



MINUTES

BEDFORD COUNTY BOARD OF SUPERVISORS

BEDFORD COUNTY ADMINISTRATION BUILDING

DECEMBER 9, 2013

5:00 P.M. WORK SESSION

- a. Presentation of the Fire and Rescue Revised Funding Formula.

6:45 P.M. Dinner

7:30 P.M. WELCOME

- a. Moment of Silence
b. Pledge of Allegiance

(1) APPROVAL OF AGENDA

(2) FIFTEEN MINUTE CITIZEN COMMENT PERIOD

(3) APPROVAL OF CONSENT AGENDA

- a. Request for acceptance of a grant from the Virginia Department of Historic Resources in the amount of \$17,815.00, and a Supplemental Appropriation in the amount of \$7,000.00 for the Bedford Historical Society for the Barns of Bedford Project Grant. (*Resolution #R120913-02*)
b. Request for a Supplemental Appropriation for the Sheriff's Office in the amount of \$381,148.00, which represents funds from the Asset Forfeiture Transfer recently approved for the Sheriff's Office by the Virginia Office of the Attorney General (OAG). (*Resolution #R120913-08*)

(4) APPROVAL OF MINUTES – November 25, 2013 (*will be sent under separate cover*)

(5) PUBLIC HEARINGS / PUBLIC APPEARANCES

- a. Public Appearance by Delegate-Elect Terry Austin.
b. Public Appearance – Update on the status of the Blue Ridge Regional Jail Authority.
 - *Presentation: Timothy E. Trent BBRJA Administrator*

- c. Public Appearance – Re-accreditation of the Bedford County Sheriff’s Office from the Virginia Law Enforcement Professional Standards Commission.
 - *Staff Presentation: Sheriff Mike Brown*
- d. Public Hearing –Request for approval of Special Use Permit #SU060012 for Cello Partnership d/b/a Verizon Wireless to increase the height of the existing facility and the use of standoff antennas. (*Resolution #R120913-06*)
 - *Staff Presentation: Jordan Mitchell, Planner*
- e. Public Hearing – Request for approval of Special Use Permit #SU140003 for Cello Partnership d/b/a Verizon Wireless for a wireless communication facility in an AR zoning district. (*Resolution #R120913-07*)
 - *Staff Presentation: Brad Robinson, Planner*
- f. Public Hearing – Board-initiated text amendments to the Subdivision Ordinance and the Zoning Ordinance. (*Ordinance #O 120913-03*)
 - *Staff Presentation: Tim Wilson, Director of Community Development*
- g. Consideration of a request for approval of a franchise agreement with Lumos Media. (*Resolution #R120913-04*)
 - *Staff Presentation: Carl Boggess, County Attorney*

(6) ACTION ITEMS

- a. Consideration of a request to award engineering contracts for the Solid Waste Department. (*Resolution #R120913-01*)
 - *Staff Presentation: Sheldon Cash, Director of Public Works*
- b. Consideration of Resolution Concerning "First Day Introduction" for Legislation Having Fiscal Impact on Local Governments. (*Resolution #R120913-05*)
 - *Staff Presentation: Mark Reeter, County Administrator*
- c. Proposed Resolution in Support of a Passenger Rail Stop within Town of Bedford (*Resolution #R120913-09*)
 - *Staff Presentation: Mark Reeter, County Administrator*
- d. Board of Supervisors Initiated Zoning Ordinance Text Amendments to Articles I and IV – Staff Report and Planning Commission Recommendation. (*Ordinance #O 120913-10*) (*heard by the Planning Commission and the Board of Supervisors on 11.13.13 as O 111313.04*)
 - *Staff Presentation: Tim Wilson, Director of Community Development*

(7) BOARD COMMENTS, COMMITTEE REPORTS, REQUESTS AND RECOMMENDATIONS

- a. Bedford County Planning Commission meeting minutes from October 1, 2013.
- b. Bedford Public Library System Board of Trustees meeting minutes from October 1, 2013.
- c. Bedford Regional Water Authority Board of Directors meeting minutes for October 15, 2013.
- d. Bedford County Department of Social Services Board meeting minutes from October 17, 2013.

(8) APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES

- a. Reminder – advanced notice that District 4 for the EDA and Districts 2, 3 and 4 for the Agricultural Economic Development Advisory Board are up for appointment/reappointment in January; Districts 2, 3 and 4 will need appointments/reappointments for the Planning Commission; appointment to the CVCC Advisory Board is also needed, as Dr. Bashore is no longer eligible to serve; and two appointments will be needed to the Building Appeals Board.

(9) COUNTY ATTORNEY REPORTS, REQUESTS AND RECOMMENDATIONS

(10) COUNTY ADMINISTRATOR’S REPORTS, REQUESTS AND RECOMMENDATIONS

- a. Discussion – Topics for January 11 Board Retreat
- b. Economic impact information – D-Day Memorial
- c. Dates for a joint meeting with the School Board
- d. County Office’s holiday schedule

(11) PENDING MATTERS

- a. Swearing-in ceremony and following reception will be held on December 20 at 9:00 a.m. at the Courthouse.

(12) UPCOMING MEETINGS

- January 11 – Potential date for Board Retreat at Peaks of Otter Lodge
- January 13 - Regular meeting at 7:30 p.m., with a Work Session from 5:00 to 6:45 p.m.

5:00 P.M. - WORK SESSION

Board of Supervisors: Steve Arrington, Chairman, District 5; John Sharp, Vice-Chairman, District 4; Bill Thomasson, District 1; Curry Martin, District 2; Roger Cheek, District 3; Annie Pollard, District 6; and Tammy Parker, District 7

Staff Present: Mark K. Reeter, Frank J. Rogers, Carl Boggess, Susan Crawford, Jack Jones, Marci Stone, Janet Blankenship and Brigitte Petersen

Chairman Arrington welcomed those in attendance, and then turned the meeting over to Frank Rogers, Deputy County Administrator, and Jack Jones, Chief of Fire and Rescue. Chief Jack Sorrells and Chief Eric Shell were also in attendance as members of the Temporary Advisory Group.

Mr. Rogers noted that the new funding formula was required in the reversion agreement. He briefly reviewed the process that led to this evening's formula presentation, stating there would be \$25,000.00 base funding for each agency, \$3,350.00 to each agency with a Board-approved substation and a \$100-per-call reimbursement. (Previously, the agencies were each given \$35,000.00 per year) Mr. Rogers noted that this proposed formula exceeds the current budget of \$648,855.00, so if the Board decides to go with this formula they will need to find \$36,000.00 more in the next budget to make the numbers work.

Mr. Rogers stated that, per the direction of the Board, this formula template had been shared with the Fire Commission. Mr. Rogers noted that the Fire Commission has concerns about the fuel funding, as well as a regular review of this funding formula. Mr. Rogers clarified that the \$100-per-call portion of the formula includes reimbursement for fuel, which means the funding formula being presented to the Board already spends the money appropriated for fuel.

Vice-Chairman Sharp, who serves on the Fire Committee, noted that the \$100-per-call amount was intended to include the cost of fuel to cover a call. He said that if funding is going to be set aside just for fuel, then the per-call amount should be reduced. Vice-Chairman Sharp said he feels that this formula covers the fuel. Mr. Rogers noted that staff is aware of this, but is also obligated to let the Board know the Commission's concerns regarding fuel.

Supervisors Thomasson, Martin, Cheek and Parker, Vice-Chairman Sharp and Chairman Arrington stated that they supported the Fire Funding Formula as presented. Supervisor Pollard stated she supported it with reservations, as she had been told by someone that if the per-call payments exceeded the budget then the Board would have to come up with additional funding. She said the Board doesn't have money to just "come up with".

Mr. Rogers reassured the Board that staff doesn't make flippant commitments on behalf of the Board. He stated that the formula being presented to the Board is based on five years of historical data; we know how many fire agencies we will have (at \$25,000.00 per year) and how many substations we will have (at \$3,350.00 per year), but we don't know how many calls will be made at \$100-per-call. It's known to be a ballpark number of 3,500 calls per year, but of course that number fluctuates. Mr. Rogers said that it is true that if the Board approves this formula and the number of calls increases, then the Board will need to come up with more funding to cover those costs.

Supervisor Pollard stated that she likes the formula already in place, and commented that if other agencies were handling more calls over the estimated number of calls in a year, then she would be in favor of giving those agencies more for covering those calls. She said she is not in favor of the formula as it is presented this evening.

Chairman Arrington stated that there is no avoiding the fact that difficult budget strategy decisions will need to be made. There followed a brief discussion between Mr. Rogers and members of the Board regarding the per-call reimbursement covering the cost of the fuel, with Supervisor Pollard asking that the agencies be given \$35-36,000.00 (as per the original funding formula) and let the agencies each do their own lease-purchase for equipment instead of the debt being taken on by the County. More discussion followed with the Chairman asking for the consensus of the Board on the funding formula. Supervisors Martin, Thomasson, Cheek and Parker, Vice-Chairman Sharp and Chairman Arrington were in favor of the proposed formula as presented; Supervisor Pollard was not in favor.

Supervisor Parker commented that the Fire Committee worked long and hard on this formula, and it is the fairest funding that they could arrive at with the parameters they were given. She asked if there would be a way to allow the agencies to opt to go with the new formula or stick with the current one, since approximately half of the agencies would likely opt to stick with the current formula.

Mr. Rogers replied that offering that option would ultimately cost more, but staff could work up some numbers to give the Board a better idea of what that additional funding may look like. He noted that the County would be covering the insurance, which would relieve some of the financial burden on the agencies.

There followed more discussion on this topic, which concluded with Chairman Arrington noting that how this funding is moved forward in the future will be a real challenge.

County Administrator Mark Reeter noted that this formula will be before the Board at their first meeting in January for approval. He said that he would like to propose reviewing this formula six months after it goes into effect, and then on a set schedule after that (every year or every few years, whichever the Board prefers). The Board voiced support for an annualized review.

Chief Sorrells and Chief Shell addressed the Board with a review of lease/purchase options for equipment. Chief Sorrells said the Temporary Advisory Group was tasked with meeting the needs of the system, maintaining the integrity of the volunteer system and focusing on the safety of the firefighters and the equipment. He reviewed their priority list of equipment and the amortization schedule; there followed a brief discussion to clarify various point of the amortization schedule between the Board, Mr. Rogers and Ms. Crawford.

In response to a question from Supervisor Martin, Chief Sorrells stated that the proposed fire trucks are more in line with current accepted practices for responding to calls. It is not desirable that volunteers report to a scene in their individual vehicles for a variety of reasons, including safety and so

many vehicles blocking the scene. The trucks with the larger cabs allow more firefighters to arrive at the scene together (as it is preferable to have at least 3 responders arrive at a scene), as well as keeping space free for more trucks to park at the scene if needed.

Supervisor Thomasson stated that the trucks that have a cab that can seat more than two firefighters were more expensive. In response to a question from Supervisor Thomasson, Deputy Chief Marci Stone stated that while occasionally a few volunteers may arrive at a fire scene in their own vehicles, the standard practice is to have firefighters arrive on fire trucks. She noted that it is a standard national policy to have two firefighters in and two firefighters outside of a building, which is why it is important they arrive together if at all possible. Supervisor Thomasson asked if this was mandatory; staff responded that while it is not mandatory it was adopted by the County's local Fire Commission. Supervisor Thomasson stated that he knew of other localities that were going with the smaller cabs. Chief Jones replied that while that may be the case, the smaller cabs are not the most appropriate or safest according to the data available. Chief Sorrells commented that for efficiency's sake, it's also better to have more firefighters together in the cab to distribute assignments etc., versus calling each responder on a radio or cell phone. He noted that the radios don't always function in a number of areas in the County, and it isn't safe to be on the radio while driving the firetruck.

The meeting was then turned over to Chief Jack Jones, who reviewed the proposed policies and procedures for agency participation (including the hosting of County EMS Resources and Memorandum of Understanding by volunteer agencies); volunteer classification; and the use of a duty roster and staffing matrix.

County Administrator Mark Reeter noted that these policies provide a written procedure for keeping equipment where it will be best utilized. Mr. Reeter stated that the standard Hosting Memorandum of Understanding (MOU) is important as it makes clear what is expected of the County staff and the hosting volunteer agency. There will also be an agreement regarding equipment use which will be customized to specific equipment.

There followed a brief discussion between staff and members of the Board regarding the various aspects of the MOU.

Supervisor Pollard stated that the County doesn't own the agency facilities, but the County is asking them to provide a lot of things, and asked Chief Jones what the agencies were getting out of the arrangement. Chief Jones replied that there is a funding mechanism which pays out of County dollars every year. Supervisor Pollard disagreed and said that those were operation funds, not rent. She said that the volunteers said they are concerned that everything is geared towards the paid staff, not volunteers. Chief Jones said that he was aware of an agency with those concerns; Supervisor Pollard stated that it was more than one agency. Chief Jones replied that he felt the County does a good job meeting the needs of

the volunteers with the resources available. He said that those needs are diverse and ever-changing, and that we need to be given the opportunity to meet needs and changes as they come.

(Supervisor Pollard left the work session at 6:33 p.m.)

Chief Jones continued his review of the proposed policies, touching on those policies that applied to staffing procedures and duty rosters, volunteer qualifications and the dropping numbers of volunteers. Supervisor Martin commented that he was surprised at how much was needed to operate the agencies, as it was not this complicated years ago.

Chairman Arrington asked the Board to review the copies of the policies and procedures Chief Jones had distributed for this work session. Supervisor Thomasson commented on how important the duty roster is to the successful operation of the agencies. There being no further business for the work session, the Board moved into the conference room for dinner at 6:48 p.m.

7:30 P.M. – REGULAR MEETING

Board of Supervisors: Steve Arrington, Chairman, District 5; John Sharp, Vice-Chairman, District 4; Bill Thomasson, District 1; Curry Martin, District 2; Roger Cheek, District 3; Annie Pollard, District 6; and Tammy Parker, District 7

Staff Present: Mark K. Reeter, Frank J. Rogers, Carl Boggess, Tim Wilson, Jordan Mitchell, Brad Robinson, Sheldon Cash, Mike Brown, Mike Miller, Kevin Adams and Brigitte Petersen

Chairman Arrington called the meeting to order and welcomed those in attendance; a moment of silence was held and the Pledge of Allegiance was said.

(1) APPROVAL OF AGENDA

County Administrator Mark Reeter read the changes to this evening's agenda as follows:

- Additional Documentation: Agenda Item #4 – Minutes from November 25, 2013 for review and possible action by the Board.
- Addition: Agenda Item #5a, Public Appearance – Delegate-elect Terry Austin will address the Board (the rest of the agenda items in this section will follow in their current order).
- Moved: Agenda Item #6c has been moved from Action Items to Public Hears as Item #5g.
- Addition: Agenda Item #6d – Board of Supervisors-initiated Zoning Ordinance Text Amendments to Articles I and IV; staff report and Planning Commission recommendation.
- Additional Documentation: Agenda Item 10b – Information on the economic impact of the National D-Day Memorial on Tourism in Bedford.

Supervisor Thomasson added a funding request as Action Item #6e, for the D-Day Memorial.

Vice-Chairman Sharp made a motion to approve the agenda as amended; motion passed by acclamation.

(2) FIFTEEN MINUTE CITIZEN COMMENT PERIOD

- Jackie Davis, citizen from Thaxton, addressed the Board with a prayer.
- John Briscoe, citizen from Thaxton, addressed the Board with his concerns about the State's tax increases. He thanked the Board for not increasing the County's taxes, and stated that those who raise taxes will not stay long in office.
- Andy Dooley addressed the Board to voice his thanks to the Sheriff's Office for a job well done, as well as offering his congratulations on the Sheriff's Office recent reaccreditation. Mr. Dooley also voiced his concerns over allowing teachers to carry guns in schools, and asked the Board to consider funding the Sheriff's budget request for School Resource Officers.

(3) APPROVAL OF CONSENT AGENDA

Mr. Mark Reeter, County Attorney, read the following items from the Consent Agenda for the benefit of those in attendance:

- a. Request for acceptance of a grant from the Virginia Department of Historic Resources in the amount of \$17,815.00, and a Supplemental Appropriation in the amount of \$7,000.00 for the Bedford Historical Society for the Barns of Bedford Project Grant. *(Resolution #R120913-02)*
- b. Request for a Supplemental Appropriation for the Sheriff's Office in the amount of \$381,148.00, which represents funds from the Asset Forfeiture Transfer recently approved for the Sheriff's Office by the Virginia Office of the Attorney General (OAG). *(Resolution #R120913-08)*

Supervisor Cheek made a motion to approve the consent agenda as read.

**Voting yes: Mr. Thomasson, Mr. Martin, Mr. Cheek, Mr. Arrington, Mr. Sharp,
Mrs. Pollard and Mrs. Parker**

Voting no: none

Motion passed.

(4) APPROVAL OF MINUTES – November 25, 2013

Supervisor Parker noted a correction on line #387, where a duplicate word should be deleted.

Supervisor Parker made a motion to approve the minutes as corrected; motion passed by acclamation.

(5) PUBLIC HEARINGS / PUBLIC APPEARANCES

(5a) Delegate-Elect Terry Austin addressed the Board, noting that he had previously served as a member of the Botetourt Board of Supervisors for 16 years. Mr. Austin noted that it was a rewarding and enlightening experience to serve the constituency where one lives; it is a great honor and privilege and he commended the Board for their service to their community. He noted he will take office on January 8th in Richmond, and stated that he will happy to meet with the Board to discuss any legislature they would like to have submitted during the upcoming term.

(5b) Mr. Timothy E. Trent, Blue Ridge Regional Jail Administrator, addressed the Board with an update on the status of the Blue Ridge Regional Jail Authority. Mr. Trent reviewed the history that led to the creation of the Regional Jail, noting that financial needs contributed to the creation of the Jail Authority. He noted that the BRRJA operates five facilities with approximately 1,200 inmates, including inmates for the State on a contract basis which is a revenue generator for the Authority.

Mr. Trent complimented the 410 members of his staff, stating that they are exemplary employees. He commented on the efficient systems they have in place to reduce the expense of water and other costs, and how the Authority has used funding sources like bond money to maintain and improve on the existing facilities.

Mr. Trent stated that inmates requiring psychotropic drugs and psychiatric care are driving up the cost of housing inmates, as many mental institutions have been closed by the tight economic circumstances faced by the State. This has pushed many inmates that would have been housed in hospitals into the BRRJA's facilities. He noted that the Authority utilizes work release programs and weekend release programs with non-violent offenders, which assist with trash pick-up in the County.

Mr. Trent said the facilities offer GED classes, religious services and inter-faith outreach, life-skills and a re-entry program to the inmates, which are paid for through the inmate commissary. He noted that the average cost to house an inmate with three meals a day is \$21,000.00 per year. Mr. Trent said medical costs are the bulk of costs, as they can be unpredictable and can be quite expensive depending on the need. He briefly reviewed inmate transportation, recent energy audits, jail capacity, etc., and noted the positive outlook on the jails that his staff works to promote through involvement with the community and the Sheriff's Department.

Mr. Trent concluded by congratulating Sheriff Brown on his department's recent reaccreditation.

(5c) Sheriff Mike Brown addressed the Board regarding the re-accreditation of the Bedford County Sheriff's Office from the Virginia Law Enforcement Professional Standards Commission. Before Sheriff Brown began his presentation, Chairman Arrington read a newspaper article that was recently published

regarding the reaccreditation, which noted that the Sheriff's Office was found to be in 100% compliance. Sheriff Brown stated re-accreditation is a difficult procedure, and he commended his staff for their outstanding work to obtain reaccreditation.

Chairman Arrington congratulated Sheriff Brown on his department's reaccreditation, and then presented the Sheriff with the Certificate of Accreditation from the State.

(5d) Jordan Mitchell, Planner, addressed the Board with a request for approval of Special Use Permit #SU060012 (amended) for Cello Partnership d/b/a Verizon Wireless to increase the height of the existing facility and the use of standoff antennas. Mr. Mitchell stated the applicant is proposing to amend conditions to allow for a height increase of the existing wireless communication facility from 80 feet to 120 feet for the use of standoff antennas. He said that the property is located at 1623 Bunker Hill Loop in District 3, is approximately 9.3 acres in size and is owned by Ferguson Farms, LLC.

Mr. Mitchell displayed for the Board a number of photographs, maps and plan drawings showing the area affected by this requested and the outlay of the project. He noted those sections of the Comprehensive Plan that related to this request, and stated that it meets the requirements of the Plan. Mr. Mitchell said there will be aesthetic impacts, as the increased height will make the tower more visible. He stated that technology consultant's report recommended that this project be approved, as did the Planning Commission at their public hearing on November 19, 2013, with amended conditions as proposed by staff (reflected in resolution given below).

Laurie Schweller, attorney for the applicant, addressed the Board and stated that this request was for a straight-forward extension of an existing site, which should minimize the number of facilities in the County. In response to a question from Supervisor Thomasson, Ms. Schweller noted the colors on the pole would blend with the surroundings.

The public hearing was opened; there being no one to speak, the public hearing was closed.

Supervisor Cheek made a motion to approve Resolution #R120913-06.

WHEREAS, Special Use Permit SU060012 was approved February 27, 2006, with conditions that limited the height of the wireless communication facility to 80 feet in height and the use of only flush mount antennas for colocations; and

WHEREAS, the application was submitted pursuant to Section 30-79-2 of the Zoning Ordinance, which allows a Wireless Communication Facility, Class 4 in the AR Zoning District after a Special Use Permit has been approved in accordance with Section 30-19 of the Zoning Ordinance; and

WHEREAS, Cellco Partnership (d/b/a Verizon Wireless) seeks to extend the existing Wireless Communication Facility to 120 feet in height and use standoff antennas for a colocation at 116 feet AGL; and

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

THEREFORE, BE IT RESOLVED by the Board of Supervisors that an amendment request to Special Use Permit application SU060012 be and it hereby is amended and approved with the following amended conditions:

- 1) The monopole shall be painted brown of similar color to blend visually with the existing tree canopy at or below 80 feet and remain unpainted (galvanized matte steel) above 80 feet.
- 2) The monopole's height shall not exceed 120 feet.
- 3) The general safety recommendations outlined in the ATC Reports dated December 13, 2005 and October 18, 2013, shall apply to this project.
- 4) The applicant shall plant large evergreen trees (Leyland Cypress) and evergreen shrubs (Yaupon Holly) at the appropriate intervals on the south and east sides of the fenced equipment compound. If the natural buffer on the north and west sides of the lease area are ever reduced to effectively screen the lease area, then landscaping shall be planted along the affected side(s) of the fenced area. Required landscaping shall comply with the planting requirements in Section 30-92-4 of the Zoning Ordinance (as amended) and shall remain alive and in good condition in perpetuity.

Voting yes: Mr. Thomasson, Mr. Martin, Mr. Cheek, Mr. Arrington, Mr. Sharp, Mrs. Pollard and Mrs. Parker

Voting no: none

Motion passed.

(5e) Brad Robinson, Planner, addressed the Board with a request for approval of Special Use Permit #SU140003 for Cello Partnership d/b/a Verizon Wireless for a wireless communication facility in an AR zoning district. Mr. Robinson stated the property is located along Mill Iron Road (Route 653) in District 1, which comprises a total of 110.996 acres and is owned by Paul and Lourdes Page. He displayed for the Board maps, photographs and the concept plan to illustrate the scope of the project and noted that, at the recommendation of the Planning Commission, the applicant is offering to change the color of the tower to better blend in with the surrounding area. Mr. Robinson commented the project will not affect the zoning designation of the surrounding area, and referenced those portions of the Zoning Ordinance and the Comprehensive Plan that applied to this request. He stated that impacts to the site are solely aesthetic in nature. He said that the Planning Commission held a public hearing on this application on November 19, 2013 and has recommended approval with the conditions as given in the resolution below.

Supervisor Thomasson asked what the average height of the trees on the site are; Chairman Arrington replied that they are between 70 and 90 feet.

Vice-Chairman Sharp asked why, in condition #6, the fence has to be that high. Mr. Robinson responded that there were concerns regarding potential visibility of the compound during the wintertime when there may not be vegetation.

Laurie Schweller, legal counsel for the applicant, addressed the Board by stating that this site is intended to help with the serious lack of coverage for wireless internet and service for the area. She noted that the tower is a modest height, and the color was changed to lessen the visual impact.

In response to a question from Supervisor Pollard, Ms. Schweller stated the coverage radius will be reduced from the usual five to six miles due to the mountain terrain.

Supervisor Thomasson stated that there is a lack of both internet and cell phone service in this area, and the tower will be an enhancement.

The public hearing was opened. Mr. Don Lorton stated that he represented 52 residents who favor the tower with the additional conditions for a board privacy fence, a time limit on the use of microwave dishes, the paint scheme of brown below the tree line and galvanized steel above and the use of a mono-pine tower design. Supervisor Thomasson asked how many of the people who signed the petition lives within a mile radius of the tower. Mr. Lorton responded that every person on the petition lives within about 1,000 to 1,200 yards of the tower site.

Mr. Pierce, who lives on Mill Iron Road (which he said is located approximately 2 football fields from his house), spoke in favor of this application and asked the Board to approve the request.

There being no one else to speak, the public hearing was closed.

Ms. Schweller addressed Mr. Lorton's concerns, stating that changing the color would not be a problem. However, the mono-pine tower design is not favored as an aesthetic solution over a monopole by most people, as well as being more expensive. Even if branches are only added to a monopole above the tree line, the construction costs of the site would double. Ms. Schweller said she has discussed this with the applicant, who has stated they would have to withdraw their application at this time if a mono-pine design became a condition of approval. She noted that the applicant is ready to comply with the privacy fence condition. Ms. Schweller stated that the microwave dishes would have to be in use until there are underground cables in place; the cabling would be installed by some other entity (such as the County), so they have no idea how long the microwave dishes would need to be in place. She said they would gladly remove the dishes when they are no longer needed.

Supervisor Thomasson said that a mono-pine tower would stand out when fall came every year and the trees lost their leaves; Ms. Schweller concurred, since most of the trees in that area are deciduous.

County Attorney Carl Boggess clarified with Ms. Schweller that the applicant agrees with a monopole and antennae that is painted brown to 80 feet and then galvanized steel about that, as well as a 7 foot high wooden fence that shall be painted brown. Ms. Schweller said these conditions would be agreeable to the applicant.

In response to a question from Supervisor Pollard, Chairman Arrington said the microwave dishes would not be required to be removed until there was supportive cabling for the services provided to enable Verizon to remove the dishes.

Vice-Chairman Sharp asked for clarification on the condition of the height regarding the wooden fence, stating that it should read that it has to be at least 7 feet high.

Supervisor Thomasson made a motion to approve Resolution #R120913-07.

WHEREAS, Verizon Wireless d/b/a Cellco Partnership has submitted application SU140003 requesting a Special Use Permit to construct a 124 foot tall Wireless Communication Facility, Class 4 within an 80' x 80' lease area in a AR (Agricultural/Residential) district identified as Tax Map Number 193-A-86; and

WHEREAS, the application has been submitted pursuant to Section 30-79-2 of the Zoning Ordinance, which allows a "Wireless Communication Facility, Class 4" in the AR Zoning District after a 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 recommendation of the Planning Commission; and

WHEREAS, the Board finds that the request meets the goals and objectives of the Comprehensive Plan and the purposes of the Zoning Ordinance for issuance of a Special Use Permit; and now

THEREFORE, BE IT RESOLVED, by the Board of Supervisors that a Special Use Permit pursuant to application #SU140003 be and it hereby is approved with the following conditions:

1. The wireless communication facility shall not exceed 124 feet in height.
2. Existing trees on the site shall remain as a buffer of the tower site. If the trees remain, the requirement of a landscape plan in Section 30-87-3(G)(5) of the zoning ordinance shall be waived. If any trees are removed from the site, the Zoning Administrator shall be notified and determine if landscaping is needed.
3. The monopole shall be painted brown up to the existing tree line and be a non-reflective galvanized steel finish above the tree line in order to blend visually with the surrounding environment.
4. A NEPA report shall be submitted to the County for review prior to the issuance of a building permit.
5. All General Safety recommendations from the Atlantic Technology Consultants, Inc. report shall be followed, including site identification information and routine and emergency contact information, as well as an OSHA approved climbing device.
6. The wooden fence must be a minimum of seven feet in height, painted a dark brown color and maintained in good condition in perpetuity.

**Voting yes: Mr. Thomasson, Mr. Martin, Mr. Cheek, Mr. Arrington, Mr. Sharp,
Mrs. Pollard and Mrs. Parker**

Voting no: none

Motion passed.

(5f) Tim Wilson, Director of Community Development, addressed the Board with a request for approval of Board-initiated text amendments to the Subdivision Ordinance and the Zoning Ordinance. Mr. Wilson stated these amendments were first initiated by the Board back in October, which included a new waiver section that is specific as to how it may be applied to the public street requirements of the Subdivision Ordinance and noted the regulations that would guide the use of this particular waiver.

Mr. Wilson continued his review of the amendments to parking and loading standards and signage, removal of the sections on short term rentals and the requirement for a table of metric equivalents, and modifications to the list of zoning permit exceptions.

Mr. Wilson stated that the Planning Commission has conducted its public hearing on this matter, but has not yet reached a recommendation to forward to the Board. Therefore, the Board can conduct its public hearing this evening, but cannot move forward with approval until they receive the Commission recommendation.

There followed a discussion between staff and members of the Board regarding the various amendments to the Subdivision Ordinance and the Zoning Ordinance. Vice-Chairman Sharp asked if only the new portion of the street would need to be 20 feet wide; Mr. Wilson answered in the affirmative.

Supervisor Parker asked that the language under exemptions to getting a zoning permit be clarified from 'to add circumstances where a building permit is not required' to read 'circumstances where a building permit for a building structure is not required', such as a pre-fab storage building from Lowes. She stated that, under Parking Regulations for Mortuaries and Liquor Stores, the requirement of 30 parking spaces seems excessive. Supervisor Parker also questioned the parking space ratio for a retail store selling to the public, and noted that it should read 'square feet of retail floor space' instead of just 'square feet of floor space'. Mr. Thomasson concurred that the parking spaces requirements were excessive.

Supervisor Martin requested that the short term rental language be left in the Ordinance; Mr. Wilson replied that it would be the prerogative of the Board to either keep that portion or modify it, since the Board initiated the change. Supervisor Martin said he lives in the affected area, and the language is needed for the protection it gives to property owners. He noted he has received over 100 calls requesting that the short term rental section be left in the ordinance in its entirety. Supervisor Thomasson noted that the properties affected by this ordinance were in his and Supervisor Martin's districts, and concurred with Supervisor Martin.

Vice-Chairman Sharp asked if the Board could withdraw a portion of their requested changes, since the Board was the applicant for the changes to begin with. Attorney Boggess replied in the affirmative, but commented that waiting until the recommendations from the Planning Commission come back before the Board would be a cleaner method.

The public hearing was opened.

Mr. J. D. Box, resident of the Cedar Creek Subdivision, stated that most of the residents in his subdivision are opposed to these proposed changes. Mr. Box questioned if the changes were being brought by the Board on behalf of a single individual, who is also the developer of the Cedar Creek Subdivision. He said there are concerns for safety and the consequences these changes will bring about, and referenced communication from the County Attorney from several years ago that he felt indicated waivers for further development would not be issued in the future for this subdivision.

Mr. Tim Haer, Mr. Bill Piatt, Mr. John Lane, Mr. Steven Malone, Mr. Walter Hogel and Mr. Steven Stevick, all of whom are either residents or non-resident property owners in the area affected by the proposed changes, voiced their opposition to removing the short-term rental text from the Ordinance. (Mr. Piatt asked those in the audience supporting his position to stand – a significant portion stood to show their support.) Those opposed to removing this portion of the ordinance sighted concerns over property damage, overuse of the septic system, noise disturbances and excessive traffic.

Mr. Josiah Tillett, resident of Forest, and Mr. Jon Briscoe, resident of Thaxton, voiced their support for moving forward with the amendments proposed by the Board.

Mr. Piatt again addressed the Board to voice his opposition to removing the language regarding the short term rentals.

There being no one else to speak, the public hearing was closed.

(5g) Carl Boggess, County Attorney, addressed the Board with of a request for approval of a franchise agreement with Lumos Media. Attorney Boggess stated that this is an area which already has a franchise with Shentel, but the Lumos agreement is only for multiple-dwelling units versus a specific land area.

The public hearing was opened; there being no one to speak, the public hearing was closed.

Vice-Chairman Sharp made a motion to approve Ordinance #O 120913-04.

WHEREAS, Lumos Media desires to provide cable services in multi dwelling units in conjunction with the McLeod Group utilizing fiber optic development methodology and Internet Protocol Television; and

WHEREAS, the County and Lumos Media have negotiated a franchise agreement, following the requirements of state and federal law; and

WHEREAS, the granting of a franchise to Lumos Media is in the best interest of the citizens of Bedford County.

THEREFORE, BE IT ORDAINED, that the County Administrator is authorized to execute the attached franchise agreement with Lumos Media.

Voting yes: Mr. Thomasson, Mr. Martin, Mr. Cheek, Mr. Arrington, Mr. Sharp, Mrs. Pollard and Mrs. Parker

Voting no: none

Motion passed.

Mr. Steve Wilkerson, Supervisor-elect for District 3, presented Supervisor Cheek with a gift in recognition of his retiring from the Board after 19 years of service.

(6) ACTION ITEMS

(6a) Sheldon Cash, Director of Public Works, addressed the Board with a request to award engineering contracts for the Solid Waste Department. Mr. Cash reviewed the procurement process that led to the selection of the engineering firms before the Board for approval this evening, noting three different engineering firms would be on contract to handle a variety of needs. He stated that the Solid Waste Committee has concurred with these award recommendations, and that work on a variety of tasks would begin in January 2014.

Supervisor Cheek made a motion to approve Resolution #R120913-01.

WHEREAS, Bedford County operates solid waste collection centers, a closed landfill, an active landfill, a transfer station, and a material recycling facility, and

WHEREAS, staff developed Request for Proposals procuring professional engineering and consulting services to support these operations, and

WHEREAS, a selection committee reviewed proposals and interviewed five firms, and

WHEREAS, the firms were rated based upon specific selection criteria, and

WHEREAS, the selection committee recommended award of contracts to three firms based upon specific tasks, and

WHEREAS, the Bedford County Solid Waste Committee met on November 19, 2013 and concurred with the selection committee, and now

THEREFORE, BE IT RESOLVED, that the Bedford County Board of Supervisors authorizes the County Administrator, following review and approval of the County Attorney, to execute a master professional services agreement with Joyce Engineering for: design of collection center improvements and consulting services for the County's closed landfill gas management needs, and

THEREFORE, BE IT FURTHER RESOLVED, that the Bedford County Board of Supervisors authorizes the County Administrator, following review and approval of the County Attorney, to execute a master professional services agreement with SCS Engineers for: active landfill master planning, active

landfill permitting, and landfill operational consulting, active landfill gas management needs, and active landfill leachate management options, and

THEREFORE, BE IT FURTHER RESOLVED, that the Bedford County Board of Supervisors authorizes the County Administrator, following review and approval of the County Attorney, to execute a master professional services agreement with Draper Aden Associates for: landfill groundwater consulting services, landfill stormwater consulting services, and design improvements for the County's material recycling facility.

Voting yes: Mr. Thomasson, Mr. Martin, Mr. Cheek, Mr. Arrington, Mr. Sharp, Mrs. Pollard and Mrs. Parker

Voting no: none

Motion passed.

(6b) Mark Reeter, County Administrator, addressed the Board with a request for approval of a resolution concerning "First Day Introduction" for Legislation Having Fiscal Impact on Local Governments. Mr. Reeter stated that Patrick Harrity, Supervisor for Fairfax County and current Chair of the Governor's Task Force for Local Government Mandate Review, has requested that all local governments consider endorsing a resolution asking the General Assembly to reinstate the 'First Day Introduction' provision which had been in practice prior to 2010. This provision insured that all legislation that is introduced that is anticipated to have a fiscal impact on localities be introduced no later than the first day of the General Assembly session.

Supervisor Thomasson voiced his support for this resolution.

Supervisor Thomasson made a motion to approve Resolution #R120913-05.

WHEREAS, local governing bodies across Virginia have an increasing concern about the impact on localities of state mandates and cost shifting, and

WHEREAS, Section 30-19.03 of the Code of Virginia states that the Virginia Commission on Local Government shall prepare and publish a statement of fiscal impact for "*any bill requiring a net additional expenditure by any county, city, or town, or...any bill requiring a net reduction of revenues by any county, city, or town, is filed during any session of the General Assembly*", and

WHEREAS, numerous bills meeting this criteria have been submitted and gone through the legislative process without review for local fiscal impacts due to limited time and resources to review these bills during General Assembly Sessions, and

WHEREAS, it is also recognized that a need exists for additional time and resources to provide such information during the tight procedural confines of the current legislative process, and

WHEREAS, it is critical that lawmakers have better and timelier information on the fiscal impact to localities when they consider bills and budget items;

NOW, THEREFORE, BE IT RESOLVED, by the Bedford County Board of Supervisors that the Board hereby requests the Virginia General Assembly support measures that require its members to file bills with local fiscal impacts as early as possible and no later than the first day of each Session.

BE IT FURTHER RESOLVED, that the Board hereby amends Resolution R102813-08 to incorporate this request as part of Bedford County's Legislative Priorities for the 2014 Session of the Virginia General Assembly.

Voting yes: Mr. Thomasson, Mr. Martin, Mr. Cheek, Mr. Arrington, Mr. Sharp, Mrs. Pollard and Mrs. Parker

Voting no: none

Motion passed.

(6c) Mr. Mark Reeter, County Administrator, addressed the Board for approval of a Board-initiated resolution in support of a passenger rail stop within the Town of Bedford. Mr. Reeter noted the planned extension of rail service between Roanoke and Lynchburg, and said there has been considerable interest from residents, as well as from the Town of Bedford, for a rail stop being added in Bedford. He commented that no additional rail stops being planned by the Department of Rails and Public Transportation, and briefly review some of the guidelines used to determine if an additional stop is feasible when service is extended.

Supervisor Pollard made a motion to approve Resolution #R120913-09.

WHEREAS, the Virginia Department of Rails and Public Transportation (DRPT) is currently working with Norfolk Southern Railroad (NS) to evaluate the feasibility of extending passenger rail service between the Cities of Lynchburg and Roanoke, and

WHEREAS, such rail service route would traverse Bedford County and pass through the Town of Bedford, approximately equidistant between Lynchburg and Roanoke, and

WHEREAS, the Town of Bedford has expressed interest in being considered as a possible stop along this service route through recent communications with DPRT; and

WHEREAS, many citizens of Bedford County have expressed support for the possibility of a stop within this community as an additional mode of public transportation and to facilitate opportunities for economic development in both the Town and County; and

WHEREAS, by correspondence dated November 26, 2013, DPRT stated that "there are currently no plans for additional stations between Roanoke and Lynchburg or beyond", citing that "considerations for stations" include distances between existing stations, projected ridership, frequency of stops which affect scheduling, and cost of necessary track and station improvements as factors, and

WHEREAS, this correspondence did not provide any analysis of such considerations being fully evaluated with respect to a possible stop within the Town of Bedford;

NOW, THEREFORE, BE IT RESOLVED, by the Bedford County Board of Supervisors that the Board respectfully requests full and fair consideration by DPRT and NS as to the feasibility of a passenger rail stop within the Town of Bedford.

BE IT FURTHER RESOLVED, that the Board also requests DRPT document and disclose its findings and conclusions with respect to the feasibility of a Bedford stop as soon as practical.

BE IT FURTHER RESOLVED, that the Board directs a copy of this Resolution be forwarded to the Director of DRPT, the Town of Bedford, and Bedford County's representatives to the Virginia General Assembly and United States Congress.

Voting yes: Mr. Thomasson, Mr. Martin, Mr. Cheek, Mr. Arrington, Mr. Sharp, Mrs. Pollard and Mrs. Parker

Voting no: none

Motion passed.

(6d) April Cheek-Messier, President of the D-Day Memorial Foundation, addressed the Board regarding the funding request made at a previous meeting for proposed D-Day Memorial to the Bedford Boys.

Chairman Arrington noted that the D-Day Memorial brings a significant economic benefit to the County.

Supervisor Thomasson made a motion to donate \$25,000.00 for this project.

Supervisor Pollard made a motion to amend Supervisor Thomasson's motion to increase the investment for this project to \$50,000.00.

Vice-Chairman Sharp stated that he very much appreciates what the D-Day Memorial represents, but calling this a donation troubles him. He said if he is going to support something, it has to be an investment in economic development, not a donation. Vice-Chairman Sharp said he feels this is a worthy cause and he appreciates what it stands for, but the County is short of funds and therefore he cannot support a donation of \$50,000.00.

Vice-Chairman Sharp made a motion to extend the meeting past 10:30 p.m.; motion passed by acclamation.

Mrs. Cheek-Messier noted that this would be an investment, as the D-Day Memorial contributes over \$3 million per year to the County and bring in 50% of the out-of-state visitations. She commented that for the dedication of this statue alone they are anticipating 15,000 visitors, which will generate countless dollars for the County and the Town. Mrs. Cheek-Messier stated it is also an obligation to recognize those from our community who served.

Voting yes: Mr. Cheek, Mr. Arrington, Mrs. Pollard and Mrs. Parker

Voting no: Mr. Thomasson, Mr. Martin and Mr. Sharp

Motion passed.

(6d) Tim Wilson, Director of Community Development, addressed the Board with a request for approval of Board-initiated Zoning Ordinance Text Amendments to Articles I and IV (formerly heard at a joint meeting with the Planning Commission as Ordinance #O 111313-04 on November 13, 2013). Mr. Wilson stated that this was largely a housekeeping action to get rid of redundancies and mistakes, as well as bring the articles in compliance with the States statutes.

Mr. Wilson stated that the Planning Commission did recommend adoption of all the proposed amendments, with two exceptions. First, they recommend keeping the portion that deals with the neighborhood information meetings. Second, they recommended not changing the date from 1986 to 1998 in terms of extending non-conforming rights to mobile home parks.

Vice-Chairman Sharp stated that he agreed with keeping the Planning Commission's recommendation to keep the neighborhood information meetings, noting that these meetings are beneficial to both the residents and the developers.

Supervisor Parker stated that the intent was to make the neighborhood information meeting optional for the applicant, instead of mandatory as they currently are. She noted that planning staff could still assist with the letters, be present at the meeting, etc., if needed, but she feels these meetings should be optional. Supervisor Parker stated that frequently no one shows up at the neighborhood meeting unless it's a controversial project.

Vice-Chairman Sharp noted his concerns that staff would be available to assist with these meetings if the applicant wanted to have one, and that the optional meetings would not be held a sufficient amount of time prior to the public hearing.

Supervisor Pollard stated that the neighborhood meetings can affect property rights as well, and she would like to see neighborhood meeting be eliminated.

Mr. Wilson clarified that if this portion of the ordinance is rescinded, it would not preclude a developer from having an information meeting, and his department would still assist however possible if the developer requested it.

Chairman Arrington asked the Supervisors if they would rather the neighborhood meeting were an option for the applicants. Supervisors Thomasson and Martin said they would to keep the meetings mandatory, but with changes; Supervisors Cheek, Sharp, Pollard, Parker and Arrington voiced their preference to make the meetings optional.

Mr. Wilson said that the Board could remove the meeting requirement entirely and make it voluntary, which would enable staff to discuss it with applicants and to offer assistance, but the costs would be on the applicant. However, if it remains as ‘optional’, then the costs would be lowered for the applicant since the County would take care of the signage.

Supervisor Pollard made a motion to approve Ordinance #O 120913-10 as presented, with the exception of accepting Planning Commission recommendation #2. .

BE IT HEREBY ORDAINED, by the Board of Supervisors of Bedford County, Virginia, that after the conduct of a duly advertised public hearing and upon having received the recommendation of the Bedford County Planning Commission, the regulations of the Bedford County Zoning Ordinance be amended and readopted to modify the entirety of Article I, General Provisions, and select provisions of Article IV pertaining to the permitting of manufactured homes in residential zoning districts as follows:

ARTICLE I - GENERAL PROVISIONS

SEC. 30-1 AUTHORITY AND CITATION

This ordinance, to be cited as the Bedford County Zoning Ordinance, or as the “zoning ordinance”, is hereby ordained, enacted and published by the Bedford County Board of Supervisors, pursuant to Title 15.2 Chapter 22 of the Code of Virginia, 1950, as amended. All provisions contained herein, together with the official zoning map, shall constitute the complete zoning ordinance, a copy of which is on file in the Department of Community Development.–

SEC. 30-2 JURISDICTION

The provisions of this ordinance shall apply to all property within the unincorporated portions of Bedford County, Virginia, including any property within the county that may be assessed in an adjoining jurisdiction.

SEC. 30-3 PURPOSE

(A) The zoning regulations and districts set forth in this ordinance are for the general purpose of implementing the comprehensive plan of Bedford County. They are designed to achieve the general purposes of promoting the health, safety, and general welfare of the public, and of further accomplishing the objectives of Section 15.2-2200 of the Code of Virginia, as amended. To these ends, this ordinance is designed to give reasonable consideration to each of the following purposes:

1. Provide for adequate light, air, convenience of access, and safety from fire, flood, impounding structure failure, crime and other dangers;
2. Reduce or prevent congestion in the public streets;
3. Facilitate the creation of a convenient, attractive, and harmonious community;
4. Facilitate the provision of adequate police, fire protection, disaster evacuation, civil defense, transportation, water, sewer, flood protection, schools, parks, forests, playgrounds, recreational facilities, airports, and other public requirements;

5. Protect against destruction of or encroachment upon historic buildings or areas;
6. Protect against one or more of the following: overcrowding of land, undue density of population in relation to the community facilities existing or available, obstruction of light or air, hazards and danger and congestion in travel and transportation, or loss of life, health, or property from fire, flood, panic, or other hazards;
7. Encourage economic development activities that provide desirable employment and enlarge the tax base;
8. Provide for the preservation of agricultural and forested lands and other lands of significance for the protection of the natural environment;
9. Protect approach slopes and other safety areas of licensed airports;
10. Promote the creation and preservation of affordable housing for the meeting of current and future needs of the locality as well as a reasonable proportion of the current and future needs of the of the planning district within which the locality is situated; and
11. Protect surface and groundwater resources.

State law reference – Va. Code §§15.2-2200, 2280 and 2283.

SEC. 30-4 ZONING MAP

The zoning map is composed of the several maps and digital source files, and all dimensions, symbols, notations, and designations shown on the maps and in the digital source files as maintained by the department of community development, and is incorporated by reference as part of this chapter. The zoning map also may exist in an analog zoning map book.

SEC. 30-5 APPLICATION OF REGULATIONS

No building, structure or land, or parts thereof, shall be used, occupied or constructed except in conformity with all the regulations specified in this chapter. Permitted and special uses are listed by district in the Permitted Use Table in Article III. Any use not specifically designated as a listed permitted use or special use shall be deemed to be prohibited. Where the regulations of this chapter may be in conflict with one another, or with the regulations of other chapters of the county code, the more restrictive regulation shall apply.

SEC. 30-6 ZONING ADMINISTRATOR; POWERS AND DUTIES

- (A) The county administrator, or his designee, shall serve as the zoning administrator. The zoning administrator shall be responsible for the enforcement and interpretation of this ordinance.
- (B) The zoning administrator, or his designee, shall have the following powers and duties:
 1. Zoning permit. To approve or deny a zoning permit for the erection, construction, reconstruction, moving, adding to or alteration of any structure, or the establishment of any land use. The zoning administrator shall also have the authority to revoke any zoning permit if violations of the provisions of this ordinance occur.

2. Certificate of zoning compliance. To approve or deny a certificate of zoning compliance.
 3. Collect fees. To collect any fees required or set forth in this ordinance.
 4. Making and keeping records. To make and keep all records required by state law or necessary and appropriate for the administration of this ordinance.
 5. Inspection of buildings or land. To inspect any building or land to determine if violations of this chapter have been committed or exist.
 6. Enforcement. To enforce this ordinance and take all necessary steps to remedy any condition found in violation of the provisions of this ordinance.
 7. Request assistance. To request the assistance of other local and state officials or agencies in the administration and enforcement of this ordinance.
 8. Interpretation. To interpret the official zoning map and provisions of this ordinance, and offer written opinions on their meaning and applicability.
- (C) The zoning administrator shall have all necessary authority on behalf of the governing body to administer and enforce the zoning ordinance. His authority shall include: (1) ordering in writing the remedying of any condition found in violation of the ordinance; (2) insuring compliance with the ordinance, bringing legal action, including injunction, abatement, or other appropriate action or proceeding subject to appeal pursuant to Section 15.2-2311 of the Code of Virginia, as amended; and (3) in specific cases, making findings of fact and, with concurrence of the attorney for the governing body, conclusions of law regarding determinations of rights accruing under Section 15.2-2307 of the Code of Virginia, as amended.
- (D) The zoning administrator is authorized to grant a modification from any building setback provision contained in the zoning ordinance if the administrator finds in writing that: (i) the strict application of the ordinance would produce undue hardship; (ii) such hardship is not shared generally by other properties in the same zoning district and the same vicinity; and (iii) the authorization of the modification will not be of substantial detriment to adjacent property and the character of the zoning district will not be changed by the granting of the modification. The procedures for granting such a modification shall comply with §15.2-2286 (A) (4.) of the Virginia Code as amended. The decision of the zoning administrator shall constitute a decision within the purview of Sec. 15.2 - 2311 of the Code of Virginia and may be appealed to the Board of Zoning Appeals as provided by that section and Article I of this ordinance.

SEC. 30-7 ESTABLISHMENT OF DISTRICTS

- (A) The following are established as Bedford County zoning districts:

Agricultural Districts

- | | |
|----|--------------------------------------|
| AP | Agricultural/Rural Preserve District |
| AR | Agricultural/Residential District |

AV Agricultural Village Center District

Residential Districts

R-1 Low Density Residential District
R-2 Medium Density Residential District
R-3 Medium Density Multi-Family Residential District
R-4 High Density Multi-Family Residential District
PRD Planned Residential Development District
R-MH Manufactured Home Overlay District

Commercial Districts

NC Neighborhood Commercial District
C-1 Office District
C-2 General Commercial District
PCD Planned Commercial Development District

Industrial Districts

I-1 Low-Intensity Industrial District
I-2 Higher-Intensity Industrial District
PID Planned Industrial Development District

Special Purpose Districts

HO Historic Overlay District
PO Park Overlay District
AO Airport Overlay District
ECO Emergency Communications Overlay District
RRCO Roanoke River Conservation Overlay District
WHP Well-head Protection Overlay District
CO Corridor Overlay District

The location and boundaries of these zoning districts are shown on the official zoning map.

SEC. 30-8 INTERPRETATION OF DISTRICT BOUNDARIES

(A) Where uncertainty exists as to the boundaries of districts shown on the official zoning map, the following rules shall apply:

1. Boundaries indicated as approximately following the centerlines of streets, right-of-ways, or alleys shall be construed to follow such centerlines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines, except that the zoning designation of any platted lot shall extend to the center line of any adjacent street, right-of-way or alley.

3. Boundaries indicated as following centerlines of bodies of water shall be construed as following such centerlines. In the event such centerlines move as a result of natural forces, the boundary shall also move.

4. Where there is uncertainty concerning the location of a district boundary not resolved by the application of the above rules, the zoning administrator may interpret the official zoning map in such a way as to carry out the purpose and intent of this ordinance.

SEC. 30-9 ZONING PERMITS

(A) A zoning permit shall be required for the erection, construction, reconstruction, moving, adding to, or alteration of any structure, or the establishment of any land use, except as listed below:

1. Patios at grade.
2. Fences, provided their location and design conform to Article V of this ordinance.
3. Satellite dishes.

(B) It shall be the responsibility of the applicant to provide any information necessary for the zoning administrator to determine that the proposed use, building, or structure complies with all provisions of this ordinance.

(C) For any use, building, or structure requiring an approved site development plan, no zoning permit shall be issued until such time as a site development plan is submitted, reviewed, and approved in accordance with Article V of this ordinance.

(D) For uses or structures not requiring an approved site development plan, the zoning administrator shall determine, in accordance with this ordinance, the type of information necessary to review the permit. At a minimum, a plot plan shall be required meeting the standards contained in Article V of this ordinance.

(E) All zoning permits issued shall be valid for a period of 6 months, unless the structure, use, or activity for which the permit was issued has commenced. Upon written request received prior to the expiration date of an issued zoning permit, the zoning administrator may grant one extension not exceeding 6 months from the expiration date of the permit, provided that the structure, use, and or activity complies with all applicable provisions of the ordinance at the time the permit extension request is received and approved.

(F) The zoning administrator shall have the authority to approve the format and content of all zoning applications and other forms used in the administration and enforcement of the zoning ordinance.

Sec. 30-9-1 Building Permits; Relation to Zoning

No building permit for the extension, erection, or alteration of any building or structure shall be issued before an application has been made and a zoning permit issued. No building or structure shall be occupied or used until a certificate of zoning compliance has been issued.

SEC. 30-10 CERTIFICATES OF ZONING COMPLIANCE

- (A) A certificate of zoning compliance shall be required for any of the following:
1. Occupancy or use of a building hereafter erected, enlarged, or structurally altered.
 2. Change in the use or occupancy of an existing building.
 3. Occupancy or change in the use of vacant land except for the raising of crops and other agricultural uses not involving structures. Forestry operations shall not require a certificate if such operations comply with the provisions of Article IV of this ordinance.
 4. Any change in use of a nonconforming use, or any alteration of a nonconforming building or structure.
- (B) No such occupancy, use, or change in use shall take place until a certificate of zoning compliance has been issued by the zoning administrator. Such certificate shall certify that the building or the proposed use, or the use of the land, complies with the provisions of this ordinance. Upon application of the owner or an authorized agent, the county shall issue the certificate of zoning compliance for any building, structure, or lot, provided, that the county finds such building, structure, or lot is in conformity with all applicable provisions of this ordinance and all other applicable county laws.
- (C) The zoning administrator shall approve or deny any application for a certificate of zoning compliance within 7 days of an application being filed. If denied, the county shall advise the owner or owner's agent the reasons for the denial, and the specific actions required on the part of the owner before the certificate of zoning compliance can be issued.

Sec. 30-10-1 Temporary or Partial Certificates of Zoning Compliance

- (A) In situations where a building, structure, or property must be occupied or used prior to completion of all improvements required by county law, the county may issue a temporary or partial certificate of zoning compliance for the property upon application by the owner or authorized agent. Temporary or partial certificates of zoning compliance shall be valid for a period not to exceed 8 months, during which time all improvements required by county law must be made.
- (B) The county shall not issue any temporary or partial certificate of zoning compliance unless:
1. The site and building is in a safe and usable condition, free from conditions that might endanger the health, safety, or welfare of persons using the site; and
 2. The owner or authorized agent provides to the county a performance guarantee, requiring approved completion of all unfinished work and improvements. This guarantee shall be payable to the county, in an amount determined by the county to be sufficient to insure satisfactory completion of all improvements required and related to the development. The performance guarantee may be in the form of a corporate surety bond, cashiers check, or irrevocable letter of credit. The county attorney shall approve the form and language of any instrument submitted.

3. The zoning administrator shall have the authority to waive the performance guarantee if the unfinished improvements have an estimated value of less than \$500.00
4. The zoning administrator shall have the authority to grant an extension to the temporary certificate of zoning compliance, provided all performance guarantees remain in effect.

SEC. 30-11 ... 30-12 (RESERVED)

SEC. 30-13 GENERAL PROCEDURAL REQUIREMENTS

(A) The specific procedures required for reviewing various applications differ. Generally, the procedures for all applications have three common elements: submittal of a complete application, including applicable information and payment of the required fee; review of the submittal by designated officials, commissions, and boards; and action to approve, approve with conditions, or deny the application. Submittal dates or filing deadlines are established by the requirements of the specific application.

(B) Current application materials shall be made available in the Department of Community Development. Applications shall be accompanied by payment of all fees and charges as set forth in the fee schedule established by the board of supervisors. Applications that require a public hearing pursuant to this chapter or the Code of Virginia (1950), as amended, shall be filed by a deadline as established by the applicable commission or board.

(C) The Zoning Administrator shall review any application filed pursuant to this chapter for completeness. Nonpayment of required fees shall deem an application incomplete. Prior to processing an application pursuant to this chapter, the applicant shall be required to produce satisfactory evidence that any delinquent real estate taxes have been paid.

(D) Applications for amendments to the ordinance and applications for a special use permit may be filed together provided that each application constitutes a separate public hearing.

SEC. 30-14 AMENDMENTS TO ORDINANCE

(A) The Board of Supervisors may amend, supplement or change the zoning regulations, district boundaries or classification of property whenever the public necessity, convenience, general welfare, or good zoning practice requires. The initiation of this process shall be as follows:

1. Any zoning text amendment shall be initiated by resolution of the board of supervisors or motion of the planning commission. Any county officer or other person may request that the board of supervisors or the commission initiate a zoning text amendment. The board of supervisors shall consider citizen initiated zoning text amendments at the first regular meeting of the board during the months of May and October each year or at such other specified intervals of the year as may be established by resolution of the board. Such amendment proposals must be filed in writing with the zoning administrator no less than 30 days prior to the specified meeting

date. Upon favorable consideration of such text amendment, the board shall initiate the amendment by resolution as set out herein.

2. Any proposed zoning map amendment shall be initiated by (i) resolution of the board of supervisors; (ii) motion of the planning commission; or (iii) by application of owner, contract purchaser with the owner's written consent, or the owner's agent thereof, of the property which is the subject of the proposed zoning map amendment. Any application submitted shall be in writing and submitted to the zoning administrator using the application form approved for such purpose.

(B) The zoning administrator shall establish and maintain the amendment application materials. These application materials shall, at a minimum, include any information the zoning administrator deems necessary for the planning commission and board of supervisors to evaluate adequately the amendment request. A concept plan shall accompany all map amendment requests. A concept plan shall include at a minimum what is required of site development plans in Article V.

(C) If any amendment application is withdrawn at the written request of the applicant to the zoning administrator subsequent to the planning commission's recommendation on the application, or if the board of supervisors denies any amendment application submitted for its review, the county shall not consider substantially the same application for the same property within one year of the application's withdrawal or the board of supervisors' action. The zoning administrator shall have the authority to determine whether new applications submitted within this one-year period are substantially the same. In making any such determination the zoning administrator shall have the authority to consider any items pertaining to the proposed use or development of the site such as, but not limited to, the uses proposed, densities, access, building locations, and overall site design.

(D) An amendment application may be put on hold upon written request of the applicant and agreement by the planning commission or the board of supervisors. This hold shall not exceed 6 months. This request shall state reasons for said extension. The applicant shall make a written request to the zoning administrator to reactivate the amendment application. Should the application not be reactivated, it shall be considered withdrawn and subject to the requirements of (C) above. Any remaining fees would be due at said time.

Sec. 30-14-1 Planning Commission Study and Action

(A) All proposed amendments to the zoning ordinance shall be referred by the board of supervisors to the planning commission for study and recommendation. The planning commission shall study proposals to determine:

1. The need and justification for the change.
2. When pertaining to a change in the district classification of property, the effect of the change, if any, on the property, surrounding property, and on public services and facilities. In addition, the planning commission shall consider the appropriateness of the property for the

proposed change as related to the purposes set forth at the beginning of each district classification.

3. The relationship of the proposed amendment to the purposes of the general planning program of the county, with appropriate consideration as to whether the change will further the purposes of this ordinance and the general welfare of the entire community.

4. Whether the proposed amendment conforms to the general guidelines and policies contained in the county comprehensive plan.

(B) Prior to making any recommendation to the board of supervisors on a proposed amendment to the zoning ordinance, the planning commission shall advertise and hold a public hearing in accordance with the provisions of Section 15.2-2204 of the Code of Virginia, as amended. The cost of all public advertisements shall be the responsibility of the applicant. This hearing may be held jointly with the board of supervisors.

(C) The planning commission shall review the proposed amendment and report its findings and recommendations to the board of supervisors along with any appropriate explanatory materials within 90 days from the first meeting of the planning commission after the proposed zoning ordinance amendment is referred to the planning commission. Failure of the planning commission to report to the board of supervisors within 90 days shall be deemed a recommendation of approval. If the planning commission does not report within 90 days, the board of supervisors may act on the amendment without the recommendation of the planning commission. In its initiating resolution to the planning commission, the board of supervisors retains the right to reduce the planning commission's time to report its finding and recommendation to the board of supervisors to 60 days from the first meeting of the planning commission after the proposed zoning ordinance amendment is referred to the planning commission.

(D) Any recommendation of the planning commission shall be deemed advisory, and shall not be binding on the board of supervisors.

Sec. 30-14-2 Board of Supervisors Study and Action

(A) Before enacting any proposed amendment to the zoning ordinance, the board of supervisors shall hold a public hearing as required by Section 15.2-2204 of the Code of Virginia, as amended. The cost of all public advertisements shall be the responsibility of the applicant. After holding this hearing, the board of supervisors may make appropriate changes to the proposed amendment; provided however that no land may be zoned to a more intensive use classification than was contained in the public notice without an additional public notice as required by Section 15.2-2204. Amendment to the zoning ordinance shall be by ordinance of the board of supervisors. The board of supervisors shall take action on the proposed amendment within 12 months from the date of application, unless the applicant agrees to a longer period of time or withdraws the amendment application.

(B) The clerk of the board of supervisors shall transmit to the zoning administrator official notice of any board of supervisors' action modifying the zoning ordinance. The zoning administrator shall thereafter have the responsibility to make any necessary and appropriate changes to the zoning ordinance text or map.

Sec. 30-14-3 Posting of Property

(A) Notwithstanding any advertising requirements imposed by Section 15.2-2204 of the Code of Virginia, as amended, any proposed map amendment, special use permit, variance, or any other type of review as elsewhere specified in this ordinance shall have public notice signs posted on the subject property by the county.

(B) Signs shall be posted on the subject property at least 14 days prior to the planning commission's public hearing and shall remain posted until the board of supervisors has acted on the application or the application has been withdrawn.

(C) There shall be at least one sign posted along each public right-of-way abutting the property. For properties that lack any public right-of-way, the location and number of signs shall be determined by the zoning administrator.

(D) Each sign shall state that the subject property is subject to a public hearing and explain how to obtain additional information about the public hearing. All signs erected must be posted within 10 feet of the adjacent right-of-way, and must be clearly visible from same.

Sec. 30-14-4 Posting of Property; Exemptions

(A) The following exemption shall apply to the provisions of Section 30-14-3:

1. The posting of property shall not be required for any action initiated by a resolution of the board of supervisors, if the action encompasses more than 26 parcels of land.

SEC. 30-15 CONDITIONAL ZONING; GENERALLY

(A) In accordance with the authority granted to Bedford County per 15.2-2298 of the Code of Virginia, as amended, the owner of property for which an amendment is requested may voluntarily proffer in writing reasonable conditions, in addition to the applicable regulations for the requested zoning district. All proffered conditions must be signed by the owner of the property.

(B) Bedford County's acceptance of proffers pursuant to this authority shall be in accordance with the procedures and standards contained in 15.2-2298 of the Code of Virginia, as amended.

(C) All conditions proffered by the owner shall meet the following standards:

1. The rezoning itself must give rise for the need for the conditions.
2. The conditions shall have a reasonable relation to the rezoning.
3. The conditions shall be in conformity with the comprehensive plan.
4. The conditions must be clearly understood and enforceable.

5. The conditions must not require or allow a design or standard that is less restrictive than the general provisions of this ordinance.

(D) Any such conditions should be submitted prior to the start of the planning commission's public hearing on the amendment. All conditions shall be submitted prior to the start of the board of supervisors' public hearing, and shall also be submitted in accordance with any adopted board of supervisors' policy pertaining to the submittal of proffers. The board may also accept amended proffers once the public hearing has begun if the amended proffers do not materially affect the overall proposal. If proffered conditions which substantially modify the nature or impact of the proposed use are made by the owner after the planning commission's recommendation on the amendment, the zoning administrator shall recommend to the board of supervisors that the amendment be referred back to the planning commission for further review and action. The planning commission shall have the authority to schedule a new public hearing for any request so referred. The applicant shall be responsible for all advertising costs associated with the new public hearing.

(E) The planning commission and the board of supervisors shall not be obligated to accept any or all of the conditions made by the property owner.

Sec. 30-15-1 Enforcement of Conditions

(A) The zoning administrator shall be vested with all necessary authority on behalf of the board of supervisors to administer and enforce conditions attached to a rezoning or amendment to a zoning map, including:

1. The ordering in writing of the remedy of any noncompliance with such conditions.
2. The bringing of legal action to insure compliance with such conditions.
3. Requiring a guarantee satisfactory to the zoning administrator in an amount sufficient for and conditioned upon the construction of any physical improvements required by the conditions; or a contract for the construction of such improvements, and the contractor's guarantee, in like amount and so conditioned; which guarantee shall be reduced or released by the zoning administrator upon the submission of satisfactory evidence that construction of such improvements has been completed in whole or in part.

(B) Failure of a property owner to meet all conditions accepted by the board of supervisors shall constitute cause to deny approval of a site development plan, or deny issuance of a zoning permit, building permit, or certificate of zoning compliance, as may be appropriate.

Sec. 30-15-2 Records of Conditions

The zoning map shall show by an appropriate symbol on the map the existence of conditions attached to the zoning on the map. The zoning administrator shall keep and make available for public inspection a conditional zoning index. The index shall provide ready access to the ordinance creating the conditions in addition to the regulations provided for in a particular zoning district or zone.

Sec. 30-15-3 Review of Zoning Administrator's Decisions

Any zoning applicant, or any other person aggrieved by a decision of the zoning administrator made pursuant to the provisions of Section 30-15, may petition the board of supervisors for the review of the decision of the zoning administrator. All such petitions for review shall be filed with the zoning administrator and clerk of the board of supervisors within 30 days from the date of the decision for which review is sought. All such petitions shall specify the grounds upon which the petitioner is aggrieved.

Sec. 30-15-4 Amendments and Variations of Conditions

(A) Any request by an applicant to amend conditions that were voluntarily proffered and accepted by the board of supervisors shall be considered an amendment to the zoning ordinance, and shall be reviewed pursuant to the provisions contained in Section 30-14.

(B) There shall be no amendment or variation of conditions created pursuant to the provisions of this ordinance until after a public hearing by the planning commission and board of supervisors advertised pursuant to the provisions of Section 15.2-2204 of the Code of Virginia, as amended. The cost of all public advertisements shall be the responsibility of the applicant.

SEC. 30-16 ... SEC. 30-18 (RESERVED)

SEC. 30-19 SPECIAL USE PERMITS; APPLICABILITY AND PURPOSE

(A) The procedures and standards contained in this section shall apply to all uses specifically permitted as special uses in the district regulations found elsewhere in this ordinance.

(B) This category of uses known as special uses is 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.

(C) The review and subsequent approval or disapproval of a special use permit by the board of supervisors shall be considered a legislative act, and shall be governed by the procedures thereof.

Sec. 30-19-1 General Standards

(A) The zoning administrator shall not accept a Special Use Permit application for a lot or parcel that does not comply with the minimum requirements contained in the Use and Design Standards for that use. In such situations, the applicant shall first seek a variance from the board of zoning appeals. If a variance is granted, the zoning administrator shall thereafter accept the Special Use Permit application for the consideration of the planning commission and board of supervisors.

(B) No special use permit shall be issued except upon a finding of the board of supervisors that in addition to conformity with any standards set forth in Article IV, Use and Design Standards, the proposed special use conforms with the following general standards. These standards shall be met either by the proposal made in the original special use permit application, or by the proposal as modified or amended as part of the review of the application by the planning commission and the board of supervisors:

1. The proposal as submitted or modified shall conform to the comprehensive plan of the county, or to specific elements of the plan, and to official county policies adopted in relation thereto, including the purposes of the zoning ordinance.

2. The proposal as submitted or modified shall have a minimum adverse impact on the surrounding neighborhood or community. Adverse impact shall be evaluated with consideration to items such as, but not limited to, traffic congestion, noise, lights, dust, drainage, water quality, air quality, odor, fumes and vibrations. In considering impacts, due regard shall be given to the timing of the operation, site design, access, screening, or other matters which might be regulated to mitigate adverse impacts.

Sec. 30-19-2 Application Requirements

(A) An application for a special use permit may be initiated by:

1. Resolution of the board of supervisors, or;
2. Motion of the planning commission, or;
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.

(B) The applicant for a special use permit shall provide, at the time of application, information and or data to demonstrate that the proposed use will be in harmony with the purposes of the specific zoning district in which it will be located. Further, the applicant shall have the responsibility to demonstrate that the proposed use will have minimum adverse impact on adjoining property and the surrounding neighborhood in terms of public health, safety, or general welfare.

(C) All applications submitted for special use permits shall show the nature and extent of the proposed use and development. If the proposed development is to be constructed in phases, all phases shall be shown at the time of the original application. The applicant shall have the responsibility to show that the proposal meets all of the applicable specific and general standards for the use.

(D) The zoning administrator shall establish and maintain the special use permit application materials. At a minimum these materials shall require the submittal of a concept plan.

Sec. 30-19-3 Review and Action

(A) The department of community development shall review all special use permit applications submitted. This review shall evaluate the proposal against the comprehensive plan and the specific and general standards for the requested use. The department of community development shall make a report of its findings to the planning commission. This report shall contain all information pertinent to the evaluation of the request.

(B) The planning commission shall review and make recommendations to the board of supervisors concerning the approval or disapproval of any special use permit. No such recommendation shall be made until after a public hearing is held in accordance with Section 15.2-2204 of the Code of Virginia, as

amended. This hearing may be held jointly with the board of supervisors. Posting of the property shall be in accordance with 30-14-3 of this ordinance. The planning commission shall base its recommendation upon the review of the submitted application materials, the specific and general criteria for the special use, public comment received at the hearing, and the information and evaluation of the department of community development. In making a recommendation to the board of supervisors, the planning commission may recommend any conditions necessary to insure that the proposal meets the specific and general standards for the proposed use. Any such conditions shall be related to the design, scale, use, or operation of the proposed special use. Where warranted, for the purpose of compliance with the general standards for special uses, such conditions may exceed the specific standards for the use found elsewhere in this ordinance.

(C) The board of supervisors may grant or deny any applicant a special use permit after notice is given and a public hearing is held in accordance with Section 15.2-2204 of the Code of Virginia, as amended. No action on any special use permit shall be taken until the board of supervisors has received the recommendation of the planning commission. In granting a 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. Any such conditions shall be related to the design, scale, use, or operation of the proposed special use. Where warranted, for the purpose of compliance with the general standards for special uses, such conditions may exceed the specific standards for the use found elsewhere in this ordinance.

Sec. 30-19-4 Time Limitations

(A) Within 90 days from the date that the proposed special use permit application is referred to the planning commission, unless a longer period shall have been established by mutual agreement between the board of supervisors and the planning commission in a particular case, the planning commission shall review the proposed application and report its findings and recommendation to the board of supervisors along with any appropriate explanatory materials. Failure of the planning commission to report to the board of supervisors within 90 days shall be deemed a recommendation of approval. If the planning commission does not report within 90 days, the board of supervisors may act on the application without the recommendation of the planning commission.

(B) The board of supervisors shall hold a public hearing and approve or deny any special use permit application within 12 months after receiving the planning commission's recommendation. Failure to act on any permit within this 12 month period shall be deemed denial of the permit.

(C) Any special use permit granted shall be null and void 2 years after approval by the board of supervisors if the use or development authorized by the permit is not commenced to a degree that, in the opinion of the zoning administrator, clearly establishes the intent to utilize the granted special use permit in a period of time deemed reasonable for the type and scope of improvements involved.

- (D) Special uses which are approved by the board of supervisors shall run with the land, except that:
1. Activities or uses approved by a special use permit which are discontinued for a period of more than 2 consecutive years shall not be reestablished on the same property unless a new special use permit is issued in accordance with this ordinance.
 2. A special use permit shall be void, if at the time of the commencement of the authorized use, activity, or structure, the site for which the permit has been granted contains other uses or activities not in place at the time of the issuance of the special use permit.
- (E) If any special use permit application is withdrawn at the request of the applicant subsequent to the planning commission's recommendation on the permit, or if the board of supervisors denies any application submitted for its review, the county shall not consider any application for the same special use, on the same property, within one year of the permit withdrawal or the board of supervisors' action.
- (F) The zoning administrator shall not accept any special use permit application for a lot or parcel that does not comply with the minimum lot area, width, or frontage requirements of the requested zoning district. In such situations, the applicant shall first seek a variance from the board of zoning appeals. If a variance is granted, the zoning administrator shall thereafter accept the special use permit application for the consideration of the planning commission and board of supervisors.
- (G) A special use permit application may be put on hold upon written request of the applicant and agreement by the planning commission or the board of supervisors. This hold shall not exceed 6 months. This request shall state reasons for said extension. The applicant shall make a written request to the zoning administrator to reactivate the special use permit application. Should the application not be reactivated, it shall be considered withdrawn and subject to the requirements of (E) above. Any remaining fees would be due at said time.

SEC. 30-20 FEES

Administrative review fees for permits and procedures specified by this ordinance shall be established by the board. A schedule of these fees is available in the department of community development.

SEC. 30-21 ENFORCEMENT

- (A) The zoning administrator may, as necessary, solicit the assistance of other local and state officials and agencies to assist with enforcement of this ordinance.
- (B) Upon becoming aware of any violation of any provisions of this ordinance, the zoning administrator shall serve notice of such violation on the person committing or permitting the same, and if such violation has not ceased within such reasonable time as the zoning administrator has specified in such notice, the zoning administrator shall institute such action as may be necessary to terminate the violation.

(C) If the zoning administrator is not able to obtain compliance within such reasonable time as set forth in the written notice of violation, civil and/or criminal procedures may be initiated in accordance with county law.

SEC. 30-22 PENALTIES

Sec. 30-22-1 Criminal Penalties

Any violation of any provision of this ordinance shall be a misdemeanor punishable by a fine of not less than \$10.00 dollars nor more than \$1,000.00 dollars. If the violation is uncorrected at the time of the conviction, the court shall order the violator to abate or remedy the violation in compliance with the zoning ordinance, within a time period established by the court. Failure to remove or abate a zoning violation within the specified time period shall constitute a separate misdemeanor offense punishable by a fine of not less than \$10.00 dollars nor more than \$1,000.00 dollars, and any such failure during any succeeding ten-day period shall constitute a separate misdemeanor offense for each ten-day period punishable by a fine of not less than \$100.00 dollars nor more than \$1,500.00 dollars.

State law reference – Va. Code §15.2-2286 (A)(5).

Sec. 30-22-2 Civil Penalties

(A) Any violation of any provision of this ordinance, excluding any zoning violation resulting in injury to any persons, shall be deemed an infraction and may be punishable by a civil penalty of no less than \$25.00 dollars and not more than \$200.00 dollars for the initial summons or not less than \$50.00 dollars or more than \$500.00 dollars for each additional summons.

(B) Each day during which any violation of the provisions scheduled above is found to have existed shall constitute a separate offense. However, in no event shall any such violation arising from the same set of operative facts be charged more frequently than once in any 10 day period, nor shall any such violation arising from the same set of operative facts result in civil penalties which exceed a total of \$5,000.00 dollars.

(C) The designation of a particular violation of this ordinance as an infraction under this section shall preclude the prosecution of such as a criminal misdemeanor, except for any violation resulting in injury to any person or persons, which may be so prosecuted as well.

(D) The provisions of this section shall supplement the provisions of Section 30-24 et seq. of this ordinance dealing with the board of zoning appeals. Use of these provisions shall stay any proceeding under this section.

State law reference – Va. Code §15.2-2209

State law reference – Va. Code §15.2-2209

SEC. 30-23 PROCEDURE FOR SPECIAL REVIEW OF PUBLIC SERVICE PROJECTS

(A) Whenever a local planning commission recommends a comprehensive plan or part thereof for the locality and such plan has been approved and adopted by the governing body, it shall control the general

or approximate location, character and extent of each feature shown on the plan. Thereafter, unless a feature is already shown on the adopted plan, no street or connection to an existing street, park or other public area, public building or public structure, public utility facility or public service corporation facility other than a railroad facility or an underground natural gas or underground electric distribution facility of a public utility as defined in subdivision (b) of § 56-265.1 of the Code of Virginia (1950), as amended, within its certificated service territory, whether publicly or privately owned, shall be constructed, established or authorized, unless and until the general location or approximate location, character, and extent thereof has been submitted to and approved by the planning commission as being substantially in accord with the adopted comprehensive plan or part thereof. In connection with any such determination, the commission may, and at the direction of the governing body shall, hold a public hearing, after notice as required by § 15.2-2204 of the Code of Virginia (1950), as amended.

State law reference – Va. Code §15.2-2232

SEC. 30-23-1 Submittal of Application

If a project is subject to the special review as determined in Section 30-23 herein, an application shall be submitted in writing to the zoning administrator and shall be accompanied by 2 copies of the application of the proposed project and with such other reasonable information shown thereon as shall be required by the zoning administrator. The zoning administrator shall submit said application to the planning commission. No fee shall be required for a special review of public service projects.

SEC. 30-23-2 Planning Commission Action

After review of the application, the planning commission shall recommend approval or disapproval of the proposed project. Prior to its decision, the planning commission may hold a public hearing in accordance with Section 15.2-2204 of the Code of Virginia, (1950), as amended, if such public hearing would be in the best interest of the county. The planning commission shall communicate its findings to the board of supervisors including written reasons for said action. Failure of the planning commission to act within 60 days of the submission of the application shall be deemed approval.

SEC. 30-23-3 Board of Supervisors Action

The board of supervisors may overrule the action of the planning commission by a vote of a majority of the membership thereof.

SEC. 30-23-4 Appeals

The owner or owners, or their agents, may appeal the decision of the planning commission to the board of supervisors within 10 days after the decision of the planning commission. The appeal shall be by written petition to the board of supervisors setting forth the reasons for the appeal. The appeal shall be heard and determined within 60 days from its filing. A majority vote of the board of supervisors shall overrule the planning commission.

SEC. 30-24 NONCONFORMING USES AND STRUCTURES; GENERALLY

(A) Within the zoning districts established by this ordinance, or by future amendments which may later be adopted, there exist, or may exist lots, parcels, structures, uses of land and structures, and characteristics of site design and/or use which were lawful before this ordinance was adopted or amended, but which would be prohibited under the terms of this ordinance or future amendment. Such structures, uses, and characteristics, or any combination thereof, are considered nonconformities, and are hereby declared by the board of supervisors to be inconsistent with the character of the districts in which they occur.

(B) Nonconformities are permitted to remain until removed, discontinued, or changed to conform to the provisions of this ordinance. It is the intent of this ordinance that the continuance of nonconformities should not be indefinite, and that the nonconforming uses, structures, or characteristics should gradually be removed.

(C) Nothing shall be construed to grant conforming status to uses or structures that existed as legal nonconforming uses prior to the adoption of this section or amendment thereto, unless such uses and structures now conform to all applicable provisions of this ordinance.

Sec. 30-24-1 Nonconforming Uses of Buildings, Structures or Land

(A) Where, at the effective date of this ordinance or amendment thereto, lawful use exists of buildings, structures, or land, individually or in combination, which use is no longer permissible under the terms of this ordinance as enacted or amended, such use may be continued provided:

1. The use is not discontinued for more than 2 years; however, if the use has been discontinued for more than 2 years, but the site has been actively marketed in the interim, then that particular use or building shall be considered grandfathered and allowed to continue. Sufficient documentation of the marketing effort throughout the entire time period must be provided to the zoning administrator.
2. The use is not converted or replaced, in whole or in part, by a use permitted in the district regulations;
3. The buildings or structures containing the nonconforming use are maintained in their then structural condition.

(B) A nonconforming use shall be allowed a 50 percent increase (either one time or cumulative) in the square footage of the use or structure in existence at the time of the initial adoption of this ordinance. Where, at the effective date of this ordinance or amendment thereto, a lawful use exists through a special use permit under LUGS of buildings, structures, or land, individually or in combination, which is planned for modification, such modification must adhere to the following procedure:

1. All applications for modifications must be presented to the department of community development. All applications must be accompanied by maps, plans, surrounding property owner information, or other materials which will further detail the proposed modification.

2. Adjoining property owners shall be given written notice and an opportunity to respond to the proposed modification within 21 days of the date of the notice. If any adjoining property owner objects to said proposal in writing within the time specified above, the request shall be transferred to the planning commission and original approving board for public hearing and action.

(C) No nonconforming use shall be moved in whole or in part to any portion of the lot or parcel unoccupied by such use at the time of the adoption or subsequent amendment of this ordinance.

(D) No building or structure not conforming to the requirements of this ordinance shall be erected in connection with the nonconforming use of land.

(E) Where nonconforming use status applies to a building or structure, removal of the building or structure shall eliminate the nonconforming status of the building or structure or land.

(F) Any legally established use which existed prior to the adoption of this ordinance or any subsequent amendments shall not be considered a nonconforming use where a special use permit is now required for establishment of such use. The use shall be allowed to continue operation, as well as reconstruct or structurally alter the building or structure without the necessity of obtaining a special use permit. However, approval of a special use permit shall be required, in accordance with Section 30-19, when either of the conditions below are present, in the opinion of the zoning administrator.

1. There is a 50 percent or greater net increase (either one time or cumulative) in the square footage of the use or structure proposed for expansion or enlargement; or

2. The expansion or enlargement will substantially alter the site design and layout as it relates to circulation, parking, or other site characteristics so as to adversely effect surrounding properties.

(G) A manufactured home park legally established prior to June 1, 1986 that is not designated with the R-MH overlay district shall be allowed to continue operation in conformance with the provisions contained in Section 30-82-9 (L) provided the use as a park has not been discontinued for a period of more than 2 years.

(H) Notwithstanding (A) through (G) above, nothing in this section shall be construed to prevent the land owner or home owner from removing a valid nonconforming manufactured home from a mobile or manufactured home park and replacing that home with another comparable manufactured home that meets the current HUD manufactured housing code. In such mobile or manufactured home park, a single-section home may replace a single-section home and a multi-section home may replace a multi-section home. The owner of a valid nonconforming mobile or manufactured home not located in a mobile or manufactured home park may replace that home with a newer manufactured home, either single- or multi-section, that meets the current HUD manufactured housing code. Any such replacement home shall retain the valid nonconforming status of the prior home

(I) Any legal nonconforming use which was established prior to the adoption of LUGS (October 1989) may be allowed a greater than 50 percent net increase (either one time or cumulative) in the square footage of the use or structure proposed for expansion or enlargement provided a special use permit is approved in accordance with Section 30-19.

(J) If a nonconforming building or structure is destroyed or damaged by a natural disaster or act of God, such building or structure may be repaired, rebuilt or replaced to eliminate or reduce the nonconforming features to the extent possible without the need to obtain a variance. If such structure or building is damaged greater than 50 percent and cannot be repaired, rebuilt or replaced except to restore it to its original nonconforming condition, the owner shall have the right to do so. The owner shall apply for a building permit and any work done to repair, rebuild or replace such building shall be in compliance with the provisions of the Uniform Statewide Building Code and any work done to repair, rebuild or replace such building shall be in compliance with the provisions of the county's flood plain ordinance. Unless such building or structure is repaired, rebuilt or replaced within two years of the date of the natural disaster or other act of God, such building shall only be repaired, rebuilt or replaced in accordance with the provisions of the zoning ordinance of the locality. However, if the nonconforming building is in an area under a federal disaster declaration and the building has been damaged or destroyed as a direct result of conditions that gave rise to the declaration, then the owner shall be given an additional two years for the building to be repaired, rebuilt or replaced as otherwise provided in this paragraph.

Sec. 30-24-2 Nonconforming Buildings and Structures

(A) Where a lawful building or structure exists at the time of passage or amendment of this ordinance, which could not be built under the terms of this ordinance by reason of restrictions on area, bulk, lot coverage, height, yards, or other characteristics of the building or structure, or its location on a lot, such building or structure may be continued so long as it remains otherwise lawful provided:

1. No building or structure shall be enlarged in any way which increases or extends its nonconformity.
2. Any building or structure which is moved for any reason or for any distance shall thereafter conform to the regulations for the district in which it is located after it is moved.
3. This section does not apply to nonconforming signs.

Sec. 30-24-3 Nonconforming Site Designs

If a zoning permit is requested for any type of modification to an existing structure or site, no legal nonconforming site design plan that has been approved and/or constructed prior to the adoption of this ordinance shall be required to comply in full with the provisions of this ordinance. Only those site improvements directly related to or affected by the modified use, structure, or activity shall be required to comply in full with the provisions of this ordinance.

Sec. 30-24-4 Nonconforming Lots of Record

(A) A lot of record that is nonconforming due to lack of adequate frontage, width, depth, or area may be developed, provided the development proposed on the lot is in accordance with the applicable use and design standards contained in the district regulations.

(B) Any lot of record that is nonconforming because it has no public street frontage may be developed, or an existing structure on the lot may be expanded, provided the county reviews and grants a special use permit for the proposed development, expansion, and use in accordance with the standards and procedures contained in Section 30-19 of this ordinance. This provision shall not apply to the use and development of such parcels for any agricultural and forestry use type, or for single family or two family dwellings.

SEC. 30-25 ESTABLISHMENT OF VESTED RIGHTS

(A) As provided in section 15.2-2307, Code of Virginia, as amended, nothing in this ordinance shall be construed to discontinue any vested right except as described section 30-24 of this article.

(B) Nothing in this ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of this ordinance or amendments thereto, and upon which actual building construction was carried out diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has begun in preparation for rebuilding, such activities shall be deemed actual construction provided the work has been carried out diligently.

(C) A landowner's rights shall be deemed vested in a land use and shall not be affected by an amendment to this Ordinance when the landowner:

1. Obtains or is the beneficiary of a significant affirmative governmental act which remains in effect allowing development of a specific project.
2. Relies in good faith on the significant affirmative governmental act.
3. Incurs extensive obligations or substantial expenses in diligent pursuit of the specific project in reliance on the significant affirmative governmental act.

(D) For purposes of this section, the following are deemed to be significant affirmative governmental acts allowing development of a specific project:

1. The governing body has accepted proffers or proffered conditions which specify use related to a zoning amendment.
2. The governing body has approved an application for a rezoning for a specific use or density.
3. The governing body has granted a special exception or use permit with conditions.
4. The board of zoning appeals has approved a variance.

5. The governing body or its designated agent has approved a preliminary subdivision plat, site plan or plan of development for the landowner's property and the applicant diligently pursues approval of the final plat or plan within a reasonable period of time under the circumstances.

6. The governing body or its designated agent has approved a final subdivision plat, site plan or plan of development for the landowner's property.

7. The zoning administrator or other administrative officer has issued a written order, requirement, decision or determination regarding the permissibility of a specific use or density of the landowner's property that is no longer subject to appeal and no longer subject to change, modification or reversal under subsection C of § 15.2-2311.

8. In conjunction with the request for approval of a site plan, subdivision or building permit, the Zoning Administrator may make findings of facts, and, with concurrence of the County Attorney, conclusions of law regarding determinations of vested rights accruing under Va. Code §2307.

SEC. 30-26 through 29 (RESERVED)

SEC. 30-30 BOARD OF ZONING APPEALS

(A) The board of zoning appeals shall consist of 7 who are residents of Bedford County who shall be appointed by the Circuit Court in accordance with the provisions of section 15.2-2308 of the Code, and shall have such powers and duties as set forth in section 15.2-2309 of the Code.

(B) No member shall hold any public office; however 1 member may be a member of the planning commission.

(C) A member whose term expires shall continue to serve until his successor qualifies and is appointed.

(D) The secretary of the board of zoning appeals shall notify the circuit court at least 30 days in advance of the expiration of any term of office and shall also notify the circuit court promptly if any vacancy occurs. Appointments to fill vacancies shall be only for the unexpired portion of the term.

(E) Any member may be removed for malfeasance or nonfeasance in office, or for other just cause, by the circuit court hearing to be held after at least 15 days notice.

Sec. 30-30-1 Rules of Procedure

(A) The board of zoning appeals shall develop, adopt, and maintain by-laws that govern its operation.

(B) The board of zoning appeals shall elect a chairman and vice-chairman from its own membership who shall serve annual terms and may succeed themselves. The board of zoning appeals may elect as its secretary either one of its members or a qualified individual who is not a member of the board of zoning appeals. A secretary who is not a member of the board of zoning appeals shall not be entitled to vote on matters before the board of zoning appeals.

- (C) The board of zoning appeals shall keep a full public record of its proceedings and shall submit a report of its activities to the board of supervisors at least once each year.
- (D) All meetings of the board of zoning appeals shall be open to the public.
- (E) Any member of the board of zoning appeals shall be disqualified to act upon a matter before the board of zoning appeals with respect to property in which the member has an interest.
- (F) The meetings of the board of zoning appeals shall be held at the call of the chairman and at such other times as a quorum of the board of zoning appeals may determine.
- (G) The chairman, or in his absence, the vice-chairman or acting chairman, may administer oaths and compel the attendance of witnesses.
- (H) A quorum shall be at least 4 members.
- (I) A favorable vote of at least 4 members of the board of zoning appeals shall be necessary to reverse any order, requirement, decision, determination of any administrative official, or to decide in favor of the applicant on any matter upon which the board of zoning appeals is required to pass.

Sec. 30-30-2 Powers and Duties

- (A) The board of zoning appeals shall have the power and duty to hear and decide appeals from any written order, requirement, decision, or determination made by any administrative officer in the administration or enforcement of this ordinance. No such appeal shall be heard except after notice and hearing as provided by Section 15.2-2204 of the Code of Virginia, as amended.
- (B) The board of zoning appeals shall have the power and duty to authorize upon appeal or original application in specific cases a variance from the terms of this ordinance as will not be contrary to the public interest, when, owing to special conditions a literal enforcement of this ordinance will result in unnecessary hardship. No such variance shall be granted unless the spirit of the ordinance shall be observed and substantial justice done. To legally grant a variance, the board of zoning appeals must be presented evidence and make a finding that:
 - 1. A property owner acquired the property in good faith and where by reason of the exceptional narrowness, shallowness, size or shape of the property at the time of the adoption of this ordinance, or where by reason of exceptional topographic conditions or other extraordinary situation or condition of the property, the strict application of this ordinance would effectively prohibit or unreasonably restrict the use of the property.
 - 2. Due to the condition, situation, or development of immediately adjacent property, the strict application of this ordinance would effectively prohibit or unreasonably restrict the use of the property.
 - 3. That the granting of the variance will alleviate a clearly demonstrable hardship approaching confiscation, as distinguished from a special privilege or convenience sought by the applicant.

4. All variances granted must be in harmony with the intended spirit and purpose of this ordinance. Specifically, the board of zoning appeals must find that the strict application of the ordinance would produce undue hardship. This hardship must not be shared generally by other properties in the same zoning district and in the same vicinity. The board of zoning appeals must find that the granting of the variance will not be of substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the variance. Finally, the board of zoning appeals must not grant a variance unless it finds that the condition or situation of the property is not so general or recurring a nature as to make reasonably practical the formulation of a general regulation to be adopted as an amendment to this ordinance.

5. No variance request shall be evaluated by the board of zoning appeals until after notice and hearing as provided by Section 15.2-2204 of the Code of Virginia, as amended. In addition, posting of the property shall be in accordance with 30-14-3 of this ordinance.

6. In granting a variance, the board of zoning appeals may impose such conditions regarding the location, character, and other features of the proposed structure or use as it may deem necessary in the public interest, and may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be complied with.

(C) The board of zoning appeals shall have the power and duty to hear and decide applications for interpretation of the official zoning map where the zoning administrator believes there is uncertainty as to the location of a district boundary. No such determination shall be made except after notice and hearing as provided by Section 15.2-2204 of the Code of Virginia, as amended. Any property owner affected by a determination of the location of the boundary must be notified by first class mail prior to any such determination. After notice and hearing the board of zoning appeals may interpret the map in such a way as to carry out the intent and purpose of this ordinance; however the board of zoning appeals shall not have the power to change substantially the locations of the district boundaries as established by this ordinance. This authority of the board of zoning appeals to determine the location of district boundaries shall not be construed as the power to rezone property.

Sec. 30-30-3 Applications for Variances

Applications for variances may be made by any property owner, tenant, government official, department, board or bureau of the county. All applications shall be submitted to the zoning administrator in accordance with rules adopted by the board of zoning appeals. All applications and accompanying maps, plans, or other information shall be transmitted promptly to the secretary of the board of zoning appeals who shall place the application on the agenda to be acted upon by the board of zoning appeals within 90 days of the filing of the application. No such application shall be heard except after notice and hearing as provided by Section 15.2-2204 of the Code of Virginia, as amended. The zoning administrator shall

transmit notice of the variance application to the planning commission, which may send a recommendation to the board of zoning appeals, or appear as a party at the hearing.

Sec. 30-30-4 Applications for Appeals

Appeals to the board of zoning appeals may be taken by any person aggrieved or by any officer, department, board, or bureau of the county affected by any decision of the zoning administrator, or from any order, requirement, decision, or determination made by any other administrative officer in the administration or enforcement of this ordinance. Appeals must be made within 30 days after the entry of the decision appealed by filing with the zoning administrator and with the board of zoning appeals a notice of appeal specifying the grounds thereof. The zoning administrator shall forthwith transmit to the board of zoning appeals all of the papers constituting the record upon which the action appealed was taken. An appeal shall stay all proceedings in furtherance of the action appealed from unless the zoning administrator certifies to the board of zoning appeals that by reason of facts stated in the certificate a stay would cause imminent peril to life or property. In such cases, proceedings shall not be stayed unless a restraining order is granted by the board of zoning appeals, or by a court of record, on application and on notice to the zoning administrator and for good cause shown.

Sec. 30-30-5 Procedures for Variances and Appeal

(A) The board of zoning appeals shall fix a reasonable time for the hearing of an appeal, give public notice thereof, as well as due notice to all parties of interest, and decide the same within 90 days of the filing of the appeal. In exercising its power, the board of zoning appeals may reverse or affirm, wholly or partly, or may modify an order, requirement, decision, or determination appealed from.

(B) The concurring vote of the majority of the entire board of zoning appeals shall be necessary to reverse any order, decision, requirement, or determination of an administrative officer, or to decide in favor of the applicant on any matter upon which the board of zoning appeals is required to pass under the terms of this ordinance, or to effect any variance from this ordinance.

(C) The board of zoning appeals shall keep minutes of its proceedings and other official actions which shall be filed in the department of planning. All records shall be public records. The chairman of the board of zoning appeals, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses.

Sec. 30-30-6 Certiorari to Review Decision of Board of Zoning Appeals

(A) Any person jointly or separately aggrieved by any decision of the board of zoning appeals, or any taxpayer or any officer, department, board, or bureau of the county may present to the circuit court of the county a petition specifying the grounds on which aggrieved. This petition must be filed within 30 days of the board of zoning appeals' decision.

(B) Upon the presentation of such petition, the court shall allow a writ of certiorari to review the decision of the board of zoning appeals and shall prescribe therein the time within which a return thereto

must be made and served upon the realtor's attorney, which shall not be less than 10 days and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the board of zoning appeals, and on due cause shown, grant a restraining order.

(C) The board of zoning appeals shall not be required to return the original papers acted upon by it but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds appealed from and shall be verified.

(D) If upon the hearing it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a commissioner to take such evidence as it may direct, and report the same to the court with his findings of fact and conclusions of law; which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or in part, or may modify the decision brought up for review.

(E) Costs shall not be allowed against the board of zoning appeals unless it shall appear to the court that it acted in bad faith or with malice in making the decision appealed from. In the event the decision of the board of zoning appeals is affirmed and the court finds that the appeal was frivolous, the court may order the person or persons who requested the issuance of the writ of certiorari to pay the costs incurred in making a return of the record pursuant to the writ of certiorari.

ARTICLE IV – USE & DESIGN STANDARDS

Sec. 30-82-7. Manufactured home.

(A) Intent. Manufactured homes provide a viable and affordable housing option for a segment of the county's population. This housing option is provided in areas predominately of agricultural and forest use with minimal requirements, consistent with the state code. This option is also provided under certain design criteria in more residentially developed areas where they will not conflict with developments planned for site-built dwellings.

(B) General standards on individual lots outside manufactured home parks:

(1) No manufactured homes constructed before July 1, 1976, shall be erected, installed, occupied or sold in Bedford County, except under the following conditions:

(a) The manufactured home existed in the county prior to the effective date of this ordinance and shall be allowed to be relocated and/or remain in a mobile home park; and

(b) A manufactured home located outside of a mobile home park shall be allowed to remain subject to the provisions for nonconforming uses contained in article I of this ordinance.

(2) The manufactured home shall be mounted on and anchored to a permanent foundation, and skirted in accordance with the provisions of the Virginia Uniform Statewide Building Code.

(C) Additional standards in R-1 and R-2 districts:

Intent: The intent of this section is to allow manufactured homes in areas that were originally developed for manufactured housing but are now zoned R-1 or R-2. This section is not intended to allow for the expansion of these areas but to allow for infill development.

(1) The zoning administrator may be authorized to allow manufactured homes in R-1 and R-2 districts if the following standards and guidelines are met:

(a) Seventy percent (70) of the homes in the surrounding area are manufactured homes (Class A).

(b) Fifty Percent (50) of the parcels in the surrounding area have functioning housing units on them.

(c) Surrounding areas for (a) and (b) above shall be defined as a platted subdivision of record, as it existed as of December 1, 2013, containing 25 lots or more or an area encompassing 1,500 feet from each property line, as determined by the zoning administrator. Consistent with the above statement of intent, the expansion of areas for the permitting of manufactured homes as contemplated by this subsection shall not be allowed by the creation of new lots, the expansion of existing subdivision boundaries, or by any other means deemed by the zoning administrator to circumvent this regulation.

Sec. 30-82-9. Manufactured home, Class A.

(A) Intent. Manufactured homes provide a viable and affordable housing option for a segment of the county's population. This housing option is provided under certain design criteria in large portions of the county where they will not conflict with developments planned for site-built dwellings.

(B) General standards:

(1) The manufactured home shall have the tow assembly, wheels and axles removed and be mounted on and anchored to a permanent foundation in accordance with the provisions of the Virginia Uniform Statewide Building Code.

(2) The manufactured home shall have a minimum width of twenty-three (23) feet.

(3) The manufactured home shall be covered with a non-reflective material customarily used on a site-built dwelling, such as but, not limited, to lap siding, plywood, brick, stone, or stucco.

(4) The roof shall be covered with non-reflective materials, such as but not limited to, fiberglass shingles, asphalt shingles, or wood shakes.

(5) The manufactured home shall be declared a permanently affixed dwelling and taxed as real estate.

(C) Additional standards in R-1 district:

Intent. The intent of this section is to allow manufactured homes (Class A) in areas that were originally developed for manufactured housing but are now zoned R-1. This section is not intended to allow for the expansion of these areas but to allow for infill development.

(1) The zoning administrator may be authorized to allow manufactured homes (Class A) in an R-1 district if the following standards and guidelines are met:

(a) Seventy (70) percent of the homes in the surrounding area are manufactured homes or manufactured homes (Class A).

(b) Fifty (50) percent of the parcels in the surrounding area have functioning housing units on them.

(c) Surrounding area for a and b above shall be defined as a platted subdivision of record, as it existed as of December 1, 2013, containing twenty-five (25) lots or more or an area encompassing fifteen hundred (1500) feet from each property line, whichever is greater. Consistent with the above statement of intent, the expansion of areas for the permitting of manufactured homes as contemplated by this subsection shall not be allowed by the creation of new lots, the expansion of existing subdivision boundaries, or by any other means deemed by the zoning administrator to circumvent this regulation.

PART III. 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.

Voting yes: Mr. Thomasson, Mr. Martin, Mr. Check, Mr. Arrington, Mr. Sharp, Mrs. Pollard and Mrs. Parker

Voting no: none

Motion passed.

County Attorney Carl Boggess stated that the Board could make a motion to amend their initiating resolution regarding short term rentals to let the Planning Commission know where they stand on this topic. He noted that the Board will not take their final vote on that resolution until January.

Mr. Wilson stated that the Board did not have to amend their original application; they could just reject that particular amendment to the ordinance when it comes back before the Board in January.

Supervisor Martin made a motion to withdraw the Board's initial request to remove the short term rental language from the ordinance.

Attorney Boggess stated that State requires that this change can be made with a written resolution, which can be ready for the Board at their next meeting in January.

(7) BOARD COMMENTS, COMMITTEE REPORTS, REQUESTS AND RECOMMENDATIONS

Chairman Arrington thanked everyone for their indulgence during this long meeting. He said that Supervisor Cheek has been a mentor to him during his time on this Board as well as a great friend, and that he will be greatly missed. The rest of the Board echoed Chairman Arrington's sentiments, and wished Supervisor Cheek well in his retirement from the Board.

(7a) The Board was given a copy of the Bedford County Planning Commission meeting minutes from October 1, 2013 for review.

(7b) The Board was given a copy of the Bedford Public Library System Board of Trustees meeting minutes from October 1, 2013 for review.

(7c) The Board was given a copy of the Bedford Regional Water Authority Board of Directors meeting minutes for October 15, 2013 for review.

(7d) The Board was given a copy of the Bedford County Department of Social Services Board meeting minutes from October 17, 2013 for review.

(8) APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES

(8a) County Administrator Mark Reeter reminded the Board that District 4 for the EDA and Districts 2, 3 and 4 for the Agricultural Economic Development Advisory Board are up for appointment/reappointment in January; Districts 2, 3 and 4 will need appointments/reappointments for the Planning Commission; appointment to the CVCC Advisory Board is also needed, as Dr. Bashore is no longer eligible to serve; and two appointments will be needed to the Building Appeals Board.

(9) COUNTY ATTORNEY REPORTS, REQUESTS AND RECOMMENDATIONS

Carl Boggess, County Attorney, stated that the Bedford Regional Water Authority is going to file two special review projects. One deals with the water line, and the second would be a project to have a new water treatment plant on the former Camp 24 property which is owned by the County. Attorney Boggess said that for the BRWA to properly file the special review project, they need the consent of the Board, as the land owner, to file the application. He clarified that the Board consent does not mean they will in the future convey the land or imply approval of the proposed use; it is simply an owner's authority letter to let them file for the special review project.

Supervisor Martin asked if this would mean the Board was giving the property to the BRWA; Attorney Boggess replied in the negative and stated this would just allow the BRWA to file for the review.

Supervisor Pollard noted that the conveyance of this land for the use of the Water Authority has been discussed for years, and she feels that this is what the Board has led the Authority to believe would eventually happen. She said she felt it was time to keep that promise.

Attorney Boggess clarified that this request would not convey the land, and it would not be considered a moral obligation or obligate the Board in any way to convey the property. The Board then unanimously gave its consent for Attorney Boggess to file the owner's authority letter.

Attorney Boggess noted that an ordinance regarding golf carts, as previously requested by Supervisor Martin, will also be prepared for the Board's consideration at a meeting in the near future.

(10) COUNTY ADMINISTRATOR'S REPORTS, REQUESTS AND RECOMMENDATIONS

(10a) Mr. Reeter asked the Board for topics of discussion at the January 11 Retreat. He noted that he has had some feedback from the Board requesting budget priorities for the coming fiscal year be discussed, and asked if there were any other topics the Board would like to add. Mr. Reeter also asked if this would be a recessed meeting.

Supervisor Thomasson requested a discussion on policies and procedures. Mr. Reeter asked for any additional topics by December 20.

In response to a question from Mr. Reeter, Attorney Boggess stated that the retreat can be a 'recessed' meeting, but the Board's normal procedure is to call a special meeting; either way will work. The Board decided to stay with its usual procedure and call a special meeting for the retreat.

(10b) *Moved to Action Items #6c.*

(10c) Mr. Reeter gave the Board potential dates for a joint meeting with the School Board; the Board selected January 30, 2014.

(10d) Mr. Reeter noted the County Office's holiday schedule, which has the office closed on December 23, 24 and 25, as the County follows the State's holiday calendar.

Vice-Chairman Sharp voiced his opposition to the holiday schedule, noting that he must take personal vacation days to take the same days off from work.

(11) PENDING MATTERS

Chairman Arrington noted that the swearing-in ceremony and following reception will be held on December 20 at 9:00 a.m. at the Courthouse.

Chairman Arrington thanked the Board for their faith in him as the Chairman. He stated that, after careful consideration, he has decided to resign from the Board of Supervisors. Chairman Arrington said there are simply too many things going on in his work and his life to allow him to give the proper attention and focus needed to be a Supervisor at this time. Chairman Arrington said this was a very difficult decision, and he has struggled with it, but he knows that everyone will support him in what he needs to do. He thanked each Supervisor for their friendship and support, as well as Mr. Reeter, Mr. Wilson and Mr. Rogers for their commitment and support.

Supervisor Thomasson commented that it has been an honor to serve with Chairman Arrington and wished him well.

(12) UPCOMING MEETINGS

Chairman Arrington noted that the Board has its Retreat at Peaks of Otter Lodge on January 11, 2014, from 9:00 a.m. to 5:00 p.m.; the next regular Board meeting will be on January 13, 2013, which will begin at 7:30 p.m., with a work session from 5:00 to 6:45 p.m.

Supervisor Cheek made a motion to adjourn the meeting at 11:22 p.m.; motion passed by acclamation.