

VIRGINIA: At a regular meeting of the Board of Supervisors of the County of Patrick, held at the Patrick County Veterans' Memorial Building on Monday, July 14, 2008 at 6:00 p.m.

PRESENT: Jonathan Large, Chairman, Crystal P. Harris and Lock Boyce, Board Members

ABSENT: Ron Knight, Vice Chairman and Karl Weiss, Board Members

STAFF PRESENT: Jay Scudder, County Administrator; Tom Rose, Assistant County Administrator; Alan Black, County Attorney; and Geri Hazelwood, Assistant to the County Administrator.

The Chairman called the meeting to order.

Pastor Bucky Hunsicker gave the invocation.

The Board recited the Pledge of Allegiance to the Flag, followed by a Moment of Silence in honor of past and present U. S. military personnel serving domestically and abroad.

On motion by Lock Boyce seconded by Crystal P. Harris and carried unanimously, the agenda for the meeting was approved.

Voting Aye: Harris, Boyce, and Large

Voting Nay: None

On motion by Lock Boyce seconded by Crystal P. Harris and carried unanimously, the minutes for the June 23, 2008 meeting were approved.

Voting Aye: Harris, Boyce, and Large

Voting Nay: None

Public Hearing – Adoption of the Floodplain Ordinance Permit:

On motion by Lock Boyce seconded by Crystal P. Harris and carried unanimously, the Board adopted the Floodplain Ordinance.



COUNTY OF PATRICK
Office of the County Administrator

June 24, 2008

Dear Board Members,

We have been notified by FEMA that our Floodplain Ordinance needs to be revised in order to comply with FEMA's regulations. We have been in negotiations with Charley Banks, Floodplain Engineer, and after being drafted by Alan Black, County Attorney, it appears that this ordinance will be in compliance with FEMA standards.

One of the biggest changes is that now the County will have a 1 foot free board above base flood elevation. This change is not required by FEMA, but is suggested in order to allow for miscalculations, land features not taken into consideration, and other elements that would increase the base flood elevation above anticipated levels. The other big change is going from FEMA FIRM maps which are line maps to a new FEMA "FIRM" aerial photo map.

We have been notified that this ordinance needs to be adopted before August 19, 2008. If it is not adopted, the County will be placed on suspension from the FEMA program and would not be eligible for FEMA insurance or for disaster funding.

Should you have any questions or concerns, you may contact me at (276) 694-4143.

Sincerely,



Jason Brown

P.O. Box 466 • 106 Rucker Street • Stuart, Virginia 24171
Telephone (276) 694-6194 • Fax (276) 694-2160
<http://www.co.patrick.va.us>

AN ORDINANCE SUPERCEDING AND AMENDING THAT ORDINANCE RECORDED IN BOOK NUMBER 14, AT PAGE 63, "THE FLOOD PLAN ORDINANCE OF PATRICK COUNTY, VIRGINIA" ESTABLISHING FLOODPLAIN DISTRICTS REQUIRING THE ISSUANCE OF PERMITS FOR DEVELOPMENT AND PROVIDING FACTORS AND CONDITIONS FOR VARIANCES TO THE TERMS OF THE ORDINANCES.

BE IT ENACTED AND ORDAINED BY THE COUNTY OF PATRICK, VIRGINIA as follows:

**ARTICLE 1
GENERAL PROVISIONS**

Section 1.1 Purpose

The purpose of these provisions is to prevent: the loss of life and property, the creating of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base by:

- A. regulating uses, activities, and development which, alone or in combination with other existing or future uses, activities, and development, will cause unacceptable increases in flood heights, velocities, and frequencies;
- B. restricting or prohibiting certain uses, activities, and development from locating within districts subject to flooding;
- C. requiring all those uses, activities, and developments that do occur in flood prone districts to be protected and/or flood proofed against flooding and flood damage; and,
- D. protecting individuals from buying land and structures which are unsuited for intended purposes because of flood hazards.

Section 1.2 Applicability

These provisions shall apply to all lands within the jurisdiction of Patrick County and identified as being in the 100 year floodplain by the Federal Insurance Administration.

Section 1.3 Compliance and Liability

- A. No land shall hereafter be developed and no structure shall be located, relocated, constructed, reconstructed, enlarged, or structurally altered except in full compliance with the terms and provisions of this ordinance and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this ordinance.
- B. The degree of flood protection sought by the provisions of this ordinance is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This ordinance does not imply that districts outside the floodplain district, or that land uses permitted within such district, will be free from flooding or flood damages.
- C. This Ordinance shall be administered and enforced by the Building Official of Patrick County.
- D. Records of actions associated with administering this ordinance shall be kept on file and maintained by the Building Official of Patrick County.
- E. The Building Official for Patrick County is appointed as the "Zoning Administrator".
- F. This ordinance shall not create liability on the part of Patrick County or any officer or employee thereof for any flood damages that result from reliance on this ordinance or any other administrative decision lawfully made thereunder.

Section 1.4 – Severability

If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance shall be declared invalid for any reason whatever, such decision shall not affect the remaining portions of this ordinance. The remaining portions shall remain in full force and effect; and for this purpose, the provisions of this ordinance are hereby declared to be severable.

ARTICLE II DEFINITIONS

- a. Base Flood: The flood having a one percent chance of being equaled or exceeded in any given year.
- b. Base flood elevation: The Federal Emergency Management Agency designated one hundred year water surface elevation.
- c. Basement: Any area of the building having its floor sub-grade (below ground level) on all sides.
- d. Board of Appeals: Board of Appeals as designated in the Building Code Ordinance and hereby appointed to review appeals made by individuals with regard to discussion of the Zoning Administrator in the interpretation of this Ordinance.
- e. Development: Any man made change to improved or unimproved real estate, including, but not limited to, building or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations, or storage of equipment or materials.
- f. Elevated building: A non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, or columns (posts and piers).
- g. Encroachment: The advance or infringement of uses, plant growth, fill, excavation, building permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

- h. Existing manufactured home park or subdivision: a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.
- i. Expansion to an existing manufacture home park or subdivision: the preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
- j. Flood or flooding:
 - 1. A general or temporary condition of partial or complete inundation of normally dry land areas from:
 - a. the overflow of inland or tidal waters; or,
 - b. the unusual and rapid accumulation or runoff of surface waters from any source.
 - 2. The collapse or subsistence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph 1 (a) of this definition.
- k. Floodplain or flood prone area: any land area susceptible to being inundated by water from any source.
- l. Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

- m. Freeboard: a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization in the watershed.
- n. Historic structure: Any structure that is:
1. listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
 2. certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 3. individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,
 4. individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - i. by an approved state program as determined by the Secretary of the Interior; or,
 - ii. directly by the Secretary of the Interior in states without approved programs.
- o. Lowest floor: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Federal Code 44FR, section 60.3.
- p. Manufactured home: a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when manufactured home

- also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.
- q. Manufactured home park or subdivision: a parcel (or contiguous parcels) of land divided into three or more manufactured home lots for rent or sale.
 - r. New construction: For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial Flood Insurance Rate Map on or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For Floodplain management purposes, new construction means structures for which start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.
 - s. New manufactured home park or subdivision: a manufactured home park or subdivision for which the construction of facilities for serving the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.
 - t. Recreational vehicle: a vehicle which is:
 - 1. built on a single chassis;
 - 2. 400 square feet or less when measured at the widest horizontal projection.
 - 3. designed to be self-propelled or permanently towable by a light duty truck; and,
 - 4. designed primarily for use as temporary living quarters for recreational camping, travel, or seasonal use and not as a permanent dwelling.
 - u. Special flood hazard area: The land in the floodplain subject to a one percent or greater chance of being flooded in any given year as determined in Article 3, Section 3.2 of this ordinance.
 - v. Start of construction: the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond

the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of the construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

- w. Substantial damage: damage of any origin sustained by a structure whereby the cost of restoring the structure to list before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
- x. Substantial improvement: any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage regardless of the actual repair work performed. The term does not, however, include either:
 - 1. any project for improvement of a structure to correct existing violation of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or
 - 2. any alteration of a *historic structure*, provided that the alteration will not preclude the structure's continued designation as a *historic structure*.
- y. Watercourse: a lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

ARTICLE III ESTABLISHMENT OF FLOODPLAIN DISTRICTS

Section 3.1 Description of Districts

A. Basis of Districts

The various floodplain districts shall include special flood hazard area. The basis for the delineation of these districts shall be the Flood

Insurance Study (FID) and the Flood Insurance Rate Maps for Patrick County prepared by the Federal Emergency Management Agency, Federal Insurance Administration, dated August 19, 2008, as amended.

1. The Floodway District is delineated, for purposes of this ordinance, using the criterion that certain areas within the floodplain must be capable of carrying the waters of the 100 year flood without increasing the water surface elevation of that flood more than one foot at any point. The areas included in this District are specifically defined in Table 2 of the above reference Flood Insurance Study and shown on the accompanying Flood Insurance Rate Map.
2. The Special Floodplain District shall be those areas identified as an AE Zone on the maps accompanying the Flood Insurance Study for which one hundred (100) year flood elevations have been provided.
3. The Approximated Floodplain District shall be those areas identified as an A on the maps accompanying the Flood Insurance study. In these zones no detailed flood profiles or elevations are provided but the one hundred (100) year floodplain boundary has been approximated.

B. Overlay Concept

1. The Floodplain Districts described above shall be overlays to the existing underlying districts as shown on the Official Zoning Ordinance Map at the time when a Zoning Ordinance is created, and as such, the provisions for the floodplain districts shall serve as a supplement to the underlying district provisions.
2. If there is any conflict between the provisions or requirements of the Floodplain Districts and those of any underlying district, the more restrictive provisions and/or those pertaining to the floodplain districts shall apply.
3. In the event any provision concerning a Floodplain District is declared inapplicable as a result of any legislative or administrative actions or judicial decision, the basic underlying provisions shall remain applicable.

Section 3.2: Official Zoning

The boundaries of the Special Flood Hazard Area and Floodplain Districts are established as shown on the Flood Insurance Rate Map which is declared to be a part of this ordinance and which shall be kept on file at the Patrick County offices.

Section 3.3 District Boundary Changes:

The delineation of any of the Floodplain Districts may be revised by the County where natural or man - made changes have occurred and/or where more detailed studies have been conducted or undertaken by the US Army Corps of Engineers or other qualified agency, or an individual documents the need for such change. However, prior to any such change, approval must be obtained from the Federal Insurance Administration.

Section 3.4 Interpretation of District Boundaries

Initial interpretation of the boundaries of the Floodplain Districts shall be made by the Permit Officer. Should a dispute arise concerning the boundaries of any of the districts, the Board of Appeals shall make the necessary determination. The person questioning or contesting the location of the District boundary shall be given a reasonable opportunity to present his case to the Board and to submit his own technical evidence if he so desires.

ARTICLE IV DEVELOPMENT REGULATIONS

Section 4.1-General Requirements

A. Permit Requirement

All uses, activities, and development occurring within any floodplain district shall be undertaken only upon the issuance of a special permit. Such development shall be undertaken only in strict compliance with the provisions of the Ordinance and with all other applicable codes and ordinances, such as the Virginia Uniform Statewide Building Code (VA

shall be in addition to and consistent with applicable state requirements for resisting wind forces.

C. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

D. New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.

E. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities, including duct work, shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

F. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

G. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.

H. On site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

I. any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this ordinance shall meet the requirements of "new construction" as contained in this ordinance.

J. Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provisions of this ordinance, shall be undertaken only if said non-conformity is not furthered, extended, or replaced.

K. the flood carrying capacity within an altered or relocated portion of any watercourse shall be maintained.

2. be constructed entirely of flood resistant materials below the regulatory flood protection elevation;

3. include, in Zones A and AE, measures to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet the following minimum design criteria:

- a. Provide a minimum of two openings on different sides of each enclosed area subject to flooding.
- b. The total net area of all openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding.
- c. If a building has more than one enclosed area, each area must have openings to allow floodwaters to automatically enter and exit.
- d. The bottom of all required openings shall be no higher than one (1) foot above the adjacent grade.
- e. Openings may be equipped with screens, louvers, or other opening coverings or devices, provided they permit the automatic flow of floodwaters in both directions.
- f. Foundation enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require openings. Masonry or wood underpinning, regardless of structural status, is considered enclosure and requires openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires openings as outlined above.

D. Standards for Manufactured Homes and Recreational Vehicles

1. All manufactured homes placed, or substantially improved, on individual lots or parcels, in expansions to existing manufactured home parks or subdivisions, in a new manufactured home park or subdivision or in an existing manufactured home park or subdivision in which a manufactured home has incurred substantial damage as the result of a flood, must meet all the requirements for new construction, including the elevation and anchoring requirements in Article 4, Section 4.2 (A) and (B), and section 4.3 (A).

2. All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision in which a manufactured home has

not incurred substantial damage as the result of a flood shall elevated so that either:

- a. the lowest floor of the manufactured home is elevated no lower than one foot above the base flood elevation; or
- b. the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade.
- c. and be securely anchored to the adequately anchored foundation system to resist flotation, collapse and lateral movement.

3. All recreational vehicles placed on sites must either:

- a. be on the site for fewer than 180 consecutive days;
- b. be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanent attached additions.

Section 4.4 – Standards for the Floodway District

The following provisions shall apply within the Floodway District:

A. Encroachments, including fill, new construction, substantial improvements and other developments are prohibited unless certification (with supporting technical data) by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood.

Development activities which increase the water surface elevation of the base flood may be allowed, provided that the developer or applicant first applies - with the County's endorsement- for a conditional Flood Insurance Rate Map and floodway revision, and receives the approval of the Federal Emergency Management Agency.

B. If Article 4, Section 4.6 (A) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article 4.

C. The placement of manufactured homes (mobile homes) is prohibited, except in an existing manufactured homes (mobile homes) park or subdivision. A replacement manufactured home may be placed on a lot in an

existing manufactured home park or subdivision provided the anchoring, elevation, and encroachment standards are met.

Section 4.5 Standards for the Special Floodplain District

The following provisions shall apply within the Special Floodplain District:

Until a regulatory floodway is designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within the areas of special flood hazard, designated as Zone AE on the Flood Rate Insurance Map, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all existing and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point within the county.

Development activities in Zone AE on the Patrick County Flood Insurance Rate Map which increase the water surface elevation of the base flood by more than one foot may be allowed, provided that the developer or applicant first applies-with the county's endorsement-for a conditional Flood Insurance Rate Map revision, and receives the approval of the Federal Emergency Management Agency.

Section 4.6 Standards for Approximated Floodplain

A. When base flood elevation data or floodway data have not been provided, the Building Official shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or any other source, in order to administer the provisions of Article 4. When such base flood elevation data is utilized, the Building Official shall obtain:

1. the elevation (in relation to the mean sea level) of the lowest floor (including the basement) of all new and substantially improved structures; and
2. if the structure has been flood proofed in accordance with the requirements of Article 4, Section 4.3 (B) of this ordinance, the elevation in relation to the mean sea level to which the structure has been flood proofed.

Section 4.7 Standards for Subdivision Proposals

- A. All subdivision proposals shall be consistent with the need to minimize flood damage;
- B. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
- C. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards; and
- D. Base flood elevation data shall be provided for subdivision proposals and other proposed development proposals (including manufactured home parks and subdivisions) that exceed fifty lots or five acres, whichever is the lesser.

**ARTICLE V
VARIANCES: FACTORS TO BE CONSIDERED**

In passing upon applications for Variances, the Board of Appeals shall satisfy all relevant factors and procedures specified in other sections of the zoning ordinance and consider the following additional factors:

- A. The showing of good and sufficient cause.
- B. The danger to life and property due to increased flood heights or velocities caused by encroachments. No variance shall be granted for any proposed use, development, or activity within any Floodway District that will cause any increase in the 100 year flood elevation.
- C. The danger that materials may be swept on to other lands or downstream to the injury of others.
- D. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
- E. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.

F. The importance of the services provided by the proposed facility to the community.

G. The requirements of the facility for a waterfront location.

H. The availability of alternative locations not subject to flooding for the proposed use.

I. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.

J. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.

K. The safety of access by ordinary and emergency vehicles to the property in time of flood.

L. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.

M. The repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design.

N. Such other factors which are relevant to the purposes of this ordinance.

The Board of Appeals may refer any application and accompanying documentation pertaining to any request for a variance to any engineer or other qualified person or agency for technical assistance in evaluating the proposed project in relation to flood heights and velocities, and the adequacy of the plans for flood protection and other related matters.

Variances shall be issued only after the Board of Appeals has determined that the granting of such will not result in (a) unacceptable or prohibited increases in flood heights, (b) additional threats to public safety, (c) extraordinary public expense; and will not (d) create nuisances, (e) cause fraud or victimization of the public, or (f) conflict with local laws or ordinances.

ARTICLE VII – ENACTMENT

ENACTED AND ORDAINED THIS 14th DAY OF
July, 2008.

THIS Ordinance shall become effective upon passage.



County Administrator of the County
of Patrick, VA



Chairman, Board of Supervisors
Of the County of Patrick, VA

Public Hearing – Permit and Inspection Fees:

The Board decided to table until the July 28, 2008 meeting.

Public Comment Period:

The Chairman opened the public comment period.

Mr. Danny Wood requested that the information for public hearings be posted on the County's website for the public to view before the hearing. He spoke in opposition of the permit fees.

Mr. Johnny Martin spoke to the Board with concerns of the needs of the county. He spoke in opposition to the permit fees.

Mr. Boyce stated that we have to abide by FEMA. Permit fees over taxes.

The Chairman closed the public comment period.

Reports

Mr. Jay Scudder, County Administrator gave a presentation to the Board on VDOT acquisition. He also gave a report about his trip with Dr. Cole to look at critical access facilities. He stated that he had been looking into landfill costs as well as the maintenance of the dams in the county.

Approval: Bills Claims and Appropriations

On motion by Lock Boyce and seconded by Crystal P. Harris and passed unanimously, the Board approved County General Claims as presented this day and as evidenced by check numbers# 90127-90258.

Consent Agenda

On motion by Lock Boyce seconded by Crystal P. Harris and passed unanimously the Board approved the items on the consent agenda as follows:

2007-2008 Budget Modifications:

1. Revise the categorical budget amounts as shown on the enclosure to reflect actual expenditures. There is no change in the final budget amount of \$26,977,761.18. Please note that this is the final time this needs to be approved as the Board of Supervisors has approved the budget in lump sum for next year.
2. Carry forward the balances in the textbook funds (\$184,535.64), competitive leadership grant (\$55,555.00) and in the school construction/lottery funds (\$426,301.65) as permitted by Chapter 847, 2007 Acts of Assembly as outlined in the Virginia Department of Education Superintendent's Informational Memo No.128, dated May 16, 2008 (copy enclosed). The total amount of carryover is \$666,392.29. These funds will be used to complete the necessary maintenance and construction projects this summer, to pay for textbooks that will be delivered by the first day for students (August 13th), and to anticipate more funds needed for fuel.

2008-2009 Budget Modifications:

Revise the total 2008-2009 budgets from \$27,549,624.57 version (previously submitted to your office) to \$28,216,016.86 based on the carry forward amounts listed above. The 2007-2008 and 2008-2009 approved local contributions are not affected by the stated modifications.

Executive Session

On motion by Lock Boyce, seconded by Crystal P. Harris, the Board convened into Executive Session to discuss Real Estate matters [Section 2.2-3711 (A)(3)].

Roll Call Vote:

Harris: yes

Boyce: yes

Large: yes

WHEREAS, the Patrick County Board of Supervisors has convened an executive meeting on this date pursuant to an affirmative recorded vote and in accordance with provisions of the Virginia Freedom of Information Act, and

WHEREAS, Section 2.1-344.1 of the Code of Virginia requires a certification by the Board that such executive meeting was conducted in conformity with Virginia law,

NOW, THEREFORE, BE IT RESOLVED that the Patrick County Board of Supervisors does hereby certify that, to the best of each member's knowledge, only such public business matters as were identified in the motion convening the executive meeting were heard, discussed or considered by the Board,

BE IT FURTHER RESOLVED that the Patrick County Board of Supervisors does hereby certify that, to the best of each member's knowledge, only public business matters lawfully exempted from open meeting requirements by

Virginia law were discussed in the executive meeting to which this certification resolution applies.

On motion by Lock Boyce seconded by Crystal P. Harris and carried the Board reconvenes into regular session.

Roll Call Vote:

Harris: yes

Boyce: yes

Large: yes

Other Business:

On motion by Lock Boyce seconded by Crystal P. Harris and carried unanimously the Board approved the VDOT acquisition for parcel 015 and parcel 007.

On motion by Crystal P. Harris seconded by Lock Boyce and carried unanimously ordered that the Board be adjourned until July 28, 2008 commencing at 6:00 p.m.

, Chairman

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PRESENT: Jonathan Large, Chairman, Crystal P. Harris and Lock Boyce, Board Members

ABSENT: Ron Knight, Vice Chairman and Karl Weiss, Board Members

STAFF PRESENT: Jay Scudder, County Administrator; Tom Rose, Assistant County Administrator; Alan Black, County Attorney; and Geri Hazelwood, Assistant to the County Administrator.

The Chairman called the meeting to order.

Pastor Bucky Hunsicker gave the invocation.

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On motion by Lock Boyce seconded by Crystal P. Harris and carried unanimously, the agenda for the meeting was approved.

Voting Aye: Harris, Boyce, and Large

Voting Nay: None

On motion by Lock Boyce seconded by Crystal P. Harris and carried unanimously, the minutes for the June 23, 2008 meeting were approved.

Voting Aye: Harris, Boyce, and Large

Voting Nay: None

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Office of the County Administrator

June 24, 2008

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AN ORDINANCE SUPERCEDING AND AMENDING THAT ORDINANCE RECORDED IN BOOK NUMBER 14, AT PAGE 63, "THE FLOOD PLAN ORDINANCE OF PATRICK COUNTY, VIRGINIA" ESTABLISHING FLOODPLAIN DISTRICTS REQUIRING THE ISSUANCE OF PERMITS FOR DEVELOPMENT AND PROVIDING FACTORS AND CONDITIONS FOR VARIANCES TO THE TERMS OF THE ORDINANCES.

BE IT ENACTED AND ORDAINED BY THE COUNTY OF PATRICK, VIRGINIA as follows:

**ARTICLE 1
GENERAL PROVISIONS**

Section 1.1 Purpose

The purpose of these provisions is to prevent: the loss of life and property, the creating of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base by:

- A. regulating uses, activities, and development which, alone or in combination with other existing or future uses, activities, and development, will cause unacceptable increases in flood heights, velocities, and frequencies;
- B. restricting or prohibiting certain uses, activities, and development from locating within districts subject to flooding;
- C. requiring all those uses, activities, and developments that do occur in flood prone districts to be protected and/or flood proofed against flooding and flood damage; and,
- D. protecting individuals from buying land and structures which are unsuited for intended purposes because of flood hazards.

Section 1.2 Applicability

These provisions shall apply to all lands within the jurisdiction of Patrick County and identified as being in the 100 year floodplain by the Federal Insurance Administration.

Section 1.3 Compliance and Liability

- A. No land shall hereafter be developed and no structure shall be located, relocated, constructed, reconstructed, enlarged, or structurally altered except in full compliance with the terms and provisions of this ordinance and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this ordinance.
- B. The degree of flood protection sought by the provisions of this ordinance is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This ordinance does not imply that districts outside the floodplain district, or that land uses permitted within such district, will be free from flooding or flood damages.
- C. This Ordinance shall be administered and enforced by the Building Official of Patrick County.
- D. Records of actions associated with administering this ordinance shall be kept on file and maintained by the Building Official of Patrick County.
- E. The Building Official for Patrick County is appointed as the "Zoning Administrator".
- F. This ordinance shall not create liability on the part of Patrick County or any officer or employee thereof for any flood damages that result from reliance on this ordinance or any other administrative decision lawfully made thereunder.

Section 1.4 – Severability

If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance shall be declared invalid for any reason whatever, such decision shall not affect the remaining portions of this ordinance. The remaining portions shall remain in full force and effect; and for this purpose, the provisions of this ordinance are hereby declared to be severable.

ARTICLE II DEFINITIONS

- a. Base Flood: The flood having a one percent chance of being equaled or exceeded in any given year.
- b. Base flood elevation: The Federal Emergency Management Agency designated one hundred year water surface elevation.
- c. Basement: Any area of the building having its floor sub-grade (below ground level) on all sides.
- d. Board of Appeals: Board of Appeals as designated in the Building Code Ordinance and hereby appointed to review appeals made by individuals with regard to discussion of the Zoning Administrator in the interpretation of this Ordinance.
- e. Development: Any man made change to improved or unimproved real estate, including, but not limited to, building or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations, or storage of equipment or materials.
- f. Elevated building: A non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, or columns (posts and piers).
- g. Encroachment: The advance or infringement of uses, plant growth, fill, excavation, building permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

- h. Existing manufactured home park or subdivision: a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.
- i. Expansion to an existing manufacture home park or subdivision: the preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
- j. Flood or flooding:
 - 1. A general or temporary condition of partial or complete inundation of normally dry land areas from:
 - a. the overflow of inland or tidal waters; or,
 - b. the unusual and rapid accumulation or runoff of surface waters from any source.
 - 2. The collapse or subsistence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph 1 (a) of this definition.
- k. Floodplain or flood prone area: any land area susceptible to being inundated by water from any source.
- l. Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

- m. Freeboard: a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization in the watershed.
- n. Historic structure: Any structure that is:
1. listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
 2. certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 3. individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,
 4. individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - i. by an approved state program as determined by the Secretary of the Interior; or,
 - ii. directly by the Secretary of the Interior in states without approved programs.
- o. Lowest floor: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Federal Code 44FR, section 60.3.
- p. Manufactured home: a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when manufactured home

- also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.
- q. Manufactured home park or subdivision: a parcel (or contiguous parcels) of land divided into three or more manufactured home lots for rent or sale.
 - r. New construction: For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial Flood Insurance Rate Map on or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For Floodplain management purposes, new construction means structures for which start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.
 - s. New manufactured home park or subdivision: a manufactured home park or subdivision for which the construction of facilities for serving the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.
 - t. Recreational vehicle: a vehicle which is:
 - 1. built on a single chassis;
 - 2. 400 square feet or less when measured at the widest horizontal projection.
 - 3. designed to be self-propelled or permanently towable by a light duty truck; and,
 - 4. designed primarily for use as temporary living quarters for recreational camping, travel, or seasonal use and not as a permanent dwelling.
 - u. Special flood hazard area: The land in the floodplain subject to a one percent or greater chance of being flooded in any given year as determined in Article 3, Section 3.2 of this ordinance.
 - v. Start of construction: the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond

the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of the construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

- w. Substantial damage: damage of any origin sustained by a structure whereby the cost of restoring the structure to list before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
- x. Substantial improvement: any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage regardless of the actual repair work performed. The term does not, however, include either:
 - 1. any project for improvement of a structure to correct existing violation of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or
 - 2. any alteration of a *historic structure*, provided that the alteration will not preclude the structure's continued designation as a *historic structure*.
- y. Watercourse: a lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

ARTICLE III ESTABLISHMENT OF FLOODPLAIN DISTRICTS

Section 3.1 Description of Districts

A. Basis of Districts

The various floodplain districts shall include special flood hazard area. The basis for the delineation of these districts shall be the Flood

Insurance Study (FID) and the Flood Insurance Rate Maps for Patrick County prepared by the Federal Emergency Management Agency, Federal Insurance Administration, dated August 19, 2008, as amended.

1. The Floodway District is delineated, for purposes of this ordinance, using the criterion that certain areas within the floodplain must be capable of carrying the waters of the 100 year flood without increasing the water surface elevation of that flood more than one foot at any point. The areas included in this District are specifically defined in Table 2 of the above reference Flood Insurance Study and shown on the accompanying Flood Insurance Rate Map.
2. The Special Floodplain District shall be those areas identified as an AE Zone on the maps accompanying the Flood Insurance Study for which one hundred (100) year flood elevations have been provided.
3. The Approximated Floodplain District shall be those areas identified as an A on the maps accompanying the Flood Insurance study. In these zones no detailed flood profiles or elevations are provided but the one hundred (100) year floodplain boundary has been approximated.

B. Overlay Concept

1. The Floodplain Districts described above shall be overlays to the existing underlying districts as shown on the Official Zoning Ordinance Map at the time when a Zoning Ordinance is created, and as such, the provisions for the floodplain districts shall serve as a supplement to the underlying district provisions.
2. If there is any conflict between the provisions or requirements of the Floodplain Districts and those of any underlying district, the more restrictive provisions and/or those pertaining to the floodplain districts shall apply.
3. In the event any provision concerning a Floodplain District is declared inapplicable as a result of any legislative or administrative actions or judicial decision, the basic underlying provisions shall remain applicable.

Section 3.2: Official Zoning

The boundaries of the Special Flood Hazard Area and Floodplain Districts are established as shown on the Flood Insurance Rate Map which is declared to be a part of this ordinance and which shall be kept on file at the Patrick County offices.

Section 3.3 District Boundary Changes:

The delineation of any of the Floodplain Districts may be revised by the County where natural or man - made changes have occurred and/or where more detailed studies have been conducted or undertaken by the US Army Corps of Engineers or other qualified agency, or an individual documents the need for such change. However, prior to any such change, approval must be obtained from the Federal Insurance Administration.

Section 3.4 Interpretation of District Boundaries

Initial interpretation of the boundaries of the Floodplain Districts shall be made by the Permit Officer. Should a dispute arise concerning the boundaries of any of the districts, the Board of Appeals shall make the necessary determination. The person questioning or contesting the location of the District boundary shall be given a reasonable opportunity to present his case to the Board and to submit his own technical evidence if he so desires.

ARTICLE IV DEVELOPMENT REGULATIONS

Section 4.1-General Requirements

A. Permit Requirement

All uses, activities, and development occurring within any floodplain district shall be undertaken only upon the issuance of a special permit. Such development shall be undertaken only in strict compliance with the provisions of the Ordinance and with all other applicable codes and ordinances, such as the Virginia Uniform Statewide Building Code (VA

shall be in addition to and consistent with applicable state requirements for resisting wind forces.

C. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

D. New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.

E. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities, including duct work, shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

F. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

G. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.

H. On site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

I. any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this ordinance shall meet the requirements of "new construction" as contained in this ordinance.

J. Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provisions of this ordinance, shall be undertaken only if said non-conformity is not furthered, extended, or replaced.

K. the flood carrying capacity within an altered or relocated portion of any watercourse shall be maintained.

2. be constructed entirely of flood resistant materials below the regulatory flood protection elevation;

3. include, in Zones A and AE, measures to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet the following minimum design criteria:

- a. Provide a minimum of two openings on different sides of each enclosed area subject to flooding.
- b. The total net area of all openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding.
- c. If a building has more than one enclosed area, each area must have openings to allow floodwaters to automatically enter and exit.
- d. The bottom of all required openings shall be no higher than one (1) foot above the adjacent grade.
- e. Openings may be equipped with screens, louvers, or other opening coverings or devices, provided they permit the automatic flow of floodwaters in both directions.
- f. Foundation enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require openings. Masonry or wood underpinning, regardless of structural status, is considered enclosure and requires openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires openings as outlined above.

D. Standards for Manufactured Homes and Recreational Vehicles

1. All manufactured homes placed, or substantially improved, on individual lots or parcels, in expansions to existing manufactured home parks or subdivisions, in a new manufactured home park or subdivision or in an existing manufactured home park or subdivision in which a manufactured home has incurred substantial damage as the result of a flood, must meet all the requirements for new construction, including the elevation and anchoring requirements in Article 4, Section 4.2 (A) and (B), and section 4.3 (A).

2. All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision in which a manufactured home has

not incurred substantial damage as the result of a flood shall elevated so that either:

- a. the lowest floor of the manufactured home is elevated no lower than one foot above the base flood elevation; or
- b. the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade.
- c. and be securely anchored to the adequately anchored foundation system to resist flotation, collapse and lateral movement.

3. All recreational vehicles placed on sites must either:

- a. be on the site for fewer than 180 consecutive days;
- b. be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanent attached additions).

Section 4.4 – Standards for the Floodway District

The following provisions shall apply within the Floodway District:

A. Encroachments, including fill, new construction, substantial improvements and other developments are prohibited unless certification (with supporting technical data) by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood.

Development activities which increase the water surface elevation of the base flood may be allowed, provided that the developer or applicant first applies - with the County's endorsement- for a conditional Flood Insurance Rate Map and floodway revision, and receives the approval of the Federal Emergency Management Agency.

B. If Article 4, Section 4.6 (A) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article 4.

C. The placement of manufactured homes (mobile homes) is prohibited, except in an existing manufactured homes (mobile homes) park or subdivision. A replacement manufactured home may be placed on a lot in an

existing manufactured home park or subdivision provided the anchoring, elevation, and encroachment standards are met.

Section 4.5 Standards for the Special Floodplain District

The following provisions shall apply within the Special Floodplain District:

Until a regulatory floodway is designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within the areas of special flood hazard, designated as Zone AE on the Flood Rate Insurance Map, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all existing and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point within the county.

Development activities in Zone AE on the Patrick County Flood Insurance Rate Map which increase the water surface elevation of the base flood by more than one foot may be allowed, provided that the developer or applicant first applies-with the county's endorsement-for a conditional Flood Insurance Rate Map revision, and receives the approval of the Federal Emergency Management Agency.

Section 4.6 Standards for Approximated Floodplain

A. When base flood elevation data or floodway data have not been provided, the Building Official shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or any other source, in order to administer the provisions of Article 4. When such base flood elevation data is utilized, the Building Official shall obtain:

1. the elevation (in relation to the mean sea level) of the lowest floor (including the basement) of all new and substantially improved structures; and
2. if the structure has been flood proofed in accordance with the requirements of Article 4, Section 4.3 (B) of this ordinance, the elevation in relation to the mean sea level to which the structure has been flood proofed.

Section 4.7 Standards for Subdivision Proposals

- A. All subdivision proposals shall be consistent with the need to minimize flood damage;
- B. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
- C. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards; and
- D. Base flood elevation data shall be provided for subdivision proposals and other proposed development proposals (including manufactured home parks and subdivisions) that exceed fifty lots or five acres, whichever is the lesser.

ARTICLE V VARIANCES: FACTORS TO BE CONSIDERED

In passing upon applications for Variances, the Board of Appeals shall satisfy all relevant factors and procedures specified in other sections of the zoning ordinance and consider the following additional factors:

- A. The showing of good and sufficient cause.
- B. The danger to life and property due to increased flood heights or velocities caused by encroachments. No variance shall be granted for any proposed use, development, or activity within any Floodway District that will cause any increase in the 100 year flood elevation.
- C. The danger that materials may be swept on to other lands or downstream to the injury of others.
- D. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
- E. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.

F. The importance of the services provided by the proposed facility to the community.

G. The requirements of the facility for a waterfront location.

H. The availability of alternative locations not subject to flooding for the proposed use.

I. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.

J. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.

K. The safety of access by ordinary and emergency vehicles to the property in time of flood.

L. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.

M. The repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design.

N. Such other factors which are relevant to the purposes of this ordinance.

The Board of Appeals may refer any application and accompanying documentation pertaining to any request for a variance to any engineer or other qualified person or agency for technical assistance in evaluating the proposed project in relation to flood heights and velocities, and the adequacy of the plans for flood protection and other related matters.

Variances shall be issued only after the Board of Appeals has determined that the granting of such will not result in (a) unacceptable or prohibited increases in flood heights, (b) additional threats to public safety, (c) extraordinary public expense; and will not (d) create nuisances, (e) cause fraud or victimization of the public, or (f) conflict with local laws or ordinances.

ARTICLE VII – ENACTMENT

ENACTED AND ORDAINED THIS 14th DAY OF
July, 2008.

THIS Ordinance shall become effective upon passage.



County Administrator of the County
of Patrick, VA



Chairman, Board of Supervisors
Of the County of Patrick, VA

Public Hearing – Permit and Inspection Fees:

The Board decided to table until the July 28, 2008 meeting.

Public Comment Period:

The Chairman opened the public comment period.

Mr. Danny Wood requested that the information for public hearings be posted on the County's website for the public to view before the hearing. He spoke in opposition of the permit fees.

Mr. Johnny Martin spoke to the Board with concerns of the needs of the county. He spoke in opposition to the permit fees.

Mr. Boyce stated that we have to abide by FEMA. Permit fees over taxes.

The Chairman closed the public comment period.

Reports

Mr. Jay Scudder, County Administrator gave a presentation to the Board on VDOT acquisition. He also gave a report about his trip with Dr. Cole to look at critical access facilities. He stated that he had been looking into landfill costs as well as the maintenance of the dams in the county.

Approval: Bills Claims and Appropriations

On motion by Lock Boyce and seconded by Crystal P. Harris and passed unanimously, the Board approved County General Claims as presented this day and as evidenced by check numbers# 90127-90258.

Consent Agenda

On motion by Lock Boyce seconded by Crystal P. Harris and passed unanimously the Board approved the items on the consent agenda as follows:

2007-2008 Budget Modifications:

1. Revise the categorical budget amounts as shown on the enclosure to reflect actual expenditures. There is no change in the final budget amount of \$26,977,761.18. Please note that this is the final time this needs to be approved as the Board of Supervisors has approved the budget in lump sum for next year.
2. Carry forward the balances in the textbook funds (\$184,535.64), competitive leadership grant (\$55,555.00) and in the school construction/lottery funds (\$426,301.65) as permitted by Chapter 847, 2007 Acts of Assembly as outlined in the Virginia Department of Education Superintendent's Informational Memo No.128, dated May 16, 2008 (copy enclosed). The total amount of carryover is \$666,392.29. These funds will be used to complete the necessary maintenance and construction projects this summer, to pay for textbooks that will be delivered by the first day for students (August 13th), and to anticipate more funds needed for fuel.

2008-2009 Budget Modifications:

Revise the total 2008-2009 budgets from \$27,549,624.57 version (previously submitted to your office) to \$28,216,016.86 based on the carry forward amounts listed above. The 2007-2008 and 2008-2009 approved local contributions are not affected by the stated modifications.

Executive Session

On motion by Lock Boyce, seconded by Crystal P. Harris, the Board convened into Executive Session to discuss Real Estate matters [Section 2.2-3711 (A)(3)].

Roll Call Vote:

Harris: yes

Boyce: yes

Large: yes

WHEREAS, the Patrick County Board of Supervisors has convened an executive meeting on this date pursuant to an affirmative recorded vote and in accordance with provisions of the Virginia Freedom of Information Act, and

WHEREAS, Section 2.1-344.1 of the Code of Virginia requires a certification by the Board that such executive meeting was conducted in conformity with Virginia law,

NOW, THEREFORE, BE IT RESOLVED that the Patrick County Board of Supervisors does hereby certify that, to the best of each member's knowledge, only such public business matters as were identified in the motion convening the executive meeting were heard, discussed or considered by the Board,

BE IT FURTHER RESOLVED that the Patrick County Board of Supervisors does hereby certify that, to the best of each member's knowledge, only public business matters lawfully exempted from open meeting requirements by

Virginia law were discussed in the executive meeting to which this certification resolution applies.

On motion by Lock Boyce seconded by Crystal P. Harris and carried the Board reconvenes into regular session.

Roll Call Vote:

Harris: yes

Boyce: yes

Large: yes

Other Business:

On motion by Lock Boyce seconded by Crystal P. Harris and carried unanimously the Board approved the VDOT acquisition for parcel 015 and parcel 007.

On motion by Crystal P. Harris seconded by Lock Boyce and carried unanimously ordered that the Board be adjourned until July 28, 2008 commencing at 6:00 p.m.

, Chairman