

**COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
REGULAR MEETING  
June 10, 2014**

The Henrico County Board of Supervisors convened a regular meeting on Tuesday, June 10, 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

**Member of the Board Absent:**

Tyrone E. Nelson, Varina District

**Other Officials Present:**

John A. Vithoulkas, County Manager  
Joseph P. Rapisarda, Jr., County Attorney  
Michael L. Wade, Sherriff  
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 7:00 p.m.

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

Father Wayne Ball, incoming Pastor of St. John's Catholic Church (Highland Springs) and Pastor of St. Patrick's Catholic Church (Richmond), delivered the invocation.

Mrs. O'Bannon mentioned that Mr. Nelson was attending the Varina High School graduation ceremony and thanked the School Board for scheduling the Freeman and Godwin High School graduation ceremonies this year on a different day of the week.

On motion of Mr. Thornton, seconded by Mr. Glover, the Board approved the minutes of the May 27, 2014, Regular and Special Meetings.

The vote of the Board was as follows:

Yes: O'Bannon, Thornton, Glover, Kaechele

Absent: Nelson

### **MANAGER'S COMMENTS**

The Henrico Citizens Academy was held weekly during the month of May and provided Henrico residents the opportunity to participate in a free 12 ½ hour program to learn the nuts and bolts of their local government and become more engaged citizens. The Academy was requested last year by Varina District Supervisor Tyrone Nelson in response to a suggestion by two of his constituents. The entire Board of Supervisors endorsed the concept. The Academy's participants traveled to different County facilities to receive a tour and hear from a member of the Board of Supervisors, a Deputy County Manager, and a variety of presenters from County agencies and Henrico County Public Schools. Mrs. O'Bannon and Mr. Vithoulkas attended the last class on May 29, where they presented certificates of completion to the 33 citizens who became the second academy of graduates in this new program.

The Academy was developed by Joe Casey, Deputy County Manager for Administration, and coordinated by Cristol Klevinsky, Management Specialist in the County Manager's Office. Mrs. Klevinsky referred to the participants as great ambassadors for the County and noted that a number of graduates were present. She recognized Greg Baka, a Tuckahoe District resident and Academy participant, who reflected on his experiences and shared some of his observations. He thanked the Board for its strong support of this program and expressed gratitude to the members of the County staff who made the program a success. Mr. Baka remarked that the Academy engaged and enlightened the citizen participants and enriched their lives as they became more integrated into the system of Henrico County and more understanding of the Henrico way.

At the annual meeting of the Mid-Atlantic Chapter of the American Public Works Association held on May 8 in Newport News, Henrico County received three awards for technical excellence. These included honorable mention awards for the following two projects: Byrdhill Road in-place storm sewer rehabilitation, which was completed without digging or disrupting traffic; and the Standing Water Initiative Mobile Computing Application, which allowed field personnel to access and maintain records of mosquito complaints, mosquito treatment, and standing water issues. The County received a first place award in the transportation category for the North Gayton Road project, which has provided substantial relief from congestion on Pouncey Tract Road and on other north-south roads along Broad Street in the Short Pump area. Mr. Vithoulkas recognized the efforts of Public Works Director Steve Yob and Assistant Director Mike Jennings.

### **BOARD OF SUPERVISORS' COMMENTS**

Mr. Kaechele acknowledged the passing of Preston Harrison, a personal friend and longtime resident and friend of Henrico County. Mr. Harrison represented the Three Chopt District

on the County's Board of Real Estate Review and Equalization for more than 20 years, from June 1983 to December 2003. He also served in 2007 on the Independent Commission Examining Land Purchases for the County. Mr. Harrison's professional experience as a commercial realtor with Morton G. Thalheimer, which spanned more than 40 years, was invaluable to the County in both of these appointed positions. Mr. Kaechele extended deepest sympathy to Mr. Harrison's family and noted Mr. Harrison will be missed by many friends in Henrico County. He will be laid to rest on June 12.

Mrs. O'Bannon remembered Beverly Luther by reading a eulogy that appeared in the June 7 editorial page of the *Richmond Times-Dispatch*. Mrs. Luther was an honors graduate of the College of William and Mary who participated in higher education during an era before women attended college at rates similar to the rates of men. She worked for the Virginia Department of Social Services and represented her clients with distinction and compassion. Mrs. Luther devoted herself to the Tuckahoe Volunteer Rescue Squad. She died on May 28 and will be missed very much.

### **RECOGNITION OF NEWS MEDIA**

No media representatives were recognized. (Ted Strong of the *Richmond Times-Dispatch* arrived while the meeting was in progress.)

### **BOARD OF SUPERVISORS' COMMENTS (continued)**

Mrs. O'Bannon recognized Will Reid from Boy Scout Troop 418, sponsored by St. Stephen's Episcopal Church, who was present earlier in the meeting.

### **PUBLIC HEARING – REZONING CASES AND PROVISIONAL USER PERMIT**

154-14 REZ2014- 00018 Fairfield	Guy Blundon: Request to amend proffered conditions accepted with Rezoning case C-33C-04 on Parcels 784-749-1627 and 784-748-2576 located on the west line of Brook Road (U.S. Route 1), approximately 875' south of its intersection with Hilliard Road (State Route 161). The applicant proposes to amend Proffer 2 related to age restrictions and Proffer 3 related to enforcement of age restrictions.
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Mr. Vithoulikas announced that the applicant had withdrawn this case and no action was required from the Board.

155-14 PUP2014- 00013 Tuckahoe	T-Mobile NE, LLC: 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 to regulate and bring an existing 164' high monopole-style telecommunications tower into conformance on Parcel 736-742-4060, located on the north line of Patterson Avenue (State Route 6) approximately 400' west of Westbriar Drive.
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Jean Moore, Assistant Director of Planning, responded to questions from Mrs. O'Bannon.

Chip Yeager with NB&C Consulting, who was representing the applicant, offered to answer any questions the Board might have. There were no questions from the Board.

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

On motion of Mr. Kaechele, seconded by Mr. Thornton, and by unanimous vote, the Board followed the recommendation of the Planning Commission and approved this case 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 164 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. To ensure adequate screening of the ground lease area, a landscaping and fencing plan shall be submitted with any building permit application. The Director of Planning may waive or vary the enforcement of this condition if it is deemed unnecessary.
12. Unless dead or diseased, the existing trees on the subject property within 50 feet of the proposed lease area shall be preserved and shall not be pruned to reduce their height.

The vote of the Board was as follows:

Yes: O'Bannon, Thornton, Glover, Kaechele

Absent: Nelson

156-14  
REZ2014-  
00020  
Brookland

North Mill Development, LLC: Request to rezone from R-1AC One-Family Residence District (Conditional) to C-1C Conservation District (Conditional) part of Parcels 767-779-4103, -5918, -7924, and -9912 containing 7.2 acres located on south line of the Chickahominy River approximately 4775' north of Mill Road at a point 1000' east of its intersection with Shae Place.

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

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 case subject to the following proffered conditions:

1. **Conservation Areas.** Notwithstanding the uses permitted and regulated by the zoning of the Property, such portion(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/or such portion(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. Storm water management and/or retention areas;
  - b. Ponds, lakes and similar areas intended as aesthetic and/or recreational amenities and/or wildlife habitats;
  - c. Access drives, utility easements, signage, walkways and recreational facilities installed in a manner to minimize their impacts; and
  - d. Such additional uses to the uses identified in (a), (b) and (c) above as may be deemed compatible and of the same general character by the Planning Administrator (Director of Planning) pursuant to Chapters 19 and 24 of the County Code (the "Zoning Ordinance").

The vote of the Board was as follows:

Yes: O'Bannon, Thornton, Glover, Kaechele

Absent: Nelson

#### **PUBLIC HEARINGS – OTHER ITEMS**

157-14 Resolution - Amendments to the FY 2013-14 Annual Fiscal Plan: June, 2014.

Brandon Hinton, Management and Budget Division Director, and Mr. Vithoukaskas responded to questions from the Board regarding the County's payments for the Richmond Center Expansion and the use of federal Congestion Mitigation and Air Quality (CMAQ) funds for the construction of sidewalks.

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

Mr. Hinton confirmed for Mrs. O'Bannon that these were the final amendments to the current year's budget. Mr. Hinton responded to questions from Mr. Glover pertaining to the appropriation of funds carried over to the next fiscal year. Mr. Vithoukas expressed concerns about a projected deficit in the State budget and responded to questions from Mr. Glover relating to the Commonwealth's revenue projections. Mr. Hinton responded to further questions from Mrs. O'Bannon regarding the County's budget amendment procedures.

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

158-14                      Ordinance - Vacation of Portion of Right-of-Way - Audubon Drive - Varina District.

Jon Tracy, Director of Real Property, displayed an aerial photograph of the subject site depicting the area of the right-of-way proposed for vacation and to be put in a permanent easement. Joe Emerson, Director of Planning, responded to questions from Mr. Kaechele and Mr. Glover pertaining to the location and amount of right-of-way proposed for vacation.

Preston Lloyd, an attorney for Williams Mullen and representative of the property owner, provided additional information on the scope of, and reason for, this vacation request.

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

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

159-14                      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 Changing the Title of Article VII from “Stormwater Management” to “Illicit Discharge Detection and Monitoring.”

Steve Yob, Director of Public Works, recognized Environmental and Engineering Services Division Director Jeff Perry and Senior Engineer Keith White, both of whom who worked extensively on this ordinance during the past year. He responded to a number of questions from the Board concerning allocation of the proposed permit fees, the definition of illicit discharge, and the origin of this unfunded State mandate, which will take effect on July 1.

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

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

### **PUBLIC COMMENTS**

Wayne Commodore, a resident of the Brookland District, expressed concerns pertaining to the County's Division of Police. He referred to complaints he has filed over the years with the County, and which he has previously discussed with the County Manager, asserting that police officers have harassed and assaulted him and his family. Mr. Vithoulkas advised that each of Mr. Commodore's complaints has been investigated and determined unfounded. He offered to meet again with Mr. Commodore on Mr. Commodore's latest complaint involving a ticket he received for parking in a handicapped space at Dumbarton Library. Mr. Glover asked that Mr. Vithoulkas review Mr. Commodore's comments and report back to the Board.

William Spencer, a resident of the Three Chopt District, complimented the Board, the County, its judiciary, and the Divisions of Police and Fire. He also shared personal anecdotes.

### **GENERAL AGENDA**

160-14                      Resolution - SIA2014-00001 - Henrico Division of Police Central Precinct Site - Substantially in Accord with the 2026 Comprehensive Plan - Fairfield District.

Mr. Emerson presented narrated a brief slide presentation, during which he identified the location of the subject property and also identified zoning classifications and land use designations in the vicinity of this site. He and Mr. Vithoulkas responded to questions from Mr. Kaechele and a comment from Mr. Glover relating to the status of a vacant building located to the west of the site.

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

161-14                      Resolution - Signatory Authority - Sublease - Henrico Community Corrections Program - Capital Region Workforce Center - 121 Cedar Fork Road - Fairfield District.

Mr. Tracy and Mr. Vithoulkas responded to questions from the Board.

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

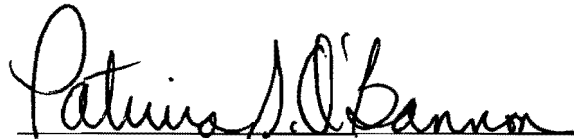
162-14                      Resolution - Award of Construction Contract - Removal and Installation of Traffic Signal Mast Arm Poles.



Mr. Yob and Mr. Vithoulkas responded to questions from the Board. Mr. Yob clarified for Mr. Glover that the County does not use cameras at intersections to photograph traffic. Mr. Glover expressed concern about the timing of the traffic signals for the turn lane and through lane for motorists heading east on West Broad Street at its intersection with Gaskins Road. Mr. Yob agreed to have the district traffic engineer with the Virginia Department of Transportation review traffic movement at this intersection.

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

There being no further business, the meeting was adjourned at 8:16 p.m.

A handwritten signature in black ink, appearing to read "Patricia A. Bannan". The signature is fluid and cursive, with a horizontal line drawn underneath it.

Chairman, Board of Supervisors  
Henrico County, Virginia

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**Agenda Title      RESOLUTION - Amendments to the FY 2013-14 Annual Fiscal Plan: June, 2014**

<b>For Clerk's Use Only:</b>  Date: <u>JUN 10 2014</u> <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Amended <input type="checkbox"/> Deferred to	<b>BOARD OF SUPERVISORS ACTION</b>  Moved by (1) <u>Kaechele</u> Seconded by (1) <u>Ciloner</u> (2) _____ (2) _____  <b>APPROVED</b>  REMARKS _____	<table border="0" style="width: 100%;"><tr><td style="text-align: right;">YES NO OTHER</td></tr><tr><td>Glover, R. <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/></td></tr><tr><td>Kaechele, D. <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/></td></tr><tr><td>Nelson, T. <input type="checkbox"/> <input type="checkbox"/> <u>absent</u></td></tr><tr><td>O'Bannon, P. <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/></td></tr><tr><td>Thornton, F. <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/></td></tr></table>	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 type="checkbox"/> <input type="checkbox"/> <u>absent</u>	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"/>
YES NO OTHER								
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Thornton, F. <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>								

**WHEREAS**, the Board of Supervisors held an advertised public hearing on June 10, 2014, to consider proposed amendments to the Annual Fiscal Plan for fiscal year 2013-14; and,

**WHEREAS**, those citizens who appeared and wished to speak, were heard.

**NOW, THEREFORE, BE IT RESOLVED** by the Board that the Annual Fiscal Plan for fiscal year 2013-14 is amended and that such funds are appropriated for expenditure in the amounts and for the purposes indicated.

**OPERATING FUNDS**

**FUND 0101 - GENERAL FUND - General Operating**

**Department 03 - Sheriff**

03205	- Personnel	\$	5,740
03207	- Uniforms and Property		8,256
03209	- Training		7,555
0000 00000	To appropriate anticipated fee revenue of \$21,551 for uniforms, equipment, and a pre-academy physical associated with the 2014 Summer Student Basic Jailor Academy. A total of twenty-eight students from Virginia Commonwealth University and Virginia Union University are projected to participate in this program which will award each student with nine college credits and certification as a correctional deputy.		
	Total Sheriff	\$	21,551

**Department 22 - Social Services**

22106	- AFDC - Foster Care	\$	245,000
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**1302 00000 - Purchase of Services**

To increase the County allocation to the estimated level of need for state and federally mandated Title IV-E Foster Care Program expenditures. This increase in appropriation is funded with \$122,500 of State (50%) and \$122,500 of Federal (50%) funds. The total appropriation for this program in fiscal year 2013-14, will be \$811,685, after this addition. No County matching funds are required.

By Agency Head \_\_\_\_\_

By County Manager \_\_\_\_\_

Routing:

Yellow to: \_\_\_\_\_

Copy to: \_\_\_\_\_

Certified: \_\_\_\_\_

A Copy Teste: \_\_\_\_\_

Clerk, Board of Supervisors

Date: \_\_\_\_\_

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22606	- Auxiliary Grants Disabled	
1302 00000	- <u>Purchase of Services</u>	11,000
	The Commonwealth of Virginia, Department of Social Services, has awarded the County of Henrico, an additional \$8,800, in State funding for fiscal year 2013-14, to fund State and Federal mandated auxiliary grant expenditures for the disabled. The County's required 20% match, \$2,200, will come from the fund balance in the General Fund and is included in the \$11,000 total.	
22609	- Refugee Program	
1302 00000	- <u>Purchase of Services</u>	30,335
	The Commonwealth of Virginia, Department of Social Services, has awarded the County of Henrico an additional \$30,335, in Federal funding for fiscal year 2013-14, to fund State and Federal mandated Refugee Program expenditures. No local match is required.	
	Total Social Services	<hr/> \$ 286,335
Department 30 - Economic Development		
30001	- Economic Development	
0000 01043	- <u>Richmond Center Expansion</u>	\$ 1,500,000
	Revenue from the 8.0 percent Hotel/Motel Occupancy Tax is exceeding the estimate of \$9,660,000, included in the fiscal year 2013-14 Annual Fiscal Plan. This \$1,500,000 increase will cover additional payments to the Greater Richmond Convention Center Authority (GRCCA), resulting from revenue that has been received and is projected to be received through the end of the fiscal year. Payment will be made based on actual collections from the tax. Subsequently, the County's 2.0 percent local tax component (estimated at \$375,000 for this amendment), will come back to the County. In total, for fiscal year 2013-14, the County expects to receive \$11,160,000 in Hotel/Motel Occupancy Taxes.	
Department 32 - Non-Departmental		
32001	- Non-Departmental	\$ 500,000
0960 00000	Participation in the County's Real Estate Assistance Program (REAP) is forecasted to exceed the FY2013-14 appropriation of \$7,742,550. Additional funding is required due to the success of the program in providing tax relief to the elderly and disabled. Funding for the program is to come from the fund balance in the General Fund. This amendment will increase the total appropriation for REAP in FY2013-14 to \$8,242,550.	
	Total GENERAL FUND	<hr/> \$ 2,307,886

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**FUND 1102 – SPECIAL REVENUE FUND - State and Federal Grants - County**

**Department 02 - Public Library**

**02001 – Public Services**

**0000 05165 – Library Donations** **\$ 2,535**

To appropriate donations that have been received from various patrons to purchase library books and other materials.

**Department 05 - Commonwealth's Attorney**

**05001 – Commonwealth's Attorney**

**0000 06869 – Virginia Domestic Violence Victim Fund (2014)** **\$ 28,100**

To appropriate State funding received from the Department of Criminal Justice Services, Virginia Domestic Violence Victim Fund grant program. Funding will be used for educational travel, which facilitates attorneys receiving required CLE credits.

**Department 12 - Police**

**12800 – Grants**

**0000 00120 – H.E.A.T. Grant** **\$ 3,052**

The Virginia Department of State Police has awarded the County of Henrico \$3,052 for two detectives to attend the Southeast Regional International Association of Auto Theft Investigators (I.A.A.T.I.) training seminar in June, 2014. These funds are from the Help Eliminate Auto Theft (H.E.A.T.) Program. No County matching funds are required.

**Department 13 - Fire**

**13800 – Grants**

**0000 06870 – SLEMPG - Generator Testing** **\$ 3,450**

To appropriate funding from the Virginia Department of Emergency Management. These Federal funds are pass-through from the U.S. Department of Homeland Security (DHS) Federal Emergency Management Agency (FEMA) and are being administered by the Commonwealth. Funds will be used to test the generator switch that was installed at the Elko Middle School to provide additional shelter during an emergency event. This grant requires a 50% local in-kind match that would be met with existing appropriation.

**0000 06871 – SLEMPG - EOC Phone in a Box** **1,500**

To appropriate funding from the Virginia Department of Emergency Management. These Federal funds are pass-through from the U.S. Department of Homeland Security (DHS) Federal Emergency Management Agency (FEMA) and are being administered by the Commonwealth. Funds will be used to purchase products which will allow up to ten extensions to share two incoming telephone lines without AC power. This grant requires a 50% local in-kind match that would be met with existing appropriation.

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0000 06872	– <u>Virginia Initiative Grant Funding</u>	76,200
	To appropriate funding from the Virginia Office of Emergency Medical Services. Funds will be used to purchase twenty tablets with mounting hardware. These tablets will fill a front-line EMS operational need for providers in the field. No local match required.	
	Total Fire	<hr/> \$ 81,150
	Total 1102 - SPECIAL REVENUE FUND - County	<hr/> \$ 114,837

FUND 1113 – SPECIAL REVENUE FUND - Forfeitures Commonwealth's Attorney State  
Department 05 – Commonwealth's Attorney

05001	– Commonwealth's Attorney	
0000 00000	– <u>Forfeitures - Commonwealth's Attorney - State</u>	\$ 10,489
	Law enforcement special funds, which have been received by the County of Henrico, and heretofore not appropriated for expenditure, are to be used by the Commonwealth's Attorney for law enforcement projects as determined and approved by the County Manager or his designee.	
	Total SPECIAL REVENUE FUND	<hr/> \$ 125,326

FUND 8201 – JRJDC - Operating  
Department 40 - JRJDC

40001	– James River Juvenile Detention Center	
0000 05485	<u>JRJDC Post D Program (Local)</u>	\$ 36,000
	This amendment will appropriate funds for the continuation of Post Dispositional Program at the James River Juvenile Detention Center. Henrico's share of funding, \$31,176, will come from the fund balance in the General Fund via an interfund transfer to the James River Juvenile Detention Center Agency Fund. The other member counties, Goochland and Powhatan, will provide \$2,412 each in support of this program.	
	Total OPERATING FUNDS	<hr/> \$ 2,469,212

CAPITAL FUNDS

FUND 2100 – Capital Projects Fund - 2116, 2118, 2122, 2129 General Obligation Bonds  
Department 02 - Public Library

02999	– Library Capital Projects	
0000 06271	– <u>Dumbarton Area Library Replacement (Libbie Mill Area Library)</u>	\$ 2,000,000
	To appropriate additional funding needed for the Libbie Mill Area Library. Funding is to be provided by interest earnings of \$31,600 from the 2003 General Obligation Bonds, \$1,926,500 from the 2004 General Obligation Bonds, and \$41,900 from the 2005 General Obligation Bonds. This project was approved by the citizens on the 2005 G.O. Bond Referendum for \$22,000,000. This funding represents the anticipated balance necessary to complete the project. Including this appropriation, as well as a planned transfer from G.O. project reserves of \$6,687,012, the Libbie Mill Area Library project is estimated to total \$30,687,012.	

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0000 06272	- <u>Varina Area Library</u>	2,000,000
	To appropriate additional funding needed for the Varina Area Library. Funding is to be provided by interest earnings of \$1,471,400 from the 2005 General Obligation Bonds, and \$528,600 from the 2007 General Obligation Bonds. This project was approved by the citizens on the 2005 G.O. Bond Referendum for \$19,900,000. This funding represents the anticipated balance necessary to complete the project. Including this appropriation, as well as a planned transfer from G.O. project reserves of \$5,788,772, the Varina Area Library project is estimated to total \$27,688,772.	
	Total Public Library	<hr/> \$ 4,000,000
FUND 2101	- Capital Projects Fund - General Capital Projects	
Department 23	- Recreation and Parks	
23101	- Director	
0000 02027	- <u>Meadow Farm Playground Improvements</u>	\$ 75,000
	This amendment will provide funding for playground improvements at Meadow Farm. Funds are to come from the fund balance in the General Fund via an interfund transfer to the Capital Projects Fund.	
Department 28	- Public Works	
28004	- Construction	
0000 00985	- <u>Creighton Rd-Richmond C.L. To Laburnum</u>	\$ 1,495,000
	To appropriate funding from the Virginia Department of Transportation to allow for the right-of-way acquisition and utility relocation phase for Creighton Road and bridge replacement from Sandy Lane East to the City of Richmond.	
0000 06880	- <u>John Rolfe Parkway Sidewalks (CMAQ)</u>	540,000
	To appropriate funding from the Virginia Department of Transportation, Congestion Mitigation and Air Quality (CMAQ) to construct 3,690 feet of sidewalk within the County right-of-way on John Rolfe Parkway to Gayton Road.	
0000 06881	- <u>Ridgefield Parkway Sidewalks</u>	600,000
	To appropriate funding from the Virginia Department of Transportation, Congestion Mitigation and Air Quality (CMAQ) to construct 5,280 feet of sidewalk within the County right-of-way on the north side of Ridgefield Parkway from Pump Road to Falconbridge Drive.	
	Total Public Works	<hr/> \$ 2,635,000
	Total Capital Projects Fund - General Capital Projects	<hr/> \$ 2,710,000

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**\$ 9,241,712**

**COMMENTS:** The Director of Finance recommends approval of this Board paper and the County Manager concurs.



COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE

Agenda Item No. 158-14

Page No. 1 of 2

Agenda Title:

**ORDINANCE — Vacation of Portion of Right-of-Way — Audubon Drive — Varina District**

For Clerk's Use Only:

JUN 10 2014

Date:

☒ Approved

☐ Denied

☐ Amended

☐ Deferred to:

BOARD OF SUPERVISORS ACTION

Moved by (1) Glover Seconded by (1) Thornton  
(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 type="checkbox"/>	<input type="checkbox"/>	<u>absent</u>
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, Laurel Pines Acquisition, LLC, owner of a portion of Block B of Commonwealth Square subdivision, has requested that the County vacate a portion of Audubon Drive right-of-way adjacent to its property; and,

WHEREAS, this Ordinance was advertised pursuant to Va. Code § 15.2-2204, and the Board held a public hearing on June 10, 2014; and,

WHEREAS, it appears that no owner of any lot shown on the plat will be irreparably damaged by this vacation.

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

(1) the portion of Audubon Drive right-of-way adjacent Block B of Commonwealth Square subdivision shown shaded on the attached Exhibit A is vacated in accordance with Va. Code § 15.2-2272(2), subject to the reservation by the County of a permanent easement for drainage, utilities, sidewalks, and road shoulder on, under, over, across and through the vacated right-of-way;

(2) this Ordinance shall become effective 30 days after the time of its passage as provided by law;

(3) the Clerk of the Circuit Court of the County of Henrico, Virginia (the "Clerk") is authorized, upon receipt of payment as provided by law, to record a certified copy of this Ordinance in the Clerk's Office after 30 days from its passage, provided no appeal has been taken to the Circuit Court;

By Agency Head

[Signature]

By County Manager

[Signature]

Routing:

Yellow to:

Real Property

Certified:

A Copy Teste:

Clerk, Board of Supervisors

Copy to:

Date:



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

Agenda Item No. 158-14

Page No. 2 of 2

**Agenda Title: ORDINANCE — Vacation of Portion of Right-of-Way — Audubon  
Drive – Varina District**

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(4) the Clerk is further authorized to index the Ordinance on the grantor and grantee sides of the general index to deeds in the name of Laurel Pines Acquisition, LLC, their successors or assigns; and,

(5) the Clerk shall note this vacation as provided in Va. Code § 15.2-2276.

**Comments:** The Real Property Department has processed this vacation request through the Departments of Planning, Public Utilities, and Public Works without objection, and the County Manager concurs.

VIRGINIA GRID NORTH  
NAD-83 (SOUTH ZONE)

- 
- AUDUBON DRIVE**  
(60' R/W)
- PROPOSED RIGHT OF WAY
- EXISTING R/W
- (C1) (TOTAL)
- N 3,716,120.6  
E 11,815,131.7
- APPROX. LOC.  
16' DRAINAGE EASEMENT  
D.B. 2146 PG. 344
- L1
- L2
- L3
- (C2)
- (C3) (TIE)
- N 3,716,123.8  
E 11,815,172.2
- PROPERTY LINE  
TO BE VACATED
- EXISTING HENRICO COUNTY  
RIGHT OF WAY AREA  
(HEREBY VACATED)  
PERMANENT HENRICO COUNTY  
DRAINAGE AND ROAD FACILITY EASEMENT  
(HEREBY DEDICATED)  
90.268 SQ. FT. / 0.00207 ACRES
- IRON ROD FND.
- (350' +/-) TO LABURNUM AVE
- LABURNUM SQUARE ENTERPRISES LLC  
GPIN 814-716-4400  
D.B. 4672 PG. 1630
- S15°45'13"E 81.57'
- IRON ROD FND.
- EX. 10' UTILITY EASEMENT  
D.B. 2104 PG. 257
- APPROX. LOC. 15' UTILITY EASEMENT  
D.B. 2128 PG. 1024
- IRON ROD FND.
- (C5)
- LAUREL PINES ACQUISITION LLC**  
GPIN: 814-716-7303  
D.B. 4942 PG. 1962  
P.B. 82 PG. 55  
6.384 AC
- | LINE TABLE |               |        |
|------------|---------------|--------|
| LINE       | BEARING       | DIST.  |
| L1         | N 76°22'29" E | 19.51' |
| L2         | N 85°18'15" E | 11.00' |
| L3         | S 77°51'14" E | 10.81' |

LINE TABLE		
LINE	BEARING	DIST.
L1	N 76°22'29" E	19.51'
L2	N 85°18'15" E	11.00'
L3	S 77°51'14" E	10.81'

CURVE	RADIUS	LENGTH	CHORD BEARING	CHORD	DELTA	TANGENT
C1	530.00'	228.28'	S 86°01'16" E	226.52'	24°40'42"	115.94'
C2	530.00'	40.63'	N 85°27'00" E	40.62'	4°23'32"	20.32'
C3	530.00'	21.42'	N 82°05'47" E	21.41'	2°18'55"	10.71'
C4	20.00'	29.78'	S 56°23'36" E	27.10'	85°18'48"	18.43'
C5	360.05'	183.80'	S 01°34'18" W	181.81'	29°14'55"	93.95'

VARINA MAGISTERIAL DISTRICT  
HENRICO COUNTY, VIRGINIA

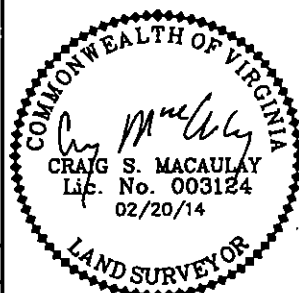
[illegible]

# Bowman

## CONSULTING

**Bowman Consulting Group, Ltd.**  
3951 Westarre Parkway, Suite 150  
Richmond, Virginia 23233

Phone: (804) 616-3240  
Fax: (804) 270-2008  
[www.bowmanconsulting.com](http://www.bowmanconsulting.com)



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DWG: P:\5492-Laurel Pines Henrico County, VA\005492-01-001 (SUR)\Survey\Plots\5492-B-RP-001.dwg

DATE: FEBRUARY 21, 2014

SCALE: 1" = 30'

**SHEET 1 OF 1**

Vicinity Map - Vacation of Portion of Right-of-Way -  
Audubon Drive - Varina District



AREA OF RIGHT-OF-WAY TO BE VACATED  
TO BE PUT IN A PERMANENT EASEMENT



COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE

Agenda Item No. 159-14  
Page No. 1 of 1

Agenda Title: 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 Changing the Title of Article VII from "Stormwater Management" to "Illicit Discharge Detection and Monitoring"

For Clerk's Use Only:

Date: JUN 18 2014

- ☒ Approved  
☐ Denied  
☐ Amended  
☐ Deferred to:

BOARD OF SUPERVISORS ACTION

Moved by (1) Kaechele Seconded by (1) Thornton  
(2) \_\_\_\_\_ (2) \_\_\_\_\_

REMARKS:

APPROVED

YES NO OTHER

Glover, R. ☒ \_\_\_\_\_

Kaechele, D. ☒ \_\_\_\_\_

Nelson, T. \_\_\_\_\_ absent

O'Bannon, P. ☒ \_\_\_\_\_

Thornton, F. ☒ \_\_\_\_\_

After a duly advertised public hearing, the Board of Supervisors adopted the attached ordinance.

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 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.

- (d) 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.
- (e) 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.
- (f) 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  
ILLICIT 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. 160-14

Page No. 1 of 2

Agenda Title: **RESOLUTION — SIA2014-00001 — Henrico Division of Police Central Precinct Site — Substantially in Accord with the 2026 Comprehensive Plan — Fairfield District**

For Clerk's Use Only:

Date: JUN 18 2014

- ☒ Approved  
☐ Denied  
☐ Amended  
☐ Deferred to:

BOARD OF SUPERVISORS ACTION

Moved by (1) Thornton Seconded by (1) Clover  
(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 type="checkbox"/>	<input type="checkbox"/>	<u>about</u>
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, Section 15.2-2232(A) of the Code of Virginia requires the Planning Commission to review and to consider whether the general or approximate location, character and extent of major public facilities are substantially in accord with the County's Comprehensive Plan ("Plan"); and,

WHEREAS, the Planning Commission has reviewed the Henrico Division of Police Central Precinct site for conformance with the Plan; and,

WHEREAS, a May 1, 2014 report presented by the Planning staff to the Planning Commission found the proposed use would not be in conflict with or a significant departure from the adopted Plan; and,

WHEREAS, on May 15, 2014, the Planning Commission reviewed the staff report and after a public hearing found the proposed Henrico Division of Police Central Precinct site will further the Goals, Objectives and Policies of the Comprehensive Plan that identify the need for new public services and facilities based on projected and planned growth in accordance with the 2026 Future Land Use map; and,

WHEREAS, the Planning Commission found the proposed use of this site for the Division of Police Central Precinct site would be compatible with adjacent development and existing and future residential developments in the larger vicinity; and,

WHEREAS, the Board of Supervisors has reviewed the Planning Commission's findings and concurs with its conclusions.

NOW, THEREFORE, BE IT RESOLVED the Board of Supervisors finds the proposed Henrico Division of Police Central Precinct site substantially in accord with the County's Comprehensive Plan.

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. 160-14

Page No.2 of 2

Agenda Title: **RESOLUTION — SIA2014-00001 — Henrico Division of Police Central Precinct Site — Substantially in Accord with the 2026 Comprehensive Plan — Fairfield District**

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Comments: The Director of Planning concurs with the finding of the Planning Commission that the proposed Henrico Division of Police Central Precinct site is substantially in accord with the Plan and recommends approval of the Board paper; the County Manager concurs.



COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE

Agenda Item No. 161-14

Page No. 1 of 1

Agenda Title:

RESOLUTION — Signatory Authority — Sublease — Henrico Community Corrections Program — Capital Region Workforce Center — 121 Cedar Fork Road — Fairfield District

For Clerk's Use Only:

Date: JUN 10 2014

- ☒ Approved  
☐ Denied  
☐ Amended  
☐ Deferred to:

BOARD OF SUPERVISORS ACTION

Moved by (1) Thornton 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> absent
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 20,866 square foot office building at 121 Cedar Fork Road from Crenshaw Singleton Properties, LLC for use by entities providing training and other services pursuant to the Workforce Investment Act of 1998; and,

WHEREAS, the Henrico Community Corrections Program provides various services to clients and desires to sublease approximately 298 square feet of office space for a term from June 11, 2014 to November 10, 2017; and,

WHEREAS, the monthly rent for the first year will be \$965.37, will decrease to \$855.89 on June 11, 2015, will increase to \$866.72 on June 11, 2016, and will increase to \$877.87 on June 11, 2017; and,

WHEREAS, the sublease may be renewed for two additional five-year terms at a rental rate to be based on the same rate paid by the County, as fiscal agent, during the renewal term.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors that the County Manager is authorized to execute a sublease agreement commencing June 11, 2014 for 298 square feet of office space at 121 Cedar Fork Road in a form approved by the County Attorney, on behalf of the County, as fiscal agent and Sublessor, and the County for the Henrico Community Corrections Program, as Sublessee.

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

By Agency Head

*[Signature]*

By County Manager

*[Signature]*

Routing:

Yellow to:

*Real Property*

Copy to:

Certified:

A Copy Teste:

Clerk, Board of Supervisors

Date:



COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE

Agenda Item No. 162-14  
Page No. 1 of 2

**Agenda Title: RESOLUTION — Award of Construction Contract — Removal and Installation of Traffic Signal Mast Arm Poles**

For Clerk's Use Only: Date: <u>JUN 10 2014</u> <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Amended <input type="checkbox"/> Deferred to:	<b>BOARD OF SUPERVISORS ACTION</b> Moved by (1) <u>Culver</u> Seconded by (1) <u>Kaechele</u> (2) _____ (2) _____ REMARKS: <b>APPROVED</b>	<b>YES NO OTHER</b> 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 type="checkbox"/> <input type="checkbox"/> <u>absent</u> O'Bannon, P. <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Thornton, F. <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
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**WHEREAS**, the County received two bids on May 21, 2014 in response to IFB No. 14-9595-4VK and Addenda Nos. 1, 2, and 3 for the removal and installation of traffic signal mast arm poles at six intersections in the County, with the following results:

Bidder	Total Bid
B & B Signal Company, LLC Manassas, VA	\$427,500
Dorey Electric Company Norfolk, VA	\$624,000

**WHEREAS**, after review and evaluation of all bids received, it was determined that B & B Signal Company, LLC is the lowest responsive and responsible bidder with a bid of \$427,500.

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

- A contract to furnish all labor, materials, supplies, equipment, and services necessary for the removal and installation of traffic signal mast arm poles at six intersections in the County is hereby awarded to B & B Signal Company, LLC, the lowest responsive and responsible bidder, in the amount of \$427,500, in accordance with IFB No. 14-9595-4VK, Addenda Nos. 1, 2, and 3, and the bid submitted by B & B Signal Company, LLC.
- The County Manager is authorized to execute the contract in a form approved by the County Attorney.

By Agency Head [Signature]

By County Manager [Signature]

Routing:

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Copy to: \_\_\_\_\_

Certified:

A Copy Tests: \_\_\_\_\_

Clerk, Board of Supervisors

Date: \_\_\_\_\_



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

Agenda Item No. 102-14  
Page no. 2 of 2

**Agenda Title: Resolution — Award of Construction Contract — Removal and Installation of  
Traffic Signal Mast Arm Poles — Various Locations**

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3. The County Manager, or the Purchasing Director as his designee, is authorized to execute all change orders within the scope of the budget not to exceed 15% of the original contract amount.

Comment: Funding to support the contract is available within the Department of Public Works general budget for road maintenance. The Director of Public Works and Purchasing Director recommend approval of this Board paper, and the County Manager concurs.