

BOARD OF SUPERVISORS



April 26, 2021 Agenda





WORKSESSION AGENDA
BEDFORD COUNTY BOARD OF SUPERVISORS
TOWN OF BEDFORD MUNICIPAL BUILDING
APRIL 26, 2021

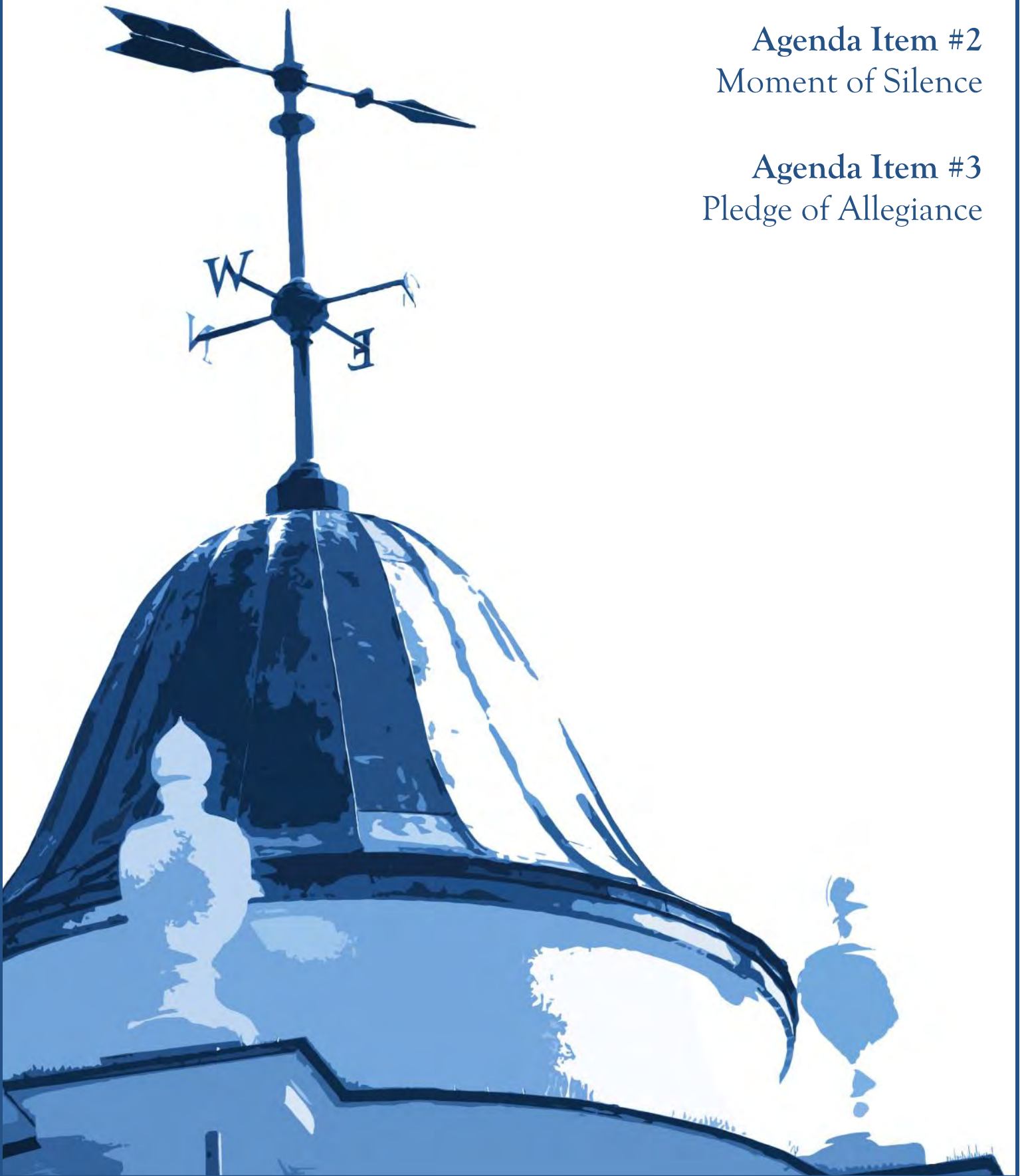
6:00 PM WORKSESSION

- (1) Call Board of Supervisors to Order
- (2) Budget discussion
- (3) Recess the Board of Supervisors for a dinner break by 6:30 pm.

Agenda Item #1
Call to Order & Welcome

Agenda Item #2
Moment of Silence

Agenda Item #3
Pledge of Allegiance



Agenda Item #4
Approval of Agenda





REGULAR MEETING AGENDA
BEDFORD COUNTY BOARD OF SUPERVISORS
TOWN OF BEDFORD MUNICIPAL BUILDING
APRIL 26, 2021

7:00 P.M. REGULAR MEETING

- (1) Call to Order & Welcome**
- (2) Moment of Silence**
- (3) Pledge of Allegiance**
- (4) Approval of Agenda**
- (5) Citizen Comments**
- (6) Consent Agenda**
 - a.** Consideration of a resolution appropriating State funding for the Southern Virginia Internet Crimes Against Children Task Force.
(Resolution #R 042621-01)
- (7) Approval of Minutes – to follow under separate cover**
- (8) Public Hearings & Presentations**
 - a. Public Hearing** – Proposed FY2021-2022 Budget
 - b. Public Hearing** – FY2021 Tax Rate Ordinance Rate *(Ordinance #O 042621-02)*
 - c. Public Hearing** – Consideration of a resolution submitted on behalf of Eastlake Community Church for approval of Special Use Permit #SU21-0001 to establish the “Educational Facilities, Primary/Secondary” use on parcels identified as Tax Map #222-A-15 and #223-A-1. *(Resolution #R 042621-03)*
 - *Staff presentation by Planner Mariel Fowler*
 - d. Public Hearing** – Consideration of a resolution submitted on behalf of Wallace and Gaile Hensley for approval of Special Use Permit #SU21-0002 to establish an “Office, Medical” use on a portion of a parcel identified as Tax Map #238-A-14B. *(Resolution #R 042621-04)*
 - *Staff presentation by Planner Jordan Mitchell*
 - e. Public Hearing** – Consideration of an ordinance amending select provisions of the Bedford County Subdivision Ordinance. *(Ordinance #O 042621-05)*

- *Staff presentation by Planner Mark Jordan*

f. Public Hearing – Consideration of an ordinance amending select provisions of the Bedford County Zoning Ordinance. (*Ordinance #O 042621-06*)

- *Staff presentation by Community Development Director Jordan Mitchell*

(9) Action & Discussion Items

a. Consideration of a resolution authorizing the adoption of the Central Virginia Planning District Commission Hazard Mitigation Plan – 2020 Update.

(*Resolution #R 042621-07*)

- *Staff Presentation by Fire & Rescue Chief Jack Jones, Jr.*

b. Consideration of a request for approval of amendments to the ZiTEL contract.

(*Resolution #R 042621-08*) (*documentation to follow under separate cover*)

- *Staff presentation by County Administrator Robert Hiss*

c. Consideration of a resolution accepting final project and releasing retainage associated with part #1 of Phase II Broadband, completed by ZiTEL, LLC. (*Resolution #R 042621-09*)

- *Staff presentation by Deputy County Administrator Amanda Kaufman*

(10) Board Committee Reports - none

(11) Board Comments

(12) Board Appointments

(13) County Administrator Report

(14) County Attorney Report

(15) Board Information - none

(16) Board Calendar and Reminders

- May 10 – Worksession with VDOT beginning from 5:00 to 6:30 pm; Regular Meeting at 7:00 pm (Town of Bedford Municipal Building – Council Hall)
- May 24 - Worksession from 5:00 – 6:30 pm; Regular Meeting at 7:00 pm (VDOT Public Hearing on Secondary Six-Year Plan) (*location to be determined*)

Adjourn

Agenda Item #5
Citizen Comments



Agenda Item #6
Consent Agenda





BEDFORD COUNTY BOARD OF SUPERVISORS

Agenda Item Summary

MEETING DATE: 4/26/2021

AGENDA ITEM #6a

RESOLUTION #R 042621-01

Work Session Regular Meeting
 Consent Public Hearing Action Closed Session Information

ITEM TITLE: Acceptance and FY21 Supplemental Appropriation for the State Internet Crimes Against Children Program Award

RECOMMENDATION

Approval of Resolution

SUMMARY

The Virginia Department of Criminal Justice Services has awarded Bedford County an Internet Crimes Against Children (ICAC) award in the amount of \$604,210. The award period is July 1, 2020 through June 30, 2021. The award does not require a local match.

Funding is used for the salaries of the ICAC Financial Analyst and Investigator, as well as to provide affiliates of the Southern Virginia ICAC Task Force with overtime, training, and equipment. Staff recommends Board acceptance of this award, as well as a Supplemental Appropriation of \$604,210 for FY 2020-2021 for the additional state funds for the Internet Crimes Against Children program. .

PRIOR ACTIONS

None

FISCAL IMPACT

None

CONTACTS

Ashley Anderson, Director of Finance

ATTACHMENTS

Resolution

REVIEWED BY

Fiscal Management County Attorney County Administrator



At a regular meeting of the Board of Supervisors of the County of Bedford, Virginia held at the Town of Bedford Municipal Building on the day of 26 April 2021, beginning at 7:00 pm.:

MEMBERS:

Tommy Scott, Chairman
 Tammy Parker, Vice-Chairman
 Mickey Johnson
 Edgar Tuck
 Charla Bansley
 John Sharp
 Bob Davis

VOTE:

On motion of Supervisor _____, which carried by a vote of _____, the following was adopted:

A RESOLUTION

**APPROPRIATION OF STATE FUNDING FOR THE SOUTHERN VIRGINIA
 INTERNET CRIMES AGAINST CHILDREN TASK FORCE**

WHEREAS, the Bedford County Sheriff's Office has been the lead agency of the Southern Virginia Internet Crimes Against Children task Force since 1998; and

WHEREAS the Southern Virginia Internet Crimes Against Children Task Force is part of the federal ICAC Task Force program administered through the Office of Juvenile Justice and Delinquency Prevention, and receives federal funds to support its mission; and

WHEREAS the Southern Virginia Internet Crimes Against Children Task Force also receives state funding, as authorized under COV 17.1-275.12; and

WHEREAS this funding comes in two blocks, one to support the main headquarter's office of the Southern Virginia Internet Crimes Against Children Task Force, and one to support the affiliate member's of the task force; and

WHEREAS funds made available to the Southern Virginia Internet Crimes Against Children Task Force for the support of affiliate member agencies of the Task Force, was set at \$604,210 for the period of July 1, 2020 through June 30, 2021; and

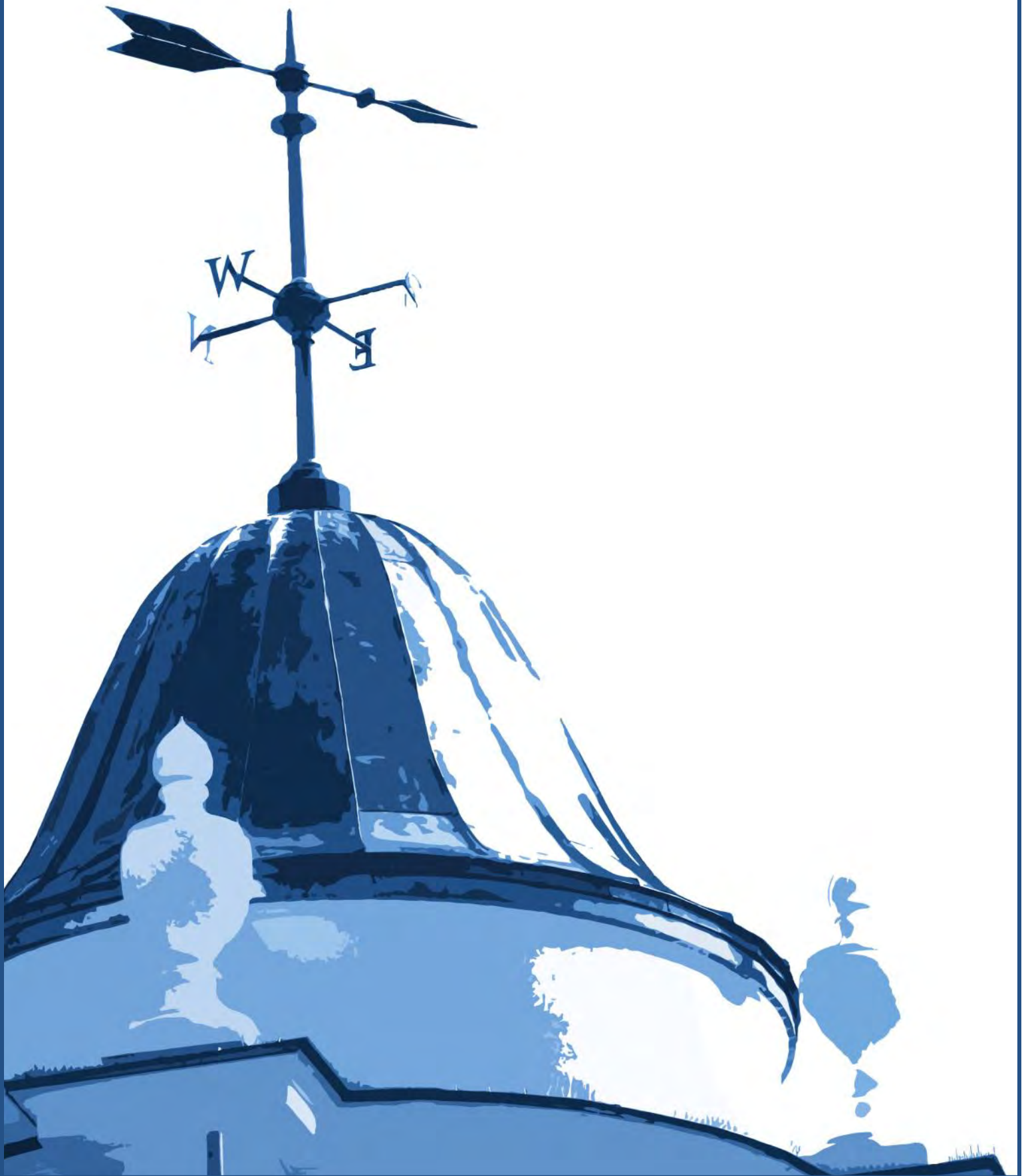
WHEREAS, this funding from the state does not require a local match by Bedford County,

NOW, THEREFORE, BE IT RESOLVED, by the Bedford County Board of Supervisors, that acceptance of this funding for continued operation of the Southern Virginia Internet Crimes Against Children Task Force is hereby approved and a FY 2020-2021 supplemental appropriation of the funds awarded is authorized.

Agenda Item #7
Approval of Minutes



Agenda Item #8
Public Hearings and Presentations





**BEDFORD COUNTY
PUBLIC HEARING NOTICE
PROPOSED BUDGET FY 2021-2022**

The Bedford County Board of Supervisors will hold a public hearing on the proposed FY 2021-2022 Bedford County Budget, including the local transfer to Schools, on Monday, April 26, 2021 at 7:00 pm in the 2nd floor Council Hall of the Town of Bedford's Municipal Building, 215 E. Main St., Bedford VA.

If you do not wish to attend the public hearing in person, written comments may be left in the drop-box located at the County Administration Building's main entrance at 122 E. Main Street, Bedford, VA (please label the envelope "Attn: Board of Supervisors"). Comments may also be emailed to publichearing@bedfordcountyva.gov. Emailed comments must be received by 12:00 pm on Monday, April 26, 2021, in order to be provided to the Board when they arrive for the meeting. You may also contact your District Supervisor with your comments (their contact information can be found at <https://www.bedfordcountyva.gov/boards-commissions/board-of-supervisors>), or by calling the County Administration Office at (540) 586-7601 (comments may be left at x1395). All comments must be received by 12:00 pm on April 26, 2021.

The following is a synopsis of the Proposed FY 2021-2022 Budget:

GENERAL FUND

Revenues

Beginning Cash Balance	\$	3,825,701
General Property Taxes		68,058,500
Other Local Taxes		14,758,767
Permits, Fees & Licenses		510,300
Fines & Forfeitures		75,000
Use of Money & Property		352,081
Charges for Services		2,285,704
Miscellaneous Revenue		243,500
Recovered Costs		657,780
Revenue from the Commonwealth		18,464,945
Revenue from the Federal Government		5,192,118
Total General Fund Revenues	\$	114,424,396

Expenditures

General Government Administration	\$	4,961,733
Judicial Administration		2,426,021
Public Safety		19,733,237
Public Works		5,713,554
Health, Welfare & Education		18,218,109
Parks, Recreation & Cultural		3,286,433
Community Development		3,819,118
Debt Service		7,641,662
Contingency Fund		554,932
Fund Transfer to CIP		7,500,207
Fund Transfer to Bedford County Schools		36,393,028
Fund Transfer to Vehicle Replacement Fund		655,380
Fund Transfer to Solid Waste		1,784,744
Reserve for E-summons		12,000
Health insurance increase		477,301
New positions		358,390
DSS pay band increases		55,648
5% Pay increase, effective 7/1/21		723,427
Minimum wage increase - \$11.00/hr, effective 1/1/22		46,013
Sheriff's Office pay band increase, effective 7/1/21		47,784
Fire & Rescue pay band increase, effective 7/1/21		15,675
Total General Fund Expenditures	\$	114,424,396

LAW LIBRARY FUND**Revenues**

Use of Money & Property	\$	50
Law Library Fees		14,000
Total Law Library Fund Revenues	\$	14,050

Expenditures

Operations		10,500
Reserve for Future		3,550
Total Law Library Fund Expenditures	\$	14,050

VEHICLE REPLACEMENT FUND**Revenues**

Sales of vehicles	\$	10,000
Recovered Costs		37,620
Transfer from General Fund		655,380
Total Vehicle Replacement Fund Revenues	\$	703,000

Expenditures

Total Vehicle Replacement Fund Expenditures	\$	703,000
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GENERAL CAPITAL IMPROVEMENT FUND**Revenues**

Grant		80,000
Transfer from General Fund		7,500,207
Total General Capital Improvement Fund Revenues	\$	7,580,207

Expenditures

Total General Capital Improvement Fund Expenditures	\$	7,580,207
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NURSING HOME FUND**Revenues**

Beginning Cash Balance	\$	233,991
Use of Money & Property		37,400
Charges for Services		7,091,159
Miscellaneous Revenue		8,000
Total Nursing Home Fund Revenues	\$	7,370,550

Expenditures

Operations	\$	7,330,550
Capital Improvements		40,000
Total Nursing Home Fund Expenditures	\$	7,370,550

SOLID WASTE FUND**Revenues**

Beginning Cash Balance	\$	770,532
Use of Money & Property		9,000
Tipping Fees		2,901,290
Sale of Recyclables		202,530
Revenue from the Commonwealth		15,360
Transfer from the General Fund		1,784,744
Total Solid Waste Fund Revenues	\$	5,683,456

Expenditures

Operations	\$	5,683,456
Total Solid Waste Fund Expenditures	\$	5,683,456

A copy of the proposed FY 2021-2022 Budget is available for review online at <https://www.bedfordcountyva.gov/home/showpublisheddocument?id=9078>.



BEDFORD COUNTY PUBLIC HEARING NOTICE

A public hearing will be conducted by the Board of Supervisors in the 2nd floor Council Hall of the Town of Bedford's Municipal Building, 215 E. Main St., Bedford VA on Monday, April 26, 2021 to receive comments on the following:

TAX RATE ORDINANCE - TAX YEAR 2021

PLEASE NOTE: There are NO CHANGES to the tax rates for Fiscal Year 2021-2022. The text of the ordinance is being modified to include "rental boats" as tangible (business) personal property as defined in §58.1-3506 of the Code of Virginia; and to remove "forest harvesting equipment" per County Ordinance #O 121420-08.

The purpose and intent of this ordinance is to establish tax rates for Tax Year 2021 to support and fund the proposed budget for Fiscal Year 2021-2022. There is set on this date several public hearings. The first public hearing will commence at 7:00 p.m. on the above date. Upon the close of the first public hearing, the Board will open the next public hearing. At this public hearing, comments will be received as to the proposed tax rates:

	<u>Current FY 2020-2021</u>	<u>Proposed FY 2021-2022</u>
Personal Property	\$2.35	\$2.35
Business Personal Property	\$1.70	\$1.70
Machinery & Tools	\$1.20	\$1.20
Public Service Corporations	\$0.50	\$0.50
Mobile Homes	\$0.50	\$0.50
Real Estate	\$0.50	\$0.50

A full copy of the proposed ordinance is available for public review during normal office hours in the Bedford County Administration Office, 122 East Main Street, 2nd Floor, Bedford, Virginia 24523.



At a regular meeting of the Board of Supervisors of the County of Bedford, Virginia held at the Town of Bedford Municipal Building on the 26th day of April, 2021, beginning at 7:00 pm:

MEMBERS:

Tommy W. Scott, Chair
 Tammy Parker, Vice-Chair
 Mickey Johnson
 Edgar Tuck
 Charla Bansley
 John Sharp
 Bob Davis

VOTE:

On motion of Supervisor _____, which carried by a vote of _____, the following was adopted:

AN ORDINANCE TO ESTABLISH THE TAX RATES FOR TAX YEAR 2021

WHEREAS, the Code of Virginia requires all Counties to annually adopt a budget; and

WHEREAS, the Board of Supervisors has duly advertised and held a public hearing on the subject of tax rates;

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of the County of Bedford, Virginia, that there be, and is hereby levied, the following tax and tax rates for tax year 2021:

- (1) **\$0.50** per one hundred dollars of assessed valuation on all taxable real estate located in this County;
- (2) **\$0.50** per one hundred dollars of assessed valuation on the property classified in Section 58.1-3506 A 10, Code of Virginia 1950, as amended: manufactured homes;
- (3) **\$2.35** per one hundred dollars of assessed valuation for classifications of tangible personal property as defined in §§58.1-3503 and 3506 of the Code of Virginia: automobiles, trucks, motorcycles, camping trailers, travel trailers, motor homes and other recreational vehicles, trailers, boats, watercraft and aircrafts.
- (4) **\$1.70** per one hundred dollars of assessed valuation for certain other classifications of tangible personal property as defined in §58.1-3506 of the Code of Virginia: heavy construction equipment, ~~forest harvesting~~ and silviculture equipment, ~~rental boats~~, computer hardware, programmable computer equipment and peripherals.
- (5) **\$0.00** per \$100.00 of assessed valuation on the property classified in Section 58.1-3506 A 14 of the Code of Virginia: vehicles for the transportation of the physically handicapped.

- (6) **\$.00** per \$100.00 of assessed valuation on the property classified in Section 58.1-3506 A 19, vehicles for the transportation of qualified disabled veterans.
- (7) **\$1.20** per \$100.00 of assessed valuation on the property classified in Sections 58.1-3506 A5, A7, and A18, 58.1-3507 and 58.1-3508 of the Code of Virginia, commonly known as machinery and tools.



BEDFORD COUNTY BOARD OF SUPERVISORS

Agenda Item Summary

MEETING DATE: 4/26/2021

AGENDA ITEM #8c

RESOLUTION #R 042621-03

Work Session Regular Meeting

Consent Public Hearing Action Closed Session Information

ITEM TITLE: SU21-0001 Eastlake Community Church - Educational Facilities, Primary/Secondary

RECOMMENDATION

Approval of the Special Use Permit Application with conditions, as recommended by the Planning Commission.

SUMMARY

The Eastlake Community Church, Trustees is requesting a special use permit to allow an "Educational Facilities, Primary/Secondary" use on two parcels identified by Tax Map Numbers 222-A-15 and 233-A-1 for the construction of three (3) athletic fields to be utilized by the Smith Mountain Lake Christian Academy. The properties are located in Election District #2.

PRIOR ACTIONS

The Planning Commission held a public hearing for the application on March 16, 2021. No citizen spoke for or against the application during the public hearing. After closing the public hearing, the Planning Commission recommended approval with staff conditions by a vote of 6 - 0 (1 abstained).

FISCAL IMPACT

n/a

CONTACTS

Mariel Fowler, Planner

ATTACHMENTS

PC Staff Report w/ Attachments
BOS Resolution

REVIEWED BY

Patrick Skelley, County Attorney
Robert Hiss, County Administrator
Jordan Mitchell, Director, Department of Community Development



At a regular meeting of the Board of Supervisors of the County of Bedford, Virginia held at the Town of Bedford Municipal Building on the 26th day of April, 2021, beginning at 7:00 pm:

MEMBERS:

Tommy W. Scott, Chair
 Tammy Parker, Vice-Chair
 Mickey Johnson
 Edgar Tuck
 Charla Bansley
 John Sharp
 Bob Davis

VOTE:

On motion of Supervisor _____, which carried by a vote of _____, the following was adopted:

A RESOLUTION

TO APPROVE A SPECIAL USE PERMIT

**TO ESTABLISH THE “EDUCATIONAL FACILITIES, PRIMARY/SECONDARY” USE ON
 PARCELS IDENTIFIED AS TAX MAPS #222-A-15 AND 233-A-1**

WHEREAS, Eastlake Community Church, Trustees has submitted Special Use Permit application #SU21-0001 to establish the “Educational Facilities, Primary, Secondary” use (three athletic fields) in the R-2 (Medium Density Residential) and AR (Agricultural/Residential) zoning district on properties identified as Tax Map Numbers #222-A-15 and 233-A-1 owned by Eastlake Property Holdings, LLC; and

WHEREAS, the application has been submitted pursuant to Section 30-79-2 of the Zoning Ordinance, which allows the “Educational Facilities, Primary/Secondary” use in the R-2 and AR zoning district after Special Use Permit has been approved in accordance with Section 30-19 of the Zoning Ordinance; and

WHEREAS, the Board of Supervisors has carefully considered the public record, the public testimony, and the recommendations of the Planning Commission; and

WHEREAS, the Board of Supervisors finds that the requested special use meets the goals and objectives of the Comprehensive Plan and the purposes of the Zoning Ordinance; and

NOW, THEREFORE, BE IT RESOLVED, by the Bedford County Board of Supervisors that the Board does hereby approve of a Special Use Permit pursuant to application #SU21-0001 with the following conditions:

1. Section 30-83-6 *General Standards* as stated below shall apply in perpetuity until the “Educational Facilities, Primary/Secondary” use has been discontinued:

(a) General Standards

(1) Any outdoor activity area, ball field or court, or stadium which adjoins a residential use type shall be landscaped with one (1) row of small evergreen trees in accordance with article V along the property line adjoining the residential use type. Where nighttime lighting of such areas is proposed large evergreen trees shall be required in a location appropriate to screen adjoining residences.


(2) Any area constructed in conjunction with an educational facility intended for the overnight storage of school buses which adjoins a residential use type shall provide a Type C buffer yard as specified in Article V of this ordinance.

(b) In the AR district, the maximum building coverage shall be twenty (20) percent and the maximum lot coverage fifty (50) percent of the total lot area.

2. A row of large evergreen trees (minimum 6 feet in height at the time of planting spaced every 15 linear feet) shall be placed along all boundary lines where the use adjoins a residential use type to assist in mitigating noise and visual impacts due to the clear terrain in the surrounding area, and the proximity of the existing homes to the proposed sports field locations. This condition shall apply even if nighttime lighting is not proposed.
3. Any proposed lighting associated with the use shall be directed downward and away from adjoining properties.

MEMORANDUM

TO: Planning Commission, Board of Supervisors

FROM: Mariel Fowler, CZO, Planner 

DATE: March 1, 2021

SUBJECT: **Special Use Application #SU21-0001: Eastlake Community Church, Trustees**

SYNOPSIS

Eastlake Community Church, Trustees is requesting a special use permit to allow an "Educational Facilities, Primary/Secondary" use on two parcels identified by Tax Map Numbers 222-A-15 and 233-A-1 for the construction of three (3) sports fields to be utilized by the Smith Mountain Lake Christian Academy. The properties are located in Election District #2.

BACKGROUND

Applicant/Authorized Agent

The applicant and authorized agent is the Eastlake Community Church, Trustees, represented by Troy Keaton, 1118 Hendricks Store Road, Moneta, Virginia 24121.

Engineer

The engineer is Doyle Allen with Hurt & Proffitt, 2524 Langhorne Road, Lynchburg, Virginia, 24501.

Property Owner

The property owner is Eastlake Property Holdings, LLC, 1118 Hendricks Store Road, Moneta, Virginia 24121.

Location

Tax Map Number 222-A-15 is located off of Hendricks Store Road (Route 655) approximately 0.60 miles southeast of its intersection at Moneta Road (Route 122) and adjacent to the second parcel in this application Tax Map number 233-A-1 located at 1201 Timberwood Lane (Route 823) in Moneta.

Proposed Use

The applicant is requesting a special use permit for the subject parcels for the purpose of establishing the "Educational Facilities, Primary/Secondary" use. According to the concept plan, the proposed improvements include two (2) baseball fields, an evergreen tree buffer yard, and one (1) football/soccer field next to the Eastlake Community Church new building.

ANALYSIS

ZONING/LAND USE COMPATIBILITY

Tax Map Number 222-A-15 is zoned Medium-Density Residential ("R-2") and is 57.84 acres in size. The surrounding properties are zoned Agricultural Residential ("AR"), Agricultural Village Center ("AV"),

Low-Density Residential ("R-1"), R-2, Planned Commercial Development ("PCD"), Planned Development ("PD-1") and Higher-Intensity Industrial ("I-2"). The parcel is undeveloped and vacant. It adjoins mostly residential single-family uses to the west boundary line zoned PD-1 (Sunset Cay Development), and R-2 to the east boundary line (The Ridge Subdivision). Adjacent to this property is Tax Map number 233-A-1 zoned AR. It is 46.66 acres in size and currently has a "Religious Assembly" use established where the new Eastlake Community Church building is located.

The surrounding properties within a 1-mile radius are zoned AV, R-1, R-2, PCD, PD-1, General Commercial ("C-2") and I-2. The Corridor Overlay ("CO") is along Route 122 to the north of the parcels. Surrounding uses include undeveloped land, residential (single-family), the Smith Mountain Lake Christian Academy (civic), the Blue Ridge Wood Preserving lumber treatment facility (industrial) and commercial uses to the north of the parcels.

ZONING ORDINANCE

Generally, "Educational Facilities" use may be compatible with the AR and R-2 zoning districts and surrounding area given that a special use permit with applicable general standards (S*) is required to establish the use in these zoning districts as listed in Article III - Permitted Use Table (Section 30-79-2). In addition to general standards, conditions can be placed on a special use permit to mitigate adverse impacts to aid the proposed use's compatibility with the surrounding area.

The applicant has submitted a concept plan that proposes two (2) baseball fields, an evergreen tree buffer (Leland Cypress 6-feet in height on 15 feet centers), and (1) football/soccer field to be utilized by the Smith Mountain Lake Christian Academy, as well as bathroom facilities. Article II defines this as follows:

Educational facilities, primary/secondary: A public, private or parochial school offering instruction at the elementary, junior and/or senior high school levels in the branches of learning and study required to be taught in the public schools of the Commonwealth of Virginia.

If the special use application were to be approved, the applicant will need to establish the proposed use on the properties with the submittal of a major site plan and issuance of a zoning use approval. Per the general design standards, the applicant will need to install a row of small evergreen trees along properties adjoining residences. If nighttime lighting is proposed, large evergreen trees shall be required for screening surrounding residences.

Article IV Section 30-83-6 describes the general design standards for this use as follows:

(a) General Standards

- (1) Any outdoor activity area, ball field or court, or stadium which adjoins a residential use type shall be landscaped with one (1) row of small evergreen trees in accordance with article V along the property line adjoining the residential use type. Where nighttime lighting of such areas is proposed large evergreen trees shall be required in a location appropriate to screen adjoining residences.*

(2) Any area constructed in conjunction with an educational facility intended for the overnight storage of school buses which adjoins a residential use type shall provide Type C buffer yard as specified in article V of this ordinance.

(b) In the AR district, the maximum building coverage shall be twenty (20) percent and the maximum lot coverage fifty (50) percent of the total lot area.

COMPREHENSIVE PLAN

The 2030 Bedford County Comprehensive Plan contains goals, objectives, and strategies that relate to the special use request:

Land Use:

An Orderly, efficient, and compatible growth and land use pattern that is sensitive to the natural environment.

9.1 Future Development directed to areas already or proposed to be served with adequate public facilities that is compatible with and sensitive to the natural environment.

The Future Land Use map identifies the subject parcels as “Residential” with the surrounding area (within a 0.5 mile radius) also designated as “Residential”, which abuts areas designated as “Commercial/Light Industrial” to the north and “Agricultural/Natural Resource Stewardship” to the northeast. The 2030 Comprehensive Plan Land Use designations are excerpted below:

Agricultural/Natural Resource Stewardship

High resource value areas based on soil types, environmental sensitivity, or other unique land characteristics. Includes areas that are preserved from development through public or private conservation efforts. Clustering of housing units is supported in this district.

Residential

Residential areas located in close proximity to urban services and roads capable of handling higher traffic volumes. These are areas for single-family detached and attached units and apartments/condominiums. Small-scale neighborhood and/or lifestyle commercial (such as small convenience markets and marinas) is allowed where appropriate in this zone. Clustering of housing units is supported in this district.

Commercial/Light Industrial

Areas that include a mixture of commercial and light industrial uses. These areas are located adjacent to commercial and/or light industrial uses near major transportation facilities and access to all major utilities.

PROJECT IMPACTS

This project was reviewed by County agencies at the Technical Review Committee meeting held on February 23, 2021. The following information reflects their comments:

Environmental

Erosion and sediment control measures and stormwater management regulations will apply to the development of the site. Stormwater permit will be required if one (1) acre or more will be disturbed. Land disturbing permit (LDP) will be needed if 10,000 square feet or greater is disturbed and/or within 200 feet of a body of water.

Transportation

The proposed entrances from Hendricks Store Road shown on the concept plan will need to be constructed as commercial and will need a full analysis with the submittal of a site plan. These will be reviewed and approved by the Virginia Department of Transportation (“VDOT”). VDOT recommends the County requests a basic traffic analysis to include current and proposed uses trip generations at these analysis points:

- a. Rte. 1652 intersection with Rte. 655. This analysis should be inclusive of all existing trip generators loading this intersection.
- b. Proposed commercial entrance with Rte. 655.
- c. Existing commercial entrance (associated with the church) at Rte. 823

Utilities

The properties have water and sewer available by the BRWA. The engineer stated during TRC that they were not proposing restroom or kitchen facilities at this time, so no new connections to public utilities were proposed. After TRC, the plan was modified to provide restrooms at the fields. The site plan will need to meet the BRWA requirements for the proposed service connections.

Aesthetic/Visual

The sports fields will be visible to all adjoining properties and those traveling along Hendricks Store Road and Timberwood Lane. The sounds during school practices and games could potentially be heard from the surrounding residences. For your consideration, staff recommends that a large evergreen tree buffer is placed along the property lines that adjoin residential uses to help mitigate these impacts.

CONDITIONS

In accordance with Section 30-19-3 (C) of the Zoning Ordinance, the Board of Supervisors may attach (and Planning Commission may recommend) any conditions necessary to ensure the proposal meets the specific and general standards for the proposed use. The following conditions are recommended by staff:

1. Section 30-83-6 *General Standards* as stated below shall apply in perpetuity until the “Educational Facilities, Primary/Secondary” use has been discontinued:

(a) General Standards

(1) Any outdoor activity area, ball field or court, or stadium which adjoins a residential use type shall be landscaped with one (1) row of small evergreen trees in accordance with article V along the property line adjoining the residential use type. Where nighttime lighting of such areas is proposed large evergreen trees shall be required in a location appropriate to screen adjoining residences.

(2) Any area constructed in conjunction with an educational facility intended for the overnight storage of school buses which adjoins a residential use type shall provide a Type C buffer yard as specified in Article V of this ordinance.

(b) In the AR district, the maximum building coverage shall be twenty (20) percent and the maximum lot coverage fifty (50) percent of the total lot area.

2. A row of large evergreen trees (minimum 6 feet in height at the time of planting spaced every 15 linear feet) shall be placed along all boundary lines where the use adjoins a residential use type to assist in mitigating noise and visual impacts due to the clear terrain in the surrounding area, and the proximity of the existing homes to the proposed sports field locations. This condition shall apply even if nighttime lighting is not proposed.
3. Any proposed lighting associated with the use shall be directed downward and away from adjoining properties.

ATTACHMENTS

1. Application and Concept Plan
2. Location Map
3. Zoning Map
4. Future Land Use Map
5. Aerial Photograph (VGIN 2018)
6. Section 30-34 Article III, AR Agricultural/Residential District
7. Section 30-77 Article III, R-2 Medium Density Residential District



Bedford County
 Department of Community Development
 Division of Planning
 122 E. Main Street, Suite G-03
 Bedford, VA 24523
 (540) 586-7616 • Fax (540) 586-2059
 www.bedfordcountyva.gov/planning

For staff use only

Date received: 1/11/21 Received by: MAF
 Fee Paid: \$ 300 PC Date:
 Application No.: 5021-0001 BOS Date:
 Project No.:

Special Use Permit Application

GENERAL INFORMATION:

Section 30-19: Special uses are established in recognition that in addition to uses permitted by right, certain uses may, depending upon their scale, design, location, and conditions imposed by the Board of Supervisors be compatible with existing and future uses in a district. A special use permit application may be initiated by:

- 1) Resolution of the Board of Supervisors;
- 2) Motion of the Planning Commission;
- 3) Petition of the owner, contract purchaser with the owner's written consent, or the owner's agent of the property for which a special use permit is requested.

APPLICATION PROCEDURE:

- **Consultation with Planning Staff:** You are required to meet with a planner to discuss feasibility of request prior to submission.
- **Planning Commission:** The Planning Commission will hold an advertised public hearing and review the application in order to make and forward an advisory recommendation to the Board of Supervisors.
- **Board of Supervisors:** The Board of Supervisors will hold a public hearing and review the application in order to make a decision on the request. In granting the special use permit, the Board of Supervisors may attach any conditions necessary to insure that the proposal meets the specific and general standards for the proposed use.

Please make sure the following items are included BEFORE submitting:

- Application Fee:** \$300.00 (checks made payable to Bedford County). Applicant is also responsible for the costs of all public notifications including sign posting, mailings and legal advertisements.
- Concept Plan:** A concept plan prepared by a professional engineer, architect or surveyor must be submitted with the application in both hard copy and digital (.pdf format) versions. The plan shall include at a minimum what is required of a site development plan in Article V of the Zoning Ordinance and address any potential land use or design issues arising from the request. It is the responsibility of the applicant to demonstrate that the proposed use will be in harmony with the zoning district and surrounding area. If the proposed development is to be constructed in phases, all phases shall be shown at the time of the original application.



Bedford County

Special Use Permit Application

Please print in blue or black ink or typewrite. If not applicable, write N/A.

APPLICANT INFORMATION

Note: If applicant is not the property owner, an owner's authority letter must be submitted with application.

Applicant Name: Eastlake Community Church, Trustees

Address: 1118 Hendricks Store Road, Moneta, VA 24121

Phone: 540-297-0966 **Fax:** _____ **Email:** pastorkeaton@gmail.com

Property Owner Name: Eastlake Community Church, Trustees

Address: 1118 Hendricks Store Road, Moneta, VA 24121

Phone: _____ **Fax:** _____ **Email:** _____

Authorized Agent/Contact Person: Troy Keaton

Address: 1118 Hendricks Store Road, Moneta, VA 24121

Phone: _____ **Fax:** _____ **Email:** _____

Engineer: Hurt & Proffitt, Inc.; Attn Doyle Allen

Address: 2524 Langhorne Road Lynchburg, VA 24501

Phone: 434-847-7796 **Fax:** 434-847-0047 **Email:** dallen@handp.com

PROJECT INFORMATION

Location/Address of Property (directions from Bedford County Administration Building): Take Route 122 towards Smith Mountain Lake to Hendricks Store Road and take a left to Timberwood Drive and take a right to project on right at 1,000'.

Tax Map Number(s): 222 A 15, 233 A 1

Magisterial District: Lakes **Election District:** District 2

Size of Parcel(s): In acres 57.84 (222 A 15), 46.66 (233 A 1) In sq. ft. 2,519,510.4, & 2,032,509.6

Amount of area to be utilized 10 Acres

Does the parcel meet the minimum requirements contained in the Article IV use and design standards for the use? Yes No

Current Zoning: R-2, & AR **Current Land Use:** Vacant, & Religious Assembly

Proposed Land Use (from Permitted Use Table, Sec. 30-79-2): Educational Facilities, Primary/Secondary

Please describe the proposed project or purpose of the request. Recreational sports fields will be substantially developed as shown on the conceptual plan for Educational Facilities Primary/Secondary uses.

JUSTIFICATION FOR SPECIAL USE PERMIT

The Planning Commission will study the special use request to determine the need and justification for the change in terms of public health, safety and general welfare. Please answer the following questions as thoroughly as possible. Attach additional paper if necessary.

Please explain how the request furthers the purposes of the Zoning Ordinance (Section 30-3) as well as the purpose found at the beginning of the applicable zoning district classification in the Zoning Ordinance.

The sports field will be used for the Eastlake School (K-12) on the adjoining property, tax parcel 221 A 47E.

The school is sponsored by Eastlake Community Church which owns the property.

Please explain how the project conforms to the general guidelines and policies contained in the Bedford County Comprehensive Plan.

The comprehensive plan indicates this as a residential growth area. The request sports fields are in keeping with the allowed use for public parks and recreational areas allowed by-right in both parcels, R-2 and AR zoning.

Please describe the impact(s) of the request on the property itself, the adjoining properties, and the surrounding area as well as the impacts on public services and facilities, including water/sewer, roads, schools, parks/recreation and fire/rescue.

No adverse impacts to the adjoining properties since the use if public would allowed by-right. Evergreen screening will be installed as required by Article IV will shield the adjoining properties.

CERTIFICATION

I hereby certify that this application is complete and accurate to the best of my knowledge, and I authorize County representatives entry onto the property for purposes of reviewing this request.

Owner/Agent Signature: Bob Winters

Date: 1/11/21

Print Name: Bob Winters

Executive Proctor



- (A) TM # 221-13-5 ROBERT BURKHOLDER STOUFFER & STOUFFE ZONING: PD-1
- (B) TM # 221-13-6 SOUTHEAST PROPERTY HOLDINGS LLC ZONING: PD-1
- (C) TM # 221-13-7 KENNETH J & JEAN TRS WEBBER ZONING: PD-1
- (D) TM # 221-13-8 SOUTHEAST PROPERTY HOLDINGS LLC ZONING: PD-1
- (E) TM # 221-13-9 SOUTHEAST PROPERTY HOLDINGS LLC ZONING: PD-1
- (F) TM # 221-A-47E EASTLAKE PROPERTY HOLDINGS LLC ZONING: PD-1
- (G) TM # 221-A-47A GEORGE L & JIMMIE ENGLISH ZONING: R-2
- (H) TM # 222-A-14G NICOLE JONES ZONING: R-2
- (I) TM # 222-A-14C SHIRLEY BONDS ZONING: R-2
- (J) TM # 222-A-14D CITY & COUNTY PROPERTIES LLC ZONING: R-2
- (K) TM # 222-A-14H LEE MARVIN & DEBRA BONDS ZONING: R-2
- (L) TM # 222-A-14E LORETTA MARTIN BONDS ZONING: R-2
- (M) TM # 222-3-1 CITY & COUNTY PROPERTIES LLC ZONING: R-2
- (N) TM # 222-3-2 MARTHA ANN MARTIN ZONING: R-2
- (O) TM # 222-3-3 HENDRICKS STORE ROAD 1711 LAND TRUST ZONING: R-2
- (P) TM # 222-3-4 LORENZA A & BARBARA H MARTIN ZONING: R-2
- (Q) TM # 222-3-5 LORENZA A & BARBARA H MARTIN ZONING: R-2
- (R) TM # 222-5-1 COMMONWEALTH DEVELOPMENT LLC ZONING: R-2
- (S) TM # 222-5-2 CORY L & JESSICA B BERGER ZONING: R-2
- (T) TM # 222-A-18 NORMA JEAN BURDETTE ZONING: R-2
- (U) TM # 222-A-17 CLYDE, ROBBIE, C DEBRA, MARY ENGLISH & HILDA SMITH ZONING: R-2
- (V) TM # 222-6-2 BRENDA SUE BONDS ZONING: R-2
- (W) TM # 233-A-4G JOHN L SR & LAURA J BISNETT ZONING: R-2
- (X) TM # 233-A-4A ALAN DEAN & CAROLEE FISCHER ZONING: R-2
- (Y) TM # 233-A-2 DONALD DAVID BARBOUR ZONING: R-2
- (Z) TM # 232-A-37 BARBARA P DUDLEY & RUSSELL ROBERTSON ZONING: R-2

- SITE LEGEND**
- ZONING LINE
 - LIMITS OF CLEARING
 - INDEX CONTOUR
 - CURB & GUTTER
 - REVERSE CURB & GUTTER
 - ACCESSIBLE RAMP
 - SIDEWALK
 - CONCRETE PAVEMENT
 - GRAVEL PAVEMENT SECTION
 - TYPICAL PAVEMENT SECTION
 - HEAVY DUTY PAVEMENT SECTION
 - SCREENING FENCE
 - GUARDRAIL
 - LIGHT POLE
 - DIRECTIONAL/PARKING SIGN
 - RETAINING WALL
 - ROAD CENTERLINE
 - PROPERTY LINE
 - RIGHT OF WAY LINE
 - YARD SETBACK
 - EASEMENT
 - EC-2 LINED DITCH
 - EC-3 LINED DITCH
 - DITCH/SWALE

PARKING CALCULATIONS: (SEC. 30-91-9)
 COMMERCIAL SPORTS AND RECREATION - INDOOR OR OUTDOOR;
 OTHER INDOOR OR OUTDOOR SPORTS; REQ'D = 1 SPACE PER 3 PERSONS BASED ON OCCUPANCY LOAD, PLUS 1 SPACE PER EMPLOYEE ON MAJOR SHIFT.

BASEBALL FIELDS (OCCUPANCY ASSUMPTIONS BASED OFF OF 2 UMPIRES, (4) 10 PERSON BASEBALL TEAMS, (4) COACHES, AND 2 PARENTS PER TEAM MEMBER = 2 + 124 = 126 OCCUPANCY)
 (124 / 3 = 42) + 2 = 44 SPACES REQ'D.

FOOTBALL/SOCCER FIELD (OCCUPANCY ASSUMPTIONS BASED OFF OF 2 UMPIRES, (2) 11 TEAM MEMBERS, (2) 2 COACHES, AND 2 PARENTS PER TEAM MEMBER = 2 + 70 = 72 OCCUPANCY)
 (70 / 3 = 24) + 2 = 26 SPACES REQ'D.

THE EXISTING CHURCH PARKING LOT IS TO BE USED FOR THE PROPOSED FIELDS AND IS MORE THAN ADEQUATE TO ACCOMMODATE THE USE. IT IS NOT ANTICIPATED THAT THE BASEBALL FIELD OR FOOTBALL/SOCCER FIELD USAGE WILL OVERLAP WITH CHURCH OPERATIONS.

CONCEPT PLAN

FOR

EASTLAKE COMMUNITY CHURCH

BEDFORD COUNTY, VIRGINIA

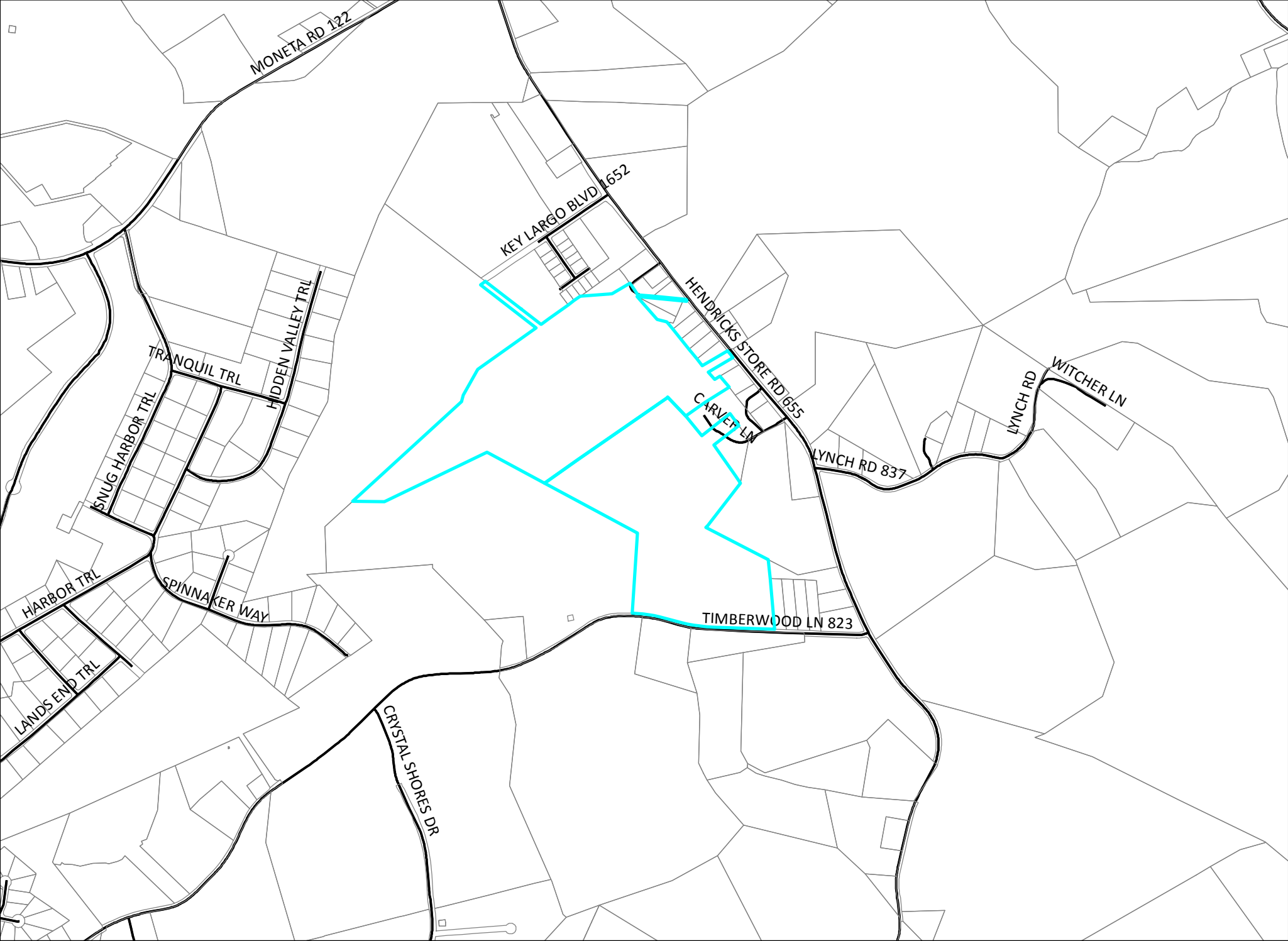
ENGINEERING • SURVEYING • LAND DEVELOPMENT • ENVIRONMENTAL
 GEOTECHNICAL • CONSTRUCTION TESTING & INSPECTION • CULTURAL RESOURCES

PROJECT NO. 20202056
 LATITUDE: 37°09'09" N
 LONGITUDE: 79°37'49" W
 DATE: 12/15/2020
 DRAWN BY: MAD
 CHECKED BY: DBA

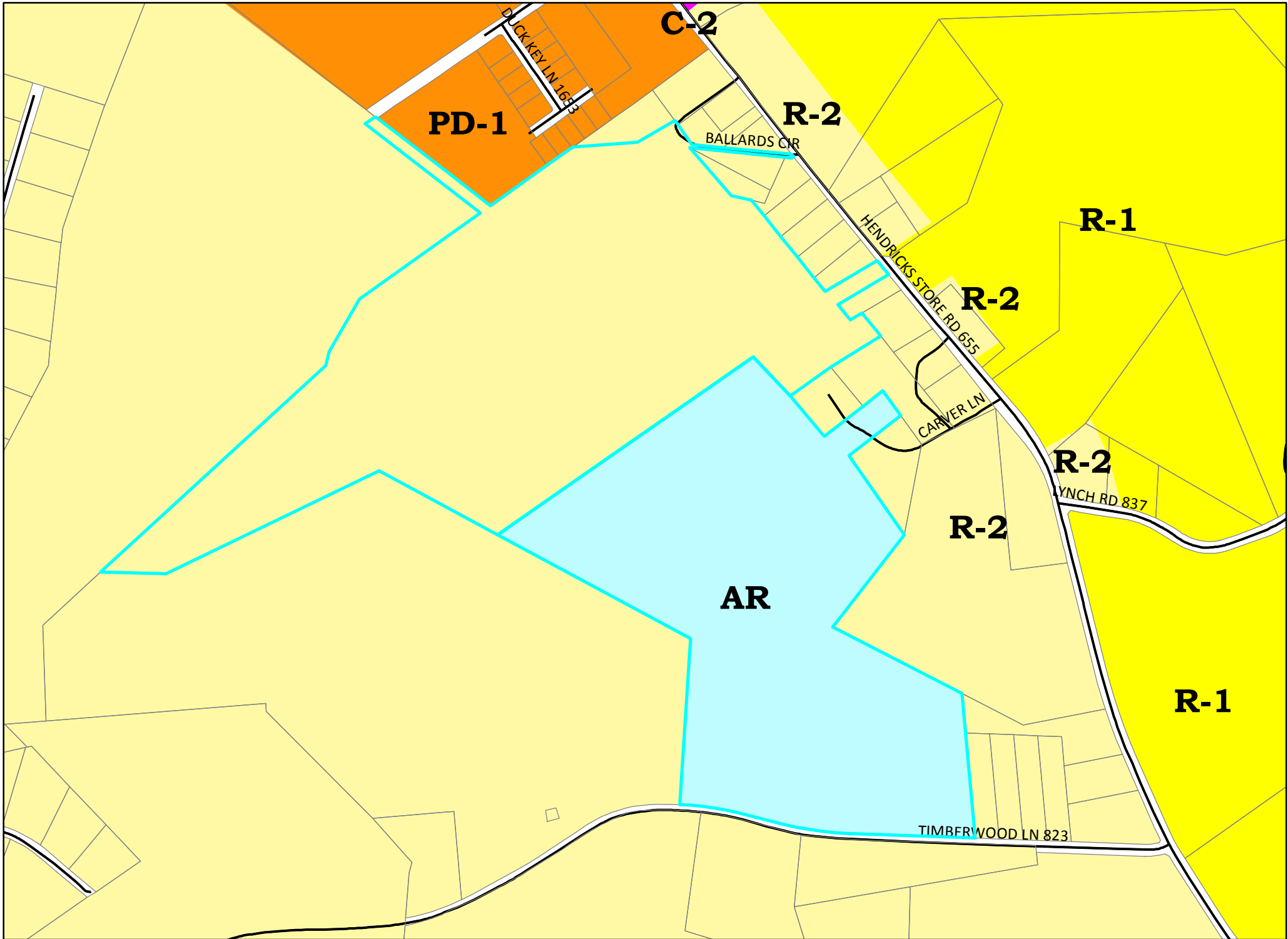
SHEET NO.
SHEET 1 OF 1

1/10/2021 9:34am I:\Data\Projects\2020\20202056\Engineering\CAD\Conceptual Layout - Special Use Permit.dwg

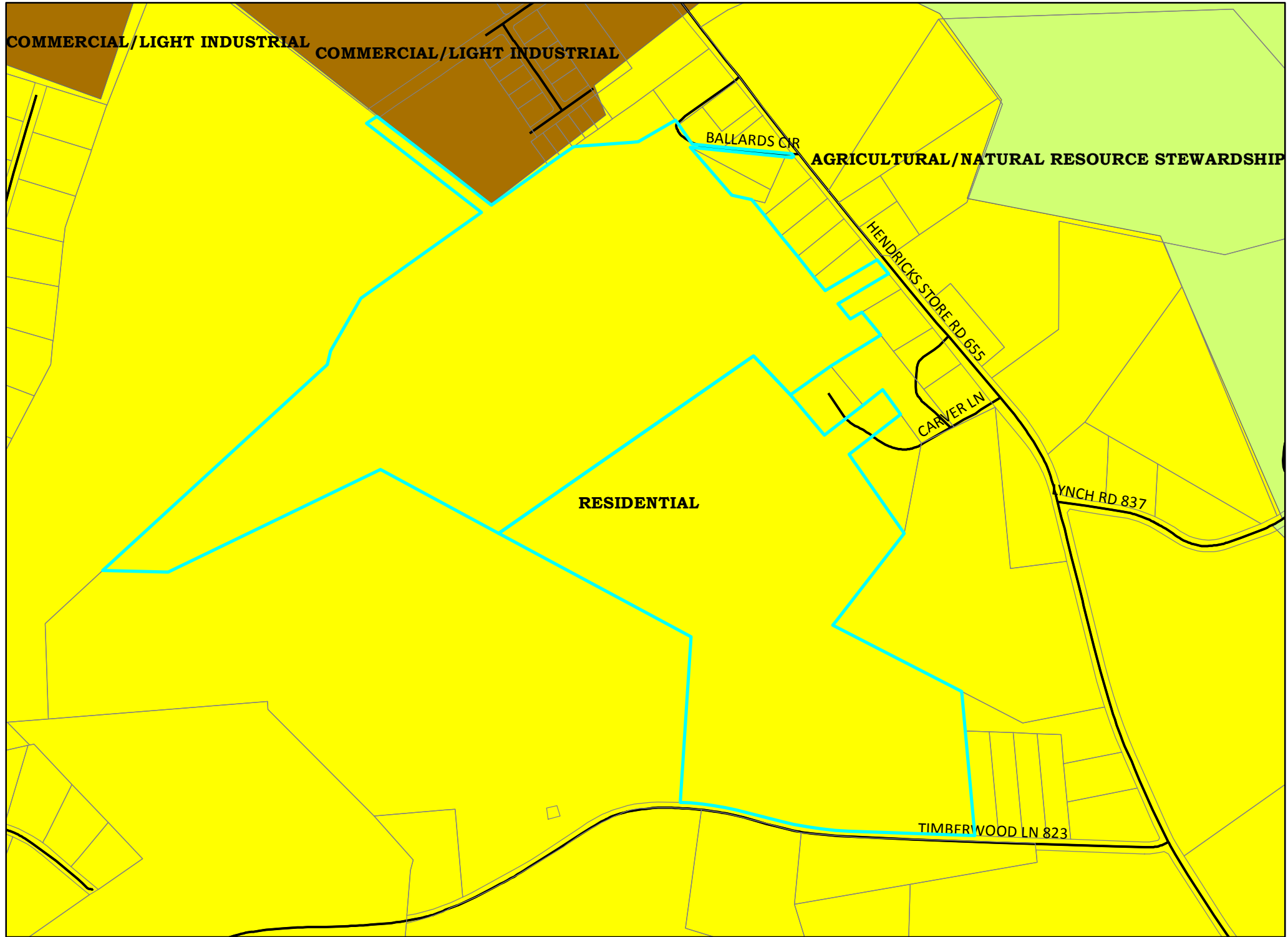
Location Map



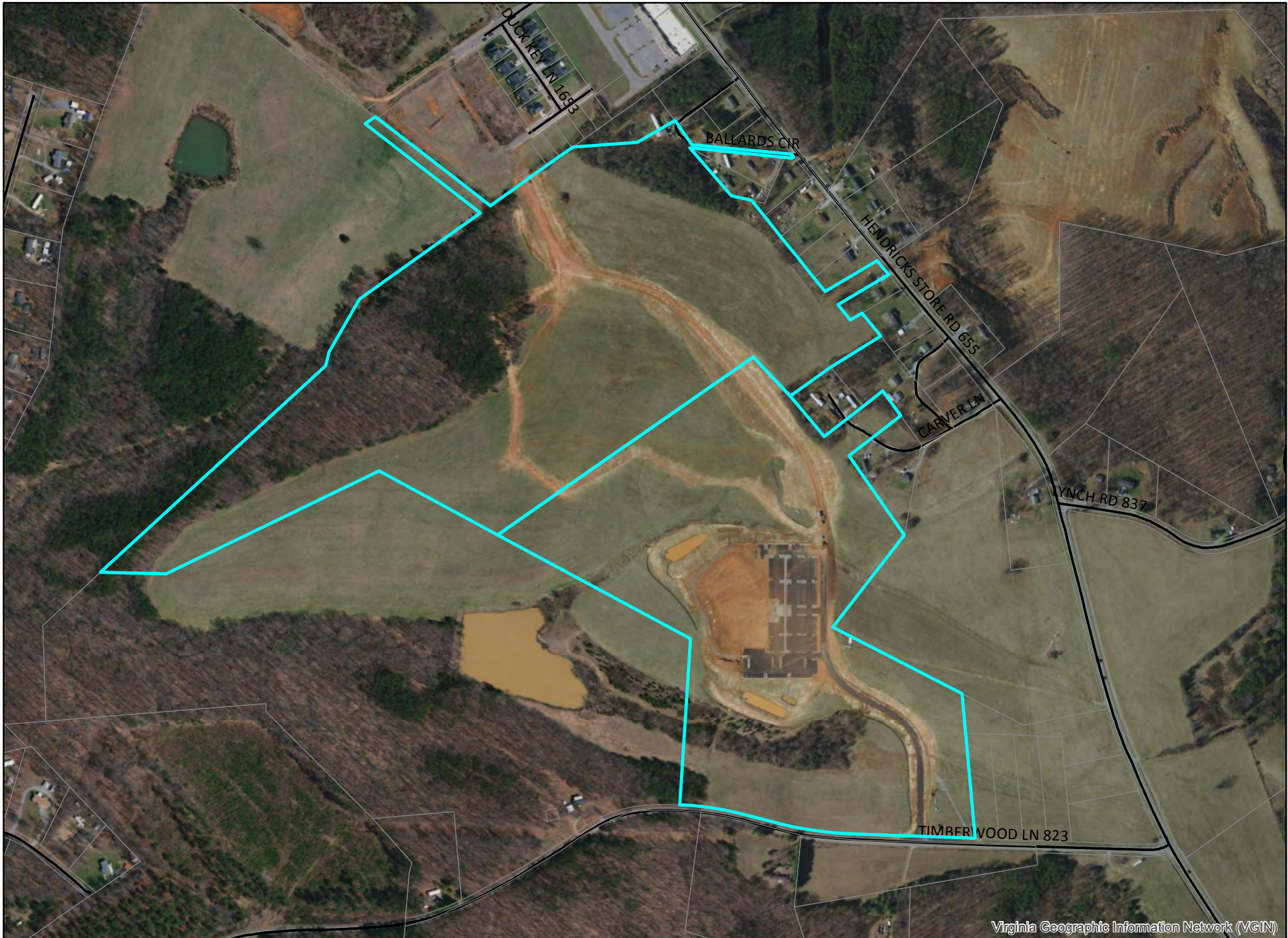
Zoning Map



Future Land Use Map



Aerial Photograph (2018 VGIN)



Sec. 30-34. - AR Agricultural/residential district.

Sec. 30-34-1. Purpose.

These areas are generally characterized by very low density residential and institutional uses mixed with smaller parcels that have historically contained agricultural uses, forest land and open space outside the urban service area. These areas provide an opportunity for rural living in convenient proximity to urban services and employment. Agricultural uses should be encouraged to be maintained however, over time these areas are expected to become increasingly residential in character, with residential development becoming the dominant use over agricultural and more rural type uses.

The purpose of the AR district is to maintain these areas essentially in their rural state, consistent with the level of services anticipated by the county. These areas are generally suitable for low density residential development and other compatible land uses.

Sec. 30-34-2. Permitted uses.

Permitted uses shall be as listed in section 30-79.

Sec. 30-34-3. Site development regulations.

General standards. For additional, modified, or more stringent standards for specific uses, see article IV, Use and Design Standards.

(a) Minimum lot requirements:

(1) All lots, regardless of sewer and water provisions:

a. Area: One (1) acre (forty-three thousand five hundred sixty (43,560) square feet).

b. Frontage: One hundred (100) feet on a publicly owned and maintained street.

(b) Minimum setback requirements:

(1) Front yard:

a. Principal structures: Thirty-five (35) feet.

b. Accessory structures: Thirty-five (35) feet or behind the front building line, whichever distance is less.

(2) Side yard:

a. Principal structures: Ten (10) feet.

b. Accessory structures: Ten (10) feet when between the front and rear building lines and three (3) feet when behind the rear building line and ten (10) feet when in front of the front building line.

(3) Rear yard:

- a. Principal structures: Twenty-five (25) feet.
- b. Accessory structures: Three (3) feet.

(4) Where a lot fronts on more than one (1) street, the front yard setbacks shall apply to all streets.

(c) Maximum height of structures:

All structures: Forty-five (45) feet.

(d) Maximum subdivisions of a single tract allowed:

(1) Traditional lot subdivision. Up to ten (10) separate lots, provided each lot meets the requirements of this section. This ten (10) lot maximum shall exclude a maximum of ten (10) family subdivision lots and shall exclude agricultural subdivision lots as both defined and regulated by this ordinance and the provisions of the Bedford County Subdivision Ordinance. The maximum of ten (10) lots shall include any further subdivision of these newly subdivided lots. The subdivision of more than ten (10) lots may be permitted pursuant to the cluster development option as provided for in this subsection, or shall otherwise require a rezoning as set forth in article I.

(2) Cluster development option.

The purpose of the cluster development option is to provide flexibility in site design in order to encourage natural resource and open space preservation, preservation of agriculturally zoned land for agricultural purposes, the cost efficient provision of infrastructure, and allow appropriate design solutions for unique site conditions. Use of the cluster development option is voluntary.

The cluster development option permits additional lots in return for providing permanent open space within the development, and a more compact, cost-effective network of streets and utilities. Except for modifications to the lot and building requirements defined below, all other provisions of the AR district pertain to the cluster development option.

The cluster development option may be used on any legally divisible parcel in the AR district. All cluster developments must legally and permanently subdivide all lots at the time of initial development application.

- a. Maximum number of residential lots: Fourteen (14) lots.
- b. Minimum residential lot size: One (1) acre.
- c. Maximum residential lot size: Two (2) acres.

d. Open space provisions: A minimum area of twenty (20) contiguous acres within the development shall be provided as permanent open space. Open space may include active or passive recreational uses, agricultural and silviculture uses, and may be held in either public or private ownership. Such dedication and ownership of the open space must be submitted to and approved by the zoning administrator.

Open space established for purposes of meeting the requirements of this cluster development provision shall not be included as part of any residential lot, and shall be restricted from any future development by the establishment of permanent conservation easements held in perpetuity by a public or private entity acceptable to the county. Accessory structures such as picnic shelters, ball fields, nature trails and other similar recreational amenities shall be permitted within the open space.

However, other impervious surfaces and non-agricultural buildings, exclusive of those listed above, are prohibited on the open space.

e. Maximum number of clusters: One (1) per parcel.

f. Clustering of permitted lots between parent parcels: A landowner with multiple contiguous parent parcels may cluster the number of permitted lots from any one (1) parent parcel to any other contiguous parent parcel provided the landowner merges the two (2) contiguous parent parcels into one (1) parcel by vacating the boundary line and all other lot requirements under this subsection are met.

g. Minimum road frontage width: Seventy-five (75) feet at the edge of the right-of-way.

h. Cluster design standards:

1. The purpose of the cluster development option is to minimize the loss of productive agricultural land; and maintain the visual quality of the county's agricultural landscape.
2. All plans shall minimize the use of tillable soils for development and maximize the use of sloped and forested areas, which are otherwise less productive for agricultural uses.
3. The design and location of the cluster shall minimize the impacts to neighboring agricultural operations and hunting so as not to restrict the rights of adjacent landowners.
4. The applicant shall show that the agricultural land remaining after subdivision is suitable for a commercially viable agricultural enterprise.
5. Clusters shall be located so as to leave large blocks of open agricultural land throughout the agricultural zoning district.
6. Access to the cluster shall be from a single internal road.

7. The appearance of a cluster from an external public road shall be that of a grouping of farm buildings in that they are clustered together and obviously a use subsidiary to the prime use of the land - agriculture.
8. Landscaping that defines the access road along its entire length shall be provided.
9. The cluster shall be planned and designed as a single unit with careful consideration given to the relationship of structures to one another, landscaping, buffering, screening, views, light and air, and internal circulation.
10. Strong provision should be made for walking as opposed to vehicular connections within the cluster.
11. Street widths, alignments, and parking shall be scaled to the size of the cluster.
12. The streetscape of the cluster shall be designed in detail to avoid repetitious setbacks, driveways, elevations, and landscaping.
13. Where a cluster incorporates an existing historic building, building heights, exterior features, and building arrangement shall be harmonious with the historic structure. Street widths, alignments, and parking shall be scaled to the size of the cluster.
14. Any deed restrictions shall include language recognizing that the lots are in an agricultural area and refer to the right to farm law.

Sec. 30-42. - R-2 Medium density residential district.

Sec. 30-42-1. Purpose.

The purpose of the R-2, Medium density district is to establish areas in the county within the urban service area where existing low-middle to middle density residential development (typically three (3) to six (6) units per acre) is primarily located and land areas which appear generally appropriate for such development. The R-2 district is intended to provide reasonable protection to existing single-family residential neighborhoods, while accommodating a diversity of alternative housing options. R-2 areas are designated based on access to roads, sewer and water, and schools with suitable capacity to accommodate development at the stated density. Older neighborhoods where smaller platted lot sizes exist are also included where opportunities exist for additional in-fill development.

Sec. 30-42-2. Permitted uses.

Permitted uses shall be as listed in section 30-79.

Sec. 30-42-3. Site development regulations.

General standards. For additional, modified, or more stringent standards for specific uses, see article IV, Use and Design Standards.

(a) Minimum lot requirements:

(1) All lots served by private well and sewage disposal systems:

- a. Area: One (1) acre (forty-three thousand five hundred sixty (43,560) square feet).
- b. Frontage: One hundred (100) feet on a publicly owned and maintained street.
- c. Lot width: One hundred (100) feet.

(2) Lots served by either public sewer or water:

- a. Area: Twenty thousand (20,000) square feet.
- b. Frontage: Seventy-five (75) feet on a publicly owned and maintained street.
- c. Lot width: Seventy-five (75) feet.

(3) Lots served by both public sewer and water:

- a. Area: Ten thousand (10,000) square feet.
- b. Frontage: Sixty (60) feet on a publicly owned and maintained street.
- c. Lot width: Sixty (60) feet.

(b) Minimum setback requirements:

(1) Front yard:

a. Principal structures: Thirty (30) feet.

b. Accessory structures: Thirty (30) feet or behind the front building line, whichever distance is less.

(2) Side yard:

a. Principal structures: Ten (10) feet.

b. Accessory structures: Ten (10) feet when between front and rear building lines and three (3) feet when behind the rear building line and ten (10) feet when in front of the front building line.

(3) Rear yard:

a. Principal structures: Twenty-five (25) feet.

b. Accessory structures: Three (3) feet.

(4) Where a lot fronts on more than one (1) street, front yard setbacks shall apply to all streets.

(5) The expansion of a legally established nonconforming structure into the required side or rear yard shall be permitted provided the expansion does not encroach into the required yard any greater than the existing encroachment.

(c) Maximum height of structures:

(1) Height limitations:

a. Principal structures: Thirty-five (35) feet

b. Accessory structures: Thirty-five (35) feet.



BEDFORD COUNTY BOARD OF SUPERVISORS

Agenda Item Summary

MEETING DATE: 4/26/2021

AGENDA ITEM #8d

RESOLUTION #R 042621-04

Work Session Regular Meeting

Consent Public Hearing Action Closed Session Information

ITEM TITLE: SU21-0002 Wallace and Gaile Hensley - "Office, Medical"

RECOMMENDATION

Approval of the Special Use Permit Application with conditions, as recommended by the Planning Commission.

SUMMARY

Wallace and Gaile Hensley, on behalf of Phyllis Everett (Sapient Health PLLC) is requesting a special use permit to allow an "Office, Medical" use on a proposed 1.530-acre portion of property identified as Tax Map Number 238-A-14B for the construction of a 48' x 64' Medical Office Building. The property is located in Election District #2.

PRIOR ACTIONS

The Planning Commission held a public hearing for the application on March 16, 2021. No citizens spoke for or against the application during the public hearing. After closing the public hearing, the Planning Commission recommended approval with staff conditions by a vote of 7 - 0.

FISCAL IMPACT

n/a

CONTACTS

Mark Jordan, Planner

Jordan Mitchell, Director, Department of Community Development

ATTACHMENTS

SU21-0002 Staff Report w/ Attachment

BOS Resolution

REVIEWED BY

Patrick Skelley, County Attorney

Robert Hiss, County Administrator

Jordan Mitchell, Director of Community Development



At a regular meeting of the Board of Supervisors of the County of Bedford, Virginia held at the Town of Bedford Municipal Building on the 26th day of April, 2021, beginning at 7:00 pm.:

MEMBERS:

Tommy W. Scott, Chairman
 Tammy Parker, Vice-Chair
 Mickey Johnson
 Edgar Tuck
 Charla Bansley
 John Sharp
 Bob Davis

VOTE:

On motion of Supervisor _____, which carried by a vote of _____, the following was adopted:

**A RESOLUTION
 TO APPROVE A SPECIAL USE PERMIT
 TO ESTABLISH AN “OFFICE, MEDICAL” USE ON
 A PARCEL IDENTIFIED AS TAX MAP #238-A-14B (PORTION)**

WHEREAS, Wallace and Gaile Hensley has submitted Special Use Permit application #SU21-0002 to establish an “Office, Medical” use in an AP (Agricultural Rural Preserve) zoning district on a 1.530-acre portion of property identified as Tax Map Number #238-A-14B; and

WHEREAS, the application has been submitted pursuant to Section 30-79-2 of the Zoning Ordinance, which allows an “Office, Medical” use in the AP zoning district after Special Use Permit has been approved in accordance with Section 30-19 of the Zoning Ordinance; and

WHEREAS, the Board of Supervisors has carefully considered the public record, the public testimony, and the recommendations of the Planning Commission; and

WHEREAS, the Board of Supervisors finds that the requested special use meets the goals and objectives of the Comprehensive Plan and the purposes of the Zoning Ordinance; and

NOW, THEREFORE, BE IT RESOLVED, by the Bedford County Board of Supervisors that the Board does hereby approve of a Special Use Permit pursuant to application #SU21-0002 with the following conditions:

1. Section 30-32 (Agricultural Rural Preserve), Section 30-77 (Corridor Overlay) and Article IV, Section 30-84-2 (Use and Design Standards – Office, medical) shall apply in perpetuity or until the use has been discontinued.
2. The site shall be developed in general conformance with the concept plan prepared by Rodney F. Pierson, P.E., Pierson Engineering and Surveying, dated January 7, 2021.
3. Any proposed lighting will be directed downward and will be designed, located, and arranged so as not to direct glare on the adjoining street or residential properties.

MEMORANDUM

TO: Planning Commission

FROM: Mark E. Jordan, CZO, Planner *MEJ*

DATE: March 5, 2021

SUBJECT: *Special Use Permit Application #SU21-0002: Wallace and Gaile Hensley – “Office, Medical”*

SYNOPSIS

Wallace and Gaile Hensley, on behalf of Phyllis Everett (Sapient Health PLLC) are requesting a special use permit for the construction of a 48’ x 64’ Medical Office Building – “Office, Medical use” with associated parking on a 1.530-acre parcel of property.

BACKGROUND

OWNERS

The owners of the subject property are Wallace L. and Gaile C. Hensley, 12087 Leesville Road, Lynch Station, VA.

APPLICANT

The applicant for this request is Phyllis Everett, Sapient Health PLLC, 21430 Timberlake Road, Lynchburg, VA.

ENGINEER

The authorized engineer is Rodney Pierson, Pierson Engineering and Surveying, 44 Catawba Road, Daleville, VA.

LOCATION

The subject property is located adjacent to 12087 and 11953 Leesville Road, Lynch Station, VA, and is identified as Tax Map 238-A-14B. The proposed parcel size for the Medical Office is 1.530-acres.

PERMIT REQUEST

The applicant does not propose to change the zoning of the property but requests approval of a special use permit for the construction of a 48’ x 64’ Medical Office with three (3) examination rooms.

ANALYSIS

Zoning/Land Use Compatibility

The subject property is zoned Agricultural Rural Preserve (AP) and Corridor Overlay (CO). The surrounding properties to the immediate east and west along Leesville Road are a combination of Low Density Residential and Agricultural uses, zoned AP and CO. The remaining surrounding properties are a combination of vacant properties, low density residential uses, and agricultural uses, and are also zoned Agricultural Rural Preserve (AP).

Zoning Ordinance

The proposed use is classified as “Office, medical”, which is defined in Article II (Definitions) of the Bedford County Zoning Ordinance, as follows:

Office, medical: Use of a site for facilities which provide diagnosis, minor surgical care, and outpatient care on a routine basis, but which does not provide overnight care or serve as a base for an ambulance service. Medical offices are operated by doctors, dentists, or similar practitioners licensed by the Commonwealth of Virginia.

Section 30-79-2 (Permitted Use Table) of the Zoning Ordinance lists “Office, Medical” under “Office Uses” and indicates it is a special use (S) in the AP and CO district with additional Article IV Use and Design Standards. Certain uses can be considered compatible with existing and future uses in a district after special use permit review and approval. The proposed use is permissible in the CO district (Office, Medical is not listed as a prohibited use in Section 30-77-5 of the Zoning Ordinance).

A Medical Office is subject to the Use and Design Standards of Article IV, Sec. 30-84-2 of the Zoning Ordinance. Specific standards in Article IV requires a “Type C” Buffer yard along the property line adjoining a residential use type. This standard will be required upon submittal of the Site Plan since there are adjoining residential uses.

Comprehensive Plan

The Bedford County 2030 Comprehensive Plan contains relevant goals and objectives for this special use permit request, which include:

Economic Development:

A healthy, diversified economy that is environmentally sensitive and results in business opportunities and quality jobs

- 8.1 Business retention, business expansion, and growth in new businesses.
- 8.2 Commercial/industrial development that is consistent with the preservation of the scenic beauty, pastoral character, and historic resources of the County.

Project Impacts

Environmental

The grading for the proposed medical office and associated parking is regulated by State Erosion and Sediment Control and Storm Water Management requirements. These requirements will be determined at the time of Site Plan submittal.

Transportation

VDOT has reviewed the request and has determined that upon site plan submittal, a traffic narrative specific to the proposed use, along with the applicable entrance standards, a complete turn-lane analysis, and a Determination of Access Management needs will be required. According to VDOT's 2016 traffic data, the AADT (average annual daily traffic) from the Campbell County line along Leesville Road (Route 43) to Smith Mountain Lake Parkway (Route 626), 7.62 miles in length is **3,370 vehicles**.

Utilities

The property will be served by a private well and a private septic system.

Public Facilities

No impact to fire/rescue services, schools or libraries is anticipated with this request.

Aesthetic/Visual

The proposed Medical Office and associated parking will be visible from Leesville Road. The building will be setback 65'+/- from Leesville Road. A "Type A" buffer yard is required between the parking area and Leesville Road, along with required landscaping in parking islands. A "Type C" buffer yard is also required adjacent to a residential use type (11953 Leesville Road). The proposed landscaping will help mitigate some visual impacts.

CONDITIONS

In accordance with Section 30-19-3 (C) of the Zoning Ordinance, the Planning Commission may recommend any conditions necessary to ensure the proposal meets the specific and general standards for the proposed use. The following conditions are recommended by staff:

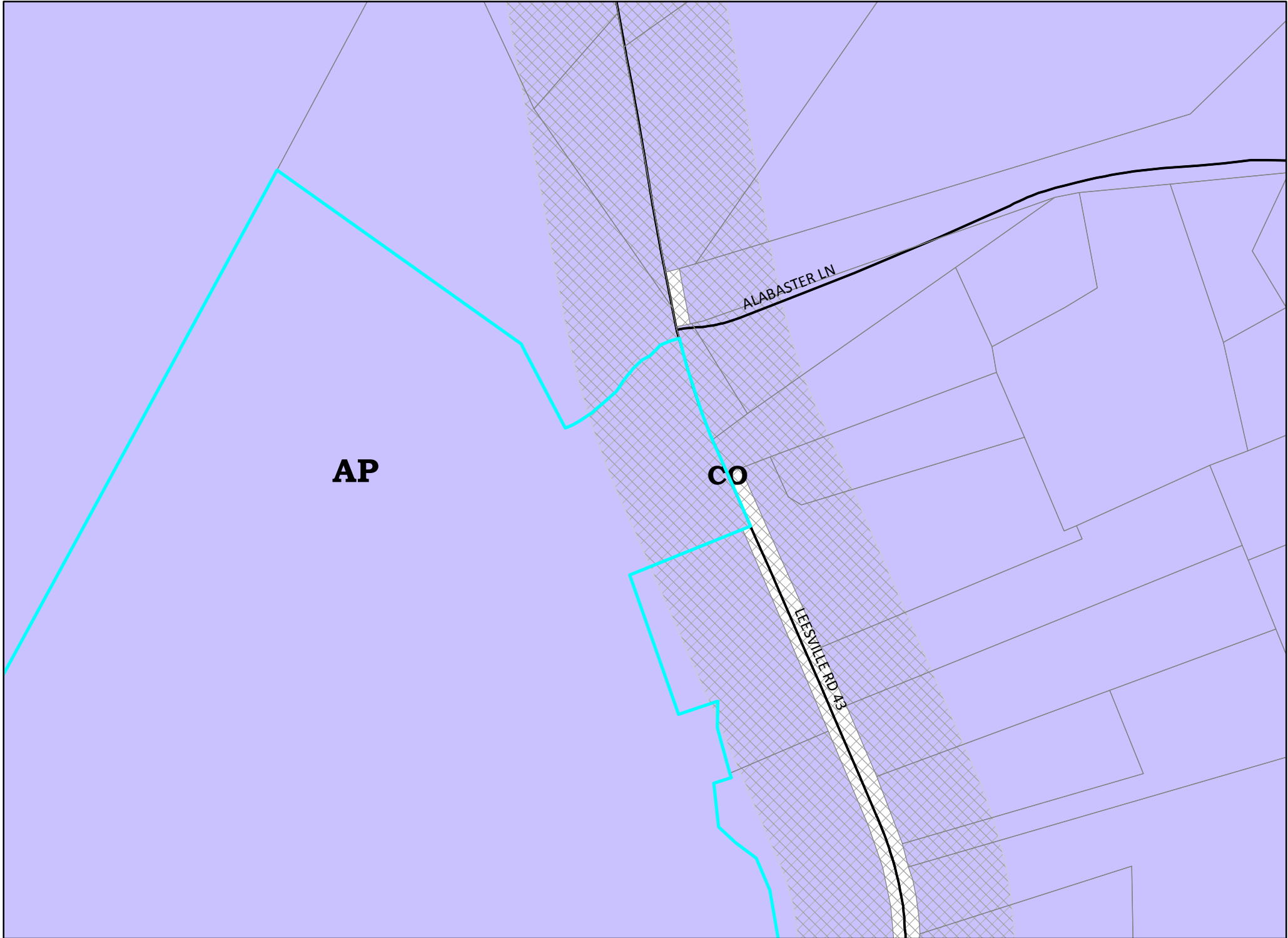
1. Sections 30-32 (Agricultural Rural Preserve), Section 30-77 (Corridor Overlay) and Article IV, Section 30-84-2 (Use and Design Standards – Office, medical) of the Bedford County Zoning Ordinance shall apply in perpetuity or until the use has been discontinued.
2. The site shall be developed in general conformance with the concept plan prepared by Rodney F. Pierson, P.E., Pierson Engineering and Surveying, dated January 7, 2021.
3. Any proposed lighting will be directed downward and will be designed, located, and arranged so as not to direct glare on the adjoining street or residential properties.

ATTACHMENTS

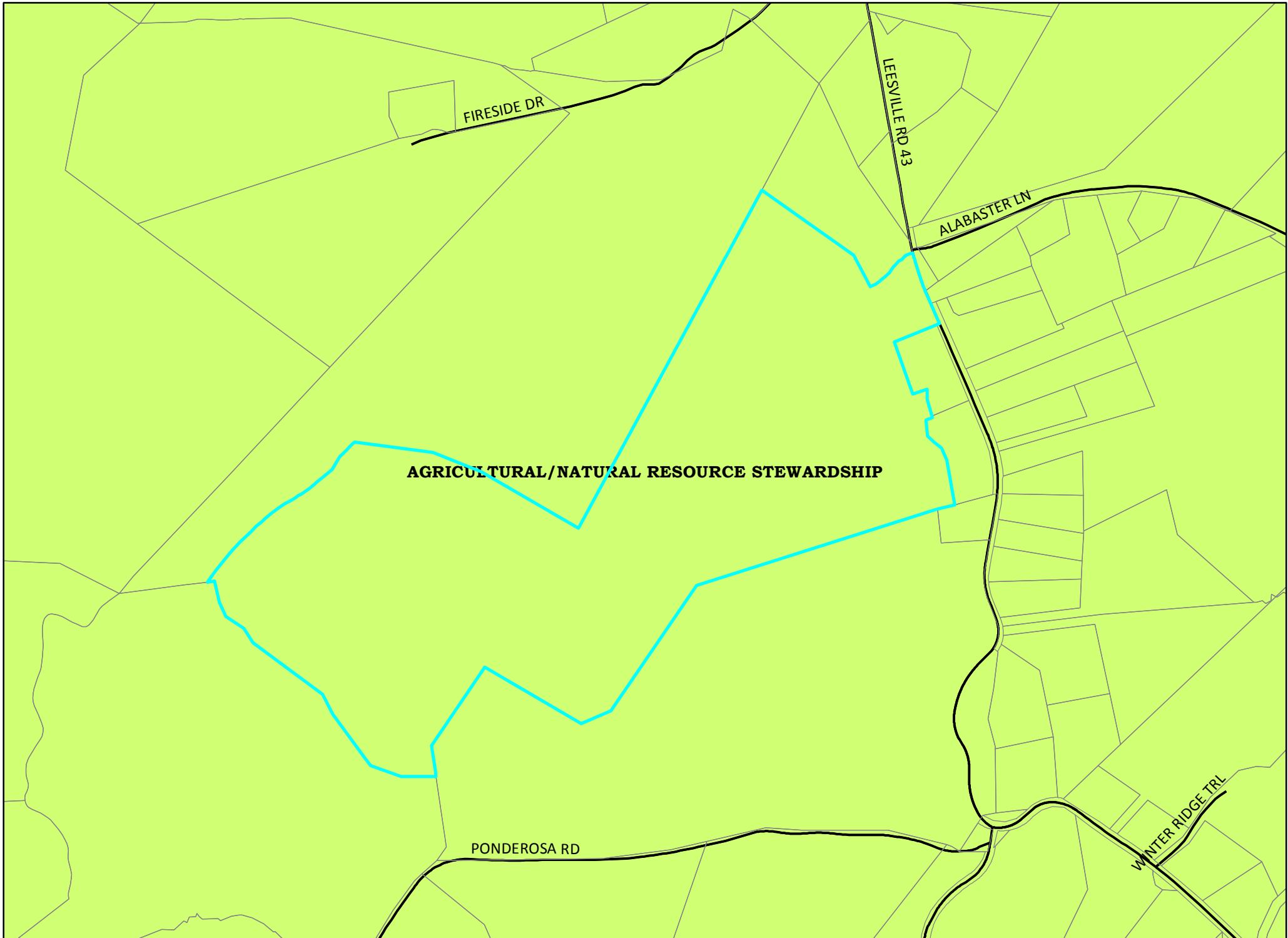
1. Concept Plan
2. Zoning Map

3. Future Land Use Map (FLUM)
4. Aerial Map
5. Article III, Section 30-32, AR (Agricultural Rural Preserve)
6. Article III, Section 30-77, CO (Corridor Overlay)
7. Article III, Section 30-79, Permitted Use Table
8. Article IV, Section 30-85-2 – (Use and Design Standards – Office, Medical)
9. VDOT comments dated February 23, 2021

Zoning Map (Portion)



Future Land Use Map



AGRICULTURAL/NATURAL RESOURCE STEWARDSHIP

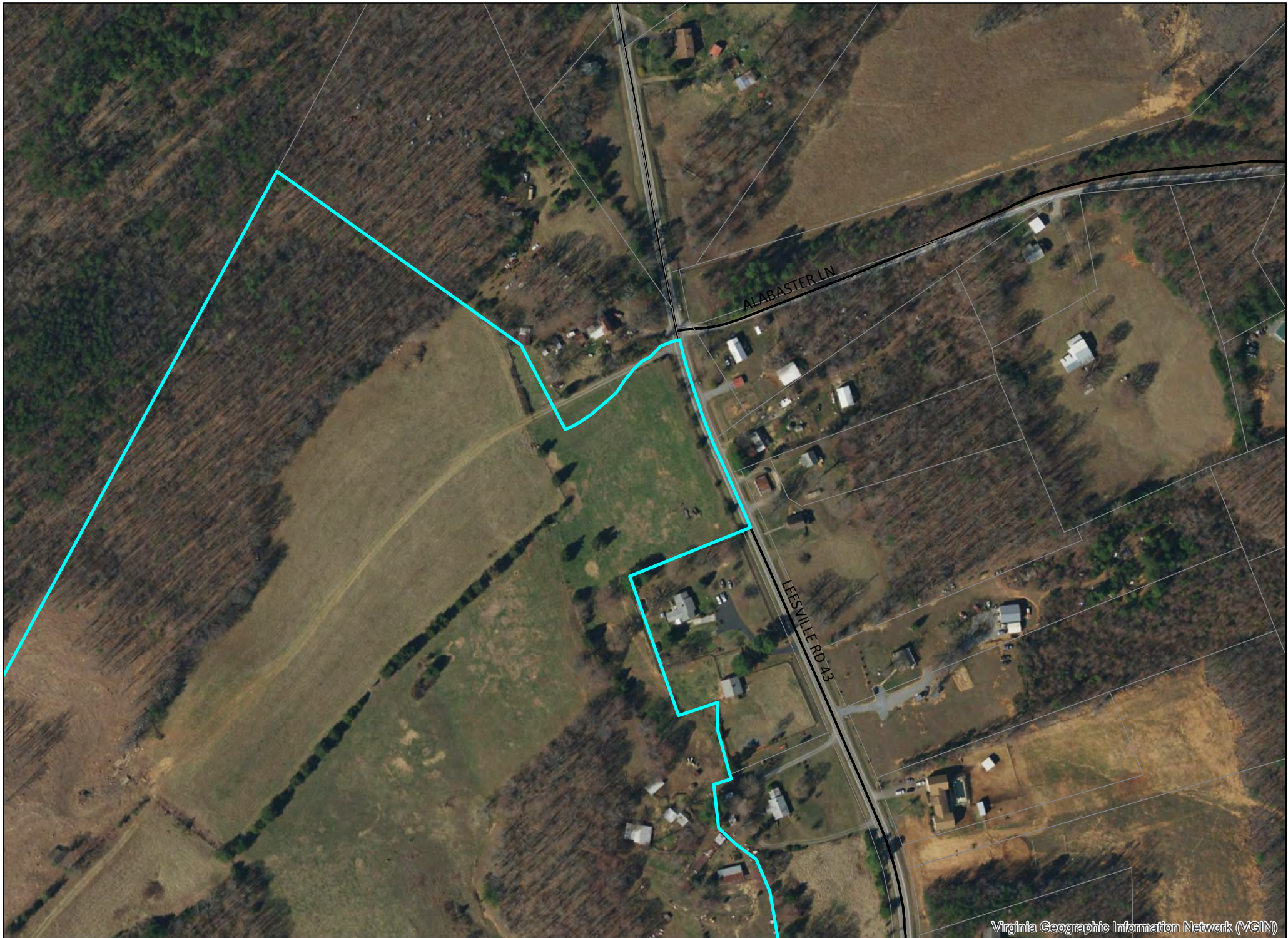
FIRESIDE DR

LEESVILLE RD 43

ALABASTER LN

PONDEROSA RD

WINTER RIDGE TRL



ARTICLE III. - DISTRICT REGULATIONS

Sec. 30-32. - AP Agricultural/rural preserve district.

Sec. 30-32-1. Purpose.

The AP, agricultural/rural preserve district consists of land primarily used as farmland, woodlands, and widely scattered residential development located within the rural service area. Also found in these areas are lands with steep slopes, and groundwater recharge areas. Many of the county's unique natural and scenic resources are found in this type of district. The purpose of the AP district is to maintain areas essentially in their rural state, and attempt to protect sensitive and unique land resources from degradation. This may be accomplished by maintaining the existing agricultural lands and preventing the encroachment of incompatible land uses. Nonfarm residents should recognize that they are located in an agricultural environment where the right-to-farm has been established as county policy. This district is also intended to minimize the demand for unanticipated public improvements and services, such as public sewer and water, by reducing development densities and discouraging large scale development.

Sec. 30-32-2. Permitted uses.

Permitted uses shall be as listed in section 30-79.

Sec. 30-32-3. Site development regulations.

General standards. For additional, modified or more stringent standards for specific uses, see article IV, "Use and Design Standards".

(a) *Minimum lot requirements:*

(1) All lots, regardless of sewer and water provisions:

- a. Area: One and one-half (1.5) acres (sixty-five thousand three hundred forty (65,340) square feet), with the exception that the minimum area for a family subdivision lot as defined and regulated by this ordinance shall be one (1) acre (forty-three thousand five hundred sixty (43,560) square feet).
- b. Frontage: One hundred fifty (150) feet on a publicly owned and maintained street.

(b) *Minimum setback requirements:*

(1) Front yard:

- a. Principal structures: Thirty-five (35) feet.
- b. Accessory structures: Thirty-five (35) feet or behind the front building line, whichever distance is less.

(2) Side yard:

- a. Principal structures: Ten (10) feet.
- b. Accessory structures: Ten (10) feet when between front and rear building lines and three (3) feet when behind the rear building line and ten (10) feet when in front of the front building line.

(3) Rear yard:

- a. Principal structures: Twenty-five (25) feet.
- b. Accessory structures: Three (3) feet.

(4) Where a lot fronts on more than one (1) street, the front yard setbacks shall apply to all streets.

(c) *Maximum height of structures:*

- (1) All structures (except silos): Forty-five (45) feet.
- (2) Silos: One hundred (100) feet.

(d) *Maximum subdivisions of a single tract allowed:*

- (1) *Traditional lot division.* Up to five (5) separate lots, provided each lot meets the requirements of this section. This five (5) lot maximum shall exclude a maximum of ten (10) family subdivision lots and shall exclude agricultural subdivision lots as both are defined and regulated by this ordinance and the provisions of the Bedford County Subdivision Ordinance. The maximum of five (5) lots shall include any further subdivision of these newly subdivided lots. The subdivision of more than five (5) lots may be permitted pursuant to the cluster development option as provided for in this subsection, or shall otherwise require a rezoning as set forth in article I.

- (2) *Cluster development option.*

The purpose of the cluster development option is to provide flexibility in site design in order to encourage natural resource and open space preservation, preservation of agriculturally zoned land for agricultural purposes, the cost efficient provision of infrastructure, and allow appropriate design solutions for unique site conditions. Use of the cluster development option is voluntary.

The cluster development option permits additional lots in return for providing permanent open space within the development, and a more compact, cost-effective network of streets and utilities. Except for modifications to the lot and building requirements defined below, all other provisions of the AP district pertain to the cluster development option.

The cluster development option may be used on any legally divisible parcel in the AP district. All cluster developments must legally and permanently subdivide all lots at the time of initial development application.

- a. Maximum number of residential lots: Seven (7) lots.
- b. Minimum residential lot size: One (1) acre.
- c. Maximum residential lot size: Two (2) acres.
- d. Open space provisions: A minimum area of twenty (20) contiguous acres within the development shall be provided as permanent open space. Open space may include active or passive recreational uses, agricultural and silviculture uses, and may be held in either public or private ownership. Such dedication and ownership of the open space must be submitted to and approved by the zoning administrator.

Open space established for purposes of meeting the requirements of this cluster development provision shall not be included as part of any residential lot, and shall be restricted from any future development by the establishment of permanent conservation easements held in perpetuity by a public or private entity acceptable to the county. Accessory structures such as picnic shelters, ball fields, nature trails and other similar recreational amenities shall be permitted within the open space. However, other impervious surfaces and non-agricultural buildings, exclusive of those listed above, are prohibited on the open space.

- e. Maximum number of clusters: One (1) per parcel.
- f. Clustering of permitted lots between parent parcels: A landowner with multiple contiguous parent parcels may cluster the number of permitted lots from any one parent parcel to any other contiguous parent parcel provided the landowner merges the two (2) contiguous parent parcels into one (1) parcel by vacating the boundary line and all other lot requirements under this subsection are met.

- g. Minimum road frontage width: Seventy-five (75) feet at the edge of the right-of-way.
- h. Cluster design standards:
 1. The purpose of the cluster development option is to minimize the loss of productive agricultural land; and maintain the visual quality of the county's agricultural landscape.
 2. All plans shall minimize the use of tillable soils for development and maximize the use of sloped and forested areas, which are otherwise less productive for agricultural uses.
 3. The design and location of the cluster shall minimize the impacts to neighboring agricultural operations and hunting so as not to restrict the rights of adjacent landowners.
 4. The applicant shall show that the agricultural land remaining after subdivision is suitable for a commercially viable agricultural enterprise.
 5. Clusters shall be located so as to leave large blocks of open agricultural land throughout the agricultural zoning district.
 6. Access to the cluster shall be from a single internal road.
 7. The appearance of a cluster from an external public road shall be that of a grouping of farm buildings in that they are clustered together and obviously a use subsidiary to the prime use of the land - agriculture.
 8. Landscaping that defines the access road along its entire length shall be provided.
 9. The cluster shall be planned and designed as a single unit with careful consideration given to the relationship of structures to one another, landscaping, buffering, screening, views, light and air, and internal circulation.
 10. Strong provision should be made for walking as opposed to vehicular connections within the cluster.
 11. Street widths, alignments, and parking shall be scaled to the size of the cluster.
 12. The streetscape of the cluster shall be designed in detail to avoid repetitious setbacks, driveways, elevations, and landscaping.
 13. Where a cluster incorporates an existing historic building, building heights, exterior features, and building arrangement shall be harmonious with the historic structure. Street widths, alignments, and parking shall be scaled to the size of the cluster.
 14. Any deed restrictions shall include language recognizing that the lots are in an agricultural area and refer to the right to farm law.

(Ord. of 2-26-2001, App. A; Ord. of 9-8-2003; Ord. No. O-0707-156, 7-9-2007; Ord. of 6-10-2013, pt. V; Ord No. O-071116-09, 7-11-2016, pt. I)

Sec. 30-33. - Reserved.

Sec. 30-34. - AR Agricultural/residential district.

Sec. 30-34-1. Purpose.

- (5) Automobile repair services, minor.
- (6) Automobile repair services, major.
- (7) Scrap and salvage services.
- (8) Resource extraction.
- (9) Underground storage of any chemical or petroleum products for commercial or industrial purposes. This prohibition shall not pertain to the continuation or replacement of such uses in existence at the time of adoption of these provisions.
- (10) Land application of industrial wastes.
- (11) The outdoor, uncovered stockpiling of road salt or other deicing chemicals, as a principal use of the property, shall be prohibited.

(Ord. of 2-26-2001, App. A)

Sec. 30-77. - CO Corridor overlay district.

Sec. 30-77-1. Purpose.

In recognition of these visually or otherwise sensitive areas, this district has been established in order to regulate development along particular (transportation) corridors in close proximity to the resource or viewshed. Of particular concern along these corridors are continued visibility and landscaping.

(Ord. of 6-10-2013, pt. VI; Ord. No. O021014-05, pt. II, 2-10-2014)

Sec. 30-77-2. Creation of overlay.

- (a) The requirements of this section shall be considered an overlay to the underlying zoning district designations as shown on the official zoning map. As overlay regulations, this section shall be supplemental to the underlying zoning district requirements contained in article III of this ordinance. In the instances where the specific requirements of this section and those in articles III and V are different the most restrictive regulation shall apply.
- (b) The corridor overlay district shall be located along the following routes, in both directions, in their entirety within the jurisdiction of Bedford County. The boundary of the district shall consist of a line two hundred (200) feet from the edge of the right-of-way, on both sides of the road, and running parallel to that right-of-way. The entire area within these lines shall constitute the corridor overlay district.

Routes comprising the corridor overlay district:

Route 24	Route 221
Route 43	Route 460
Route 122	Route 501

(Ord. of 6-10-2013, pt. VI)

Sec. 30-77-3. Existing structure and land uses.

- (a) The provisions of this article shall apply only to structures constructed and land uses established or modified after the effective enactment date of this ordinance.

(Ord. of 6-10-2013, pt. VI)

Sec. 30-77-4. Permitted uses.

- (a) The uses permitted in the corridor overlay district shall be the same as those permitted in the underlying zoning district except as prohibited below.
- (b) Forestry operations shall be permitted subject to the following provisions:
 - (1) The property must be located in an AP or AR zoning district;
 - (2) The property must be enrolled in the county's land use assessment program;
 - (3) All brush, laps, and other residential debris within two hundred (200) feet of the corridor right-of-way shall be eliminated; and
 - (4) All "clear-cut" areas shall be: replanted with trees during an accepted planting season; replanted through natural regeneration; or reseeded, for agricultural purposes at a rate equal to or greater than the county's typical seeding requirements found in the erosion and sediment control ordinance, within one hundred twenty (120) days of the cessation of the timbering activities.
- (c) Detached single family residential structures and applicable accessory uses and structures are permitted where the underlying zoning district is C-2 along US 460 corridor, east of Magnolia Drive and west of Wheatland Road; and along the US 460 corridor between Quarterwood Road and Carter Hollow Road; and along US 24 corridor between Drewrys Hill Road and St. Clair's Lane.

(Ord. of 6-10-2013, pt. VI; Ord. No. O-052615-03, Pt. I, 5-26-2015)

Sec. 30-77-5. Prohibited uses.

- (a) The following use types and uses shall be prohibited within the corridor overlay district:
 - (1) Type III industries.
 - (2) Scrap and salvage services.
 - (3) Utility services, major.
 - (4) Wireless communications facilities (except for colocations and mini-cells).

(Ord. of 6-10-2013, pt. VI)

Sec. 30-77-6. Site development regulations.

(a) *Parking:*

- (1) It should be recognized that the requirements of this section are in addition to the off-street parking, stacking and loading requirements of section 30-91-1, and the most restrictive regulation shall apply.
- (2) All uses except single-family residential, with greater than ten (10) parking spaces:
 - a. Natural islands, for the placement of trees, shrubs, flowers, or mulch beds, shall be required, in the parking area. Each island shall contain a minimum area of fifty (50) square feet.
 - b. The required area of natural islands shall be calculated by multiplying the number of spaces by ten (10). For example, a parking area with a total of twenty (20) spaces would be required to have natural islands with a total area of at least two hundred (200) square feet; a parking area with forty (40) spaces would be required to have natural islands with a total of at least four hundred (400) square feet, etc.
 - c. Any parking area adjacent to any street shall have a Type A landscaping between the street and parking area.

USES	AP	AR	AV	R-1	R-2	R-3	R-4	PRD	RMH	C-1	C-2	NC	PCD	I-1	I-2	PID	EP
Post Office	R	R	R	R	R	R	R	R		R	R	R	R	R	R	R	R
Public Assembly	S		S					S		S	R	S	S			S	R
Public Maintenance and Service Facility	R	R	R	R	R	R	R	R		R	R	R	R	R	R	R	R*
Public Parks and Recreational Areas	R*	R*	R*	R*	R*	R*	R*	R*		R*	R*	R*	R*	R*	R*	R*	R*
Religious Assembly	R*	R*	R*	R*	R*	R*	R*	R*	R*	R*	R*	R*	R*	S*	S*	S*	R*
Safety Services, Private	S*	S*	R*	S*	S*	S*	S*	R*		R*	R*	R*	S*	R*	R*	S*	R*
Safety Services, Public	R*	R*	R*	R*	R*	R*	R*	R*	R*	R*	R*	R*	R*	R*	R*	R*	R*
Utility Services, Major	S*	S*	S*	S*	S*	S*	S*	S*		S*	S*	S*	S*	R*	R*	S*	
Utility Services, Minor	R	R	R	R	R	R	R	R		R	R	R	R	R	R	R	R
Office Uses																	
Clinic	S*	S*	S*					R*		R*	R*	R*	R*			R*	
Financial Institutions			R*					R*		R*	R*	R*	R*	R*	R*	R*	R*
General Office			R*					R*		R*	R*	R*	R*	R*	R*	R*	R*
Laboratories			S					S		S	R	S	S	R	R	R	
Medical Office	S*	S*	R*					R*		R*	R*	R*	R*	R*	R*	R*	
Commercial Uses																	

Sec. 30-83-12. Utility services, major.

(a) *General standards:*

- (1) In considering an application for a special use permit, the planning commission and board of supervisors shall consider the justification for the location of the proposed utility service and any alternative locations which may be available.
- (2) The minimum lot size may be reduced as part of approval of the special use permit provided all setback and yard requirements are met and all other dimensional requirements are achieved.
- (3) The height limitation contained in each district may be increased as part of the approval of the special use permit, subject to any other height limitation contained in article III.
- (4) No major utility service shall be located within one hundred (100) feet of an existing residence.
- (5) Except in the I-1 and I-2 districts, outdoor storage of materials and equipment, except during construction of the utility facility, shall be prohibited in association with a major utility service, unless specifically requested and approved as part of the special use permit. In the I-1 and I-2 districts outdoor storage areas shall comply with the screening provisions contained in article V.
- (6) Buildings and facilities shall be designed and constructed to be compatible with the surrounding area, so that these facilities or structures will not adversely affect nearby properties.
- (7) Except in the I-1 and I-2 districts, Type D screening and buffering consistent with article V of this ordinance shall be required, unless specifically modified as a part of the approved special use permit.
- (8) All sewer and water utility services shall be publicly owned and operated by a government agency unless otherwise recommended by the public service authority and approved by the board of supervisors.
- (9) Sewer and water utility services shall be designed with a service area and capacity consistent with the purposes of the respective zoning district and the recommendations of the comprehensive plan.

(Ord. of 2-26-2001, App. A; Ord. of 3-7-2005; Ord. No. O 0307-64, 3-26-2007; Ord. No. O-0508-111(R), 5-27-2008; Ord. No. O-0508-112(R), 5-27-2208; Ord. No. O-1108-241, 11-12-2008; Ord. of 6-10-2013, pt. IX)

Sec. 30-84. - Office uses.

Sec. 30-84-1. General office.

When a general office use adjoins a residential use type, a Type C buffer yard in accordance with article V shall be provided along the property line which adjoins the residential use type.

Sec. 30-84-2. Medical office.

When a medical office use adjoins a residential use type, a Type C buffer yard in accordance with article V shall be provided along the property line which adjoins the residential use type.

Sec. 30-84-3. Financial institutions.

- (a) *General standards:* All drive-through windows shall conform to the standards for drive-through facilities contained in article V.
- (b) *Additional standards in the AV district:* When a financial institution adjoins a residential use type, a Type C buffer yard in accordance with article V shall be provided along the property line which adjoins the residential use type.

(Ord. of 2-26-2001, App. A)

Sec. 30-85. - Commercial uses.



COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION

731 Harrison Ave.
Salem, VA 24153-0560

STEPHEN C. BRICH, P.E.
COMMISSIONER

February 23, 2021

Mark Jordan
Office of Community Development
122 E. Main St, Suite G-03
Bedford, VA 24523

Subject: **TRC 21-0004 – SUP Medical Office**
Route 43 – Leesville Road - TM# 238-A-14B
Bedford County

Dear Mr. Jordan,

The Bedford Residency has completed a review of the concept "A Subdivision Plat for Wallace Lynn & Gaile C. Hensley" as received by email on 02/17/2021, for the above referenced project and has the following comments:

1. VDOT has no special concerns for the submitted concept. As submitted the concept proposes one new entrance and improvements to an existing farm entrance.
2. VDOT will require:
 - a. Traffic Narrative detailing proposed traffic using ITE 10th edition methods.
 - b. Statements on:
 - i. Proposed VDOT entrance standard for each location
 - ii. Proposed design vehicle and appropriate entrance return radii
 - iii. Complete turn-lane analysis
 - iv. Determination of Access Management needs
 - v. Any proposed pedestrian accommodations
3. Plans shall detail all elements of the proposed entrance designs to include radii, widths, pavement sections, sight triangles, and any drainage improvements (including easements). Include all necessary calculations for review with the site plan submittal.

TRC 21-0004 – SUP Medical Office
February 23, 2021
Page Two

If you have any questions, please call Clyde Spencer or me at 540-586-7941.

Sincerely,

J. P. Morris, P.E. Digitally signed by J. P. Morris, P.E.
Date: 2021.02.22 13:24:18 -05'00'
Assistant Resident Engineer - Land Use
Bedford Residency

CDS/lbc

Cy: Rodney Pierson – Pierson Engineering and Surveying
Correspondence File



BEDFORD COUNTY BOARD OF SUPERVISORS

Agenda Item Summary

MEETING DATE: 4/26/2021

AGENDA ITEM #8e

Ordinance #O 042621-05

Work Session Regular Meeting

Consent Public Hearing Action Closed Session Information

ITEM TITLE: Text Amendment Application #TA20-0001 - Subdivision Ordinance Text Amendments

RECOMMENDATION

The Board of Supervisors approve text amendment application #TA21-0001 as recommended by the Planning Commission.

SUMMARY

Text Amendment application #TA21-0001 is an amendment to select provisions of the Bedford County Subdivision Ordinance. Please see the Planning Commission memorandum that provides a brief summary of the proposed changes.

PRIOR ACTIONS

The Planning Commission had reviewed the staff recommended changes to the Subdivision Ordinance at their regular meetings dating back to July 21, 2020 and finalized the amendments at their December 15, 2020 meeting. The proposed Subdivision Ordinance text amendments were discussed by the Board of Supervisors during their February 22, 2021 meeting and initiated for public hearing by a 7-0 vote.

The Planning Commission held a public hearing for text amendment application #TA21-0001 on March 16, 2021. No citizen spoke for or against the proposed text amendments. After closing the public hearing, the Planning Commission recommended approval of text amendment application #TA20-0001 by a vote of 7-0 with no changes from the initiating resolution.

FISCAL IMPACT

N/A

CONTACTS

Jordan Mitchell, Director of Community Development

ATTACHMENTS

Planning Commission Memorandum w/ Attachment (March 2, 2021)
Board of Supervisors Draft Ordinance

REVIEWED BY



At a regular meeting of the Board of Supervisors of the County of Bedford, Virginia held at the Town of Bedford Municipal Building on the 26th day of April 2020, beginning at 7:00 pm.:

MEMBERS:

Tommy W. Scott, Chairman
 Tammy Parker, Vice-Chair
 Mickey Johnson
 Edgar Tuck
 Charla Bansley
 John Sharp
 Bob Davis

VOTE:

On motion of Supervisor _____, which carried by a vote of _____, the following was adopted:

**AN ORDINANCE
 AMENDING SELECT PROVISIONS OF THE
 BEDFORD COUNTY SUBDIVISION ORDINANCE**

BE IT HEREBY ORDAINED, by the Board of Supervisors of Bedford County, Virginia, that after having conducted a duly advertised public hearing and upon receiving the recommendation forwarded by the Bedford County Planning Commission, that the regulations of the Bedford County Subdivision Ordinance be amended and readopted as follows:

Part I.

That **Section 31-90, Filing**, of a Preliminary Plan be amended to revise the filing requirements in relation to digital review (energov system):

Sec. 31-90. - Filing.

- (a) Prior to county review, a subdivider shall file with the subdivision agent a completed application with fee payment for preliminary plan review. A digital file of the preliminary plan is required at the time of submittal. If hard copies of the preliminary plan are required, the subdivision agent will notify the subdivider. A surveyor or engineer must prepare a preliminary plan.

Part II.

That **Section 31-91, Content**, of a Preliminary Plan be amended to revise the content that is required in the Vicinity Map:

Sec. 31-91. - Content.

The preliminary plan shall include the following information:

(2) *Vicinity sketch map.* A vicinity sketch map showing the location of the proposed subdivision with respect to adjoining property including the area within one (1) to three (3) mile radius of the proposed subdivision. In addition, this map shall show the locations, names, and route numbers of all existing roads and may provide the names and locations of railroads, political boundaries, subdivisions, public schools, parks, libraries, and fire and rescue stations. The vicinity map shall be shown on an insert on the first sheet with the scale of the map referenced and a north arrow.

Part III.

That **Section 31-107, Filing**, of a Final Plat be amended to revise the filing requirements in relation to digital review (energov system):

Sec. 31-107. - Filing.

(a) After approval of the preliminary plan for a major subdivision or where a preliminary plan is not required, a subdivider shall file with the subdivision agent an application for final plat approval. A digital file of the final plat is required at the time of submittal. If hard copies of the final plat are required, the subdivision agent will notify the subdivider.

Part IV.

That **Section 31-290, Access to Adjoining Property**, of a Final Plat be amended to state that access to adjoining property is only required when the Virginia Department of Transportation requires it:

Sec. 31-290. - Access to adjoining property.

When required by the Virginia Department of Transportation, street(s) shall be dedicated at strategic locations to provide for future access to adjoining properties which may be subdivided in the future. Each street connection shall intersect property lines at a ninety (90) degree angle or as otherwise approved by the subdivision agent. Whenever a parcel of land located adjacent to an existing subdivision is to be subdivided, a street shall be located so as to connect with the platted street connection of the adjacent existing subdivision. The developer of the new subdivision shall be

required to improve the connecting street including the dedicated street connection of the existing subdivision.

Part V.

Should any portion or provision of this ordinance be held by any court to be unconstitutional or invalid, that decision shall not affect the validity of the ordinance as a whole, or any part of the ordinance other than the part held to be unconstitutional or invalid.

This ordinance shall become effective immediately upon its adoption.



COUNTY OF BEDFORD, VIRGINIA

COUNTY ADMINISTRATION BUILDING
122 EAST MAIN STREET, SUITE G-03
BEDFORD, VIRGINIA 24523

8e

DEPARTMENT OF COMMUNITY DEVELOPMENT DIVISION OF PLANNING

TO: Planning Commission

FROM: Jordan Mitchell, Director 

DATE: March 2, 2021

SUBJECT: Text Amendment Application #TA21-0001 (Subdivision Ordinance)

Enclosed for public hearing is Text Amendment application #TA21-0001 to amend select provisions of the Bedford County Subdivision Ordinance. This application was initiated by the Bedford County Board of Supervisors on February 22, 2021 for public hearing (see attached initiating resolution).

The proposed text amendments had been discussed by the Planning Commission at their regular meetings dating back to July 21, 2020 and were finalized at the December 15, 2020 meeting. When initiating the text amendments for public hearing, the Board of Supervisors did not request any changes to what was proposed by the Planning Commission. A brief summary of the initiated changes to the Subdivision Ordinance are as follows:

- Section 31-90 *Filing*, amend the filing requirement for a preliminary plan from seven (7) hard copies to a digital file with the subdivision agent notifying the applicant if hard copies are needed after submittal
- Section 31-90 *Filing*, adding the requirement that a preliminary plan must be prepared by a surveyor or engineer.
- Section 31-91 *Content*, amending the requirement of the area of the Vicinity Map from one (1) mile radius to a one (1) to three (3) mile radius, the option to provide the names and location of certain items that were previously required (railroads, political boundaries, subdivisions, etc.), and adding the requirement of a scale and north arrow to the contents of the Vicinity Map.
- Section 31-91 *Content*, adding the requirement of a scale and north arrow to the contents of the Vicinity Map.
- Section 30-107 *Filing*, amend the filing requirement for a final plat from seven (7) hard copies to a digital file with the subdivision agent notifying the applicant if hard copies are needed after submittal.
- Section 31-290 *Access to Adjoining Property*, change the requirement of access to adjoining property from a requirement of all final plats to a requirement of when the Virginia Department of Transportation requires such access

Staff looks forward to discussing the proposed text amendments at public hearing with the Planning Commission on March 16, 2021. Should you have any questions prior to the meeting, please contact me at (540) 586-7616 ext. 1393 or by e-mail (jmitchell@bedfordcountyva.gov).

Enclosure:

Resolution #R 02222021-02 (Subdivision Ordinance Text Amendment Initiating Resolution)



At a regular meeting of the Board of Supervisors of the County of Bedford, Virginia held at the Bedford County Administration Building on the 22nd day of February 2021, beginning at 7:00 pm:

Tommy W. Scott, Chair	Yes
Tammy Parker, Vice-Chair	Yes
Mickey Johnson	Yes
Edgar Tuck	Yes
Charla Bansley	Yes
John Sharp	Yes
Bob Davis	Yes

On motion of Supervisor Sharp, which carried by a vote of 7-0, the following was adopted:

A RESOLUTION
INITIATING AMENDMENTS TO SELECT PROVISIONS OF
THE BEDFORD COUNTY SUBDIVISION ORDINANCE

WHEREAS, the regulations of the Bedford County Subdivision Ordinance are designed to achieve the general purposes of establishing subdivision standards and procedures that guide the orderly, beneficial growth of the community by assuring the orderly subdivision of land and its development to promote public health, safety, convenience, and general welfare within the County; and

WHEREAS, the Board of Supervisors understands that the social, economic, and physical development characteristics of Bedford County are not permanent but dynamic conditions; and that the Subdivision Ordinance must be periodically examined and amended to respond to these changing community conditions; and

NOW, THEREFORE, BE IT RESOLVED, that in the furtherance of promoting the orderly subdivision of land, public health, safety, convenience, and general welfare the Bedford County Board of Supervisors hereby initiates amendments to the regulations of the Bedford County Subdivision Ordinance as follows:

Part I.

That **Section 31-90, Filing**, of a Preliminary Plan be amended to revise the filing requirements in relation to digital review (energov system):

Sec. 31-90. - Filing.

- (a) Prior to county review, a subdivider shall file with the subdivision agent a completed application with fee payment for preliminary plan review. A digital file of the preliminary plan is required at the time of submittal. If hard copies of the preliminary plan are required, the subdivision agent will notify the subdivider. A surveyor or engineer must prepare a preliminary plan.

Part II.

That **Section 31-91, Content**, of a Preliminary Plan be amended to revise the content that is required in the Vicinity Map:

Sec. 31-91. - Content.

The preliminary plan shall include the following information:

- (2) *Vicinity sketch map.* A vicinity sketch map showing the location of the proposed subdivision with respect to adjoining property including the area within one (1) to three (3) mile radius of the proposed subdivision. In addition, this map shall show the locations, names, and route numbers of all existing roads and may provide the names and locations of railroads, political boundaries, subdivisions, public schools, parks, libraries, and fire and rescue stations. The vicinity map shall be shown on an insert on the first sheet with the scale of the map referenced and a north arrow.

Part III.

That **Section 31-107, Filing**, of a Final Plat be amended to revise the filing requirements in relation to digital review (energov system):

Sec. 31-107. - Filing.

- (a) After approval of the preliminary plan for a major subdivision or where a preliminary plan is not required, a subdivider shall file with the subdivision agent an application for final plat approval. A digital file of the final plat is required at the time of submittal. If hard copies of the final plat are required, the subdivision agent will notify the subdivider.

Part IV.

That **Section 31-290, Access to Adjoining Property**, of a Final Plat be amended to state that access to adjoining property is only required when the Virginia Department of Transportation requires it:

Sec. 31-290. - Access to adjoining property.

When required by the Virginia Department of Transportation, street(s) shall be dedicated at strategic locations to provide for future access to adjoining properties which may be subdivided in the future. Each street connection shall intersect property lines at a ninety (90) degree angle or as otherwise approved by the subdivision agent. Whenever a parcel of land located adjacent to an existing subdivision is to be subdivided, a street shall be located so as to connect with the platted street connection of the adjacent existing subdivision. The developer of the new subdivision shall be required to improve the connecting street including the dedicated street connection of the existing subdivision.

AND BE IT FURTHER RESOLVED, that the proposed amendment be referred to the Planning Commission for review and recommendation to be forwarded to the Board of Supervisors for final consideration and action in accordance with all procedural and public notification requirements as prescribed by local ordinance and state statute.

A Copy-Teste:

A handwritten signature in blue ink, appearing to read "Robert Hiss", written over a horizontal line.

Robert Hiss
County Administrator



BEDFORD COUNTY BOARD OF SUPERVISORS

Agenda Item Summary

MEETING DATE: 4/26/2021

AGENDA ITEM #8f

Ordinance #O 042621-06

Work Session Regular Meeting

Consent Public Hearing Action Closed Session Information

ITEM TITLE: Text Amendment Application #TA20-0002 - Zoning Ordinance Text Amendments

RECOMMENDATION

The Board of Supervisors approve text amendment application #TA21-0002 as recommended by the Planning Commission.

SUMMARY

Text Amendment application #TA21-0002 is an amendment to select provisions of the Bedford County Zoning Ordinance. Please see the Planning Commission memorandum that provides a brief summary of the proposed changes.

PRIOR ACTIONS

The Planning Commission had reviewed the staff recommended changes to the Zoning Ordinance at their regular meetings dating back to July 21, 2020 and finalized the amendments at their December 15, 2020 meeting. The proposed Zoning Ordinance text amendments were discussed by the Board of Supervisors at their February 22, 2021 meeting and initiated for public hearing by a 7-0 vote.

The Planning Commission held a public hearing for text amendment application #TA21-0002 on March 16, 2021. No citizen spoke for or against the proposed text amendments. After closing the public hearing, the Planning Commission recommended approval of text amendment application #TA20-0002 by a vote of 7-0 with no changes from the initiating resolution.

FISCAL IMPACT

N/A

CONTACTS

Jordan Mitchell, Director of Community Development

ATTACHMENTS

Planning Commission Memorandum w/ Attachment (March 2, 2021)
Board of Supervisors Draft Ordinance

REVIEWED BY



At a regular meeting of the Board of Supervisors of the County of Bedford, Virginia held at the Town of Bedford Municipal Building on the 26th day of April 2020, beginning at 7:00 pm.:

MEMBERS:

Tommy W. Scott, Chairman
 Tammy Parker, Vice-Chair
 Mickey Johnson
 Edgar Tuck
 Charla Bansley
 John Sharp
 Bob Davis

VOTE:

On motion of Supervisor _____, which carried by a vote of _____, the following was adopted:

**AN ORDINANCE
 AMENDING SELECT PROVISIONS OF THE
 BEDFORD COUNTY ZONING ORDINANCE**

BE IT HEREBY ORDAINED, by the Board of Supervisors of Bedford County, Virginia, that after having conducted a duly advertised public hearing and upon receiving the recommendation forwarded by the Bedford County Planning Commission, that the regulations of the Bedford County Zoning Ordinance be amended and readopted as follows:

Part I.

That **Section 30-79, Permitted Use Table**, be amended to permit a "Broadcasting Tower, Radio" use in the AP zoning district by special use with more stringent standards specified in article IV:

Sec. 30-79. - Permitted uses by district.

Sec. 30-79-2. Permitted use table.

Permitted uses by district shall be as shown in the following table where:

"R" Indicates a use by right

"S" Indicates a special use

"*" Indicates more stringent standards as specified in article IV

USES	AP	AR	AV	R-1	R-2	R-3	R-4	PRD	RMH	C-1	C-2	NC	PCD	I-1	I-2	PID	EP
Miscellaneous Uses																	
Broadcasting Tower, Radio	S*		S*							S*	S*			S*	S*		

Part II.

That **Section 30-82-3, Home Occupation, Type I and Type II**, general standards be amended to increase the percentage of the home to 50% from 25% and the storage of goods or products to 20% from 10%:

Sec. 30-82-3. Home Occupation, Type I and Type II

(b) General standards:

- (1) More than one (1) home occupation may be permitted provided the total maximum floor area requirement is not exceeded. The maximum floor area permitted for a home occupation(s) shall be fifty (50) percent of the finished floor area of the dwelling unit. An accessory building or structure may be used with the home occupation, provided the total floor area devoted to the home occupation in the accessory structure and dwelling unit combined does not exceed Fifty (50) percent of the finished floor area of the dwelling unit. Storage of goods or products shall not exceed twenty (20) percent of the finished floor area.

Part III.

That **Section 30-100-2, Yard, setback, height, and distance between buildings requirements**, be amended to clarify subsection “d” for the purposes of calculating setbacks.

Sec. 30-100-2. Yard, setback, height, and distance between buildings requirement

- (d) A structure built over the common lot line, between two (2) lots under the same ownership, will in effect combine these lots and they will hereafter function as one (1) lot for the purpose of calculating setbacks for new construction activity related to the structure (including decks, porches, and any additions to the structure).

Part IV.

That **Section 30-100-5, Single-family detached dwellings; number permitted on a single lot**, be amended to state that the zoning administrator can waive requirements of zoning ordinance and subdivision ordinance in order to facility a subdivision of a lot with two or more single family dwelling units on it.

Sec. 30-100-5. Single-family detached dwellings; number permitted on a single lot

Only one (1) single-family detached dwelling shall be permitted on any lot. The zoning administrator can waive any requirement(s) in the zoning and subdivision ordinance in order to facilitate the subdivision of any existing lot that has two (2) or more single-family detached dwellings.

Part V.

That **Section 30-100-9, Location and Design of Fences**, be amended to add subsection “b” to limit the height of a fence in residential zoning districts to six (6) feet in height in front of the building line for properties with residential uses:

Sec. 30-100-9. Location and design of fences.

- (a) Except as provided for in sections 30-92 and 30-100-8, fences may be constructed in any location, on any lot.
- (b) On any lot in a residential zoning district (R-1, R-2, R-3, R-4, and PRD) with a residential use, fences located in front of the building line shall not exceed six (6) feet in height.

Part VI.

Should any portion or provision of this ordinance be held by any court to be unconstitutional or invalid, that decision shall not affect the validity of the ordinance as a whole, or any part of the ordinance other than the part held to be unconstitutional or invalid.

This ordinance shall become effective immediately upon its adoption.



COUNTY OF BEDFORD, VIRGINIA

COUNTY ADMINISTRATION BUILDING
122 EAST MAIN STREET, SUITE G-03
BEDFORD, VIRGINIA 24523

DEPARTMENT OF COMMUNITY DEVELOPMENT DIVISION OF PLANNING

TO: Planning Commission

FROM: Jordan Mitchell, Director 

DATE: March 2, 2021

SUBJECT: Text Amendment Application #TA21-0002 (Zoning Ordinance)

Enclosed for public hearing is Text Amendment application #TA21-0002 to amend select provisions of the Bedford County Zoning Ordinance. This application was initiated by the Bedford County Board of Supervisors on February 22, 2021 for public hearing (see attached initiating resolution).

The proposed text amendments had been discussed by the Planning Commission at their regular meetings dating back to July 21, 2020 and were finalized at the December 15, 2020 meeting. When initiating the text amendments for public hearing, the Board of Supervisors did not request any changes to what was proposed by the Planning Commission. A brief summary of the initiated changes to the Zoning Ordinance are as follows:

- Section 31-79 *Permitted Use Table*, amend the permitted use table to permit a “Broadcasting Tower, Radio” use in the AP zoning district by special use permit with more stringent standards as specified in article IV.
- Section 30-82-3 *Home Occupation Permit, Type I and Type II*, amend the requirements to increase the percentage of the finished floor area of a home to be used for a home occupation from 25% to 50% and increase the storage of goods from 10% to 20%.
- Section 30-100-2 *Yard, setback, height, and distance between buildings requirements*, amend subsection (d) for the purposes of calculating a setback for new construction activity related to an existing structure that was built over a common lot line, between two (2) lots under the same ownership.
- Section 30-100-5 *Single-family detached dwellings; number permitted on a single lot*, amend section to permit the zoning administrator the ability to waive any requirement(s) in the zoning and subdivision ordinance in order to facilitate the subdivision of any existing lot that has two (2) of more single family detached dwellings
- Section 30-100-9 *Location and design of fences*, add subsection (b) to limiting the height of a fence in residential zoning district (R-1, R-2, R-2, R-4, and PRD districts) to six (6) feet in front of the building line

Staff looks forward to discussing the proposed text amendments at public hearing with the Planning Commission on March 16, 2021. Should you have any questions prior to the meeting, please contact me at (540) 586-7616 ext. 1393 or by e-mail (jmitchell@bedfordcountyva.gov).

Enclosure:

Resolution #R 022221-01(Zoning Ordinance Text Amendment Initiating Resolution)



At a regular meeting of the Board of Supervisors of the County of Bedford, Virginia held at the Bedford County Administration Building on the 22nd day of February 2021, beginning at 7:00 pm:

Tommy W. Scott, Chair	Yes
Tammy Parker, Vice-Chair	Yes
Mickey Johnson	Yes
Edgar Tuck	Yes
Charla Bansley	Yes
John Sharp	Yes
Bob Davis	Yes

On motion of Supervisor Sharp, which carried by a vote of 7-0, the following was adopted:

A RESOLUTION
INITIATING AMENDMENTS TO SELECT PROVISIONS OF
THE BEDFORD COUNTY ZONING ORDINANCE

WHEREAS, the regulations of the Bedford County Zoning Ordinance are designed to achieve the general purposes of promoting the public health, safety, convenience, and general welfare; and

WHEREAS, the Board of Supervisors understands that the social, economic, and physical development characteristics of Bedford County are not permanent but dynamic conditions; and that the Zoning Ordinance must be periodically examined and amended to respond to these changing community conditions; and

NOW, THEREFORE, BE IT RESOLVED, that in the furtherance of promoting the public necessity, convenience, general welfare, and for good zoning practice the Bedford County Board of Supervisors hereby initiates amendments to the regulations of the Bedford County Zoning Ordinance as follows:

Part I.

That **Section 30-79, Permitted Use Table**, be amended to permit a “Broadcasting Tower, Radio” use in the AP zoning district by special use with more stringent standards specified in article IV:

Sec. 30-79. - Permitted uses by district.

Sec. 30-79-2. Permitted use table.

Permitted uses by district shall be as shown in the following table where:

"R" Indicates a use by right

"S" Indicates a special use

"*" Indicates more stringent standards as specified in article IV

USES	AP	AR	AV	R-1	R-2	R-3	R-4	PRD	RMH	C-1	C-2	NC	PCD	I-1	I-2	PID	EP
Miscellaneous Uses																	
Broadcasting Tower, Radio	S*		S*							S*	S*			S*	S*		

Part II.

That **Section 30-82-3, Home Occupation, Type I and Type II**, general standards be amended to increase the percentage of the home to 50% from 25% and the storage of goods or products to 20% from 10%:

Sec. 30-82-3. Home Occupation, Type I and Type II

(b) General standards:

- (1) More than one (1) home occupation may be permitted provided the total maximum floor area requirement is not exceeded. The maximum floor area permitted for a home occupation(s) shall be fifty (50) percent of the finished floor area of the dwelling unit. An accessory building or structure may be used with the home occupation, provided the total floor area devoted to the home occupation in the accessory structure and dwelling unit combined does not exceed Fifty (50) percent of the finished floor area of the dwelling unit. Storage of goods or products shall not exceed twenty (20) percent of the finished floor area.

Part III.

That **Section 30-100-2, Yard, setback, height, and distance between buildings requirements**, be amended to clarify subsection “d” for the purposes of calculating setbacks.

Sec. 30-100-2. Yard, setback, height, and distance between buildings requirement

- (d) A structure built over the common lot line, between two (2) lots under the same ownership, will in effect combine these lots and they will hereafter function as one (1) lot for the purpose of calculating setbacks for new construction activity related to the structure (including decks, porches, and any additions to the structure).

Part IV.

That **Section 30-100-5, Single-family detached dwellings; number permitted on a single lot**, be amended to state that the zoning administrator can waive requirements of zoning ordinance and subdivision ordinance in order to facility a subdivision of a lot with two or more single family dwelling units on it.

Sec. 30-100-5. Single-family detached dwellings; number permitted on a single lot

Only one (1) single-family detached dwelling shall be permitted on any lot. The zoning administrator can waive any requirement(s) in the zoning and subdivision ordinance in order to facilitate the subdivision of any existing lot that has two (2) or more single-family detached dwellings.

Part V.

That **Section 30-100-9, Location and Design of Fences**, be amended to add subsection “b” to limit the height of a fence in residential zoning districts to six (6) feet in height in front of the building line for properties with residential uses:

Sec. 30-100-9. Location and design of fences.

- (a) Except as provided for in sections 30-92 and 30-100-8, fences may be constructed in any location, on any lot.
- (b) On any lot in a residential zoning district (R-1, R-2, R-3, R-4, and PRD) with a residential use, fences located in front of the building line shall not exceed six (6) feet in height.

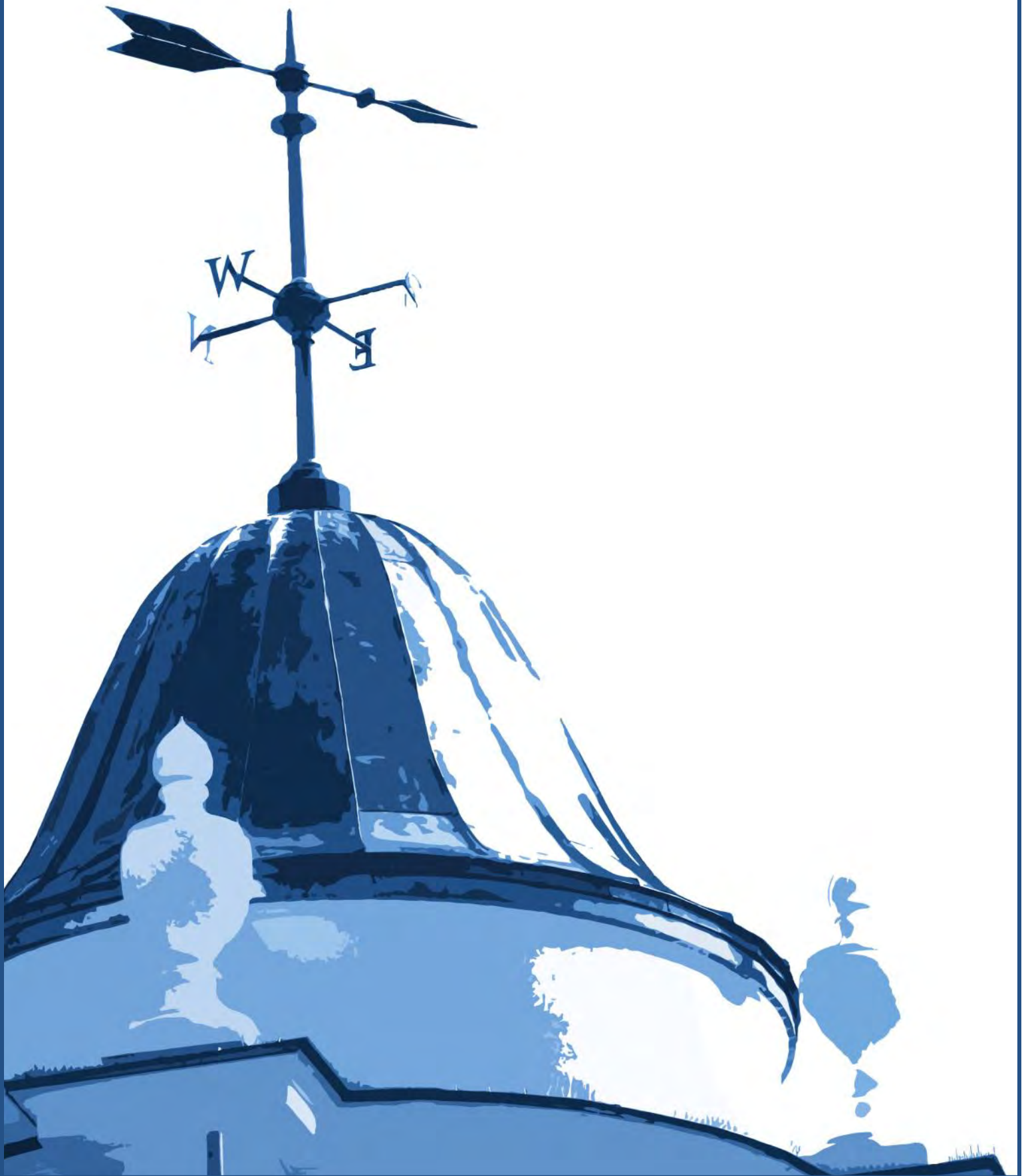
AND BE IT FURTHER RESOLVED, that the proposed amendment be referred to the Planning Commission for review and recommendation to be forwarded to the Board of Supervisors for final consideration and action in accordance with all procedural and public notification requirements as prescribed by local ordinance and state statute.

A Copy-Teste:

A handwritten signature in blue ink, appearing to read "Robert Hiss", written over a horizontal line.

Robert Hiss
County Administrator

Agenda Item #9
Action and Discussion Items





BEDFORD COUNTY BOARD OF SUPERVISORS

Agenda Item Summary

MEETING DATE: 4/26/2021

AGENDA ITEM #9a

RESOLUTION #R 042621-07

Work Session Regular Meeting

Consent Public Hearing Action Closed Session Information

ITEM TITLE: Central Virginia Planning District Commission Hazard Mitigation Plan – 2020 Update

RECOMMENDATION

The CVPDC HMP 2020 Update is presented to the Board of Supervisors for adoption consideration and is in keeping with both state and federal mandates.

SUMMARY

The Disaster Mitigation Act of 2000 requires local governments, as a condition for eligibility to receive federal mitigation funds, establish a plan to identify hazard risk, vulnerabilities, and strategies. The Central Virginia Planning District Commission (CVPDC), in partnership its member localities, state and local agencies, and public stakeholders, has completed the regional pre-disaster plan or Hazard Mitigation Plan (HMP). The Central Virginia Planning District Commission Hazard Mitigation Plan – 2020 Update (CVPDC HMP 2020) identifies hazards, such as flooding, severe weather and wildfires, area vulnerabilities, establishes goals and objectives, and presents regional and locality-specific strategies, or potential actions, to lessen the overall impact from natural disasters to households, businesses and property. The CVPDC HMP 2020 was developed through a comprehensive public outreach process and through the leadership and guidance by the HMP Technical Advisory Committee (TAC), comprised of local, state, and regional governmental staff, business, non-profit, and local citizen stakeholders. Chief Jack Jones, Chief of Department, Fire & Rescue and Jeff Johnson, Director of Emergency Communications represented Bedford County throughout Plan development on the TAC. Additional Bedford staff, including representatives from planning, public works, economic development, extension, public school system, utilities, and Bedford Regional Water Authority contributed to the development of regional plan and Bedford County HMP Mitigation Strategies.

PRIOR ACTIONS

The Central Virginia Planning District Commission Hazard Mitigation Plan – 2020 Update was submitted to FEMA in October 2020. Provisional FEMA adoption was provided December 21, 2020 and final Approval Pending Adoption (APA) status was awarded by FEMA January 22, 2021.

FISCAL IMPACT

None

CONTACTS

Chief Jack Jones, Jr., EFO Dept of Fire & Rescue

ATTACHMENTS

The CVPDC HMP 2020 is a comprehensive regional document. As such, contains considerable information and is quite large. The pre-hazard mitigation plan website provides the ability to review Chapters and sections individually. The following is provided to assist reviewing the document:

- CVPDC HMP 2020 Plan website: www.cvhmp.org:
- Full plan and individual chapters: <http://www.cvhmp.org/cvpdc/resources/documents/#plan>
- Executive Summary: <http://www.cvhmp.org/static/files/0-summary-cvpdc-hmp-2020.pdf>
- Mitigation Strategies: <http://www.cvhmp.org/cvpdc/mitigation/>

Use the Jurisdiction-Specific Mitigation Actions section of this page to see Bedford County's, the CVPDC regional and other individual locality mitigation strategies.

REVIEWED BY

Robert Hiss, County Administrator



At a regular meeting of the Board of Supervisors of the County of Bedford, Virginia held at the Town of Bedford Building on the 26th day of August 2021, beginning at 7:00 pm:

MEMBERS:

Tommy W. Scott, Chair
 Tammy Parker, Vice-Chair
 Mickey Johnson
 Edgar Tuck
 Charla Bansley
 John Sharp
 Bob Davis

VOTE:

On motion of Supervisor _____, which carried by a vote of _____, the following was adopted:

A RESOLUTION

**AUTHORIZING THE ADOPTION OF THE CENTRAL VIRGINIA PLANNING DISTRICT COMMISSION
 HAZARD MITIGATION PLAN – 2020 UPDATE**

WHEREAS, the County of Bedford and the entire Central Virginia Planning District region have exposure to natural hazards that can affect the safety to life, property, businesses, and local economy; and

WHEREAS, pro-active mitigation, or actions, before a disaster even can lessen or eliminate long-term risk and impacts of hazards to life and property; and

WHEREAS, The Robert T. Stafford Disaster Relief and Emergency Assistance Act (Public Law 93-228, as amended), Title 44 of the Code of Federal Regulations (CFR), as amended by the Disaster Mitigation Act of 2000 (Public Law 106-390), requires development of pre-disaster mitigation plan as a requirement for eligibility for federal pre- and post-disaster hazard mitigation funding; and

WHEREAS, the Central Virginia Planning District Hazard Mitigation Technical Advisory Committee, comprised of a coalition of local, regional, state, business, and citizen stakeholders, that included dedicated Bedford County representation and participation from each of the ten (10) Central Virginia Planning District localities, led a pre-disaster planning process according to FEMA regulations; and

WHEREAS, the planning team completed a planning process that engaged the public, assessed the risk and vulnerability to the impacts of natural hazards, developed mitigation strategies consistent with a set of uniform goals and objectives, and includes an evaluation, maintenance, and revision process; and

WHEREAS, the Federal Emergency Management Agency (FEMA) have reviewed, and on January 22, 2021 Approved Pending Adoption (APA) was granted to the Central Virginia Planning District Commission Hazard Mitigation Plan – 2020 Update;

NOW, THEREFORE, BE IT RESOLVED, by the Bedford County Board of Supervisors that the Central Virginia Planning District Commission Hazard Mitigation Plan – 2020 Update is hereby approved and adopted for Bedford County.



EXECUTIVE SUMMARY



Executive Summary

Executive Summary

The Central Virginia Planning District Hazard Mitigation Plan 2020 is a revision to the Region 2000 Hazard Mitigation Plan, completed and adopted by FEMA in 2013. The original Hazard Mitigation Plan (HMP) was developed for the Central Virginia Planning District Commission (CVPDC), then the Region 2000 Local Government Council, was written in 2006. While this HMP represents an update to the 2013 plan, it has been developed and designed such that it looks, feels, and reads differently than the previous version. As such, this regional hazard mitigation document has been developed as though it is the first regional plan and does not directly build upon or maintain past mitigation strategies. This is due to several factors including: availability of new hazard information and data that drives new considerations of risk, the region has matured and new capabilities are now available, this plan was developed with expanded stakeholder participation, and uses a new format to allow readers to more easily understand the content. In addition, the previous Hazard Mitigation Plan included several action items that have been completed, creating an opportunity for developing new mitigation strategies. Finally, the CVPDC HMP 2020 incorporates a corresponding interactive website that allows for real-time review of hazard data, a detailed plan and mitigation strategy oversight program, and a format for continued public engagement and participation.

Mitigation is defined as “*the action of lessening in severity or intensity*”. Hazard mitigation focuses on lessening the severity and intensity of identified hazards as well as protecting life and property. An HMP identifies specific measures to be taken by a

community to reduce their vulnerability from future hazard events and shorten the recovery time. The HMP is created through a planning process with input from citizens, business owners, public safety officials, and other stakeholders.

In 2006 and 2012, the Center for Geospatial Information Technology (CGIT) at Virginia Tech was contracted by Virginia Region 2000 Local Government Council to carry out the original and first update of Hazard Mitigation Plan. This 2020 update was also contracted with the CGIT, with contribution by Sobis, Inc. Funding for the project was provided through a grant from the Virginia Department of Emergency Management (VDEM) and Federal Emergency Management Agency (FEMA) with the appropriate match made by each locality in CVPDC.

This HMP update includes an updated list of identified natural, technological, and man-made hazards that are a threat to the CVPDC area; an update to the evaluation and analysis of the risks to each jurisdiction in CVPDC; a strategy for long and short-term mitigation of identified natural hazards; and a process for ongoing review and maintenance of the HMP. With these updated items, the plan follows the requirements for local mitigation planning as required under Section 322 of the Robert T. Stafford Act (42U.S.C. 5165) and 44 CFR Part 201 as the necessary components of a local hazard mitigation plan and the new regulations for the program per 2019.¹

The Project Management Team, defined in Table 1, reviewed each section of the plan to ensure that each section adequately served their communities.

¹ Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, and Related Authorities as

of June 2019. <https://www.fema.gov/media-library/assets/documents/15271>



Executive Summary

The adoption of the CVPDC HMP 2020 by the participating jurisdictions assures continuing entitlement for FEMA and other federally-funded grant assistance through the Hazard Mitigation Grant Program (HMGP), the Building Resilient Infrastructure and Communities (BRIC) Program, the Flood Mitigation Assistance (FMA) Program, and Rehabilitation of High Hazard Potential Dam Grant Program.

Jurisdictions

The CVPDC HMP covers the following jurisdictions:

COUNTIES	TOWNS
Amherst County	Town of Altavista
Appomattox County	Town of Appomattox
Bedford County	Town of Amherst
Campbell County	Town of Bedford
CITIES	Town of Brookneal
City of Lynchburg	

The CVPDC HMP and the 2020 update fulfills the requirements of Sections 201.6(a)(3) and 201.6(c)(5) of the Disaster Mitigation Act of 2000 as administered by the VDEM and FEMA, for multi-jurisdictional planning participation and adoption.

This plan is awaiting evaluation and approval from FEMA before it can be evaluated and adopted by the eleven participating local governments. Resolutions will be added to this HMP as Appendix A: Adoption Resolutions upon approval by FEMA.

Participation

All jurisdictions listed in the above section of the CVPDC HMP participated in the creation of the original plan and the two updates to the plan. The project management team was made up of local officials from each jurisdiction, State agencies, universities and colleges, and non-profits.

Participation in the update included a series of project management team meetings to review and update the plan. In addition, a public survey was administered, and two public meetings held to provide the public information and the opportunity to provide input into the mitigation plan.

Each of the jurisdictions in this plan was represented elected officials and/or staff from the locality with knowledge of planning, public works, and emergency response. The membership of the project management team is in accordance with the requirements of Section 44 CFR 201.6(b)(2) for a multi- jurisdictional plan and the members are listed in the table below.



Executive Summary

Project Management Team Members

Representative	Title	Jurisdiction / Organization
Kelly Hitchcock	Planning and Development Coordinator	CVPDC
Sharon Williams	Community Development Director	Altavista, Town of
Thomas Fore	Director of Public Utilities	Altavista, Town of
Samuel Bryant	Director, Fire Chief - Marshal	Amherst County Public Safety
Robert "Bob" Hopkins	Director of Public Utilities	Amherst County Service Authority
Sara Carter	Town Manager	Amherst, Town of
Johnnie Roark	Director of Community Development	Appomattox County
Bobby Wingfield	Public Safety Director, Emergency Manager Coordinator	Appomattox County
Jeff Elder	Director of Operations	Appomattox, Town of
Gary Shanaberger	Town Manager	Appomattox, Town of
Jack Jones	Chief of Department, Dept. of Fire & Rescue	Bedford County
Jeff Johnson	Director of Emergency Communications	Bedford County
Mary Zirkle	Economic Development Coordinator	Bedford, Town of
Mike Crews	Public Works Director	Brookneal, Town of
Jonaaron Evans	Communications Technician	Campbell County
Tracy Fairchild	Director/Emergency Coordinator, CC Public Safety	Campbell County
Myra Simpson	Deputy-Director of Public Safety	Campbell County
Melissa Foster	Director, Dept. of Emergency Services	Lynchburg City
Erin Hawkins	Water Quality Manager, Water Resources Dept.	Lynchburg City
Jeff Martin	Assistant Director, Water Resources Dept.	Lynchburg City
Piper VanDePerre	Emergency Programs Specialist, Dept. of Emergency Services	Lynchburg City
Curt Whitlock	Managing Director Accreditation, Safety & Security	Centra Health
Brittany Powell	Local Health Emergency Coordinator	VDH - Central Virginia Health District
Christopher Bruce	All-Hazards Emergency Planner	VDEM Region 3
Jonathan Simmons	All-Hazards Emergency Planner	VDEM Region 6
Lauren Pillow	Hazardous Waste Inspector	VA DEQ
Gregory Bennett	Director Health & Environmental Safety	Liberty University
Ralph Lawson	Disaster Program Manager	Red Cross - Virginia Region
Bob Driskill	Director, Office of Campus Safety	University of Lynchburg

Hazard Identification and Risk Assessment (HIRA)

The purpose of the HIRA is to:

1. Identify and profile the hazards that could affect the jurisdictions in the CVPDC area,
2. Determine which community assets are the most vulnerable to damage from these hazards, and
3. Estimate social, economic, and environmental losses from these hazards and prioritize the potential risks to the community.

All jurisdictions in the CVPDC area are vulnerable to natural, technological, and man-made hazards



Executive Summary

that threaten the safety of residents, and have the potential to damage or destroy both public and private property, cause environmental degradation, or disrupt the local economy and overall quality of life. While many disasters are possible for any given area in the United States, the most likely hazards to potentially affect the communities in the CVPDC area generally include the hazards in the 2020 plan update. A ranking analysis was used to help identify which hazards should be considered a priority in the

region. The results of this analysis can be found below.

Drought, flooding, and urban fire hazards were ranked highest hazard risk, although it should be noted that the urban fire hazard may not be a priority for non-urban jurisdictions. The extreme temperatures, hailstorm, hurricane, severe thunderstorm, severe winter storm, tornado, wildfire, dam failure, and hazmat incident all ranked as moderate. Earthquake, fog, land subsidence/karst, and landslide hazards are ranked as low.

Final Hazard Ranking of Hazards for the CVPDC Region

Hazards	Probability	Impact	Spatial Extent	Warning Time	Duration	Value	Rank
Drought	3	3	4	1	4	3.1	High
Earthquake	1	1	4	4	1	1.9	Low
Extreme Cold	3	2	4	1	3	2.7	Mod.
Extreme Heat	4	2	4	1	3	3	Mod.
Flooding	4	4	2	4	2	3.4	High
Fog	4	1	1	2	1	2	Low
Hailstorm	4	2	4	3	1	3	Mod.
Hurricane	2	3	4	1	1	2.5	Mod.
Land Subsidence/ Karst	1	1	1	4	1	1.3	Low
Landslide	2	2	1	4	1	1.9	Low
Severe Thunderstorm	4	2	4	2	1	2.9	Mod.
Sever Winter Storm	4	2	4	1	3	3	Mod.
Tornado	3	3	1	4	1	2.5	Mod.
Wildfire	4	2	1	4	3	2.7	Mod.
Dam Failure	2	3	1	4	2	2.3	Mod.
Hazmat Incident	3	2	1	4	2	2.3	Mod.
Urban Fire*	4	4	1	4	1	3.1	High

*For CVPDC urban areas.



Executive Summary

Capabilities

The capability assessment serves as a guide to the communities on their existing capacity and limitations to implement policy and programmatic mitigation actions. Local capabilities analysis serves as the foundation for designing an effective hazard mitigation plan,

that builds on measures already in place, detects capacity gaps, and provides a foundation for effective mitigation strategy implementation.

Part of this section involves the jurisdictions conducting their own self-assessment. A general summary of the self-assessment is provided in the table below.

Jurisdiction	Planning Capabilities	Legal Capabilities	Technical Capabilities	Administrative Capabilities	Fiscal Capabilities
Amherst County	Few Planning Gaps	Legal Authority	Some Programs and Certifications	Adequate In-House and Contract Staffing and Expertise	\$50M Budget (2020)
Town of Amherst	Some Planning Gaps	Legal Authority	Few Programs and Certifications	Adequate In-House and Contract Staffing and Expertise	\$3.4M Budget (2020)
Appomattox County	Some Planning Gaps	Legal Authority	Some Programs and Certifications	Adequate In-House and Contract Staffing and Expertise	\$41.9M Budget (2020)
Town of Appomattox	Some Planning Gaps	Legal Authority	Few Programs and Certifications	Adequate In-House and Contract Staffing and Expertise	\$2.7M Budget (2020)
Bedford County	Few Planning Gaps	Legal Authority	Some Programs and Certifications	Adequate Staffing and Expertise	\$110M Budget (2020)
Town of Bedford	Some Planning Gaps	Legal Authority	Few Programs and Certifications	Adequate Staffing and Expertise	\$30.2M Budget (2020)
Campbell County	Some Planning Gaps	Legal Authority	Few Programs and Certifications	Adequate Staffing and Expertise	\$81M Budget (2020)
Town of Altavista	Some Planning Gaps	Legal Authority	Some Programs and Certifications	Adequate Staffing and Expertise	\$4.1M Budget (2020)
Brookneal	Some Planning Gaps	Legal Authority	Few Programs and Certifications	Adequate Staffing and Expertise	\$1.4M Budget (2020)
Lynchburg City	Few Planning Gaps	Legal Authority	Several Programs and Certifications	Robust Staffing and Expertise	\$179M Budget (2020)



Executive Summary

Mitigation

The Mitigation Strategy section presents goals, objectives, and specific actions that assist in minimizing the vulnerability and impact of natural and man-made hazards. The mitigation strategies are meant to be comprehensive with both regional and location-specific actions while at the same time being feasible based on the regional and jurisdictional capabilities.

CVPDC set up working group meetings with the Program Management Team to identify regional mitigation goals, objectives, and actions. A goal for each type of mitigation strategy and supporting objectives, based on regional needs and capabilities is presented. Recognizing that each jurisdiction has specific needs, jurisdiction-specific mitigation actions were developed and are presented in Jurisdiction-Specific Mitigation Actions Section of this Plan. The following regional goals were identified. Regional mitigation actions are identified in the table below.

Information & Outreach Goal: Increase hazard awareness and preparedness activity participation by area individuals, property owners, and businesses.

Prevention Capacity Goal: Through governmental operations, business and private sector partnerships, advance planning initiatives, voluntary and regulatory programs (e.g. code enforcement), and maintenance practices to lessen hazard impacts.

Property Protection Goal: Support property and infrastructure fortification programs and projects to lessen hazard impacts to lives, property, and infrastructure.

Structural Projects Goal: Execute measures that significantly lessen the impact of natural hazard impact to lives, communities, property, and infrastructure in the region.

Natural System Resiliency Goal: Preserve the function and resiliency of the region’s natural resources and sensitive landscapes.

Goal	Mitigation Action Description	Hazard(s)
Information & Outreach	Develop hazard preparedness outreach/education best practices, resources, and program activity within the CVPDC website.	All Hazards
Information & Outreach	Expand outreach and education about the National Flood Insurance Program (NFIP), including inclusion within CVPDC website.	Flood
Information & Outreach	Develop public hazard communication campaign with emphasis on increasing number of residents joining area public information systems.	All Hazards
Information & Outreach	Establish regular hazard mitigation feature, where best practices for readiness, safe sheltering, public announcements, are incorporated within agency newsletter, social media feeds, and general scheduled agency outreach. Include property maintenance, business best practices - features for preparedness.	All Hazards
Capacity	Ensure the regional Hazard Mitigation Plan and mitigation planning are included as integral components of all regional planning initiatives including transportation, mobility, watershed, community development, emergency, and CEDS agency programs.	All Hazards



Executive Summary

Goal	Mitigation Action Description	Hazard(s)
Capacity	Establish HMP Technical Advisory Committee, include locality, citizen, business, agency representation, that meets at least twice per year to review HMP mitigation strategy progress, evaluate changes, review regional projects.	All hazards
Capacity	Seek opportunities to host regional mitigation, program skills training for area locality, business and agency partner staff.	All Hazards
Capacity	Seek opportunity to expand regional Comprehensive Economic Development Strategy (CEDS) to incorporate community resiliency or develop regional resiliency plan in coordination with locality partners.	All Hazards
Capacity	Coordinate an emergency communication and verification protocol with VDOT to ensure emergency critical staff access.	All Hazards
Capacity	Evaluate and seek opportunity to execute (to include regional participation agreement and equipment purchase) regional Public Safety Answering Point (PSAP) generator(s) to facilitate rapid and efficient emergency communication and response capabilities between the region's emergency response departments.	All Hazards
Capacity	Encourage develop of local or regional Resiliency Plans	All Hazards
Capacity, Property Protection	Seek opportunities to evaluate and improve corridors, especially those with recurring stormwater impacts, essential for access to public transit or other multimodal access by vulnerable populations.	Flood
Property Protection, Structure	Seek opportunities to study condition of or improve drainage along rural roadways to reduce stormwater and flood impacts that impact roadway movement safety or impact emergency access/movement.	Flood
Property Protection, Natural System Resiliency	Support initiatives that expand use of green infrastructure in the region through education, workshops, training initiatives to expand expertise and local knowledge for green infrastructure use and implementation in area projects.	Flood, Dam
Property Protection, Structure, Natural System Resiliency	Seek opportunities to evaluate and execute streambank stabilization or other practices, to restore or protect the natural function of area streams to lessen flood impact to essential regional infrastructure (e.g. roadways, rail lines, communication towers).	Flood

Implementation and Maintenance

The success and value of the CVPDC HMP as mitigation tool and resource relies on Plan integration, monitoring, evaluation and, when necessary, amendments.

Plan adoption is essential, however, fundamental to implementation success is the structural integration of the HMP within

foundational community and regional plans, regulatory systems, departmental procedures, and funding structure.

The primary tool for implementing land use goals is within each locality's zoning ordinance. The regional mitigation plan goals, objectives, and strategies should be evaluated and considered within review and zoning regulation updates, especially site improvements within flood zones.



Executive Summary

Emergency managers should capitalize on local and regional disaster operations and recovery plans to execute elements of the Plan mitigation strategies, especially those directly applicable to emergency response operations and efficiency, including training, equipment, and facility improvement needs.

Many of the mitigation strategies, especially those property protection, structural, or natural system resiliency projects, will require considerable planning and large financial investment. Execution will require continuously seeking funding opportunities including federal and state grant programs, incorporation and dual benefits across departments and agencies to capitalize on funding efficiency, integration within capital improvement plans.

The CVPDC will be responsible for convening the CVPDC Mitigation Plan Advisory Committee (MPAC), similarly comprised of locality and agency stakeholder representatives. The CVPDC will facilitate twice-yearly MPAC meetings, where mitigation strategy implementation

including regional, locality-specific, and stakeholder summaries will be reported. The meetings will also be used to coordinate regional projects, with focus on information and outreach strategies, and incorporate a staff educational component such as information on state, federal or non-profit funding information, overview of success program execution by local partner, discussion of challenges, recordation of anticipated future changes or Plan integration, and outline agenda and actions for future meetings. Integral to the Plan maintenance program, will be the yearly submittal of a Virginia Hazard Mitigation Plan Annual Report Form to VDEM. The CVPDC Hazard Mitigation Annual Report, as well as regular program features throughout the year, will be made available for public comment and housed on the CVPDC Mitigation Plan website.

To ensure that the regional hazard plan does not exceed the FEMA five-year program eligibility an update process will be initiated, by beginning to seek FEMA funding and plan development preparation three years from the FEMA adoption.



BEDFORD COUNTY BOARD OF SUPERVISORS

Agenda Item Summary

MEETING DATE: 4/26/2021

AGENDA ITEM #9c

RESOLUTION #R 042621-09

Work Session Regular Meeting

Consent Public Hearing Action Closed Session Information

ITEM TITLE:

Consideration of a resolution accepting the final project and releasing retainage associated with Part #1 of Phase II Broadband, completed by ZiTEL, LLC.

RECOMMENDATION

ZiTEL reached full completion of Part #1 of this project in January 2021 and staff recommends approval of this resolution to accept the project and release final retainage. This resolution was initially tabled by the Board of Supervisors on 1/25/2021 for questions related to the project itself and remained tabled while details for Part #2 were pending.

SUMMARY

The purpose of Phase II of the Bedford County Internet Initiative was to continue addressing internet coverage gaps in our community. An RFP was issued on August 21, 2020 and held open until September 14, 2020. The proposal submitted by ZiTEL was supported by the RFP review committee and a contract was approved by the Board of Supervisors on October 26, 2020.

ZiTEL installed fiber at four different sites throughout the county as part of Part #1 of this project. The four sites were Big Island, Diamond Hill, Cedar Key, and Staunton River. The fiber installed is estimated to accommodate 1,820 households with fiber internet connections.

Bedford County was awarded \$564,500 in grant dollars through State CARES funds, to be used toward the Diamond Hill and Staunton River portions of ZiTEL's project.

George Condyles, the County's consultant on the project has provided a signed Certificate of Full Completion and Final Acceptance, which is included as an attachment to this memo.

Part #2 of this project is also on this agenda for consideration by the Board of Supervisors for fiber installation in the Trents Ferry and Woods Landing neighborhoods in Boonsboro. Final project acceptance and release of final retainage will be considered separately for Part #2, if approved.

PRIOR ACTIONS

October 26, 2020:

Resolution approving a network services agreement with ZiTEL, LLC. for the expansion of broadband internet as part of phase II of the Bedford County Internet Initiative in the amount of \$1,234,500.

Resolution directing the County Administrator to Accept and Appropriate Funds from the State of Virginia for Fast-Track Broadband Projects, if awarded.

FISCAL IMPACT

The remaining retainage associated with Part #1 of this project is \$61,725. The total contract amount was for \$1,234,500.

CONTACTS

Amanda Kaufman, Deputy County Administrator

ATTACHMENTS

Certificate of Final Completion from the Atlantic Company

Project Status report from the Atlantic Company

Grant Award Letter from State of Virginia

REVIEWED BY

Patrick Skelley, County Attorney



At a regular meeting of the Board of Supervisors of the County of Bedford, Virginia held at the Town of Bedford Municipal Building on the 26th day of April, 2021 beginning at 7:00 pm.:

MEMBERS:

Tommy Scott, Chair
 Tammy Parker, Vice-Chair
 Mickey Johnson
 Edgar Tuck
 Charla Bansley
 John Sharp
 Bob Davis

VOTE:

On motion of Supervisor _____, which carried by a vote of _____, the following was adopted:

**A RESOLUTION ACCEPTING FINAL PROJECT AND RELEASING RETAINAGE ASSOCIATED WITH
 PART #1 OF PHASE II BROADBAND, COMPLETED BY ZITEL, LLC.**

WHEREAS, the Board of Supervisors established internet access as a priority and committed to use CARES Act funding toward addressing unserved and underserved areas; and

WHEREAS, ZiTEL, LLC was awarded a network services agreement in October 2020 in the amount of 1,234,500; and

WHEREAS, ZiTEL, LLC. has reached full completion of Part #1 of this project, to provide fiber internet access to 1,820 Bedford County households in the Big Island, Diamond Hill, Cedar Key, and Staunton River neighborhoods; and

WHEREAS, the County has received a final Certificate of Full Completion and Final Acceptance from the project's consultant as it specifically pertains to Part #1; and

NOW, THEREFORE, BE IT RESOLVED, that the Bedford County Board of Supervisors does accept the final project associated with Part #1 of Phase II Broadband, as completed by ZiTEL, LLC. and authorizes the County Administrator to release final retainage in an amount of \$61,725.

January 8, 2021

CARES PROJECT STATUS REPORT**From: Zitel****For: Bedford County Broadband Authority****INFRASTRUCTURE STATUS**

PROJECT SITE	FACILITY OWNER	PLANS, DRAWINGS & SPECS. SUBMITTED	PERMIT AND/OR OWNER APPROVAL	ELECTRONIC, FIBER OPTIC CABLE & EQUIP ORDERED	ELECTRONIC FIBER OPTIC CABLE EQUIP INSTALLED	SYSTEM EQUIPMENT TESTED AND OPERATIONAL
Diamond Hill	Zitel	VDOT: 216-28266 AEP: 6-17-20	8-12-20	Yes Processing Invoice #1052*	Complete	In splicing phase Backbone Tested Scheduling customer drops 1 Beta Testers online
Cedar Key	Zitel	VDOT: 216-28378 AEP: none	11-11-20	Yes Processing Invoice #1052	Complete	In splicing phase Backbone Tested Scheduling customer drops 2 Beta Testers scheduled
Staunton River	Zitel	VDOT: AEP: 2020-014-2401 AEP: 2020-014-2402 AEP: 2020-014-2403 AEP: 2020-014-2404 AEP: 2020-014-2405 AEP: 2020-014-2406	11-24-20	Yes Processing Invoice # 1052	Complete	In splicing phase Backbone Tested Scheduling customer drops 1 Beta Testers online
Big Island: Rt.501	Zitel	VDOT: 216-28178 Bedford P&L: agreement attached	5-5-20	Yes Processing Invoice # 1052	Complete	In splicing phase Backbone Tested Scheduling customer drops 1 Beta Testers scheduled

County of Bedford, Virginia
Bedford County Broadband Authority

CERTIFICATE OF FULL COMPLETION & FINAL ACCEPTANCE

Name of Project: CARES: Broadband: Fiber Optic Placement and Service Provider

Contractor/Service Provider: Zitel, LLC

Project: Zitel Fiber Optic Placement and Connectivity

Address: 101 Duck Key Lane, Moneta, Virginia

Location: Cedar Key, Staunton River, Big Island, Diamond Hill

Contract Number: 2020-11-12

Full Completion Date: January 11, 2021

 X Complete Partial

Full Completion and warranty time periods affected are defined in the General Conditions of the Contract. All parties listed below have reviewed the work under this Contract and recommend issuance of the Full Completion. The Bedford County Broadband Authority (Owner) concurs with Zitel, LLC certification and declaration, will assume full possession and responsibility for the project or designated area on the above listed Date. All warranties will start the date of Final Acceptance January 11, 2021.

The responsibility of the Contractor for utilities, fees and Builders Risk Insurance required by the Contract cease at Full Completion.

The Certificate of Final Acceptance is issued.

Brandon Cameron

President – Zitel

January 11, 2021

Contractor/Developer
George N. Condyles, IV

Representative
President & COO

Date
January 11, 2021

Owner

Representative

Date



COMMONWEALTH of VIRGINIA
Office of the Governor

Secretary of Commerce and Trade

10/28/2020

Robert Hiss
County Administrator
Bedford County
122 East Main Street, Suite 202
Bedford, VA 24523

Dear Mr. Hiss,

On behalf of Governor Northam, it gives me great pleasure to inform you that Bedford County has been awarded broadband funding pursuant to the federal Coronavirus Aid, Relief, and Economic Security Act (CARES Act) in the amount of \$564,500 for the Diamond Hill and Staunton River Projects.

As stated in the program guidelines, these funds must be expended and service must be available by December 25, 2020. Similar to previous CARES Act allocations to localities, this award amount will be transmitted to Bedford County by the Department of Accounts. Once the project is complete, the Governor's Broadband Team and the Department of Accounts will follow up regarding project outcomes and compliance. I want to reiterate that it is incumbent on Bedford County to ensure project expenses are documented and verified in case of audit.

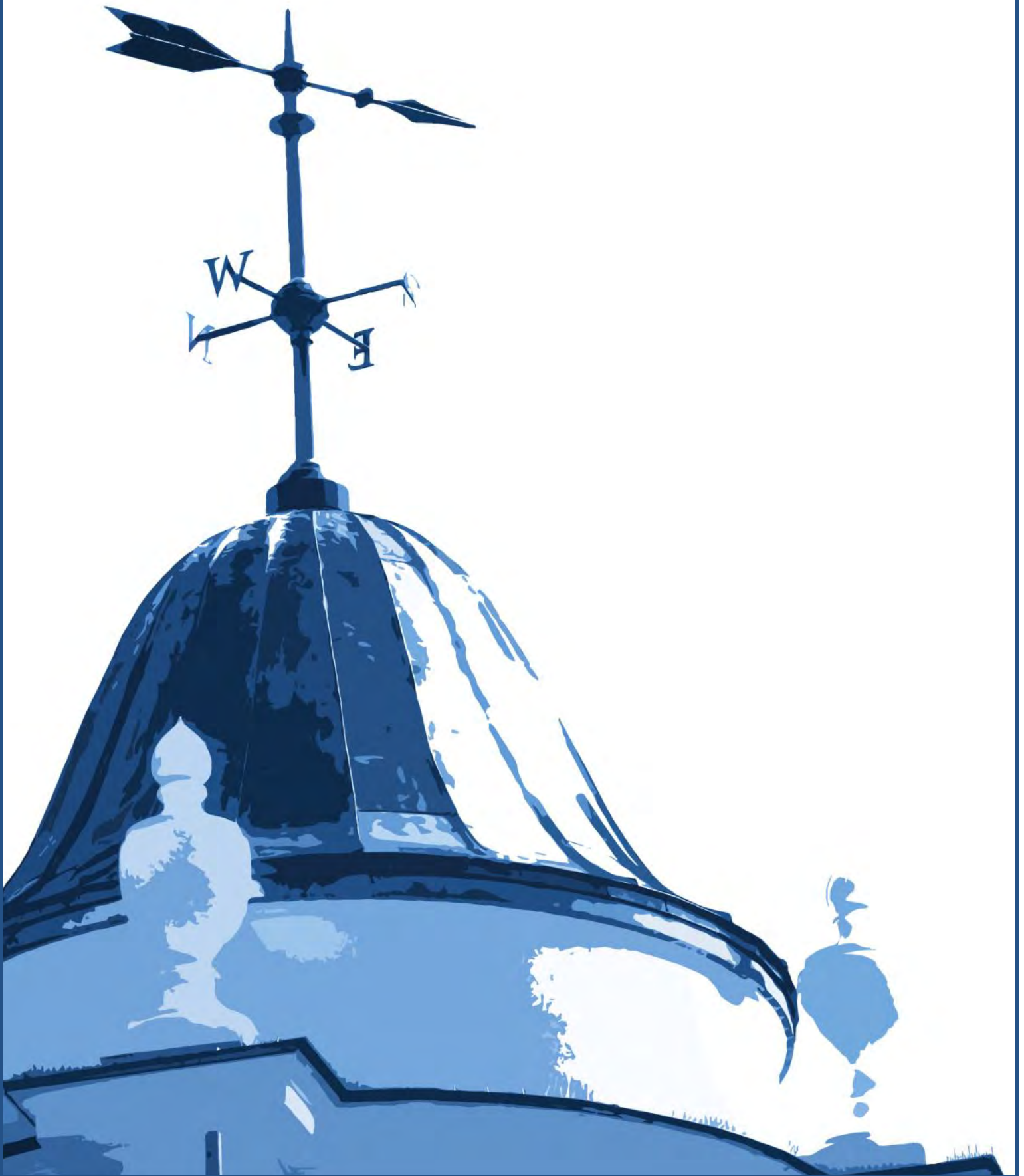
Congratulations on your award and we look forward to working with you now and in the future to achieve universal broadband coverage in Bedford County.

Sincerely,

A handwritten signature in black ink, appearing to read "Evan Feinman".

Evan Feinman
Chief Broadband Advisor
Office of Governor Ralph S. Northam

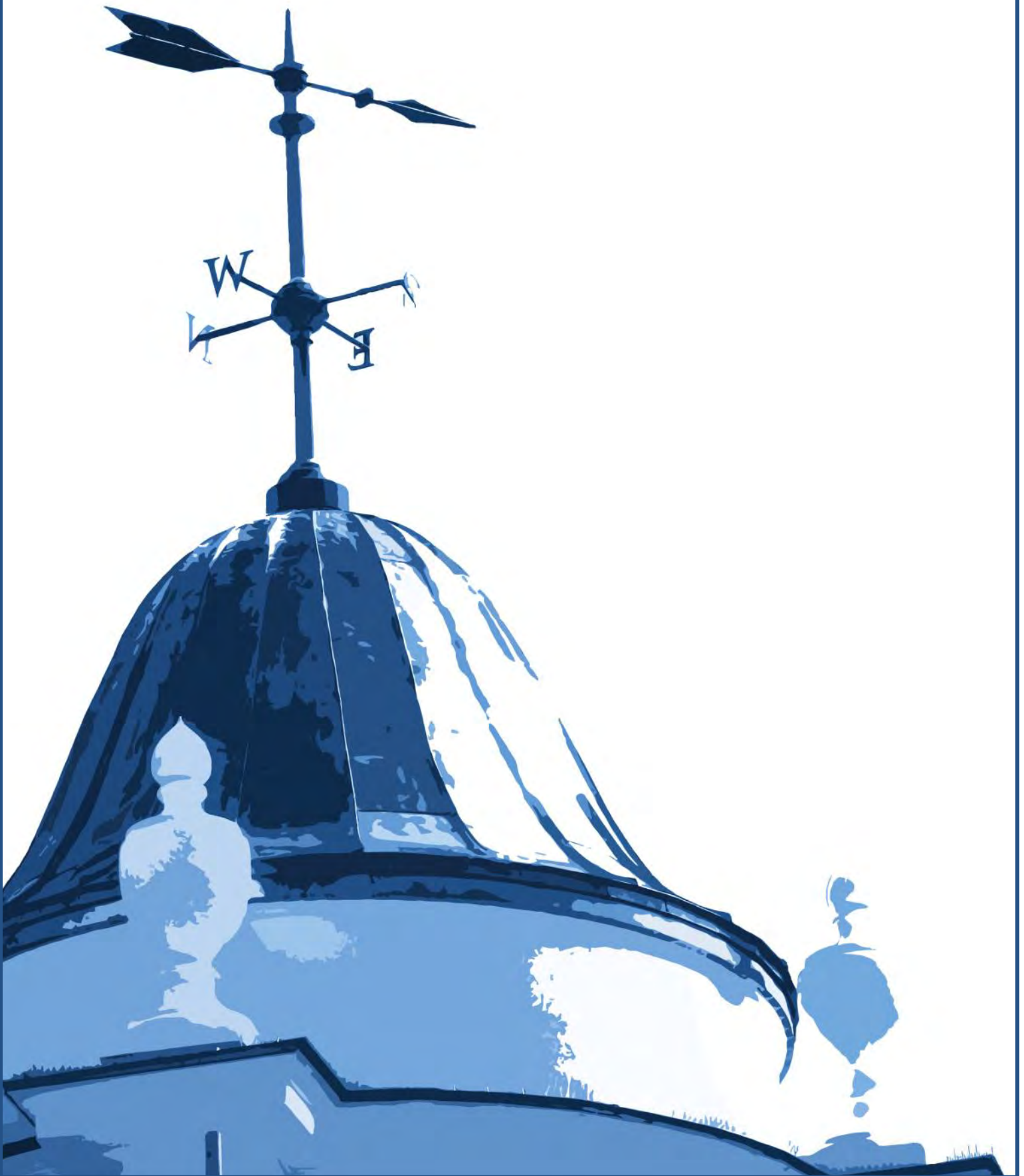
Agenda Item #10
Board Committee Reports



Agenda Item #11
Board Member Comments



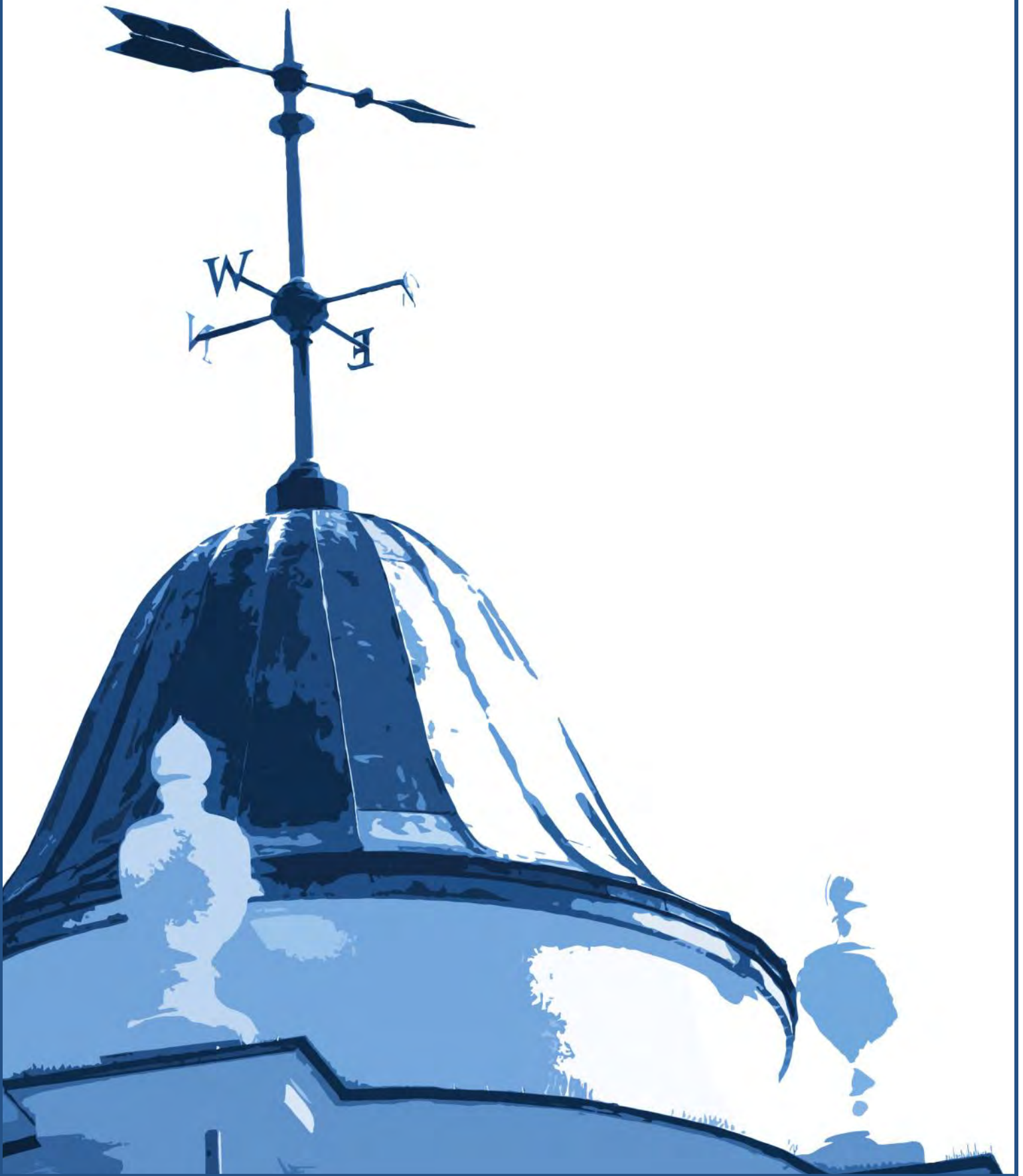
Agenda Item #12
Board Appointments



Agenda Item #13
County Administrator Report



Agenda Item #14
County Attorney Report



Agenda Item #15
Board Information



Agenda Item #16

Board Calendars & Reminders

- May 10 – Worksession with VDOT beginning from 5:00 to 6:30 pm; Regular Meeting at 7:00 pm (Town of Bedford Municipal Building – Council Hall)
- May 24 - Worksession from 5:00 – 6:30 pm; Regular Meeting at 7:00 pm (VDOT Public Hearing on Secondary Six-Year Plan) (location to be determined)

