk, Board of Supervisors

Date: _____



KINGSLAND POINTE



KINGSLAND POINTE

KINGSLAND POINTE DRIVE

FROM: VARINA ROAD
TO: 0.38 MI. N. OF VARINA RD
LENGTH: 0.38 MI.

BARRETT PLACE

FROM: KINGSLAND POINTE DR
TO: 0.35 MI. N. OF KINGSLAND POINTE DR
LENGTH: 0.35 MI.

GRINN COURT

FROM: BARRETT PL
TO: 0.19 MI. N. OF BARRETT PL
LENGTH: 0.19 MI.

DISTRICT: VARINA

DATE: MAY 13, 2014



KINGSRIDGE SECTION 1

