February 23, 2021

County of Greene, Virginia

THE GREENE COUNTY BOARD OF SUPERVISORS MET ON TUESDAY, FEBRUARY 23, 2021, BEGINNING AT 5:30 P.M. BY ZOOM VIDEO COMMUNICATION IN ACCORDANCE WITH THE ORDINANCE ADOPTED ON MARCH 24, 2020 TO PERMIT PUBLIC BODIES OF GREENE COUNTY TO ASSEMBLE ELECTRONICALLY, TO MODIFY PUBLIC MEETING AND PUBLIC PRACTICES AND PROCEDURES, TO EFFECTUATE TEMPORARY CHANGES IN CERTAIN DEADLINES, AND TO ADDRESS CONTINUITY OF OPERATIONS ASSOCIATED WITH THE COVID-19 PANDEMIC DISASTER

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| Present were: | Bill Martin, Chair |
| | Marie Durrer, Vice Chair |
| | Steve Bowman, Member |
| | Dale Herring, Member |
| | Davis Lamb, Member |
| Staff present: | Mark B. Taylor, County Administrator |
| | Kelley Kemp, Assistant County Attorney |
| | Patti Vogt, Deputy Clerk |
| | Jim Frydl, Director of Planning and Zoning |
| | Melissa Meador, Director of Emergency Services |
| | Tracy Morris, Director of Finance |

RE: CLOSED MEETING

Ms. Kemp read the proposed resolution for closed meeting.

Upon motion by Davis Lamb, second by Marie Durrer and unanimous roll call vote, the Board approved the following:

WHEREAS, the Board of Supervisors of Greene County desires to discuss in Closed Meeting the following matter(s):

- Discussion, consideration of the performance of specific public officers, appointees, or employees of any public body concerning the Board of Equalization.
- Discussion or consideration of the acquisition of real property for a public purpose, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body concerning a public safety tower.
- Consultation with legal counsel pertaining to actual or probable litigation, where such consultation in open meeting would adversely affect the negotiating or litigating posture of the public body concerning RSA case.

- Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel concerning an inheritance designated to the county.

WHEREAS, pursuant to: §2.2-3711 (A)(1) (A)(3) (A)(7) and (A)(8) of the Code of Virginia, such discussions may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Greene County does hereby authorize discussion of the aforestated matters in Closed Meeting.

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| Recorded vote: | Bill Martin | - | Yes |
| | Marie Durrer | - | Yes |
| | Steve Bowman | - | Yes |
| | Dale Herring | - | Yes |
| | Davis Lamb | - | Yes |

Motion carried.

RE: OPEN MEETING

Upon motion by Davis Lamb, second by Marie Durrer and unanimous roll call vote, the Board returned to open meeting.

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| Recorded vote: | Bill Martin | - | Yes |
| | Marie Durrer | - | Yes |
| | Steve Bowman | - | Yes |
| | Dale Herring | - | Yes |
| | Davis Lamb | - | Yes |

Motion carried.

By unanimous roll call vote, members certified that only public business matters lawfully exempted from the open meeting requirement and only such matters as identified by the motion to enter into closed meeting were discussed.

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| Recorded vote: | Bill Martin | - | Yes |
| | Marie Durrer | - | Yes |
| | Steve Bowman | - | Yes |
| | Dale Herring | - | Yes |
| | Davis Lamb | - | Yes |

RE: APPOINTMENT TO EQUALIZATION BOARD

Upon motion by Davis Lamb, second by Marie Durrer and unanimous roll call vote, the Board recommended to the Circuit Court that Harold Johnson be reappointed to the Greene County Board of Equalization for an additional full term.

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| Recorded vote: | Bill Martin | - | Yes |
| | Marie Durrer | - | Yes |
| | Steve Bowman | - | Yes |
| | Dale Herring | - | Yes |
| | Davis Lamb | - | Yes |

Motion carried.

RE: PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE

The Chair opened the meeting with the Pledge of Allegiance followed by a moment of silence. Mr. Martin said the Board of Supervisors is operating under Greene County's Continuity of Government Ordinance which allows for meetings to be held digitally.

RE: ADOPTION OF AGENDA

Upon motion by Steve Bowman, second by Dale Herring and unanimous roll call vote, the Board approved the agenda with the addition of item 10b - Resolution to authorize FiberLync to provide internet service in Greene County.

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| Recorded vote: | Bill Martin | - | Yes |
| | Marie Durrer | - | Yes |
| | Steve Bowman | - | Yes |
| | Dale Herring | - | Yes |
| | Davis Lamb | - | Yes |

Motion carried.

RE: UPDATE ON COVID-19

Ms. Meador informed the Board that the Emergency Services Department passed its first inspection by the State Department of EMS. An inspection is conducted every two years to ensure EMS agencies are in compliance with all applicable laws, regulations, and their own departmental policies and procedures. Ms. Meador said the successful inspection today is directly related to EMS personnel who have strived for the very best from day one.

Ms. Meador said there are 567,039 COVID cases in Virginia and 7,658 COVID related deaths. The Blue Ridge Health District reports 12,890 cases and 125 fatalities. Greene County has 986 COVID cases, 50 hospitalizations, and 6 COVID related deaths. The nursing home outbreak noted in January has been posted on the VDH website. The outbreak involved 80 individuals and there were 8 deaths. Those numbers are not included in the County's case count. There is a COVID testing clinic on Tuesday, March 9 at Emanual Christian Center. In Greene County, there are 4,696 individuals who have received their first dose of vaccine and 1,340 individuals who are fully vaccinated. Mr. Ryan McKay, Director of Policy and Planning and Incident Commander for COVID Operations for the Blue Ridge Health District, said there will be weekly vaccination clinics in Greene from this point forward.

RE: CARES ACT UPDATE

Mr. Taylor said he is hearing about the next round of CARES Act funds. There will be program changes in that projects or uses of funds will need to identified prior to receipt of funds. Information will be shared as it becomes available.

Progress on the EMS building site has been held up by the weather. The building should be delivered in March.

RE: MATTERS FROM THE PUBLIC

None

RE: CONSENT AGENDA

Upon motion by Steve Bowman, second by Marie Durrer and unanimous roll call vote, the Board approved the following item on the consent agenda:

- minutes of the February 9, 2021 meeting

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| Recorded vote: | Bill Martin | - | Yes |
| | Marie Durrer | - | Yes |
| | Steve Bowman | - | Yes |
| | Dale Herring | - | Yes |
| | Davis Lamb | - | Yes |

Motion carried.

RE: PUBLIC HEARING – MODIFICATOINS TO THE FLOOD INSURANCE STUDY, FLOOD INSURANCE RATE MAP AND AMEND FLOODPLAIN MANAGEMENT REGULATIONS (OR#20-003)

Mr. Frydl said the National Flood Insurance Program (NFIP) is a federal program managed by the Federal Emergency Management Administration (FEMA). Components of the program are to provide flood insurance, to improve floodplain management, and to develop maps of flood hazard zones. The NFIP allows property owners in participating communities to buy insurance to protect against flood losses. Participating communities are required to establish management regulations in order to reduce future flood damages.

Mr. Frydl reviewed the Flood Insurance Study, the Flood Insurance Risk Map (FIRM), and the Floodplain Management Ordinance.

The Planning Commission recommended adoption of modifications of the Flood Insurance Study (FIS), Flood Insurance Rate Map (FIRM), and amended floodplain management regulations provided in Article 13, Standards for Floodplain Districts (FP), of the Greene County Zoning Ordinance (OR#20-003).

The public hearing was opened for comments. The hearing was closed with no comments.

Mr. Martin asked how many homes/structures were impacted by these changes. Mr. Frydl said 331 structures were newly mapped in for a total of 360 structures overall. Mr. Martin asked what concerns were mentioned by citizens. Mr. Frydl said there was a significant number of questions and activity when the map review period was open. Most were individuals checking if their property was in a floodplain. There were a few people who asked how to appeal.

Flood insurance is not mandatory but insurance companies or lenders can require it.

Mr. Bowman recognized the Planning Commission and Planning staff for the extensive work given this project.

Upon motion by Steve Bowman, second by Marie Durrer and unanimous roll call vote, the Board, in accordance with the Greene County Zoning Ordinance, public necessity, convenience, general welfare, and good zoning practice, adopted ordinance revision OR#20-003, the Flood Insurance Study and the Flood Insurance Rate Map. (See Attachment "A")

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| Recorded vote: | Bill Martin | - | Yes |
| | Marie Durrer | - | Yes |
| | Steve Bowman | - | Yes |
| | Dale Herring | - | Yes |
| | Davis Lamb | - | Yes |

Motion carried.

RE: RESOLUTION TO AUTHORIZE FIBERLYNC TO PROVIDE INTERNET SERVICE IN GREENE COUNTY

Mr. Frydl said there has been no interest by providers in expanding internet access in the area of Greene County between Madison County, Route 29, Route 33 and Orange County. The developer has been trying to find an internet provider for the Greene Landing Subdivision with no success. The development borders Greene and Orange.

FiberLync, based in Orange County, is willing to extend its network across the county line in order to provide broadband options for the homes in that area.

Upon motion by Dale Herring, second by Marie Durrer and unanimous roll call vote, the Board approved the resolution authorizing FiberLync to provide internet services in Greene County. (See Attachment "B")

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| Recorded vote: | Bill Martin | - | Yes |
| | Marie Durrer | - | Yes |
| | Steve Bowman | - | Yes |
| | Dale Herring | - | Yes |
| | Davis Lamb | - | Yes |

Motion carried.

RE: DEFENSE AFFAIRS COMMITTEE (DAC) UPDATE

Mr. Alan Yost, Director of Economic Development and Tourism, spoke on the activities of the Defense Affairs Committee (DAC) and introduced COL Lettie J. Bien (Ret, USA), Defense Affairs Program Manager. Mr. Yost has served on the DAC Executive Committee for the last two years. It has brought Greene County attention to businesses who are looking to locate in the area. The purpose of DAC is to foster economic vitality by strengthening the alliance of relationships among entities.

COL Bien said there are 19,000 veterans in the region, 2,500 employees in defense industry, 2,300 employees at the Rivanna Station, and the economic impact for Greene County is $8.3 million.

Accomplishments over the last six months includes the establishment a Welcome/Reception Center for incoming, existing, and transitioning military personnel, local veterans, and families. Rivanna Station is not truly a base. The nation's three top military intelligence gathering agencies are quartered there, the Defense Intelligence Agency (DIA), the National Ground Intelligence Center (NGIC), and the National Geospatial-Intelligence Agency (NGIA). They do not have all the things a base normally does. Looking to fill gaps for personnel. Additional accomplishments include:

- Published resources list for federal, state, and local services; local discounts; etc.
- Established relationships with key players at NGIC< DIA and Ft. Belvoir
- NGIC has been using the DAC location for in-processing
- Provided a "Welcome Packet" of community assets

COL Bien spoke on program updates such as revising the DAC Action Plan to focus and expand on activities; identify military family challenges and engage community solutions;

workforce related activities; establish process for spouses/partners of military to find worthwhile employment during time in the region; and an economic impact study.

Mr. Martin suggested COL Bien visit the local American Legion. COL Bien said American Legion Posts nationwide are struggling and she will schedule a visit.

RE: VDOT QUARTERLY MEETING

Mr. Adam Moore, VDOT Assistant Resident Engineer, reviewed the following projects in Greene County.

Preliminary Engineering:

- Route 29/33 Intersection Improvements – Ad date November 2021
- Route 670 Connector Road – Ad date November 2023
- Route 638 Turkey Ridge Road Bridge Replacement – Ad date June 2023

Rural Rustic:

- Route 638 Turkey Ridge Road - scoping
- Route 624 Beazley Road - state forces work to begin March 2021
- Route 603 Bingham Mountain Road – scoping and environmental review

Traffic Engineering:

- Route 628 Snow Mountain Road –speed study complete, signs have been installed
- Route 609 Fredericksburg Road – through tractor trailer truck restriction – draft study complete, pending public notice period
- Route 1001 Ford Avenue – sign plan complete – OM-3 object markers installed

Traffic Engineering Under Review:

- Route 810 Dyke Road – Virginia Scenic Byway – VDOT review ongoing
- Route 634 Bull Yearling Road – rural rustic speed study – in progress

Mr. Lamb asked if there are plans to install deceleration lanes at Route 609, Fredericksburg Road, and Route 645, Moore Road. He noted stop signs have been replaced numerous times this year. Mr. Moore said Route 609 and Route 29 have been included in a recent district wide study for potential safety improvements and staff is waiting on results of that study.

Mr. Herring noted the Board held a public hearing on the designation of Route 810 as a Scenic Byway. Mr. Moore said VDOT will also seek public comment and there are a couple different ways for that to happen such as a public hearing or an open public comment period.

Mr. Martin asked about the resurfacing of Ford Avenue this summer. Mr. Moore said VDOT's pavement plan is available at virginiaroads.org.

Mr. Moore continued with his report.

Land Use:

- Village at Terrace Greene; VDOT is reviewing the second submission of the Traffic Impact Analysis associated with the rezoning
- Access management exception granted for Sip-N-Toss site

Mr. Bowman said he was contacted by a group of residents on Mt. Olivet Road who wants to know how they can get the road paved. Mr. Moore said a public hearing on the Six Year Plan for Secondary Roads will be held soon and placement on that Plan would be the first step towards getting improvements made.

Sheriff Smith said he has had complaints about Amicus Road and Route 810 about potholes, soft shoulders, really high steep shoulders at the entrance to Twin Lakes, and the shoulder at the bridge has given way and narrowed the road. He asked if "no littering" signs can be installed. Mr. Moore said VDOT will partner with the County and law enforcement if there is a program to reduce littering.

The floor was opened for public comment. Mr. Frydl read an email received from Ms. Judy Pagter regarding Bull Yearling Road. (See Attachment "C") No additional comments were made.

Mr. Moore said the Rural Rustic Road project on Bull Yearling Road is complete and a speed study is underway. When a legal speed limit is set, it must be appropriate for the entire road and not limited by a tight curve or two. Those are the places yellow advisory signs are used to get cars to slow down for tight curves and other hazardous areas.

Mr. Moore said he will pass along comments by Sheriff Smith to VDOT maintenance staff.

RE: CAPITAL IMPROVEMENT PLAN (CIP) PRIORITIES

Mr. Taylor reviewed a list of CIP priorities compiled from submissions by Board members. Projects on the list include:

- Water Project/Water System – top priority
- Emergency Services Center/Public Safety Building/Training Facility
- Replace countywide phone system
- Facilities expansion recommendations (Administration, Health Department)
- Facilities maintenance program – courthouse repairs, parking lot repairs/improvements
- Community recreation center/pool
- 911 Radio System
- Emergency generators
- Equipment/Apparatus for fire and rescue
- Land for new elementary school

Mr. Martin said all the projects are needs and it's never too early to look for a location for a new school. Mr. Bowman felt this is a good step to allow a look at resources, in terms of grants and other opportunities to focus on these items. Mr. Lamb felt residents in Stanardsville will be happy to hear they will finally have water pressure and repairs to the sewer system.

RE: BOARD LIAISON REPORTS

Mr. Bowman attended the Planning Commission meeting on February 17 which included a work session on the Comprehensive Plan. The School Board met February 10 to talk about changing student needs and will meet again tomorrow night, February 24, to adopt their budget.

Mr. Herring said the Emergency Services Board met last Tuesday but did not have a quorum. The Broadband Committee met to review the current status of grants, providers, and to discuss next steps.

Mr. Lamb attended meetings of the Social Services Board and the Ruckersville Area Committee.

Mr. Martin said Greene Commons will host the first farmers market of the year on the first Saturday in April.

RE: COUNTY ADMINISTRATOR UPDATE

Mr. Taylor thanked his team for a great job while he was under the weather and out of the office for a couple of days. He also thanked Tracy Morris and department directors for their work on the budget during this challenging time and noted the recent reassessment of real property indicates a robust increase in values.

RE: MONTHLY REPORTS

Mr. Martin commented on reports from the Economic Development and Tourism Department, Community Development, Parks and Recreation Department, and Solid Waste which all contained encouraging information.

RE: OTHER ITEMS FROM BOARD MEMBERS

None

RE: ADJOURN

Upon motion by Davis Lamb, second by Steve Bowman and unanimous roll call vote, the Board meeting was adjourned. The next meeting will be at 5:30 on March 9 with a budget work session at 4:30 p.m. A budget work session is scheduled for March 2 at 4:30 p.m.

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| Recorded vote: | Bill Martin | - | Yes |
| | Marie Durrer | - | Yes |
| | Steve Bowman | - | Yes |
| | Dale Herring | - | Yes |
| | Davis Lamb | - | Yes |

Motion carried.

William Bryan Martin, Chair
Greene County Board of Supervisors

Mark B. Taylor, Clerk
Greene County Board of Supervisors

AN ORDINANCE (0-2020-007) to adopt modifications of the Flood Insurance Study (FIS), Flood Insurance Rate Map (FIRM), and amended floodplain management regulations provided in Article 13, Standards for Floodplain Districts (FP), of the Greene County Zoning Ordinance (OR#20-003). As mandated by FEMA, once adopted, the FIS, FIRM, and the zoning ordinance revision will become effective March 23, 2021.

WHEREAS, The Federal Emergency Management Agency's basis for initiating the mapping project is to incorporate newer topographic data that is now available, and

WHEREAS, The County of Greene is a participant in the National Flood Insurance Program (NFIP) and as required by the Federal Emergency Management Agency (FEMA), a locality shall adopt modifications of the Flood Insurance Study (FIS), Flood Insurance Rate Map (FIRM), and amended floodplain management regulations provided in Article 13, Standards for Floodplain Districts (FP), of the Greene County Zoning Ordinance (OR#20-003); and

WHEREAS, Sections 15.2-1427 and 15.2-1433 of the Code of Virginia, 1950, as may be amended from time to time, enable a local governing body to adopt, amend and codify ordinances or portions thereof; and

WHEREAS, Sections 15.2-2280, 15.2-2285, and 15.2-2286 of the Code of Virginia, 1950, as amended, enables a local governing body to adopt and amend zoning ordinances; and

WHEREAS, it is desired to adopt modifications of the Flood Insurance Study (FIS), Flood Insurance Rate Map (FIRM), and amended floodplain management regulations provided in Article 13, Standards for Floodplain Districts (FP), of the Greene County Zoning Ordinance (OR#20-003); and

WHEREAS, this amendment of the Greene County Zoning Ordinance is required to serve the public necessity, convenience, general welfare, and good zoning practice pursuant to Section 15.2-2286(A)(7) of the Code of Virginia, as amended; and

WHEREAS, on February 17, 2021, the Greene County Planning Commission held public hearings on this matter, and all of those who spoke on this topic were heard; and

WHEREAS, on February 17, 2021, the Greene County Planning Commission voted to recommend to the Greene County Board of Supervisors approval of the request; and

WHEREAS, the Greene County Board of Supervisors caused to be published a notice of public hearing on this matter in the Greene County Record on February 4th and February 11th; and

WHEREAS, the full text of this amendment was available for public inspection in the Greene County Administration Building, Room 226, 40 Celt Road, Stanardsville, Virginia 22973.

NOW, THEREFORE, BE IT ORDAINED BY THE GREENE COUNTY BOARD OF SUPERVISORS that the adoption of the modifications of the Flood Insurance Study (FIS), Flood Insurance Rate Map (FIRM), and amended floodplain management regulations provided in Article 13, Standards for Floodplain Districts (FP), of the Greene County Zoning Ordinance (OR#20-003), are approved as presented and attached.

O-2020-007

**ADOPTED BY THE GREENE COUNTY BOARD OF SUPERVISORS ON FEBRUARY 23, 2021.**

Motion: Steve Bowman
Second: Marie Durrer

Votes:

Martin: Yes

Lamb: Yes

Bowman: Yes

Durrer: Yes

Herring: Yes

William Bryan Martin ATTEST: Mark B Taylor

William Bryan Martin, Chair
Greene County Board of Supervisors

Mark B. Taylor, Clerk
Greene County Board of Supervisors

## Article 13

## General Floodplain District, FP

### 13-1 GENERAL PROVISIONS:

**13-1-1 Statutory Authorization and Purpose [44 CFR 59.22(a)(2)]**
In accordance with these directed provisions, this ordinance is specifically adopted pursuant to the authority granted to localities by Va. **Code** § 15.2 - 2280.

Va. **Code** § 15.2-2283 specifies that zoning ordinances shall be for the general purpose of promoting the health, safety, or general welfare of the public and of further accomplishing the objectives of § 15.2-2200 which encourages localities to improve the public health, safety, convenience, and welfare of their citizens. To these ends, flood ordinances shall be designed to provide for safety from flood, to facilitate the provision of flood protection, and to protect against loss of life, health, or property from flood.

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

a. Regulating uses, activities, and development which, alone or in combination with other existing or anticipated uses, activities, and development, will cause unacceptable increases in flood heights, velocities, and frequencies.
b. Restricting or prohibiting certain uses, activities, and development from locating within districts subject to flooding.
c. Requiring all those uses, activities, and developments that do occur in floodplain districts to be protected and/or floodproofed against flooding and flood damage.
d. Provide information to assist potential buyers of land or structures in determining risks of flood hazards.

**13-1-2 Applicability**
These provisions shall apply to all privately and publicly owned lands within the jurisdiction of Greene County, Virginia, and identified as areas of special flood hazard shown on the flood insurance rate map (FIRM) or included in the flood insurance study (FIS) that are provided to the County of Greene by FEMA.

**13-1-3 Compliance and Liability**

a. No land shall hereafter be developed and no structure shall be located, relocated, constructed, reconstructed, enlarged, or structurally altered accepted in full compliance with the terms and provisions of this ordinance and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this ordinance.

b. The degree of flood protection sought by the provisions of this ordinance is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study, but does not imply total flood protection. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This ordinance does not imply that districts outside the floodplain district or land uses permitted within such districts will be free from flooding or flood damages.
c. This ordinance shall not create liability on the part of Greene County or any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

**13-1-4 Abrogation and Greater Restrictions**
To the extent that the provisions are more restrictive, this ordinance supersedes any ordinance currently in effect in flood-prone districts. To the extent that any other existing law or regulation is more restrictive or does not conflict it shall remain in full force and effect.

These regulations are not intended to repeal or abrogate any existing ordinances including subdivision regulations, zoning ordinances, or building codes. In the event of a conflict between these regulations and any other ordinance, the more restrictive shall govern.

**13-1-5 Severability**
If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance shall be declared invalid for any reason whatever, such decision shall not affect the remaining portions of this ordinance. The remaining portions shall remain in full force and effect; and for this purpose, the provisions of this ordinance are hereby declared to be severable.

**13-1-6 Penalty for Violations [44 CFR 60.2(e)]**
Any person who fails to comply with any of the requirements or provisions of this article or directions of the director of planning or any authorized employee of the County of Greene shall be guilty of the appropriate violation and subject to the penalties thereof.

The VA USBC addresses building code violations and the associated penalties in Section 104 and Section 115. Violations and associated penalties of the Zoning Ordinance of the County of Greene are addressed in Article 20-4 of the Greene County Zoning Ordinance.

In addition to the above penalties, all other actions are hereby reserved, including an action in equity for the proper enforcement of this article. The imposition of a fine or penalty for any violation of, or noncompliance with, this article shall not excuse the violation or noncompliance or permit it to continue; and all such persons shall be required to correct or remedy such violations within a reasonable time. Any structure constructed, reconstructed, enlarged, altered, or relocated in noncompliance with this article may be declared by the County of Greene to be a public nuisance and abatable as such. Flood insurance may be withheld from structures constructed in violation of this article.

## 13-1-7 - ADMINISTRATION

### 13-1-7.1 Designation of the Floodplain Administrator [44 CFR 59.22(b)]

The Zoning Administrator is hereby appointed to administer and implement these regulations. The Zoning Administrator may:

A. Do the work themselves. In the absence of a designated Zoning Administrator, the duties are conducted by the County of Greene chief executive officer.

B. Delegate duties and responsibilities set forth in these regulations to qualified technical personnel, plan examiners, inspectors, and other employees.

C. Enter into a written agreement or written contract with another community or private sector entity to administer specific provisions of these regulations. Administration of any part of these regulations by another entity shall not relieve the community of its responsibilities pursuant to the participation requirements of the National Flood Insurance Program as set forth in the Code of Federal Regulations at 44 C.F.R. Section 59.22.

### 13.1-7.2 Duties and Responsibilities of the Floodplain Administrator [44 CFR 60.3]

The duties and responsibilities of the Floodplain Administrator shall include but are not limited to:

A. Review applications for permits to determine whether proposed activities will be located in the Special Flood Hazard Area (SFHA).

B. Interpret floodplain boundaries and provide available base flood elevation and flood hazard information.

C. Review applications to determine whether proposed activities will be reasonably safe from flooding and require new construction and substantial improvements to meet the requirements of these regulations.

D. Review applications to determine whether all necessary permits have been obtained from the Federal, State, or local agencies from which prior or concurrent approval is required; in particular, permits from state agencies for any construction, reconstruction, repair, or alteration of a dam, reservoir, or waterway obstruction (including bridges, culverts, structures), any alteration of a watercourse, or any change of the course, current, or cross section of a stream or body of water, including any change to the 100-year frequency floodplain of free-flowing non-tidal waters of the State.

E. Verify that applicants proposing an alteration of a watercourse have notified adjacent communities, the Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management), and other appropriate agencies (VADEQ, USACE), and have submitted copies of such notifications to FEMA.

F. Approve applications and issue permits to develop in flood hazard areas if the provisions of these regulations have been met, or disapprove applications if the provisions of these regulations have not been met.

G. Inspect or cause to be inspected, buildings, structures, and other development for which permits have been issued to determine compliance with these regulations or to determine if non-compliance has occurred or violations have been committed.

H. Review Elevation Certificates and require incomplete or deficient certificates to be corrected.

I. Submit to FEMA, or require applicants to submit to FEMA, data and information necessary to maintain FIRMs, including hydrologic and hydraulic engineering analyses prepared by or for the County of Greene, within six months after such data and information becomes available if the analyses indicate changes in base flood elevations.

J. Maintain and permanently keep records that are necessary for the administration of these regulations, including:

1. Flood Insurance Studies, Flood Insurance Rate Maps (including historic studies and maps and current effective studies and maps), and Letters of Map Change; and

2. Documentation supporting issuance and denial of permits, Elevation Certificates, documentation of the elevation (in relation to the datum on the FIRM) to which structures have been floodproofed, inspection records, other required design certifications, variances, and records of enforcement actions taken to correct violations of these regulations.

K. Enforce the provisions of these regulations, investigate violations, issue notices of violations or stop work orders, and require permit holders to take corrective action.

L. Advise the Board of Zoning Appeals regarding the intent of these regulations and, for each application for a variance, prepare a staff report and recommendation.

M. Administer the requirements related to proposed work on existing buildings:

1. Make determinations as to whether buildings and structures that are located in flood hazard areas and that are damaged by any cause have been substantially damaged.

2. Make reasonable efforts to notify owners of substantially damaged structures of the need to obtain a permit to repair, rehabilitate, or reconstruct. Prohibit the non-compliant repair of substantially damaged buildings except for temporary emergency protective measures necessary to secure a property or stabilize a building or structure to prevent additional damage.

N. Undertake, as determined appropriate by the Floodplain Administrator due to the circumstances, other actions which may include but are not limited to: issuing press releases, public service announcements, and other public information materials related to permit requests and repair of damaged structures; coordinating with other Federal, State, and local agencies to assist with substantial damage determinations; providing owners of damaged structures information related to the proper repair of damaged structures in special flood hazard areas; and assisting property owners with documentation necessary to file claims for Increased Cost of Compliance coverage under NFIP flood insurance policies.

O. Notify the Federal Emergency Management Agency when the corporate boundaries of the County of Greene have been modified and:

1. Provide a map that clearly delineates the new corporate boundaries or the new area for which the authority to regulate pursuant to these regulations has either been assumed or relinquished through annexation; and

2. If the FIRM for any annexed area includes special flood hazard areas that have flood zones that have regulatory requirements that are not set forth in these regulations, prepare amendments to these regulations to adopt the FIRM and appropriate requirements, and submit the amendments to the governing body for adoption; such adoption shall take place at the same time as or prior to the date of annexation and a copy of the amended regulations shall be provided to Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management) and FEMA.

P. Upon the request of FEMA, complete and submit a report concerning participation in the NFIP which may request information regarding the number of buildings in the SFHA, number of permits issued for development in the SFHA, and number of variances issued for development in the SFHA.

Q. It is the duty of the Community Floodplain Administrator to take into account flood, mudslide and flood-related erosion hazards, to the extent that they are known, in all official actions relating to land management and use throughout the entire jurisdictional area of the Community, whether or not those hazards have been specifically delineated geographically (e.g. via mapping or surveying).

**13.1-7.3 Submitting Model Backed Technical Data [44 CFR 65.3]**

A community's base flood elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but no later than six months after the date such information becomes available, a community shall notify the Federal Emergency Management Agency of the changes by submitting technical or scientific data. The community may submit data via a LOMR. Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates, and floodplain management requirements will be based upon current data.

## 13-2 DEFINITIONS

A. Appurtenant or accessory structure - A non-residential structure which is on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Accessory structures are not to exceed *600 square feet*[1].

B. Base flood - The flood having a one percent chance of being equaled or exceeded in any given year.

C. Base flood elevation - The water surface elevations of the base flood, that is, the flood level that has one percent or greater chance of occurrence in any given year. The water surface elevation of the base flood in relation to the datum specified on the community's Flood Insurance Rate Map. For the purposes of this ordinance, the base flood is the 1% annual chance flood.

D. Basement - Any area of the building having its floor sub-grade (below ground level) on all sides.

E. Board of Zoning Appeals - The board appointed to review appeals made by individuals with regard to decisions of the Zoning Administrator in the interpretation of this ordinance.

F. Development - Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, temporary structures, mining, dredging, filling, grading, paving, excavation, drilling or other land-disturbing activities or permanent or temporary storage of equipment or materials.

G. Elevated building - A non-basement building built to have the lowest floor elevated above the ground level by means of solid foundation perimeter walls, pilings, or columns (posts and piers).

H. Encroachment - The advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures, or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

I. Existing construction - For the purposes of the insurance program, structures for which the "start of construction" commenced before September 10, 1984, the effective date of the FIRM. "Existing construction" may also be referred to as "existing structures" and "pre-FIRM."

J. Flood or flooding -
1. A general or temporary condition of partial or complete inundation of normally dry land areas from:
   a. The unusual and rapid accumulation or runoff of surface waters from any source.
   b. Mudflows which are proximately caused by flooding as defined in paragraph (1)(b) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when the earth is carried by a current of water and deposited along the path of the current.
2. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which result in flooding as defined in paragraph 1 (a) of this definition.

K. Flood Insurance Rate Map (FIRM) - an official map of a community, on which the Federal Emergency Management Agency has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

L. Flood Insurance Study (FIS) - a report by FEMA that examines, evaluates, and determines flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation, and determination of mudflow and/or flood-related erosion hazards.

M. Floodplain or flood-prone area - Any land area susceptible to being inundated by water from any source.

N. Floodproofing - any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or reduce flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

O. Floodway - The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot at any point within the community.

P. Freeboard - A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization in the watershed.

Q. Highest adjacent grade - the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

R. Historic structure - Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
   a. By an approved state program as determined by the Secretary of the Interior; or,
   b. Directly by the Secretary of the Interior in states without approved programs.

S. Hydrologic and Hydraulic Engineering Analysis - Analyses performed by a licensed professional engineer, in accordance with standard engineering practices that are accepted by the Virginia Department of Conservation and Recreation and FEMA, used to determine the base flood, other frequency floods, flood elevations, floodway information and boundaries, and flood profiles.

T. Letters of Map Change (LOMC) - A Letter of Map Change is an official FEMA determination, by letter, that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

Letter of Map Amendment (LOMA) - An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a land as defined by meets and bounds or structure is not located in a special flood hazard area.

Letter of Map Revision (LOMR) - A revision based on technical data that may show changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. A Letter of Map Revision Based on Fill (LOMR-F), is a determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer exposed to flooding associated with the base flood. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.

Conditional Letter of Map Revision (CLOMR) - A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study.

U. Lowest adjacent grade - the lowest natural elevation of the ground surface next to the walls of a structure.

V. Lowest floor - The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Federal Code 44CFR §60.3.

W. Manufactured home - A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.

X. Manufactured home park or subdivision - a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Y. Manufactured (Mobile) Home Park or Subdivision, Existing - A manufactured (mobile) home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured (mobile) homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by the community.

Z. Manufactured (Mobile) Home Park or Subdivision, Expansion to Existing Site - The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.)

AA. Manufactured (Mobile) Home Park or Subdivision, New - A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the floodplain management regulations adopted by the community.

BB. Mean Sea Level – for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, or the North American Vertical Datum (NAVD) of 1988 to which base flood elevations shown on a community's FIRM are referenced.

CC. New construction - For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after September 10, 1984 and includes any subsequent improvements to such structures. For floodplain management purposes, new construction means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

DD. Post-FIRM structures - A structure for which construction or substantial improvement occurred on or after September 10, 1984

EE. Pre-FIRM structures - A structure for which construction or substantial improvement occurred before September 10, 1984

FF. Recreational vehicle - A vehicle which is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light duty truck; and,
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel, or seasonal use.

GG. Repetitive Loss Structure - A building covered by a contract for flood insurance that has incurred flood-related damages on two occasions in a 10-year period, in which the cost of the repair, on the average, equaled or exceeded 25 percent of the market value of the structure at the time of each such flood event; and at the time of the second incidence of flood-related damage, the contract for flood insurance contains increased cost of compliance coverage.

HH. Severe repetitive loss structure - a structure that: (a) Is covered under a contract for flood insurance made available under the NFIP; and (b) Has incurred flood related damage - (i) For which 4 or more separate claims payments have been made under flood insurance coverage with the amount of each such claim exceeding $5,000, and with the cumulative amount of such claims payments exceeding $20,000; or (ii) For which at least 2 separate claims payments have been made under such coverage, with the cumulative amount of such claims exceeding the market value of the insured structure.

II. Shallow flooding area - A special flood hazard area with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

JJ. Special flood hazard area - The land in the floodplain subject to a one (1%) percent or greater chance of being flooded in any given year as determined in Article 13-3-1 of this ordinance.

KK. Start of construction - For other than new construction and substantial improvement, under the Coastal Barriers Resource Act (P.L. – 97-348), means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of the construction means the first alteration of any wall, ceiling, floor, or other structural parts of a building, whether or not that alteration affects the external dimensions of the building.

LL. Storage: All new construction and substantial improvements must have any fully enclosed area below the lowest floor useable solely for storage, parking, or access. The type of storage permitted in an enclosed lower area should be limited to that which is incidental and accessory to the principal use of the structure. For example, if the structure is a residence, storage should be limited to items such as lawn and garden equipment, snow tires, and other low damage items which will not suffer flood damage or can be conveniently moved to the elevated part of the building.

MM. Structure - for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

NN. Substantial damage - Damage of any origin sustained by a structure whereby the cost of restoring the structure to it's before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. *It also means flood-related damages sustained by a structure on two occasions in a 10-year period, in which the cost of the repair, on the average, equals or exceeds 25 percent of the market value of the structure at the time of each such flood event.*

OO. Substantial improvement - Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or
2. Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.
3. Historic structures undergoing repair or rehabilitation that would constitute a substantial improvement as defined above must comply with all ordinance requirements that do not preclude the structure's continued designation as a historic structure. Documentation that a specific ordinance requirement will cause the removal of the structure from the National Register of Historic Places or the State Inventory of Historic places must be obtained from the Secretary of the Interior or the State Historic Preservation Officer. Any exemption from ordinance requirements will be the minimum necessary to preserve the historic character and design of the structure.

PP. Violation - the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

QQ. Watercourse - A lake, river, creek, stream, wash, channel, or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

## 13-3 ESTABLISHMENT OF ZONING DISTRICTS

### 13-3-1 Description of Special Flood Hazard

A. Basis of Districts

The various special flood hazard districts shall include the SFHAs. The basis for the delineation of these districts shall be the FIS and the FIRM for the County of Greene prepared by the Federal Emergency Management Agency, Federal Insurance Administration, dated March 23, 2021, and any subsequent revisions or amendments thereto.

The County of Greene may identify and regulate local flood hazard or ponding areas that are not delineated on the FIRM. These areas may be delineated on a "Local Flood Hazard Map" using best available topographic data and locally derived information such as flood of record, historic high-water marks, or approximate study methodologies.

The boundaries of the SFHA Districts are established as shown on the FIRM which is declared to be a part of this ordinance and which shall be kept on file at the the County of Greene offices.

1. The **A Zone** on the FIRM accompanying the FIS shall be those areas for which no detailed flood profiles or elevations are provided, but the one percent annual chance floodplain boundary has been approximated. For these areas, the following provisions shall apply [44 CFR 60.3(b)]:
   The Approximated Floodplain District shall be that floodplain area for which no detailed flood profiles or elevations are provided, but where a one percent annual chance floodplain boundary has been approximated. Such areas are shown as Zone A on the maps accompanying the FIS. For these areas, the base flood elevations and floodway information from Federal, State, and other acceptable sources shall be used, when available. Where the specific one percent annual chance flood elevation cannot be determined for this area using other sources of data, such as the U. S. Army Corps of Engineers Floodplain Information Reports, U. S. Geological Survey Flood-Prone Quadrangles, etc., then the applicant for the proposed use, development and/or activity shall determine this base flood elevation. For development proposed in the approximate floodplain the applicant must use technical methods that correctly reflect currently accepted practices, such as point on boundary, high water marks, or detailed methodologies hydrologic and hydraulic analyses. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough review by the Zoning Administrator.

The Zoning Administrator reserves the right to require a hydrologic and hydraulic analysis for any development. When such base flood elevation data is utilized, the lowest floor shall be elevated to or above the base flood *level plus eighteen (18) inches*[2].

During the permitting process, the Zoning Administrator shall obtain:

a. The elevation of the lowest floor (in relation to mean sea level), including the basement, of all new and substantially improved structures; and,
b. If the structure has been floodproofed in accordance with the requirements of this article, the elevation (in relation to mean sea level) to which the structure has been floodproofed.

Base flood elevation data shall be obtained from other sources or developed using detailed methodologies comparable to those contained in a FIS for subdivision proposals and other proposed development proposals (including manufactured home parks and subdivisions) that exceed fifty lots or five acres, whichever is the lesser[3].

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

**13-3-2 Official Zoning Map**

The Boundaries of the Floodplain District are established as shown on the Flood Insurance Rate Map which is declared to be a part of this ordinance and which shall be kept on file at the County offices

**13-3-3 District Boundary Changes**

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

### 13-3-4 Interpretation of District Boundaries

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

## 13-4 DISTRICT PROVISIONS

### 13-4-1 General Provisions

A. Permit Requirement

All uses, activities, and development occurring within any Floodplain District shall be undertaken only upon the issuance of a zoning permit. Such development shall be undertaken only in strict compliance with the provisions of the Ordinance and with all other applicable codes and ordinances, such as the Virginia Uniform statewide Building Code and the Greene County Subdivision Regulations. Prior to the issuance of any such permit, the Zoning Administrator shall require all applications to include compliance with all applicable state and federal laws and shall review all sites to assure they are reasonably safe from flood. Under no circumstances shall any use, activity, and/or development adversely affect the capacity of the channels or floodway of any watercourse, drainage ditch, or any other drainage facility or system.

B. Alteration or Relocation of Watercourse

Prior to any proposed alteration or relocation of any channels or of any watercourse, stream, etc., within this jurisdiction a permit shall be obtained from the U.S. Corps of Engineers, the Virginia Sate Water Control Board, and the Virginia Marine Resources Commission (a joint permit application is available from any of these organization). Further notification of the proposal shall be given by the applicant to all affected adjacent jurisdictions, the Division of Soil and Water Conservation (Department of Conservation and Recreation), and the Federal Insurance Administration.

C. Site Plans and Permit Applications

All applications for development within any floodplain district and all permits issued for the floodplain shall incorporate the following information:

1. The elevation of the Base Flood at the site.
2. For structures to be elevated, the elevation of the lowest floor
3. For structures to be floodproofed (non-residential only), the elevation to which the structure will be floodproofed.
4. Topographic information showing existing and proposed ground elevations

D General Standards

The following provisions shall apply to all permits:

1. New construction and substantial improvements shall be built according to this ordinance and the VA USBC and anchored to prevent flotation, collapse, or lateral movement of the structure.

2. Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state anchoring requirements for resisting wind forces.

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

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

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

6. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

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

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

9. In addition to provisions A – H above, in all special flood hazard areas, the additional provisions shall apply:

10. Prior to any proposed alteration or relocation of any channels or of any watercourse, stream, etc., within this jurisdiction, a permit shall be obtained from the U. S. Corps of Engineers, the Virginia Department of Environmental Quality, and the Virginia Marine Resources Commission (a joint permit application is available from any of these organizations). Furthermore, in riverine areas, notification of the proposal shall be given by the applicant to all affected adjacent jurisdictions, the Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management), other required agencies, and the Federal Emergency Management Agency.

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

**13-4-2 Elevation and Construction Standards**

In all identified flood hazard areas where base flood elevations have been provided in the FIS or generated by a certified professional in accordance with Article 13-3-1. A.1 the following provisions shall apply:

A. Residential Construction

New construction or substantial improvement of any structure (including manufactured homes) in Zone A with detailed base flood elevations shall have the lowest floor, including basement, elevated to or above the base flood level *plus eighteen (18) inches*.

B. Non-Residential Construction

1. New construction or substantial improvement of any commercial, industrial, or non-residential building (or manufactured home) shall have the lowest floor, including basement, elevated to or above the base flood level *plus eighteen (18) inches*.

C. Space Below the Lowest Floor

In zones A, AE, AH, AO, and A1-A30, fully enclosed areas, of a new construction or substantially improved structures, which are below the regulatory flood protection elevation shall:

1. Not be designed or used for human habitation, but shall be used solely for parking of vehicles, building access, or storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator).

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

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

   a. Provide a minimum of two openings on different sides of each enclosed area subject to flooding.

b. The total net area of all openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding.

c. If a building has more than one enclosed area, each area must have openings to allow floodwaters to automatically enter and exit.

d. The bottom of all required openings shall be no higher than one (1) foot above the adjacent grade.

e. Openings may be equipped with screens, louvers, or other opening coverings or devices, provided they permit the automatic flow of floodwaters in both directions.

f. Foundation enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires openings as outlined above.

D. Accessory Structures

1. Accessory structures in the SFHA shall comply with the elevation requirements and other requirements of Article 13-4-2. B or, if not elevated or dry floodproofed, shall:
   a. Not be used for human habitation;
   b. Be limited to no more than *600 square feet* in total floor area;
   c. Be useable only for parking of vehicles or storage;
   d. Be constructed with flood damage-resistant materials below the base flood elevation;
   e. Be constructed and placed to offer the minimum resistance to the flow of floodwaters;
   f. Be anchored to prevent flotation
   g. Have electrical service and mechanical equipment elevated to or above the base flood elevation;
   h. Shall be provided with flood openings which shall meet the following criteria:
      (1) There shall be a minimum of two flood openings on different sides of each enclosed area; if a building has more than one enclosure below the lowest floor, each such enclosure shall have flood openings on exterior walls.
      (2) The total net area of all flood openings shall be at least 1 square inch for each square foot of enclosed area (non-engineered flood openings), or the flood openings shall be engineered flood openings that are designed and certified by a licensed professional engineer to

automatically allow entry and exit of floodwaters; the certification requirement may be satisfied by an individual certification or an Evaluation Report issued by the ICC Evaluation Service, Inc.

(3) The bottom of each flood opening shall be 1 foot or less above the higher of the interior floor or grade, or the exterior grade, immediately below the opening.

(4) Any louvers, screens, or other covers for the flood openings shall allow the automatic flow of floodwaters into and out of the enclosed area.

E. Standards for Manufactured Homes and Recreational Vehicles

1. In zone A, all manufactured homes placed, or substantially improved, on individual lots or parcels, must meet all the requirements for new construction, including the elevation and anchoring requirements in Article III, Section 3.1.A.6, and Article IV, Sections 4.2 and 4.3.

2. All recreational vehicles placed on sites must either:

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

   b. Meet all the requirements for manufactured homes in

**13-4-3 Design Criteria for Utilities and Facilities**

A. Sanitary Sewer Facilities

All new or replacement sanitary sewer facilities and private package sewage treatment plants (including all pumping stations and collector systems) shall be designed to minimize or eliminate infiltration of flood waters into the system and discharges from the system into the flood waters. In addition, they should be located and constructed to minimize or eliminate flood damage and impairment.

B. Water Facilities

All new or replacement water facilities shall be designed to minimize or eliminate infiltration of flood waters into the system and be located and constructed to minimize or eliminate flood damages.

C. Drainage Facilities

All storm drainage facilities shall be designed to convey the flow of surface waters without damage to persons or property. The system shall ensure drainage away from building and on-site waste disposal sites. The Board of Supervisors may require a primarily underground system to accommodate frequent floods and a secondary surface system to accommodate larger, less frequent floods. Drainage plans shall be consistent with local and regional drainage plans. The facilities shall be designed to prevent the discharge of excess runoff onto adjacent properties.

D. Utilities

All utilities, such as gas lines, electrical and telephone systems being placed in flood-prone areas should be located, elevated (where possible), and constructed to minimize the chance of impairment during a flooding occurrence.

E. Streets and Sidewalks

Streets and sidewalks should be designed to minimize their potential for increasing and aggravating the levels of flood plow. Drainage openings shall be required to sufficiently discharge flood flows without unduly increasing flood heights.

### 13-4-4 Standards for Subdivision Proposals

A. All subdivision proposals shall be consistent with the need to minimize flood damage;

B. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;

C. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards

D. Base flood elevation data shall be obtained from other sources or developed using detailed methodologies, hydraulic and hydrologic analysis, comparable to those contained in a Flood Insurance Study for subdivision proposals and other proposed development proposals (including manufactured home parks and subdivisions) that exceed fifty lots or five acres, whichever is the lesser.

## 13-5 VARIANCES: FACTORS TO BE CONSIDERED

Variances shall be issued only upon (i) a showing of good and sufficient cause, (ii) after the Board of Zoning Appeals has determined that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) after the Board of Zoning Appeals has determined that the granting of such variance will not result in (a) unacceptable or prohibited increases in flood heights, (b) additional threats to public safety, (c) extraordinary public expense; and will not (d) create nuisances, (e) cause fraud or victimization of the public, or (f) conflict with local laws or ordinances.

While the granting of variances generally is limited to a lot size less than one-half acre, deviations from that limitation may occur. However, as the lot size increases beyond one-half acre, the technical justification required for issuing a variance increases. Variances may be issued by the Board of Zoning Appeals for new construction and substantial improvements to be erected on a lot of one-half acres or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with the provisions of this Section.

Variances may be issued for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that the criteria of this Section are met, and the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety In passing upon applications for Variances, the Board of Zoning Appeals shall satisfy all relevant factors and procedures specified in other sections of the zoning ordinance and consider the following additional factors:

a. The danger to life and property due to flood heights or velocities caused by encroachments. No variance shall be granted for any proposed use, development, or activity within and Floodway District that will cause an increase in the one hundred `(100) - year flood elevation.

b. The danger that materials may be swept on to other lands or downstream to the injury of others.

c. The proposed water supply and sanitation system and the ability of these systems to prevent disease, contamination, and unsanitary conditions.

d. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.

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

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

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

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

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

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

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

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

m. Such other factors which are relevant to the purpose of this ordinance.

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

Variances shall be issued only after the Board of Zoning Appeals has determined that the granting of such will not result in:

a. unacceptable or prohibited increases in flood heights,

b. additional threats to public safety, extraordinary public expenses; and will not create nuisances,

d. cause fraud or victimization of the public, or

   e. conflict with local laws or ordinances.

Variances shall be issued only after the Board of Zoning Appeals has determined that variance will be the minimum required to provide relief from any hardship to the applicant.

The Board of Zoning Appeals shall notify the applicant for a variance, in writing, that the issuance of a variance to construct a structure below the one percent (1%) chance flood elevation (a) increases the risk to life and property and (b) will result in increased premium rates for flood insurance.

A record shall be maintained of the above notification as well as all variance actions, including justification for the issuance of the variances. Any variances which are issued shall be noted in the annual or biennial report submitted to the Federal Insurance Administrator.

## 13-6 - EXISTING STRUCTURES IN FLOODPLAIN DISTRICTS

Any structure or use of a structure or premises must be brought into conformity with these provisions when it is changed, repaired, or improved unless one of the following exceptions is established before the change is made:

A. The Zoning Administrator has determined that:
   1. Change is not a substantial repair or substantial improvement AND
   2. No new square footage is being built in the floodplain that is not complaint AND
   3. No new square footage is being built in the floodway AND
   4. The change complies with this ordinance and the VA USBC AND
   5. The change, when added to all the changes made during a rolling 5-year period does not constitute 50% of the structure's value.
B. The changes are required to comply with a citation for a health or safety violation.
C. The structure is a historic structure and the change required would impair the historic nature of the structure

## 13-7 - ENACTMENT

Enacted and ordained this 23rd day of March, 2021. This ordinance, number 2020-007 of Greene County, Virginia, shall become effective upon passage.

______________________________

Signature

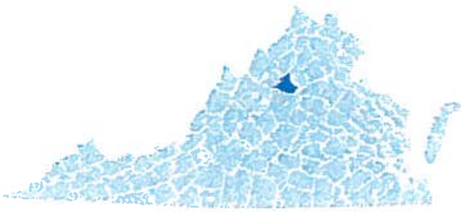
______________________________

Title

# FLOOD INSURANCE STUDY

FEDERAL EMERGENCY MANAGEMENT AGENCY

VOLUME 1 OF 1



# GREENE COUNTY, VIRGINIA

## AND INCORPORATED AREAS

| COMMUNITY NAME | COMMUNITY NUMBER |
|---|---|
| GREENE COUNTY, UNINCORPORATED AREAS | 510200 |
| STANARDSVILLE, TOWN OF | 510251 |

FEMA

**EFFECTIVE: MARCH 23, 2021**

FLOOD INSURANCE STUDY NUMBER
51079CV000A

Version Number 2.4.3.5

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Exhibit



Panel

This section is not applicable to this Flood Risk Project.

**Published Separately**

Flood Insurance Rate Map (FIRM)

## FLOOD INSURANCE STUDY REPORT
## GREENE COUNTY, VIRGINIA AND INCORPORATED AREAS

# SECTION 1.0 – INTRODUCTION

## 1.1 The National Flood Insurance Program

The National Flood Insurance Program (NFIP) is a voluntary Federal program that enables property owners in participating communities to purchase insurance protection against losses from flooding. This insurance is designed to provide an alternative to disaster assistance to meet the escalating costs of repairing damage to buildings and their contents caused by floods.

For decades, the national response to flood disasters was generally limited to constructing flood-control works such as dams, levees, sea-walls, and the like, and providing disaster relief to flood victims. This approach did not reduce losses nor did it discourage unwise development. In some instances, it may have actually encouraged additional development. To compound the problem, the public generally could not buy flood coverage from insurance companies, and building techniques to reduce flood damage were often overlooked.

In the face of mounting flood losses and escalating costs of disaster relief to the general taxpayers, the U.S. Congress created the NFIP. The intent was to reduce future flood damage through community floodplain management ordinances, and provide protection for property owners against potential losses through an insurance mechanism that requires a premium to be paid for the protection.

The U.S. Congress established the NFIP on August 1, 1968, with the passage of the National Flood Insurance Act of 1968. The NFIP was broadened and modified with the passage of the Flood Disaster Protection Act of 1973 and other legislative measures. It was further modified by the National Flood Insurance Reform Act of 1994 and the Flood Insurance Reform Act of 2004. The NFIP is administered by the Federal Emergency Management Agency (FEMA), which is a component of the Department of Homeland Security (DHS).

Participation in the NFIP is based on an agreement between local communities and the Federal Government. If a community adopts and enforces floodplain management regulations to reduce future flood risks to new construction and substantially improved structures in Special Flood Hazard Areas (SFHAs), the Federal Government will make flood insurance available within the community as a financial protection against flood losses. The community's floodplain management regulations must meet or exceed criteria established in accordance with Title 44 Code of Federal Regulations (CFR) Part 60, *Criteria for Land Management and Use.*

SFHAs are delineated on the community's Flood Insurance Rate Maps (FIRMs). Under the NFIP, buildings that were built before the flood hazard was identified on the community's FIRMs are generally referred to as "Pre-FIRM" buildings. When the NFIP was created, the U.S. Congress recognized that insurance for Pre-FIRM buildings would be prohibitively expensive if the premiums were not subsidized by the Federal

Government. Congress also recognized that most of these floodprone buildings were built by individuals who did not have sufficient knowledge of the flood hazard to make informed decisions. The NFIP requires that full actuarial rates reflecting the complete flood risk be charged on all buildings constructed or substantially improved on or after the effective date of the initial FIRM for the community or after December 31, 1974, whichever is later. These buildings are generally referred to as "Post-FIRM" buildings.

### 1.2 Purpose of this Flood Insurance Study Report

This Flood Insurance Study (FIS) Report updates information on the existence and severity of flood hazards for the study area. The studies described in this report developed flood hazard data that will be used to establish actuarial flood insurance rates and to assist communities in efforts to implement sound floodplain management.

In some states or communities, floodplain management criteria or regulations may exist that are more restrictive than the minimum Federal requirements. Contact your State NFIP Coordinator to ensure that any higher State standards are included in the community's regulations.

### 1.3 Jurisdictions Included in the Flood Insurance Study Project

This FIS Report covers the entire geographic area of Greene County, Virginia .

The jurisdictions that are included in this project area, along with the Community Identification Number (CID) for each community and the United States Geological Survey (USGS) 8-digit Hydrologic Unit Code (HUC-8) sub-basins affecting each, are shown in Table 1. The FIRM panel numbers that affect each community are listed. If the flood hazard data for the community is not included in this FIS Report, the location of that data is identified.

**Table 1: Listing of NFIP Jurisdictions**

| Community | CID | HUC-8 Sub-Basins(s) | Located on FIRM Panel(s) | If Not Included, Location of Flood Hazard Data |
|---|---|---|---|---|
| Greene County, Unincorporated Areas | 510200 | 02070005, 02080103, 02080204 | 51079C0025C, 51079C0050C, 51079C0075C, 51079C0094C, 51079C0100C, 51079C0115C, 51079C0120C, 51079C0125C, 51079C0150C, 51079C0157C, 51079C0175C, 51079C0180C, 51079C0200C, 51079C0225C | N/A |
| Stanardsville, Town of | 510251 | 02080103, 02080204 | 51079C0115C, 51079C0120C | N/A |

# RESOLUTION

WHEREAS, the Greene County Board of Supervisors recognizes the need for quality internet access and it's benefits to the families and businesses in Greene County; and

WHEREAS, the Greene County Broadband Committee is always seeking providers who are willing to provide coverage to underserved areas; and

WHEREAS, the Committee has worked with the developer of the twenty-five (25) lots in Greene Landing subdivision to find a provider willing to operate in that NE corner of Greene Count; and

WHEREAS, many options have been explored, and no providers have been willing to extend coverage to that area.

NOW, THEREFORE, BE IT RESOLVED that the Greene County Board of Supervisors supports Fiberlync's willingness to extend its network across the county line in order to provide broadband options for the homes in that area.

ADOPTED BY THE GREENE COUNTY BOARD OF SUPERVISORS ON FEBRUARY 23, 2021.

Motion: Dale Herring
Second: Marie Durrer

Votes:
Martin: Yes
Durrer: Yes
Bowman: Yes
Herring: Yes
Lamb: Yes

William Bryan Martin

William Bryan Martin, Chair
Greene County Board of Supervisors

ATTEST: Mark B. Taylor

Mark B. Taylor, Clerk
Greene County Board of Supervisors

Judie Cox Pagter
Deutsch Haven Farm
38 Pebble Dr.
Stanardsville, VA 22973

Board of Supervisors
February 23, 2021
Attachment "C"

Feb 18, 2021

Dear Bill,

I live on Bullyearling & I am very Concerned about this road.

They want to put a 35mph speed limit on the section from RT. 33 to buck' lodge. Now that is Crazy. They already fly down Bull Yearling. The city Slickers are running us off the road. I love the "dirt" road. We really need 15-20mph signs on our road and my neighbors & I think that V-DOT should honor this request.

We ride horses on this road & I take my horse & buggy on it, too. We are losing our roads to ride on & the ~~pa~~ pavement is not horse friendly. There is something they can use, that is not so slippery. Can you address this at a meeting.

Keeping Stanardsville "historical" and "country" is what we do. Thank you for listening to our concerns.

God bless you all
Judie Pagter
Deutsch Haven Farm

smile, quick ...

# Bull Yearling Road paved

BY TERRY BEIGIE
Record Editor

A portion of Bull Yearling Road in Stanardsville—from U.S. Route 33 to Saddleback Road—has been paved as part of the Virginia Department of Transportation (VDOT) Secondary Road Six-Year Plan. The Greene County Board of Supervisors approved the plan at its May 12 meeting.

The county has funds that are allocated to it from a tele-fee and a district grant for unpaved roads annually. The board votes on the plan each year, including whether to add new unpaved roads to the schedule and the priority for the work. Funds are accrued over several years before the work is completed.

The board approved moving Bull Yearling to the front of the line in June 2019.

Total cost for the paving of the .40-mile section of Bull Yearling Road was $130,606. A traffic engineering review has been requested for a 35 mph speed limit sign installation, as well.

A portion of Turkey Ridge Road—from South River Road to Bull Yearling Road—was scheduled to be completed at the same time. VDOT has noted they have received environmental clearance and project scoping is now underway. That .20-mile section will cost $55,000 to complete.

During the same time Bull Yearling work was being done, the road to the Lydia Mountain Lodge was also paved, and questions have surfaced about who paid for that since it is private land.

"The roads he had paved within his land were not part of the state project, so no county funding was allocated toward it," said Jim Frydl, county director of planning and zoning administrator.

"Yeah, I'd like to clear that up," Buck Shifflett, co-owner of Lydia Mountain Lodge and Cabins in Stanardsville,

See **PAVING,** Page A5