

MINUTES
BOARD OF SUPERVISORS
COUNTY OF YORK

Regular Meeting
June 16, 2015

6:00 p.m.

Meeting Convened. A Regular Meeting of the York County Board of Supervisors was called to order at 6:00 p.m., Tuesday, June 16, 2015, in the Board Room, York Hall, by Chairman Thomas G. Shepperd.

Attendance. The following members of the Board of Supervisors were present: Walter C. Zarembo, Sheila S. Noll, George S. Hrichak, and Thomas G. Shepperd, Jr.

Donald E. Wiggins was absent.

Also in attendance were Neil A. Morgan, County Administrator; J. Mark Carter, Deputy County Administrator; Vivian A. Calkins-McGettigan, Deputy County Administrator; and James E. Barnett, County Attorney.

Invocation. Chairman Shepperd gave the invocation.

Pledge of Allegiance to the Flag of the United States of America. Boy Scout Jaylen Waller led the Pledge of Allegiance.

PRESENTATIONS

RECOGNITION OF EAGLE SCOUT PROJECT

Chairman Shepperd recognized Boy Scout Jaylen Waller for his New Quarter Park project. Mr. Waller had built boxes for wood ducks at New Quarter Park, creating a habitat for the ducks to breed and re-populate the area since they had almost become extinct. Mr. Shepperd then commended Mr. Waller on his accomplishment and presented him with a New Quarter Park shirt.

Mr. Jaylen Waller thanked the individuals who helped him with the project, specifically recognizing Molly Nealer, with Parks, Recreation, and Tourism, who provided him with needed information and encouragement that helped make the project successful.

Ms. Molly Nealer, Recreation Supervisor for the Division of Parks, Recreation, and Tourism, stated Mr. Waller was a remarkable young man who had encouraged other scouts to come and help at New Quarter Park.

CHILD DEVELOPMENT RESOURCES 50TH ANNIVERSARY

Chairman Shepperd read aloud Proclamation P15-8 and presented it to Mr. Paul Scott, Executive Director, Child Development Resources; and Vaughn Poller and Edward Robinson, outgoing Chairman and incoming Chairman of the Child Development Resources Board of Directors, in recognition of CDR's 50th Anniversary.

Mr. Paul Scott, Executive Director, Child Development Resources, thanked the Board of Supervisors for supporting Child Development Resources and its mission of providing services to young individuals in the community who were vulnerable and dependent.

CITIZENS COMMENT PERIOD

Mr. Greg Cleckler, 204 Daniels Drive, Riverwalk Townes, thanked Mr. Carter and Mr. Maddalena for the letter that was sent to the Homeowners Association regarding the streets, road conditions, and zoning originally submitted for the development. He stated Ryan Homes still had items in Riverwalk Townes that needed to be completed, and he asked if the County would penalize Ryan Homes for the discrepancies at Riverwalk Townes in current developments. He noted he had asked numerous times for a meeting with the County Attorney and Board of Supervisors concerning the problems at Riverwalk Townes, yet no meeting had been scheduled. He stated he would still like a meeting to discuss the issues and to understand the status of the development and the timetable for correcting the discrepancies.

Ms. Karen Ebeling, 118 Brock Street, Riverwalk Townes, asked for an update concerning the streetlight placement, stating 84 days had passed since the bids were due, and the project had still not been awarded. She also asked for concrete dates for correcting the discrepancies.

COUNTY ATTORNEY REPORTS AND REQUESTS

Mr. Barnett announced a satisfactory result in the recent ruling of the Western Refining case, as the judge found in favor of the County. The case lasted four days, and the judge ruled the County's assessment methodology and amounts were appropriate. Mr. Barnett noted he was unsure if the case would be appealed, but he felt the County was in a good position.

Chairman Shepperd asked Mr. Barnett what the liability amount would have been for the County.

Mr. Barnett stated it would have been around \$10 million, plus interest compounded since 2010.

Mr. Zaremba asked if Mr. Barnett would like to respond to Mr. Cleckler's comments concerning Riverwalk Townes.

Mr. Barnett stated he had mailed and emailed a letter to the counsel for the Riverwalk Townes Homeowners Association, and he had not heard from them, but suggested they were still reviewing the information. Mr. Barnett stated he was unable to meet with the Homeowners Association without their legal counsel due to strictures and legal ethics placed on him. He stated when the counsel requested a meeting, he would be able to discuss the situation further with the Homeowners Association.

Chairman Shepperd asked Mr. Barnett to call the counsel to see if they would like to schedule a meeting. He also welcomed and introduced Mr. Morgan as County Administrator. He stated Mr. Carter had done a wonderful job as the Interim County Administrator.

COUNTY ADMINISTRATOR REPORTS AND REQUESTS

Mr. Morgan thanked the Chairman and the Board for welcoming him. He indicated he was excited to have the opportunity to serve as County Administrator, and both he and his wife were happy to be in York County. Mr. Morgan noted York County had a great reputation, and he provided an overview of his management philosophy. He thanked the staff who had carried on after Mr. McReynolds' had passed, and he thanked Mr. Carter for serving as Interim County Administrator.

MATTERS PRESENTED BY THE BOARD

Mrs. Noll thanked the staff and volunteers who had helped make the Hermione visit so successful. She stated the weather had been good, and lots of visitors had come to the County during the ship's visit. She stated it would have not been possible without the staff members working together to support the event. She also stated the recent primary had a small turnout, but poll workers were still needed to work the primary. Mrs. Noll thanked the poll workers,

and stated it was a privilege to be able to vote. She thanked Mr. Carter for serving as Interim County Administrator, and stated she was delighted to have Mr. Morgan serving as County Administrator. She encouraged the citizens to contact him if they had suggestions or changes they would like to see.

Mr. Zaremba echoed Mrs. Noll's comments. He provided an update concerning the Williamsburg Area Destination Marketing Committee, noting the Committee had recently launched a new website, and replaced the Marketing Agent. He noted revenues generated by the Hotel and Motel Association were up, which was a positive sign.

Mr. Hrichak thanked Mr. Fuller and staff for making the Hermione's visit a success. The staff had pulled the event off and did an outstanding job. He thanked Mr. Carter for serving as Interim County Administrator, and he also welcomed Mr. Morgan as County Administrator.

Chairman Shepperd stated it had been an interesting year so far as Chairman. He echoed the comments made by the other Supervisors concerning the Hermione event, stating it had been wonderful because of the staff and volunteers who had supported the event. He congratulated Mr. Zaremba, as well as Mrs. Kristen Nelson, Clerk of Circuit Court, on their primary wins, and he thanked the other citizens who had run in the primary. Mr. Shepperd stated he would be attending the Hampton Roads Planning District Commission and Hampton Roads Transportation Planning Organization meeting on Thursday, noting the last Hampton Roads Transportation Accountability Committee meeting had been cancelled due to the lack of a quorum.

CONSENT CALENDAR

Mr. Hrichak moved that the Consent Calendar be approved as submitted, Item Nos.7, 8, and 9, respectively.

On roll call the vote was:

Yea:	(4)	Zaremba, Noll, Hrichak, Shepperd
Nay:	(0)	

Thereupon, the following minutes were approved and resolutions adopted:

Item No. 7. APPROVAL OF MINUTES

The minutes of the May 19, 2015, Regular Meeting was approved.

Item No. 8. SPONSORSHIP OF ZONING AND SUBDIVISION ORDINANCE TEXT AMENDMENTS TO INCORPORATE AMENDMENTS TO THE CODE OF VIRGINIA: Resolution R15-69

A RESOLUTION TO SPONSOR AN APPLICATION TO AMEND VARIOUS SECTIONS OF CHAPTER 20.5, SUBDIVISIONS, AND CHAPTER 24.1, ZONING, OF THE YORK COUNTY CODE TO BRING THEM INTO CONFORMANCE WITH THE CODE OF VIRGINIA AS A RESULT OF LEGISLATION ADOPTED BY THE 2015 VIRGINIA GENERAL ASSEMBLY

WHEREAS, legislation adopted by the Virginia General Assembly in the 2015 session and signed by the Governor causes a need to consider amendments to certain provisions of the York County Subdivision and Zoning Ordinances; and

WHEREAS, the York County Board of Supervisors has determined that consideration of such amendments is necessary in accordance with good zoning practice;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 16th day of June, 2015, that it does hereby sponsor applications to consider the following proposed amendments to the listed sections of Chapter 20.5 and 24.1 of the York County Code.

BE IT FURTHER RESOLVED that said applications be, and they are hereby, referred to the York County Planning Commission for review and recommendation in accordance with applicable procedures.

Sec. 20.5-28. Preliminary plan.

- (b) *Review process.* Upon determining that all submittal requirements have been met, the agent shall coordinate a review process to determine conformity of the proposal with all applicable requirements of this chapter and other applicable ordinances, requirements, and regulations.
- (1) The agent may transmit copies of the preliminary plan to those county departments and state and/or federal agencies deemed appropriate for their review and comment and shall establish a date for which written comments shall be returned to the agent.
 - (2) After receiving the comments of all reviewing departments or agencies, or within sixty (60) days of submission of the preliminary plan by a subdivider, whichever shall occur first, the agent shall consolidate all of the comments and provide a written response to the subdivider. In the event of a resubmission of a preliminary plan which has been previously disapproved, the response shall be provided within forty-five (45) days.

Where review by one (1) or more state agencies, including, but not limited to, the health department and/or department of transportation, is necessary, the comments or approvals of such state agency or agencies shall be provided within thirty-five (35) days of their receipt by the agent.

- (3) The agent's written response to the subdivider shall include notification of approval or disapproval or approval with conditions. Such notice shall state any actions, changes, conditions, or additional information that is required to secure final approval of the preliminary plan and, if disapproved, the reasons for such action with specific reference to an adopted ordinance, regulation or policy and identifying such modifications or corrections as will permit approval of the plan.
- (4) Where the agent has required that revisions or other actions, changes, conditions, or additional information be incorporated into the preliminary plan prior to approval, the subdivider shall resubmit, without additional fee, thirteen (13) copies (12 folded, 1 rolled) of the revised plan together with the original or a copy of any marked plans returned to the subdivider by the agent. In addition, a narrative description shall be submitted regarding how each of the actions, changes, conditions, or additional information required has been addressed on the revised plan. The revised plan shall then be reviewed in the same manner and within the same time elements as was the original. In the review of a resubmitted preliminary plan solely involving a parcel or parcels of commercial real estate, the agent shall consider only the deficiencies identified in the review of the initial plan that have not been corrected in such resubmission and any deficiencies that arise as a result of the corrections made to address deficiencies identified in the initial submission. Failure to approve or disapprove a resubmitted plan for commercial real estate within the specified time periods shall cause the plan to be deemed approved. Notwithstanding the approval or deemed approval of any proposed plan for commercial real estate, any deficiency in any proposed plan, that if left uncorrected, would violate local, state or federal law, regulations, mandatory Department of Transportation engineering and safety requirements, and other mandatory engineering and safety requirements, shall not be considered, treated, or deemed as having been approved. Should any resubmission include a material revision of infrastructure or physical improvements from the

earlier submission, or if a material revision in the resubmission creates a new required review by the Virginia Department of Transportation or by a state agency or public authority authorized by state law, then the agent's review shall not be limited to only the previously identified deficiencies of prior submittals and may consider deficiencies initially appearing in the resubmission because of such material revision.

Sec. 20.5-29. Development plan.

(b) *Review process.* Upon determining that all submittal requirements have been met, the agent shall coordinate a review process to determine conformity of the proposed design elements and physical improvements with all applicable requirements of this chapter and all other applicable ordinances, requirements, and regulations.

- (1) The agent shall transmit copies of the development plan to those county departments and state and/or federal agencies deemed appropriate for their review and comment and shall establish a date for which written comments shall be returned to the agent.
- (2) After receiving the comments of all reviewing departments or agencies, or within sixty (60) days of submission of the development plan by a subdivider, whichever shall occur first, the agent shall consolidate all of the comments and provide a written response to the subdivider. In the event of a resubmission of a development plan which has been previously disapproved, the response shall be provided within forty-five (45) days.

Where review by one or more state agencies, including, but not limited to, the health department and/or department of transportation, is necessary, the comments or approvals of such state agency or agencies shall be provided within thirty-five (35) days of their receipt by the agent.

- (3) The agent's written response to the subdivider shall include notification of approval or disapproval or approval with conditions. Such notice shall state any actions, changes, conditions, or additional information which shall be required to secure final approval of the development plan and, if disapproved, the reasons for such action with specific reference to an adopted ordinance, regulation or policy, and an identification of such modifications or corrections as will permit approval of the plan.
- (4) Where the agent has required that revisions or other actions, changes, conditions, or additional information be incorporated into the development plan prior to approval, the subdivider shall resubmit, without additional fee, thirteen (13) copies (12 folded, 1 rolled) of the revised plan together with the original or a copy of any marked plans returned to the subdivider by the agent. In addition, a narrative description shall be submitted regarding each of the actions, changes, conditions, or additional information required has been addressed on the revised plan. The revised plan shall then be reviewed in the same manner and within the same time elements as was the original. In the review of a resubmitted development plan solely involving a parcel or parcels of commercial real estate, the agent shall consider only the deficiencies identified in the review of the initial plan that have not been corrected in such resubmission and any deficiencies that arise as a result of the corrections made to address deficiencies identified in the initial submission. Failure to approve or disapprove a resubmitted plan for commercial real estate within the specified time periods shall cause the plan to be deemed approved. Notwithstanding the approval or deemed approval of any proposed plan for commercial real estate, any deficiency in any proposed plan, that if left uncorrected, would violate local, state or federal law, regulations, mandatory Department of Transportation engineering and safety requirements,

and other mandatory engineering and safety requirements, shall not be considered, treated, or deemed as having been approved. Should any resubmission include a material revision of infrastructure or physical improvements from the earlier submission, or if a material revision in the resubmission creates a new required review by the Virginia Department of Transportation or by a state agency or public authority authorized by state law, then the agent's review shall not be limited to only the previously identified deficiencies of prior submittals and may consider deficiencies initially appearing in the resubmission because of such material revision.

Sec. 20.5-30. Final plat.

- (b) *Review process.* Upon determining that all submittal requirements have been met, the agent shall coordinate a review process to determine conformity of the plat with all applicable requirements of this chapter and all other applicable ordinances, requirements, and regulations.
- (1) The agent shall transmit copies of the final plat to those county departments and state and/or federal agencies deemed appropriate for their review and comment and shall establish a date for which written comments shall be returned to the agent.
 - (2) After receiving the comments of all reviewing departments or agencies, or within sixty (60) days of submission of the final plat by a subdivider, whichever shall occur first, the agent shall consolidate all of the comments and provide a written response to the subdivider. In the event of a resubmission of a final plat which has been previously disapproved, the response shall be provided within forty-five (45) days.
 - (3) The agent's written response to the subdivider shall include notification of approval or disapproval or approval with conditions. Such notice shall state any actions, changes, conditions, or additional information which shall be required to secure final approval of the plat and, if disapproved, the reasons for such action with specific reference to an adopted ordinance, regulation or policy, and identifying such modifications or corrections as will permit approval of the plat.
 - (4) Where the agent has required that revisions or other actions, changes, conditions, or additional information be incorporated into the final plat prior to approval, the subdivider shall within sixty (60) days resubmit, without additional fee, eight (8) copies of the revised plat together with the original or a copy of any marked plats returned to the subdivider by the agent. In addition, a narrative description shall be submitted regarding how each of the actions, changes, conditions, or additional information required has been addressed on the revised plat. The revised plat shall then be reviewed in the same manner and within the same time elements as was the original. The agent, for good cause shown, may grant an extension of the sixty (60) day time limitation, provided a written request is received from the subdivider no fewer than ten (10) working days prior to expiration of the term established herein. In the review of a resubmitted plat solely involving a parcel or parcels of commercial real estate, the agent shall consider only the deficiencies identified in the review of the initial plat that have not been corrected in such resubmission and any deficiencies that arise as a result of the corrections made to address deficiencies identified in the initial submission. Failure to approve or disapprove a resubmitted plat for commercial real estate within the specified time periods shall cause the plat to be deemed approved. Notwithstanding the approval or deemed approval of any proposed plat for commercial real estate, any deficiency in any proposed plat, that if left uncorrected, would violate local, state or federal law, regulations, mandatory Department of Transportation engineering and safety requirements, and other manda-

tory engineering and safety requirements, shall not be considered, treated, or deemed as having been approved. Should any resubmission include a material revision of infrastructure or physical improvements from the earlier submission, or if a material revision in the resubmission creates a new required review by the Virginia Department of Transportation or by a state agency or public authority authorized by state law, then the agent's review shall not be limited to only the previously identified deficiencies of prior submittals and may consider deficiencies initially appearing in the resubmission because of such material revision.

ARTICLE I. IN GENERAL

Sec. 24.1-104. Definitions.

Variance. In the application of this chapter, a reasonable deviation from those provisions regulating the shape, size, or area of a lot or parcel of land, or the size, height, area, bulk, or location of a building or structure when the strict application of the chapter would result in unnecessary or unreasonable hardship to the property owner~~unreasonably restrict the utilization of the property, and such need for a variance would not be shared generally by other properties, and provided such variance is not contrary to the intended spirit and purpose of this chapter, and, if granted, would result in substantial justice being done.~~ It shall not include a change in use which change shall be accomplished by a rezoning or by a conditional zoning.

Sec. 24.1-114. Conditional zoning.

(d) *Effect of conditions.*

- (1) The provisions of this section shall be considered separate from, supplemental to and in addition to the provisions contained elsewhere in this chapter or other county ordinances. Nothing contained in this section shall be construed as excusing compliance with all other applicable provisions of this Code.
- (2) Once proffered and accepted by the board as part of an amendment to the zoning map, such conditions shall continue in full force and effect until amended as provided herein.
- (3) Conditions once proffered and accepted by the board shall immediately become effective with approval of the application to amend the zoning map. Upon approval, any site plan, subdivision plat, or development plan thereafter submitted for the development of the property in question shall be in conformance with all proffered conditions and no development shall be approved by any county official in the absence of said conformance.
- (4) In the event proffered conditions include the dedication of real property or the payment of cash, such property shall not transfer and such payment of cash shall not be made until the facilities for which said property is dedicated or cash is tendered are included in the capital improvement program, except that items which are not normally included in such capital improvement program may be accepted at any time. In the event a proffer accepted prior to July 1, 2017, which involves a pledge of a cash payment for residential construction on a per-dwelling unit or per-home basis, the cash payment pursuant to such proffer shall be collected or accepted only after completion of the final inspection and

prior to the time of the issuance of any certificate of occupancy for the subject property.

ARTICLE V. SITE PLANS

Sec. 24.1-505. Review and approval procedures for site plans.

- (a) While not required, developers and property owners are encouraged to present informally conceptual plans to the Department of Environmental and Development Services at a preapplication conference. Applicants should provide preliminary site sketches and plan information prior to the scheduled conference.
- (b) The department of environmental and development services shall be responsible for review of the site plan for general completeness and for compliance with established administrative requirements and for coordinating and monitoring the review process. In fulfilling this responsibility, the department may transmit copies of site plans to appropriate departments, agencies, and officials for their review, comment, and recommendations.
- (c) The zoning administrator shall be the final plan approving authority. No final action shall be taken until the comments and recommendations of all reviewing agencies, and departments and officials have been received. Except under abnormal circumstances, all reviews shall be completed and the final decision of the zoning administrator rendered within sixty (60) days of the submission of a site plan having all the necessary elements as prescribed in section 24.1-502. In the event a final decision cannot be rendered within sixty (60) days, the applicant may request and shall be given written notice of such delay and the reasons therefor. For a site plan involving solely a parcel or parcels of commercial real estate, the zoning administrator shall act on the plan within sixty (60) days provided, however, that where review by one or more state agencies is necessary, the comments or approvals of such state agency or agencies shall be provided within thirty-five (35) days of their receipt by the zoning administrator.
- (d) The zoning administrator may act in any of the following manners on site plans:
 - (1) *Disapproval* - shall indicate that there are significant deficiencies in the plan as submitted and that the ability to correct them is in doubt or that even if the deficiencies were to be corrected, the plan may not be approvable in accordance with section 24-500(b).
 - (2) *Preliminary approval* - shall indicate that there are deficiencies in the depicted plan which must be corrected prior to final approval being granted; however, such action shall constitute assurance that if the corrections are made in the stipulated manner, final approval will be granted.
 - (3) *Final approval* - shall indicate that the site plan as depicted, or subject to certain noted conditions, is fully approved and, upon the issuance of all relevant permits, construction activities may commence. A site plan shall be deemed to have received final approval once it has been reviewed and approved by the zoning administrator and the only requirement remaining to be satisfied in order to obtain a building permit is the posting of any performance guarantees.
- (e) Upon action by the zoning administrator, the applicant shall be notified in writing of such action and the reasons therefore.
- (e) Site plans which have received preliminary approval or have been disapproved by the zoning administrator may be resubmitted for review at no additional fee provided that such resubmission occurs within six (6) months of the date on which notice of preliminary approval or disapproval was transmitted to the applicant and that a written narra-

tive statement describing how each of the preliminary approval conditions or reasons for disapproval and staff recommendations have been addressed on the revised site plan. For site plans having received preliminary approval, only those plan sheets on which revisions have been made need to be resubmitted. For disapproved plans, entire plan sets shall be resubmitted. Revised site plans submitted later than six (6) months shall be reviewed as a new submission and shall be subject to any changes in county ordinances which have occurred in the intervening time period, and shall require the payment of the requisite review fee.

- (f) For a resubmitted site plan solely involving a parcel or parcels of commercial real estate, the zoning administrator shall act on the plan within forty-five (45) days provided, however, that where review by one or more state agencies is necessary, the comments or approvals of such state agency or agencies shall be provided within thirty-five (35) days of their receipt by the zoning administrator. In reviewing such a plan, the zoning administrator shall consider only the deficiencies identified in the review of the initial site plan that have not been corrected in such resubmission and any deficiencies that arise as a result of the corrections made to address deficiencies identified in the initial submission. Failure to approve or disapprove a resubmitted commercial site plan within the specified time periods shall cause the plan to be deemed approved. Notwithstanding the approval or deemed approval of any proposed commercial site plan, any deficiency in any proposed plan, that if left uncorrected, would violate local, state or federal law, regulations, mandatory Department of Transportation engineering and safety requirements, and other mandatory engineering and safety requirements, shall not be considered, treated, or deemed as having been approved. Should any resubmission include a material revision of infrastructure or physical improvements from the earlier submission, or if a material revision in the resubmission creates a new required review by the Virginia Department of Transportation or by a state agency or public authority authorized by state law, then the zoning administrator's review shall not be limited to only the previously identified deficiencies of prior submittals and may consider deficiencies initially appearing in the resubmission because of such material revision.

ARTICLE IX. APPEALS

Sec. 24.1-900. Board of zoning appeals established.

Pursuant to the requirements of title 15.2, Code of Virginia, there is hereby established a Board of Zoning Appeals for the County of York, Virginia.

The board of zoning appeals shall consist of five (5) residents of the county, one (1) of whom may be a member of the planning commission, each to be appointed by the judge of the county circuit court. The terms of office, organization, and procedures of this board shall be in accordance with the provisions established by section 15.2-2308, Code of Virginia.

Sec. 24.1-901. Powers and duties.

The board of zoning appeals shall have all the powers and duties as prescribed in section 15.2-2309, Code of Virginia, and as set forth below:

- (a) To hear and decide appeals from any order, requirement, decision or determination made by an administrative officer in the administration or enforcement of this chapter or any amendment thereto or any modification of zoning requirements pursuant to section 24.1-902. The decision on such appeal shall be based on the board's judgment of whether the administrative officer was correct. The determination of the administrative officer shall be presumed to be correct. At a hearing on an appeal, the administrative officer shall explain the basis for his determination after which the appellant has the burden of proof to rebut such presumption of correctness by a preponderance of the evidence. The board shall consider the purpose and intent of any applicable ordinances, laws, and regulations in making its decision. For purposes of this section, determination

means any order, requirement, decision or determination made by an administrative officer. Any appeal of a determination to the board shall be in compliance with Section 15.2-2309 of the Code of Virginia, notwithstanding any other provision of law, general or special.

(b) ~~To authorize~~ Notwithstanding any other provision of law, general or special, to grant upon appeal or original application in specific cases such a variance from the terms of this chapter as will not be contrary to the public interest, when, owing to special conditions, a literal enforcement of the provisions will result in unnecessary hardship; , provided that the spirit of this chapter shall be observed and substantial justice done as follows:the burden of proof shall be on the applicant for a variance to prove by a preponderance of the evidence that his application meets the standard for a variance and the criteria set out in Section 15.2-2309 of the Code of Virginia.

(1) ~~When a property owner can show that the owner's~~ Notwithstanding any other provision of law, general or special, a variance shall be granted if the evidence shows that the strict application of the terms of the ordinance would unreasonably restrict the utilization of the property or that the granting of the variance would alleviate a hardship due to a physical condition relating to the property or improvements thereon at the time of the effective date of the ordinance, and

a. ~~the property interest for which the variance is being requested was acquired in good faith and where by reason of the exceptional and any hardship was not created by the applicant for the variance; narrowness, shallowness, size or shape of a specific piece of property at the time of the effective date of this chapter, or where by reason of exceptional topographic conditions or other extraordinary situation or condition of such piece of property, or the use or development of property immediately adjacent thereto, the strict application of the terms of this chapter would effectively prohibit or unreasonably restrict the use of the property, or where the board of zoning appeals is satisfied, upon the evidence heard by it, that the granting of such variance will alleviate a clearly demonstrable hardship, as distinguished from a special privilege or convenience sought by the applicant, provided that all variances shall be in harmony with the intended spirit and purpose of this chapter.~~

a.b. ~~the granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area;~~

c. ~~the condition or situation of the property concerned is not of so general or recurring a nature as to make reasonable practicable the formulation of a general regulation to be adopted as an amendment to the ordinance;~~

d. ~~the granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property; and~~

e. ~~the relief or remedy sought by the variance application is not available through the granting of a special use permit by the board of supervisors or the process for modification of a zoning ordinance pursuant to Section 24.1-113 of this chapter at the time of the filing of the variance application.~~

(2) ~~No such variance shall be authorized by the board of zoning appeals unless it finds:~~

a. ~~That the strict application of the provisions of this chapter would produce undue hardship;~~

b. ~~That the hardship is not shared generally by other properties in the same zoning district and the same vicinity;~~

- ~~c. That the authorization of such 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; and~~
- ~~d. That the condition or situation of the property concerned or the intended use of the property is not of such a general or recurring nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to this chapter.~~
- (23) In accordance with section 15.2-2309, Code of Virginia, in ~~authorizing~~ 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 performance guarantee to ensure that the conditions imposed are being and will continue to be complied with.
- (34) Notwithstanding any other provision of law, general or special, any deviation from the normally applicable regulations of this chapter that is approved by the authorization of a variance shall thereafter be considered a conforming feature of the property. However, any construction authorized by such variance shall be allowed to expand further only to the extent that such expansion conforms with all applicable requirements of this chapter. Any expansion proposed within an area of the site or part of the structure which does not conform to all applicable zoning standards shall be permitted only if authorized by approval of another variance request.
- (c) To hear and decide applications for interpretation of the zoning map where there is any uncertainty as to the location of a district boundary.
- (d) None of the provisions of this section shall be construed as granting the board of zoning appeals the power to reclassify property or to base board decisions on the merits of the purpose and intent of local ordinances duly adopted by the board of supervisors.

Item No. 9. COMMUNITY DEVELOPMENT BLOCK GRANT - CARVER GARDENS HOUSING REHABILITATION PROJECT: Resolution R15-68

A RESOLUTION TO APPROVE POLICIES AND PROCEDURES AND TO AUTHORIZE THE COUNTY ADMINISTRATOR TO SUBMIT THE NECESSARY DOCUMENTS FOR COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING FROM THE VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR THE CARVER GARDENS HOUSING REHABILITATION PROJECT, AND TO REQUEST, ACCEPT, AND APPROPRIATE THESE FUNDS, AND FURTHER AUTHORIZING PAYMENTS TO BE MADE TO HOUSING PARTNERSHIPS, INC., AS A GRANT MANAGEMENT PARTNER PURSUANT TO THE GRANT AGREEMENT

WHEREAS, the Virginia Department of Housing and Community Development has made grant funding available through the US Department of Housing and Urban Development Community Development Block Grant (CDBG) Program; and

WHEREAS, the County has received an award in the amount of \$933,690 for housing rehabilitation activities in the Carver Gardens area of the Bruton District; and

WHEREAS, the Virginia Department of Housing and Community Development requires a resolution whereby the Board of Supervisors authorizes the County Administrator to sign and submit all appropriate policies, assurances and certifications necessary to request, receive, and appropriate funding; and

WHEREAS, the required local matching funds for this project are available through funds otherwise appropriated by the Board of Supervisors and through a collaborative working relationship with Housing Partnerships, Inc., a local non-profit organization specializing in housing rehabilitation; and

WHEREAS, the Virginia Department of Housing and Community Development, as funding authority requires that certain steps be taken prior to entering into a contractual agreement for said Grant; and

WHEREAS, the County must provide proof of plans or policies to address the following:

- Memorandum of Understanding with Housing Partnerships, Inc.
- Program Management Plan
- Housing Program Design
- Program Income Plan; and

WHEREAS, each of these documents have been prepared and presented for approval by the Board of Supervisors.

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 16th of June 2015, that the County Administrator be, and is hereby, directed and authorized to implement these policies and plans, and to execute any necessary grant agreements, related contracts, or other documents, including the plans and policies referenced above, each of which is hereby approved by this Board, subject to approval as to form by the County Attorney, to provide such additional information as may be required by the terms of the grant agreement, and to take all necessary actions to accept and implement the grant.

BE IT FURTHER RESOLVED that the Board of Supervisors accepts and appropriates grant funds in the amount of \$933,690 in the General Fund upon ratification of the contract with Department of Housing and Community Development.

BE IT STILL FURTHER RESOLVED that the County Administrator may make payments to Housing Partnerships, Inc., in an amount not to exceed \$172,154 for services to be performed by Housing Partnerships, Inc., as a Grant Management Partner of this grant, and in accordance with the Memorandum of Understanding between the County and Housing Partnerships, Inc., related to the grant, which the County Administrator is authorized to execute.

BE IT STILL FURTHER RESOLVED that the County Administrator is hereby authorized to accept any subsequent offer of funding that would not exceed available resources for any required matches and to increase amounts appropriated in the budget if and when funds become available and to advise the Board of all such actions in writing.

BE IT STILL FURTHER RESOLVED that the County Administrator be and is hereby authorized on behalf of the County to assume the status of a responsible official under the National Environmental Policy Act of 1969, and the regulations which implement such Act.

PUBLIC HEARINGS

APPLICATION NO. ZM-161-15, MRP ENTERPRISES LLC.

Mr. Timothy Cross, Principal Planner, gave a presentation on Application No. ZM-161-15 to approve an amendment to the York County Zoning Map by reclassifying a 0.15-acre portion of an approximately 18.2-acre parcel of land located at 7307 George Washington Memorial Highway (Route 17) from conditional Limited Industrial to Medium-density, single-family residential. The Planning Commission considered the application and forwarded it to the Board of Supervisors with a recommendation of approval 7:0; and staff recommended approval of the application through the adoption of proposed Ordinance O15-7.

Mr. Dale Moore, 700 Cheadle Loop, stated he would like to build a nice home on the property.

Chairman Shepperd then called to order a public hearing on Application No. ZM-161-15 which was duly advertised as required by law, and proposed Ordinance O15-7 in entitled:

AN ORDINANCE TO REZONE AN APPROXIMATELY 0.15-ACRE PORTION OF THE PARCEL AT 7307 GEORGE WASHINGTON MEMORIAL HIGHWAY FROM CONDITIONAL IL TO CONDITIONAL R20

There being no one present who wished to speak regarding the subject application, Chairman Shepperd closed the public hearing.

Mr. Hrichak moved the adoption of proposed Ordinance O15-7 that reads:

AN ORDINANCE TO REZONE AN APPROXIMATELY 0.15-ACRE PORTION OF THE PARCEL AT 7307 GEORGE WASHINGTON MEMORIAL HIGHWAY FROM CONDITIONAL IL TO CONDITIONAL R20

WHEREAS, MRP Enterprises, LLC, has submitted Application No. ZM-161-15 requesting to amend the York County Zoning Map by reclassifying a 0.15-acre portion of an approximately 18.2-acre parcel of land located at 7307 George Washington Memorial Highway (Route 17) and further identified as Assessor's Parcel No. 24-128 (GPIN Q08d-4951-0396) from conditional IL (Limited Industrial) to R20 (Medium-density single-family residential), subject to conditions voluntarily proffered by the property owner; and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission recommends approval of this application; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing; and

WHEREAS, the Board has carefully considered the public comments and Planning Commission recommendation with respect to this application;

NOW, THEREFORE, BE IT ORDAINED by the York County Board of Supervisors this the 16th day of June, 2015, that Application No. ZM-161-15 be, and it is hereby, approved to amend the York County Zoning Map by reclassifying from conditional IL (Limited Industrial) to conditional R20 (Medium-density single-family residential) a 0.15-acre portion of an approximately 18.2-acre parcel of land located at 7307 George Washington Memorial Highway (Route 17), further identified as Assessor's Parcel No. 24-128 (GPIN Q08d-4951-0396), and more fully described and identified as follows:

Beginning at a point on the northerly right of way line of Whites Road (S.R. 1216), said point being the southwest corner of 112 Whites Road (GPIN: R08c-0291-0382); from the point of beginning thus established, S-66-07-06-W along the northerly right of way of Whites Road a distance of 41.68' to a point; thence N-23-46-27-W a distance of 160.28' to a point; thence N-65-09-54-E a distance of 41.69' to a point, said point being the northwesterly corner of 112 Whites Road; thence along the existing property line of 112 Whites Road, S-23-46-27-E and distance of 160.97' to the point of beginning, containing 6,695 square feet.

BE IT FURTHER ORDAINED that approval of this application shall be subject to the following voluntarily proffered conditions set forth in the proffer statement titled "Conditions voluntarily proffered for the reclassification of property identified as York County Assessor's Parcel 24 128, GPIN Q08d-4951-0396, commonly referred to as 7307 George Washington Memorial Highway, located in the County of York, Virginia" dated May 1, 2015 and signed by Kenneth Dale Moore:

June 16, 2015

1. The site shall be developed generally in conformance with the concept plan entitled "Proposed 112 Whites Road, Boundary Line Adjustment York County, Virginia Mar. 31, 2015," made by Campbell Land Surveying, Inc.
2. Applicant shall enhance the transitional buffer along the property line bordering the western boundary of the property located at 112 Whites Road to exceed the minimum planting requirements for a Type 50 (50 foot) transitional buffer set forth in the York County Zoning Ordinance. Additional landscape plantings, over and above the minimum requirements for a Type 50 transitional buffer, shall be, as listed below.
 - Along the north/western property line plant and maintain an additional 16 ever-green trees a minimum size of 3 feet tall and 14 bushes 3 gallons or greater in size.
 - Along the north/eastern property line plant and maintain an additional 17 ever-green trees a minimum of 3 feet tall and 15 bushes 3 gallons or greater in size.

On roll call the vote was:

Yea: (4) Noll, Hrichak, Zaremba, Shepperd
 Nay: (0)

APPLICATION NO. UP-860-15, GGR CONSTRUCTION, INC.

Mr. Cross gave a presentation on Application No. UP-860-15, GGR Construction, Inc., to approve a Special Use Permit, pursuant to Section 24.1-283 of the York County Zoning Ordinance, to authorize a home occupation with a non-resident employee on two parcels (2.1 acres) located at 616 and 700 Dandy Loop Road (Route 629). The applicant had a special use permit that was in place until May, 2014, yet had allowed the term to expire, which was the reason he had to reapply. The Planning Commission considered the application and forwarded it to the Board of Supervisors with a recommendation of approval 7:0, and staff recommended approval of the application through the adoption of proposed Resolution R15-63.

Chairman Shepperd asked if anything had changed in the application since it had originally been submitted and approved.

Mr. Cross stated the only change submitted with the application requesting authorization for a non-resident employee for a four-year term.

Chairman Shepperd asked if the applicant would like a longer term.

Mr. Gregory G. Rogers, 700 A Dandy Loop Road, stated he would be interested in a longer term as deemed appropriate by the Board.

Chairman Shepperd suggested a term of ten years for the applicant.

Chairman Shepperd then called to order a public hearing on Application No. UP-860-15 which was duly advertised as required by law, and proposed Resolution R15-63 is entitled:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO AU-
 THORIZE A HOME OCCUPATION WITH ONE NON-RESIDENT
 EMPLOYEE AT 616 AND 700 DANDY LOOP ROAD

There being no one present who wished to speak regarding the subject application, Chairman Shepperd closed the public hearing.

Mrs. Noll moved the adoption of proposed Resolution R15-63(R) that reads:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO AU-
 THORIZE A HOME OCCUPATION WITH ONE NON-RESIDENT
 EMPLOYEE AT 616 AND 700 DANDY LOOP ROAD

WHEREAS, GGR Construction, Inc., has submitted Application No. UP-860-15 requesting a Special Use Permit, pursuant to Section 24.1-283 of the York County Zoning Ordinance, to authorize a home occupation with a non-resident employee on two parcels (2.1 acres) located at 616 and 700 Dandy Loop Road (Route 629) and further identified as Assessor's Parcel Nos. 20C-7-B and 20C-7-A (GPIN# U10d-3975-2055 and U10d-3790-2085); and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission recommends approval of this application; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on this application; and

WHEREAS, the Board has carefully considered the public comments and Planning Commission recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 16th day of June, 2015, that Application No. UP-860-15 be, and it is hereby, approved to authorize a home occupation with a non-resident employee on two parcels (2.11-acres) located at 616 and 700 Dandy Loop Road (Route 629) and further identified as Assessor's Parcel Nos. 20C-7-B and 20C-7-A (GPIN# U10d-3975-2055 and U10d-3790-2085), subject to the following conditions:

1. This use permit shall authorize a home occupation with a non-resident employee on two parcels (2.11-acres) located at 616 and 700 Dandy Loop Road (Route 629) and further identified as Assessor's Parcel Nos. 20C-7-B and 20C-7-A (GPIN# U10d-3975-2055 and U10d-3790-2085).
2. The home occupation shall be conducted in accordance with the provisions of Sections 24.1-281 and 24.1-283 of the York County Zoning Ordinance, except as modified herein. The use shall be limited to 450 square feet and shall be in substantial conformance with the floor plan submitted by the applicant titled "700 Dandy, Office Above Garage" submitted to the Planning Division on March 2, 2011, a copy of which shall remain on file in the office of the Planning Division.
3. One non-resident employee shall be permitted. Pursuant to Section 24.1-283(e)(3) of the Zoning Ordinance, this authorization of a non-resident employee shall expire ten (10) years from the date of approval of this application. Nothing in this approval shall be construed to prevent the operator of the home occupation from applying for a term extension or a new use permit to authorize a non-resident employee in accordance with the procedures set forth in Section 24.1-283(e)(3) of the Zoning Ordinance.
4. The days and hours the non-resident employee may work at the property shall be limited to Monday through Friday from 8:00 AM to 5:00 PM.
5. In accordance with the terms of the Zoning Ordinance, at least one (1) off-street parking space shall be provided on the premises to accommodate the employee. This space shall be in addition to the two (2) spaces that are otherwise required for the single-family residence.
6. In accordance with Section 24.1-115(b)(6) of the York County Zoning Ordinance, a certified copy of this resolution shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court within one month of use permit approval.

BE IT FURTHER RESOLVED that this Special Use Permit is not severable, and invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

On roll call the vote was:

June 16, 2015

Yea: (4) Hrichak, Zaremba, Noll, Shepperd
Nay: (0)

APPLICATION NO. UP-861-15, THE DIGGES COMPANY

Mr. Cross gave a presentation on Application No. UP-861-15, The Digges Company, to approve a Special Use Permit, pursuant to Section 24.1-283 of the York County Zoning Ordinance, to authorize the establishment of an indoor firing range at 1558 Penniman Road. The Planning Commission considered the application and forwarded it to the Board of Supervisors with a recommendation of approval 7:0, and staff recommended approval of the application through the adoption of proposed Resolution R15-64.

Mr. Zaremba asked what the distance was between the building and the residential property line.

Mr. Cross stated it was approximately 106 feet.

Mrs. Noll asked if there would be screening between the parking lot and the non-conforming lot.

Mr. Cross verified there would be landscaping planted. He stated the applicant proposed to provide more parking than the zoning ordinance required, which increased the landscaping requirement.

Mr. Hrichak asked how the noise would be addressed should it come from the building.

Mr. Cross stated a violation would be issued, and the owner would have to correct it within a 30-day window. He stated if the problem was not corrected, it could be cause to shut down the facility.

Mr. Hrichak asked if the County controlled the hours of operation.

Mr. Cross stated since the property was zoned IL, the County would not dictate or limit the hours of operation.

Mr. Zaremba asked who would be using the facility.

Mr. Cross stated it would be open to the general public, but the applicant would have special after-hours opportunities for law enforcement or Defense Department training.

Mr. Zaremba asked if the Sheriff had provided comments on the facility.

Mr. Cross stated the Sheriff had expressed his support of the firing range.

Chairman Shepperd asked what considerations were provided in the zoning ordinance when there was a legally non-conforming residential parcel in IL.

Mr. Cross explained in this case it was the utilization of a 100-foot separation. In other instances, he indicated the County could place a restriction on the lighting and outdoor paging system.

Chairman Shepperd asked if there would be any special certification required for this building.

Mr. Cross stated the staff and applicant had done research concerning a specific certification and found there was no agency that certified this type of building use.

Chairman Shepperd asked if the Board could stipulate certain requirements, such as door baffling, to prevent noise from being heard from the range.

Mr. Cross agreed the Board could propose reasonable recommendations, such as door baffling.

Mr. Vernon Geddy, 1177 Jamestown Road, spoke on behalf of the applicant. He stated Mr. Rinaldi was working with a nationally recognized range design firm, TRS Range Services, to create a safe, secure, quiet, and first-class facility. He felt this created the opportunity for training law enforcement personnel, while providing a facility for recreational shooting. The range would have a shared access with Bennett's Creek Nursery. Mr. Geddy stated Mr. Sawyer from Bennett's Creek Nursery supported the application and hoped it would deter the problem of vandalism on his property. The building would be armored, with reinforced baffled doors, armed employees, and a lit parking lot. The air quality at the facility would be monitored by OSHA for employee safety. The Bureau of Alcohol Tobacco and Firearms regulated all gun sales. He stated Mr. Rinaldi had been in contact with the neighbor to reach an agreeable buffer between the properties. Mr. Geddy stated he felt the business would be of benefit to the County.

Mr. Hrichak asked what type of landscaping would be put in place.

Mr. Mark Rinaldi, 4029 Ironbound Road, stated pyracantha could be planted. He had spoken with Ms. Washington, owner of the non-conforming lot, concerning this proposal, and he had met with her and Mr. Monte Jons from the Planning Commission. Mr. Rinaldi agreed to work with Ms. Washington to provide adequate landscaping and buffering, within reason.

Chairman Shepperd asked why a fence was not proposed.

Mr. Rinaldi stated he could utilize fencing, but in his experience, it would achieve the same effect as the pyracantha. He stated if placing a fence was essential and would achieve the Board's support, he would look at using fencing instead of using the pyracantha.

Mr. Hrichak asked if automatic weapons would be allowed at the facility.

Mr. Rinaldi stated semi-automatic weapons would be allowed, but was unsure if automatic weapons would be allowed. He stated .30-caliber would typically be the largest caliber at the facility. He stated no incendiary bullets or armor piercing bullets would be allowed. Mr. Rinaldi stated he would like to make the facility available to law enforcement and Department of Defense, so two overhead doors would be installed in the building should they want to train using dynamic or tactical training with the utilization of a vehicle. He explained how the firing lanes would be laid out with the backdrop that would be in place for further barrier prevention.

Mr. Hrichak asked what the fee structure would be for use of the facility.

Mr. Rinaldi stated the fee structure had not been determined yet. He stated Colonial Shooting Academy in Richmond charged by the hour and also had paid memberships. He stated the facility would be open to the public.

Mr. Hrichak asked what the applicant would do to prevent bleed-over lighting on the adjacent property.

Mr. Geddy stated he would comply with the County's Zoning Ordinance with full cut-off lights.

Mr. Zaremba asked what the distance was from the firing range to the target area.

Mr. Rinaldi stated it was 75 feet on the pistol side, and 100 feet or more on the rifle side.

Chairman Shepperd stated there should be no noise coming across the border. He spoke of the use of door baffling at Lafayette Gun Club, and the difference it had made in noise reduction.

Chairman Shepperd then called to order a public hearing on Application No. UP-861-15 which was duly advertised as required by law, and proposed Resolution R15-64 is entitled:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO AUTHORIZE THE ESTABLISHMENT OF AN INDOOR FIRING RANGE AT 1558 PENNIMAN ROAD

Ms. Barbara Washington, 1556 Penniman Road, spoke as the adjacent homeowner and in opposition to the application. She expressed her concern about security, stating she had asked Mr. Rinaldi to move the proposed facility back further on the property. She noted the proposed parking lot was intended to be placed adjacent to her bedroom window, and she asked the Board for proper consideration of the application, because other people would not vote for a firing range in their backyard.

Mr. John Lancaster, President of Bennett's Creek Nursery, 1568 Penniman Road, spoke in favor of the application. He stated it helped create a second entrance on his property, as well as lighting for it. He stated theft had been a problem at the location, as it was hard to close in the property. He stated his was a large nursery, and he could provide the plants to do the necessary buffering.

Ms. Melissa Fenton-Washington, 1556 Penniman Road, spoke in opposition of the application. She commented on the lack of federal regulations to certify the safety of the building, and she felt theft would be greater to the nursery should the application be approved. She asked the applicant to move the building back further on the property.

Ms. Maria Washington, 546 Michael Irvin, Newport News, spoke concerning the safety of the property once the gun range was built. She expressed her concern about the noise in the parking lot, the traffic it would create, and the type of people who would utilize the facility. Ms. Washington stated the proposed facility made her family feel very unsafe, and she felt it would affect their quality of life.

There being no one else present who wished to speak regarding the subject application, Chairman Shepperd closed the public hearing.

Chairman Shepperd stated he was concerned about the legally non-conforming property that would be affected. He was also concerned about the distance issue with the residence. He asked which way the pistols would be fired.

Mr. Rinaldi stated the pistol range would be firing towards the legally non-conforming property, but stressed the building was armored.

Chairman Shepperd stated it was an issue of public safety outside the building. He asked them how they would address the external portion control of the parking lot.

Mr. Rinaldi stated a policy would be in place which would not allow loaded weapons to be carried onto the premise, and the weapons would need to be unloaded before they left the facility. He felt the facility would be utilized by sports shooting enthusiasts or law enforcement officers. He noted a certified range official would be at the building, and armed staff would be on the premises. Mr. Rinaldi stated Sheriff Diggs expressed no concern regarding safety at the facility.

Discussion followed on controlling the external control of the parking lot to include the posting of rules and regulations for the facility and possible traffic concerns.

Chairman Shepperd asked if the facility would include gun rental.

Mr. Rinaldi stated the facility would have gun rental as well as the selling of ammunition for use on the range.

Chairman Shepperd asked where the pyracantha would be located on the property.

Mr. Rinaldi explained how the pyracantha would be laid out. He stated the objective was to prevent people from leaving the property and going on to Ms. Washington's property. He stated if the Board wanted a fence placement, he was open to the request.

Chairman Shepperd asked if any consideration was given to not using the parking spaces closest to Ms. Washington's home, and if the parking spaces were needed.

Mr. Rinaldi felt the parking spaces were needed, and he did not want to under park the facility.

Chairman Shepperd asked how many range lanes and parking spaces the facility would have.

Mr. Rinaldi stated they would have 30 range lanes, with 56 parking spaces. He stated he might be able to move the parking back a little towards the building.

Chairman Shepperd asked how many parking spaces the facility would lose if the parking next to Ms. Washington's window was removed.

Mr. Rinaldi stated eight or nine spaces would be lost.

Chairman Shepperd asked if eight spaces were removed, how much extra space would be created between the house and the facility.

Mr. Rinaldi stated it would be roughly 18-20 feet.

Mr. Hrichak asked if there would be any video monitoring on the facility.

Mr. Rinaldi stated he would consider installing video monitoring.

Mr. Hrichak asked about placing a concrete wall that would buffer Ms. Washington's site, as well as provide an additional layer of security at the parking line.

Mr. Rinaldi stated the building would be concrete and steel armored.

Mr. Zaremba asked how much land was available behind the proposed facility, and could the building be moved back on the site.

Mr. Rinaldi commented that stormwater management was not shown in the area behind the building. He stated due to the strenuous stormwater guidelines, it would be the only area for stormwater management. He indicated he was not comfortable moving the building without an engineering review, and ultimately compromising compliance with stormwater mandates.

Chairman Shepperd asked why the building could not be moved back on the site plan, and the stormwater management be placed in front.

Mr. Rinaldi stated the water flowed to the back of the property.

Mrs. Noll asked if the pistol firing range could not be reoriented.

Mr. Rinaldi felt that it could be reoriented from shooting towards the house to away from the house. He stated he was not a certified range expert, but if the reorientation was feasible, it should be able to be accomplished.

Mr. Zaremba stated if Mr. Rinaldi reoriented the pistol range, he could support the application to alleviate one of Mrs. Washington's concerns.

Chairman Shepperd suggested that Mr. Rinaldi work with Mrs. Washington regarding the spacing and the transitional area.

Mr. Zaremba also stated if the stormwater area could be moved even further back, the building could be moved back also.

Mr. Hrichak then moved the adoption of proposed Resolution R15-64 that reads:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO AUTHORIZE THE ESTABLISHMENT OF AN INDOOR FIRING RANGE AT 1558 PENNIMAN ROAD

WHEREAS, The Digges Company has submitted Application No. UP-861-15, which requests a Special Use Permit, pursuant to Section 24.1-306 of the Zoning Ordinance (Category 9, No. 7), to authorize the establishment of an indoor firing range on a 1.8-acre portion of an

11.9-acre parcel of land located at 1558 Penniman Road (Route 641) and further identified as Assessor’s Parcel No. 11-98 (GPIN H14d-2660-1065); and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission recommends approval of this application; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on this application; and

WHEREAS, the Board has carefully considered the public comments and Planning Commission recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 16th day of June, 2015 that Application No. UP-861-15 be, and it is hereby, approved to authorize the establishment of an indoor firing range on a 1.8-acre portion of an 11.9-acre parcel of land located at 1558 Penniman Road (Route 641) and further identified as Assessor’s Parcel No. 11-98 (GPIN H14d-2660-1065) subject to the following conditions:

1. This use permit shall authorize the establishment of an indoor firing range on a 1.8-acre portion of an 11.9-acre parcel of land located at 1558 Penniman Road (Route 641) and further identified as Assessor’s Parcel No. 11-98 (GPIN H14d-2660-1065).
2. A site plan prepared in accordance with the provisions of Article V of the York County Zoning Ordinance shall be submitted to and approved by the Division of Development Services prior to the commencement of any land clearing or development activities on the site. Said site plan shall be in substantial conformance with the sketch plan prepared by the applicant, titled “Conceptual Plan, Indoor Firing Range and Recycling Plant on the Land of The Digges Company”, and dated April 30, 2015, a copy of which shall remain on file in the office of the Planning Division.
3. The proposed development shall comply with all applicable requirements of Section 24.1-457 of the York County Zoning Ordinance and shall be designed, developed, and operated in conformance with the commitments expressed by the Applicant in the Narrative entitled “Independence Indoor Firing Range” that is made a part of this resolution by reference.
4. In accordance with Section 24.1-115(b)(6) of the York County Zoning Ordinance, a certified copy of this resolution shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court prior to the approval of a site plan for the development.

BE IT FURTHER RESOLVED that this Special Use Permit is not severable, and invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

On roll call the vote was:

Yea: (4) Zaremba, Noll, Hrichak, Shepperd
 Nay: (0)

APPLICATION NO. UP-862-15, THE DIGGES COMPANY

Mr. Cross gave a presentation on Application No. UP-862-15, The Digges Company to approve a Special Use Permit, pursuant to Section 24.1-283 of the York County Zoning Ordinance, to authorize a recycling plant on an 11-acre portion of 21 acres of land located at 1540 and 1558 Penniman Road (Route 641). The Planning Commission considered the application and forwarded it to the Board of Supervisors with a recommendation of approval 7:0, and staff recommended approval of the application through the adoption of proposed Resolution R15-65.

Mr. Zaremba asked what the distance was between the firing range and the proposed recycling facility.

Mr. Rinaldi stated the distance was approximately 75-100 feet.

Mr. Vernon Geddy, 1177 Jamestown Road, spoke on behalf of the applicant. He felt the application submitted would be a great use for the property and also good for the environment. The project had been in the planning stage for a few years, and the applicant operated a similar facility in Charles City County. Mr. Geddy stated there was a need for this type of facility, and the existing trees, fencing, and extensive landscaping should provide a good barrier for the existing property owners and eliminate any adverse effects. He stated the use would be a very intermittent use, and grinding debris would not be done daily.

Chairman Shepperd asked if the grinders that were proposed to be used were similar to the those used on Goodwin Neck Road at the VPSSA Compost Facility.

Mr. Geddy stated he did not believe they were as big.

Mr. Zaremba asked if the access to the proposed recycling facility would go through the firing range area.

Mr. Geddy showed on the site plan where the access to recycling facility would be placed, and stated there were no plans to connect the proposed recycling facility to the firing range.

Mr. Zaremba asked why the gun range and the proposed recycling facility were not moved closer together, which would alleviate one of Ms. Washington's concerns.

Mr. Rinaldi stated the grinding operation required more area. He stated he did not feel it was appropriate to move the gun range away from the public's view, which could jeopardize the business.

Mrs. Noll asked for reassurance that the trucks would not be using the same access as the gun range entrance.

Mr. Rinaldi stated he did not have plans for the trucks traveling to the proposed recycling facility entering or crossing the gun range property.

Chairman Shepperd asked why the BMP could not be used for both properties, instead of utilizing multiple BMPs.

Mr. Rinaldi stated to the extent he could, he would move the BMPs. Due to the new water quality requirements effective July 1, he noted it might require multiple treatment facilities. He stated final engineering for the facility had not been done, but he would try and accommodate to the extent he could.

Chairman Shepperd then called to order a public hearing on Application No. UP-862-15 which was duly advertised as required by law, and proposed Resolution R15-65 is entitled:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO AUTHORIZE THE ESTABLISHMENT OF A RECYCLING PLANT AT 1540 AND 1558 PENNIMAN ROAD

Ms. Barbara Washington, 1556 Penniman Road, expressed concerns about the grinder noise coming from the facility.

Mr. Lamont Myers, 107 Two Turkey Run, spoke on behalf of Mid-Atlantic Commercial and the planned Whittaker's Mill subdivision. He felt Whittaker's Mill could coexist with a clean, well run light industrial park. While Mid-Atlantic did not object to the gun range, he stated a recycling facility was a noxious use. Mr. Myers referenced the Board's decision approximately six months ago in moving the Whittaker's Mill area forward to a positive, upscale community, and the planned residential properties for the area. He asked the Board to deny the application.

June 16, 2015

There being no one else present who wished to speak regarding the subject application, Chairman Shepperd closed the public hearing.

Mr. Hrichak asked what the distance was to the closest residence at the operation in Charles City County.

Mr. Rinaldi stated the distance was approximately 800-1000 feet away, and they had been on the property for seven years without complaints. He noted the highway noise overlapped the Whittaker's Mill property and was a loud, persistent noise as opposed to the intermittent noise from the proposed recycling facility.

Mr. Hrichak then moved the adoption of proposed Resolution R15-65 that reads:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO AUTHORIZE THE ESTABLISHMENT OF A RECYCLING PLANT AT 1540 AND 1558 PENNIMAN ROAD

WHEREAS, The Digges Company has submitted Application No. UP-862-15, which requests a Special Use Permit, pursuant to Section 24.1-306 of the Zoning Ordinance (Category 15, No. 13), to authorize the establishment of a recycling plant on an 11-acre portion of a 21-acre tract of land located at 1540 and 1558 Penniman Road (Route 641) and further identified as Assessor's Parcel Nos. 11-95 and 11-98 (GPIN H14d-2660-1065 and H14d-2530-0680); and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission recommends approval of this application; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on this application; and

WHEREAS, the Board has carefully considered the public comments and Planning Commission recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 16th day of June, 2015 that Application No. UP-862-15 be, and it is hereby, approved to authorize the establishment of a recycling plant on an 11-acre portion of a 21-acre tract of land located at 1540 and 1558 Penniman Road (Route 641) and further identified as Assessor's Parcel Nos. 11-95 and 11-98 (GPIN H14d-2660-1065 and H14d-2530-0680) subject to the following conditions:

1. This use permit shall authorize the establishment of a recycling plant on an 11-acre portion of a 21-acre tract of land located at 1540 and 1558 Penniman Road (Route 641) and further identified as Assessor's Parcel Nos. 11-95 and 11-98 (GPIN H14d-2660-1065 and H14d-2530-0680).
2. A site plan prepared in accordance with the provisions of Article V of the York County Zoning Ordinance shall be submitted to and approved by the Division of Development Services prior to the commencement of any land clearing or development activities on the site. Said site plan shall be in substantial conformance with the sketch plan prepared by the applicant, titled "Conceptual Plan, Indoor Firing Range and Recycling Plant, on the Land of The Digges Company", and dated April 30, 2015, except as modified herein, a copy of which shall remain on file in the office of the Planning Division. Features and operations of the use shall be as described in and consistent with the applicant's narrative statement filed with this application.
3. The site plan shall include a landscape plan prepared in accordance with the provisions set forth in Section 24.1-241 of the York County Zoning Ordinance. Said landscape plan shall incorporate such additional landscaping along the Special Use Permit boundary, as depicted on the referenced sketch plan, in the western property line's 10-foot landscape yard to create a buffer of evergreens that at maturity will reach a height of twenty to twenty-five feet (20'-25') and spread of ten to fifteen feet (10'-15'), with a planting

height of 5-6 feet and a separation of 10-feet on center. An eight-foot opaque fence shall be installed on the interior side of the 10-foot landscape yard along the Special Use Permit boundary along the western property line.

4. The applicant shall use its best efforts in all communications (print, web site, media, etc.) with existing and potential customers to direct, promote and encourage truck delivery traffic to enter and exit the recycling facility through the Penniman Road / Route 199 intersection.
5. In accordance with Section 24.1-115(b)(6) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this use permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court prior to the approval of a site plan for the development.

BE IT FURTHER RESOLVED that this Special Use Permit is not severable, and invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

On roll call the vote was:

Yea: (4) Noll, Hrichak, Zaremba, Shepperd
Nay: (0)

Mr. Zaremba left the meeting at 8:37 p.m.

APPLICATION NO. ZT-162-15, YORK COUNTY BOARD OF SUPERVISORS, ZONING ORDINANCE TEXT AMENDMENT – TEMPORARY SIGN ALLOWANCES DURING ROAD CONSTRUCTION

Mr. Cross gave a presentation on Application No. ZT-162-15, York County Board of Supervisors, Zoning Ordinance Text Amendment amend the York County Zoning Ordinance to allow an extended amount of time for temporary signs associated with businesses having access to roads undergoing road construction. He noted this action was in response to a request from the York County Economic Development Authority (EDA) outlined in correspondence dated March 9, 2015. The Planning Commission considered the application and forwarded it to the Board of Supervisors with a recommendation of approval 7:0, and staff recommended approval of the application through the adoption of proposed Ordinance 15-6.

Chairman Shepperd then called to order a public hearing on Application No. ZT-162-15 which was duly advertised as required by law, and proposed Ordinance 15-6 is entitled:

AN ORDINANCE TO AMEND THE YORK COUNTY ZONING ORDINANCE, CHAPTER 24.1, YORK COUNTY CODE, TO ALLOW EXTENDED DISPLAY TIME FOR TEMPORARY SIGNS ASSOCIATED WITH BUSINESS PROPERTIES LOCATED ON A ROAD UNDERGOING RECONSTRUCTION

There being no one present who wished to speak regarding the subject application, Chairman Shepperd closed the public hearing.

Mr. Hrichak moved the adoption of proposed Ordinance 15-6 that reads:

AN ORDINANCE TO AMEND THE YORK COUNTY ZONING ORDINANCE, CHAPTER 24.1, YORK COUNTY CODE, TO ALLOW EXTENDED DISPLAY TIME FOR TEMPORARY SIGNS ASSOCIATED WITH BUSINESS PROPERTIES LOCATED ON A ROAD UNDERGOING RECONSTRUCTION

WHEREAS, the York County Board of Supervisors has sponsored Application No. ZT-162-15 to amend the York County Zoning Ordinance to allow temporary signs associated with business properties located on a road undergoing reconstruction to be displayed for the

duration of the construction project, rather than being limited to the current 120-day maximum display period; and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission recommends adoption of the proposed amendments; and

WHEREAS, the Board has carefully considered the public comments and Planning Commission recommendation with respect to the proposed amendments;

NOW, THEREFORE, BE IT ORDAINED by the York County Board of Supervisors this the 16th day of June, 2015, that Application No. ZT-162-15 be, and it is hereby, approved to amend Chapter 24.1, Zoning, of the York County Code to read and provide as follows:

Sec. 24.1-704. Temporary signs.

The zoning administrator, upon application, may issue permits for the following temporary signs and banners. Such signs shall not count against the normal sign area allowances for the property on which located. All temporary signs and banners shall be subject to the setback and sight-triangle clearance standards applicable to permanent signs. Freestanding temporary signs and banners shall be limited to one (1) per street frontage per individual parcel; building mounted temporary banners shall be limited to one per business establishment/tenant space with its own individual exterior entrance:

- (a) Banners or other temporary signs not exceeding forty (40) square feet in area, which promote a special civic, cultural or religious event such as a fair, exposition, play, concert or meeting sponsored by a governmental, charitable, not-for-profit or religious organization. The duration of such permit shall not exceed thirty (30) days.
- (aa) Banners or other temporary signs not exceeding forty (40) square feet in area which identify and are associated with a temporary business activity involving the sale of seasonal commodities as permitted pursuant to sections 24.1.-306 and 24.1-440 of this chapter and which may be displayed for the duration of the seasonal commodities sales operation.
- (b) Banners or other temporary signs not exceeding forty (40) square feet in area, and six (6) feet in height if freestanding, when used in conjunction with the opening of a new business or an establishment going out of business in any commercial or industrial district or a legally existing nonconforming business in any other district. The duration of such permit shall not exceed sixty (60) days and only one such sign, either freestanding or building mounted, shall be permitted. "Grand-Opening" temporary signage shall be permitted only within the one-year period after the actual business opening occurs. The completion of a major interior or exterior remodeling or a change in ownership for a pre-existing business shall be deemed eligible for temporary "grand-opening" banners within the one-year period after the renovation or ownership change.
- (bb) In addition to the above, businesses may install temporary banners or signs, not exceeding forty (40) square feet in area, and six (6) feet in height if freestanding, for the following purposes:
 - (1) announcing employment opportunities (e.g., "Now Hiring" or "Help Wanted");
 - (2) announcing "Now Enrolling" in the case of a childcare or daycare center;
 - (3) announcing a sales event such as a "Clearance Sale" or "Truckload Sale", an anniversary of the business operation (e.g., "25th Year in Business"), or other business-related messages, including those that refer to a specific item, product or brand that is offered by the business;
 - (4) Identifying/advertising a temporary business activity as permitted under Sec-

tion 24.1-306 – Category 8 – Temporary Uses.

Such temporary signs or banners must be on the site of such business. Only one (1) building-mounted or one (1) freestanding sign shall be permitted per street frontage. Such sign may be displayed for a maximum period of 120 days in any single 12-month period. The 120-days maximum display allowance may be used as 120 consecutive days or may be broken into as many as six (6) separate time periods during the course of a 12-month period. The permit application for such sign shall specify the time period(s) during which the sign will be displayed.

In the case of a property occupied by a building or buildings with multiple tenant spaces (e.g., a strip shopping center), each business establishment/tenant space with its own individual exterior entrance shall be eligible for its own temporary building-mounted sign or banner, which shall be subject to the 120-days per 12-month period allowance. The property also shall be eligible for one (1) freestanding temporary sign or banner per street frontage, provided however that such freestanding sign may not be displayed at any time during which building-mounted signs or banners allowed by this subsection are being displayed by businesses within the center.

Temporary business signs as allowed above and associated with properties having access to and from a road undergoing reconstruction may be displayed for the duration of the road construction project and shall not be limited to the 120-day display period set forth in this subsection. Properties eligible for this allowance shall be those located within the official project corridor as defined by and identified on the approved project plans. The project duration shall be considered to be the time between the actual commencement of land or pavement disturbing construction activity and the re-opening of all lanes of travel in their state of final completion.

- (c) Temporary portable signs, not exceeding thirty-two (32) square feet in area or one (1) per parcel, which are intended to identify or display information pertaining to an establishment for which permanent free-standing signage is on order as evidenced by presentation of a copy of an executed order form for such permanent signage to the Zoning Administrator. Such permit shall expire and the portable sign shall be removed upon erection of the permanent sign or 120 days whichever shall occur first. In addition, temporary banners or sign sleeves, neither of which exceed normal sign area allowances, may be used when permanent signage is on order, as evidenced in the manner described above or when in the opinion of the zoning administrator other temporary business circumstances, such as relocation due to fire or disaster, warrant such use and the size of the temporary banner/sleeve does not exceed normally permitted sign area allowances. Such signage may be authorized for terms of up to 120 days, and may be renewed for good cause shown

The 120-day maximum display limit shall not apply in the case of properties having access to and from a road undergoing reconstruction, and instead the allowable display period shall be the duration of the road construction project. Properties eligible for this allowance shall be those located within the official project corridor as defined by and identified on the approved project plans. The project duration shall be considered to be the time between the actual commencement of land or pavement disturbing construction activity and the re-opening of all lanes of travel in their state of final completion.

- (d) Temporary signs and banners when used to announce the grand opening and initiation of sales or leasing of lots and/or dwelling units within a newly developing residential project having at least ten (10) lots or units. The cumulative area of all such signs and banners erected for any single residential project shall not exceed forty (40) square feet. Signs and banners shall not be illuminated. The duration of such permit shall not exceed 120 days.
- (e) Temporary signs and banners when used to announce special events such as new home shows being conducted within a residential subdivision or development. The cumulative area of all such signs and banners erected for any single event shall not exceed forty (40) square feet. Signs and banners shall not be illuminated. Such signs shall not be erected more than fourteen (14) days prior to the event and shall be removed within

seven (7) days following the closing of the event; provided, however, that no sign or banner shall be permitted to remain in place for any event for more than thirty (30) days between the first appearance and its removal.

- (f) With the approval of the Virginia Department of Transportation, the zoning administrator may authorize banners to be suspended above a public road right-of-way for a period not to exceed seven (7) days or the duration of the event being announced or promoted plus three (3) days, whichever shall be greater.

On roll call the vote was:

Yea: (3) Hrichak, Noll, Shepperd
 Nay: (0)

Mr. Zaremba rejoined the meeting at 8:42 p.m.

AMENDMENT OF YORK COUNTY CODE SECTION 11-60: AMBULANCE TRANSPORT FEES

Fire Chief Stephen P. Kopczynski gave a brief presentation on proposed Ordinance No. 15-3 to amend Section 11-60 of the York County Code to increase the ambulance transport fees in accordance with the amounts included in the Fiscal Year 2016 budget. He noted the increased rates would generate an additional \$100,000 in revenues. He stated the Board originally adopted the Ambulance Transport Fee requirements in October, 2009, and the rates had not been increased since they were established. Chief Kopczynski stated the proposed fee increase would more closely align with the County's costs which have continued to rise. He explained that in most cases the fees were paid through the individual's health insurance. If an individual was unable to pay the fee, the County utilized the compassionate fee recovery process to prevent undue financial hardship.

Discussion followed on the compassionate fee recovery process.

Chairman Shepperd then called to order a public hearing on proposed Ordinance No. 15-3 that was duly advertised as required by law and is entitled:

AN ORDINANCE TO AMEND SECTION 11-60 OF THE YORK
 COUNTY CODE TO INCREASE THE AMBULANCE TRANSPORT
 FEES IN ACCORDANCE WITH THE AMOUNTS INCLUDED IN THE
 FISCAL YEAR 2016 BUDGET

There being no one present who wished to speak regarding the subject application, Chairman Shepperd closed the public hearing.

Mr. Hrichak moved the adoption of proposed Ordinance 15-3 that reads:

AN ORDINANCE TO AMEND SECTION 11-60 OF THE YORK
 COUNTY CODE TO INCREASE THE AMBULANCE TRANSPORT
 FEES IN ACCORDANCE WITH THE AMOUNTS INCLUDED IN THE
 FISCAL YEAR 2016 BUDGET

WHEREAS, Section 11-60, Service Charge for Transport by County Emergency Medical Services Vehicle, was enacted by the Board of Supervisors on October 20, 2009 to establish provisions for the recovery of costs associated with emergency transports; and

WHEREAS, the fees established in 2009 have remained constant during the intervening years while the associated costs have increased; and

WHEREAS, the Board has determined that it would be appropriate to adjust the fees upward to better recover those costs and to better equalize the County's fee structure with those of neighboring jurisdictions;

NOW, THEREFORE, BE IT ORDAINED by the York County Board of Supervisors this the 16th day of June, 2015, that Section 11-60 of the York County Code be, and it is hereby, amended to increase the Ambulance Transport Fees as indicated by the following proposed amendments:

ARTICLE VI. AMBULANCE TRANSPORT FEES

Sec. 11-60. Service charge for transport by county emergency medical services vehicle.

(a) Definitions. The following definitions shall apply to this section:

Advanced Life Support, Level 1 (ALS1). Services shall be medical treatment or procedures provided to a patient beyond the scope of an Emergency Medical Technician-Basic (EMT) as defined by the National Emergency Medical Services (EMS) Education and Practice Blueprint.

Advanced Life Support, Level 2 (ALS2). Services shall be defined as advanced life support (ALS) services provided to a patient including one or more of the following medical procedures: (i) defibrillation/cardioversion, (ii) endotracheal intubation, (iii) cardiac pacing, (iv) chest decompression, (v) intraosseous line, and or (vi) the administration of three or more medications.

Basic Life Support (BLS). Services shall be medical treatment or procedures to a patient as defined by the National Emergency Medical Services (EMS) Education and Practice Blueprint for the Emergency Medical Technician-Basic (EMT).

Emergency medical services vehicle. Shall have the definition specified in Virginia Code Section 32.1-111.1.

Ground transport mileage (GTM). Mileage shall be assessed in statute miles from the scene of the incident to a hospital, other facility or destination where a patient is transported, prorated for portions of miles. A mile for purposes of this definition shall mean a terrestrial mile of 5,280 feet.

- (b) Except as otherwise provided by subsection (e) of this section, a service charge for BLS, ALS1, ALS2, and for ground transport mileage is imposed on each person being transported by any emergency medical services vehicle that is operated or maintained by the county or for which a permit has been issued to the county by the Virginia Office of Emergency Medical Services. The funds received from the payment of this fee shall be paid into the general fund of the county to aid in defraying the cost of providing such service.
- (c) The county administrator is hereby authorized to bill and collect fees for transport by county emergency medical services vehicle as hereinabove defined and provided by the county and directed to establish rules and regulations for the administration and collection of the charges imposed by this section, including, but not limited to:
- (1) Establishment of uniform billing standards allowing the waiver of applicable co-payments and/or deductibles for county residents;
 - (2) Uniform payment waiver standards for those persons who demonstrate economic hardship to the extent permitted by applicable law;
 - (3) Full or partial waiver of charges provided under such mutual aid agreements as may be in force from time to time between the county and other localities, which waiver shall be in the same proportion as those waivers received by the residents of the county.

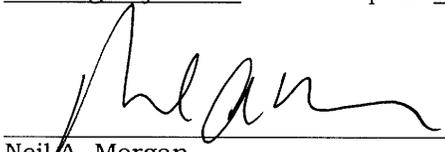
June 16, 2015

- (d) The following rates are hereby established for each level of emergency medical services transport and for mileage:
 - (1) Basic Life Support (BLS) ...\$450.00
 - (2) Advanced Life Support, Level 1 (ALS1)...\$ 550.00
 - (3) Advanced Life Support, Level 2 (ALS2)...\$ 800.00
 - (4) Ground Transport Mileage (GTM)...\$ 10.00 per mile
- (e) No charge shall be imposed on persons in the following instances:
 - (1) Persons determined to be medically indigent by the county in accordance with administrative policies established by the county administrator;
 - (2) Persons in the custody of the York-Poquoson Sheriff's Office;
 - (3) Persons in the custody of the Virginia Peninsula Regional Jail of which the county is a participating member;
 - (4) During times of declared local emergency when the county administrator has suspended the collection of EMS charges;
 - (5) Employees and volunteers transported from a county work site for work related injury or illness;
 - (6) Persons who demonstrate financial hardship in accordance with administrative policies established by the county administrator.

On roll call the vote was:

Yea: (4) Zaremba, Noll, Hrichak, Shepperd
 Nay: (0)

Meeting Adjourned. At 8:43 p.m. Chairman Shepperd declared the meeting adjourned sine die.



Neil A. Morgan
 County Administrator



Thomas G. Shepperd, Chairman
 York County Board of Supervisors