



Board of Supervisors

Regular Meeting Agenda

Meeting Location
1800 Sandy Hook Road
Goochland, VA 23063
804.556.5811
www.goochlandva.us

View this meeting "live" at 2 PM & 6 PM

<https://va-goochlandcounty.civicplus.com/1154>

***Audio amplification headphones are available upon request**

Have a comment about an item on this agenda, please visit:

<http://goochlandcountyva.igm2.com/Citizens/Default.aspx>

- Click on date of packet you wish to comment on ▪ complete portal log in ▪ click on bubble at end of any item to comment ▪ click add comment

TUESDAY, AUGUST 3, 2021, 2:00 PM

BOARD MEETING ROOM 250

Board of Supervisors

Susan F. Lascolette (District 1)

susanl@goochlandva.us

(804) 338-3843 (c)

Neil Spoonhower (District 2)

nspoonhower@goochlandva.us

(804) 316-5584

John Lumpkins, Jr. (District 3)

jlumpkins@goochlandva.us

(804) 517-9511

Don Sharpe (District 4)

dsharpe@goochlandva.us

(804) 426-7822

Kendall C. Peterson (District 5)

kpetersen@goochlandva.us

(804) 784-2669

STAFF: Barbara Horlacher, Deputy County Administrator - Administrative Services (804) 556-5812
Jo Ann Hunter, Deputy County Administrator - Community and Economic Development and Public Utilities (804) 556-5860
Tara A. McGee, County Attorney (804) 556-5877
Lisa K. Beczkiewicz, Deputy Clerk (804) 556-5811

VIEW MEETING LIVE AT <https://va-goochlandcounty.civicplus.com/1154>

IF YOU HAVE COMMENTS ON ANY PUBLIC HEARING ITEMS, PLEASE SEND COMMENTS TO BOSCOMMENT@GOOCHLANDVA.US OR CONTACT 804-556-5811.

PLEASE CHECK WWW.GOOCHLANDVA.US FOR ANY UPDATES REGARDING THIS MEETING.

12:30 PM - Board of Supervisors Audit & Finance Committee Meeting, County Administration Building, Conference Room 270, 1800 Sandy Hook Rd., meeting is open to the public.

I. Call to Order, 2:00 PM

II. Invocation

III. Pledge of Allegiance

IV. Chair's Comments

4078: Government Finance Officers Association (GFOA) Award for FY2019
Comprehensive Annual Financial Report

V. Requests to Postpone Agenda Items and Additions, Deletions or Changes in the Order of Presentation

VI. Citizen Comment

VII. Approval of Minutes

4100: Approval of Minutes: June 7 and July 6, 2021

VIII. Reports

1. 4099: VDOT - July 2021
2. 4089: Fire-Rescue 08.03.21
3. 4101: Introduction of New County Staff
4. 4083: Planning and Development Activity
5. 4102: Accounts Payable
6. Board Reports

IX. Consent Agenda

1. 4073: Resolution authorizing the County Administrator to execute the Virginia Opioid Abatement Fund and Settlement Allocation Memorandum of Understanding
2. 4086: Authorization for County Administrator to execute an agreement with G.L. Howard, Inc. for construction of the Hickory Haven & Samary Forest sanitary sewer system
3. 4084: Authorization for County Administrator to execute a lease amendment with Goochland Family Practice, Inc. for early termination of lease
4. 4085: Approval of the Goochland Powhatan Community Services FY2022 & FY2023 Performance Contract with the Virginia Department of Behavioral Health and Developmental Services
5. 4095: Human Resources Policy Manual Amendment

X. New Business

1. 4076: FY2021 Year End Fund Balance Projection and Fund Balance Assignments
2. 4096: Overview of Referendum Process
3. Presentation by PlanRVA on 2045 Long Range Transportation Plan
4. Agency Presentations: General Services and Parks and Recreation
5. 4075: Appointments - August 1, 2021
6. 4088: Motion to enter a Closed Meeting for the purpose of discussion regarding recruitment for the Interim and County Administrator positions, as permitted by Virginia Code § 2.2-3711(A)(1). Certification at the conclusion of the Closed Meeting.

XI. Dinner Break**XII. Call to Order, 6:00 PM****XIII. Citizen Comment****XIV. Public Hearings**

1. 4087: Resolution amending the Fiscal Year 2022 Goochland County Budget by budgeting and appropriating \$2,716,485 in the County General Fund, the County Capital Improvement Fund, and the School Grant Fund
2. 4039: Resolution Abandoning 0.197± Mile of Three Chopt Road (State Route 622) located north of Broad Street Road (U.S. Route 250), east of State Route 288, and west of Four Rings Drive (State Route 1057) in Goochland County

3. 4082: District 4 - CU-2011-00002A - Application by JNE Enterprises, LLC t/a Carnet requesting renewal of Conditional Use Permit CU-2011-00002 for automobile and motor vehicle sales on 1.973 acres at 12642 Broad Street Road on Tax Map No. 59-1-0-10-0. The property is zoned Business, General (B-1). The Conditional Use Permit is required by Goochland County Zoning Ordinance Section 15-242. The Comprehensive Plan designates this area as Commercial.
4. 4070: District 3 - CU-2021-00004 Application by Goochland County School Board requesting a Conditional Use Permit for an electronic message board sign on 104.35 acres at the Goochland County Middle and High School complex located at 3250 River Road West on Tax Map No. 42-11-0-3-T. The applicant seeks four special exceptions to the electronic message board sign standards in Zoning Ordinance Sec. 15-416: to allow videos and movement on the screen, to change messages more frequently, to allow a two-sided sign with different displays, and to allow the sign to turn on at 7:00 a.m. The property is zoned Agricultural, Limited (A-2). The Conditional Use Permit is required by Goochland County Zoning Ordinance Section 15-416 and the special exceptions are requested under 15.416.B of the Goochland County Zoning Ordinance. The Comprehensive Plan designates this area as Public / County Owned / Institutional.
5. 4071: District 4 - CU-2021-00003 Application by Goochland County School Board requesting a Conditional Use Permit for an electronic message board sign on 31.535 acres at Randolph Elementary School located at 1552 Sheppard Town Road on Tax Map No. 44-1-0-46-0. The applicant seeks three special exceptions to the electronic message board sign standards in Zoning Ordinance Sec. 15-416: to allow videos and movement on the screen, to change messages more frequently and to allow the sign to turn on at 7:00 a.m. The property is zoned Agricultural, Limited (A-2). The Conditional Use Permit is required by Goochland County Zoning Ordinance Section 15-416 and the special exceptions are requested under 15.416.B of the Goochland County Zoning Ordinance. The Comprehensive Plan designates this area as Public / County Owned / Institutional.
6. **4009: Decision on District 4 - RZ-2021-00004, public comment will be accepted** - Application filed by ME PV4 LLC requesting a rezoning of 41.334 acres from Agricultural, Limited (A-2) and Residential Planned Unit Development (RPUD) with proffered conditions, to Residential Planned Unit Development (RPUD) 20.185 acres; Business, General (B-1) 5.96 acres; and Industrial, General (M-2) 15.189 acres, with proffered conditions, on Ashland Road, Johnson Road, and Aldeby Street, on Tax Map No. 48-5-0-1-A and portions of 48-17-4-F-0 and 48-17-4-G-0. The Comprehensive Plan designates this area as Flexible.
7. 4072: Ordinance amending County Code Section 14-251 (Tuckahoe Creek Service District) to include within the service district a parcel located at the intersection of Johnson Road and Ashland Road identified as Tax Map No. 48-5-0-1-A
8. 4054: District 3 - RZ-2021-00006 Application by Yellowstone Communities, LLC requesting a rezoning of 265.612 acres from Agricultural, Limited (A-2) to Residential, General (R-3), with proffered conditions, at Scott Road, Rural Hill Lane, Cedar Point Road, and Gathright Drive on Tax Map Nos. 42-1-0-14-0, 42-7-0-B-1, 42-7-0-B-0, 42-7-0-E-0, 42-7-0-D-0, 42-7-0-A-0, 42-7-0-B-2, and 42-1-0-

59-A2. The Comprehensive Plan designates this area as Single Family Residential, Low Density.

XV. Adjournment: The Board of Supervisors will adjourn as follows:

1. Tuesday, September 7, 2:00 PM, Board of Supervisors 2:00 PM Regular Meeting, 6:00 PM Public Hearings, County Administration Building, 1800 Sandy Hook Road, Goochland; meetings are open to the public.
2. Tuesday, September 14, 9:00 AM, Legislative Discussion, The Residence Inn at The Notch, 1800 Wilkes Ridge Circle, meeting is open to the public.

XVI. INFORMATION ONLY: The Planning Commission will hear the following items at its meeting on August 5, 2021. These items could be scheduled for public hearing by the Board on Tuesday, September 7, 2021.

4094: Planning Commission August Activity Report

1. District 1: CU-2021-00006 Application by Big Dawg Resources, LLC requesting a Conditional Use Permit for mining operation on approximately one acre out of 638.2 acres off Shannon Hill Road on Tax Map Nos. 3-1-0-4-0, 3-1-0-6-0, 4-1-0-18-0, and 3-4-0-A-0. The properties are zoned Agricultural, General (A-1).
2. District 4: CU-2021-00005 Application by Kimberly C. Nuckols requesting a Conditional Use Permit for short term rental, unhosted, on 2.15 acres at 849 Broad Street Road on Tax Map No. 46-1-0-25-0. The property is zoned Agricultural, Limited (A-2).
3. District 4: RZ-1996-00006A Application by Allan Myers VA, Inc. requesting a proffer amendment to rezoning case RZ-1996-00006 to allow changes to the buffer in accordance with an approved conditional use permit and conceptual plan on 20.276 acres at 2187 Ashland Road on Tax Map Nos. 48-1-0-48-0 and 48-1-0-48-B1. The property is zoned Industrial, General (M-2).
4. District 4: CU-2013-000004A Application by Allan Myers VA, Inc. requesting amendment to Conditional Use Permit CU-2013-00004 for asphalt mixing plant to increase the permit activity area to include the adjacent parcel and to remove the 30' buffer between the two parcels on 20.276 acres at 2187 Ashland Road on Tax Map Nos. 48-1-0-48-0 and 48-1-0-48-B1. The property is zoned Industrial, General (M-2).
5. District 5: CU-2016-00009A Application by Barbara D. Hughes and J. David Hughes requesting renewal of Conditional Use Permit CU-2016-00009 for accessory family housing unit, detached, on 10.66 acres at 1018 Manakin Road on Tax Map No. 57-1-0-41-D. The property is zoned Agricultural, Limited (A-2).

6. Countywide Ordinance Amendment: ZOA-2021-00001 - Proposed amendment to Zoning Ordinance Sections 15-262 and 15-272 (Uses and structures permitted by right or by conditional use permit (CUP)) to allow distribution centers with a road access category based on Section 15-344 (Classified roads) of 5 or 6 as a by-right use and all other road access categories with a conditional use permit in the Industrial, Limited (M-1) District, and as a by-right use in the Industrial, General (M-2) District.



Board of Supervisors

1800 Sandy Hook Road
Goochland, VA 23063

Meeting: 08/03/21 02:00 PM

Department: County Administration

Category: Other

Prepared By: Lisa K. Beczkiewicz

Department Head: Lisa K. Beczkiewicz

SCHEDULED INFORMATION ITEM

(ID # 4078)

GOVERNMENT FINANCE OFFICERS ASSOCIATION (GFOA) AWARD FOR FY2019 COMPREHENSIVE ANNUAL FINANCIAL REPORT

Strat Goal 1	Efficient, effective, and transparent government; emphasis on customer service excellence	X
Strat Goal 2	Balanced development that contributes to the welfare of the community and preserves its rural character	
Strat Goal 3	Excellence in Financial Management	X
Strat Goal 4	High Quality Core Services including Education, Public Safety, and Community Health	
Strat Goal 5	Positive Work Environment with a Highly Qualified, Diverse Workforce	

Board Action Requested

Information only - no Board action is requested.

Summary of Information

In a letter dated June 30, 2021, and as illustrated in the attachment, the County Administration has received the Certificate of Achievement for Excellence in Financial Reporting from the Government Finance Officers Association (GFOA). It represents the highest form of recognition in the area of governmental accounting and financial reporting issued by this national organization.

The FY2020 CAFR is posted on the County's website under annual audits. It was truly a team effort involving the entire County staff and in particular the staff of the Treasurer's Office, the Commissioner of Revenue, the School Finance Department, Social Services, and the Department of Financial Services.

ATTACHMENTS:

- GFOA Award FY20 CAFR_20210630 (PDF)



Government Finance Officers Association
203 North LaSalle Street, Suite 2700
Chicago, Illinois 60601-1210
312.977.9700 fax: 312.977.4806

6/30/2021

Barbara Horlacher
Director of Financial Services
County of Goochland, Virginia

Dear Ms. Horlacher:

Congratulations!

We are pleased to notify you that your comprehensive annual financial report for the fiscal year ended June 30, 2020 has met the requirements to be awarded GFOA's Certificate of Achievement for Excellence in Financial Reporting. The GFOA established the Certificate of Achievement for Excellence in Financial Reporting Program (Certificate Program) in 1945 to encourage and assist state and local governments to go beyond the minimum requirements of generally accepted accounting principles to prepare comprehensive annual financial reports that evidence the spirit of transparency and full disclosure and then to recognize individual governments that succeed in achieving that goal. The Certificate of Achievement is the highest form of recognition in governmental accounting and financial reporting. Congratulations, again, for having satisfied the high standards of the program.

Your electronic award packet contains the following:

- **A "Summary of Grading" form and a confidential list of comments and suggestions for possible improvements.** We strongly encourage you to implement the recommended improvements in your next report. Certificate of Achievement Program policy requires that written responses to these comments and suggestions for improvement be included with your 2021 fiscal year end submission. If a comment is unclear or there appears to be a discrepancy, please contact the Technical Services Center at (312) 977-9700 and ask to speak with a Certificate of Achievement Program in-house reviewer.
- **Certificate of Achievement.** A Certificate of Achievement is valid for a period of one year. A current holder of a Certificate of Achievement may reproduce the Certificate in its immediately subsequent comprehensive annual financial report. Please refer to the instructions for reproducing your Certificate in your next report.
- **Award of Financial Reporting Achievement.** When GFOA awards a government the Certificate of Achievement for Excellence in Financial Reporting, we also present an Award of Financial Reporting Achievement (AFRA) to the department identified in the application as primarily responsible for achievement of the Certificate.
- **Sample press release.** Attaining this award is a significant accomplishment. Attached is a sample news release that you may use to give appropriate publicity to this notable achievement.

In addition, award recipients will receive via mail either a plaque (if first-time recipients or if the government has received the Certificate ten times since it received its last plaque) or a brass medallion to affix to the plaque (if the government currently has a plaque with space to affix the medallion). Plaques and medallions will be mailed separately.

As an award-winning government, we would like to invite one or more appropriate members of the team that put together your comprehensive annual financial report to apply to join the Special Review Committee. As members of the Special Review Committee, peer reviewers get exposure to a variety of reports from around the country; gain insight into how to improve their own reports; achieve professional recognition; and provide valuable input that helps other local governments improve their reports. Please see our website for [eligibility requirements](#) and [information on completing an application](#).

Thank you for participating in and supporting the Certificate of Achievement Program. If we may be of any further assistance, please contact the Technical Services Center at (312) 977-9700.

Sincerely,

A handwritten signature in black ink that reads "Michele Mark Levine". The signature is written in a cursive, flowing style.

Michele Mark Levine
Director, Technical Services



Board of Supervisors

1800 Sandy Hook Road
Goochland, VA 23063

Meeting: 08/03/21 02:00 PM

Department: County Administration

Category: Other

Prepared By: Lisa K. Beczkiewicz

Department Head: Lisa K. Beczkiewicz

SCHEDULED ACTION ITEM

(ID # 4100)

APPROVAL OF MINUTES: JUNE 7 AND JULY 6, 2021

✓ Vote Record - Action Item 4100						
<input type="checkbox"/> Adopted <input type="checkbox"/> Adopted as Amended <input type="checkbox"/> Defeated <input type="checkbox"/> Tabled <input type="checkbox"/> Withdrawn <input type="checkbox"/> Recommended for Approval <input type="checkbox"/> Recommended for Denial <input type="checkbox"/> Recommended for Approval as Amended <input type="checkbox"/> Deferred <input type="checkbox"/> Consensus of the Board <input type="checkbox"/> Approved <input type="checkbox"/> Tabled by Consensus <input type="checkbox"/> Approved as Amended <input type="checkbox"/> Recusal <input type="checkbox"/> Strike <input type="checkbox"/> No quorum <input type="checkbox"/> Public Hearing Held <input type="checkbox"/> Reviewed			Yes/Aye	No/Nay	Abstain	Absent
	Susan Lascolette		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Ken Peterson		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	John Lumpkins		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Neil Spoonhower		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Don Sharpe		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Strat Goal 1	Efficient, effective, and transparent government; emphasis on customer service excellence	X
Strat Goal 2	Balanced development that contributes to the welfare of the community and preserves its rural character	
Strat Goal 3	Excellence in Financial Management	
Strat Goal 4	High Quality Core Services including Education, Public Safety, and Community Health	
Strat Goal 5	Positive Work Environment with a Highly Qualified, Diverse Workforce	

Board Action Requested

The Board is requested to consider approval of the Minutes of June 7 and July 6, 2021.

Summary of Information

Draft Motion

I move that the Goochland County Board of Supervisors (approves/ approves as amended/ denies/ defers to date) the Minutes of June 7 and July 6, 2021.



Board of Supervisors

Work Session Action Minutes

Meeting Location
1800 Sandy Hook Road
Goochland, VA 23063
804.556.5811
www.goochlandva.us

A full transcript of this meeting can be found at: <https://goochlandva.new.swagit.com/videos/122465>

View this meeting "live" at 9 AM

<https://va-goochlandcounty.civicplus.com/1154>

***Audio amplification headphones are available upon request**

Have a comment about an item on this agenda, please visit:

<http://goochlandcountyva.igm2.com/Citizens/Default.aspx>

- Click on date of packet you wish to comment on ▪ complete portal log in ▪ click on bubble at end of any item to comment ▪ click add comment

MONDAY, JUNE 7, 2021, 9:00 AM

CONFERENCE ROOM 270

Board of Supervisors

Susan F. Lascolette (District 1)

susanl@goochlandva.us

(804) 338-3843 (c)

Neil Spoonhower (District 2)

nspoonhower@goochlandva.us

(804) 316-5584

John Lumpkins, Jr. (District 3)

jlumpkins@goochlandva.us

(804) 517-9511

Don Sharpe (District 4)

dsharpe@goochlandva.us

(804) 426-7822

Kendall C. Peterson (District 5)

kpeterson@goochlandva.us

(804) 784-2669

STAFF:	Barbara Horlacher, Deputy County Administrator - Administrative Services	(804) 556-5812
	Jo Ann Hunter, Deputy County Administrator - Community and Economic Development and Public Utilities	(804) 556-5860
	Tara A. McGee, County Attorney	(804) 556-5877
	Lisa K. Beczkiewicz, Deputy Clerk	(804) 556-5811

Minutes Acceptance: Minutes of Jun 7, 2021 9:00 AM (Approval of Minutes)

A full transcript of this meeting can be found at:
<https://goochlandva.new.swagit.com/videos/122465>

1. Call to Order, 9:00 AM

Chair John Lumpkins called the 9:00 Work Session to Order.

Attendee Name	Title	Status	Arrived
Susan Lascolette	District 1 Supervisor	Present	
Ken Peterson	District 5 Supervisor	Present	
John Lumpkins	District 3 Supervisor	Present	
Neil Spoonhower	District 2 Supervisor	Present	
Don Sharpe	District 4 Supervisor	Present	

2. Chairman's Comments: Chair John Lumpkins welcomed all to the Board of Supervisors Work Session to discuss revision of the Board's Strategic Plan.

3. New Business

Morning Session: Discuss revision of the Board of Supervisors Strategic Plan

County Administrator Young gave an overview of the morning work session agenda. Overview included, "goals of the work session, brain storming session 1 (what are the critical areas the County needs to focus on), how we got here (2013-2021), 2014-2018 Strategic Plan Vision and Mission, Board Guiding Principles, Organization's Core Values, Strategic Goals: Goal 1: Efficient, effective, and transparent government with emphasis on customer service excellence, Goal 2: Balanced development that contributes to the welfare of the community and preserves its rural character, Goal 3: Excellence in financial management, Goal 4: High quality core services including Education, Public Safety, and Community Health, Goal 5: Positive work environment with a highly qualified, diverse workforce, brain storming session 2 (looking at Goochland County what has changed from 2013 to now? Does the mission and vision need to be changed? are there any goals that need to change or add? what do you see as the top five board priorities over the next five years."

Board discussion ensued on critical areas of focus such as Broadband, financial condition, village plan (Centerville, Courthouse), budget (education, public safety, firehouses), SPEDA, economic development and commercial/residential/balance, fire-rescue response to calls, subdivision ordinance, transportation/funding, CIP projects/costs, legislation (state/federal), redistricting.

The Board reviewed its strategic goals speaking to areas of focus.

Strategic Goal 1: Efficient, effective, and transparent government with emphasis on customer service excellence

Media communications, continue to leverage technology, improve interfacing with citizens, improve citizen opportunity, deep dive into communication strategy, metrics/benchmarks, goals and service levels, county Facebook and information push out, Goochland Gazette/Richmond Times Dispatch, identify meaningful/valuable partnerships, success metrics, produce periodic report, deep dive into communication/technology/security

Minutes Acceptance: Minutes of Jun 7, 2021 9:00 AM (Approval of Minutes)

Strategic Goal 2: Balanced development that contributes to the welfare of the community and preserves its rural character

Address disconnects with Comp Plan, target areas, evaluate designated growth areas, perimeters, look at by right development, closer to 70/30, evaluate CD fees, REDC businesses, Centerville Village (hard date), additional barriers to remove to stimulate business

Strategic Goal 3: Excellence in financial management

Update objectives 3.1, monitor expenses add 3.2, forecasting, review underlying assumptions CIP projects, tax diversification (cigarette, occupancy), managing regional dollars

Strategic Goal 4: High quality core services including Education, Public Safety, and Community Health

Skills, workforce - JSR, access federal and state resources, Schools' accountability - dollars/transparency/ underline expenses/budget, workforce - JSR/DOE, review Schools' Strategic Plan, emergency communications - citizen information - resource, evaluate Sheriff & Fire-Rescue training facilities (interim and long term), public safety (staffing, retention, facilities - identify acreage and locations, leverage partnerships in Human Services, Medical facilities/ Lab Corp/other - economic development targets, Sheriff's Office, Convenience Centers in East End

Strategic Goal 5: Positive work environment with a highly qualified, diverse workforce

Employer of choice, recognize board and commission appointed persons, make place for them to serve

Board and staff discussion ensued on if Mission and Vision need to be changed - add "innovate" to mission, guiding principles - add "collaborate?", what has changed since 2013, community engagement - there is less now, community issues increased (broadband, traffic, Economic Development, etc.), customer service improved - expectations up, need to maintain, education has improved -we are a destination county - brand has changed, of maintaining Schools versus buildings (financial picture), role of government, changing region - attracting people.

4. Lunch Break: 12 Noon - 12:45 PM**Afternoon Session: Discuss Transportation Project Priorities**

JoAnn Hunter, Deputy County Administrator gave an overview of the afternoon work session agenda on transportation planning and project priorities. Overview and discussion included, "overall transportation planning in the County, planning documents, 25 year CIP Transportation projects, transportation workshop, 2021 Goochland County crash data (source DMV), Goochland County crash map (2021, 2020, 2019), reportable traffic accidents 2015-4/30/2020, level of service for deficient

intersections (northeast quadrant, Centerville Village, Hockett road corridor, River Road corridor, courthouse area), funding sources: federal, state, local, RSTP/CMAQ (federal funds RRTPO), funding criteria, Smart Scale, highway infrastructure program (HIP) funds, transportation alternatives (federal funds), revenue share (state funds), SSYP, cash proffers, CVTA regional funds."

It was determined the need for a future transportation discussion, date to be determined.

5. Adjournment: The Board of Supervisors adjourned as follows:

Tuesday, July 6, 2021, 2:00 PM Regular Meeting, 6:00 PM Public Hearings, County Administration Building, 1800 Sandy Hook Road, Goochland; meetings are open to the public.

Minutes Acceptance: Minutes of Jun 7, 2021 9:00 AM (Approval of Minutes)



Board of Supervisors

Regular Meeting Action Minutes

Meeting Location
1800 Sandy Hook Road
Goochland, VA 23063
804.556.5811
www.goochlandva.us

A full transcript of this meeting can be found at: <https://goochlandva.new.swagit.com/videos/128644>

View this meeting "live" at 2 PM & 6 PM

<https://va-goochlandcounty.civicplus.com/1154>

***Audio amplification headphones are available upon request**

Have a comment about an item on this agenda, please visit:

<http://goochlandcountyva.igm2.com/Citizens/Default.aspx>

- Click on date of packet you wish to comment on ▪ complete portal log in ▪ click on bubble at end of any item to comment ▪ click add comment

TUESDAY, JULY 6, 2021, 2:00 PM

BOARD MEETING ROOM 250

Board of Supervisors

Susan F. Lascolette (District 1)

susanl@goochlandva.us

(804) 338-3843 (c)

Neil Spoonhower (District 2)

nspoonhower@goochlandva.us

(804) 316-5584

John Lumpkins, Jr. (District 3)

jlumpkins@goochlandva.us

(804) 517-9511

Don Sharpe (District 4)

dsharpe@goochlandva.us

(804) 426-7822

Kendall C. Peterson (District 5)

kpeterson@goochlandva.us

(804) 784-2669

STAFF:	Barbara Horlacher, Deputy County Administrator - Administrative Services	(804) 556-5812
	Jo Ann Hunter, Deputy County Administrator - Community and Economic Development and Public Utilities	(804) 556-5860
	Tara A. McGee, County Attorney	(804) 556-5877
	Lisa K. Beczkiewicz, Deputy Clerk	(804) 556-5811

Minutes Acceptance: Minutes of Jul 6, 2021 2:00 PM (Approval of Minutes)

A full transcript of this meeting can be found at: <https://gouchlandva.new.swagit.com/videos/128644>

II. Call to Order, 2:00 PM

Chair John Lumpkins called the 2:00 PM Meeting to Order.

Attendee Name	Title	Status	Arrived
Susan Lascolette	District 1 Supervisor	Present	
Ken Peterson	District 5 Supervisor	Present	
John Lumpkins	District 3 Supervisor	Present	
Neil Spoonhower	District 2 Supervisor	Present	
Don Sharpe	District 4 Supervisor	Present	

III. Invocation: Pastor Brian Seay, Ragland Memorial Baptist Church

IV. Pledge of Allegiance: Vice-Chair Ken Peterson

- V. Presentation and Recognition of Full Accreditation through Virginia Law Enforcement Professional Standards Commission was made to the Goochland County Sheriff's Office by Derrick Mays, Program Manager for the Virginia Center for Accreditation, DCJS

VI. Chair's Comments

Chair Lumpkins stated we recently learned the County received a National award for the Goochland History Center and Courthouse Green project. The award is from NACPRO which is an affiliate of NACo and NRPA (National Recreation and Park Association). The Goochland History Center and Courthouse Green project won their area and facility award. These awards are presented to recognize a NACPRO member agency that has provided a unique or exceptional area, facility, trail, corridor, operational or historical facility; to focus national attention on the very best of facility design; to encourage outstanding efforts in planning, design, construction, and benefits to the community.

VII. Requests to Postpone Agenda Items and Additions, Deletions or Changes in the Order of Presentation

Chair Lumpkins spoke to the addition of an item 5 under New Business entitled, "Board Action After Closed Meeting". On motion of Mr. Lumpkins, and seconded by Mr. Spoonhower, which carried by a 5-0 vote, the Board of Supervisors approved the addition of the Board Action After Closed Meeting item. All ayes.

VIII. Citizen Comment

Chair Lumpkins opened the meeting to citizen comment.

Jonathan Lyle, 1521 Manakin Road stated he and his wife attended the July 4 Fireworks show and thanked the Board of Supervisors for the event and thanks for stepping up and putting the effort in that makes Goochland a great place, of U. S. Freedoms, thanks to the Board Members for your service.

Linda Moore, 2164 Proffitt Road, spoke to attending numerous board meetings, thanks to the Sheriff's Office for Project Lifesaver and the handle with care zing, which speaks to a person's numerous conditions and assists with which rescue vehicle is needed, this is critically important, reference to JoAnn Hunter's presentation back on January 21, 2019, regarding the Comprehensive Plan.

Minutes Acceptance: Minutes of Jul 6, 2021 2:00 PM (Approval of Minutes)

Joyce Harden, District 2 yielded her time to Sekou Shabaka.

Sekou Shabaka, Shrine of the Black Madonna Sanctuary President and member of the NAACP spoke to the George Floyd murder and that many businesses and government agencies made resolutions in regard to the seriousness of what happened, that the NAACP asked the Board of Supervisors to do a similar resolution and understands the Board has said no, that their didn't seem to be interest beyond the person/organization making that request, that Mrs. Hobbs gathered 457 signatures to ask the Board to make this resolution, that the Board made a statement but did not make a resolution, why deny, that many counties in Virginia have made similar resolutions as well as some private businesses such as Sheltering Arms, CarMax, Capital One, that we are again affirming our humanity, our first class citizen rights, we are again asking for a resolution, reference to a similar request after the Juneteenth celebration march on June 19, 2020, of the many ethnicities that marched from the school to courthouse for a celebration, it was not as a protest, and we were met by white armed militia, of the Board putting together a community race relations committee to explore a resolution, that we are affirming our humanity, we are first class citizens, as a black community we have an interest that the Board has to deal with, when the Board campaigns again these issues will not go away, they will be there and we ask that you deal with them before that time.

Lisa Melton, 3701 Fauquier Gardens Road, District 2 yielded her time to Wendy Hobbs.

Wendy Hobbs referenced coming before the Board a year ago as President of the Goochland NAACCP requesting the Board make a resolution to condemn racism and all the problems that it brings, of her speech and critical elements that should be listed in the resolution, the resolution never materialized despite the hundreds of persons who signed the petition, of being advised that the Board did not want to do a resolution, is not aware of a public meeting held where this was discussed and voted on as a body, where is transparency in that, reference to two community race relation committee meetings held in September and October of 2020, in midst of COVID with no vaccine, that Board meetings were being held by Zoom, why we cannot meet by Zoom, as a member of this community and President of Goochland NAACP it is appalling to us that you pick and choose what resolutions you do, the one time the black community comes and says we want a resolution condemning racism and all of its ills, we get ignored, this is her third time speaking to this issue to the Board, has sent letters, presented petitions, with no response, we are your constituents, of black constituents in all districts, that during the October race relations committee meeting of possibly coming back to work on a resolution yet not another meeting, reference to a meeting with Mr. Young on June 3rd who stated he will draft a resolution and will take to the Board, Mr. Young is not here, that is another concern, he was hired by the Board as a qualified candidate out of forty, and pushed out of the door, is that because he asked for a resolution, our first black county administrator and is gone in nine months, we need an explanation. You are supposed to represent all and this is the one thing we are asking you to do, reference to the upcoming meeting with legislators and the agenda, reference to the gun rights resolution, we want that same privilege, things that impact the black community like not being able to get our shots, not getting medical care be a part of the agenda, this is not right, Goochland is not in a bubble, we support our black people, we again ask for the resolution, when you campaign and you are running for office and showing up at our churches in our community, you have to go beyond that and do your job as a county board member.

Seeing no one else wishing to speak, the citizen comment period was closed.

IX. Approval of Minutes

4067: Approval of Minutes: May 4 and June 1, 2021

On a motion by Mr. Peterson, and seconded by Ms. Lascolette, which carried by a 5-0 vote, the Board of Supervisors approved the Minutes of May 4 and June 1. All ayes.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Ken Peterson, District 5 Supervisor
SECONDER:	Susan Lascolette, District 1 Supervisor
AYES:	Lascolette, Peterson, Lumpkins, Spoonhower, Sharpe

X. Reports

1. 4068: VDOT - June 2021

Marshall Winn, Residency Administrator for VDOT gave a report out on maintenance activities, project development, pending studies and completed studies for June.

PROJECT DEVELOPMENT

105734 Routes 522 Sandy Hook Road and 632 Fairground Road Roundabout; Right of Way Acquisition was completed in December 2020. Utility Relocation has begun and is scheduled to be completed by January 2022. Project is on schedule for a February 2022 Advertisement. (Per Tony Haverly, VDOT PM)

114675 ST4A / LM4A Surface Treatment; several routes remain, routes are not on the two-week look ahead schedule, will continue to forward the TWLA upon receipt.

114676 I-64 Bridge Rehabilitation; Route 522 Sandy Hook Road concrete substructure repairs, on-going.

Pending Studies:

- **Speed Study:** Route 701 Oakland Church Road; from Route 250 Broad Street Road to Route 611 Dongola Road Intersection (Louisa County Line); Submitted to Traffic Engineering for review.

Completed Studies

- **Pedestrian Crossing Study:** Route 6 River Road West and Route 522 Sandy Hook Road; analyze proper location to collect pedestrian data; pending finalization of new policy; unsignalized midblock crossings. Work will not be completed at this time.

2. 4064: Introduction of New County Staff

Jessica Rice, Human Resources Director stated on behalf of County Administration, I am pleased to announce new staff in the Parks and Recreation Department and Sheriff's Office.

The County's Parks and Recreation Department began Summer Camp programs in June. Madeline Gore, Tess Szatkowski, Isabelle Clune, and Suzannah Anderson have joined current County staff for the summer and are working as camp counselors.

Due to a resignation, Cody Bollinger began employment on June 24, 2021, as a full-time Deputy for the Sheriff's office. Deputy Bollinger comes to us from the Henrico Sheriff's Office where he served as an Investigator.

3. 4048: Planning and Development Activity

Minutes Acceptance: Minutes of Jul 6, 2021 2:00 PM (Approval of Minutes)

Chair Lumpkins noted the Planning and Development activity report is in the Board packet and asked if there were any questions.

4. 4061: Accounts Payable

Chair Lumpkins stated the Accounts Payable Report for April, May and June 2021 is in the packet and asked if there were any questions.

5. Board Reports

Supervisor Spoonhower spoke to PlanRVA Chair leadership, with regards to the Central VA Transportation Authority (CVTA) a lot of work going on regarding expenditures of regional projects, asked to Chair a committee regarding personnel decisions that need to be made noting the General Assembly created a regional Authority to increase taxes on gasoline and sales tax, those funds go to localities with a portion going to regional, though did not set up how it was to be organized, we are working through that, and I have been asked to Chair that and report back in August with our recommendations as far as if it should be its own entity or fall under PlanRVA.

Supervisor Lascolette spoke to her and Chair Lumpkins serving on the Regional Transportation Planning Organization, is pleased current Chair is from Powhatan, and she is Vice-Chair, so we have two small localities in leadership here and hopefully we can steer the organization slightly, we are outnumbered by the larger localities, nature of the beast, hopefully we can get a few things in our favor.

Vice-Chair Peterson spoke to the Board of Supervisors Audit and Finance Committee, while we did not meet this month, we are scheduled to meet in August and will have a fairly full agenda including the ongoing audit since fiscal year ended June 30, we have a pending referendum, and of course the quarterly budget meeting to track the budget.

XI. Consent Agenda

Chair Lumpkins gave a brief overview of consent agenda items.

1. 4051: Resolution amending the Fiscal Year 2022 Goochland County Budget by budgeting and appropriating \$107,000 in the General Fund for a new Commercial Building Inspector and adding 1.0 full-time equivalent position in the Fiscal Year 2022 - Community Development Department

On motion of Mr. Spoonhower, and seconded by Ms. Lascolette, which carried by a 5-0 vote, the Board of Supervisors approved a Resolution amending the Fiscal Year 2022 Goochland County Budget by budgeting and appropriating \$107,000 in the General Fund for a new Commercial Building Inspector and adding 1.0 full-time equivalent position in the Fiscal Year 2022 - Community Development Department. All ayes.

Resolution amending the Fiscal Year 2022 Goochland County Budget by budgeting and appropriating \$107,000 in the General Fund for a new Commercial Building Inspector and adding 1.0 full-time equivalent position in the Fiscal Year 2022 - Community Development Department

WHEREAS, on April 20, 2021, the Goochland County Board of Supervisors adopted and appropriated the Fiscal Year 2022 Goochland County Budget in the amount of \$141,274,251; and

WHEREAS, Virginia Code § 15.2-2507 states that any locality may amend its budget to adjust the aggregate amount to be appropriated during the current fiscal year; and

WHEREAS, the Board wishes to amend its budget and appropriate funds for a new Commercial Building Inspector, and add 1.0 full-time equivalent position to its Fiscal Year 2022 budget.

NOW, THEREFORE, BE IT RESOLVED, the Fiscal Year 2022 Goochland County Budget is hereby amended, and the funds appropriated as shown:

GENERAL FUND

REVENUES

Building permits	\$107,000
------------------	-----------

EXPENDITURES

Salaries, benefits, car	\$107,000
-------------------------	-----------

BE IT FURTHER RESOLVED, 1.0 full-time equivalent position is added in the Fiscal Year 2022 Community Development Department for a Commercial Building Inspector.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Neil Spoonhower, District 2 Supervisor
SECONDER:	Susan Lascolette, District 1 Supervisor
AYES:	Lascolette, Peterson, Lumpkins, Spoonhower, Sharpe

2. 4044: Resolution amending the Fiscal Year 2022 Goochland County Budget by budgeting and appropriating \$189,500 in the Utilities Capital Improvement Fund for the Jenkins Trailer Park water connection project and authorizing contract execution

On motion of Mr. Spoonhower, and seconded by Ms. Lascolette, which carried by a 5-0 vote, the Board of Supervisors approved a Resolution amending the Fiscal Year 2022 Goochland County Budget by budgeting and appropriating \$189,500 in the Utilities Capital Improvement Fund for the Jenkins Trailer Park water connection project and authorizing contract execution. All ayes.

Resolution amending the Fiscal Year 2022 Goochland County Budget by budgeting and appropriating \$189,500 in the Utilities Capital Improvement Fund for the Jenkins Trailer Park water connection project and authorizing contract execution

WHEREAS, on April 20, 2021, the Goochland County Board of Supervisors adopted and appropriated the Fiscal Year 2022 Goochland Operating Budget in the amount of \$141,274,251; and

WHEREAS, Virginia Code § 15.2-2507 states that any locality may amend its budget to adjust the aggregate amount to be appropriated during the current fiscal year; and

WHEREAS, Piedmont Construction Company, with a bid of \$126,945.05, was declared the lowest responsive and responsible bidder to the County's invitation for construction bids for the Jenkins Trailer Park water connection project issued on May 12, 2021; and

WHEREAS, costs for this project including design and construction will be reimbursed with federal funds through the Virginia Department of Health pursuant to a funding agreement for a "principal forgiveness loan" from the Virginia Resources Authority, and need to be budgeted and

Minutes Acceptance: Minutes of Jul 6, 2021 2:00 PM (Approval of Minutes)

appropriated to complete the project.

NOW, THEREFORE, BE IT RESOLVED, the Fiscal Year 2022 Goochland County Budget is hereby amended, and the funds appropriated as shown:

UTILITIES CAPITAL IMPROVEMENT FUND

REVENUES

Federal Clean Water State Revolving Funds	\$ 189,500
---	------------

EXPENDITURES

Design and construction - Jenkins Trailer Park Water Connection	\$ 189,500
---	------------

BE IT FURTHER RESOLVED, the County Administrator is authorized to execute 1) the funding agreement with the Virginia Resources Authority for a principal forgiveness loan in the amount of \$189,500, subject to its approval as to form by the County Attorney, and 2) the construction contract with Piedmont Construction Company for \$126,945.05 subject to its approval as to form by the County Attorney.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Neil Spoonhower, District 2 Supervisor
SECONDER:	Susan Lascolette, District 1 Supervisor
AYES:	Lascolette, Peterson, Lumpkins, Spoonhower, Sharpe

3. 4052: Resolution requesting VDOT Accept Roads in Readers Branch, Section 2 into the Secondary System of State Highways for Maintenance

On motion of Mr. Spoonhower, and seconded by Ms. Lascolette, which carried by a 5-0 vote, the Board of Supervisors approved a resolution requesting that VDOT accept roads in Readers Branch, Section 2 into the secondary system of state highways for maintenance. All ayes.

Resolution Requesting that the Virginia Department of Transportation add roads in Readers Branch, Section 2 to the Secondary System of State Highways for Maintenance

WHEREAS, the Readers Branch Section 2 has been completed; and

WHEREAS, the streets of Readers Branch Section 2 meet the public service criteria of the Secondary Street Acceptance Requirements; and

WHEREAS, the development sketch and VDOT Form AM-4.3, attached and incorporated as part of this resolution, define additions required in the Secondary System of State Highways as a result of construction; and

WHEREAS, VDOT has notified the County that the street segments identified on the incorporated Form AM-4.3 are ready to be accepted into the Secondary System of State Highways.

NOW THEREFORE, BE IT RESOLVED, that the Goochland County Board of Supervisors hereby requests the Virginia Department of Transportation add the street segments described as Bremner Ridge Circle (Rte 1288), North Crossing Drive (Rte. 1289), and Readers Branch Blvd (Rte. 1290) on the incorporated Form AM-4.3 (**Exhibit A**) to the Secondary System of State Highways, pursuant to Virginia Code § 33.2-705 and VDOT's Subdivision Street Requirements, after receiving

Minutes Acceptance: Minutes of Jul 6, 2021 2:00 PM (Approval of Minutes)

both a copy of this resolution and all outstanding fees and documents required of the developer; and

BE IT FURTHER RESOLVED that a clear and unrestricted right-of-way, and any necessary easements for cuts, fills, and drainage shall be provided to VDOT, and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the VDOT Area Land Use Engineer.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Neil Spoonhower, District 2 Supervisor
SECONDER:	Susan Lascolette, District 1 Supervisor
AYES:	Lascolette, Peterson, Lumpkins, Spoonhower, Sharpe

4. 4050: Resolution to Adopt Secondary Six Year Plan Priorities 2022-2027

On motion of Mr. Spoonhower, and seconded by Ms. Lascolette, which carried by a 5-0 vote, the Board of Supervisors approved a resolution adopting the Fiscal Year 2022-2027 Secondary Six Year Transportation Plan Priorities for Secondary Roads. All ayes.

RESOLUTION ADOPTING THE FISCAL YEAR 2022-2027 SECONDARY SIX YEAR TRANSPORTATION PLAN PRIORITIES FOR SECONDARY ROADS

WHEREAS, the Secondary Six Year Plan proposes road improvements that will improve the road network to the benefit of County citizens and will be in the best interests of our secondary road system; and

WHEREAS, the Residency Administrator for the Virginia Department of Transportation recommends approval of the Secondary Six Year Plan and budget for Secondary Roads (FY2022 through FY2027) for Goochland County, attached as **Exhibit A and Exhibit B**.

NOW, THEREFORE, BE IT RESOLVED, on this 6th day of July, 2021, the Goochland County Board of Supervisors hereby adopts the Fiscal Year 2022-2027 Secondary Six Year Transportation Plan and Budget for Secondary Roads, as described on Exhibits A and B, attached hereto and adopted herein by reference.

FURTHERMORE, WHEREAS, Virginia Code § 33.1-70.1 permits the hard surfacing of certain unpaved roads deemed to qualify for designation as Rural Rustic Roads; and

WHEREAS, any such roads must be in a low-density development area and have no more than 1,500 vehicles per day; and

WHEREAS, the Board desires that each of the following roads be designated a Rural Rustic Road:

Rte. 706 - Jerusalem Church Rd. from Three Chopt Road to End State Maintenance

Rte. 703 - Herndon Rd. from Pryor Road to End State Maintenance

Rte. 677 - Bowles Rd. from Shannon Hill Rd. to End State Maintenance

Rte. 627 - Ben Lemond Rd. from Rock Castle Rd. to End State Maintenance

WHEREAS, the Board is unaware of pending development that will significantly affect the existing traffic on these roads; and

WHEREAS, the public has been made aware that these roads may be paved with minimal

Minutes Acceptance: Minutes of Jul 6, 2021 2:00 PM (Approval of Minutes)

improvements; and

WHEREAS, the Board believes that these roads should be so designated due to qualifying characteristics; and

WHEREAS, these roads are in the Board's current SSYP;

NOW, THEREFORE, BE IT RESOLVED, this 6th day of July, 2021, the Board hereby designates these roads Rural Rustic Roads, and requests that the Local Manager for the Virginia Department of Transportation concur in this designation.

BE IT FURTHER RESOLVED, the Board requests that these roads be hard surfaced and, to the fullest extent prudent, be improved within the existing right-of-way and ditch-lines to preserve, as much as possible, the adjacent trees, vegetation, side slopes, and rural rustic character along these roads in its current state.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Residency Administrator of the Virginia Department of Transportation.

BE IT FURTHER RESOLVED, that the County Administrator is authorized to execute all appropriate agreements or documents for projects with the Virginia Department of Transportation in the approved Secondary Six Year Plan, provided the agreements or documents are in legally approvable form.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Neil Spoonhower, District 2 Supervisor
SECONDER:	Susan Lascolette, District 1 Supervisor
AYES:	Lascolette, Peterson, Lumpkins, Spoonhower, Sharpe

5. 4046: Resolution to Designate Goochland County as a Destination Marketing Organization

On motion of Mr. Spoonhower, and seconded by Ms. Lascolette, which carried by a 5-0 vote, the Board of Supervisors approved a Resolution designating Goochland County as a destination marketing organization, and the economic development office as the chief liaison. All ayes.

Resolution Designating Goochland County as a Destination Marketing Organization

WHEREAS, the Goochland County Board of Supervisors wishes to increase tourism opportunities in Goochland County; and

WHEREAS, the Commonwealth of Virginia's Tourism Corporation coordinates marketing activities solely with Destination Marketing Organizations within the state to market the Commonwealth as a premier travel destination; and

WHEREAS, increasing tourism to Goochland County would serve to increase local business, in turn increasing tax revenues to the County.

NOW, THEREFORE, BE IT RESOLVED, this 6th day of July, 2021, the Goochland County Board of Supervisors requests that the Virginia Tourism Corporation recognize Goochland County as a Destination Marketing Organization; and

Minutes Acceptance: Minutes of Jul 6, 2021 2:00 PM (Approval of Minutes)

BE IT FURTHER RESOLVED, the Board of Supervisors authorizes and directs the Economic Development Department to act as the County's chief liaison for the Destination Marketing Organization.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Neil Spoonhower, District 2 Supervisor
SECONDER:	Susan Lascolette, District 1 Supervisor
AYES:	Lascolette, Peterson, Lumpkins, Spoonhower, Sharpe

6. 4056: Resolution Terminating Local Emergency Declaration

On motion of Mr. Spoonhower, and seconded by Ms. Lascolette, which carried by a 5-0 vote, the Board of Supervisors approved a Resolution terminating the Local Emergency declared on March 13, 2020. All ayes.

Resolution Terminating Local Emergency Declaration

WHEREAS, on March 13, 2020, pursuant to the authority of Virginia Code § 44.1-146.21, the Goochland County Director of Emergency Management and the Board of Supervisors Chair declared a state of emergency in Goochland County due to the potential public health threat from the spread of novel coronavirus (COVID-19); and

WHEREAS, the Board of Supervisors approved that declaration at its special meeting on March 26, 2020; and

WHEREAS, the Board of Supervisors now finds that the effects of the emergency have diminished and it is appropriate to now terminate the Local Emergency Declaration.

NOW, THEREFORE, BE IT RESOLVED, by the Goochland County Board of Supervisors that the effects of the emergency have diminished and the state of emergency is no longer needed. Therefore, the current state of emergency is hereby terminated, effective immediately.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Neil Spoonhower, District 2 Supervisor
SECONDER:	Susan Lascolette, District 1 Supervisor
AYES:	Lascolette, Peterson, Lumpkins, Spoonhower, Sharpe

7. 4053: Authorization for County Administrator to Execute a Memorandum of Agreement with the Central Virginia Transportation Authority

On motion of Mr. Spoonhower, and seconded by Ms. Lascolette, which carried by a 5-0 vote, the Board of Supervisors authorized the County Administrator to execute a Memorandum of Agreement with the Central Virginia Transportation Authority regarding the distribution and use of funds under Chapter 1235 of the 2020 Virginia Acts of Assembly. All ayes.

Minutes Acceptance: Minutes of Jul 6, 2021 2:00 PM (Approval of Minutes)

RESULT: APPROVED [UNANIMOUS]
MOVER: Neil Spoonhower, District 2 Supervisor
SECONDER: Susan Lascolette, District 1 Supervisor
AYES: Lascolette, Peterson, Lumpkins, Spoonhower, Sharpe

8. 4034: Request to Set a Public Hearing for August 3, 2021, to consider an ordinance amending County Code Section 14-251 (Tuckahoe Creek Service District) to include within the service district a parcel located at the intersection of Johnson Road and Ashland Road identified as Tax Map No. 48-5-0-1-A

On motion of Mr. Spoonhower, and seconded by Ms. Lascolette, which carried by a 5-0 vote, the Board of Supervisors approved setting a public hearing for August 3, 2021, to consider an ordinance amending Goochland County Code Section 14-251 to add this tax parcel into the Tuckahoe Creek Service District. All ayes.

RESULT: APPROVED [UNANIMOUS]
MOVER: Neil Spoonhower, District 2 Supervisor
SECONDER: Susan Lascolette, District 1 Supervisor
AYES: Lascolette, Peterson, Lumpkins, Spoonhower, Sharpe

9. 4060: Authorize execution of Second Amendment to Lease with the Central Virginia Blacksmiths Guild extending rent abatement to January 1, 2022.

On motion of Mr. Spoonhower, and seconded by Ms. Lascolette, which carried by a 5-0 vote, the Board of Supervisors approved execution of the Second Amendment to Lease with the Central Virginia Blacksmiths Guild extending rent abatement to January 1, 2022. All ayes.

RESULT: APPROVED [UNANIMOUS]
MOVER: Neil Spoonhower, District 2 Supervisor
SECONDER: Susan Lascolette, District 1 Supervisor
AYES: Lascolette, Peterson, Lumpkins, Spoonhower, Sharpe

10. 4065: Human Resources Policy Manual Amendment

On motion of Mr. Spoonhower, and seconded by Ms. Lascolette, which carried by a 5-0 vote, the Board of Supervisors approved the proposed changes to the Human Resources Policy Manual. All ayes.

RESULT: APPROVED [UNANIMOUS]
MOVER: Neil Spoonhower, District 2 Supervisor
SECONDER: Susan Lascolette, District 1 Supervisor
AYES: Lascolette, Peterson, Lumpkins, Spoonhower, Sharpe

XII. New Business

1. 4066: Presentation on 2021 Virginia Telecommunication Initiative Broadband Project with Port 80 Internet

Evan Weiner, Managing Member of Port 80 Internet Services LLC gave a presentation on the 2021 Virginia Telecommunication Initiative (VATI) Broadband Project with Port 80

Internet Services (additional information can be found on the county's website www.goochlandva.us)

Overview included Port80 history, project highlights, project map initial, project map showing RDOF, project specifics, project map final, and process.

2. Agency Presentations: Commonwealth's Attorney & Registrar

Mike Caudill, Commonwealth's Attorney gave an annual report out; overview included, "who they are, what they do, jurisdiction responsibility."

Ryan Mulligan, Registrar gave an annual report out; overview included, "registrant count 2021, registrant count 2018, net gain by precinct, 2018-2021, net gain 2018-2021, 2020 new legislation, 2021 new legislation, accomplishments, goals."

3. 4045: Presentation of Resolution amending Fiscal Year 2021 Budget - County and Schools

Barbara Horlacher, Deputy County Administrator for Administrative Services gave an overview of FY21 budget amendments.

On motion of Mr. Spoonhower, and seconded by Mr. Sharpe, which carried by a 5-0 vote, the Board of Supervisors approved the following resolution amending the Fiscal Year 2021 Goochland County Budget by budgeting and appropriating \$400,675 in the County General Fund, the School Operating Fund, and the School Grant Fund, and authorizing transfers that exceed \$7,500. All ayes.

Resolution amending the Fiscal Year 2021 Goochland County Budget by budgeting and appropriating \$400,675 in the County General Fund, the School Operating Fund, and the School Grant Fund, and authorizing transfers that exceed \$7,500

WHEREAS, on April 21, 2020, the Goochland County Board of Supervisors adopted and appropriated the Fiscal Year 2021 Goochland County Budget in the amount of \$85,753,650; and

WHEREAS, Virginia Code § 15.2-2507 states that any locality may amend its budget to adjust the aggregate amount to be appropriated during the fiscal year; and

WHEREAS, pursuant to the Fiscal Year 2021 budget appropriation Resolution 3560, fund category transfers which exceed \$7,500 require authorization from the Board of Supervisors.

NOW, THEREFORE, BE IT RESOLVED, the Fiscal Year 2021 Goochland County Budget is hereby amended, and the funds appropriated and transferred as shown:

Project	Amount	Totals	Source of Funds
County General Fund			
Various departments - COVID vaccination clinics	\$ 70,000		Coronavirus relief funds (ARPA)
		\$ 70,000	
IT department - contracts	105,000		Reserve for contingencies
Convenience Centers	50,000		Reserve for contingencies
Grounds	40,000		Reserve for contingencies
Reserve for contingencies	(195,000)		Reserve for contingencies
		-	
School Operating Funds			
Instruction	(65,000)		Staff savings
Admin/Health	65,000		PR and website consultants
Transportation	(50,000)		Staff savings
Operations/Maintenance	25,000		Maintenance projects
Technology	25,000		Higher software costs
		-	
School Operating Funds			
Technology costs	29,750		Goochland Educ. Foundation donation
		29,750	
Federal Grant Fund			
Technology/maintenance/facility expenses	300,925		ESSER Fund (CARES Act)
		300,925	
GRAND TOTAL		\$ 400,675	GRAND TOTAL

RESULT: APPROVED [UNANIMOUS]
MOVER: Neil Spoonhower, District 2 Supervisor
SECONDER: Don Sharpe, District 4 Supervisor
AYES: Lascolette, Peterson, Lumpkins, Spoonhower, Sharpe

4. 4040: Motion to enter a Closed Meeting for the purpose of discussing the performance and duties of the County Administrator, as permitted by Virginia Code § 2.2-3711(A)(1). Certification at the Conclusion of the Closed Meeting.

Motion to Convene Closed Meeting

On motion of Mr. Sharpe, and seconded by Mr. Peterson, which carried by a 5-0 vote, the Board of Supervisors, in accordance with the provisions of Virginia Code §§ 2.2-3711(A)(1), moved that the Goochland County Board of Supervisors convene in Closed Meeting for the purpose of discussing the performance and duties of the County Administrator. Roll call vote:

Aye: Spoonhower, Lascolette, Peterson, Sharpe, Lumpkins
Nay: None

RESULT: APPROVED [UNANIMOUS]
MOVER: Don Sharpe, District 4 Supervisor
SECONDER: Ken Peterson, District 5 Supervisor
AYES: Lascolette, Peterson, Lumpkins, Spoonhower, Sharpe

Certification of Closed Meeting

On motion of Mr. Lumpkins, and seconded by Mr. Spoonhower, which carried by a 5-0 vote, the Board of Supervisors, pursuant to Virginia Code § 2.2-3712(D), moved that the Board members hereby certify that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements under the Freedom of Information Act, and (ii) only such public business matters as were identified in the motion convening the Closed Meeting were heard, discussed, or considered in the Closed Meeting.

Aye: Sharpe, Peterson, Lascolette, Spoonhower, Lumpkins
 Nay: None

RESULT: APPROVED [UNANIMOUS]
MOVER: John Lumpkins, District 3 Supervisor
SECONDER: Neil Spoonhower, District 2 Supervisor
AYES: Sharpe, Peterson, Lascolette, Spoonhower, Lumpkins

5. 4069: Board Action After Closed Meeting - *Add-On*

On motion of Mr. Peterson, and seconded by Ms. Lascolette, which carried by a 5-0 vote, the Board of Supervisors approved the following actions: 1) Accept Mr. Young's resignation and authorize the execution of associated agreements; 2) Appoint Chief Ferguson as the Interim Local Director of Emergency Management; and 2) Authorize Deputy County Administrators Jo Ann Hunter and Barbara Horlacher to take any action within the County Administrator's authority. Roll call vote:

Aye: Lascolette, Spoonhower, Peterson, Sharpe, Lumpkins
 Nay: None

RESULT: APPROVED [UNANIMOUS]
MOVER: Ken Peterson, District 5 Supervisor
SECONDER: Susan Lascolette, District 1 Supervisor
AYES: Lascolette, Peterson, Lumpkins, Spoonhower, Sharpe

XIII. Dinner Break: The Board adjourned for dinner.

XIV. Call to Order, 6:00 PM

Chair John Lumpkins called the 6:00 PM Meeting to Order.

XV. Citizen Comment

Chair John Lumpkins opened the meeting to citizen comment.

Wendy Hobbs, Sandy Hook spoke to a Pfizer clinic at the Goochland Recreation Center, 2415 Sandy Hook Rd. on July 15th, 4-7 PM, of not having the Zoom link for this afternoon's meeting, hopes the Board is not going to remove that option to citizens the meetings are at 2-6 PM, people are work at 2PM or getting off at 5PM and cannot get here to talk at 6 PM, recommends we continue to use both options for citizen engagement, of persons who are here this evening in support of a resolution that condemns racism and all of its ills, wants them to know we did discuss that with you this afternoon.

Michael McDermott, 1879 Spruce Lane, 1576 Whippoorwill Road spoke to the Tuckahoe Creek Service District (TCSD), district was enacted in 2002, he has been paying the ad valorem tax for 19 years, water hooked up a couple of years ago still no sewer, we are being offered no relief for sewer connection, 20 years is a long time, is a generation, is frosted by the accountability that county has to its citizens, referenced a letter received on May 22, 2017 from Eagle Construction/Markel partners about their plans to build Readers Branch, nice neighborly letter, adding Markel is a profit driven, public company answerable to shareholders. In 2021, four years later, Readers Branch is half developed/occupied, they are generating revenue from their investment, that same year in September

26, 2017, received a letter from county's Department of Public Utilities, as a property owner, about the plans regarding sewer service in neighborhoods. Four years later, still no sewer. So, in four years, a public, profit driven company can come in, notify, get permits, build, occupy and generate revenue yet Goochland County is still dragging their feet. Referenced most recent letter from county of June 23, 2021, that they finally have all the easements, and they are now proceeding with the construction phase which we anticipate having a contractor selected by August 21, four years later. Mr. McDermott stated he has been before the Board speaking to this, what happened? A contractor was supposedly selected a couple of years ago, of a final design, is boggled how a private company can come in and start shoveling dirt and get something done and our government is hand-strung and yet also is paying ad valorem taxes for another four more years, for services I cannot receive, which even if they go into construction phase, to me is another year down the road, that is five years.

Rebecca Murphy, 12898 Holly Lane, expressed concern about traffic on Hockett Road, of a hit and run with a cyclist on the corner of Holly Lane and Hockett Road, person was severely injured, person drove off. Cyclist had arm out to make a left turn on Hockett Road, car was speeding and tried to pass them on the left, cyclist flew off and was severely hurt, of the 55 mph when turning off Broad Street onto Hockett Road, main concern being up by Readers Branch where people are walking and crossing the road. Of some persons who speed up being anti- pedestrian, there will be a fatality one of these days, what is Goochland County going to do to prevent that, knows VDOT oversees speed limit, but what about cross walks, what about roundabouts, they slow traffic, you don't have to pay for electricity for a light, what about the east end of county where most of the population is. There is a pandemic, people are out more walking, sees it on Rt. 740 where Hockett and Hermitage are connected by Tuckahoe Creek Parkway, people are walking between neighborhoods, on the road around blind curves, Goochland is not pedestrian friendly, that needs to change, Goochland is not bicycle friendly, wants to know what county will do as part of that, realizes VDOT determines speed limit, spoke to other actions county could take such as patrolling roads more, county could push to lower speed limit, you cannot have a 55 mph with three residential neighborhoods in a row, now you are talking a fourth one, road is not wide enough, there is one lane each way, roads cannot handle what we have, reference to I-64 and Rockville Road, you cannot get out of the Tractor Supply at rush hour without sitting in traffic for 15 minutes, would appreciate the Board solving this problem before someone is killed.

Marie Owens, 621 Fed Lane, spoke to attending Board meetings and Planning Commission meetings in the past to try to maintain the ruralness of Goochland, eastern side of county has to have these massive additions to our roadways which we cannot support. Does not believe RPUD as necessary on Songbird, thinks one house on 2 acres is a nice, low density country atmosphere place and is much more applicable and will not really impact the number of cars on Hockett Road. *Chair Lumpkins advised citizen that the public comment period for this case this evening will open shortly if she is speaking to the application scheduled for public hearing this evening, if she could hold her thoughts until then.*

Derek Stamey, 2750 Springfaire Dr., congratulated the Board on the award the county received for the History Center project and the Courthouse Green, much work into that project by county staff, Parks & Rec and General Services and the Historical Center and is another great example of how local government engages its community for the benefit of its residents. Mr. Stamey spoke to the Goochland Youth Athletic Association State Tournament 2021 Dixie Youth - Boy's Baseball held in Goochland; included 23 baseball teams, 340 players, 1200 spectators, 90 volunteers per day, estimated economic impact to Goochland County \$60,149.

Seeing no one else wishing to speak, the citizen comment period was closed.

XVI. Public Hearings

1. 4038: Ordinance Repealing Uncodified Ordinance for the Continuity of Government Operations During the Pandemic

Tara McGee, County Attorney gave an overview of the Ordinance repealing Uncodified Ordinance for the Continuity of Government Operations During the Pandemic.

On motion of Ms. Lascolette, and seconded by Mr. Peterson, which carried by a 5-0 vote, the Board of Supervisors approved the Ordinance repealing Uncodified Ordinance for the Continuity of Government Operations During the Pandemic. Roll call vote:

Aye: Lascolette, Peterson, Spoonhower, Sharpe, Lumpkins
Nay: None

Ordinance repealing Uncodified Ordinance for the Continuity of Government Operations During the Pandemic

WHEREAS, Virginia Code §§ 15.2-1427 and 15.2-1433 enable a local governing body to adopt, amend, and codify ordinances or portions thereof; and

WHEREAS, on March 26, 2020, in response to the states of emergency declared at the national, state, and county level due to the COVID-19 pandemic, the Board of Supervisors adopted, pursuant to authority in Virginia Code § 15.2-1413, the uncodified Ordinance for the Continuity of Government Operations During the Pandemic, to ensure that it could continue to provide government services and operations during the state of emergency; and

WHEREAS, as required by law, the Board of Supervisors re-adopted the Ordinance for the Continuity of Government Operations During the Pandemic on May 5, 2020, after notice and public hearing; and

WHEREAS, given the public health conditions and recommendations at this time, it appears that the additional protections in the continuity ordinance are no longer necessary; accordingly, the Board wishes to repeal the uncodified Ordinance for the Continuity of Government Operations During the Pandemic; and

WHEREAS, the Board of Supervisors wishes to amend and update the County Code for the foregoing reasons; and

WHEREAS, the full text of this proposed ordinance amendment was available for public inspection in the Goochland County Administrator's Office, County Administration Building, 1800 Sandy Hook Road, Goochland, Virginia 23063.

WHEREAS, after proper advertisement was made as required by law, a public hearing was conducted on July 6, 2021, at the Goochland County Administration Building, Board Meeting Room 250, 1800 Sandy Hook Road, Goochland, Virginia 23063.

Minutes Acceptance: Minutes of Jul 6, 2021 2:00 PM (Approval of Minutes)

NOW, THEREFORE, BE IT ORDAINED, this uncodified ordinance allowing for the continuity of government operations during the pandemic is hereby repealed in its entirety:

An Uncodified Ordinance Allowing for the Continuity of Government Operations During the Pandemic

Sec. 1. Purpose; Effective Date; Expiration

~~—This ordinance allows for variances from state laws and county ordinances in order to protect the health, safety, and welfare of residents and employees from the spread of COVID-19 while still providing for government operations to continue during this state of emergency.~~

~~The operation of government includes management of all county facilities, management of the school system, and the work of all local boards, including the board of supervisors, the school board, the planning commission, the board of equalization, the board of zoning appeals, and any other local or regional board, commission, committee, or authority created by the board of supervisors or to which the board of supervisors appoints or recommends for appointment all or a portion of its members (collectively “Public Bodies” and individually “Public Body”), including employees who work for or on behalf of any Public Body.~~

~~At this time, public health experts recommend against assembling groups of people in confined spaces. Accordingly, this ordinance contains modifications for public meetings which should be followed while it is deemed unwise or unsafe to gather in one location a quorum for any Public Bodies, or to invite members of the public to physically gather together for public meetings.~~

~~—Moreover, the spread of COVID-19 may make it impossible or impractical for government operations to meet all normally imposed deadlines, regulations, and time frames, or to comport, in some instances, with lengthy procedures and processes such as procurement or employment processes.~~

~~—This emergency ordinance is effective immediately and will remain in effect for 60 days unless amended, rescinded, or readopted in conformity with the notice provisions of Virginia Code § 15.2-1427; however, in no event will the ordinance be effective for more than six months from the conclusion of the declared disaster. Upon repeal or expiration of this ordinance, normal government operations will resume.~~

Sec. 2. Public Meetings and Public Hearings

~~A. Any regularly scheduled or regular meeting of any Public Body may be canceled by the chair if there is no essential business that needs to occur or if conditions otherwise make it impractical to meet. Notice of the cancellation must be provided to the Public Body members and the public as soon as practicable.~~

~~B. In the alternative, any regularly scheduled or regular meeting of any Public Body may be held by solely electronic or telephonic means without a quorum of members physically present and without members of the public physically present, provided the following occurs:~~

~~— 1) The meeting is accessible to the public through live audio or video on the County's or Public Body's website, a dial-in telephone number, or a social media platform.~~

~~— 2) The agenda and public notice for the meeting must:~~

- ~~a) include a statement that the meeting is being held using electronic means under this ordinance;~~
- ~~b) contain specific information about how members of the public can access the meeting; and~~
- ~~c) if there are any public hearing or public comment items, specifically identify how members of the public can provide comment, including one or more of the following: by e-mail, in writing, by telephone, through a social media platform, or via other electronic means.~~

~~— 3) The agenda is posted on the County's or Public Body's website at least six days prior to the meeting, except that the agenda of any regularly scheduled meeting occurring within seven days of the adoption of this ordinance must be posted by two working days after adoption of this ordinance. Other materials associated with the meeting, if any, must be made available to the public at the same time they are provided to the Public Body members.~~

~~— 4) For public hearings and any items for which public comment is permitted, the following rules apply:~~

- ~~a) Normal rules of order apply with respect to requiring the name and home address of the commenter, that comments relate to the hearing or comment topic, that appropriate limits on the number of comments per person per item apply, and that comments be of reasonable length.~~
- ~~b) Public Bodies may allow public comments to be submitted via phone call, e-mail, or in writing, up until a reasonable time before the start of the meeting so long as those comments are provided to the Public Body members prior to any decision on an item.~~
- ~~c) If available, members of the public may provide comments through leaving a voicemail on a dedicated phone number up until a reasonable time before the start of the meeting so long as those comments are then provided to the Public Body members prior to any decision on an item.~~
- ~~d) If available, members of the public may provide comments through telephonic or interactive electronic means (call-in meeting access, social media platform) during the meeting so long as those comments are received by or provided to the Public Body members prior to any decision on an item.~~
- ~~e) The Public Body may choose to receive additional comments through any means for a period of time after the public hearing or public meeting, so long as it announces and publicizes that opportunity and those comments are provided to the Public Body members prior to any decision on an item.~~
- ~~f) All public comments must be made a part of the record of the Public Body either by being summarized in or included with the meeting minutes.~~

~~— 5) Any votes taken during the meeting must be taken by roll call, individually recording each member's name and vote.~~

~~—6) The minutes of any meeting under this ordinance must conform to the requirements of law, including identifying the forms of electronic communication used, the members participating and the means by which they participated, the opportunities for public access or participation, a summary of the public comments, if any, and the actions taken at the meeting.~~

~~C. Public Bodies may hold special meetings consistent with the provisions in (B) except that notice of the special meeting need only be provided at least three working days prior to the meeting, and the agenda and associated materials, if any, need to be made available to the public at the same time as they are made available to the Public Body members.~~

~~D. Public Bodies may hold emergency meetings consistent with Virginia Code § 2.2-3708.~~

~~E. Any item on an agenda for a regularly scheduled, regular, special, or emergency meeting held hereunder may be continued to a later date or time for the purpose of reviewing and considering comments from the public.~~

Sec. 3. Public Buildings, Facilities, Real Property and Events

~~The director of emergency management is empowered to restrict members of the public from entering or congregating around county owned buildings, facilities, and real property as is reasonably necessary to ensure the health, safety, and welfare of the public or county staff. Moreover, the director of emergency management may cancel, postpone, or reschedule any events scheduled for any county owned building, facility or property as necessary to ensure the health, safety, and welfare of the public or county staff.~~

Sec. 4. Additional powers of director of emergency management

~~A. *Funding and Contracts.* To the extent of unobligated funds available in excess of appropriations in the approved budget, the director of emergency management may enter into contracts and incur obligations necessary to protect the health and safety of persons and property, and to provide emergency assistance to persons affected by this disaster.~~

~~B. *Procedures.* The director of emergency management may proceed without regard to time consuming procedures and formalities prescribed by law (except mandatory constitutional requirements) pertaining to the performance of public work, entering into contracts, incurring obligations, employing workers, renting equipment, purchasing supplies and materials, and other expenditures of public funds.~~

~~C. *Other Temporary Actions.* The director of emergency management may temporarily take any of the following actions: waive or reduce fees imposed by county ordinance; waive enforcement, in whole or in part, of any county ordinance; and modify, limit, waive, suspend, or amend any county program, service, function, process, or procedure. The director must apply the action uniformly for similar situations and not on a case by case basis. The director's actions will only be effective until the next regular meeting of the board~~

~~of supervisors. The board of supervisors may ratify and extend the time for which the director's action remains in effect.~~

Sec. 5. Suspension of Deadlines, Time Frames, and Procedures

~~County personnel are encouraged to take action as is practical and appropriate to meet deadlines or time frames established under state law or county ordinances, however, notwithstanding any provision of law, regulation, or policy to the contrary, any deadlines requiring action by the county, any Public Body, or county employees are suspended. Time frames for review or expedited reviews are also suspended. Failure to meet any deadline or time frame will not constitute a default, violation, approval, ratification, or recommendation. Any policies or procedures inconsistent with this ordinance are hereby suspended.~~

2. Except as amended herein, all County Code provisions remain in effect.

3. This amendment shall be effective upon adoption.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Susan Lascolette, District 1 Supervisor
SECONDER:	Ken Peterson, District 5 Supervisor
AYES:	Lascolette, Peterson, Lumpkins, Spoonhower, Sharpe

2. 4054: District 3 - RZ-2021-00006 Application by Yellowstone Communities, LLC requesting a rezoning of 265.612 acres from Agricultural, Limited (A-2) to Residential, General (R-3), with proffered conditions, at Scott Road, Rural Hill Lane, Cedar Point Road, and Gathright Drive on Tax Map Nos. 42-1-0-14-0, 42-7-0-B-1, 42-7-0-B-0, 42-7-0-E-0, 42-7-0-D-0, 42-7-0-A-0, 42-7-0-B-2, and 42-1-0-59-A2. The Comprehensive Plan designates this area as Single Family Residential, Low Density.

Jamie Sherry, Director of Community Development gave an overview of application RZ-2021-00006 filed by Yellowstone Communities, LLC requesting a rezoning of 265.612 acres from Agricultural, Limited (A-2) to Residential, General (R-3), with proffered conditions, at Scott Road, Rural Hill Lane, Cedar Point Road, and Gathright Drive on Tax Map Nos. 42-1-0-14-0, 42-7-0-B-1, 42-7-0-B-0, 42-7-0-E-0, 42-7-0-D-0, 42-7-0-A-0, 42-7-0-B-2, and 42-1-0-59-A2. The Comprehensive Plan designates this area as Single Family Residential, Low Density.

Andrew Browning of Youngblood, Tyler & Associates, representative for applicant gave an overview of Yellowstone Communities "Rural Hill on The James."

Board discussion ensued on construction traffic coming through Reed Marsh, proffer language, staff comments regarding comp plan, topographical challenges, traffic concern, need something that addresses materiality differences, need for stronger proffers, timeline for Scott Road, price range of houses (\$600,000 - \$2 Million), exceptions require approval of Director of Community Development - will withdraw, reference to exhibit provided to the Board and what is in the Board packet, of the commitment to trails and sidewalk network.

Chair Lumpkins opened the hearing to public comment.

Minutes Acceptance: Minutes of Jul 6, 2021 2:00 PM (Approval of Minutes)

Michael McDermott, 1879 Spruce Lane, thought this was a public hearing and vote, not a negotiation, deny or defer.

Phillip Kuhn, 5370 Martin Road, supports development, lack of inventory crisis.

Marie Owen, 621 Fed Lane, requested developer leave large mature trees.

Mitchell Bodie, President Boone Homes, 62 Broad St. Rd. is building all homes in Reed Marsh, supports this development.

Tyler Minnix, spoke in opposition.

Courtney Hyer, 2450 High Ridge Lane, spoke in opposition.

Claudia Lawton, 3115 Rural Hill Lane, spoke to three personal issues, delay vote.

Bruce Black, 2430 Dorothea Lane, yielded time to Scott Road resident.

Diana Gordon, 2901 Pitts Drive yielded time to Kathy Haskins

Kathy Haskins, 3285 Scott Road, deny as is.

William Haskins, 3285 Scotts Road, spoke in opposition.

Tommy Towers, 3052 Rural Hill Lane, supports development.

Ken Hyer, 2450 High Ridge Lane, spoke in opposition, reject it.

David Hagen, 2900 Pitts Drive, not supportive of development.

Rev. Emily Dunnevant, Rectorate, Grace Church, 3095 Scott Road, not supportive of development.

Fred Jenkins, 3040 Gathright Drive, not supportive of development.

John Humphrey supports development.

Dwayne Dunnevant, 3095 Scott Road, not supportive of development.

Lois Costillo, 3245 River Road West spoke in opposition.

Terry Pitts, 3013 Pitts Drive, there is abundance of wildlife in this area, we need the wildlife.

Maria Jenkins, 3245 River Road West, spoke in opposition.

Seeing no one else wishing to speak, the public hearing was closed.

Rebuttal by Kerry Hutcherson, applicant, spoke to some proposed revisions to proffer conditions which have been passed along to the County Attorney and summarized his comments on concerns expressed.

Proffer 1 - Conceptual Plan - at end of second sentence, insert a comma and insert the phrase provided that no substantial changes are made to the concept plan.

Proffer 5 - Amenities - include language that says provided with issuance of the 100th certificate of occupancy the pavilion and docks would be constructed. Trails would be provided with construction of each section.

Proffer 6 - Sidewalks - add a sentence a connection shall be provided from sidewalks within the property to Reed Marsh and the county's pedestrian system.

Proffer 9 - Hours of Construction - realized we inadvertently left in a sentence allowing exceptions provided by Director of Community Development - happy to strike that

Proffer 15 - Road improvements - add a sentence that says road improvements shall be provided upon issuance of the 50th certificate of occupancy.

Proffer 20 - Construction traffic - strike the sentence that allows for an exception for vehicles using Scott Road for construction.

Proffer 21 - Severance - strike this proffer in its entirety.

Mr. Lumpkins asked about the 50' buffer and who maintains?

Mr. Hutcherson stated a sentence can be added in proffer 2 to clarify that all buffers shall be owned and maintained by the HOA for the property.

County Attorney McGee stated the proffers in the county packet are not the most recent proffers that the applicant has provided and expressed concern about the language as things are being discussed back and forth. County Attorney McGee stated she has the current language but realized the current language was not in the packet (applicant submitted changes late Thursday evening).

Ms. Lascolette stated the Board of Supervisors does not have a clean copy to make decisions on this evening.

On motion of Mr. Spoonhower, and seconded by Ms. Lascolette, which carried by a 5-0 vote, the Board of Supervisors moved to defer this application for public hearing/comment (depending on changes) and vote consideration of rezoning case RZ-2021-00006 for 265.612 acres on Scott Road, Rural Hill Lane, Cedar Point Road, and Gathright Drive from Agricultural, Limited (A-2) to Residential, General (R-3), with proffered conditions, to its August 3, 2021, meeting. Roll call vote:

Aye: Peterson, Lumpkins, Spoonhower, Sharpe, Lascolette

Nay: None

RESULT:	DEFERRED [UNANIMOUS]	Next: 8/3/2021 2:00 PM
MOVER:	Neil Spoonhower, District 2 Supervisor	
SECONDER:	Susan Lascolette, District 1 Supervisor	
AYES:	Lascolette, Peterson, Lumpkins, Spoonhower, Sharpe	

3. 4049: District 4 - RZ-2021-00005 Application by Towne & Country Realty Partners, LLC and Joy-Scott, LLC requesting rezoning of 65.227 acres from Agricultural, Limited (A-2) to Residential Planned Unit Development (RPUD), with proffered conditions, on Songbird Lane and Hockett Road for Tax Map Nos. 58-8-0-1-0, 58-8-0-2-0, 58-8-0-3-B, and 58-8-0-3-D. The Comprehensive Plan designates this area Single Family Residential, Low Density.

Jamie Sherry, Director of Community Development gave an overview of application RZ-2021-00005 Application by Towne & Country Realty Partners, LLC and Joy-Scott, LLC requesting rezoning of 65.227 acres from Agricultural, Limited (A-2) to Residential Planned Unit Development (RPUD), with proffered conditions, on Songbird Lane and Hockett Road for Tax Map Nos. 58-8-0-1-0, 58-8-0-2-0, 58-8-0-3-B, and 58-8-0-3-D. The Comprehensive Plan designates this area Single Family Residential, Low Density.

Ms. Lascolette inquired on acceptability of entrances for fire-rescue.

Jennifer Mullen, Roth Jackson, representative for applicant gave an overview of the application, spoke to 40+ letters of support and revision to proffers after the Board packet was released and asked for rebuttal time.

Chair Lumpkins opened the hearing to public comment.

Nancy Landry, 2140 Proffitt Road yielded her time to Jonathan Lyle
 Tim Moore, 2173 Proffitt Road yielded his time to Jonathan Lyle
 John Chewning, 330 Ryefield Road yielded his time to Jonathan Lyle
 Jonathan Lyle, 1521 Manakin Road, not supportive as presented, defer vote.

Sandie Warwick, 367 Swinburne Road, not supportive as presented, defer vote.

Marie Owen, 621 Fed Lane, not supportive as presented, defer vote.

Gaines Tavenner of Christian & Barton of Richmond, represents Rochelle and Marta Venson of 371 Songbird Lane, spoke to an easement concern, received proposal coming in the door, deny or defer vote.

Rochelle Venson, 375 Songbird Lane, received proposal coming in, asked for more time.

Michelle Williamson, 2262 Wheatlands Drive yielded time to Rob Williamson
 Rob Williamson, 2262 Wheatlands Drive, not supportive as presented, defer, or vote no.

Jane Schroder, 365 Hamlett Road, spoke in support of development.

Doug Dubois, spoke in support of development.

Scott Gaeser, 1505 Manakin Road, spoke in support of development.

Michael McDermott, 1879 Spruce Lane, spoke in opposition to, vote no or defer.

Lee Martin, 2531 Maplehawk Ct, Midlothian, owns 60 of the 65 acres before the Board this evening, paying taxes on this property for 46 years, determined now is a great time to sell, supports development.

Linda Moore, 2164 Proffitt Road, Board has always worked with us, stick to the Comprehensive Plan.

Seeing no one else wishing to speak, the public hearing was closed.

Rebuttal by Jennifer Mullen, Roth Jackson, applicant, and spoke to the Comp Plan being a guide, the development meets recommendations and implements the Comprehensive Plan in all chapters, revisions proposed are minor: take existing driveway and to change buffer area that use to have a fence and create that as a berm and include the 20' driveway to the rear of those lots, of multiple versions of plans to Venson's to show them on paper and to provide a letter agreement that we will provide that developer will pay for construction, pay to relocate road, gives direct access, offered to maintain encroachment, vacation of the existing easement relocated shown on note to the top area (the new piece), requested approval. Ms. Mullen spoke to much discussion between Mr. Gaeser and Mr. Venson over six months with a variety of different plans, of meeting a few times, what is left to be discussed thinks is to look at this revision to make sure it works, proffered everything on property or additional agreements that we need to come to, that is last piece remaining, this is one of the options stated for the public record, relocation would be provided by developer, connection provided by developer, fence and berm placement, two public entrances to development, Ware and Venson access discussion, perimeter buffer, existing driveway and access easement term, proper term for private access easement, petition circuit court, developer would be happy to maintain the 20' driveway as relocated, would allow fence in between the two to be maintained, relocations of easements, applicant requested Director of Community Development language in Proffer 1 - Conceptual Plan be removed, maintenance of a 20' driveway and who maintains if something happens to developer, stub roads, adjacent property owners and interconnectivity, of adding a proffer for, developer builds private road at their expense, we would pay the funds to property owner or we would construct, this is still what is unsettled about this.

Mr. Sharpe asked for clarity on if the Board can approve an application when questions concerning an easement has not been determined. County Attorney McGee spoke to staff's inability to respond to the idea of a driveway/private access being on the northern side of that berm and therefore in the perimeter buffer, that appears not in compliance with our ordinance, proffers are not allowed to violate our ordinances.

Ms. Lascolette stated there are concerns with the access road and that density is a far bigger issue that we have not yet addressed.

Mr. Sharpe stated the Comprehensive Plan talks about growth areas and two designated growth areas: Courthouse Village and Centerville, the Comprehensive Plan was reviewed in 2015, this was still left as low/medium density and yet there was water and sewer across the street, so when looked at in 2015 someone thought this was a good use of lower density, I know some feel like anything on the east end of county is fully developable, that we can put

high density anywhere in the east end, some believe that. I look at the plan and look at Tuckahoe Bridge, Tuckahoe Bridge started at 162, then came down to 98 homes on 98 acres, a mile from the village, here we are two miles from the village and yet talking doing higher density further out from the village, is the designated growth area from the Centerville Village where does that extend to... 2-5 miles out, village is a core area, comprehensive plan talks to the core village, it looks more like a medium density area than a high density, is a question he asks of the Board. Are we talking Centerville Village being the core village and having commercial and higher density areas in the Centerville core village, heard a plan earlier about the Goochland Village, Goochland Village is another area, are we going to run two miles down Rt. 6 and say that's the old Goochland Village, plan is great but would like to see on lower density, most of the stuff in Kinloch is an acre plus, of patio homes built on outer areas and they are not a full acre, my questions and comments.

Mr. Sharpe referenced the speed limit on Hockett Road, it was brought up to VDOT and they came back to say they have looked at and that there is nothing wrong with speed limit on Hockett Road, no need to change. That he spoke to the recent developments and is 55 mph safe through there, last time they did a speed study was 2014 and yet there is no interest in doing a speed study, is problematic, people are concerned about speed and VDOT doesn't seem to have a problem with.

Mr. Spoonhower referenced a remark by Ms. Moore about the Board working with them, and stated he believes it is more citizens and staff and developer working together, through that, good things came to us, the Board will work with folks. The Comprehensive Plan is a guide, not a stick to it, his district is seeing the impacts of less than managed growth, we are seeing rural, rural areas being subdivided by rights and losing timberland, losing a lot of things, we have to solve and figure this out, while it has to be flexible it can't be so wildly different that you are making two different kinds of ice cream, is okay with deviating from comp plan when it makes sense, but not to the degree that we are seeing here.

Mr. Spoonhower spoke to regional boards and educating citizens that we are at the mercy of VDOT and funding to get these roads improved. Until roads get to a certain position, it becomes a catch 22, we can't qualify to get the roads improved because we don't have the population, and our citizens don't want us to have the population so we can't get the roads improved to have the population, of working with legislators to try to change some of that so that smaller localities have a little more say in funding for roads. There will be situations where growth is going to be necessitated to get the infrastructure, it's just not where we are now. We are trying to do smart growth, we do need to get back to addressing what the village looks like and where is this growth going to be, it is not just coming, it is here, and we must manage it the right way.

On motion of Ms. Lascolette, and seconded by Mr. Sharpe, which carried by a 4-1 vote, the Board of Supervisors moved to defer consideration of rezoning case RZ-2021-00005 for 65.227 acres on Songbird Lane and Hockett Road from Agricultural, Limited to Residential Planned Unit Development, with proffered conditions, to its meeting of Tuesday, September 7, 2021, to include public hearing. Roll call vote:

Aye: Sharpe, Lascolette, Peterson, Lumpkins

Nay: Spoonhower

RESULT:	DEFERRED [4 TO 1]	Next: 9/7/2021 2:00 PM
MOVER:	Susan Lascolette, District 1 Supervisor	
SECONDER:	Don Sharpe, District 4 Supervisor	
AYES:	Lascolette, Peterson, Lumpkins, Sharpe	
NAYS:	Spoonhower	

4. 4043: Ordinance amending County Code Section 14-251 (Tuckahoe Creek Service District) to include within the Service District four parcels located near Hockett Road and Songbird Lane identified as Tax Map Nos. 58-8-0-1-0, 58-8-0-2-0, 58-8-0-3-B, and 58-8-0-3-D

RESULT:	DEFERRED [UNANIMOUS]	Next: 9/7/2021 2:00 PM
MOVER:	Susan Lascolette, District 1 Supervisor	
SECONDER:	Don Sharpe, District 4 Supervisor	
AYES:	Lascolette, Peterson, Lumpkins, Spoonhower, Sharpe	

XVII. Adjournment: The Board of Supervisors adjourned as follows:

- Tuesday, August 3, 12:30 PM, Board of Supervisors Audit & Finance Committee Meeting, County Administration Building, 1800 Sandy Hook Rd., meeting is open to the public.
- Tuesday, August 3, 2:00 PM, Board of Supervisors 2:00 PM Regular Meeting, 6:00 PM Public Hearings, County Administration Building, 1800 Sandy Hook Road, Goochland; meetings are open to the public.

Minutes Acceptance: Minutes of Jul 6, 2021 2:00 PM (Approval of Minutes)



Board of Supervisors

1800 Sandy Hook Road
Goochland, VA 23063

Meeting: 08/03/21 02:00 PM

Department: County Administration

Category: Reports

Prepared By: Lisa K. Beczkiewicz

Department Head: Lisa K. Beczkiewicz

SCHEDULED INFORMATION ITEM

(ID # 4099)

VDOT - JULY 2021

Strat Goal 1	Efficient, effective, and transparent government; emphasis on customer service excellence	X
Strat Goal 2	Balanced development that contributes to the welfare of the community and preserves its rural character	
Strat Goal 3	Excellence in Financial Management	
Strat Goal 4	High Quality Core Services including Education, Public Safety, and Community Health	X
Strat Goal 5	Positive Work Environment with a Highly Qualified, Diverse Workforce	

Board Action Requested

No Board action is requested, for information only.

Summary of Information

VDOT – Monthly report on maintenance, construction, traffic studies and special requests.

ATTACHMENTS:

- Goochland Report 07-2021 (DOCX)

GOOCHLAND COUNTY July 2021

MAINTENANCE:

Ricky Cauthorne

SANDY HOOK AREA HEADQUARTER:

Pothole Repair:

- Route 625 St Pauls Church Road
- Route 667 Old Columbia Road
- Route 609 Three Chopt Road
- Route 606 Hadensville Fife Road
- Salmon Lane
- Route 619 Newline Road

Asphalt Patching:

- Route 600 Rock Castle Road
- Route 678 Marlin Road
- Route 648 Matthews Road
- Route 627 Ben Lomond Road

Erosion / Slope Repair:

- Route 648 Matthews Road
- Route 601 Pryors Road

Shoulder Repair:

- Route 250 Broad Street Road

Pipe Replace:

- Route 656 Leabough Road

Pipe Cleaning:

- Route 600 Rock Castle Road

Ditching:

- Route 600 Rock Castle Road
- Route 630 Cedar Point Road
- Route 610 Community House Road

Tree Removal / Cleanup:

- Route 677 Bowles Road
- Route 703 Herndon Road

- Route 602 Old Stage Road
- Route 648 Matthews Road
- Route 615 Forest Grove Road
- Route 605 Shannon Hill Road
- Route 1217 Earls Road
- Route 724 Bulldog Way
- Route 606 Hadensville Fife Road
- Route 673 Whitehall Road
- Route 6 River Road West
- Route 615 Chapel Hill Road

Tree Pruning / Cleanup:

- Route 1217 Earls Road
- Route 648 Matthews Road
- Route 605 Shannon Hill Road
- Route 677 Bowles Road
- Route 600 Rock Castle Road
- Route 703 Herndon Road

Mowing Primary Routes:

- Second cut 100% complete

Mowing Secondary Routes:

- First cut 100% complete

Sign Repair / Replace:

- Route 666 Gathright Drive; Stop sign down
- Route 606 Hadensville Fife Road; Speed Limit sign down
- Route 606 Hadensville Fife Road; Yellow Flashing Caution Light down

Trash / Debris Removal:

- Adopt A Highway pick up
- Route 648 Matthews Road; remove tires from roadside
- Route 629 Old Fredericksburg Road
- Route 613 Riddles Bridge Road

Miscellaneous:

- Deer and animal removal countywide
- Service and clean equipment
- Clean and disinfect Office and Shop
- Route 737 Shepherd Spring Road; Camera Truck
- Route 250 Broad Street Road; flag traffic for District Striping Crew

Work Requests

- 57 Received
- 59 Completed

Emergency callout after hours (7)

- I-64; tree down on Interstate
- Route 522 Sandy Hook Road

- Route 1217 Earls Road; tree down on roadway
- Route 604 Three Chopt Road; tree down on roadway
- Route 613 Riddles Bridge Road; trash in roadway
- Route 6 River Road West; tree down in roadway
- Route 615 Chapel Hill Road; tree down in roadway

OILVILLE AREA HEADQUARTER:

Potholes (Primary):

- Route 6 River Road
- Route 250 Broad Street Road

Potholes (Secondary):

- Route 612 Three Chopt Road
- Route 621 Manakin Road
- Route 623 Hockett Road
- Route 633 Poorhouse Road
- Route 635 Perkinsville Road
- Route 647 Pagebrook Road
- Route 676 Hermitage Road
- Route 623 Ashland Road
- Village Trail
- Route 712 Windsor Way

Asphalt Repair:

- Route 621 Manakin Ferry Road
- Route 1080 Greenbriar Branch Road
- Route 1081 Wicker Woods Road
- Route 1230 Shade Hunter Lane

Shoulder / Entrance Repair:

- Route 6 Patterson Avenue
- Route 250 Broad Street Road
- Route 712 Windsor Way
- Route 632 Fairground Road; gravel at mailbox

Erosion Repair:

- Route 621 Manakin Ferry Road

Drop Inlet Clean / Repair:

- Route 626 Seay Road; remove tree roots

Pipe Repair / Replace / Cleaning:

- Route 712 Devon Way
- Gravel Hill Drive
- Route 1158 Fairstead Road

Ditching:

- Route 635 Perkinsville Road

- Route 1107 Lower Tuckahoe Road East
- Route 522 Sandy Hook Road
- Route 632 Fairground Road
- Route 663 Hickory Drive
- Route 1093 Kingsmere Drive
- Route 635 Perkinsville Road

Tree Removal / Cleanup:

- Route 250 Broad Street Road
- Route 623 Hockett Road
- Route 628 Lee Road
- Route 676 Hermitage Road
- Route 702 Pony Farm Road
- Route 1222 Huntsman Circle
- Route 1240 Hillstream Drive
- Route 632 Fairground Road
- Route 1107 Lower Tuckahoe Road West
- Route 1102 Brook Run Drive

Tree Limbing / Cleanup:

- Route 634 Maidens Road
- Route 702 Pony Farm Road
- Route 1030 Hermitage Road
- Route 6 River Road West
- Bennington Road
- Route 628 Lee Road

Mowing Primary Routes:

- 100% complete

Mowing Secondary Routes:

- 95% complete

Trash:

- Route 6 Patterson Avenue
- Route 6 River Road West
- Route 250 Broad Street Road
- Route 632 Fairground Road
- Route 702 Pony Farm Road
- Route 676 Hermitage Road
- Route 617 Oilville Road
- Route 668 Snead Road
- Route 608 Cardwell Road

Debris:

- Route 250 Broad Street Road; Plastic in roadway
- Route 6 River Road West; Metal Strapping/Framing materials in roadway
- Route 647 Pagebrook Drive; Box Spring in roadway
- Route 608 Cardwell Road; Rebar in roadway
- Route 632 Fairground Road; Grass in roadway

- Route 617 Oilville Road; Detour Signs

Sign Repair / Maintenance:

- Route 622 Rockville Road
- Route 1109 Briarwood Circle; Stop sign
- Route 623 Ashland Road
- Shenfield Avenue; Stop sign

Miscellaneous:

- Park and Ride trash pickup; Monday and Friday
- Dead animal removal countywide
- Clean and service vehicles and equipment
- Clean and disinfect Office and Shop
- Prepare Vehicles and Equipment for Snow Operations

Work Requests:

- 38 Received
- 70 Completed

Emergency callout after hours (5)

- Route 623 Ashland Road; Hay over roadway
- Route 621 ; Deer in roadway
- Route 250 Broad Street Road; Closed road for overturned vehicle
- Route 676 ; Tree in roadway
- Route 1220 Fox Downs Lane; Tree in roadway

PROJECT DEVELOPMENT

Brian Ramsey, P.E.

- **105734 Routes 522 Sandy Hook Road and 632 Fairground Road Roundabout;** February 2022 advertisement.
- **114675 ST4A / LM4A Surface Treatment;** several routes remain, routes are not on the two-week look ahead schedule, will continue to forward the TWLA upon receipt.
- **114676 I-64 Bridge Rehabilitation;** Route 522 Sandy Hook Road concrete substructure repairs on-going.

NON-ORDINARY MAINTENANCE

Phillip Frazer, P.E.

Pending Studies:

- **Speed Study:** Route 701 Oakland Church Road; from Route 250 Broad Street Road to Route 611 Dongola Road Intersection (Louisa County Line); Submitted to Traffic Engineering for review Speed limit approved to be posted at 40 MPH, sign install pending.



Board of Supervisors

1800 Sandy Hook Road
Goochland, VA 23063

Meeting: 08/03/21 02:00 PM

Department: Fire - Rescue

Category: Reports

Prepared By: Beth Ferguson Campbell

Department Head: Eddie Ferguson

SCHEDULED INFORMATION ITEM

(ID # 4089)

FIRE-RESCUE 08.03.21

Strat Goal 1	Efficient, effective, and transparent government; emphasis on customer service excellence	X
Strat Goal 2	Balanced development that contributes to the welfare of the community and preserves its rural character	
Strat Goal 3	Excellence in Financial Management	
Strat Goal 4	High Quality Core Services including Education, Public Safety, and Community Health	X
Strat Goal 5	Positive Work Environment with a Highly Qualified, Diverse Workforce	

Authority Action Requested

No action required. Information only.

Summary of Information

- The 2021 Hurricane Season has officially begun, and the tropics have already been very active. FEMA and the Virginia Department of Emergency Management recommend having an Emergency Supply Kit on hand. Citizen emergency kits should contain at least a 3-day supply of water, non-perishable food, and other items needed during a disaster or local emergency. Many emergency preparedness products are eligible for Virginia's tax-free weekend held annually in August (August 6th – 8th). Regularly replace items that expire such as water, food, medication, and batteries, and remember to keep in mind your family's unique needs as you build your kit. Contact Goochland County Fire-Rescue, or visit the FEMA or VDEM websites to learn more about building an emergency kit.
- The Department of Fire-Rescue and Emergency Services continues to provide EMS stand-bys at COVID vaccination clinics in our community. In addition, we continue to assist with weekly food deliveries for Goochland CARES to several of our citizens.
- The Goochland County virtual EOC (Emergency Operations Center) has been closed and demobilized. The County Government is presently working with The Olson Group to complete the COOP (Continuity of Operations Plan). Experiences and best practices learned during the COVID pandemic are incorporated into the COOP. We stand ready to ramp back up if necessary to address any local emergency needs.
- On September 11, 2021, it will have been 20-years since the attacks in Arlington, Virginia, New York City, and Shanksville, Pennsylvania. Goochland County Department of Fire-Rescue & Emergency Services has taken on the responsibility to honor the bravery that was displayed on this day, and to ensure we remember those innocent lives lost. Once again, we will host two services, one in the morning for First Responders, and another in the evening for the Goochland Community. Community members are welcome to attend both services.
 - At 9:45 a.m. members of the first responder community (Goochland County Department of Fire-Rescue & Emergency Services and Goochland County Sheriff's Office) will gather at Goochland County Fire-Rescue Station 5 – Courthouse (2710 Fairground RD) to conduct the annual service in memory of the First Responders.
 - On the evening of September 11th, we will assemble again at 7:00 pm at Goochland County Fire-Rescue Station 1 – Manakin (180 River RD W) to host a more community-oriented event. This event is open to the public. It is a moving tribute held at the site of the Goochland County Memorial to September 11, 2001, which is made

- with pieces of steel from the twin towers in New York City.
- Fire and EMS training are ongoing in the department. The Emergency Medical Technician Class has graduated with nine new EMT candidates, all moving on to National Registry and Virginia EMT certification testing. The 2021 Fire Training Academy has begun with seven students consisting of five volunteer and two career recruits. The department just completed a Driver Pump Operators class and a Driver Aerial Operators class. Currently, an NFA Fire Officer Level I program is in session, along with several EMS classes on the calendar for the summer.
 - Repairs and upgrades are starting at the Henley Fire-Rescue Training Center on Maidens Road. The fire training building repairs are happening, and we should be able to re-open the building for cold training (no live fire) soon. Other site improvements, including the addition of new modular classrooms, are in the design phase, and a conceptual site plan is being prepared. The Henley Fire-Rescue Training Center opened in 1981 and has been used extensively both by our department and other departments in the region over the 40 years.
 - Eight new volunteer members received final approval for membership during May and June. Several other applications are on file and moving through the membership process. The department recruits volunteer personnel year-round and anyone interested in becoming a volunteer Fire-Rescue member should contact the Fire-Rescue Administration at (804) 556-5304 or visit our website at www.goochlandfire-rescue.org.
 - Seven new career Firefighter/EMS Providers started on July 16th. Five of the seven are fully certified, and two are Paramedics without firefighting experience who are participating in the Fire Training Academy to obtain their fire certifications. The applicant pool for pre-certified personnel to support career hiring processes is dwindling, a challenge recognized by all fire departments in the Central Virginia Region.
 - Fire-Rescue conducted three promotions during July. Congratulations to Battalion Chief Blake Markey, Captain Brandon Proffitt, and Lieutenant Robert Ferguson for their promotions. Each is very deserving of the recognition and has prepared themselves well over many years for the leadership positions they have assumed.
 - An order is being placed for a new ambulance included in the FY22 CIP. Unfortunately, the VA Office of EMS Rescue Squad Assistance Fund (RSAF) Grant applied for in the Spring cycle was unable to be funded. Statewide, there were more than \$10 million in grant requests and just over \$4 million available awarded to various Virginia EMS agencies. Over the years the RSAF Grant program, which receives its money from vehicle registration sales in the Commonwealth, has been a reliable source of supplemental funding for many of our EMS projects. Additionally, we are expecting the delivery of two new Ford F-550 four-wheel-drive Horton ambulances in August, which are much-needed additions to our ambulance fleet.
 - New Tanker 656, a Kenworth Pierce 2500-gallon fire tanker, assigned to Station 5 is proving to be a great addition to our fleet and rural water supply capabilities. Tanker 656 has responded to several fire incident scenes, boosting our available water supply.
 - Four members of our department traveled to Appleton, Wisconsin July 13th – 16th to conduct the final inspection on our new ladder truck in production, with final delivery scheduled for August. The new Pierce 100' aerial platform is impressive, representing the highest quality and incorporating the latest safety features. Truck 601 will be assigned to Manakin Station 1 in eastern Goochland and will address life safety incident priorities as well fire suppression tactics for both commercial and residential occupancies.
 - Alarm Activity:
 - Usual types of fire and rescue incidents for the period.
 - There were several significant motor vehicle accidents in the county during the period.
 - Several high acuity EMS calls during the period including several cardiac arrests.

Information Item

Meeting of August 3, 2021

- The Water Rescue Team responded to the James River for three water-related incidents during June.
- On June 17, 2021, Fire-Rescue responded to Buck Branch Drive for a house fire.
- On June 23, 2021, Fire-Rescue responded to I-64 for a multi-vehicle traffic accident with a person trapped. The patient was seriously injured and flown by VSP EMS Med-Flight I helicopter to an area trauma center. The interstate was completely closed, disrupting traffic flow in both directions which resulted in six other incidents during the same time frame.
- On June 28, 2021, Fire-Rescue responded to Lanier Lane for a commercial structure fire involving a power line and utility pole.
- On June 29, 2021, Fire-Rescue responded to I-64 for a traffic accident involving multiple patients with serious injuries, one who was ejected from the vehicle.
- On July 5, 2021, Fire-Rescue responded to Cedar Plains Road for a house fire.
- Fire-Rescue provided large crowd event stand-bys for the annual July 4th fireworks show and during the Dixie Little League State Baseball Tournament at Hidden Rock Park.

ATTACHMENTS:

- 202108 BOS (PDF)

Goochland County Fire-Rescue
Incident Type Response
May, 2021

8.2.a

Incident Type	Count	% of Incidents
1 Fire		
113 - Cooking fire, confined to container	4	1.23%
130 - Mobile property (vehicle) fire, other	1	0.31%
131 - Passenger vehicle fire	3	0.92%
141 - Forest, woods or wildland fire	1	0.31%
	9	2.77%
2 Overpressure Rupture, Explosion, Overheat (no fire)		
251 - Excessive heat, scorch burns with no ignition	1	0.31%
	1	0.31%
3 Rescue & Emergency Medical Service Incident		
321 - EMS call, excluding vehicle accident with injury	223	68.62%
322 - Motor vehicle accident with injuries	22	6.77%
324 - Motor vehicle accident with no injuries.	8	2.46%
350 - Extrication, rescue, other	1	0.31%
381 - Rescue or EMS standby	7	2.15%
	261	80.31%
4 Hazardous Condition (No Fire)		
411 - Gasoline or other flammable liquid spill	1	0.31%
412 - Gas leak (natural gas or LPG)	1	0.31%
441 - Heat from short circuit (wiring), defective/worn	1	0.31%
444 - Power line down	5	1.54%
445 - Arcing, shorted electrical equipment	1	0.31%
	9	2.77%
5 Service Call		
511 - Lock-out	1	0.31%
520 - Water problem, other	1	0.31%
531 - Smoke or odor removal	2	0.62%
541 - Animal problem	1	0.31%
550 - Public service assistance, other	2	0.62%
551 - Assist police or other governmental agency	1	0.31%
553 - Public service	1	0.31%
554 - Assist invalid	4	1.23%
561 - Unauthorized burning	2	0.62%
571 - Cover assignment, standby, moveup	1	0.31%
	16	4.92%
6 Good Intent Call		
600 - Good intent call, other	3	0.92%
611 - Dispatched and cancelled en route	9	2.77%
622 - No incident found on arrival at dispatch address	1	0.31%
650 - Steam, other gas mistaken for smoke, other	2	0.62%
671 - HazMat release investigation w/no HazMat	1	0.31%
	16	4.92%
7 False Alarm & False Call		
735 - Alarm system sounded due to malfunction	4	1.23%
745 - Alarm system activation, no fire - unintentional	9	2.77%
	13	4.00%
Total Incidents:	325	

Attachment: 202108 BOS (4089 : Fire-Rescue 08.03.21)

Goochland County Fire-Rescue
Incident Type Response
June, 2021

8.2.a

Incident Type	Count	% of Incidents
1 Fire		
100 - Fire, other	1	0.30%
111 - Building fire	1	0.30%
132 - Road freight or transport vehicle fire	1	0.30%
138 - Off-road vehicle or heavy equipment fire	1	0.30%
154 - Dumpster or other outside trash receptacle fire	1	0.30%
162 - Outside equipment fire	1	0.30%
	6	1.78%
3 Rescue & Emergency Medical Service Incident		
321 - EMS call, excluding vehicle accident with injury	230	68.05%
322 - Motor vehicle accident with injuries	17	5.03%
323 - Motor vehicle/pedestrian accident (MV Ped)	2	0.59%
324 - Motor vehicle accident with no injuries.	9	2.66%
360 - Water & ice-related rescue, other	2	0.59%
365 - Watercraft rescue	1	0.30%
371 - Electrocution or potential electrocution	1	0.30%
381 - Rescue or EMS standby	1	0.30%
	263	77.81%
4 Hazardous Condition (No Fire)		
412 - Gas leak (natural gas or LPG)	2	0.59%
424 - Carbon monoxide incident	1	0.30%
445 - Arcing, shorted electrical equipment	1	0.30%
	4	1.18%
5 Service Call		
500 - Service call, other	2	0.59%
550 - Public service assistance, other	2	0.59%
551 - Assist police or other governmental agency	1	0.30%
553 - Public service	1	0.30%
5531 - Smoke Detector Installation	1	0.30%
554 - Assist invalid	10	2.96%
	17	5.03%
6 Good Intent Call		
600 - Good intent call, other	2	0.59%
611 - Dispatched and cancelled en route	11	3.25%
622 - No incident found on arrival at dispatch address	1	0.30%
631 - Authorized controlled burning	1	0.30%
651 - Smoke scare, odor of smoke	2	0.59%
	17	5.03%
7 False Alarm & False Call		
710 - Malicious, mischievous false call, other	1	0.30%
711 - Municipal alarm system, malicious false alarm	1	
735 - Alarm system sounded due to malfunction	13	3.85%
741 - Sprinkler activation, no fire - unintentional	1	0.30%
745 - Alarm system activation, no fire - unintentional	13	3.85%
	29	8.58%
8 Severe Weather & Natural Disaster		
814 - Lightning strike (no fire)	1	0.30%
	1	0.30%
9 Special Incident Type		
911 - Citizen complaint	1	0.30%
	1	0.30%
Total Incidents:	338	

Attachment: 202108 BOS (4089 : Fire-Rescue 08.03.21)

**Goochland County Fire-Rescue
2021 Mutual Aid Report**

8.2.a

Mutual Aid Given - 2021	FIRE	EMS	Total
Louisa County Department of Fire & Emergency Services	29	4	33
City of Richmond	5		5
Cumberland Volunteer Fire Department	3	4	7
Henrico County Division of Fire & Rescue	2		2
Fluvanna County Volunteer Fire Department	2	3	5
Hanover County Fire & EMS	2		2
Powhatan County Fire Administration	5	1	6
Total Mutual Aid Given 2021	48	12	60

Mutual Aid Received - 2021	Fire	EMS	Total
Louisa County Department of Fire & Emergency Services	3		3
Hanover County Fire & EMS	1	1	2
Henrico County Division of Fire & Rescue	3		3
Powhatan County Fire Administration	3		3
Fluvanna County Volunteer Fire Department	2		2
Total Mutual Aid Received 2021	12	1	13

Mutual Aid Given Comparison: 2020-2021	2020	2021	INC/DEC
Mutual Aid Given - Fire	68	48	-29.41%
Mutual Aid Given - EMS	30	12	-60.00%
Total Mutual Aid Given: 2020-2021	98	60	-38.78%

Mutual Aid Received Comparison: 2020-2021	2020	2021	INC/DEC
Mutual Aid Received - Fire	25	12	-52.00%
Mutual Aid Received - EMS	3	1	-66.67%
Total Mutual Aid Received: 2020-2021	28	13	-53.57%

Attachment: 202108 BOS (4089 : Fire-Rescue 08.03.21)

Goochland County Fire-Rescue
2021 Volunteer Duty Hours

2021 VOLUNTEER RESCUE DUTY HOURS													
ST	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTAL
1	195	153	228	150	143	247							1,116
2	18	19	6	-	-	36							79
3	318	360	312	286	291	293							1,859
4	-	-	-	-	-	-							-
5	122	108	153	131	110	258							882
6	117	80	90	86	126	93							591
ADMN	31	-	-	-	-	16							47
TOTAL	800	719	788	653	670	943	-	-	-	-	-	-	4,574

2021 VOLUNTEER FIRE DUTY HOURS													
ST	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTAL
1	821	580	1,002	753	583	893							4,630
2	53	-	-	4	-	24							81
3	1,259	1,307	705	337	439	262							4,310
4	186	149	125	176	154	193							982
5	172	505	172	125	90	131							1,195
6	73	92	99	17	23	49							352
ADMN	-	-	-	29	7	-							36
TOTAL	2,564	2,632	2,103	1,441	1,295	1,552	-	-	-	-	-	-	11,585

RESCUE DUTY HOURS (YTD)			
Station	2020	2021	INC/DEC
1	2,046	1,116	-45.46%
2	205	79	-61.46%
3	2,128	1,859	-12.64%
4	278	-	-100.00%
5	1,810	882	-51.28%
6	2,551	591	-76.81%
ADMN	19	47	144.74%
TOTAL	9,036	4,574	-49.39%

FIRE DUTY HOURS (YTD)			
Station	2020	2021	INC/DEC
1	4,391	4,630	5.44%
2	451	81	-82.13%
3	1,977	4,310	118.02%
4	661	982	48.63%
5	794	1,195	50.63%
6	746	352	-52.86%
ADMN	10	36	260.00%
TOTAL	9,029	11,585	28.31%



Board of Supervisors

1800 Sandy Hook Road
Goochland, VA 23063

Meeting: 08/03/21 02:00 PM
Department: Human Resources
Category: Reports
Prepared By: Jessica Rice
Department Head: Jessica Rice

SCHEDULED INFORMATION ITEM

(ID # 4101)

INTRODUCTION OF NEW COUNTY STAFF

Strat Goal 1	Efficient, effective, and transparent government; emphasis on customer service excellence	X
Strat Goal 2	Balanced development that contributes to the welfare of the community and preserves its rural character	
Strat Goal 3	Excellence in Financial Management	
Strat Goal 4	High Quality Core Services including Education, Public Safety, and Community Health	X
Strat Goal 5	Positive Work Environment with a Highly Qualified, Diverse Workforce	X

Board Action Requested

For information only. No Board action is requested.

Summary of Information

On behalf of County Administration, I am pleased to announce the hiring of 18 new staff during the month of July. These employees are working in the Virginia Cooperative Extension Office, Sheriff's Office, and Treasurer's Office, and in the General Services, Parks and Recreation, Fire and Rescue, Community Development, and Finance Departments.

Due to a newly approved position in the FY22 budget, the Sheriff's office has hired Deputy Peter Paradis. Deputy Paradis is currently in the Law Enforcement Academy and will be introduced in person at a later date. Additionally, William Norman joined the Sheriff's Office on July 12, 2021 as a Court Security Specialist to fill a vacancy created by a promotion in June.

Due to a retirement in June, Laaiesha Jones has joined the Treasurer's Office in the role of Deputy Treasurer. Ms. Jones is a graduate of J. Sergeant Reynolds Community College and previously worked as a customer service leader for Childfund International.

In the General Services Department, Ms Tina Tate began employment as a custodian and Mr. Myles Houck began employment as a Convenience Center Attendant. Both positions were filled due to previous vacancies.

In the Parks and Recreation Department, Isabelle Clune and Suzannah Anderson both filled part-time summer camp counselor positions. Ms. Steele Hottinger also joined the Parks and Recreation team as a year-round part-time Recreational Assistant to support the County's community programs.

During May and June of this year the Fire and Rescue Department conducted their annual recruitment of Firefighter/EMS personnel. This year, we filled 7 newly approved positions in the FY22 budget. The new firefighters began employment on July 16th and have completed training. We would like to welcome: Juan Bajana, Zachary Cousins, Cameron Mitchell, Jacob Martin, Kevin Jewell, Kyle McGinnis, and Robert Breschel.

Due to an internal promotion, Mr. Raymond Cash has joined the Community Development team on August 2nd as the Assistant Director of Community Development. Mr. Cash holds a Master's degree in Public Administration and work for Chesterfield County for over 18 years in various planning positions, including Zoning Administrator.

Due to an internal promotion, Ms. Mary Anna Twisdale also joined the Goochland team on August 2nd as the Director of Financial Services. In addition to approximately 15 years of local government accounting experience, Ms. Twisdale has 8 years of direct budget development and financial management experience in a leadership position working for the Virginia Department of Health, City of Virginia Beach, County of Fluvanna, City of Chesapeake, and the City of Charlottesville.



Board of Supervisors

1800 Sandy Hook Road
Goochland, VA 23063

Meeting: 08/03/21 02:00 PM
Department: Planning & Zoning
Category: Reports
Prepared By: Anita Barnes

Department Head: MinuteTraq Admin

SCHEDULED INFORMATION ITEM

(ID # 4083)

PLANNING AND DEVELOPMENT ACTIVITY

Strat Goal 1	Efficient, effective, and transparent government; emphasis on customer service excellence	X
Strat Goal 2	Balanced development that contributes to the welfare of the community and preserves its rural character	X
Strat Goal 3	Excellence in Financial Management	
Strat Goal 4	High Quality Core Services including Education, Public Safety, and Community Health	X
Strat Goal 5	Positive Work Environment with a Highly Qualified, Diverse Workforce	

Authority Action Requested

None – Information Only

Summary of Information

District 1

PRE-2021-00014 - Application by Rhetson Companies, Inc. requesting a rezoning of 3.51 acres from Agricultural, General (A-1) and Business, General (B-1) to Business, General (B-1) with proffered conditions, at 5284 River Road West on Tax Map No. 26-3-0-1-0. The Comprehensive Plan designates this area as Commercial. A community meeting has been scheduled for August 4, 2021, at Co. 4 Fire/Rescue at 2397 Hadensville Fife Road at 6:30 p.m.

District 1

PRE-2021-00022 - Application by Jeff and Rachel Hall requesting a Conditional Use Permit for an accessory family housing unit, detached on 20.34 acres at 2272 Youngstown Road on Tax Map 27-15-0-6-0. The property is zoned Agricultural, General (A-2). The Conditional Use Permit is required by Goochland County Zoning Ordinance Section 15-102. The Comprehensive Plan designates this area as Rural Enhancement. A community meeting has been scheduled for August 16, 2021, at 2272 Youngstown Road at 6:00 p.m.

District 1

PRE-2021-00019 - Application by Howard and Barbara Dunn requesting a rezoning of 5 acres from Agricultural, General (A-1) to Residential, Rural (R-R), with proffered condition, at the intersection of Three Chopt Road and Parrish Road on Tax Map No. 1-8-0-7-0. The Comprehensive Plan designates this area a Rural Enhancement. Applicant has not yet scheduled their community meeting, which is required prior to filing a formal application.

District 3

PRE-2021-00006 - Application by Truett Real Estate Investments, LLC requesting a rezoning of 47.4 acres from Agricultural, Limited (A-2) to Residential, Limited (R-1), with proffered conditions, on Fairground Road on Tax Map No. 43-1-0-4-0. The Comprehensive Plan designates this area as Rural Enhancement. Applicant has not

yet scheduled their community meeting, which is required prior to filing a formal application.

District 4

PRE-2021-00026 - Application by Kindle Rayfield requesting renewal of Conditional Use Permit for animal boarding; kennel-commercial on 1.362 acres at 32 Briggs Drive on Tax Map No. 47-1-0-43-D. The property is zoned Business, General (B-1). The Conditional Use Permit is required by Goochland County Zoning Ordinance Section 15-242. The Comprehensive Plan designates this area as Commercial. Kindle Rayfield hosted a community meeting on site at 32 Briggs Drive on July 12, 2021. Board of Supervisor member Mr. Sharpe, staff, and one adjacent business owner attended. There were no concerns raised, and the attendee spoke favorably.

District 4

PRE-2021-00028 - Application by Strickland, MFG, LLC requesting a Conditional Use Permit for outside storage on 4.03 acres at 1090 Merchants Lane on Tax Map No. 45-5-0-1-0. The property is zoned Industrial, Light (M-1). The Conditional Use Permit is required by Goochland County Zoning Ordinance Section 15-262. The Comprehensive Plan designates this area as Industrial. Applicant has not yet scheduled their community meeting, which is required prior to filing a formal application.

District 4

PRE-2021-00024 - Application by H & S Development Group, LLC requesting a Conditional Use Permit for 150' communication tower on 4.02 acres at 2385 Lanier Road on Tax Map No. 47-32-0-7-0. The property is zoned Industrial, General (M-2). The Conditional Use Permit is required by Goochland County Zoning Ordinance Section 15-272. The Comprehensive Plan designates this area as Industrial. A community meeting was held on 7/6. In attendance were BOS member Sharpe, PC member Pituck, applicant and staff. The applicant gave a brief description of the proposed project and answered questions pertaining to the operation of 5G service. There were no negative comments, the meeting concluded.

District 4

PRE-2021-00003 - Application by JRC Real Estate, LLC requesting a rezoning of 12.27 acres from Agricultural, Limited (A-2) to Industrial, General (M-2), with proffered conditions, on Pothole Road on Tax Map No. 45-1-0-113-B and a portion of Tax Map No. 45-10-129-A. The Comprehensive plan designates this area as Rural Enhancement. A community meeting was held on July 21, 2021. Board of Supervisor member Mr. Sharpe was in attendance. The applicant gave a brief description of the proposed project and answered questions pertaining to the operation. No citizens attended.

District 4

PRE-2021-00023 - Application by Sam and Maral Haboush requesting a rezoning of 5.92 acres from Agricultural, Limited (A-2) to Residential, Limited (R-1) with proffered condition at 199 Lindsey Lane on Tax Map 63-1-0-2-C. The Comprehensive Plan designates this as Rural Enhancement. A community meeting has been scheduled for August 16, 2021, at 199 Lindsey Lane at 6:30 p.m.

District 4

PRE-2021-00026 - Application filed by Markel – Eagle Advisors, LLC requesting a rezoning of 71.993 acres from Agricultural, Limited (A-2) to Residential, Planned Unit Development (RPUD), with proffered conditions, on Whippoorwill Road on Tax Map No. 58-5-0-2-0. The Comprehensive Plan designates this as Suburban Residential. Applicant has not yet scheduled their community meeting, which is required prior to filing a formal application.

New Plan of Developments Filed 6/22/2021 – 7/22/2021

District 1

Paige Baber – Convert existing building into country store for sales of eggs, vegetables, flowers, pumpkins, retail specialty items and consignment agricultural products and crafts - Rural POD

District 2 - None

District 3 - None

District 4

Richmond Machinery – Three Industrial Warehouse Buildings and Amenities

District 5

Blair Road Subdivision – 10 Single Family Lots



Board of Supervisors

1800 Sandy Hook Road
Goochland, VA 23063

Meeting: 08/03/21 02:00 PM

Department: County Administration

Category: Reports

Prepared By: Lisa K. Beczkiewicz

Department Head: Lisa K. Beczkiewicz

SCHEDULED INFORMATION ITEM

(ID # 4102)

ACCOUNTS PAYABLE

Strat Goal 1	Efficient, effective, and transparent government; emphasis on customer service excellence	X
Strat Goal 2	Balanced development that contributes to the welfare of the community and preserves its rural character	
Strat Goal 3	Excellence in Financial Management	X
Strat Goal 4	High Quality Core Services including Education, Public Safety, and Community Health	
Strat Goal 5	Positive Work Environment with a Highly Qualified, Diverse Workforce	

Board Action Requested

For information only – no Board action is requested.

Summary of Information

Consistent with details shown on the County's Check Register, following is a summary of

Accounts Payable activity for the month of July.

Accounts Payable:	07/01/21	Check # 2016293 - 2016370	\$291,247.73
	07/09/21	Check # 2016487 - 2016569	\$226,213.21
	07/16/21	Check # 2016639 - 2016789	\$1,104,754.75
	07/23/21	Check # 2016847 - 2016900	\$93,879.58
	07/30/21	Check # 2016985 – 2016990	\$11,835.38
	07/30/21	Check # 2017000 – 2017090	\$679,593.36
		TOTAL	<u>\$2,407,524.01</u>



Board of Supervisors

1800 Sandy Hook Road
Goochland, VA 23063

SCHEDULED RESOLUTION

Meeting: 08/03/21 02:00 PM

Department: County Attorney

Category: Other

Prepared By: Christina Neale

Department Head: Tara A. McGee

9.1

(ID # 4073)

RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE VIRGINIA OPIOID ABATEMENT FUND AND SETTLEMENT ALLOCATION MEMORANDUM OF UNDERSTANDING

Strat Goal 1	Efficient, effective, and transparent government; emphasis on customer service excellence	
Strat Goal 2	Balanced development that contributes to the welfare of the community and preserves its rural character	
Strat Goal 3	Excellence in Financial Management	X
Strat Goal 4	High Quality Core Services including Education, Public Safety, and Community Health	X
Strat Goal 5	Positive Work Environment with a Highly Qualified, Diverse Workforce	

Board Action Requested

The Board is requested to adopt the following resolution authorizing execution of the Virginia Opioid Abatement Fund and Settlement Allocation Memorandum of Understanding.

Summary of Information

There are a number of lawsuits across the country by states and localities against the manufacturers and distributors of opioids. In order to bring some of these actions to resolution, the Virginia Attorney General is seeking to have localities approve the Virginia Opioid Abatement Fund and Settlement Allocation Memorandum of Understanding which establishes a Negotiating Committee and a formula for allocation of any proceeds.

Goochland has been represented in the negotiation of this document by capable outside counsel who is also appointed one of the three members of the Negotiating Committee. Under the proposed Memorandum of Understanding, the bulk of any funds recovered will be available for opioid abatement programs provided by localities, the state, or regional partners.

The County Attorney has reviewed the terms of the Memorandum of Understanding and found they are legally appropriate. The County Attorney requests that the Board approve the accompanying resolution authorizing execution of the Memorandum of Understanding.

Draft Motion

I move that the Board (adopt / adopt as amended / deny / defer to *date*) this Resolution authorizing the County Administrator to execute the Virginia Opioid Abatement Fund and Settlement Allocation Memorandum of Understanding.


Tara A. McGee, County Attorney 7/26/2021

Resolution
ATTACHMENTS:

Meeting of August 3, 2021

- VA Opioid Abatement Fund Memorandum of Understanding (PDF)

✓ Vote Record - Resolution 4073						
<input type="checkbox"/> Approved <input type="checkbox"/> Recommended for Approval <input type="checkbox"/> Recommended for Denial <input type="checkbox"/> Deferred <input type="checkbox"/> Denied <input type="checkbox"/> Withdrawn <input type="checkbox"/> Recommended for Approval as Am <input type="checkbox"/> Adopted <input type="checkbox"/> Adopted as Amended <input type="checkbox"/> Defeated <input type="checkbox"/> Consensus of the Board <input type="checkbox"/> Tabled by Consensus <input type="checkbox"/> Approved as Amended <input type="checkbox"/> Send to BOS with Report of Tie Vote						
			Yes/Aye	No/Nay	Abstain	Absent
	Susan Lascolette		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Ken Peterson		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	John Lumpkins		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Neil Spoonhower		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Don Sharpe		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AT A MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF GOOCHLAND, VIRGINIA, HELD ON AUGUST 3, 2021, IN THE GOOCHLAND COUNTY ADMINISTRATION BUILDING, 1800 SANDY HOOK RD., SUITE 250, GOOCHLAND, VIRGINIA, THE FOLLOWING ACTION WAS TAKEN:

Resolution authorizing the County Administrator to execute the Virginia Opioid Abatement Fund and Settlement Allocation Memorandum of Understanding

WHEREAS, Goochland County, Virginia (County) and the Commonwealth of Virginia are separately engaged in litigation seeking to recover costs incurred and to be incurred in abating the opioid addiction epidemic that plagues Virginia communities; and

WHEREAS, numerous other Virginia localities are also engaged in similar litigation; and

WHEREAS, County, other Virginia localities, and the Commonwealth of Virginia share a common desire to abate and alleviate the impacts of the opioid addiction epidemic and to maximize litigation recoveries from those third parties responsible for same; and

WHEREAS, in order to advance their common interests, County and the Commonwealth of Virginia, through counsel, have extensively negotiated the terms of a memorandum of understanding relating to the allocation and use of such litigation recoveries; and

WHEREAS, approval of this memorandum of understanding is also being sought from similarly situated localities across the Commonwealth; and

WHEREAS, County's outside opioid litigation counsel has recommended that the County approve the proposed memorandum of understanding; and

WHEREAS, the County Attorney has reviewed the available information about the proposed memorandum of understanding and concurs with the recommendation of outside counsel.

NOW, THEREFORE, BE IT RESOLVED, the Goochland County Board of Supervisors hereby approves the attached Virginia Abatement Fund and Settlement Allocation

Resolution

Meeting of August 3, 2021

Memorandum of Understanding and authorizes the County Administrator to execute and enter into such Memorandum of Understanding on behalf of Goochland County, Virginia.

A COPY ATTEST:

County Administrator or Designee
Goochland County Board of Supervisors

**VIRGINIA OPIOID ABATEMENT FUND AND
SETTLEMENT ALLOCATION MEMORANDUM OF UNDERSTANDING**

WHEREAS, the people of the Commonwealth of Virginia and its communities have been harmed through the national and statewide epidemic caused by licit and illicit opioid use and distribution within the Commonwealth of Virginia;

WHEREAS, the Commonwealth of Virginia, through the Office of Attorney General Mark R. Herring, and certain Political Subdivisions, through their elected representatives and counsel, are separately engaged in litigation seeking to hold those entities in the Pharmaceutical Supply Chain accountable for the damage caused;

WHEREAS, the Commonwealth of Virginia and its Political Subdivisions share a common desire to abate and alleviate the impacts of the opioid epidemic throughout Virginia; and now

THEREFORE, the Commonwealth of Virginia and certain of its Political Subdivisions, subject to completing formal documents effectuating the Parties' agreements, enter into this Virginia Opioid Abatement Fund and Settlement Allocation Memorandum of Understanding ("MOU") relating to the allocation and use of the proceeds of any Settlements as described herein.

A. Definitions

As used in this Virginia Term Sheet:

1. "The Commonwealth" shall mean the Commonwealth of Virginia acting through its Attorney General.
2. "Political Subdivision(s)" shall mean the Virginia counties and independent cities represented by Counsel.
3. "Participating Political Subdivisions" shall mean the Political Subdivisions, along with all Virginia counties and independent cities who agree to become signatories to this MOU and to be bound by the terms of future Settlements.

4. “Counsel” shall mean the undersigned private attorneys representing the Political Subdivisions.
5. “The Parties” shall mean the Commonwealth of Virginia, the Political Subdivisions, and Counsel.
6. “Negotiating Committee” shall mean a three-member representative group of the Parties. The Commonwealth shall be represented by the Virginia Attorney General or his designees. The Political Subdivisions and Counsel shall be represented by W. Edgar Spivey of Kaufman & Canoles, P.C. or his designee, and J. Burton LeBlanc of Baron & Budd, P.C. or his designee.
7. “Settlement” shall mean the negotiated resolution of legal or equitable claims against a Pharmaceutical Supply Chain Participant named in Complaints filed by all the Political Subdivisions in court on or before April 30, 2020 when that resolution has been jointly entered into by the Commonwealth, the Political Subdivisions, and Counsel. “Settlement” also shall include the approval by a United States Bankruptcy Court of a plan of reorganization or liquidation of a Pharmaceutical Supply Chain Participant, or any other determination, ruling, or decision by a United States Bankruptcy Court, in which legal or equitable claims against the Pharmaceutical Supply Chain Participant by the Commonwealth and the Political Subdivisions are settled, adjudicated, released, or otherwise resolved.
8. “Opioid Funds” shall mean monetary amounts obtained through a Settlement as defined in this MOU.
9. “Approved Abatement Purposes” shall mean efforts to treat, prevent, or reduce opioid use disorder or the misuse of opioids or to otherwise abate or remediate the

opioid epidemic, including but not limited to those efforts described in Section C(4)(a) through (j) of this MOU. In addition, “Approved Abatement Purposes” shall include the types of efforts approved for funding by the Authority that is defined in Section C(1). “Approved Abatement Purposes” also shall include any other abatement or remediation purposes to the extent such purposes are described in a Settlement.

10. “Pharmaceutical Supply Chain” shall mean the process and channels through which opioids or opioid products are manufactured, marketed, promoted, distributed or dispensed.
11. “Pharmaceutical Supply Chain Participant” shall mean any entity that engages in or has engaged in the manufacture, marketing, promotion, distribution, or dispensing of an opioid analgesic.

B. Allocation of Settlement Proceeds

1. All Opioid Funds shall be initially divided with fifteen percent (15%) going to the Participating Political Subdivisions (“Subdivision Share”), seventy percent (70%) going to the Virginia Opioid Abatement Fund and to other Approved Abatement Purposes as further described herein (“Opioid Abatement Share”), and fifteen percent (15%) going to the Commonwealth of Virginia (“Commonwealth Share”).
2. The Subdivision Share shall be allocated and paid to the Participating Political Subdivisions in accordance with the division of proceeds referenced in the schedule attached hereto as Exhibit A. The shares of Virginia counties and independent cities who elect not to become Participating Political Subdivisions, if any, shall be reallocated ratably to the Participating Political Subdivisions.

3. In the event a Participating Political Subdivision merges, dissolves, or ceases to exist, the allocation percentage for that Participating Political Subdivision shall be redistributed equitably based on the composition of the successor subdivision.
4. The Commonwealth Share shall be deposited to the Attorney General's Regulatory, Consumer Advocacy, Litigation, and Enforcement Revolving Trust Fund with moneys transferred to the Commonwealth's General Fund as provided by law. To the extent a Settlement requires that all Opioid Funds be used only for abatement or similar purposes, then the Commonwealth Share shall be deposited and distributed accordingly.
5. The Opioid Abatement Share of 70% of the Opioid Funds shall be allocated and paid as follows:
 - a. Fifty-five percent (55%) of the Opioid Funds shall be allocated and paid to the Virginia Opioid Abatement Fund ("Fund").
 - b. Fifteen percent (15%) of the Opioid Funds shall be allocated and paid to the Participating Political Subdivisions and shall be used for Approved Abatement Purposes ("Direct Subdivision Abatement Share"). Upon request, a Participating Political Subdivision shall make publicly available information showing the purposes for which the Participating Political Subdivision used Direct Subdivision Abatement Share funds. The Direct Subdivision Abatement Share shall be allocated and paid to the Participating Political Subdivisions in accordance with the division of proceeds referenced in the schedule attached hereto as Exhibit A. The shares of Virginia counties and independent cities who

elect not to become Participating Political Subdivisions, if any, shall be reallocated ratably to the Participating Political Subdivisions.

6. To the extent a Settlement requires that all Opioid Funds be used only for abatement or similar purposes, then the Subdivision Share and the Commonwealth Share shall be used for Approved Abatement Purposes.
7. To receive funds allocated under this MOU from any Settlement, the Commonwealth and the Participating Political Subdivisions will comply with the terms of any such Settlement, including, among other things, any reporting requirements or restrictions on the use of funds for administrative purposes.

C. Virginia Opioid Abatement Fund and Virginia Opioid Abatement Authority

1. The Parties have sought creation of a Virginia Opioid Abatement Authority (“Authority”) through legislation submitted to the Virginia General Assembly, which passed in the form attached hereto as Exhibit B. The Authority shall administer the Fund, which also shall be created through the legislation. The Authority shall seek to abate and remediate the opioid epidemic in Virginia through financial support from the Fund in the form of grants, donations, or other assistance, for efforts to treat, prevent, and reduce opioid use disorder and the misuse of opioids in Virginia.
2. The Authority shall be governed by a Board of Directors consisting of 11 members as follows: (i) the Secretary of Health and Human Resources, or his designee; (ii) the Chair of the Senate Committee on Finance and Appropriations or his designee and the Chair of the House Committee on Appropriations or his designee; (iii) an elected member of the governing body of a Participating Political Subdivision, to

be selected from a list of three submitted jointly by the Virginia Association of Counties and the Virginia Municipal League; (iv) one representative of a community services board or behavioral health authority of an urban or suburban region containing Participating Political Subdivisions and one representative of a community services board or behavioral health authority of a rural region containing Participating Political Subdivisions, each to be selected from lists of three submitted by the Virginia Association of Community Services Boards; (v) one sheriff of a Participating Political Subdivision, to be selected from a list of three submitted by the Virginia Sheriffs' Association; (vi) one licensed, practicing City or County Attorney of a Participating Political Subdivision, to be selected from a list of three submitted by the Local Government Attorneys of Virginia; (vii) two medical professionals with expertise in public and behavioral health administration or opioid use disorders and their treatment; and (viii) one representative of the addiction and recovery community.

- a. The members appointed pursuant to clause (i) shall serve ex officio, and the members appointed pursuant to clauses (iii) through (viii) shall be appointed by the Governor.
- b. After an initial staggering of terms, members of the Board shall serve terms of four years. No member shall be eligible to serve more than two terms. Any appointment to fill a vacancy shall be for the unexpired term. A person appointed to fill a vacancy may be appointed to serve two additional terms. Ex officio members shall serve terms coincident with their terms of office.

- c. The Board shall elect annually a chairman and vice-chairman from among its membership. The chairman, or in his absence the vice-chairman, shall preside at all meetings of the Board. A majority of the members of the Board serving at any one time shall constitute a quorum for the transaction of business. The Board shall meet annually or more frequently at the call of the chairman.
3. The Authority shall establish specific criteria and procedures for awards from the Fund; establish requirements for the submission of funding requests; evaluate funding requests in accordance with the criteria established by the Authority; make awards from the Fund in a manner that distributes funds equitably among all community services board regions of the Commonwealth, including the establishment of minimum percentages of funds that must be awarded to each Participating Political Subdivision; and evaluate the implementation and results of all efforts receiving support from the Authority.
4. The Authority may make grants and disbursements from the Fund that support efforts to treat, prevent, or reduce opioid use disorder or the misuse of opioids or otherwise abate or remediate the opioid epidemic. Such efforts may include but shall not be limited to the following:
 - a. Support treatment of opioid use disorder and any co-occurring substance use disorder or mental health conditions through evidence-based or evidence-informed methods, programs, or strategies.
 - b. Support people in recovery from opioid use disorder and any co-occurring substance use disorder or mental health conditions through evidence-based or evidence-informed methods, programs, or strategies;

- c. Provide connections to care for people who have, or are at risk of developing, opioid use disorder and any co-occurring substance use disorder or mental health conditions through evidence-based or evidence-informed methods, programs, or strategies;
- d. Support efforts, including law-enforcement programs, to address the needs of persons with opioid use disorder and any co-occurring substance use disorder or mental health conditions who are involved, or are at risk of becoming involved, in the criminal justice system through evidence-based or evidence-informed methods, programs, or strategies;
- e. Support drug treatment and recovery courts that provide evidence-based or evidence-informed options for people with opioid use disorder and any co-occurring substance use disorder or mental health conditions;
- f. Support efforts to address the needs of pregnant or parenting women with opioid use disorder and any co-occurring substance use disorder or mental health conditions, and the needs of their families, including babies with neonatal abstinence syndrome, through evidence-based or evidence-informed methods, programs, or strategies;
- g. Support efforts to prevent over-prescribing and ensure appropriate prescribing and dispensing of opioids through evidence-based or evidence-informed methods, programs, or strategies;
- h. Support efforts to discourage or prevent misuse of opioids through evidence-based or evidence-informed methods, programs, or strategies;

- i. Support efforts to prevent or reduce overdose deaths or other opioid-related harms through evidence-based or evidence-informed methods, programs, or strategies; and
 - j. Support efforts to provide comprehensive resources for patients seeking opioid detoxification, including detoxification services.
5. The Authority shall provide financial support only for efforts that satisfy the following conditions:
- a. The efforts shall be conducted or managed by a Virginia state agency or Participating Political Subdivision;
 - b. No support provided by the Authority shall be used by the recipient to supplant funding for an existing program or continue funding an existing program at its current amount of funding;
 - c. No support provided by the Authority shall be used by the recipient for indirect costs incurred in the administration of the financial support or for any other purpose proscribed by the Authority; and
 - d. Recipients of support provided by the Authority shall agree to provide the Authority with such information regarding the implementation of the effort and allow such monitoring and review of the effort as may be required by the Authority to ensure compliance with the terms under which the support is provided.
6. The Authority shall give priority to applications for financial support for efforts that:

- a. Collaborate with an existing program or organization that has an established record of success treating, preventing or reducing opioid use disorder or the misuse of opioids;
 - b. Treat, prevent, or reduce opioid use disorder or the misuse of opioids in a community with a high incidence of opioid use disorder or opioid death rate relative to population;
 - c. Treat, prevent or reduce opioid use disorder or the misuse of opioids in a historically economically disadvantaged community, as that term is defined in Va. Code § 56-576; or
 - d. Include a monetary match from or on behalf of the applicant, with higher priority given to an effort with a larger matching amount.
7. For every deposit to the Fund, the Authority shall allocate a portion to the following purposes:
- a. Fifteen percent (15%) shall be restricted for use by state agencies;
 - b. Fifteen percent (15%) shall be restricted for use by Participating Political Subdivisions with these funds distributed in accordance with the division of proceeds referenced in the schedule attached hereto as Exhibit A. The shares of Virginia counties and independent cities who elect not to become Participating Political Subdivisions, if any, shall be reallocated ratably to the Participating Political Subdivisions.
 - c. Thirty-five percent (35%) shall be restricted for use for regional efforts (a partnership of at least two Participating Political Subdivisions within a community services board region); and

- d. Thirty-five percent (35%) shall be unrestricted and may be used to fund the Authority's staffing and administrative costs and may be distributed for use by state agencies, by the Participating Political Subdivisions, or for regional efforts in addition to the amounts set forth in subparagraphs 7(a)-(c), provided that the Authority shall ensure that such funds are used to accomplish the purposes described above or invested as described immediately below.
8. In distributing money from the Fund, the Authority shall balance immediate and anticipated needs with projected receipts of funds in order to best accomplish the purposes for which the Authority is established.
9. The Board may designate any amount from the Fund to be invested, reinvested, and managed by the Board of the Virginia Retirement System.

D. Payment of Counsel and Litigation Expenses

1. The Parties anticipate that any national Settlement will provide for payment of all or a portion of the attorneys' fees and litigation expenses of named plaintiff Participating Political Subdivisions. Counsel for any named plaintiff Participating Political Subdivision that seeks to recover attorneys' fees and litigation expenses from Settlement funds shall first seek to recover such fees and expenses from any national Settlement fund established to pay such fees and expenses. For such purposes, the Parties agree that the monetary recoveries obtained via Settlement are attributable to the Commonwealth and the Political Subdivisions 50% each.
2. In addition, the Parties agree that a supplemental attorneys' fees and costs fund (the "Deficiency Fund") will be created; provided, however, that such Deficiency Fund may not violate the terms of any national Settlement. In such event, the Parties

agree to exert diligent efforts to accomplish an alternate arrangement that preserves the payment of counsel and litigation expenses outlined hereunder. Administration of the Deficiency Fund shall be the responsibility of the Political Subdivisions, and the costs of administration may be paid out of the Deficiency Fund.

3. The Deficiency Fund is to be used to compensate counsel for the Participating Political Subdivisions that filed suit on or prior to April 30, 2020. Eligible contingent fee contracts shall have been executed on or before April 30, 2020.
4. The Deficiency Fund shall be funded as follows: from any national Settlement, the funds deposited in the Deficiency Fund shall be 25% of the Subdivision Share and 25% of the Direct Subdivision Abatement Share of each payment (annual or otherwise) that is allocated to the Commonwealth of Virginia (including its political subdivisions) for that Settlement. These funds shall be deposited to the Deficiency Fund prior to distribution to the Participating Political Subdivisions. No portion of the Deficiency Fund shall be drawn from the Commonwealth Share or the Fund.
5. The maximum percentage of any contingency fee agreement permitted for compensation shall be 25% of the portion of the Subdivision Share and the Direct Subdivision Abatement Share attributable to the named plaintiff Participating Political Subdivision that is a party to the contingency fee agreement, plus expenses attributable to that named plaintiff Participating Political Subdivision. Under no circumstances may counsel collect more for its work on behalf of a named plaintiff Participating Political Subdivision than it would under its contingency agreement with that named plaintiff Participating Political Subdivision.

6. To the extent that funds available in the designated amounts or percentages set forth in this Section D are inadequate to fully pay amounts due under contingent fee contracts, funds shall be distributed to private counsel for named plaintiff Participating Political Subdivisions who filed suit and entered into contingent fee contracts prior to April 30, 2020 on a pro rata basis based on the percentage of the total population of named plaintiff Participating Political Subdivisions contained in the named plaintiff Participating Political Subdivision that private counsel represents.
7. Any funds remaining in the Deficiency Fund in excess of the amounts needed to cover private counsel's representation agreements shall revert to the Participating Political Subdivisions and be allocated to the sources from which they derived.
8. Any attorneys' fees related to representation of the Commonwealth of Virginia shall not be paid from the Subdivision Share, the Direct Subdivision Abatement Share, or the Fund but shall be drawn directly from the Commonwealth Share or through other sources. Any payments of attorneys' fees related to representation of the Commonwealth of Virginia from such other sources shall not be deemed Opioid Funds subject to allocation under this MOU.

E. Settlement Negotiations

1. The Negotiating Committee members agree to inform each other in advance of any negotiations relating to any Virginia-only Settlement with a Pharmaceutical Supply Chain Participant that includes both the Commonwealth and its Political Subdivisions and shall provide each other the opportunity to participate in such negotiations.

2. The Parties further agree to keep each other reasonably informed of all other global settlement negotiations with Pharmaceutical Supply Chain Participants. Neither this provision, nor any other, shall be construed to state or imply that the Commonwealth or the Political Subdivisions are unauthorized to engage in settlement negotiations with Pharmaceutical Supply Chain Participants without prior consent or contemporaneous participation of the other, or that either party is entitled to participate as an active or direct participant in settlement negotiations with the other. Rather, while the Commonwealth's and the Political Subdivisions' efforts to achieve worthwhile settlements are to be collaborative, incremental stages need not be so.
3. As this is a Virginia-specific effort, the Negotiating Committee shall be chaired by the Attorney General or his designee.
4. The Commonwealth of Virginia, the Political Subdivisions, or Counsel may withdraw from coordinated Settlement discussions detailed in this Section upon 5 days' written notice to the remaining Committee Members and counsel for any affected Pharmaceutical Supply Chain Participant. The withdrawal of any Member releases the remaining Committee Members from the restrictions and obligations in this Section E.
5. The obligations in this Section E shall not affect any Party's right to proceed with trial or, within 30 days of the date upon which a trial involving that Party's claims against a specific Pharmaceutical Supply Chain Participant is scheduled to begin, reach a case-specific resolution with that particular Pharmaceutical Supply Chain Participant.

6. Nothing in this MOU alters or changes the right of the Commonwealth or any Political Subdivision to pursue its own claim. The intent of this MOU is to join the Parties to reach a Settlement or Settlements.

Acknowledgment of Agreement

We, the undersigned, have participated in the drafting of the above MOU, including comments solicited from client Political Subdivisions. This document has been collaboratively drafted to maintain all individual claims while allowing the Commonwealth and its Political Subdivisions to cooperate in exploring all possible means of resolution. Nothing in this agreement binds any party to any specific outcome. Any resolution under this document will require acceptance by the Commonwealth of Virginia and the Participating Political Subdivisions.

We, the undersigned, hereby accept the VIRGINIA OPIOID ABATEMENT FUND AND SETTLEMENT ALLOCATION MEMORANDUM OF UNDERSTANDING. We understand that the purpose of this MOU is to permit collaboration between the Commonwealth of Virginia and Political Subdivisions to explore and potentially effectuate earlier resolution of the Opioid Litigation against Pharmaceutical Supply Chain Participants. We also understand that an additional purpose is to create an effective means of distributing any potential Settlement funds obtained under this MOU between the Commonwealth of Virginia and the Participating Political Subdivisions in a manner that would promote an effective and meaningful use of the funds in abating the opioid epidemic throughout Virginia.

Executed this _____ day of _____, 2021.

FOR THE COMMONWEALTH OF VIRGINIA:

MARK R. HERRING
ATTORNEY GENERAL

FOR POLITICAL SUBDIVISIONS AND COUNSEL (list firms)

EXHIBIT A

Table 1: Opioid Settlement Allocations to Counties and Independent Cities

Location	%	Location	%	Location	%
Accomack	0.348%	Franklin City	0.079%	Norton City	0.110%
Albemarle	0.863%	Frederick	1.277%	Nottoway	0.133%
Alexandria City	1.162%	Fredericksburg City	0.524%	Orange	0.638%
Alleghany	0.213%	Galax City	0.139%	Page	0.410%
Amelia	0.100%	Giles	0.409%	Patrick	0.329%
Amherst	0.299%	Gloucester	0.424%	Petersburg City	0.395%
Appomattox	0.133%	Goochland	0.225%	Pittsylvania	0.750%
Arlington	1.378%	Grayson	0.224%	Poquoson City	0.186%
Augusta	0.835%	Greene	0.178%	Portsmouth City	1.937%
Bath	0.037%	Greensville	0.124%	Powhatan	0.262%
Bedford	0.777%	Halifax	0.353%	Prince Edward	0.190%
Bland	0.147%	Hampton City	1.538%	Prince George	0.351%
Botetourt	0.362%	Hanover	1.079%	Prince William	3.556%
Bristol City	0.434%	Harrisonburg City	0.523%	Pulaski	1.061%
Brunswick	0.107%	Henrico	4.473%	Radford City	0.247%
Buchanan	0.929%	Henry	1.220%	Rappahannock	0.091%
Buckingham	0.127%	Highland	0.023%	Richmond	0.084%
Buena Vista City	0.078%	Hopewell City	0.344%	Richmond City	4.225%
Campbell	0.456%	Isle of Wight	0.356%	Roanoke	1.498%
Caroline	0.318%	James City	0.612%	Roanoke City	1.859%
Carroll	0.440%	King George	0.306%	Rockbridge	0.235%
Charles City	0.073%	King William	0.178%	Rockingham	0.614%
Charlotte	0.138%	King and Queen	0.072%	Russell	1.064%
Charlottesville City	0.463%	Lancaster	0.135%	Salem City	0.786%
Chesapeake City	2.912%	Lee	0.556%	Scott	0.421%
Chesterfield	4.088%	Lexington City	0.093%	Shenandoah	0.660%
Clarke	0.125%	Loudoun	2.567%	Smyth	0.592%
Colonial Heights City	0.283%	Louisa	0.449%	Southampton	0.137%
Covington City	0.100%	Lunenburg	0.088%	Spotsylvania	1.417%
Craig	0.070%	Lynchburg City	0.816%	Stafford	1.443%
Culpeper	0.790%	Madison	0.163%	Staunton City	0.440%
Cumberland	0.100%	Manassas City	0.452%	Suffolk City	0.710%
Danville City	0.637%	Manassas Park City	0.095%	Surry	0.058%
Dickenson	0.948%	Martinsville City	0.494%	Sussex	0.081%
Dinwiddie	0.196%	Mathews	0.088%	Tazewell	1.606%
Emporia City	0.050%	Mecklenburg	0.344%	Virginia Beach City	4.859%
Essex	0.101%	Middlesex	0.108%	Warren	0.766%
Fairfax	8.672%	Montgomery	1.205%	Washington	0.996%

Fairfax City	0.269%	Nelson	0.147%	Waynesboro City	0.363%
Falls Church City	0.102%	New Kent	0.156%	Westmoreland	0.223%
Fauquier	1.210%	Newport News City	2.047%	Williamsburg City	0.086%
Floyd	0.182%	Norfolk City	3.388%	Winchester City	0.649%
Fluvanna	0.194%	Northampton	0.122%	Wise	1.756%
Franklin	0.954%	Northumberland	0.129%	Wythe	0.642%
				York	0.561%

EXHIBIT B

Va. Code Ann. § 2.2-2365

Current through the 2021 Regular Session and Special Session I of the General Assembly

VA - Code of Virginia (Annotated) > TITLE 2.2. ADMINISTRATION OF GOVERNMENT > SUBTITLE I. ORGANIZATION OF STATE GOVERNMENT > PART D. STATE AUTHORITIES, BOARDS, COMMISSIONS, COUNCILS, FOUNDATIONS AND OTHER COLLEGIAL BODIES > CHAPTER 22. AUTHORITIES > ARTICLE 12. OPIOID ABATEMENT AUTHORITY

§ 2.2-2365. Definitions

As used in this article, unless the context requires a different meaning:

"Authority" means the Opioid Abatement Authority.

"Board" means the board of directors of the Authority.

"Community services board region" means a region as determined by the Department of Behavioral Health and Developmental Services for purposes of administering Chapter 5 (§ 37.2-500 et seq.) of Title 37.2.

"Fund" means the Opioid Abatement Fund.

"Historically economically disadvantaged community" means the same as such term is defined in § 56-576.

"Local apportionment formula" means any formula submitted to the Attorney General by participating localities pursuant to the provisions of subsection B of § 2.2-507.3.

"Participating locality" means any county or independent city that agrees to be bound by the terms of a settlement agreement entered into by the Attorney General relating to claims regarding the manufacturing, marketing, distribution, or sale of opioids, and that releases its own such claims.

"Regional effort" means any effort involving a partnership of at least two participating localities within a community services board region.

History

2021, Sp. Sess. I, cc. 306, 307.

Annotations

Notes

EFFECTIVE DATE. --

This section is effective July 1, 2021.

Copyright © 2021 by Matthew Bender & Company, Inc. a member of the LexisNexis Group. All rights reserved.

Attachment: VA Opioid Abatement Fund Memorandum of Understanding (4073 : Opioid litigation settlement MOU)

End of Document

Va. Code Ann. § 2.2-2366

Current through the 2021 Regular Session and Special Session I of the General Assembly

VA - Code of Virginia (Annotated) > TITLE 2.2. ADMINISTRATION OF GOVERNMENT > SUBTITLE I. ORGANIZATION OF STATE GOVERNMENT > PART D. STATE AUTHORITIES, BOARDS, COMMISSIONS, COUNCILS, FOUNDATIONS AND OTHER COLLEGIAL BODIES > CHAPTER 22. AUTHORITIES > ARTICLE 12. OPIOID ABATEMENT AUTHORITY

§ 2.2-2366. Opioid Abatement Authority established

The Opioid Abatement Authority is established as an independent body. The purpose of the Authority is to abate and remediate the opioid epidemic in the Commonwealth through financial support from the Fund, in the form of grants, donations, or other assistance, for efforts to treat, prevent, and reduce opioid use disorder and the misuse of opioids in the Commonwealth. The Authority's exercise of powers conferred by this article shall be deemed to be the performance of an essential governmental function and matters of public necessity for which public moneys may be spent and private property acquired.

History

2021, Sp. Sess. I, cc. 306 , 307 .

Annotations

Notes

EFFECTIVE DATE. --

This section is effective July 1, 2021.

Copyright © 2021 by Matthew Bender & Company, Inc. a member of the LexisNexis Group. All rights reserved.

End of Document

Attachment: VA Opioid Abatement Fund Memorandum of Understanding (4073 : Opioid litigation settlement MOU)

Va. Code Ann. § 2.2-2367

Current through the 2021 Regular Session and Special Session I of the General Assembly

VA - Code of Virginia (Annotated) > TITLE 2.2. ADMINISTRATION OF GOVERNMENT > SUBTITLE I. ORGANIZATION OF STATE GOVERNMENT > PART D. STATE AUTHORITIES, BOARDS, COMMISSIONS, COUNCILS, FOUNDATIONS AND OTHER COLLEGIAL BODIES > CHAPTER 22. AUTHORITIES > ARTICLE 12. OPIOID ABATEMENT AUTHORITY

§ 2.2-2367. Board of directors; members

A. The Authority shall be governed by a board of directors consisting of 11 members as follows: (i) the Secretary of Health and Human Resources or his designee; (ii) the Chair of the Senate Committee on Finance and Appropriations or his designee and the Chair of the House Committee on Appropriations or his designee; (iii) an elected member of the governing body of a participating locality, to be selected from a list of three submitted jointly by the Virginia Association of Counties and the Virginia Municipal League; (iv) one representative of a community services board or behavioral health authority serving an urban or suburban region containing participating localities and one representative of a community services board or behavioral health authority serving a rural region containing participating localities, each to be selected from lists of three submitted by the Virginia Association of Community Services Boards; (v) one sheriff of a participating locality, to be selected from a list of three submitted by the Virginia Sheriffs' Association; (vi) one licensed, practicing county or city attorney of a participating locality, to be selected from a list of three submitted by the Local Government Attorneys of Virginia; (vii) two medical professionals with expertise in public and behavioral health administration or opioid use disorders and their treatment; and (viii) one representative of the addiction and recovery community.

The member appointed pursuant to clause (i) shall serve ex officio, and the members appointed pursuant to clauses (iii) through (viii) shall be appointed by the Governor. If the term of the office to which a member appointed pursuant to clause (iii) or (v) was elected expires prior to the expiration of his term as a member of the board, the Governor may authorize such member to complete the remainder of his term as a member or may appoint a new member who satisfies the criteria of clause (iii) or (v), as applicable, to complete the remainder of the term.

B.1. After an initial staggering of terms, members of the Board shall serve terms of four years. No member shall be eligible to serve more than two terms. Any appointment to fill a vacancy shall be for the unexpired term. A person appointed to fill a vacancy may be appointed to serve two additional terms.

2. Ex officio members shall serve terms coincident with their terms of office.

C. The Board shall elect annually a chairman and vice-chairman from among its membership. The chairman, or in his absence the vice-chairman, shall preside at all meetings of the Board.

D. A majority of the members of the Board serving at any one time shall constitute a quorum for the transaction of business.

E. The Board shall meet annually or more frequently at the call of the chairman.

History

2021, Sp. Sess. I, cc. 306, 307.

Annotations

Notes

EDITOR'S NOTE. --

Acts 2021, Sp. Sess. I, cc. 306 and 307, cl. 2 provides: "That the initial appointments of nonlegislative citizen members to the board of directors of the Opioid Abatement Authority shall be staggered as follows: (i) two nonlegislative citizen members appointed by the Governor shall be appointed for a term of one year, (ii) two nonlegislative citizen members appointed by the Governor shall be appointed for a term of two years, (iii) two nonlegislative citizen members appointed by the Governor shall be appointed for a term of three years, and (iv) two nonlegislative citizen members appointed by the Governor shall be appointed for a term of four years. For purposes of this enactment, "nonlegislative citizen member" means any member identified in clauses (iii) through (viii) of § 2.2-2367 of the Code of Virginia, as created by this act. Any nonlegislative citizen member appointed to an initial term of less than four years shall be eligible to serve two additional full four-year terms."

EFFECTIVE DATE. --

This section is effective July 1, 2021.

Copyright © 2021 by Matthew Bender & Company, Inc. a member of the LexisNexis Group. All rights reserved.

End of Document

Va. Code Ann. § 2.2-2368

Current through the 2021 Regular Session and Special Session I of the General Assembly

VA - Code of Virginia (Annotated) > TITLE 2.2. ADMINISTRATION OF GOVERNMENT > SUBTITLE I. ORGANIZATION OF STATE GOVERNMENT > PART D. STATE AUTHORITIES, BOARDS, COMMISSIONS, COUNCILS, FOUNDATIONS AND OTHER COLLEGIAL BODIES > CHAPTER 22. AUTHORITIES > ARTICLE 12. OPIOID ABATEMENT AUTHORITY

§ 2.2-2368. Duties of the Authority

The Authority shall:

1. Establish specific criteria and procedures for awards from the Fund;
2. Establish requirements for the submission of funding requests;
3. Evaluate funding requests in accordance with the criteria established by the Authority and the provisions of this article;
4. Make awards from the Fund in a manner that distributes funds equitably among all community services board regions of the Commonwealth, including the establishment of mandatory minimum percentages of funds to be awarded from the Commonwealth to each participating locality;
5. Evaluate the implementation and results of all efforts receiving support from the Authority; and
6. Administer the Fund in accordance with the provisions of this article.

History

2021, Sp. Sess. I, cc. 306 , 307 .

Annotations

Notes

EFFECTIVE DATE. --

This section is effective July 1, 2021.

Copyright © 2021 by Matthew Bender & Company, Inc. a member of the LexisNexis Group. All rights reserved.

End of Document

Va. Code Ann. § 2.2-2369

Current through the 2021 Regular Session and Special Session I of the General Assembly

VA - Code of Virginia (Annotated) > TITLE 2.2. ADMINISTRATION OF GOVERNMENT > SUBTITLE I. ORGANIZATION OF STATE GOVERNMENT > PART D. STATE AUTHORITIES, BOARDS, COMMISSIONS, COUNCILS, FOUNDATIONS AND OTHER COLLEGIAL BODIES > CHAPTER 22. AUTHORITIES > ARTICLE 12. OPIOID ABATEMENT AUTHORITY

§ 2.2-2369. Powers of the Authority

In order to carry out its purposes, the Authority may:

1. Make grants and disbursements from the Fund that support efforts to treat, prevent, and reduce opioid use disorder and the misuse of opioids or otherwise abate or remediate the opioid epidemic;
2. Pay expenditures from the Fund that are necessary to carry out the purposes of this article;
3. Contract for the services of consultants to assist in the evaluation of the efforts funded by the Authority;
4. Contract for other professional services to assist the Authority in the performance of its duties and responsibilities;
5. Accept, hold, administer, and solicit gifts, grants, bequests, contributions, or other assistance from federal agencies, the Commonwealth, or any other public or private source to carry out the purposes of this article;
6. Enter into any agreement or contract relating to the acceptance or use of any grant, assistance, or support provided by or to the Authority or otherwise in furtherance of the purposes of this article;
7. Perform any lawful acts necessary or appropriate to carry out the purposes of the Authority; and
8. Employ such staff as is necessary to perform the Authority's duties. The Authority may determine the duties of such staff and fix the salaries and compensation of such staff, which shall be paid from the Fund. Staff of the Authority shall be treated as state employees for purposes of participation in the Virginia Retirement System, health insurance, and all other employee benefits offered by the Commonwealth to its classified employees. Staff of the Authority shall not be subject to the provisions of Chapter 29 (§ 2.2-2900 et seq.) of Title 2.2.

History

2021, Sp. Sess. I, cc. 306, 307.

Annotations

Notes

EFFECTIVE DATE. --

This section is effective July 1, 2021.

Copyright © 2021 by Matthew Bender & Company, Inc. a member of the LexisNexis Group. All rights reserved.

End of Document

Va. Code Ann. § 2.2-2370

Current through the 2021 Regular Session and Special Session I of the General Assembly

VA - Code of Virginia (Annotated) > TITLE 2.2. ADMINISTRATION OF GOVERNMENT > SUBTITLE I. ORGANIZATION OF STATE GOVERNMENT > PART D. STATE AUTHORITIES, BOARDS, COMMISSIONS, COUNCILS, FOUNDATIONS AND OTHER COLLEGIAL BODIES > CHAPTER 22. AUTHORITIES > ARTICLE 12. OPIOID ABATEMENT AUTHORITY

§ 2.2-2370. Conditions and restrictions on financial assistance

A. The Authority shall provide financial support only for efforts that satisfy the following conditions:

1. The efforts shall be designed to treat, prevent, or reduce opioid use disorder or the misuse of opioids or otherwise abate or remediate the opioid epidemic, which may include efforts to:
 - a. Support treatment of opioid use disorder and any co-occurring substance use disorder or mental health conditions through evidence-based or evidence-informed methods, programs, or strategies;
 - b. Support people in recovery from opioid use disorder and any co-occurring substance use disorder or mental health conditions through evidence-based or evidence-informed methods, programs, or strategies;
 - c. Provide connections to care for people who have, or are at risk of developing, opioid use disorder and any co-occurring substance use disorder or mental health conditions through evidence-based or evidence-informed methods, programs, or strategies;
 - d. Support efforts, including law-enforcement programs, to address the needs of persons with opioid use disorder and any co-occurring substance use disorder or mental health conditions who are involved in, or are at risk of becoming involved in, the criminal justice system through evidence-based or evidence-informed methods, programs, or strategies;
 - e. Support drug treatment and recovery courts that provide evidence-based or evidence-informed options for people with opioid use disorder and any co-occurring substance use disorder or mental health conditions;
 - f. Support efforts to address the needs of pregnant or parenting women with opioid use disorder and any co-occurring substance use disorder or mental health conditions and the needs of their families, including infants with neonatal abstinence syndrome, through evidence-based or evidence-informed methods, programs, or strategies;
 - g. Support efforts to prevent overprescribing and ensure appropriate prescribing and dispensing of opioids through evidence-based or evidence-informed methods, programs, or strategies;
 - h. Support efforts to discourage or prevent misuse of opioids through evidence-based or evidence-informed methods, programs, or strategies;
 - i. Support efforts to prevent or reduce overdose deaths or other opioid-related harms through evidence-based or evidence-informed methods, programs, or strategies; and
 - j. Support efforts to provide comprehensive resources for patients seeking opioid detoxification, including detoxification services;
2. The efforts shall be conducted or managed by any agency of the Commonwealth or participating locality;
3. No support provided by the Authority shall be used by the recipient to supplant funding for an existing program or continue funding an existing program at its current amount of funding;
4. No support provided by the Authority shall be used by the recipient for indirect costs incurred in the administration of the financial support or for any other purpose proscribed by the Authority; and

5. Recipients of support provided by the Authority shall agree to provide the Authority with such information regarding the implementation of the effort and allow such monitoring and review of the effort as may be required by the Authority to ensure compliance with the terms under which the support is provided.

B. The Authority shall give priority to applications for financial support for efforts that:

1. Collaborate with an existing program or organization that has an established record of success treating, preventing, or reducing opioid use disorder or the misuse of opioids;
2. Treat, prevent, or reduce opioid use disorder or the misuse of opioids in a community with a high incidence of opioid use disorder or opioid death rate, relative to population;
3. Treat, prevent, or reduce opioid use disorder or the misuse of opioids in a historically economically disadvantaged community; or
4. Include a monetary match from or on behalf of the applicant, with higher priority given to an effort with a larger matching amount.

History

2021, Sp. Sess. I, cc. 306, 307.

Annotations

Notes

EFFECTIVE DATE. --

This section is effective July 1, 2021.

Copyright © 2021 by Matthew Bender & Company, Inc. a member of the LexisNexis Group. All rights reserved.

End of Document

Va. Code Ann. § 2.2-2371

Current through the 2021 Regular Session and Special Session I of the General Assembly

VA - Code of Virginia (Annotated) > TITLE 2.2. ADMINISTRATION OF GOVERNMENT > SUBTITLE I. ORGANIZATION OF STATE GOVERNMENT > PART D. STATE AUTHORITIES, BOARDS, COMMISSIONS, COUNCILS, FOUNDATIONS AND OTHER COLLEGIAL BODIES > CHAPTER 22. AUTHORITIES > ARTICLE 12. OPIOID ABATEMENT AUTHORITY

§ 2.2-2371. Cooperation with other agencies

All agencies of the Commonwealth shall cooperate with the Authority and, upon request, assist the Authority in the performance of its duties and responsibilities.

History

2021, Sp. Sess. I, cc. 306, 307.

Annotations

Notes

EFFECTIVE DATE. --

This section is effective July 1, 2021.

Copyright © 2021 by Matthew Bender & Company, Inc. a member of the LexisNexis Group. All rights reserved.

End of Document

Va. Code Ann. § 2.2-2372

Current through the 2021 Regular Session and Special Session I of the General Assembly

VA - Code of Virginia (Annotated) > TITLE 2.2. ADMINISTRATION OF GOVERNMENT > SUBTITLE I. ORGANIZATION OF STATE GOVERNMENT > PART D. STATE AUTHORITIES, BOARDS, COMMISSIONS, COUNCILS, FOUNDATIONS AND OTHER COLLEGIAL BODIES > CHAPTER 22. AUTHORITIES > ARTICLE 12. OPIOID ABATEMENT AUTHORITY

§ 2.2-2372. Form and audit of accounts and records

A.The accounts and records of the Authority showing the receipt and disbursement of funds from whatever source derived shall be in such form as the Auditor of Public Accounts prescribes.

B.The accounts and records of the Authority are subject to an annual audit by the Auditor of Public Accounts or his legal representative.

History

2021, Sp. Sess. I, cc. 306 , 307 .

Annotations

Notes

EFFECTIVE DATE. --

This section is effective July 1, 2021.

Copyright © 2021 by Matthew Bender & Company, Inc. a member of the LexisNexis Group. All rights reserved.

End of Document

Va. Code Ann. § 2.2-2373

Current through the 2021 Regular Session and Special Session I of the General Assembly

VA - Code of Virginia (Annotated) > TITLE 2.2. ADMINISTRATION OF GOVERNMENT > SUBTITLE I. ORGANIZATION OF STATE GOVERNMENT > PART D. STATE AUTHORITIES, BOARDS, COMMISSIONS, COUNCILS, FOUNDATIONS AND OTHER COLLEGIAL BODIES > CHAPTER 22. AUTHORITIES > ARTICLE 12. OPIOID ABATEMENT AUTHORITY

§ 2.2-2373. Annual report

The Authority shall submit to the Governor and the General Assembly an annual executive summary of the interim activity and work of the Authority no later than the first day of each regular session of the General Assembly. The executive summary shall be submitted as a report document as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website. The executive summary shall include information regarding efforts supported by the Authority and expenditures from the Fund.

History

2021, Sp. Sess. I, cc. 306, 307.

Annotations

Notes

EFFECTIVE DATE. --

This section is effective July 1, 2021.

Copyright © 2021 by Matthew Bender & Company, Inc. a member of the LexisNexis Group. All rights reserved.

End of Document

Va. Code Ann. § 2.2-2374

Current through the 2021 Regular Session and Special Session I of the General Assembly

VA - Code of Virginia (Annotated) > TITLE 2.2. ADMINISTRATION OF GOVERNMENT > SUBTITLE I. ORGANIZATION OF STATE GOVERNMENT > PART D. STATE AUTHORITIES, BOARDS, COMMISSIONS, COUNCILS, FOUNDATIONS AND OTHER COLLEGIAL BODIES > CHAPTER 22. AUTHORITIES > ARTICLE 12. OPIOID ABATEMENT AUTHORITY

§ 2.2-2374. Opioid Abatement Fund

A. There is hereby created in the state treasury a special, nonreverting fund to be known as the Opioid Abatement Fund, referred to in this section as "the Fund," to be administered by the Authority. All funds appropriated to the Fund, all funds designated by the Attorney General under § 2.2-507.3 from settlements, judgments, verdicts, and other court orders relating to claims regarding the manufacturing, marketing, distribution, or sale of opioids, and any gifts, donations, grants, bequests, and other funds received on the Fund's behalf shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund at the end of each fiscal year, including interest thereon, shall not revert to the general fund but shall remain in the Fund. Expenditures and disbursements from the Fund, which may consist of grants or loans, shall be authorized by majority vote of the Board.

B. Moneys in the Fund shall be used to provide grants and loans to any agency of the Commonwealth or participating locality for the purposes determined by the Authority in accordance with this article and in consultation with the Office of the Attorney General. The Authority shall develop guidelines, procedures, and criteria for the application for and award of grants or loans in consultation with the Office of the Attorney General. Such guidelines, procedures, and criteria shall comply with the terms of any applicable settlement, judgment, verdict, or other court order, or any agreement related thereto between the Attorney General and participating localities.

C. The Authority shall fund all staffing and administrative costs from the Fund. Its expenditures for staffing and administration shall be limited to those that are reasonable for carrying out the purposes of this article.

D. For every deposit to the Fund, the Authority shall allocate a portion to the following purposes:

1. Fifteen percent shall be restricted for use by state agencies;
2. Fifteen percent shall be restricted for use by participating localities, provided that if the terms of a settlement, judgment, verdict, or other court order, or any agreement related thereto between the Attorney General and participating localities, require this portion to be distributed according to a local apportionment formula, this portion shall be distributed in accordance with such formula;
3. Thirty-five percent shall be restricted for use for regional efforts; and
4. Thirty-five percent shall be unrestricted. Unrestricted funds may be used to fund the Authority's staffing and administrative costs and may be distributed for use by state agencies, by participating localities, or for regional efforts in addition to the amounts set forth in subdivisions 1, 2, and 3, provided that the Authority shall ensure that such funds are used to accomplish the purposes of this article or invested under subsection F.

E. In distributing money from the Fund under subsection D, the Authority shall balance immediate and anticipated needs with projected receipts of funds to best accomplish the purposes for which the Authority is established.

Va. Code Ann. § 2.2-2374

F.The Board may designate any amount from the Fund to be invested, reinvested, and managed by the Board of the Virginia Retirement System as provided in § 51.1-124.40. The State Treasurer is not liable for losses suffered by the Virginia Retirement System on investments made under the authority of this section.

History

2021, Sp. Sess. I, cc. 306 , 307 .

Annotations

Notes

EFFECTIVE DATE. --

This section is effective July 1, 2021.

Copyright © 2021 by Matthew Bender & Company, Inc. a member of the LexisNexis Group. All rights reserved.

End of Document

Va. Code Ann. § 2.2-2375

Current through the 2021 Regular Session and Special Session I of the General Assembly

VA - Code of Virginia (Annotated) > TITLE 2.2. ADMINISTRATION OF GOVERNMENT > SUBTITLE I. ORGANIZATION OF STATE GOVERNMENT > PART D. STATE AUTHORITIES, BOARDS, COMMISSIONS, COUNCILS, FOUNDATIONS AND OTHER COLLEGIAL BODIES > CHAPTER 22. AUTHORITIES > ARTICLE 12. OPIOID ABATEMENT AUTHORITY

§ 2.2-2375. Exemption from taxes or assessments

The exercise of the powers granted by this article shall be in all respects for the benefit of the people of the Commonwealth, for the increase of their commerce and prosperity, and for the improvement of their health and living conditions, and as the operation and maintenance of projects by the Authority and the undertaking of activities in furtherance of the purpose of the Authority constitute the performance of essential governmental functions, the Authority shall not be required to pay any taxes or assessments upon any project or any property acquired or used by the Authority under the provisions of this article or upon the income therefrom, including sales and use taxes on tangible personal property used in the operations of the Authority, and shall at all times be free from state and local taxation. The exemption granted in this section shall not be construed to extend to persons conducting on the premises of a facility businesses for which local or state taxes would otherwise be required.

History

2021, Sp. Sess. I, cc. 306 , 307 .

Annotations

Notes

EFFECTIVE DATE. --

This section is effective July 1, 2021.

Copyright © 2021 by Matthew Bender & Company, Inc. a member of the LexisNexis Group. All rights reserved.

End of Document

Va. Code Ann. § 2.2-2376

Current through the 2021 Regular Session and Special Session I of the General Assembly

VA - Code of Virginia (Annotated) > TITLE 2.2. ADMINISTRATION OF GOVERNMENT > SUBTITLE I. ORGANIZATION OF STATE GOVERNMENT > PART D. STATE AUTHORITIES, BOARDS, COMMISSIONS, COUNCILS, FOUNDATIONS AND OTHER COLLEGIAL BODIES > CHAPTER 22. AUTHORITIES > ARTICLE 12. OPIOID ABATEMENT AUTHORITY

§ 2.2-2376. Exemption of Authority from personnel and procurement procedures

The provisions of the Virginia Personnel Act (§ 2.2-2900 et seq.) and the Virginia Public Procurement Act (§ 2.2-4300 et seq.) shall not apply to the Authority in the exercise of any power conferred under this article.

History

2021, Sp. Sess. I, cc. 306 , 307 .

Annotations

Notes

EFFECTIVE DATE. --

This section is effective July 1, 2021.

Copyright © 2021 by Matthew Bender & Company, Inc. a member of the LexisNexis Group. All rights reserved.

End of Document

**Board of Supervisors**1800 Sandy Hook Road
Goochland, VA 23063Meeting: 08/03/21 02:00 PM
Department: Finance
Category: Agreements, Contracts, Lease, Procurement
Prepared By: Wanda Tormey

Department Head: Wanda Tormey

9.2**SCHEDULED
ACTION ITEM**

(ID # 4086)

**AUTHORIZATION FOR COUNTY ADMINISTRATOR TO EXECUTE
AN AGREEMENT WITH G.L. HOWARD, INC. FOR CONSTRUCTION
OF THE HICKORY HAVEN & SAMARY FOREST SANITARY SEWER
SYSTEM****✓ Vote Record - Action Item 4086**

<input type="checkbox"/> Adopted <input type="checkbox"/> Adopted as Amended <input type="checkbox"/> Defeated <input type="checkbox"/> Tabled <input type="checkbox"/> Withdrawn <input type="checkbox"/> Recommended for Approval <input type="checkbox"/> Recommended for Denial <input type="checkbox"/> Recommended for Approval as Am <input type="checkbox"/> Deferred <input type="checkbox"/> Consensus of the Board <input type="checkbox"/> Approved <input type="checkbox"/> Tabled by Consensus <input type="checkbox"/> Approved as Amended <input type="checkbox"/> Recusal <input type="checkbox"/> Strike <input type="checkbox"/> No quorum <input type="checkbox"/> Public Hearing Held <input type="checkbox"/> Reviewed					
		Yes/Aye	No/Nay	Abstain	Absent
	Susan Lascolette	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Ken Peterson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	John Lumpkins	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Neil Spoonhower	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Don Sharpe	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Strat Goal 1	Efficient, effective, and transparent government; emphasis on customer service excellence	X
Strat Goal 2	Balanced development that contributes to the welfare of the community and preserves its rural character	
Strat Goal 3	Excellence in Financial Management	
Strat Goal 4	High Quality Core Services including Education, Public Safety, and Community Health	X
Strat Goal 5	Positive Work Environment with a Highly Qualified, Diverse Workforce	

Board Action Requested

The Board is requested to authorize the County Administrator to execute an agreement with G.L. Howard, Incorporated for \$1,492,850 for the construction of the sanitary sewer system for the Hickory Haven and Samary Forest communities and allow a contingency of up to \$200,000.

Summary of Information

In November of 2018, the County hired Timmons Group to design the sanitary sewer system to serve the communities of Hickory Haven and Samary Forest. The new sewer system will provide service to approximately 55 existing homes in the communities, in addition to the currently undeveloped lots throughout the neighborhood.

An Invitation for Bids (IFB) was issued on June 22, 2021, for the construction of the new sewer system. The County received 4 bids. The lowest responsive and responsible bidder was G.L. Howard, Incorporated with a bid of \$1,492,850.

Action Item

Meeting of August 3, 2021

Construction is expected to be completed in 390 days or before October 31, 2022.

Staff requests that the Board of Supervisors authorize the County Administrator to execute the agreement with G.L. Howard, Incorporated for \$1,492,850 and to allow for a contingency of up to \$200,000. The project has been approved and appropriated in the Utilities Capital Improvements Project budget.

The County Attorney has reviewed and approved the contract as to legal form.

Draft Motion

I move that the Board (authorize /not authorize /defer to *date*) the County Administrator to execute the attached agreement with G.L. Howard, Incorporated for \$1,492,850 for the construction of the sanitary sewer system for the Hickory Haven and Samary Forest communities and to allow for a contingency up to \$200,000.



Tara A. McGee, County Attorney

7/28/2021

ATTACHMENTS:

- IFB 2021-17 Builders Agreement G L Howard (PDF)



**GOOCHLAND COUNTY, VIRGINIA
CONTRACT FOR CONSTRUCTION AND RELATED SERVICES
GENERAL CONTRACTOR'S FIXED PRICE FORM
("BUILDER'S AGREEMENT" OR "AGREEMENT")**

This Agreement is made this ___ day of August, 2021 by OWNER, Goochland County, Virginia, a political subdivision of the Commonwealth of Virginia, located at 1800 Sandy Hook Road, Goochland, Virginia, 23063, and GENERAL CONTRACTOR (or CONTRACTOR), G.L. Howard, Incorporated with its principal place of business located at 6011 Pouncey Tract Road, Rockville, Virginia, 23146.

PROJECT IDENTIFICATION INFORMATION:

Project Title: **IFB 2021-17 Hickory Haven and Samary Forest Sanitary Sewer**

Project Description: Construction of a sanitary sewer system for the communities of Hickory Haven and Samary Forest neighborhoods.

ADDRESSES and AUTHORIZED REPRESENTATIVES: The addresses and authorized representatives of Owner, General Contractor and any Professional (e.g., Architect or Engineer) working with the County in connection with this Agreement are as follows:

OWNER:

Representative: Matt Longshore, P.E., Director of Public Utilities
Mailing Address: P.O. Box 119, 1800 Sandy Hook Road, Suite 280,
Goochland, Virginia, 23063
Telephone: 804.556.5839
Facsimile: 804.556.5651
E-mail: mlongshore@goochlandva.us

Representative: Wanda St. P. Tormey, Purchasing Director
Mailing Address: P.O. Box 10, 1800 Sandy Hook Road, Suite 352,
Goochland, Virginia, 23063
Telephone: 804.556.5802
Facsimile: 804.556.5676
E-mail: wtormey@goochlandva.us

GENERAL CONTRACTOR:

Representative: William E. Howard, President, G.L. Howard, Incorporated
Mailing Address: P.O. Box 9, Rockville, Virginia, 23146
Telephone: 804.360.2010
Facsimile: 804.360.2870
E-mail: bhoward@glhoward.com
General Contractor's License No.: 2701007128
FEIN/ SSN #: 0098764-4

ENGINEER

Representative: Bruce Strickland, Jr., P.E., Timmons Group
 Mailing Address: 1001 Boulders Parkway, Suite 300, Richmond, Virginia, 23225
 Telephone: 804.200.6389
 E-mail: Bruce.Strickland@Timmons.com

WHEREAS, Owner intends to complete the Project pursuant to certain Plans, Drawings, and Specifications, and is engaging General Contractor to perform certain labor, supervision and services and to provide certain equipment, goods and materials for the Project; and

WHEREAS, Owner and General Contractor each acknowledge that they will act in good faith in carrying out their duties and obligations; and

WHEREAS, Owner's engagement of the General Contractor is based upon General Contractor's representations to Owner that it: (i) is experienced in the type of labor and services Owner is engaging General Contractor to perform; (ii) is authorized and licensed to perform the type of labor and services for which it is being engaged to perform; (iii) is qualified, willing and able to perform labor and services for the Project; and (iv) has the expertise and ability to provide labor and services which will meet Owner's objectives and requirements, and which will comply with the requirements of all governmental, public and quasi-public authorities and agencies having or asserting jurisdiction over the Project; and

WHEREAS, Owner and General Contractor each acknowledge that it has reviewed and familiarized itself with this Agreement, including the documents enumerated in Contract Documents, and agree to be bound by the terms and conditions contained therein.

NOW, THEREFORE, for good and valuable consideration, the parties agree as follows:

1. **APPLICABLE LAW.** This Agreement is made, entered into, and will be performed in Goochland, Virginia, and will be governed in all respects by the laws of Virginia. Venue for any litigation arising out of this Agreement will be brought in the courts of Goochland County, Virginia. Contractor shall comply with all applicable federal, state, and local laws and regulations, including but not limited to, Virginia Department of Labor and Industry's §16VAC25-220, Final Permanent Standard for Infectious Disease Prevention of the SARS-CoV-2 Virus That Causes COVID-19, and Goochland County's pandemic operational policies and procedures, such as social distancing and face covering requirements, where applicable.
2. **CONTRACT AMOUNT.** Owner shall pay and General Contractor shall accept, as full and complete payment for General Contractor's timely and complete performance of its obligations under the Contract Documents the Contract Price (or Contract Sum) of One Million Four Hundred Ninety Two Thousand Eight Hundred Fifty Dollars (\$1,492,850.00). The Contract Price includes the aggregate amount of all allowances and any unit price items to be furnished or installed.
3. **CONTRACT DOCUMENTS.** The Contract Documents shall consist of this Agreement and all attached documents and appendices; Goochland County's General Conditions for Construction,

which include the General Conditions of the Contract for Construction AIA Document A201, 2017 edition, as amended by the terms and provisions in Goochland County's General Conditions for Construction, the Instructions to Bidders, the Invitation for Bids and Bid Form and all attachments or addenda thereto, and the Plans and Specifications, all of which are attached as Exhibit A; and the Bid and required documents submitted by General Contractor in response to the Invitation for Bids, attached as Exhibit B, together with all written modifications to any of these documents, if any, all of which are incorporated herein and made a part hereof. The provisions of this Agreement will govern in the event of any conflict with any other provisions of the Contract Documents. In like manner Exhibit A will govern over Exhibit B. The Contract Documents constitute the entire and exclusive agreement between the parties and supersede any and all prior communications, discussions, negotiations, understandings, and agreements.

Documents not included nor expressly contemplated nor incorporated by reference herein do not, and shall not, form any part of the Contract Documents.

4. ELECTRONIC RECORD. The parties agree that this Agreement can be executed through an electronic signature, and that an electronic record of this Contract is as valid and enforceable as an original.

5. ETHICS IN PUBLIC CONTRACTING. This Agreement incorporates by reference any applicable state or federal law related to ethics, conflicts of interest, or bribery, including the Virginia Conflict of Interests Act, the Virginia Governmental Frauds Act, and the Virginia Code. Contractor certifies that its offer is made without collusion or fraud and that it has not offered or received any kickbacks or inducements from any other offeror, supplier, manufacturer, or subcontractor in connection with this solicitation, and that it has not conferred on any public employee having official responsibility for this solicitation any payment, loan, subscription, advance, deposit of money, services, or anything of more than nominal value, present or promised, unless consideration of substantially equal or greater value was exchanged.

6. FAITH-BASED ORGANIZATIONS & NON-DISCRIMINATION. In the solicitation and awarding of contracts, County does not discriminate against faith-based organizations or any other bidder or offeror because of race, religion, color, sex, sexual orientation, gender identity, national origin, age, disability, status as a service disabled veteran, or any other basis prohibited by state law relating to discrimination in employment.

7. GOOCHLAND COUNTY TAXES. Contractor shall pay all County taxes when due. County may offset the amounts of any County taxes which are due and owing against sums otherwise due to Contractor by paying such amounts to the County Treasurer on Contractor's behalf.

8. IMMIGRATION REFORM AND CONTROL ACT OF 1986. Contractor shall not knowingly employ an unauthorized alien as defined in the Federal Immigration Reform and Control Act of 1986.

9. INSURANCE AND BOND REQUIREMENTS. General Contractor agrees to provide and maintain insurance as required in Article 11 of the General Conditions. Moreover, General

Contractor agrees to provide Owner payment and performance bonds, approved as to form by the County Attorney, within 10 days of County's execution of this Agreement. Such bonds shall be included as part of this Agreement. The amount of the bond premiums shall be included in the Contract Price.

10. MODIFICATION OF CONTRACT DOCUMENTS. In addition to the provisions regarding modification in the General Conditions, this Agreement may be supplemented, modified, or amended by the mutual agreement of the parties hereto, set forth in writing. No supplement, modification or amendment shall be enforceable unless set forth within a writing signed by both Owner and General Contractor.

Notwithstanding the foregoing, the Contract Price may not be increased by more than twenty-five percent (25%) of the amount of the Contract Price or \$50,000, whichever is greater, without advance approval of the Goochland County Board of Supervisors.

11. NO PERSONAL LIABILITY. Nothing herein shall be construed to create any personal liability on the part of any elected or appointed official, agent, or employee of Owner.

12. NON-WAIVER. No failure on the part of Owner to enforce any of the terms or conditions set forth in the Contract Documents shall be construed as or deemed to be a waiver of the right to enforce such terms or conditions. No waiver by Owner of any default or failure to perform by General Contractor shall be construed as or deemed to be a waiver of any other and/or subsequent default or failure to perform. The acceptance or payment of any rentals, fees and/or charges by Owner, and/or the performance of all or any part of the Work by Owner, for or during any period(s) following a default or failure to perform by General Contractor, shall not be construed as or deemed to be a waiver by Owner of any rights hereunder.

13. PANDEMIC OPERATIONS. Contractor agrees to abide by, and to guarantee its employees, subcontractors, and their employees abide by, all state, federal and local rules and regulations regarding pandemic operations and procedures, including but not limited to social distancing, face covering, testing, isolation, quarantine, and proper notification and disclosure requirements, when entering County property or facilities or interacting with County employees.

14. PARTIES' RELATIONSHIP. Contractor shall be legally considered an independent contractor, and neither Contractor nor its employees will, under any circumstances, be considered employees or agents of Owner. Owner shall not be legally responsible for any negligence or other wrongdoing by Contractor, its employees, or agents. Owner shall not withhold payments to Contractor for any federal or state unemployment taxes, federal or state income taxes, Social Security tax, or any other amounts for benefits to Contractor. Further, Owner shall not provide Contractor any insurance coverage or other benefits, including workers' compensation, normally provided by Owner for its employees.

15. PERSONNEL AND CONSULTANTS. General Contractor shall identify the Superintendent, Project Manager and Key Personnel as directed in the Bid Form and Article 3.9 of the General Conditions. General Contractor shall promptly inform Owner in writing of any proposed replacements, the reasons therefor, and the name(s) and qualification(s) of proposed

replacement(s). Owner shall have the right to reject any proposed replacement. Under no circumstances shall Owner be required to consent to a proposed replacement under circumstances where such replacement would result in an increase in the Contract Price.

General Contractor shall prepare and provide Owner and Architect a list of the General Contractor's Subcontractors and Suppliers as provided in Article 5 of the General Conditions, listing by name and general Project responsibility each Subcontractor and Supplier who will be utilized by General Contractor to provide goods or services with respect to the Project. General Contractor shall not enter into any agreement(s) with any Subcontractor(s) or Supplier(s) to which Owner raises a reasonable, timely objection. General Contractor shall promptly inform Owner in writing of any proposed replacements, the reasons therefor, and the name(s) and qualification(s) of proposed replacement(s). Owner shall have the right to reject any proposed replacement. Under no circumstances shall Owner be required to consent to a proposed replacement under circumstances where such replacement would result in an increase in the Contract Price.

Owner shall prepare and provide General Contractor a list, by name and general project duties, of each consultant retained by Owner to provide services with respect to the Project. Owner reserves the right to engage any other consultants which it may deem necessary or desirable.

16. SCOPE OF SERVICES. General Contractor shall furnish or cause to be furnished, and shall pay for out of the Contract Price: all management, supervision, financing, goods, products, materials, equipment, systems, labor, services, permits, licenses, construction machinery, transportation and other facilities necessary for proper execution and completion of the construction of Hickory Haven and Samary Forest Sanitary Sewer (referenced as Project #IFB 2021-17 Hickory Haven and Samary Forest Sanitary Sewer- or the Project).

17. SEVERABILITY. In the event that any term, provision or condition of the Contract Documents, or the application thereof to any person or circumstances, shall be held by a court of competent jurisdiction to be invalid or unenforceable, the remainder of the Contract Documents, and the application of any term, provision or condition contained herein to any person or circumstances other than those to which it has been held invalid or unenforceable, shall not be affected thereby.

18. TIME FOR PERFORMANCE.

A. Commencement of the Work. General Contractor shall commence Work on the Project within thirty (30) calendar days of Owner issuing the Notice to Proceed to General Contractor.

B. Substantial Completion shall be within 330 consecutive calendar days after the Notice to Proceed is issued.

C. Final Completion shall be within 30 consecutive calendar days after the date of Substantial Completion.

D. Time Is of The Essence. The parties hereto mutually understand and agree that time is of the essence in the performance of this Agreement and that Owner will incur damages if General Contractor's scope of the Work is not completed in accordance with the required

dates of Substantial Completion and Final Completion. General Contractor shall, at all times, carry out its duties and responsibilities as expeditiously as possible and shall begin, perform and complete its services so that:

- (1) the Work commences as directed in the Notice to Proceed;
- (2) the Work progresses in accordance with the Construction Schedule and to meet the date for Substantial Completion; and
- (3) the Work is complete by the date of Final Completion.

E. General Contractor shall, not less than 15 days after Contract execution, prepare and submit a Construction Schedule to Owner and Architect, in accordance with the requirements of the General Conditions.

F. Liquidated Damages. Article 9 of the General Conditions governs the assessment and collection of liquidated damages by Owner for failure or delay by General Contractor in the completion of the Work. The daily amount of liquidated damages shall be \$800.00.

19. TRANSACTING BUSINESS IN VIRGINIA. Contractor must be authorized to transact business in Virginia as a domestic or foreign business entity if so required by Title 13.1 or Title 50 of the Virginia Code or as otherwise required by law. Contractor shall not allow its existence to lapse or its certificate of authority or registration to transact business in Virginia to be revoked or canceled at any time during this Agreement. Owner may void this Agreement if Contractor fails to remain in compliance with the provisions of this section.

20. WORKPLACE PROVISIONS. During performance of the Agreement, Contractor shall abide by the following workplace provisions. If Contractor engages any subcontractor or vendor to provide services hereunder, then Contractor shall include these provisions in every subcontract or purchase order over \$10,000:

- A. Contractor shall not discriminate against any employee or applicant for employment because of race, religion, color, sex, national origin, age, disability, or any other basis prohibited by law relating to discrimination in employment, except where there is a bona fide occupational qualification reasonably necessary to the normal operation of Contractor. Contractor shall post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause. Also, Contractor, in all solicitations or advertisements for employees placed by or on behalf of Contractor, will state that it is an equal opportunity employer.
- B. Contractor shall: (i) provide a drug-free workplace for Contractor's employees; (ii) post in conspicuous places, available to employees and applicants for employment, a statement notifying employees that the unlawful manufacture, sale, distribution, dispensation, possession, or use of a controlled substance or marijuana is prohibited in Contractor's workplace and specifying the actions that will be taken against employees for violations of such prohibition; and (iii) state in all solicitations or advertisements for employees placed by or on behalf of Contractor that Contractor maintains a drug-free workplace. For the purposes of this paragraph, "drug-free workplace" means a site for the performance of work done in connection with the Contract awarded to Contractor in accordance with this procurement transaction, where Contractor's employees are prohibited from engaging in the unlawful manufacture, sale, distribution, dispensation, possession, or use of any

controlled substance or marijuana during the performance of the Contract.

- C. Notices, advertisements, and solicitations placed in accordance with federal law, rule, or regulation will be deemed sufficient for the purpose of meeting the requirements of these sections.

IN WITNESS WHEREOF, the parties do hereby set forth their signatures, representing that the individuals who affix their signatures hereto have been duly authorized to bind each party to the terms and conditions of this Agreement:


OWNER:
Goochland County, Virginia

By: _____

County Administrator

Date: _____

GENERAL CONTRACTOR:
G.L Howard, Incorporated

By:  _____

Name: William Howard

Title: President

Date: 7/28/21

Approved as to Form


Kalli Jackson, Deputy County Attorney

Goochland County Attorney's Office

Construction-related procurement forms\Builder's Agreement_construction over 100k
Revised: 2/5/2021

Attachment: IFB 2021-17 Builders Agreement G L Howard (4086 : Hickory Haven & Samary Forest Sanitary Sewer)



Board of Supervisors

1800 Sandy Hook Road
Goochland, VA 23063

Meeting: 08/03/21 02:00 PM
Department: County Attorney
Category: Agreements, Contracts, Lease, Procurement
Prepared By: Christina Neale

Department Head: Tara A. McGee

9.3

SCHEDULED ACTION ITEM

(ID # 4084)

AUTHORIZATION FOR COUNTY ADMINISTRATOR TO EXECUTE A LEASE AMENDMENT WITH GOOCHLAND FAMILY PRACTICE, INC. FOR EARLY TERMINATION OF LEASE

✓ Vote Record - Action Item 4084						
<input type="checkbox"/> Adopted <input type="checkbox"/> Adopted as Amended <input type="checkbox"/> Defeated <input type="checkbox"/> Tabled <input type="checkbox"/> Withdrawn <input type="checkbox"/> Recommended for Approval <input type="checkbox"/> Recommended for Denial <input type="checkbox"/> Recommended for Approval as Amended <input type="checkbox"/> Deferred <input type="checkbox"/> Consensus of the Board <input type="checkbox"/> Approved <input type="checkbox"/> Tabled by Consensus <input type="checkbox"/> Approved as Amended <input type="checkbox"/> Recusal <input type="checkbox"/> Strike <input type="checkbox"/> No quorum <input type="checkbox"/> Public Hearing Held <input type="checkbox"/> Reviewed						
			Yes/Aye	No/Nay	Abstain	Absent
	Susan Lascolette		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Ken Peterson		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	John Lumpkins		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Neil Spoonhower		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Don Sharpe		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Strat Goal 1	Efficient, effective, and transparent government; emphasis on customer service excellence	X
Strat Goal 2	Balanced development that contributes to the welfare of the community and preserves its rural character	
Strat Goal 3	Excellence in Financial Management	
Strat Goal 4	High Quality Core Services including Education, Public Safety, and Community Health	
Strat Goal 5	Positive Work Environment with a Highly Qualified, Diverse Workforce	

Board Action Requested

The Board is requested to authorize execution of the attached lease amendment with Goochland Family Practice for early termination of lease.

Summary of Information

The County assumed a lease with Goochland Family Practice (Practice) during a property acquisition in 2019. Dr. Bain, the only Practice doctor, unexpectedly retired as of June 30, and a replacement doctor has not been secured to take his place. The Practice has requested an early termination of its lease which runs through March 31, 2022. This amendment changes the lease term to end on August 31, 2021.

The County Attorney's office has prepared the lease amendment and it is in appropriate legal form.

Draft Motion

Action Item

Meeting of August 3, 2021

I move that the Board (approve / approve as amended / deny / defer to *date*) execution of this Lease Amendment with Goochland Family Practice, Inc. for early termination of lease.

ATTACHMENTS:

- Goochland Family Practice Lease Amendment (PDF)

AMENDMENT TO LEASE

The parties, **GOOCHLAND COUNTY, VIRGINIA**, a political subdivision of the Commonwealth of Virginia (Lessor), and **GOOCHLAND FAMILY PRACTICE, INC.** (Lessee), as of the ____ day of August, 2021, do hereby state as follows:

WHEREAS, as part of a commercial real estate purchase, Lessor assumed a lease with Lessee pursuant to a Consent to Assignment of Lease and Estoppel Certificate dated June 3, 2019, with the April 1, 2010 lease between Goochland Free Clinic and Family Services, Inc. and Lessee attached as Exhibit A, collectively these two documents are hereinafter referred to as Lease; and

WHEREAS, Lessee's sole doctor unexpectedly retired on June 30, 2021, and a replacement doctor has not been secured to take his place; and

WHEREAS, the current Lease term ends on March 31, 2022; and

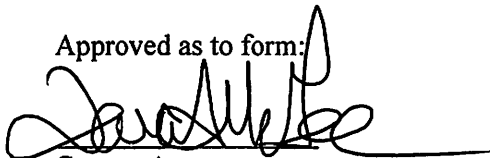
WHEREAS, the parties mutually wish to terminate the Lease early, as of August 31, 2021.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereby amend the lease as follows:

1. Paragraph 1.02 is amended to reflect that the Lease will terminate at midnight on August 31, 2021 and that the execution of this document serves as notice of the termination.
2. All the other terms and provisions of the Lease remain in effect.

WHEREFORE, the parties have caused this document to be executed by persons authorized to act on their behalf.

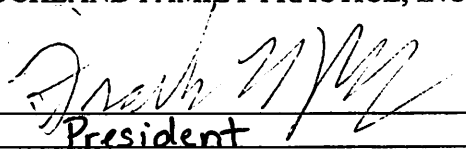
Approved as to form:


County Attorney

GOOCHLAND COUNTY, VIRGINIA

By: _____
Its: _____

GOOCHLAND FAMILY PRACTICE, INC.

By: 
Its: President

**Board of Supervisors**1800 Sandy Hook Road
Goochland, VA 23063Meeting: 08/03/21 02:00 PM
Department: County Attorney
Category: Agreements, Contracts, Lease, Procurement
Prepared By: Lisa K. Beczkiewicz
Department Head: Tara A. McGee**9.4****SCHEDULED
ACTION ITEM**

(ID # 4085)

**APPROVAL OF THE GOOCHLAND POWHATAN COMMUNITY
SERVICES FY2022 & FY2023 PERFORMANCE CONTRACT WITH THE
VIRGINIA DEPARTMENT OF BEHAVIORAL HEALTH AND
DEVELOPMENTAL SERVICES**

✓ Vote Record - Action Item 4085						
<input type="checkbox"/> Adopted <input type="checkbox"/> Adopted as Amended <input type="checkbox"/> Defeated <input type="checkbox"/> Tabled <input type="checkbox"/> Withdrawn <input type="checkbox"/> Recommended for Approval <input type="checkbox"/> Recommended for Denial <input type="checkbox"/> Recommended for Approval as Amended <input type="checkbox"/> Deferred <input type="checkbox"/> Consensus of the Board <input type="checkbox"/> Approved <input type="checkbox"/> Tabled by Consensus <input type="checkbox"/> Approved as Amended <input type="checkbox"/> Recusal <input type="checkbox"/> Strike <input type="checkbox"/> No quorum <input type="checkbox"/> Public Hearing Held <input type="checkbox"/> Reviewed			Yes/Aye	No/Nay	Abstain	Absent
	Susan Lascolette		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Ken Peterson		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	John Lumpkins		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Neil Spoonhower		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Don Sharpe		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Strat Goal 1	Efficient, effective, and transparent government; emphasis on customer service excellence	x
Strat Goal 2	Balanced development that contributes to the welfare of the community and preserves its rural character	
Strat Goal 3	Excellence in Financial Management	
Strat Goal 4	High Quality Core Services including Education, Public Safety, and Community Health	x
Strat Goal 5	Positive Work Environment with a Highly Qualified, Diverse Workforce	

Board Action Requested

The Board is requested to approve the FY2022 & FY2023 Performance Contract between Goochland Powhatan Community Services (GPCS) and the Virginia Department of Behavioral Health and Developmental Services (DBHDS).

Summary of Information

The Board of Supervisors is requested to approve the Performance Contract between the Goochland Powhatan Community Services (GPCS) and the State. Previously, the Board approved the original FY2019 & FY2020 Performance Contract on September 4, 2018, and several amendments which were negotiated by the Department of Behavioral Health and Developmental Services (DBHDS) and the Virginia Association of Community Services Boards because of new state requirements.

A summary timeline of approvals of the Performance Contract and amendments:

Date	Action
9/4/18	Approval of the GPCS FY2019 & FY2020 Performance Contract with VDBHDS

Action Item

Meeting of August 3, 2021

10/1/19	Approval of the REVISED GPCS FY2019 & FY2020 Performance Contract with VDBHDS
8/4/20	Approval of AMENDED GPCS FY2019 & FY2020 Performance Contract with VDBHDS (Now referred to as Amendment #1)
4/6/21	Requested approval of Amendment #2 to extend the term of the Performance Contract by 6 months (December 31, 2020 – June 30, 2021).

The Board is requested to approve the attached FY2022 & FY2023 Performance Contract.

The attached contract will be executed between GPCS and DBHDS. The contract reflects the conditions and requirements that are agreed to between the parties in order for GPCS to receive state and federal funds. The Board of Supervisors' approval of the contract gives notice to the State Government that GPCS is in partnership with its local governing body and has submitted its service plans and requests for funds to the local body.

The full Amended Performance Contract for FY2022 & FY2023 is attached to this agenda item.

For Fiscal Year 2022, Goochland will provide \$298,630 in local funding through the annual budget process.

Under state law, the local governing body is required to approve the performance agreement documents in order for the GPCSB to receive state funding.

The Performance Contract has been reviewed and approved as to legal form by the County Attorney.

Draft Motion:

I move that the Board (approve / approve as amended / deny / defer to *date*) the the FY2022 & FY2023 Performance Contract between Goochland Powhatan Community Services and the Virginia Department of Behavioral Health and Developmental Services.

Tara A. McGee

Tara A. McGee, County Attorney

7/28/2021

ATTACHMENTS:

- GPCS PC Signed (PDF)
- 1. FY 2022andFY 2023 Performance Contract FINAL7.1.2021 (PDF)
- 2. Exhibit A - FY22-23 Resources and Services PC FINAL7.1.21 (PDF)
- 3. Exhibit B FY 22-23 CQI FINAL7.1.2021 (PDF)
- 4. Exhibit C FY22-23-Regional Discharge Assistance Program (RDAP) Requirements (PDF)
- 5. Exhibit E - FY 2022-23 Performance Contract Schedule and Process FINAL7.1.2021 (PDF)
- 6. Exhibit F - FY22-23 Federal Grant RequirementsFINAL 7.1.21docx (PDF)
- 6.b. Exhibit F _B FY22-23 Single Audit Exemption Form FINAL 7.1.2021 (PDF)

Action Item

- 7. Exhibit G FY22-23 -Core Mandated Services FINAL 7.1.2021 (PDF)
- 8. Exhibit H FY22-23 LIPOS FINAL7.1.21docx (1) (PDF)
- 9. Exhibit I FY22-23 - Behavioral Health Wellness (PDF)
- 10. Exhibit K FY22-23 - Collaborative State Hospital Discharge ProtocolsFINAL7.1.2021 (PDF)
- 11. Exhibit M - FY 22CSB-DOJSettlement Agreement Requirements FINAL7.1.2021 (1) (PDF)
- Addendum II - Partnership_Agreement FY22-23FINAL 7.1.21 (PDF)

FY 2022 AND FY 2023 COMMUNITY SERVICES PERFORMANCE CONTRACT

VIRGINIA DEPARTMENT OF BEHAVIORAL
HEALTH AND DEVELOPMENTAL SERVICES

By: _____

Name: Alison G. Land, FACHE

Title: Commissioner

Date: _____

COMMUNITY SERVICES BOARD NAME

By: Juliana R. Franklin

Name: [CHAIRPERSON NAME]

Title: Juliana R. Franklin
ChairpersonDate: 7/6/21By: Stacy H. Gill

Name: [EXECUTIVE DIRECTOR NAME]

Title: Executive Director

Date: 7/15/2021

FY 2022 AND FY 2023 COMMUNITY SERVICES PERFORMANCE CONTRACT

Table of Contents

I.	Purpose	3
II.	Defined Terms	3
III.	Relationship	4
IV.	Term and Termination	5
V.	Contract Amendment	5
VI.	Services	5
1.	Funding Resources	6
2.	Funding Allocations	6
3.	Expenses for Services	6
4.	Use of Funds	6
5.	Availability of Funds	6
6.	Local Match	6
7.	Local Contact for Disbursement of Funds	6
IX.	CSB Responsibilities	7
1.	Exhibit A	7
2.	Populations Served	7
3.	Scope of Services	7
A.	Same Day Access (SDA)	7
C.	Outpatient Services	8
D.	Service Members, Veterans, and Families (SMVF)	9
H.	Crisis Intervention Team (CIT) Services	9
J.	Permanent Supportive Housing (PSH)	11
4.	Quality of Care	13
7.	Reporting Requirements and Data Quality	13
1.	Individual Outcome and CSB Provider Performance Measures	13
b.)	Individual CSB Performance Measures	14
c.)	Individual Satisfaction Survey:	14
2.	Electronic Health Record	14
8.	Data Quality	15
9.	Providing Information	15
10.	Reviews	15
11.	Constitution of the CSB:	16
XII.	Subcontracting	16
A.	Subcontracts	16
B.	Subcontractor Compliance	16

FY 2022 AND FY 2023 COMMUNITY SERVICES PERFORMANCE CONTRACT

C.	Subcontractor Dispute Resolution:.....	17
D.	Quality Improvement Activities.	17
XIII.	Compliance with Laws	17
XIV.	Department Responsibilities	19
A.	Funding	19
C.	Consideration of Department Comments or Recommendations	20
D.	State Facility Services.....	20
6.	Quality of Care	20
XV.	Reporting and Data Quality Requirements	21
XVI.	Communication.....	22
XVII.	Department Comments or Recommendations on CSB Operations or Performance	23
XVIII.	Compliance and Dispute Resolution	23
A.	Disputes	23
B.	Remediation Process	23
C.	Dispute Resolution Process	24
XIX.	Liability.....	25
XX.	Severability	25
	Signatures	25

Other Documents

Exhibit A: Resources and Services

Exhibit B: Continuous Quality Improvement (CQI) Process and CSB Performance Measures

Exhibit C: Regional Discharge Assistance Program (RDAP) Requirements

Exhibit D: Individual CSB Performance Measures

Exhibit E: Performance Contract Schedule and Process

Exhibit F: Federal Grant Requirements

Exhibit F(B): Single Audit Exemption Form

Exhibit G: Core Mandated Services

Exhibit H: Regional Local Inpatient Purchase of Services (LIPOS) Requirements

Exhibit I: Behavioral Health Wellness Prevention Services

Exhibit J: Intentionally Left Blank for Future Use

Exhibit K: State Hospital Census Management Admission and Discharge Requirements

Exhibit L: Listing of Acronyms

Exhibit M: DOJ Settlement Agreement

Addendum I - Administrative Requirements and Processes and Procedures

Addendum II - Central Office, State Facility, and Community Services Board Partnership Agreement

Addendum III - Services Taxonomy

FY 2022 AND FY 2023 COMMUNITY SERVICES PERFORMANCE CONTRACT

I. Purpose

The Department of Behavioral Health and Developmental Services (the “Department”) and the Community Service Boards (the “CSBs”) enter into this contract for the purpose of funding services provided directly or contractually by the CSB in a manner that ensures accountability to the Department and quality of care for individuals receiving services and implements the mission of supporting individuals by promoting recovery, self-determination, and wellness in all aspects of life.

Title 37.2 of the Code of Virginia, hereafter referred to as the Code, establishes the Virginia Department of Behavioral Health and Developmental Services, hereafter referred to as the Department, to support delivery of publicly funded community mental health (MH), developmental (DD), and substance use (SUD), services and supports and authorizes the Department to fund those services.

Sections 37.2-500 through 37.2-512 of the Code require cities and counties to establish community services boards for the purpose of providing local public mental health, developmental, and substance use disorder services; §§ 37.2-600 through 37.2-615 authorize certain cities or counties to establish behavioral health authorities that plan and provide those same local public services. This contract refers to the community services board, local government department with a policy-advisory community services board, or behavioral health authority named in section 10 as the CSB. Section 37.2-500 or 37.2-601 of the Code requires the CSB to function as the single point of entry into publicly funded mental health, developmental, and substance use disorder services. The CSB fulfills this function for any person who is located in the CSB’s service area and needs mental health, developmental, or substance use disorder services.

Sections 37.2-508 and 37.2-608 of the Code and State Board Policy 4018, establish this contract as the primary accountability and funding mechanism between the Department and the CSB, and the CSB is applying for the assistance provided under Chapter 5 or 6 of Title 37.2 by submitting this contract to the Department.

The Exhibits, Addendums, Appendixes, Administrative Requirements and Processes and Procedures, CCS Extract, Services Taxonomy, Partnership Agreement and any other associated documents are incorporated into and made a part of this contract by reference. The documents may include or incorporate ongoing statutory, regulatory, policy, and other requirements that are not contained in this contract. The CSB shall comply with all provisions and requirements. If there is a conflict between provisions in that document and this contract, the language in this contract shall prevail.

II. Defined Terms

Appropriation Act is defined as an Act for the appropriation of the Budget submitted by the Governor of Virginia in accordance with the provisions of § 2.2-1509 of the Code of Virginia and to provide a portion of the revenues for a two year period.

Earmarked Funds are funds identified separately in letters of notification, performance contracts, and CARS reports to be used for specified purposes; but CSBs are not required to account for or report expenditures associated with these funds to the Department. Funds are earmarked in order to track their allocation to particular CSBs. While they are not restricted in terms of separate accounting and reporting by CSBs, earmarked funds are appropriated or allocated for specified purposes, and CSBs are expected to use earmarked funds for the purposes for which they were appropriated or allocated.

Federal Fiscal Year the Federal Fiscal Year begins on October 1 of the calendar and ends on September 31 of the subsequent calendar year.

Federal Funds the Federal Funds are funds that are allocated by the federal government and are provided to the Department of Behavioral Health and Developmental Services as the State of Virginia’s authority for the allocation, management, and oversight for the use of these specific funds. The funds are considered

FY 2022 AND FY 2023 COMMUNITY SERVICES PERFORMANCE CONTRACT

restricted and must be used or encumbered during the federal fiscal year or extensions. Any unused funds are required to be returned to the Department by the CSBs and from there to the federal government in a timely manner.

Fiscal Agent the Fiscal Agent has two specific purposes.

The specific local government that is selected by the local governments or government participating in the establishment of a specific CSB or BHA and identified in the local resolutions passed by each locality in its creation of the CSB or BHA. If the participating governments decide to select a different fiscal agent, it must be done through a local resolution passed by each participating local government that created the CSB or BHA.

The second purpose of Fiscal Agent is the specific CSB or BHA that has been selected by the CSB Region to receive state controlled funds from the Department and manage those funds in a way that has been identified in a memorandum of understanding (MOU) agreed to by each participating CSB in a regionally funded activity. If the CSB acting as Fiscal Agent changes by decision of the Regional CSBs, then that change must be noted in a revision to the existing MOU.

Memorandum of Understanding (MOU) – A memorandum of understanding is an agreed upon process for the management of services, funds, or any rules or regulations that govern the processes all participating parties agree to follow for the common good of the participating parties. In the case of the Community Services Performance Contract, or any activities funded through the Community Service Performance Contract, the MOU is agreed upon and signed for the delivery of services identified and funded through the Region the participating community services boards or behavioral health authority provide services in.

Populations Served–The CSB shall provide needed services to adults with serious mental illnesses, children with or at risk of serious emotional disturbance, individuals with developmental disabilities, or individuals with substance use disorders to the greatest extent possible within the resources available to it for this purpose. The current Services Taxonomy defines these populations.

Restricted Funds are funds identified separately in letters of notification, performance contracts, Exhibits D and Community Automated Reporting System (CARS) reports to be used for specified purposes; CSBs must account for and report expenditures associated with these funds to the Department. This requirement is reflected in the CARS report forms with columns for expenditures and balances that are completed for any restricted funds received by a CSB .The uses of restricted funds usually are controlled and specified by a funding source, such as federal mental health and substance abuse block grants or the Appropriations Act passed by the General Assembly. The Department restricts funds that would otherwise be earmarked or un-earmarked. An example is Other Funds, which are restricted in order to calculate balances of unexpended funds.

State Fiscal Year the State Fiscal Year (FY) begins July 1 of the calendar year and ends June 30 of the subsequent calendar year.

State General Funds these are funds that are appropriated by the Virginia General Assembly and are identified in each current Appropriation Act. The act is not considered law until it is signed by the Governor of Virginia.

Unrestricted Funds are funds identified separately in letters of notification, performance contracts, and CARS reports but without specified purposes; CSBs do not have to account for or report expenditures associated with them separately to the Department. Examples of un-earmarked funds would be ongoing State General Funds and Local Matching Funds.

III. Relationship

The Department functions as the state authority for the public mental health, developmental, and substance use disorder services system, and the CSB functions as the local authority for that system. The relationship

FY 2022 AND FY 2023 COMMUNITY SERVICES PERFORMANCE CONTRACT

between and the roles and responsibilities of the Department, the state hospitals and the CSBs are described in the Partnership Agreement between the parties. This contract shall not be construed to establish any employer-employee or principal-agent relationship between employees of the CSB or its board of directors and the Department.

IV. Term and Termination

- A. **Term:** This contract shall be in effect for a term of two years, commencing on July 1, 2021 and ending on June 30, 2023 unless either party gives ninety 90 days or more advance written notice of intent not to renew.
- B. **Termination:** The Department may terminate all or a portion of this contract immediately at any time during the contract period if funds for this activity are withdrawn or not appropriated by the General Assembly or are not provided by the federal government. In this situation, the obligations of the Department and the CSB under this contract shall cease immediately. The CSB and Department shall make all reasonable efforts to ameliorate any negative consequences or effects of contract termination on individuals receiving services and CSB staff.

The CSB may terminate all or a portion of this contract immediately at any time during the contract period if funds for this activity are withdrawn or not appropriated by its local government(s) or other funding sources. In this situation, the obligations of the CSB and the Department under this contract shall cease immediately. The CSB and Department shall make all reasonable efforts to ameliorate any negative consequences or effects of contract termination on individuals receiving services and CSB staff.

V. Contract Amendment

This contract, including all exhibits and incorporated documents, constitutes the entire agreement between the Department and the CSBs and may be amended only by mutual agreement of the parties, in writing and signed by the parties hereto, except for the services identified in Exhibit A, amendments to services under Exhibit A shall be in accordance with the performance contract revision instructions contained in Exhibit E.

VI. Services

Exhibit A of this contract includes all mental health, developmental, and substance use disorder services provided or contracted by the CSBs that are supported by the resources described in this contract. Services and certain terms used in this contract are defined in the current Services Taxonomy.

VII. Service Change Management

The CSBs shall notify the Department 30 days prior to seeking to provide a new category or subcategory or stops providing an existing category or subcategory of services if the service is funded with more than 30 percent of state or federal funds or both. The CSB shall provide sufficient information to the Office of Management Services (OMS) through the performancecontractsupport@dbhds.virginia.gov for its review and approval of the change, and the CSB shall receive the Department's approval before implementing the new service or stopping the existing service.

Pursuant to 12VAC35-105-60 of the *Rules and Regulations for Licensing Providers by the Department of Behavioral Health and Developmental Services*, the CSB shall not modify a licensed service without submitting a modification notice to the Office of Licensing in the Department at least 45 days in advance of the proposed modification.

The CSB operating a residential crisis stabilization unit (RCSU) shall not increase or decrease the licensed number of beds in the RCSU or close it temporarily or permanently without providing 30 days advance notice to the Office of Licensing and the OMS, and receiving the Department's approval prior to implementing the change.

VIII. Funding Requirements

FY 2022 AND FY 2023 COMMUNITY SERVICES PERFORMANCE CONTRACT

1. Funding Resources

Exhibit A of this contract provides an example of the following resources: state funds and federal funds appropriated by the General Assembly and allocated by the Department to the CSB and any other funds associated with or generated by the services shown in Exhibit A. CSB must review their CARS application for the most recent version of Exhibit A.

2. Funding Allocations

The Department shall inform the CSBs of its state and federal fund allocations in a letter of notification (LON). Allocations of state and federal funds shall be based on state and federal statutory and regulatory requirements, provisions of the Appropriation Act, State Board policies, and previous allocation amounts.

The Department may reduce restricted or earmarked state or federal funds during the contract term if the CSB reduces significantly or stops providing services supported by those funds as documented in CCS 3 or CARS reports. These reductions shall not be subject to provisions in sections 9.c or 9.f of this contract. The Commissioner or designee shall communicate all adjustments to the CSBs in writing.

Continued disbursement of semi-monthly payments of restricted or earmarked state or federal funds by the Department to the CSBs may be contingent on documentation in the CSB's CCS 3 and CARS reports that it is providing the services supported by these funds.

3. Expenses for Services

The CSBs shall provide those services funded within the funds and for the costs set forth in Exhibit A and documented in the CSB's financial management system. The CSB shall distribute its administrative and management expenses across the three program areas (mental health, developmental, and substance use disorder services), emergency services, and ancillary services on a basis that is auditable and satisfies Generally Accepted Accounting Principles. CSB administrative and management expenses shall be reasonable and subject to review by the Department.

4. Use of Funds

The Department can attach specific conditions or requirements for use of funds, separate from those established by other authorities, only to the state and federal funds that it allocates to the CSB and not more than the 10 percent local matching funds that are required to obtain the CSB's state fund allocations.

The CSB shall maximize billing and collecting Medicaid payments and other fees in all covered services to enable more efficient and effective use of the state and federal funds allocated to it.

5. Availability of Funds

The Department and the CSB shall be bound by the provisions of this contract only to the extent of the funds available or that may hereafter become available for the purposes of the contract.

6. Local Match

Pursuant to State Board Policy 6005 and based on the Appropriation Act prohibition against using state funds to supplant funds provided by local governments for existing services, there should be no reduction of local matching funds as a result of a CSB's retention of any balances of unspent state funds.

7. Local Contact for Disbursement of Funds

- a) If the CSB is an operating CSB and has been authorized by the governing body of each city or county that established it to receive state and federal funds directly from the Department and act as its own fiscal agent pursuant to Subsection A.18 of § 37.2-504 of the Code, must send

FY 2022 AND FY 2023 COMMUNITY SERVICES PERFORMANCE CONTRACT

notification to include:

- i. Name of the Fiscal Agent's City Manager or County Administrator or Executive
- ii. Name of the Fiscal Agent's County or City Treasurer or Director of Finance
- iii. Name, title, and address of the Fiscal Agent official or the name and address of the CSB if it acts as its own fiscal agent to whom checks should be electronically transmitted

b) The notification must be sent to:

Fiscal and Grants Management Office
Virginia Department of Behavioral Health and Developmental Services,
Eric.Billings@dbhds.virginia.gov

8. Unanticipated Changes in the Use of Funds due to a Disaster

The Department reserves the right to re-purpose the currently allocated funds to a CSB. This action will not be done without clear deliberations between the Department and the CSBs/BHA. The decision can rest on the requirements outlined in an Executive Order Issued by the Governor, changes to the ability of the Department or the CSBs to provide contracted services to the preservation of health and safety of individuals receiving services or the health and safety of staff providing services, or to decisions made by local government forbidding the provision of services, the funding allocations, the specific services intended to be funded, and the types and numbers of individuals projected to be served.

IX. CSB Responsibilities

1. **Exhibit A:** Shall be submitted electronically through the CARS application. The CSB shall provide the services funded and the costs associated with those service in Exhibit A of CARS. The CSB shall provide the projected array of services, the projected cost of those services, the projected service capacity to provide those services, and the projected cost for those services in Exhibit A.
2. **Populations Served:** The CSB shall provide needed services to adults with serious mental illnesses, children with or at risk of serious emotional disturbance, individuals with developmental disabilities, or individuals with substance use disorders to the greatest extent possible within the resources available to it for this purpose. The current Services Taxonomy defines these populations.
3. **Scope of Services:** The scope of services a CSB may be responsible for providing and the specific core service categories and sub-categories are defined in the Services Taxonomy. See Exhibit G for the list of Code mandated services a CSB shall be responsible for providing.
 - A. **Same Day Access (SDA):** SDA means an individual may walk into or contact a CSB to request mental health or substance use disorder services and receive a comprehensive clinical behavioral health assessment, not just a screening, from a licensed or license-eligible clinician the same day. Based on the results of the comprehensive assessment, if the individual is determined to need services, the goal of SDA is that he or she receives an appointment for face-to-face or other direct services in the program offered by the CSB that best meets his or her needs within 10 business days, sooner if indicated by clinical circumstances.
 - i. SDA emphasizes engagement of the individual, uses concurrent EHR documentation during the delivery of services, implements techniques to reduce appointment no shows, and uses centralized scheduling. If it has received state mental health funds to implement SDA, the CSB shall report SDA outcomes through the CCS 3 outcomes file. The CSB shall report the date of each SDA comprehensive assessment, whether the assessment determined that the individual needed services offered by the CSB, and the date of the first service offered at the CSB for all individuals seeking mental health or substance use disorder services from the CSB.
 - ii. The Department shall measure SDA by comparing the date of the comprehensive

FY 2022 AND FY 2023 COMMUNITY SERVICES PERFORMANCE CONTRACT

assessment that determined the individual needed services and the date of the first CSB face-to-face or other direct service offered to the individual. SDA benchmarks can be found in Exhibit B.

B. Primary Care Screening and Monitoring

- i. Any child diagnosed with a serious emotional disturbance and receiving ongoing CSB behavioral health service or any adult diagnosed with a serious mental illness and receiving ongoing CSB behavioral health service will be provided or referred for a primary care screening on a yearly basis.
- ii. For the implementation of “ongoing behavioral health service” is defined as “child with SED receiving Mental Health Targeted Case Management or adult with SMI receiving Mental Health Targeted Case Management”. These clients are required to be provided with a yearly primary care screening to include, at minimum, height, weight, blood pressure, and BMI. This screening may be done by the CSB or the individual may be referred to a primary care provider to have this screening completed.
- iii. If the screening is done by a primary care provider, the CSB is responsible for the screening results to be entered in the patient’s CSB electronic health record. The CSB will actively support this connection and coordinate care with physical health care providers for all service recipients.
- iv. CSB shall screen and monitor any individual over age 3 being prescribed an antipsychotic medication by a CSB prescriber for metabolic syndrome following the American Diabetes Association guidelines.
- v. Individuals with serious mental illness (SMI), a population primarily served by the CSBs, are known to be at higher risk for poor physical health outcomes largely due to unidentified chronic conditions. Therefore it is important for behavioral health staff to provide primary care screening to identify and provide related care coordination to ensure access to needed physical health care.
- vi. For the population includes all individuals over age 3 who receive psychiatric medical services by the CSB. CSBs must report the screen completion and monitoring completion in CCS3 monthly submission.

C. Outpatient Services: Outpatient services are considered to be foundational services for any behavioral health system. The Services Taxonomy states that outpatient services may include diagnosis and evaluation, screening and intake, counseling, psychotherapy, behavior management, psychiatry, psychological testing and assessment, laboratory and ancillary services.

- i. The quality of outpatient behavioral health services is the key component of this step and CSBs shall provide an appointment to a high quality CSB outpatient provider or a referral to a non-CSB outpatient behavioral health service within 10 business days of the completed SDA intake assessment, if clinically indicated.
- ii. All CSBs will establish a quality management program and continuous quality improvement plan to assess the access, quality, efficiency of resources, behavioral healthcare provider training, and patient outcomes of those individuals receiving outpatient services through the CSBs.
- iii. This may include improvement or expansion of existing services, the development of new services, or enhanced coordination and referral process to outpatient services not directly provided by the CSB.
- iv. Expertise in the treatment of trauma related conditions are to be established.
- v. CSBs should provide a minimum for outpatient behavioral healthcare providers of 8 hours of trauma focused training in treatment modalities to serve adults,

FY 2022 AND FY 2023 COMMUNITY SERVICES PERFORMANCE CONTRACT

children/adolescents and their families within the first year of employment and 4 hours in each subsequent years or until 40 hours of trauma-focused treatment can be demonstrated.

- vi. The CSB shall complete and submit to the Department quarterly DLA-20 composite scores through CCS3 as well as provide training data regarding required trauma training yearly in July when completing federal Block Grant reporting.

D. Service Members, Veterans, and Families (SMVF): As one of the nine required services for System Transformation Excellence and Performance (STEP-VA), the purpose of the Service Members Veterans and Families (SMVF) step is to ensure SMVF receive needed mental health, substance abuse, and supportive services in the most efficient and effective manner available. Services shall be high quality, evidence-based, trauma-informed, culturally-competent, and accessible. Per the Code of Virginia, CSB core services, as of July 1, 2021 shall include mental health services for members of the armed forces located 50 miles or more from a military treatment facility and veterans located 40 miles or more from a Veterans Health Administration medical facility.

- i. All CSBs shall ensure they have clinicians who specialize in treatment for post-traumatic stress disorder and other forms of trauma including from military and/or combat service including military sexual trauma and substance use disorders.
- ii. Clinical services for this population shall align with federal clinical guidelines from Veterans Affairs and Department of Defense.
- iii. CSBs shall identify and refer SMVF seeking services to internal providers that have been trained in military cultural competency (MCC); collaborate with Military Treatment Facilities (MTFs), Veterans Health Administration (VHA) facilities, Virginia Department of Veterans Services (DVS) programs and other external providers to determine SMVF eligibility for services, and assist SMVF with services navigation.
- iv. The CSB shall submit information on SMVF receiving services in CCS3 monthly submission.

E. Case Management Services Training: The CSB shall ensure that all direct and contract staff that provide case management services have completed the case management curriculum developed by the Department and that all new staff complete it within 30 days of employment. The CSB shall ensure that developmental disability case managers or support coordinators complete the ISP training modules developed by the Department within 60 days of their availability on the Department's web site or within 30 days of employment for new staff

F. Developmental Case Management Services Organization: The CSB shall structure its developmental case management or support coordination services so that a case manager or support coordinator does not provide a DD Waiver service other than services facilitation and a case management or support coordination service to the same individual. This will ensure the independence of services from case management or service coordination and avoid perceptions of undue case management or support coordination influence on service choices by an individual.

G. Access to Substance Abuse Treatment for Opioid Abuse: The CSB shall ensure that individuals requesting treatment for opioid drug abuse, including prescription pain medications, regardless of the route of administration, receive rapid access to appropriate treatment services within 14 days of making the request for treatment or 120 days after making the request if the CSB has no capacity to admit the individual on the date of the request and within 48 hours of the request it makes interim services, as defined in 45 CFR § 96.126, available until the individual is admitted.

H. Crisis Intervention Team (CIT) Services –If the CSB receives CIT funding it shall:

- i. Work with community stakeholders, agencies, and partners across systems to coordinate

FY 2022 AND FY 2023 COMMUNITY SERVICES PERFORMANCE CONTRACT

- the implementation and operation of the CIT Assessment Site and provide related access to appropriate services in accordance with its RFP response approved by the Department.
- ii. Submit narrative semi-annual progress reports on these services through the Department's sFTP server and upload them to the Jail Diversion Folder within 45 calendar days of the end of the second quarter and within 60 days of the end of the fiscal year.
- iii. Reports shall include a brief narrative of program activities for all CIT aspects of the services, implementation progress against milestones identified in the approved RFP response, and specific site-related challenges and successes for the reporting period.
- iv. Instructions for naming the files are in the Data Reporting Manual provided by the Department to CSBs that received CIT funds.
- v. Include all funds, expenditures, and costs associated with these services provided to individuals residing in the CSB's service area in its Community Automated Reporting System (CARS) reports and applicable data about individuals receiving these services and service units received in its monthly CCS 3 extracts submitted to the Department.
- vi. Submit quarterly data files as instructed by the Department using the Excel Data Template provided by the Department to CSBs that received CIT funds. Submit quarterly data reports within 45 calendar days of the end of the first three quarters and within 60 days of the end of the fiscal year. Submit the data files through the Department's sFTP server and upload them to the Jail Diversion Folder. Instructions for naming the files are in the Data Reporting Manual provided by the Department.
- vii. Cooperate with the Department in annual site visits and agree to participate in scheduled assessment site meetings.

I. Forensic Services

- i. Upon receipt of a court order pursuant to § 19.2-169.2 of the Code of Virginia, the CSB shall provide or arrange for the provision of services to restore the individual to competency to stand trial. These services shall be delivered in the local or regional jail, juvenile detention center (when a juvenile is being tried as an adult), other location in the community where the individual is currently located, or in another location suitable for the delivery of the restoration services when determined to be appropriate. These services shall include treatment and restoration services, emergency services, assessment services, the provision of medications and medication management services, and other services that may be needed by the individual in order to restore him to competency and to prevent his admission to a state hospital for these services.
- ii. Upon written notification from a state facility that an individual hospitalized for restoration to competency pursuant to § 19.2-169.2 of the Code of Virginia has been restored to competency and is being discharged back to the community, the CSB shall to the greatest extent possible provide or arrange for the provision of services in the local or regional jail, juvenile detention center (when a juvenile is being tried as an adult), other location in the community where the individual is located, or in another location suitable for the delivery of these services to that individual to ensure the maintenance of his psychiatric stability and competency to stand trial. Services shall include treatment and restoration services, emergency services, assessment services, the provision of medications and medication management services, and other services which may be needed by the individual in order prevent his readmission to a state hospital for these services. Upon receipt of a court order pursuant to § 16.1-356 of the Code of Virginia, the CSB shall provide or arrange for the provision of a juvenile competency evaluation.
- iii. Upon receipt of a court order pursuant to § 16.1-357, the CSB shall provide or arrange for the provision of services to restore a juvenile to competency to stand trial through the Department's statewide contract.

FY 2022 AND FY 2023 COMMUNITY SERVICES PERFORMANCE CONTRACT

- iv. Upon receipt of a court order, the CSB shall provide or arrange for the provision of forensic evaluations required by local courts in the community in accordance with State Board Policy 1041.
 - v. Forensic evaluations and treatment shall be performed on an outpatient basis unless the results of an outpatient evaluation indicate that hospitalization is necessary. The CSB shall consult with local courts in placement decisions for hospitalization of individuals with a forensic status based upon evaluation of the individual's clinical condition, need for a secure environment, and other relevant factors. The CSB's staff shall conduct an assessment of risk to provide information to the Commissioner for the determination of whether an individual with a forensic status in need of hospitalization requires placement in a civil facility or a secure facility. The CSB's staff will contact and collaborate with the Forensic Coordinator of the state hospital that serves the CSB or outside of regular business hours any other personnel designated by the state hospital to manage emergency admissions in making this determination. The CSB's assessment shall include those items required prior to admission to a state hospital, per the Continuity of Care Procedures in Appendix A of the CSB Administrative Requirements.
 - vi. The CSB shall designate a Forensic Admissions Coordinator, a Forensic Evaluation Coordinator, and an NGRI Coordinator to collaborate with the local courts, the forensic staff of state facilities, and the Department. The CSB shall notify the Department's Director of Forensic Services of the name, title, and contact information of these designees and shall inform the Director of any changes in these designations. The CSB shall ensure that designated staff completes the forensic training designated by the Commissioner of the Department as meeting the requirements for completion of forensic evaluations authorized under § 19.2-169.1, § 19.2-169.5, § 19.2-182.2, and § 19.2-182.5 of the Code of Virginia.
 - vii. The CSB shall provide discharge planning for persons found not guilty by reason of insanity. Pursuant to § 19.2-182.2 through § 19.2-182.7, and § 19.2-182.11 of the Code of Virginia, the CSB shall provide discharge planning, collaborate with the state facility staff in preparing conditional release plans, implement the court's conditional release orders, and submit written reports to the court on the person's progress and adjustment in the community no less frequently than every six months for acquittees who have been conditionally released to a locality served by the CSB. The CSB should provide to the Department's Director of Forensic Services written monthly reports on the person's progress and adjustment in the community for their first 12 continuous months in the community for acquittees who have been conditionally released to a locality served by the CSB and copies of court orders regarding acquittees on conditional release.
 - viii. If an individual with a forensic status does not meet the criteria for admission to a state hospital, his psychiatric needs should be addressed in the local jail, prison, detention center, or other correctional facility in collaboration with local treatment providers.
- J. **Permanent Supportive Housing (PSH):** If the CSB receives state mental health funds for PSH for adults with serious mental illness, it shall fulfill these requirements:
- i. Comply with requirements in the PSH Initiative Operating Guidelines and any subsequent additions or revisions to the requirements agreed to by the participating parties. The Guidelines are incorporated into and made a part of this contract by reference. If the implementation of the program is not meeting its projected implementation schedule, the CSB shall provide a written explanation to and seek technical assistance from the Office of Adult Community Behavioral Health Services in the Department.

FY 2022 AND FY 2023 COMMUNITY SERVICES PERFORMANCE CONTRACT

- ii. Ensure that individuals receiving PSH have access to an array of clinical and rehabilitative services and supports based on the individual's choice, needs, and preferences and that these services and supports are closely coordinated with the housing-related resources and services funded through the PSH initiative.
- iii. Maximize billing and collection of funds from other sources including Medicaid and other fees to increase the funds available for individuals receiving services funded through the PSH initiative.
- iv. Assist Department staff as requested with any case-level utilization review activities, making records of individuals receiving PSH available and providing access to individuals receiving PSH for interviews.
- v. Track and report the expenditure of restricted state mental health PSH funds separately in the implementation status reports required in subsection 7 below. Based on these reports, the Department may adjust the amount of state funds on a quarterly basis up to the amount of the total allocation to the CSB. The CSB shall include applicable information about individuals receiving PSH services and the services they receive in its information system and CCS 3 monthly extracts.
- vi. Reserve any current restricted state mental health funds for PSH that remain unspent at the end of the fiscal year to be used only for PSH activities in subsequent fiscal years as authorized by the Department.
- vii. Submit implementation status reports for PSH within 45 days after the end of the quarter for the first three quarters and within 60 days of the end of the fiscal year to the Department. Submit data about individuals following guidance provided by the Office of Adult Community Behavioral Health and using the tools, platforms, and data transmission requirements provided by the Department. Establish mechanisms to ensure the timely and accurate collection and transmission of data. The Department shall provide the data collection and reporting database, submission due dates, and reporting protocols to the CSB in sufficient time to allow it to comply with them.
- viii. Participate in PSH training and technical assistance in coordination with the Office of Adult Community Behavioral Health Services and any designated training and technical assistance providers.

K. Residential Crisis Stabilization Units: The CSB operating a RCSU shall staff and operate the unit so that it can admit individuals 24 hours per day and seven days per week.

- i. The unit shall accept any appropriate individuals under temporary detention orders (TDOs) and establish clinical criteria specifying the types of individuals under TDOs that it will accept.
- ii. The CSB shall provide a copy of the criteria to the Department upon request for its review and approval. The unit shall implement a written schedule of clinical programming that covers at least eight hours of services per day and seven days per week that is appropriate for the individuals receiving crisis services and whenever possible incorporates evidence-based and best practices.
- iii. The RCSU shall provide a mix of individual, group, or family counseling or therapy, case management, psycho-educational, psychosocial, relaxation, physical health, and peer- run group services; access to support groups such as Alcoholics Anonymous or Narcotics Anonymous; access to a clinical assessment that includes ASAM Level of Care and medically monitored highly intensive residential services that have the capacity for medication assisted treatment when a substance use disorder is indicated; and other activities that are appropriate to the needs of each individual receiving services and focuses on his or her recovery.

FY 2022 AND FY 2023 COMMUNITY SERVICES PERFORMANCE CONTRACT

- iv. The CSB shall comply with the requirements in the Department's current Residential Crisis Stabilization Unit Expectations document that is incorporated into and made a part of this contract by reference.
 - L. **Regional Programs:** The CSB shall manage or participate in the management of, account for, and report on regional programs in accordance with the Regional Program Operating Principles and the Regional Program Procedures in the Services Taxonomy. The CSB agrees to participate in any utilization review or management activities conducted by the Department involving services provided through a regional program.
- 4. Quality of Care**
- i. **Department CSB Performance Measures:** CSB staff shall monitor the CSB's outcome and performance measures in Exhibit B, identify and implement actions to improve its ranking on any measure on which it is below the benchmark, and present reports on the measures and actions at least quarterly during scheduled meetings of the CSB board of directors.
 - ii. **Quality Improvement and Risk Management:** The CSB shall develop, implement, and maintain a quality improvement plan, itself or in affiliation with other CSBs, to improve services, ensure that services are provided in accordance with current acceptable professional practices, and address areas of risk and perceived risks. The quality improvement plan shall be reviewed annually and updated at least every four years. The CSB shall develop, implement, and maintain, itself or in affiliation with other CSBs, a risk management plan or participate in a local government's risk management plan. The CSB shall work with the Department to identify how the CSB will address quality improvement activities.
 - iii. The CSB shall implement, in collaboration with other CSBs in its region, the state hospital(s) and training centers serving its region, and private providers involved with the public mental health, developmental, and substance use disorder services system, regional utilization management procedures and practices that reflect the Regional Utilization Management Guidance document that is incorporated into and made a part of this contract by reference.
 - iv. **Critical Incidents:** The CSB shall implement procedures to insure that the executive director is informed of any deaths, serious injuries, or allegations of abuse or neglect as defined in the Department's Licensing (12VAC35-105-20) and Human Rights (12VAC35-115-30) Regulations when they are reported to the Department. The CSB shall provide a copy of its procedures to the Department upon request.
5. If any CSB employees are being paid totally with Federal Mental Health or SABG funds at a direct annual salary (not including fringe benefits and operating costs) in excess of Level II of the federal Executive Schedule. They must provide written notification to the Department to include names and titles of those employees.
6. The CSB assures that it is and will continue to be in full compliance with the applicable provisions of 45 CFR Part 54, Charitable Choice Regulations, and 45 CFR Part 87, Equal Treatment for Faith-Based Organizations Regulations, in its receipt and use of federal Mental Health Services and SABG funds and federal funds for Projects for Assistance in Transitions from Homelessness programs. Both regulations prohibit discrimination against religious organizations, provide for the ability of religious organizations to maintain their religious character, and prohibit religious organizations from using federal funds to finance inherently religious activities.
- 7. Reporting Requirements and Data Quality**
- 1. Individual Outcome and CSB Provider Performance Measures**
- a.) **Measures:** Pursuant to § 37.2-508 or § 37.2-608 of the Code, the CSB shall report the data for individual outcome and CSB provider performance measures in Exhibit B of this contract to the

FY 2022 AND FY 2023 COMMUNITY SERVICES PERFORMANCE CONTRACT

Department.

b.) Individual CSB Performance Measures: The Department may negotiate specific, time-limited measures with the CSB to address identified performance concerns or issues. The measures shall be included as Exhibit D of this contract.

c.) Individual Satisfaction Survey: Pursuant to § 37.2-508 or § 37.2-608 of the Code, the CSB shall participate in the Annual Survey of Individuals Receiving MH and SUD Outpatient Services, the Annual Youth Services Survey for Families (i.e., Child MH survey), and the annual QSRs and the NCI Survey for individuals covered by the DOJ Settlement Agreement.

2. Electronic Health Record

The CSBs shall implement and maintain an electronic health record (EHR) that has been fully certified and is listed by the Office of the National Coordinator for Health Information Technology-Authorized Testing and Certification Body to improve the quality and accessibility of services, streamline and reduce duplicate reporting and documentation requirements, obtain reimbursement for services, and exchange data with the Department and its state hospitals and training centers and other CSBs.

3. Reporting Requirements

For purposes of reporting to the Department, the CSB shall comply with State Board Policy 1030 and shall:

- a.) provide monthly Community Consumer Submission 3 (CCS 3) extracts that report individual characteristic and service data to the Department, as required by § 37.2- 508 or § 37.2-608 of the Code, the federal Substance Abuse and Mental Health Services Administration, and Part C of Title XIX of the Public Health Services Act - Block Grants, § 1943 (a) (3) and § 1971 and § 1949, as amended by Public Law 106- 310, and as permitted under 45 CFR §§ 164.506 (c) (1) and (3) and 164.512 (a) (1) and (d) of the HIPAA regulations and §32.1-127.1:03.D (6) of the Code, and as defined in the current CCS 3 Extract Specifications, including the current Business Rules.
- b.) follow the current Services Taxonomy and CCS 3 Extract Specifications, when responding to reporting requirements established by the Department;
- c.) complete the National Survey of Substance Abuse Treatment Services (N-SSATS) annually that is used to compile and update the National Directory of Drug and Alcohol Abuse Treatment Programs and the on-line Substance Abuse Treatment Facility Locator;
- d.) follow the user acceptance testing process described in Appendix D of the CSB Administrative Requirements for new CCS 3 releases and participate in the user acceptance testing process when requested to do so by the Department;
- e.) report service data on substance abuse prevention and mental health promotion services provided by the CSB that are supported wholly or in part by the SABG set aside for prevention services through the prevention data system planned and implemented by the Department in collaboration with the VACSB DMC, but report funding, expenditure, and cost data on these services through CARS per subsection 2.a.); and report service, funding, expenditure, and cost data on any other mental health promotion services through CCS 3 and CARS;
- f.) supply information to the Department's Forensics Information Management System for individuals adjudicated not guilty by reason of insanity (NGRI), as required under § 37.2-508 or § 37.2-608 of the Code and as permitted under 45 CFR §§ 164.506 (c) (1) and (3), 164.512 (d), and 164.512 (k) (6) (ii);
- g.) report data and information required by the current Appropriation Act; and
- h.) report data identified collaboratively by the Department and the CSB working through the VACSB DMC

4. Routine Reporting Requirements:

The CSB shall account for all services, funds, expenses, and costs accurately and submit reports to the Department in a timely manner using current CARS, CCS 3, or other software provided by the Department. All reports shall be provided in the form

FY 2022 AND FY 2023 COMMUNITY SERVICES PERFORMANCE CONTRACT

and format prescribed by the Department. The CSB shall provide the following information and meet the following reporting requirements:

- a.) types and service capacities of services provided, costs for services provided, and funds received by source and amount and expenses paid by program area and for emergency and ancillary services semi-annually in CARS, and state and federal block grant funds expended by service category with the end-of-the-fiscal year CARS report;
- b.) demographic characteristics of individuals receiving services and types and amounts of services provided to each individual monthly through the current CCS 3;
- c.) Federal Balance Report;
- d.) PATH reports (mid-year and at the end of the fiscal year);
- e.) amounts of state, local, federal, Medicaid, other fees, other funds used to pay for services by service category in each program area and emergency and ancillary services in the end of the fiscal year CARS report; and
- f.) other reporting requirements in the current CCS 3 Extract Specifications.

5. **Subsequent Reporting Requirements:** In accordance with State Board Policy 1030, the CSB shall work with the Department through the VACSB DMC to ensure that current data and reporting requirements are consistent with each other and the current Services Taxonomy, the current CCS 3, and the federal substance abuse Treatment Episode Data Set (TEDS) and other federal reporting requirements. The CSB also shall work with the Department through the VACSB DMC in planning and developing any additional reporting or documentation requirements beyond those identified in this contract to ensure that the requirements are consistent with the current taxonomy, the current CCS 3, and the TEDS and other federal reporting requirements.
6. **Data Elements:** The CSB shall work with the Department through the DMC to standardize data definitions, periodically review existing required data elements to eliminate elements that are no longer needed, minimize the addition of new data elements to minimum necessary ones, review CSB business processes so that information is collected in a systematic manner, and support efficient extraction of required data from CSB electronic health record systems whenever this is possible.
7. **Streamlining Reporting Requirements:** The CSB shall work with the Department through the VACSB DMC to review existing reporting requirements including the current CCS 3 to determine if they are still necessary and, if they are, to streamline and reduce the number of portals through which those reporting requirements are submitted as much as possible; to ensure reporting requirements are consistent with the current CCS 3 Extract Specifications and Services Taxonomy; and to maximize the interoperability between Department and CSB data bases to support the electronic exchange of information and comprehensive data analysis.
8. **Data Quality:** The CSB shall review data quality reports from the Department on the completeness and validity of its CCS 3 data to improve data quality and integrity. When requested by the Department, the CSB executive director shall develop and submit a plan of correction to remedy persistent deficiencies in the CSB's CCS 3 submissions and, upon approval of the Department, shall implement the plan of correction.
9. **Providing Information:** The CSB shall provide any information requested by the Department that is related to the services, funds, or expenditures in this contract or the performance of or compliance with this contract in a timely manner, considering the type, amount, and availability of information requested. Provision of information shall comply with applicable laws and regulations governing confidentiality, privacy, and security of information regarding individuals receiving services from the CSB.
10. **Reviews:** The CSB shall participate in the periodic, comprehensive administrative and financial

FY 2022 AND FY 2023 COMMUNITY SERVICES PERFORMANCE CONTRACT

review of the CSB conducted by the Department to evaluate the CSB's compliance with requirements in the contract and CSB Administrative Requirements and the CSB's performance. The CSB shall address recommendations in the review report by the dates specified in the report or those recommendations may be incorporated in an Exhibit D.

- 11. Constitution of the CSB:** The resolutions or ordinances currently in effect that were enacted by the governing body or bodies of the local government or governments to establish the CSB are consistent with applicable statutory requirements in §§ 37.2-500, 37.2- 501, and 37.2-502 or §§ 37.2-601, 37.2-602, and 37.2-603 of the Code and accurately reflect the current purpose, roles and responsibilities, local government membership, number and type of CSB board member appointments from each locality, the CSB's relationship with its local government or governments, and the name of the CSB.

XII. Subcontracting

A subcontract means a written agreement between the CSB and another party under which the other party performs any of the CSB's obligations. Subcontracts, unless the context or situation supports a different interpretation or meaning, also may include agreements, memoranda of understanding, purchase orders, contracts, or other similar documents for the purchase of services or goods by the CSB from another organization or agency or a person on behalf of an individual.

If the CSB hires an individual not as an employee but as a contractor (e.g., a part- time psychiatrist) to work in its programs, this does not constitute subcontracting under this section. CSB payments for rent or room and board in a non-licensed facility (e.g., rent subsidies or a hotel room) do not constitute subcontracting under this section, and the provisions of this section, except for compliance with the Human Rights regulations, do not apply to the purchase of a service for one individual.

The CSB may subcontract any requirements in this contract. The CSB shall remain fully and solely responsible and accountable for meeting all of its obligations and duties under this contract, including all services, terms, and conditions, without regard to its subcontracting arrangements.

Subcontracting shall comply with applicable statutes, regulations, and guidelines, including the Virginia Public Procurement Act, § 2.1-4300 et seq. of the Code. All subcontracted activities shall be formalized in written contracts between the CSB and subcontractors. The CSB agrees to provide copies of contracts or other documents to the Department on request.

A. Subcontracts

The written subcontract shall, as applicable and at a minimum, state the activities to be performed, the time schedule and duration, the policies and requirements, including data reporting, applicable to the subcontractor, the maximum amount of money for which the CSB may become obligated, and the manner in which the subcontractor will be compensated, including payment time frames. Subcontracts shall not contain provisions that require a subcontractor to make payments or contributions to the CSB as a condition of doing business with the CSB.

B. Subcontractor Compliance

The CSB shall require that its subcontractors comply with the requirements of all applicable federal and state statutes, regulations, policies, and reporting requirements that affect or are applicable to the services included in this contract. The CSB shall require that its subcontractors submit to the CSB all required CCS 3 data on individuals they served and services they delivered in the applicable format so that the CSB can include this data in its CCS 3 submissions to the Department.

The CSB shall require that any agency, organization, or person with which it intends to subcontract services that are included in this contract is fully qualified and possesses and maintains current all necessary licenses or certifications from the Department and other applicable regulatory entities before it

FY 2022 AND FY 2023 COMMUNITY SERVICES PERFORMANCE CONTRACT

enters into the subcontract and places individuals in the subcontracted service.

The CSB shall require all subcontractors that provide services to individuals and are licensed by the Department to maintain compliance with the Human Rights Regulations adopted by the State Board.

The CSB shall, to the greatest extent practicable, require all other subcontractors that provide services purchased by the CSB for individuals and are not licensed by the Department to develop and implement policies and procedures that comply with the CSB's human rights policies and procedures or to allow the CSB to handle allegations of human rights violations on behalf of individuals served by the CSB who are receiving services from such subcontractors. When it funds providers such as family members, neighbors, individuals receiving services, or others to serve individuals, the CSB may comply with these requirements on behalf of those providers, if both parties agree.

- C. **Subcontractor Dispute Resolution:** The CSB shall include contract dispute resolution procedures in its contracts with subcontractors.
- D. **Quality Improvement Activities:** The CSB shall, to the extent practicable, incorporate specific language in its subcontracts regarding the quality improvement activities of subcontractors. Each vendor that subcontracts with the CSB should have its own quality improvement system in place or participate in the CSB's quality improvement program.

XIII. Compliance with Laws

- A. CSB shall comply with all applicable federal, state, and local laws and regulations. If any laws or regulations that become effective after the execution date of this contract substantially change the nature and conditions of this contract, they shall be binding upon the parties, but the parties retain the right to exercise any remedies available to them by law or other provisions of this contract.
- B. **HIPPA:** The CSB shall comply with the HIPAA and the regulations promulgated thereunder by their compliance dates, except where the HIPAA requirements and applicable state law or regulations are contrary and state statutes or regulations are more stringent, as defined in 45 CFR § 160.202, than the related HIPAA requirements.
 - 1. The CSB shall execute a Business Associate Agreement (BAA) initiated by the Department for any HIPAA- or 42 CFR Part 2- protected health information (PHI), personally identifiable information (PII), and other confidential data that it exchanges with the Department and its state facilities that is not covered by section 6.c.1.) a.) and f.) or 2.)c.) to ensure the privacy and security of sensitive data.
 - 2. The CSB shall ensure sensitive data, including HIPAA-PHI, PII, and other confidential data, exchanged electronically with the Department, its state hospitals and training centers, other CSBs, other providers, regional or persons meets the requirements in the FIPS 140-2 standard and is encrypted using a method supported by the Department.
 - 3. The Department and its state hospitals and training centers shall comply with HIPAA and the regulations promulgated thereunder by their compliance dates, except where the HIPAA requirements and applicable state law or regulations are contrary and state statutes or regulations are more stringent, as defined in 45 CFR § 160.202, than the related HIPAA requirements.
 - 4. The Department shall initiate a BAA with the CSB for any HIPAA- or 42 CFR Part 2-PHI, PII, and other confidential data that it and its state facilities exchange with the CSB that is not covered by section 6.c.1.) a.) and f.) or 2.)c.) to ensure the privacy and security of sensitive data. The Department shall execute a BAA with FEI, its WaMS contractor, for the exchange of PHI, PII, and other confidential data that it or the CSB exchanges with FEI to ensure the privacy and security of sensitive data.
 - 5. The Department and its state hospitals and training centers shall ensure that any sensitive data,

FY 2022 AND FY 2023 COMMUNITY SERVICES PERFORMANCE CONTRACT

including HIPAA-PHI, PII, and other confidential data, exchanged electronically with CSBs, other providers, or persons meets the requirements in the FIPS 140-2 standard and is encrypted using a method supported by the Department and CSB.

- C. **Employment Anti-Discrimination:** The CSB shall conform to the applicable provisions of Title VII of the Civil Rights Act of 1964 as amended, the Equal Pay Act of 1963, Sections 503 and 504 of the Rehabilitation Act of 1973, the Vietnam Era Veterans Readjustment Act of 1974, the Age Discrimination in Employment Act of 1967, the Americans With Disabilities Act of 1990, the Virginians With Disabilities Act, the Virginia Fair Employment Contracting Act, the Civil Rights Act of 1991, regulations issued by Federal Granting Agencies, and other applicable statutes and regulations, including § 2.2-4310 of the Code. The CSB agrees as follows:
1. The CSB will not discriminate against any employee or applicant for employment because of race, religion, color, sex, national origin, age, disability, or other basis prohibited by federal or state law relating to discrimination in employment, except where there is a bona fide occupational qualification reasonably necessary to the normal operation of the CSB. The CSB agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause.
 2. The CSB, in all solicitations or advertisements for employees placed by or on behalf of the CSB, will state that it is an equal opportunity employer.
 3. Notices, advertisements, and solicitations placed in accordance with federal law, rule, or regulation shall be deemed sufficient for the purpose of meeting these requirements.
- D. **Service Delivery Anti-Discrimination:** The CSB shall conform to the applicable provisions of Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, the Americans With Disabilities Act of 1990, the Virginians With Disabilities Act, the Civil Rights Act of 1991, regulations issued by the U.S. Department of Health and Human Services pursuant thereto, other applicable statutes and regulations, and paragraphs 1 and 2 below.
1. Services operated or funded by the CSB have been and will continue to be operated in such a manner that no person will be excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under such services on the grounds of race, religion, color, national origin, age, gender, or disability.
 2. The CSB and its direct and contractual services will include these assurances in their services policies and practices and will post suitable notices of these assurances at each of their facilities in areas accessible to individuals receiving services.
 3. The CSB will periodically review its operating procedures and practices to insure continued conformance with applicable statutes, regulations, and orders related to non-discrimination in service delivery.
- E. **General State Requirements:** The CSB shall comply with applicable state statutes and regulations, State Board regulations and policies, and Department procedures, including the following requirements.
1. **Conflict of Interests:** Pursuant to § 2.2-3100.1 of the Code, the CSB shall ensure that new board members are furnished with receive a copy of the State and Local Government Conflict of Interests Act by the executive director or his or her designee within two weeks following a member's appointment, and new members shall read and become familiar with provisions of the act. The CSB shall ensure board members and applicable CSB staff receive training on the act. If required by § 2.2-3115 of the Code, CSB board members and staff shall file annual disclosure forms of their personal interests and such other information as is specified on the form set forth in § 2.2-3118 of the Code. Board members and staff shall comply with the Conflict of Interests Act and related policies adopted by the CSB board of directors.
 2. **Freedom of Information:** Pursuant to § 2.2-3702 of the Code, the CSB shall ensure that new board members are furnished with a copy of the Virginia Freedom of Information Act by the executive director or his or her designee within two weeks following a member's appointment,

FY 2022 AND FY 2023 COMMUNITY SERVICES PERFORMANCE CONTRACT

and new members shall read and become familiar with provisions of the act. The CSB shall ensure board members and applicable staff receive training on the act. Board members and staff shall comply with the Freedom of Information Act and related policies adopted by the CSB by the CSB board of directors.

F. Protection of Individuals Receiving Services

1. **Human Rights:** The CSB shall comply with the current *Rules and Regulations to Assure the Rights of Individuals Receiving Services from Providers Licensed, Funded, or Operated by the Department of Behavioral Health and Developmental Services*. In the event of a conflict between any of the provisions in this contract and provisions in these regulations, the applicable provisions in the regulations shall apply.

The CSB shall cooperate with any Department investigation of allegations or complaints of human rights violations, including providing any information needed for the investigation as required under state law and as permitted under 45 CFR § 164.512 (d) in as expeditious a manner as possible.
2. **Disputes:** The filing of a complaint as outlined in the Human Rights Regulations by an individual or his or her family member or authorized representative shall not adversely affect the quantity, quality, or timeliness of services provided to that individual unless an action that produces such an effect is based on clinical or safety considerations and is documented in the individual's individualized services plan.
3. **Licensing:** The CSB shall comply with the *Rules and Regulations for Licensing Providers by the Department of Behavioral Health and Developmental Services*. The CSB shall establish a system to ensure ongoing compliance with applicable licensing regulations. CSB staff shall provide copies of the results of licensing reviews, including scheduled reviews, unannounced visits, and complaint investigations, to all members of the CSB board of directors in a timely manner and shall discuss the results at a regularly scheduled board meeting. The CSB shall adhere to any licensing guidance documents published by the Department.

XIV. Department Responsibilities

- A. **Funding:** The Department shall disburse state funds displayed in Exhibit A prospectively on a semi-monthly basis to the CSB, subject to the CSB's compliance with the provisions of this contract. Payments may be revised to reflect funding adjustments. The Department shall disburse federal grant funds that it receives to the CSB in accordance with the requirements of the applicable federal grant and, wherever possible, prospectively on a semi-monthly basis. The Department shall make these payments in accordance with Exhibit E of this contract.
- B. **Program and Service Reviews:** The Department may conduct or contract for reviews of programs or services provided or contracted by the CSB under this contract to examine their quality or performance at any time as part of its monitoring and review responsibilities or in response to concerns or issues that come to its attention, as permitted under 45 CFR § 164.512 (a), (d), and (k) (6) (ii) and as part of its health oversight functions under § 32.1-127.1:03 (D) (6) and § 37.2-508 or § 37.2-608 of the Code or with a valid authorization by the individual receiving services or his authorized representative that complies with the *Rules and Regulations to Assure the Rights of Individuals Receiving Services from Providers Licensed, Funded, or Operated by the Department of Behavioral Health and Developmental Services*, and the Health Insurance Portability and Accountability Act of 1996 (HIPAA) Privacy Rule. The CSB shall provide ready access to any records or other information necessary for the Department to conduct program or service reviews or investigations of critical incidents.

FY 2022 AND FY 2023 COMMUNITY SERVICES PERFORMANCE CONTRACT

C. Consideration of Department Comments or Recommendations

The executive director and CSB board members shall consider significant issues or concerns raised by the Commissioner of the Department at any time about the operations or performance of the CSB and shall respond formally to the Department, collaborating with it as appropriate, about these issues or concerns.

D. State Facility Services

1. **Availability:** The Department shall make state facility services available, if appropriate, through its state hospitals and training centers when individuals located in the CSB's service area meet the admission criteria for these services.
2. **Bed Utilization:** The Department shall track, monitor, and report on the CSB's utilization of state hospital and training center beds and provide data to the CSB about individuals receiving services from its service area who are served in state hospitals and training centers as permitted under 45 CFR §§ 164.506 (c) (1), (2), and (4) and 164.512(k) (6) (ii). The Department shall distribute reports to CSBs on state hospital and training center bed utilization by the CSB for all types of beds (adult, geriatric, child and adolescent, and forensic) and for TDO admissions and bed day utilization.
3. **Continuity of Care:** The Department shall manage its state hospitals and training centers in accordance with State Board Policy 1035, to support service linkages with the CSB, including adherence to the applicable provisions of the Continuity of Care Procedures, attached to the CSB Administrative Requirements as Appendix A, and the current *Collaborative Discharge Protocols for Community Services Boards and State Hospitals – Adult & Geriatric or Child & Adolescent* and the current *Training Center - Community Services Board Admission and Discharge Protocols for Individuals with Intellectual Disabilities*. The Department shall assure state hospitals and training centers use teleconferencing technology to the greatest extent practicable to facilitate the CSB's participation in treatment planning activities and fulfillment of its discharge planning responsibilities for individuals in state hospitals and training centers for whom it is the case management CSB.
4. **Medical Screening and Medical Assessment:** When working with CSBs and other facilities to arrange for treatment of individuals in the state hospital, the state hospital shall assure that its staff follows the current *Medical Screening and Medical Assessment Guidance Materials*. The state hospital staff shall coordinate care with emergency rooms, emergency room physicians, and other health and behavioral health providers to ensure the provision of timely and effective medical screening and medical assessment to promote the health and safety of and continuity of care for individuals receiving services.
5. **Planning:** The Department shall involve the CSB, as applicable and to the greatest extent possible, in collaborative planning activities regarding the future role and structure of state hospitals and training centers.
6. **Quality of Care**
The Department in collaboration with the VACSB Data Management and Quality Leadership Committees and the VACSB/DBHDS Quality and Outcomes Committee shall identify individual outcome, CSB provider performance, individual satisfaction, individual and family member participation and involvement measures, and quality improvement measures, pursuant to § 37.2-508 or § 37.2-608 of the Code, and shall collect information about these measures and work with the CSB to use them as part of the Continuous Quality Improvement Process described in Appendix E of the CSB Administrative Requirements to improve services.
7. **Department CSB Performance Measures Data Dashboard:** The Department shall develop a data dashboard to display the CSB Performance Measures in Exhibit B, developed in collaboration with the CSB, and disseminate it to CSBs. The Department shall work with the

FY 2022 AND FY 2023 COMMUNITY SERVICES PERFORMANCE CONTRACT

CSB to identify and implement actions to improve the CSB's ranking on any outcome or performance measure on which it is below the benchmark.

8. **Utilization Management:** The Department shall work with the CSBs, state hospitals and training centers serving it, and private providers involved with the public mental health, developmental, and substance use disorder services system to implement regional utilization management procedures and practices reflected in the Regional Utilization Management Guidance document that is incorporated into and made a part of this contract by reference
9. **Human Rights:** The Department shall operate the statewide human rights system described in the current *Rules and Regulations to Assure the Rights of Individuals Receiving Services from Providers Licensed, Funded, or Operated by the Department of Behavioral Health and Developmental Services*, by monitoring compliance with the human rights requirements in those regulations.
10. **Licensing:** The Department shall license programs and services that meet the requirements in the current *Rules and Regulations for Licensing Providers by the Department of Behavioral Health and Developmental Services*, and conduct licensing reviews in accordance with the provisions of those regulations. The Department shall respond in a timely manner to issues raised by the CSB regarding its efforts to coordinate and monitor services provided by independent providers licensed by the Department.
11. **Peer Review Process:** The Department shall implement a process in collaboration with volunteer CSBs to ensure that at least five percent of community mental health and substance abuse programs receive independent peer reviews annually, per federal requirements and guidelines, to review the quality and appropriateness of services. The Department shall manage this process to ensure that peer reviewers do not monitor their own programs.
12. **Electronic Health Record (EHR):** The Department shall implement and maintain an EHR in its central office and state hospitals and training centers that has been fully certified and is listed by the Office of the National Coordinator for Health Information Technology- Authorized Testing and Certification Body to improve the quality and accessibility of services, streamline and reduce duplicate reporting and documentation requirements, obtain reimbursement for services, and exchange data with CSBs.
13. **Reviews:** The Department shall review and take appropriate action on audits submitted by the CSB in accordance with the provisions of this contract and the CSB Administrative Requirements. The Department may conduct a periodic, comprehensive administrative and financial review of the CSB to evaluate the CSB's compliance with requirements in the contract and CSB Administrative Requirements and the CSB's performance. The Department shall present a report of the review to the CSB and monitor the CSB's implementation of any recommendations in the report.

XV. Reporting and Data Quality Requirements

- A. In accordance with State Board Policy 1030, the Department shall work with CSBs through the VACSB DMC to ensure that current data and reporting requirements are consistent with each other and the current Services Taxonomy, the current CCS 3, and the Treatment Episode Data Set (TEDS) and other federal reporting requirements.
- B. The Department also shall work with CSBs through the DMC in planning and developing any additional reporting or documentation requirements beyond those identified in this contract to ensure that the requirements are consistent with the current taxonomy, current CCS 3, and TEDS and other federal reporting requirements.
- C. The Department shall work with the CSB through the DMC to develop and implement any changes in data platforms used, data elements collected, or due dates for existing reporting mechanisms, including CCS 3, CARS, WaMS, FIMS, and the current prevention data system and stand-alone

FY 2022 AND FY 2023 COMMUNITY SERVICES PERFORMANCE CONTRACT

spreadsheet or other program- specific reporting processes.

- D. **Community Consumer Submission:** The Department shall collaborate with CSBs through the DMC in the implementation and modification of the current CCS 3, which reports individual characteristic and service data that is required under § 37.2-508 or § 37.2-608 of the Code, the federal Substance Abuse and Mental Health Services Administration, and Part C of Title XIX of the Public Health Services Act - Block Grants, §1943 (a) (3) and § 1971 and § 1949, as amended by Public Law 106-310, to the Department and is defined in the current CCS 3 Extract Specifications, including the current Business Rules. The Department will receive and use individual characteristic and service data disclosed by the CSBs through CCS 3 as permitted under 45 CFR§§ 164.506 (c) (1) and (3) and 164.512 (a) (1) of the HIPAA regulations and § 32.1- 127.1:03.D (6) of the Code and shall implement procedures to protect the confidentiality of this information pursuant to § 37.2-504 or § 37.2-605 of the Code and HIPAA.
1. The Department shall follow the user acceptance testing process described in Appendix D of the CSB Administrative Requirements for new CCS 3 releases.
 2. **Data Elements:** The Department shall work with CSBs through the DMC to standardize data definitions, periodically review existing required data elements to eliminate elements that are no longer needed, minimize the addition of new data elements to minimum necessary ones, review CSB business processes so that information is collected in a systematic manner, and support efficient extraction of required data from CSB electronic health record systems whenever this is possible. The Department shall work with the CSB through the DMC to develop, implement, maintain, and revise or update a mutually agreed upon electronic exchange mechanism that will import all information related to the support coordination or case management parts of the ISP (parts I-IV) and VIDES about individuals who are receiving DD Waiver services from CSB EHRs into WaMS. If the CSB does not use or is unable to use the data exchange, it shall enter this data directly into WaMS.
- E. **Streamlining Reporting Requirements:** The Department shall work with CSBs through the DMC to review existing reporting requirements including the current CCS 3 to determine if they are still necessary and, if they are, to streamline and reduce the number of portals through which those reporting requirements are submitted as much as possible; to ensure reporting requirements are consistent with the current CCS 3 Extract Specifications and Services Taxonomy; and to maximize the interoperability between Department and CSB data bases to support the electronic exchange of information and comprehensive data analysis.
- F. **Data Quality:** The Department shall provide data quality reports to the CSB on the completeness and validity of its CCS 3 data to improve data quality and integrity. The Department may require the CSB executive director to develop and implement a plan of correction to remedy persistent deficiencies in the CSB's CCS 3 submissions. Once approved, the Department shall monitor the plan of correction and the CSB's ongoing data quality. The Department may address persistent deficiencies that are not resolved through this process with an Individual CSB Performance Measure in Exhibit D.
- G. **Surveys:** The Department shall ensure that all surveys and requests for data have been reviewed for cost effectiveness and developed through a joint Department and CSB process. The Department shall comply with the Procedures for Approving CSB Surveys, Questionnaires, and Data Collection Instruments and Establishing Reporting Requirements, reissued by the Commissioner.

XVI. Communication

- A. The Department shall provide technical assistance and written notification to the CSB regarding changes in funding source requirements, such as regulations, policies, procedures, and interpretations, to the extent that those changes are known to the Department.
- B. The Department shall resolve, to the extent practicable, inconsistencies in state agency requirements that affect requirements in this contract.

FY 2022 AND FY 2023 COMMUNITY SERVICES PERFORMANCE CONTRACT

- C. The Department shall provide any information requested by the CSB that is related to performance of or compliance with this contract in a timely manner, considering the type, amount, and availability of the information requested.
- D. The Department shall issue new or revised policy, procedure, and guidance documents affecting CSBs via letters, memoranda or emails from the Commissioner, Deputy Commissioner, or applicable Assistant Commissioner to CSB executive directors and other applicable CSB staff and post these documents in an easily accessible place on its web site within 10 business days of the date on which the documents are issued via letters, memoranda, or emails.

XVII. Department Comments or Recommendations on CSB Operations or Performance

The Commissioner of the Department may communicate significant issues or concerns about the operations or performance of the CSB to the executive director and CSB board members for their consideration, and the Department agrees to collaborate as appropriate with the executive director and CSB board members as they respond formally to the Department about these issues or concerns.

XVIII. Compliance and Dispute Resolution

The Department may utilize a variety of remedies, including requiring a corrective action plan, delaying payments, reducing allocations or payments, and terminating the contract, to assure CSB compliance with this contract. Specific remedies, described in Exhibit I of this contract, may be taken if the CSB fails to satisfy the reporting requirements in this contract.

In accordance with subsection E of § 37.2-508 or § 37.2-608 of the Code, the Department may terminate all or a portion of this contract, after unsuccessful use of the remediation process described in this section and after affording the CSB an adequate opportunity to use the dispute resolution process described in this of this contract. The Department shall deliver a written notice specifying the cause to the CSB's board chairperson and executive director at least 75 days prior to the date of actual termination of the contract. In the event of contract termination under these circumstances, only payment for allowable services rendered by the CSB shall be made by the Department.

- A. **Disputes:** Resolution of disputes arising from Department contract compliance review and performance management efforts or from actions by the CSB related to this contract may be pursued through the dispute resolution process in this section, which may be used to appeal only the following conditions:
 - 1.) reduction or withdrawal of state general or federal funds, unless funds for this activity are withdrawn by action of the General Assembly or federal government or by adjustment of allocations or payments pursuant to section 5 of this contract;
 - 2.) termination or suspension of the contract, unless funding is no longer available; 3.) refusal to negotiate or execute a contract modification;
 - 4.) disputes arising over interpretation or precedence of terms, conditions, or scope of the contract; or
 - 5.) determination that an expenditure is not allowable under this contract.
- B. **Remediation Process:** The Department and the CSB shall use the remediation process mentioned in subsection E of § 37.2-508 or § 37.2-608 of the Code to address a particular situation or condition identified by the Department or the CSB that may, if unresolved, result in termination of all or a portion of the contract in accordance with the provisions of this section. The parties shall develop the details of this remediation process and add them as an Exhibit D of this contract. This exhibit shall:
 - 1.) describe the situation or condition, such as a pattern of failing to achieve a satisfactory level of performance on a significant number of major outcome or performance measures in the contract, that if unresolved could result in termination of all or a portion of the contract;
 - 2.) require implementation of a plan of correction with specific actions and timeframes approved by the Department to address the situation or condition; and
 - 3.) include the performance measures that will document a satisfactory resolution of the situation or condition.

FY 2022 AND FY 2023 COMMUNITY SERVICES PERFORMANCE CONTRACT

If the CSB does not implement the plan of correction successfully within the approved timeframes, the Department, as a condition of continuing to fund the CSB, may request changes in the management and operation of the CSB's services linked to those actions and measures in order to obtain acceptable performance. These changes may include realignment or re-distribution of state-controlled resources or restructuring the staffing or operations of those services. The Department shall review and approve any changes before their implementation. Any changes shall include mechanisms to monitor and evaluate their execution and effectiveness.

C. Dispute Resolution Process: Disputes arising from any of the conditions in this section of this contract shall be resolved using the following process:

- 1.) Within 15 calendar days of the CSB's identification or receipt of a disputable action taken by the Department or of the Department's identification or receipt of a disputable action taken by the CSB, the party seeking resolution of the dispute shall submit a written notice to the Department's OMS Director, stating its desire to use the dispute resolution process.

The written notice must describe the condition, nature, and details of the dispute and the relief sought by the party.

- 2.) The OMS Director shall review the written notice and determine if the dispute falls within the conditions listed in section 9.c. If it does not, the OMS Director shall notify the party in writing within seven days of receipt of the written notice that the dispute is not subject to this dispute resolution process. The party may appeal this determination to the Commissioner in writing within seven days of its receipt of the Director's written notification.
- 3.) If the dispute falls within the conditions listed in this section, the OMS Director shall notify the party within seven days of receipt of the written notice that a panel will be appointed within 15 days to conduct an administrative hearing.
- 4.) Within 15 days of notification to the party, a panel of three or five disinterested persons shall be appointed to hear the dispute.
 - i. The CSB shall appoint one or two members; the Commissioner shall appoint one or two members; and the appointed members shall appoint the third or fifth member.
 - ii. Each panel member will be informed of the nature of the dispute and be required to sign a statement indicating that he has no interest in the dispute.
 - iii. Any person with an interest in the dispute shall be relieved of panel responsibilities and another person shall be selected as a panel member.
- 5.) The OMS Director shall contact the parties by telephone and arrange for a panel hearing at a mutually convenient time, date, and place. The panel hearing shall be scheduled not more than 15 days after the appointment of panel members. Confirmation of the time, date, and place of the hearing will be communicated to all parties at least seven days in advance of the hearing.
- 6.) The panel members shall elect a chairman and the chairman shall convene the panel. The party requesting the panel hearing shall present evidence first, followed by the presentation of the other party. The burden shall be on the party requesting the panel hearing to establish that the disputed decision or action was incorrect and to present the basis in law, regulation, or policy for its assertion. The panel may hear rebuttal evidence after the initial presentations by the CSB and the Department. The panel may question either party in order to obtain a clear understanding of the facts.
- 7.) Subject to provisions of the Freedom of Information Act, the panel shall convene in closed session at the end of the hearing and shall issue written recommended findings of fact within seven days of the hearing. The recommended findings of fact shall be submitted to the Commissioner for a final decision.
- 8.) The findings of fact shall be final and conclusive and shall not be set aside by the Commissioner unless they are (a.) fraudulent, arbitrary, or capricious; (b.) so grossly erroneous as to imply bad faith; (c.) in the case of termination of the contract due to failure to perform, the criteria for performance measurement are found to be erroneous, arbitrary, or capricious; or (d.) not within the CSB's purview.
- 9.) The final decision shall be sent by certified mail to both parties no later than 60 days after receipt

FY 2022 AND FY 2023 COMMUNITY SERVICES PERFORMANCE CONTRACT

- of the written notice from the party invoking the dispute resolution process.
- 10.) Multiple appeal notices shall be handled independently and sequentially so that an initial appeal will not be delayed by a second appeal.
- 11.) The CSB or the Department may seek judicial review of the final decision to terminate the contract in the Circuit Court for the City of Richmond within 30 days of receipt of the final decision.

XIX. Liability

The CSB shall defend or compromise, as appropriate, all claims, suits, actions, or proceedings arising from its performance of this contract. The CSB shall obtain and maintain sufficient liability insurance to cover claims for bodily injury and property damage and suitable administrative or directors and officers liability insurance. The CSB may discharge these responsibilities by means of a proper and sufficient self-insurance program operated by the state or a city or county government. The CSB shall provide a copy of any policy or program to the Department upon request. This contract is not intended to and does not create by implication or otherwise any basis for any claim or cause of action by a person or entity not a party to this contract arising out of any claimed violation of any provision of this contract, nor does it create any claim or right on behalf of any person to services or benefits from the CSB or the Department.

XX. Severability

Each paragraph and provision of this contract is severable from the entire contract, and the remaining provisions shall nevertheless remain in full force and effect if any provision is declared invalid or unenforceable.

Counterparts and Electronic Signatures: Except as may be prohibited by applicable law or regulation, this Agreement and any amendment may be signed in counterparts, by facsimile, PDF, or other electronic means, each of which will be deemed an original and all of which when taken together will constitute one agreement. Facsimile and electronic signatures will be binding for all purposes.

Signatures

In witness thereof, the Department and the CSB have caused this performance contract to be executed by the following duly authorized officials.

**Virginia Department of Behavioral
Health and Developmental Services**

By: _____

Name: Alison G. Land, FACHE

Title: Commissioner

Date: _____

CSB NAME

By: _____

Name: [CHAIRPERSON NAME]

Title: Chairperson

Date: _____

By: _____

Name: [EXECUTIVE DIRECTOR NAME]

Title: Executive Director

Date: _____

FY 2022 AND FY 2023 COMMUNITY SERVICES PERFORMANCE CONTRACT

Exhibit L: Listing of Acronyms			
Acronym	Name	Acronym	Name
ACE	Adverse Childhood Experiences	NCI	National Indicators
BAA	Business Associate Agreement (for HIPAA compliance)	NGRI	Not Guilty by Reason of Insanity
CARS	Community Automated Reporting System	OMS	Office of Management Services
CCS 3	Community Consumer Submission 3	PACT	Program of Assertive Community Treatment
CFR	Code of Federal Regulations	PATH	Projects for Assistance in Transition from Homelessness
CIT	Crisis Intervention Team	PHI	Protected Health Information
CPMT	Community Policy and Management Team (CSA)	PII	Personally Identifiable Information
CQI	Continuous Quality Improvement	PSH	Permanent Supportive Housing
CRC	Community Resource Consultant (DD Waivers)	QSR	Quality Service Reviews
CSA	Children's Services Act (§ 2.2-5200 et seq. of the Code)	RCSU	Residential Crisis Stabilization Unit
CSB	Community Services Board	RDAP	Regional Discharge Assistance Program
DAP	Discharge Assistance Program	REACH	Regional Education Assessment Crisis Services Habilitation
DBHDS	Department	RFP	Request for Proposal

DD	Developmental Disabilities	RMG	Regional Management Group
Department	Department of Behavioral Health and Developmental Services	RST	Regional Support Team (DD Waivers)
DMAS	Department of Medical Assistance Services (Medicaid)	RUMCT	Regional Utilization Management and Consultation Team
DOJ	Department of Justice (U.S.)	SABG	Federal Substance Abuse Block Grant
EBL	Extraordinary Barriers to Discharge List	SDA	Same Day Access
EHR	Electronic Health Record	sFTP	Secure File Transfer Protocol
FTE	Full Time Equivalent	SPF	Strategic Prevention Framework
HIPAA	Health Insurance Portability and Accountability Act of 1996	TDO	Temporary Detention Order
ICC	Intensive Care Coordination (CSA)	VACSB	Virginia Association of Community Services Boards
ICF	Intermediate Care Facility	VIDES	Virginia Individual DD Eligibility Survey
IDAPP	Individualized Discharge Assistance Program Plan	WaMS	Waiver Management System (DD Waivers)
LIPOS	Local Inpatient Purchase of Services	SPQM	Service Process Quality Management

FY 2022 Exhibit A: Resources and Services

CSB: _____

Consolidated Budget (Pages AF-3 Through AF-10)				
Funding Sources	Mental Health (MH) Services	Developmental (DV) Services	Substance Use Disorder (SUD) Services	TOTAL
State Funds				
Local Matching Funds				
Total Fees				
Transfer Fees (In)/Out				
Federal Funds				
Other Funds				
State Retained Earnings				
Federal Retained Earnings				
Other Retained Earnings				
Subtotal: Ongoing Funds				
State Funds One-Time				
Federal Funds One-Time				
Subtotal: One-Time Funds				
Total: All Funds				

Cost for MH, DV, SUD Services				
	Cost for Emergency Services (AP-4)			
	Cost for Ancillary Services (AP-4)			
	Total Cost for Services			

Local Match Computation	
Total State Funds	
Total Local Matching Funds	
Total State and Local Funds	
Total Local Match Percentage (Local ÷ Total State + Local Funds)	

CSB Administrative Percentage	
Administrative Expenses	
Total Cost for Services	
Administrative Percentage (Admin ÷ Total Expenses)	

Note: Exhibit A is submitted to the Department by the CSB electronically using the CARS software application.

FY 2022 Exhibit A: Resources and Services

CSB: _____

Financial Comments

Comment 1	
Comment 2	
Comment 3	
Comment 4	
Comment 5	
Comment 6	
Comment 7	
Comment 8	
Comment 9	
Comment 10	
Comment 11	
Comment 12	
Comment 13	
Comment 14	
Comment 15	
Comment 16	
Comment 17	
Comment 18	
Comment 19	
Comment 20	
Comment 21	
Comment 22	
Comment 23	
Comment 24	
Comment 25	

Use of Retained Earnings

FY 2022 Exhibit A: Resources and Services for Mental Health (MH) Services

CSB: _____

Funding Sources	Funds
<u>FEES</u>	
MH Medicaid Fees	
MH Fees: Other	
Total MH Fees	
MH Fees Transfer In/(Out)	
<u>MH NET FEES</u>	
<u>FEDERAL FUNDS</u>	
MH FBG SED Child & Adolescent (93.958)*	
MH FBG Young Adult SMI (93.958)*	
MH FBG Crisis Services (93.958)*	
MH FBG SMI (93.958)	
MH FBG SMI PACT (93.958) *	
MH FBG SMI SWVBH Board (93.958) *	_____
Total MH FBG SMI Funds*	
MH FBG Geriatrics (93.958)*	
MH FBG Peer Services (93.958)*	_____
Total MH FBG Adult Funds*	
MH Federal PATH (93.150)*	
 MH Federal COVID Emergency Grant (93.665)*	
MH Other Federal - DBHDS*	
MH Other Federal – COVID Support*	
MH Other Federal - CSB*	_____
TOTAL MH FEDERAL FUNDS	
<u>STATE FUNDS</u>	
<u>Regional Funds</u>	
MH Acute Care (Fiscal Agent)* ¹	
MH Acute Care Transfer In/(Out)	_____
Total Net MH Acute Care - Restricted	
MH Regional DAP (Fiscal Agent)* ¹	
MH Regional DAP Transfer In/ (Out)	_____
Total Net MH Regional DAP - Restricted MH	
MH Regional Residential DAP - Restricted	
MH Crisis Stabilization (Fiscal Agent)* ¹	
MH Crisis Stabilization Transfer In/(Out)	_____
Total Net MH Crisis Stabilization – Restricted	
MH Transfers from DBHDS Facilities (Fiscal Agent)*	
MH Transfers from DBHDS Facilities - Transfer In/(Out)	_____
Total Net MH Transfers from DBHDS Facilities	
 MH Expanded Community Capacity (Fiscal Agent)*	
MH Expanded Community Capacity Transfer In/(Out)	
Total Net MH Expanded Community Capacity	
 MH First Aid and Suicide Prevention (Fiscal Agent)*	
MH First Aid and Suicide Prevention Transfer In/(Out)	

Total Net MH First Aid and Suicide Prevention

MH STEP-VA Outpatient (Fiscal Agent)*
 MH STEP-VA Outpatient Transfer In/(Out)
 Total Net MH STEP-VA Outpatient

MH STEP-VA Crisis (Fiscal Agent)*
 MH STEP-VA Crisis Transfer In/(Out)
 Total Net MH STEP-VA Crisis

MH STEP-VA Clinician's Crisis Dispatch (Fiscal Agent)*
 MH STEP-VA Clinician's Crisis Dispatch Transfer In/(Out)
 Total Net MH STEP-VA Clinician's Crisis Dispatch

MH STEP-VA Peer Support (Fiscal Agent)*
 MH STEP-VA Peer Support Transfer In/(Out)
 Total Net MH STEP-VA Peer Support

MH STEP-VA Veteran's Services (Fiscal Agent)*
 MH STEP-VA Veteran's Services Transfer In/(Out)
 Total Net MH STEP-VA Veteran's Services

MH Forensic Discharge Planning (Fiscal Agent)*
 MH Forensic Discharge Planning Transfer In/(Out)
 Total Net MH Forensic Discharge Planning

MH Permanent Supportive Housing (Fiscal Agent)*
 MH Permanent Supportive Housing Transfer In/(Out)
 Total Net MH Permanent Supportive Housing

MH Recovery (Fiscal Agent) ‡
 MH Other Merged Regional Funds (Fiscal Agent) ‡
 MH State Regional Deaf Services (Fiscal Agent) ‡
 MH Total Regional Transfer In/(Out)

Total Net MH Unrestricted Regional Funds

Total Net MH Regional State Funds

Children's State Funds

MH Child & Adolescent Services Initiative*
 MH Children's Outpatient Services*
 MH Juvenile Detention*

Total MH Restricted Children's Funds

MH State Children's Services‡
 MH Demo Project - System of Care (Child) ‡
 Total MH Unrestricted Children's Funds

MH Crisis Response & Child Psychiatry (Fiscal Agent)*
 MH Crisis Response & Child Psychiatry Transfer In/(Out)
 Total Net MH Crisis Response & Child Psychiatry

Total MH Children's State Funds (Restricted)

Other State Funds

MH Law Reform*
 MH Pharmacy - Medication Supports*
 MH Jail Diversion Services*
 MH Rural Jail Diversion*
 MH Docket Pilot JMHCP Match*
 MH Adult Outpatient Competency Restoration Services*
 MH CIT Assessment Sites*
 MH Expand Telepsychiatry Capacity*
 MH PACT*
 MH PACT Forensic Enhancement*
 MH Gero-Psychiatric Services*
 MH Step-VA – SDA, Primary Care Screening, and Ancillary Services*
 MH Young Adult SMI*

Total MH Restricted Other State Funds

MH State Funds‡
 MH State NGRI Funds‡
 MH Geriatric Services‡ _____

Total MH Unrestricted Other State Funds _____

Total MH Other State Funds _____

TOTAL MH STATE FUNDS _____

OTHER FUNDS

MH Other Funds*
 MH Federal Retained Earnings*
 MH State Retained Earnings*
 MH State Retained Earnings - Regional Programs*
 MH Other Retained Earnings*

TOTAL MH OTHER FUNDS

LOCAL MATCHING FUNDS

MH Local Government Appropriations‡
 MH Philanthropic Cash Contributions‡
 MH In-Kind Contributions‡
 MH Local Interest Revenue‡ _____

TOTAL MH LOCAL MATCHING FUNDS _____

TOTAL MH FUNDS

ONE-TIME FUNDS

MH FBG SMI (93.958)*
 MH FBG SED Child & Adolescent (93.958)*
 MH FBG Peer Services (93.958) *
 MH State Funds

MH One-Time Restricted State Funds* _____

TOTAL MH ONE-TIME FUNDS _____

TOTAL MH ALL FUNDS

¹ MH acute care (LIPOS), regional DAP, and crisis stabilization funds are restricted, but each type of funds can be used for the other purposes in certain situations approved by the Department.

* These funds are restricted and expenditures of them are tracked and reported separately.

‡ These are unrestricted funds; expenditures are reported as a sum for all of the lines within the overall funding category.

FY 2022 Exhibit A: Resources and Services for Developmental (DV) Services

CSB: _____

Funding	Funds
<u>FEES</u>	
DV Medicaid DD Waiver Fees	
DV Other Medicaid Fees	
DV Medicaid ICF/IDD Fees	
DV Fees: Other	_____
Total DV Fees	_____
DV Fees Transfer In/(Out)	_____
DV NET FEES	
<u>FEDERAL FUNDS</u>	
DV Other Federal - DBHDS*	
DV Other Federal – COVID Support*	
DV Other Federal - CSB*	
TOTAL DV FEDERAL FUNDS	_____
<u>STATE FUNDS</u>	
DV State Funds‡	
DV OBRA Funds‡	_____
Total DV Unrestricted State Funds	
DV Trust Fund*	
DV Rental Subsidies*	
DV Guardianship Funding*	
DV Crisis Stabilization (Fiscal Agent)*	
DV Crisis Stabilization Transfer In/(Out)	_____
Total Net DV Crisis Stabilization*	
DV Crisis Stabilization - Children (Fiscal Agent)*	
DV Crisis Stabilization - Children Transfer In/(Out)	_____
Total Net DV Crisis Stabilization - Children	_____
DV Transfers from DBHDS Facilities (Fiscal Agent)*	
DV Transfers from DBHDS Facilities - Transfer In/(Out)	_____
Total Net DV Transfers from DBHDS Facilities	_____
Total DV Restricted State Funds	_____
TOTAL DV STATE FUNDS	
<u>OTHER FUNDS</u>	
DV Workshop Sales*	
DV Other Funds*	
DV State Retained Earnings*	
DV State Retained Earnings - Regional Programs*	
DV Other Retained Earnings*	_____
TOTAL DV OTHER FUNDS	
<u>LOCAL MATCHING FUNDS</u>	
DV Local Government Appropriations‡	
DV Philanthropic Cash Contributions‡	
DV In-Kind Contributions‡	
DV Local Interest Revenue‡	_____
TOTAL DV LOCAL MATCHING FUNDS	_____
TOTAL DV FUNDS	

ONE-TIME FUNDS

DV State Funds

DV One-Time Restricted State Funds*

TOTAL DV ONE-TIME FUNDS _____**TOTAL DV ALL FUNDS** _____

* These funds are restricted and expenditures of them are tracked and reported separately.

‡ These are unrestricted funds; expenditures are reported as a sum for all of the lines within the overall funding category.

CSB: _____

Attachment: 2. Exhibit A - FY22-23 Resources and Services PC FINAL 7.1.21 (4085 : Approval of Goochland Powhatan Community Services

FY 2022 Exhibit A: Resources and Services for Substance Use Disorder (SUD) Services

CSB: _____

Funding Sources	Funds
SUD Community Detoxification Transfer In/(Out)	
Total Net SUD Community Detoxification	
SUD STEP-VA (Fiscal Agent)*	
SUD STEP-VA Transfer In/(Out)	
Total Net SUD STEP-VA	
Total Net SUD Regional State Funds	
<u>Other State Funds</u>	
SUD Women (Includes LINK - 4 CSBs)*	
SUD MAT - Medically Assisted Treatment*	
SUD Permanent Supportive Housing Women*	
SUD SARPOS*	
SUD Recovery* _____	
Total SUD Restricted Other State Funds	
SUD State Funds‡	
SUD Region V Residential‡	
SUD Jail Services/Juvenile Detention‡	
SUD HIV/AIDS‡	
Total SUD Unrestricted Other State Funds	_____
Total SUD Other State Funds	
TOTAL SUD STATE FUNDS	
<u>OTHER FUNDS</u>	
SUD Other Funds*	
SUD Federal Retained Earnings*	
SUD State Retained Earnings*	
SUD State Retained Earnings - Regional Programs*	
SUD Other Retained Earnings*	
TOTAL SUD OTHER FUNDS	_____
LOCAL MATCHING FUNDS	
SUD Local Government Appropriations‡	
SUD Philanthropic Cash Contributions‡	
SUD In-Kind Contributions‡	
SUD Local Interest Revenue‡	
TOTAL SUD LOCAL MATCHING FUNDS	_____
TOTAL SUD FUNDS	_____

AF-9

FY 2022 Exhibit A: Resources and Services for Substance Use Disorder (SUD) Services

CSB: _____

Funding Sources**Funds****ONE-TIME FUNDS**

SUD FBG Alcohol/Drug Treatment (93.959)*

SUD FBG Women (includes LINK - 6 CSBs) (93.959)*

SUD FBG Prevention (93.959)*

SUD FBG Recovery (93.959)*

SUD State Funds

SUD One-Time Restricted State Funds*

TOTAL SUD ONE-TIME FUNDS _____**TOTAL SUD ALL FUNDS**

* These funds are restricted and expenditures of them are tracked and reported separately.

‡ These are unrestricted funds; expenditures are reported as a sum for all of the lines within the overall funding category.

FY 2022 Exhibit A: Resources and Services

Local Government Tax Appropriations

City or County	Tax Appropriation
Total Local Government Tax Funds	

Reconciliation of Projected Resources and Services Costs by Program Area CSB:

	MH Services	DV Services	SUD Services	Emergency Services	Ancillary Services	Total
Total All Funds (Page AF-1)						
Cost for MH, DV, SUD, Emergency, and Ancillary Services (Page AF-1)						
Difference						

AF-11

AF-10

FY 2022 Exhibit A: Resources and Services

Difference results from Explanation of Other in Table Above

Other:

Empty table body

FY 2022 Exhibit A: Resources and Services

CSB 100 Mental Health Services

Form 11: Mental Health (MH) Services Program Area (100)			
Services	Projected Service Capacity	Projected Numbers of Individuals Receiving Services	Projected Total Service Costs
250 Acute Psychiatric Inpatient Services	Beds		
310 Outpatient Services	FTEs		
312 Medical Services	FTEs		
350 Assertive Community Treatment	FTEs		
320 Case Management Services	FTEs		
410 Day Treatment or Partial Hospitalization	Slots		
420 Ambulatory Crisis Stabilization Services	Slots		
425 Mental Health Rehabilitation	Slots		
430 Sheltered Employment	Slots		
465 Group Supported Employment	Slots		
460 Individual Supported Employment	FTEs		
501 MH Highly Intensive Residential Services (MH Residential Treatment Centers)	Beds		
510 Residential Crisis Stabilization Services	Beds		
521 Intensive Residential Services	Beds		
551 Supervised Residential Services	Beds		
581 Supportive Residential Services	FTEs		
610 Prevention Services	FTEs		
Totals			

Form 11 A: Pharmacy Medication Supports	Number of Consumers
803 Total Pharmacy Medication Supports Consumers	

FY 2022 Exhibit A: Resources and Services

CSB 200 Developmental Services

Form 21: Developmental (DV) Services Program Area (200)			
Services	Projected Service Capacity	Projected Numbers of Individuals Receiving Services	Projected Total Service Costs
310 Outpatient Services	FTEs		
312 Medical Services	FTEs		
320 Case Management Services	FTEs		
420 Ambulatory Crisis Stabilization Services	Slots		
425 Developmental Habilitation	Slots		
430 Sheltered Employment	Slots		
465 Group Supported Employment	Slots		
460 Individual Supported Employment	FTEs		
501 Highly Intensive Residential Services (Community-Based ICF/IDD Services)	Beds		
510 Residential Crisis Stabilization Services	Beds		
521 Intensive Residential Services	Beds		
551 Supervised Residential Services	Beds		
581 Supportive Residential Services	FTEs		
610 Prevention Services	FTEs		
Totals			

FY 2022 Exhibit A: Resources and Services

CSB 300 Substance Use Disorder Services

Form 31: Substance Use Disorder (SUD) Services Program Area (300)			
Services	Projected Service Capacity	Projected Numbers of Individuals Receiving Services	Projected Total Service Costs
250 Acute Substance Use Disorder Inpatient Services	Beds		
260 Community-Based Substance Use Disorder Medical Detoxification Inpatient Services	Beds		
310 Outpatient Services	FTEs		
312 Medical Services	FTEs		
313 Intensive Outpatient Services	FTEs		
335 Medication Assisted Treatment	FTEs		
320 Case Management Services	FTEs		
410 Day Treatment or Partial Hospitalization	Slots		
420 Ambulatory Crisis Stabilization Services	Slots		
425 Substance Use Disorder Rehabilitation	Slots		
430 Sheltered Employment	Slots		
465 Group Supported Employment	Slots		
460 Individual Supported Employment	FTEs		
501 Highly Intensive Residential Services (Medically Managed Withdrawal Services)	Beds		
510 Residential Crisis Stabilization Services	Beds		
521 Intensive Residential Services	Beds		
551 Supervised Residential Services	Beds		
581 Supportive Residential Services	FTEs		
610 Prevention Services	FTEs		
Totals			

FY 2022 Exhibit A: Resources and Services

CSB 400 Emergency and Ancillary Services

Form 01: Emergency and Ancillary Services (400)			
Services	Projected Service Capacity	Projected Numbers of Individuals Receiving Services	Projected Total Service Costs
100 Emergency Services	FTEs		
Ancillary Services			
318 Motivational Treatment Services	FTEs		
390 Consumer Monitoring Services	FTEs		
720 Assessment and Evaluation Services	FTEs		
620 Early Intervention Services	FTEs		
730 Consumer-Run Services			
Ancillary Services Totals			

Table of Contents

Introduction	2
I. Exhibit B Performance Measures.....	2
A. Continuity of Care for State Hospital Discharges.....	2
B. Residential Crisis Stabilization Unit (RCSU) Utilization	2
C. Regional Discharge Assistance Program (RDAP) Service Provision.....	3
D. Assertive Community Treatment (ACT) Program Provision	3
E. Provision of Developmental Enhanced Case Management Services.....	4
F. Same Day Access	5
G. Substance Use Disorder Treatment Engagement	5
H. Outpatient Primary Care Screening and Monitoring.....	5
I. Outpatient Services	6
J. Service Members, Veterans, and Families (SMVF).....	6
K. Peer and Family Support Services	7
I. CQI Performance Expectations and Goals.....	1

Introduction

Meaningful performance expectations are part of a CQI process developed and supported by the Department and CSBs that will monitor CSB progress in achieving those expectations to improve the quality, accessibility, integration and welcoming, person-centeredness, and responsiveness of services locally and to provide a platform for system-wide improvement efforts. Generally, performance expectations reflect requirements based in statute, regulation, or policy. The capacity to measure progress in achieving performance expectations and goals, provide feedback, and plan and implement CQI strategies shall exist at local, regional, and state levels.

Implementing the CQI process will be a multi-year, iterative, and collaborative effort to assess and enhance CSB and system-wide performance over time through a partnership among CSBs and the Department in which they are working to achieve a shared vision of a transformed services system. In this process, CSBs and the Department engage with stakeholders to perform meaningful self-assessments of current operations, determine relevant CQI performance expectations and goals, and establish benchmarks for goals, determined by baseline performance, to convert those goals to expectations.

The Department and the CSB may negotiate CSB performance measures in Exhibit D of the performance contract reflecting actions or requirements to meet expectations and goals in the CSB's CQI plan. As this joint CQI process evolves and expands, the Department and the Virginia Association of Community Services Boards will utilize data and reports submitted by CSBs to conduct a broader scale evaluation of service system performance and identify opportunities for CQI activities across all program areas.

CSB Administrative Requirements provides further clarification for those implementation activities, so that each CSB can be successful in designing a performance improvement process at the local level. The CSB will comply with the performance expectations and goals. Additionally, supplementary information about STEP-VA quality and accountability process development and expectations can be found in the documentation provided by the Department. If the CSB cannot meet certain performance expectations and goals, it shall provide a written explanation and submit to the performancecontractsupport@dbhds.virginia.gov mailbox. The CSB shall have a plan for complying with the identified expectation or goal, including specific actions and target dates. The Department will review this plan and negotiate any changes with the CSB.

The CSB and Department agree to implement, monitor, and take appropriate action on the following performance measures.

I. Exhibit B Performance Measures

A. Continuity of Care for State Hospital Discharges

1. **Measure:** Percent of individuals for whom the CSB is the identified case management CSB who keep a face-to-face (non-emergency) mental health outpatient service appointment within seven calendar days after discharge from a state hospital.
2. **Benchmark:** At least 80 percent of these individuals shall receive a face-to-face (non-emergency) mental health outpatient service from the CSB within seven calendar days after discharge.
3. **Monitoring:** The Department shall monitor this measure through comparing AVATAR data on individuals discharged from state hospitals to the CSB with CCS 3 data about their dates of mental health outpatient services after discharge from the state hospital and work with the CSB to achieve this benchmark utilizing the process document provided by the Department if it did not meet it.

B. Residential Crisis Stabilization Unit (RCSU) Utilization

1. **Measure:** Percent of all available RCSU bed days for adults and children utilized annually.
2. **Benchmark:** The CSB that operates an RCSU shall ensure that the RCSU, once it is fully operational, achieves an annual average utilization rate of at least 75 percent of available bed days.
3. **Monitoring:** The Department shall monitor this measure using data from CCS 3 service records and CARS service capacity reports and work with the CSB to achieve this benchmark if it did not meet it.

C. Regional Discharge Assistance Program (RDAP) Service Provision

1. **Measure:** Percentage of the total annual state RDAP fund allocations to a region obligated and expended by the end of the fiscal year.
2. **Benchmark:** CSBs in a region shall **obligate at least 95 percent and expend at least 90 percent** of the total annual ongoing state RDAP fund allocations on a regional basis by the end of the fiscal year. The benchmark does not include one-time state RDAP allocations provided to support ongoing DAP plans for multiple years.
3. **Monitoring:** The Department shall monitor this measure using reports from regional managers and CARS reports. If CSBs in a region cannot accomplish this measure, the Department may work with the regional management group (RMG) and participating CSBs to transfer state RDAP funds to other regions to reduce extraordinary barriers to discharge lists (EBLs) to the greatest extent possible, unless the CSBs through the regional manager provide acceptable explanations for greater amounts of unexpended or unobligated state RDAP funds. See Exhibit C for additional information.

D. Assertive Community Treatment (ACT) Program Provision

After the implementation phase of ACT in their Exhibit D, CSBs shall comply with this CQI process for ACT performance measures.

1. **Measure:** The ACT team is of a sufficient size to consistently provide for necessary staffing diversity and coverage.
2. **Benchmark:** Team staffing is dependent on the program size and the maximum individual to team member ratio (psychiatric care providers and program assistants excluded from ratio calculation). Three program sizes may be implemented: small, mid-size, and large ACT teams:
 - a. Small teams serve a maximum of 50 individuals with at least six staff (excluding psychiatric care provider & program assistant) for a ratio of 1 team member per 8 or fewer individuals;
 - b. Mid-size teams serve 51-74 individuals with at least eight staff (excluding psychiatric care provider & program assistant) for a ratio of 1 team member per 9 or fewer individuals; and
 - c. Large teams serve 75-120 individuals with at least 10 staff (excluding psychiatric care provider & program assistant) for a ratio of 1 team member per 9 or fewer individuals.
3. Movement onto (admissions) and off of (discharges) the team may temporarily result in breaches of the maximum caseload. Therefore, teams shall be expected to maintain an annual average not to exceed 50, 74, and 120 individuals, respectively.
4. Teams in urban locations should implement mid-size to large teams. Teams in more rural locations will likely implement small or mid-size teams as large teams may be impractical in a sparsely populated area.
5. To maintain appropriate ACT team development, each new ACT team is recommended to titrate ACT intakes (e.g., 4–6 individuals per month) to gradually build up capacity to serve no more than 100–20 individuals (with a 1:9 ratio) and no more than 42–50 individuals (a 1:8 ratio) for smaller teams.
6. The CSB shall prioritize admission to ACT for adults with serious mental illnesses who are currently residing in state hospitals, have histories of frequent use of state or local psychiatric inpatient services, or are homeless.
7. The CSB shall assist Department staff as requested with any case-level utilization review activities, making records of individuals receiving ACT services available and providing access to individuals receiving ACT services for interviews.
8. **Outcomes:** Given the provision of High-Fidelity ACT team services, it is expected that

individuals will reduce the amount of time spent in institutional settings and become more integrated within their own community.

9. **Monitoring:** The Department shall monitor this measure using data from the CCS 3 consumer and service files, the ACT data system, and through ACT fidelity monitoring using the Tool for Measurement of Assertive community Treatment (TMACT).

E. Provision of Developmental Enhanced Case Management Services

1. **Measures:** Percentage of individuals receiving DD Waiver services who meet the criteria for receiving enhanced case management (ECM) services who:
 - a. Receive at least one face-to-face case management service monthly with no more than 40 days between visits, and receive at least one face-to-face case management service visit every other month in the individual's place of residence.
2. **Benchmark:** The CSB shall provide the case management service visits in measures 1.a and b to **at least 90 percent** of the individuals receiving DD Wavier services who meet the criteria for ECM.
3. **Monitoring:** The Department shall use data from CCS 3 consumer, type of care, and service files to monitor these measures and work with the CSB to achieve this benchmark if it did not meet it.
 - a. The CSB agrees to monitor the percentage of adults (age 18 or older) receiving developmental case management services from the CSB whose case managers discussed integrated, community-based employment with them during their annual case management individual supports plan (ISP) meetings. The Department agrees to monitor this measure through using CCS 3 data and work with the CSB to increase this percentage. Refer to State Board Policy (SYS) 1044 Employment First for additional information and guidance. Integrated, community based employment does not include sheltered employment.
 - b. The CSB agrees to monitor the percentage of adults (age 18 or older) receiving developmental case management services from the CSB whose ISPs, developed or updated at the annual ISP meeting, contained employment outcomes, including outcomes that address barriers to employment. The Department agrees to monitor this measure through using CCS 3 data and work with the CSB to increase this percentage. Employment outcomes do not include sheltered employment or prevocational services.
 - c. The CSB agrees to monitor and report data through CCS 3 about individuals who are receiving case management services from the CSB and are receiving DD Waiver services whose case managers discussed community engagement or community coaching opportunities with them during their most recent annual case management individual support plan (ISP) meeting. Community engagement or community coaching supports and fosters the ability of an individual to acquire, retain, or improve skills necessary to build positive social behavior, interpersonal competence, greater independence, employability, and personal choice necessary to access typical activities and functions of community life such as those chosen by the general population; it does not include community opportunities with more than three individuals with disabilities.
 - d. The CSB agrees to monitor and report data through CCS 3 about individuals who are receiving case management services from the CSB and are receiving DD Waiver services whose individual support plans (ISPs), developed or updated at the annual ISP meeting, contained community engagement or community coaching goals.
4. **CSB Performance Measures:** The CSB and Department agree to use the CSB Performance Measures, developed by the Department in collaboration with the VACSB Data Management, Quality Leadership, and VACSB/DBHDS Quality and Outcomes Committees to monitor outcome and performance measures for CSBs and improve the CSB's performance on measures where the CSB falls below the benchmark. These performance measures include:

- a. intensity of engagement of adults receiving mental health case management services,
- b. Individuals, including children (ages 6-17) and adults (ages 18 or over) who received a suicide risk assessment in the last 12 months
- c. adults with SMI who are receiving mental health case management services who received a complete physical examination in the last 12 months,
- d. Initiation and engagement, in substance use disorder services for adults and children who are 13 years old or older with a new episode of substance use disorder services.
- e. Individuals receiving targeted case management services who received a primary care screen at the CSB in the last 12 months,
- f. Individuals over the age of 3 prescribed an antipsychotic by a CSB prescriber who receives regular metabolic screening, and
- g. 6-month change in DLA-20 scores for youth (ages 6-17) and adults (age 18 or over).

F. Same Day Access

1. **Measures:** Percentage of individuals who received a SDA assessment and were determined to need a follow-up service who:
 - a. Are offered an appointment at an appropriate service within 10 business days; an
 - b. Attend a scheduled follow-up appointment within 30 calendar days.
2. **Benchmarks:** The CSB shall offer an appropriate follow-up appointment to **at least 86 percent** of the individuals who are determined to need an appointment.
3. **At least 70 percent** of the individuals seen in SDA who are determined to need a follow-up service will return to attend that service within 30 calendar days of the SDA assessment.

G. Substance Use Disorder Treatment Engagement

1. **Measures:** Percentage of individuals 13 years or older with a new episode of substance use disorder services who initiate services within 14 days of diagnosis and attend follow up services within 34 days.
2. **Benchmarks:** The CSB shall aim to have **at least 50 percent** of SUD clients engage in treatment per this definition of engagement.

H. Outpatient Primary Care Screening and Monitoring

1. Primary Care Screening -Measures
 - a. **Objective 1:** Any child diagnosed with a serious emotional disturbance and receiving ongoing CSB behavioral health service or any adult diagnosed with a serious mental illness and receiving ongoing CSB behavioral health service will be provided or referred for a primary care screening on a yearly basis.
 - i. For the implementation of Objective 1, “ongoing behavioral health service” is defined as “child with SED receiving Mental Health Targeted Case Management or adult with SMI receiving Mental Health Targeted Case Management”. These clients are required to be provided with a yearly primary care screening to include, at minimum, height, weight, blood pressure, and BMI.
2. This screening may be done by the CSB or the individual may be referred to a primary care provider to have this screening completed. If the screening is done by a primary care provider, the CSB is responsible for the screening results to be entered in the patient’s CSB electronic health record. The CSB will actively support this connection and coordinate care with physical health care providers for all service recipients.
 - a. **Objective 2:** Screen and monitor any individual over age 3 being prescribed an antipsychotic medication by a CSB prescriber for metabolic syndrome following the American Diabetes Association guidelines.

b. The population includes all individuals over age 3 who receive psychiatric medical services by the CSB.

3. **Benchmark:** CSB and DBHDS will work together to established.
 4. **Outcomes:** To provide yearly primary care screening to identify and provide related care coordination to ensure access to needed physical health care to reduce the number of individuals with serious mental illness (SMI), known to be at higher risk for poor physical health outcomes largely due to unidentified chronic conditions.
 5. **Monitoring:** CSBs must report the screen completion and monitoring completion in CCS3 monthly submission.
- I. Outpatient Services:** Outpatient services are considered to be foundational services for any behavioral health system. The DBHDS Services Taxonomy states that outpatient services may include diagnosis and evaluation, screening and intake, counseling, psychotherapy, behavior management, psychiatry, psychological testing and assessment, laboratory and ancillary services.
1. **Measures:** CSBs shall provide an appointment to a high quality CSB outpatient provider or a referral to a non-CSB outpatient behavioral health service within 10 business days of the completed SDA intake assessment, if clinically indicated.
 - a. All CSBs will establish a quality management program and continuous quality improvement plan to assess the access, quality, efficiency of resources, behavioral healthcare provider training, and patient outcomes of those individuals receiving outpatient services through the CSBs. This may include improvement or expansion of existing services, the development of new services, or enhanced coordination and referral process to outpatient services not directly provided by the CSB.
 - b. Expertise in the treatment of trauma related conditions are to be established
 2. **Benchmark:** CSBs should provide a minimum for outpatient behavioral healthcare providers of 8 hours of trauma focused training in treatment modalities to serve adults, children/adolescents and their families within the first year of employment and 4 hours in each subsequent years or until 40 hours of trauma-focused treatment can be demonstrated.
 3. **Monitoring:** The CSB shall complete and submit to the Department quarterly DLA-20 composite scores through CCS3 as well as provide training data regarding required trauma training yearly in July when completing federal Block Grant reporting.
- J. Service Members, Veterans, and Families (SMVF)**
1. **Measures:** Percentage of CSB direct services staff who receive military cultural competency training
 2. **Benchmark:** Is provided for 100% of direct services of CSB staff
Percentage of clients with SMVF status presenting for services
 1. **Benchmark:** Is tracked for 90% of individuals presenting for services
 2. **Measure:** Percentage served referred to SMVF referral destination
 1. **Benchmark:** Of those served by the CSB who are SMVF, at least 70% will be referred to Dept. of Veterans Services (DVS), Veterans Health Administration facilities and services (VHA), and/or Military Treatment Facilities and services (MTF) referral destination
 2. **Measure:** Percentage of SMVF for whom suicide risk screening using the Columbia Suicide Severity Rating Scale brief screen is conducted
 3. **Benchmark:** Is conducted for 60% of SMVF for Year 1 (July 1, 2021 through June 30, 2022)

Monitoring: CSBs must report all data through its CCS3 monthly submission.

K. Peer and Family Support Services

1. Certification

- a. **Measure:** Peer Specialist will obtain certification within one year of hire.
- b. **Benchmark:** 100% of Peer Supporters will become Certified Peer Recovery Specialist within one year of hire.

2. Registered with the Board of Counseling

- a. **Measure:** Certified Peer Recovery Specialist will become registered with the Board of Counseling within 15 months of hire.
- b. **Benchmark:** 100% of Certified Peer Recovery Specialist will become registered with the Board of Counseling within 15 months of hire.

3. Unduplicated individuals receiving Peer Services

- a. **Measure:** Total number of unduplicated individuals receiving Peer Services will continue to increase.
- b. **Benchmark:** Total number of unduplicated individuals receiving Peer Services will continue to increase 5% annually

4. Individual contacts (repeat/duplicated) receiving Peer or Family Support Services

- a. **Measure:** Total number of individual contacts (repeat/duplicated) receiving Peer or Family Support Services will increase annually:
 - i. Individual and Group
- b. **Benchmark:** Total number of individual contacts for Peer or Family Support Services will increase 5% annually (only applies to service codes and locations where Peer and Family Support Services are delivered)
 - i. Individual and group

5. Peer Support Service units (15-minute increments)

- a. **Measure:** Total number of Peer Support Service units (15-minute increments) provided will increase annually:
 - i. Individual and group
- b. **Benchmark:** Total number of Peer Support Service units (15-minute increments) provided will increase 5% annually (only applies to service codes and locations where Peer and Family Support Services are delivered)
 - i. Individual and group

Monitoring: CSBs must report data through its CCS3 monthly submission.

I. CQI Performance Expectations and Goals**I. CQI Performance Expectations and Goals****A. General Performance Goal and Expectation**

1. For individuals currently receiving services, the CSB has a protocol in effect 24 hours per day, seven days per week (a) for service providers to alert emergency services staff about individuals deemed to be at risk of needing an emergency intervention, (b) for service providers to provide essential clinical information, which should include advance directives, wellness recovery action plans, or safety and support plans to the extent they are available, that would assist in facilitating the disposition of the emergency intervention, and (c) for emergency services staff to inform the case manager of the disposition of the emergency intervention. Individuals with co-occurring mental health and substance use disorders are welcomed and engaged promptly in an integrated screening and assessment process to determine the best response or disposition for continuing care. The CSB shall provide this protocol to the Department upon request. During its inspections, the Department's Licensing Office may examine this protocol to verify this affirmation as it reviews the CSB's policies and procedures.
2. For individuals hospitalized through the civil involuntary admission process in a state hospital, private psychiatric hospital, or psychiatric unit in a public or private hospital, including those who were under a temporary detention or an involuntary commitment order or were admitted voluntarily from a commitment hearing, and referred to the CSB, the CSB that will provide services upon the individual's discharge has in place a protocol to assure the timely discharge of and engage those individuals in appropriate CSB services and supports upon their return to the community. The CSB monitors and strives to increase the rate at which these individuals keep scheduled face-to-face (non-emergency) service visits within seven business days after discharge from the hospital or unit. Since these individuals frequently experience co-occurring mental health and substance use disorders, CSB services are planned as co-occurring capable and promote successful engagement of these individuals in continuing integrated care. The CSB shall provide this protocol to the Department upon request. During its inspections, the Department's Licensing Office may examine this protocol to verify this affirmation as it reviews the CSB's policies and procedures.

B. Emergency Services Performance Goal and Expectation

1. When an immediate face-to-face intervention by a certified preadmission screening evaluator is appropriate to determine the possible need for involuntary hospitalization, the intervention is completed by a certified preadmission screening evaluator who is available within one hour of initial contact for urban CSBs and within two hours of initial contact for rural CSBs. Urban and rural CSBs are listed in the current Overview of Community Services in Virginia at www.dbhds.virginia.gov/OCC-default.htm.
2. Every preadmission screening evaluator is hired with knowledge, skills, and abilities to establish a welcoming environment for individuals with co-occurring disorders and performing hopeful engagement and integrated screening and assessment.
3. Pursuant to subsection B of § 37.2-817 of the Code of Virginia, a preadmission screening evaluator, or through a mutual arrangement an evaluator from another CSB, attends each commitment hearing, initial (up to 30 days) or recommitment (up to 180 days), for an adult held in the CSB's service area or for an adult receiving services from the CSB held outside of its service area in person, or, if that is not possible, the preadmission screening evaluator participates in the hearing through two-way electronic video and audio or telephonic communication systems, as authorized by subsection B of § 37.2-804.1

I. CQI Performance Expectations and Goals

of the Code of Virginia, for the purposes of presenting preadmission screening reports and recommended treatment plans and facilitating least restrictive dispositions.

4. In preparing preadmission screening reports, the preadmission screening evaluator considers all available relevant clinical information, including a review of clinical records, wellness recovery action plans, advance directives, and information or recommendations provided by other current service providers or appropriate significant other persons (e.g., family members or partners). Reports reference the relevant clinical information used by the preadmission screening evaluator. During its inspections, the Department's Licensing Office may verify this affirmation as it reviews services records, including records selected from a sample identified by the CSB for individuals who received preadmission screening evaluations.
5. If the emergency services intervention occurs when an individual has been admitted to a hospital or hospital emergency room, the preadmission screening evaluator informs the charge nurse or requesting medical doctor of the disposition, including leaving a written clinical note describing the assessment and recommended disposition or a copy of the preadmission screening form containing this information, and this action is documented in the individual's service record at the CSB with a progress note or with a notation on the preadmission screening form that is included in the individual's service record. During its inspections, the Department's Licensing Office may verify this affirmation as it reviews services records, including records selected from a sample identified by the CSB for individuals who received preadmission screening evaluations, for a progress note or a copy of the preadmission screening form.

C. Mental Health and Substance Abuse Case Management Services Performance Expectation

1. Case managers are hired with the goal of becoming welcoming, recovery-oriented, and co-occurring competent to engage all individuals receiving services in empathetic, hopeful, integrated relationships to help them address multiple issues successfully.
2. Reviews of the individualized services plan (ISP), including necessary assessment updates, are conducted with the individual quarterly or every 90 days and include significant changes in the individual's status, engagement, participation in recovery planning, and preferences for services; and the ISP is revised accordingly to include an individual-directed wellness plan that addresses crisis self-management strategies and implements advance directives, as desired by the individual. For those individuals who express a choice to discontinue case management services because of their dissatisfaction with care, the provider reviews the ISP to consider reasonable solutions to address the individual's concerns. During its inspections, the Department's Licensing Office may verify this affirmation as it reviews ISPs, including those from a sample identified by the CSB of individuals who discontinued case management services.
3. The CSB has policies and procedures in effect to ensure that, during normal business hours, case management services are available to respond in person, electronically, or by telephone to preadmission screening evaluators of individuals with open cases at the CSB to provide relevant clinical information in order to help facilitate appropriate dispositions related to the civil involuntary admissions process established in Chapter 8 of Title 37.2 of the Code of Virginia. During its inspections, the Department's Licensing Office may verify this affirmation as it examines the CSB's policies and procedures.
4. For an individual who has been discharged from a state hospital, private psychiatric hospital, or psychiatric unit in a public or private hospital or released from a commitment hearing and has been referred to the CSB and determined by it to be appropriate for its case management services program, a preliminary assessment is initiated at first contact and completed, within 14 but in no case more than 30 calendar days of referral, and an individualized services plan (ISP) is initiated within 24 hours of the individual's admission to a program area for services in its case management services program and updated when required by the Department's licensing regulations. A copy of an advance directive, a

I. CQI Performance Expectations and Goals

wellness recovery action plan, or a similar expression of an individual's treatment preferences, if available, is included in the clinical record. During its inspections, the Department's Licensing Office may verify these affirmations as it reviews services records.

5. For individuals for whom case management services will be discontinued due to failure to keep scheduled appointments, outreach attempts, including home visits, telephone calls, letters, and contacts with others as appropriate, to reengage the individual are documented. The CSB has a procedure in place to routinely review the rate of and reasons for refused or discontinued case management services and takes appropriate actions when possible to reduce that rate and address those reasons. The CSB shall provide a copy of this procedure to the Department upon request. During its inspections, the Department's Licensing Office may examine this procedure to verify this affirmation.

II. Co-Occurring Mental Health and Substance Use Disorder Performance Expectation

- A. The CSB ensures that, as part of its regular intake processes, every adolescent (ages 12 to 18) and adult presenting for mental health or substance use disorder services is screened, based on clear clinical indications noted in the services record or use of a validated brief screening instrument, for co-occurring mental health and substance use disorders. If screening indicates a need, the CSB assesses the individual for co-occurring disorders. During its on-site reviews, staff from the Department's Office of Community Behavioral Health Services may examine a sample of service records to verify this affirmation.

III. Data Quality Performance Expectation

- A. The CSB submits 100 percent of its monthly CCS consumer, type of care, and services file extracts to the Department in accordance with the schedule in Exhibit E of the performance contract and the current CCS 3 Extract Specifications and Business Rules, a submission for each month by the end of the following month for which the extracts are due. The Department will monitor this measure quarterly by analyzing the CSB's CCS submissions and may negotiate an Exhibit D with the CSB if it fails to meet this goal for more than two months in a quarter.
- B. The CSB monitors the total number of consumer records rejected due to fatal errors divided by the total consumer records in the CSB's monthly CCS consumer extract file. If the CSB experiences a fatal error rate of more than five percent of its CCS consumer records in more than one monthly submission, the CSB develops and implements a data quality improvement plan to achieve the goal of no more than five percent of its CCS consumer records containing fatal errors within a timeframe negotiated with the Department. The Department will monitor this affirmation by analyzing the CSB's CCS submissions.
- C. The CSB ensures that all required CCS data is collected and entered into its information system when a case is opened or an individual is admitted to a program area, updated at least annually when an individual remains in service that long, and updated when an individual is discharged from a program area or his case is closed. The CSB identifies situations where data is missing or incomplete and implements a data quality improvement plan to increase the completeness, accuracy, and quality of CCS data that it collects and reports. The CSB monitors the total number of individuals without service records submitted showing receipt of any substance use disorder service within the prior 90 days divided by the total number of individuals with a TypeOfCare record showing a substance use disorder discharge in those 90 days. If more than 10 percent of the individuals it serves have not received any substance use disorder services within the prior 90 days and have not been discharged from the substance use disorder services program area, the CSB develops and implements a data quality improvement plan to reduce that percentage to no more than 10 percent. The Department will monitor this affirmation by analyzing the CSB's CCS submissions.

IV. Employment and Housing Opportunities Expectation

- A. The CSB reviews and revises, if necessary, its joint written agreement, required by subdivision A.12 of § 37.2-504 or subsection 14 of § 37.2-605 of the Code of Virginia, with the Department of Aging and Rehabilitative Services (DARS) regional office to ensure the availability of employment services and specify DARS services to be provided to individuals receiving services from the CSB. The CSB works with employment service organizations (ESOs) where they exist to support the availability of employment

I. CQI Performance Expectations and Goals

services and identify ESO services available to individuals receiving services from the CSB. Where ESOs do not exist, the CSB works with other entities to develop employment services in accordance with State Board Policy 1044 (SYS) 12-1 to meet the needs of employment age (18-64) adults who choose integrated employment.

- B. Pursuant to State Board Policy 1044, the CSB ensures its case managers discuss integrated, community-based employment services at least annually with adults currently receiving services from it, include employment-related goals in their individualized services and supports plans if they want to work, and when appropriate and as practicable engage them in seeking employment services that comply with the policy in a timely manner.
- C. The CSB reviews and revises, if necessary, its joint written agreements, required by subdivision 12 of subsection A of § 37.2-504 or subsection 14 of § 37.2-605 of the Code of Virginia, with public housing agencies, where they exist, and works with planning district commissions, local governments, private developers, and other stakeholders to maximize federal, state, and local resources for the development of and access to affordable housing and appropriate supports for individuals receiving services from the CSB.
- D. The CSB works with the Department through the VACSB Data Management Committee, at the direction of the VACSB Executive Directors Forum, to collaboratively establish clear employment and stable housing policy and outcome goals and develop and monitor key housing and employment outcome measures.

Exhibit C FY22-23: Regional Discharge Assistance Program (RDAP) Requirements

The Department and the CSB agree to implement the following requirements for management and utilization of all current state regional discharge assistance program (RDAP) funds to enhance monitoring of and financial accountability for RDAP funding, decrease the number of individuals on state hospital extraordinary barriers to discharge lists (EBLs), and return the greatest number of individuals with long lengths of state hospital stays to their communities.

1. The Department shall work with the VACSB, representative CSBs, and regional managers to develop clear and consistent criteria for identification of individuals who would be eligible for individualized discharge assistance program plans (IDAPPs) and acceptable uses of state RDAP funds and standard terminology that all CSBs and regions shall use for collecting and reporting data about individuals, services, funds, expenditures, and costs.
2. The CSB shall comply with the current Discharge Assistance Program Manual issued by the Department.
3. All state RDAP funds allocated within the region shall be managed by the regional management group (RMG) and the regional utilization management and consultation team (RUMCT) on which the CSB participates in accordance with Services Taxonomy.
4. The CSB, through the RMG and RUMCT on which it participates, shall ensure that other funds such as Medicaid payments are used to offset the costs of approved IDAPPs to the greatest extent possible so that state RDAP funds can be used to implement additional IDAPPs to reduce EBLs.
5. On behalf of the CSBs in the region, the regional manager funded by the Department and employed by a participating CSB shall submit mid-year and end of the fiscal year reports to the Department in a format developed by the Department in consultation with regional managers that separately displays the total actual year-to-date expenditures of state RDAP funds for ongoing IDAPPs and for one-time IDAPPs and the amounts of obligated but unspent state RDAP funds.
6. The CSB and state hospital representatives on the RMG on which the CSB participates shall have authority to reallocate state RDAP funds among CSBs from CSBs that cannot use them in a reasonable time to CSBs that need additional state RDAP funds to implement more IDAPPs to reduce EBLs.
7. If CSBs in the region cannot obligate at least 95 percent and expend at least 90 percent of the total annual ongoing state RDAP fund allocations on a regional basis by the end of the fiscal year, the Department may work with the RMG and participating CSBs to transfer state RDAP funds to other regions to reduce EBLs to the greatest extent possible, unless the CSBs through the regional manager provide acceptable explanations for greater amounts of unexpended or unobligated state RDAP funds. This does not include one-time allocations to support ongoing DAP plans for multiple years.
8. On behalf of the CSBs in a region, the regional manager shall continue submitting the quarterly summary of IDAPPs to the Department in a format developed by the Department in consultation with regional managers that displays year-to-date information about ongoing and one-time IDAPPs, including data about each individual receiving DAP services, the amounts of state RDAP funds approved for each IDAPP, the total number of IDAPPs that have been implemented, and the projected total net state RDAP funds obligated for these IDAPPs.
9. The Department may conduct utilization reviews of the CSB or region at any time to confirm the effective utilization of state RDAP funds and the implementation of all approved ongoing and one-time IDAPPs.

Exhibit E: FY2022 AND FY2023 Performance Contract Schedule and Process

DUE DATE	DESCRIPTION
5-21-21	<ol style="list-style-type: none"> The Department distributes the FY 2022 Letters of Notification to CSBs by this date electronically with enclosures that show tentative allocations of state and federal block grant funds. <p>NOTE: <u>This is contingent on the implementation of the fiscal year budget as passed by the General Assembly and signed into law by the Governor. The Code of Virginia allows the Governor to make certain adjustments to the Budget. Changes in Federal legislation, inclement weather and uncertain revenue collections, are just a few examples of events that may require adjustments to the budget in order to maintain the balanced budget as required by Virginia's constitution.</u></p> <ol style="list-style-type: none"> Contracts shall conform to Letter of Notification allocations of state and federal funds or amounts subsequently revised by or negotiated with the OMS and confirmed in writing and shall contain actual appropriated amounts of local matching funds. The Department's Office of Information Services and Technology (OIS&T) distributes the FY 2022 Performance Contract package software in the Community Automated Reporting System (CARS) to CSBs. CSB Financial Analysts in the Department's Office of Fiscal and Grants Management (OFGM) During June and July, prepare electronic data interchange transfers for the first two semi- monthly payments (July) of state and federal funds for all CSBs.
06-25-21	FY 2022 Exhibit A submitted electronically in CARS, are due by this date. Table 2 Board Management and Salary Cost and Integrated Behavioral and Primary Health Care Questions of Exhibit A shall be submitted with in CARS.
07-01-21	<ol style="list-style-type: none"> All required signature pages for the FY2022 performance contract shall be signed and submitted electronically. This shall include the any applicable Exhibits D that may be due at this time to the Office of Management Services (OMS) attached by email and sent to the performancecontractsupport@dbhds.virginia.gov email address. If the CSB has not included the minimum 10 percent local matching funds in the contract, it shall submit a written request for a waiver of the matching funds requirement, pursuant to § 37.2-509 of the Code and State Board Policy 4010, to the OMS with its contract. If the amount of CSBs local match in their end of year report results in reducing the local match below the required 10%, then this requirement also applies to end of the fiscal year performance contract reports. The waiver shall conform to the Minimum Ten Percent Matching Funds Waiver Request Guidelines. The CSB Financial Analysts prepares the transfers for payments 3 and 4 during July and August (August payments) of state and federal funds. CSB Financial Analysts prepare the transfers for payments 5 and 6 during August and September (September payments) of state and federal funds. Payments may not be released without complete contracts. Once the completed contract is received transfers for these two semi-monthly payments will be processed and funds will be disbursed with the next scheduled payment.

Exhibit E: FY2022 AND FY2023 Performance Contract Schedule and Process

DUE DATE	DESCRIPTION
07-12-21	The OIS&T distributes FY 2021 end of the fiscal year performance contract report.
07-30-21	CSBs submit their June Community Consumer Submission 3 (CCS 3) extract files for June to the OIS&T in time to be received by this date.
08-20-21	CSBs submit their complete CCS 3 reports for total (annual) FY 2021 CCS 3 service unit data to the in time to be received by this date. The Department will not accept any corrections to the FY2021 end of year CCS report after this date.
08-31-21	<ol style="list-style-type: none"> 1. CSBs send complete FY 2021 end of the fiscal year electronic CARS performance contract reports to the OIS&T in time to be received by this date. 2. The OMS reviews services sections of the reports for correctness, completeness, consistency, and acceptability; resolves discrepancies with CSBs; and communicates necessary changes to CSBs. 3. OFGM CSB Financial Analysts review financial portions of reports for arithmetic accuracy, completeness, consistency, and conformity with state funding actions; resolve discrepancies with CSBs; and communicate necessary changes to CSBs. 4. Once they complete their reviews of a CSB's reports, the OMS and OFGM CSB Financial Analysts notify the CSB to submit new reports reflecting only those approved changes to OIS&T. 5. CSBs submit new reports to correct errors or inaccuracies no later than <u>09-17-2021</u>. The Department will not accept CARS report corrections after this date. 6. Submitting a report without correcting errors identified by the CARS error checking program may result in the imposition by the Department of a one- time, one percent reduction not to exceed \$15,000 of state funds apportioned for CSB administrative expenses. 7. CSBs shall submit their July 2022 CCS 3 monthly extract files for July to in time to be received by this date.

Exhibit E: FY2022 AND FY2023 Performance Contract Schedule and Process

DUE DATE	DESCRIPTION
09-30-21	<ol style="list-style-type: none"> 1. Department staff complete reviews by this date of contracts received by the due date that are complete and acceptable. 2. The OFGM analyzes the revenue information in the contract for conformity to Letter of Notification allocations and advises the CSB to revise and resubmit financial forms in Exhibit A of its contract if necessary. 3. The Offices of Community Behavioral Health, Child and Family, and Developmental Services review and approve new service proposals and consider program issues related to existing services based on Exhibit A. 4. The OMS assesses contract completeness, examines maintenance of local matching funds, integrates new service information, makes corrections and changes on the service forms in Exhibit A, negotiates changes in Exhibit A, and finalizes the contract for signature by the Commissioner. The OMS notifies the CSB when its contract is not complete or has not been approved and advises the CSB to revise and resubmit its contract. 5. The OIS&T receives CARS and CCS 3 submissions from CSBs, maintains the community services database, and processes signed contracts into that database as they are received from the OMS. 6. CSBs submit their CCS 3 monthly consumer, type of care, service, diagnosis, and outcomes extract files for August in time to be received by this date.
10-01-21	<ol style="list-style-type: none"> 1. After the Commissioner signs the contracts, a fully executed copy of the Contract will be send to the CSBs. 2. CSB Financial Analysts prepare transfers for payments 7 and 8 during September and October (October payments). 3. Payment 7 or 8 may not be released without receipt of a CSB's final FY 2021 CCS 3 consumer, type of care, service, diagnosis, and outcomes extract files and FY 2021 end of the fiscal year by the due date. 4. CSB Financial Analysts prepare transfers for payments 9 and 10 during October and November (November payments).
10-15-21	CSBs submit Federal Balance Reports to the OFGM in time to be received by this date.
10-29-21	<ol style="list-style-type: none"> 1. CSBs submit CCS 3 monthly consumer, type of care, service, diagnosis, and outcomes extract files for September to the OIT&S in time to be received by this date. 2. CSB Financial Analysts prepare transfers for payments 11 and 12 During November and December (December payments), Payments may not be released without receipt of September CCS 3 submissions and final Federal Balance Reports.
11-30-21	CSBs submit their CCS 3 monthly consumer, type of care, service, diagnosis, and outcomes extract files for October to the OIT&S in time to be received by this date.
12-03-21	<ol style="list-style-type: none"> 1. CSBs that are not local government departments or included in local government audits send one

Exhibit E: FY2022 AND FY2023 Performance Contract Schedule and Process

DUE DATE	DESCRIPTION
	<p>copy of the Certified Public Accountant (CPA) audit reports for the previous fiscal year on all CSB operated programs to the Department's Office of Budget and Financial Reporting (OBFR) by this date.</p> <ol style="list-style-type: none"> 2. CSBs submit a copy of CPA audit reports for all contract programs for their last full fiscal year, ending on June 30th, to the OBFR by this date. For programs with different fiscal years, reports are due three months after the end of the year. 3. The CSBs shall have a management letter and plan of correction for deficiencies which must be sent with these reports. 4. Audit reports for CSBs that are local government departments or are included in local government audits are submitted to the Auditor of Public Accounts (APA) by the local government. 5. The CSB must forward a plan of correction for any audit deficiencies to the OBFR by this date. 6. To satisfy federal block grant sub-recipient monitoring requirements imposed on the Department under the Single Audit Act, a CSB that is a local government department or is included in its local government audit shall contract with the same CPA audit firm that audits its locality to perform testing related to the federal Mental Health Services and Substance Abuse Prevention and Treatment Block Grants. Alternately, the local government's internal audit department can work with the CSB and the Department to provide the necessary sub-recipient monitoring information. 7. If the CSB receives an audit identifying material deficiencies or containing a disclaimer or prepares the plan of correction referenced in the preceding paragraph, the CSB and the Department may negotiate an Exhibit D that addresses the deficiencies or disclaimer and includes a proposed plan with specific timeframes to address them.
12-31-21	<ol style="list-style-type: none"> 1. CSB Financial Analysts prepare transfers for payment 13 through 16 (January and February payments). For CSBs who's FY 2021 end of the fiscal year performance contract reports have been not verified as accurate and internally consistent, and whose CCS 3 monthly extracts for October have been not received, payments may not be released. 2. CSBs submit their CCS 3 monthly extract files for November in time to be received by this date.
01-07-22	The OIS&T distributes FY 2022 mid-year performance contract report software in CARS
01-31-22	CSBs submit their CCS 3 monthly consumer, type of care, service, diagnosis, and outcomes extract files for December in time to be received by this date.
02-18-22	<ol style="list-style-type: none"> 1. CSBs send complete mid-year performance contract reports and a revised Table 1: Board of Directors Membership Characteristics to the OIS&T electronically in CARS. 2. CSB Financial Analysts prepare transfers during February for payment 17 and 18 (March payments) for CSBs whose monthly CCS3 extract for December and CARS reports not received by the end of January; payments may not be released. 3. CSB Financial Analysts prepare transfers during March for payments 19 and 20 (April payments) for CSBs whose complete FY 2022 mid-year performance contract reports not received by the due date, payments may not be released.
02-25-22	CSBs submit their CCS3 extract files for January to the OIS&T in time to be received by this date, for CSBs whose monthly CCS3 extract files for January were not received by the end of the month, payments may not be released.

Exhibit E: FY2022 AND FY2023 Performance Contract Schedule and Process

DUE DATE	DESCRIPTION
03-31-22	<ol style="list-style-type: none"> 1. CSBs submit their CCS 3 extract files for February to the OIS&T in time to be received by this date. 2. CSB Financial Analysts prepare transfers during March for payments 21 and 22 (May payments) for CSBs whose mid-year performance contract reports have not been verified as accurate and internally consistent and whose monthly CCS3 extract files for February were not received by the end of the month. Payments may not be released.
04-29-22	<ol style="list-style-type: none"> 1. CSBs submit their CCS 3 monthly consumer, type of care, service, diagnosis, and outcomes extract files for March to the OIS&T in time to be received by this date. 2. CSB Financial Analysts prepare transfers during May for payment 23 and 24 (June payments) for CSBs whose monthly CCS3 extract files for March were not received by the end of April, payments may not be released.
05-31-22	<ol style="list-style-type: none"> 1. CSBs submit their CCS 3 monthly extract files for April to the OIS&T in time to be received by this date, for CSBs whose monthly CCS 3 extract files for April were received by the end of May. 2. If April CCS 3 extract files are not received by May 31st, this may delay or even eliminate payment 24 due to time restrictions on when the Department can send transfers to the Department of Accounts for payment 24.
06-30-22	CSBs submit their CCS 3 monthly extract files for May to the OIS&T by this date.

Exhibit E: FY2022 Performance Contract Schedule

I. Administrative Performance Requirements

The CSB shall meet these administrative performance requirements in submitting its performance contract, contract revisions, and mid-year and end-of-the-fiscal year performance contract reports in the CARS, and monthly CCS 3 extracts to the Department.

- A. The performance contract and any revisions submitted by the CSB shall be:
 1. complete, that is all required information is displayed in the correct places and all required Exhibits, including applicable signature pages, are included;
 2. consistent with Letter of Notification allocations or figures subsequently revised by or negotiated with the Department;
 3. prepared in accordance with instructions in the Department-provided CARS software and any subsequent instructional memoranda; and
 4. received by the due dates listed in Exhibit E of this contract.
- B. If the CSB does not meet these performance contract requirements, the Department may delay future semi-monthly payments of state and federal funds until satisfactory performance is achieved.
- C. Mid-year and end-of-the-fiscal year performance contract reports submitted by the CSB shall be:
 1. complete, that is all required information is displayed in the correct places, all required data are included in the electronic CARS application reports, and any required paper forms that gather information not included in CARS are submitted;
 2. consistent with the state and federal block grant funds allocations in the Letter of Notification or figures subsequently revised by or negotiated with the Department;
 3. prepared in accordance with instructions;
 4. (i) internally consistent and arithmetically accurate: all related funding, expense, and cost data are consistent, congruent, and correct within a report, and (ii) submitted only after errors identified by the CARS error checking programs are corrected; and
 5. received by the due dates listed in Exhibit E of this contract.
- D. If the CSB does not meet these requirements for its mid-year and end-of-the-fiscal year CARS reports, the Department may delay future semi-monthly payments state and federal funds until satisfactory performance is achieved. The Department may impose one-time reductions of state funds apportioned for CSB administrative expenses¹ on a CSB for its failure to meet the following requirements in its end-of-the-fiscal year CARS report:
 1. a one percent reduction not to exceed \$15,000 for failure to comply with requirement 2.d; and
 2. a one percent reduction not to exceed \$15,000 for failure to comply with requirement 2.e, unless an extension has been obtained from the Department through the process on the next page.
- E. The CSB shall submit monthly consumer, type of care, service, diagnosis, and outcomes files by the end of the month following the month for which the data is extracted in accordance with the CCS 3 Extract Specifications, including the current Business Rules. The submissions shall satisfy the requirements.
- F. If the CSB fails to meet the extract submission requirements in Exhibit E of this contract, the Department may delay semi-monthly payments until satisfactory performance is achieved, unless

I. Administrative Performance Requirements

the Department has not provided the CCS 3 extract application to the CSB in time for it to transmit its monthly submissions.

- G.** If the Department negotiates an Exhibit D with a CSB because of unacceptable data quality, and the CSB fails to satisfy the requirements in Exhibit D by the end of the contract term, the Department may impose a one-time one percent reduction not to exceed a total of \$15,000 of state funds apportioned for CSB administrative expenses¹ on the CSB.
- H.** Substance abuse prevention units of service data and quarterly reports shall be submitted to the Department through the prevention data system planned and implemented by the Department in collaboration with the VACSB DMC.
- I.** The Department will calculate state funds apportioned for CSB administrative expenses by multiplying the total state funds allocated to the CSB by the CSB's administrative percentage displayed on page AF-1 of the contract.
- J.** The CSB shall not allocate or transfer a one-time reduction of state funds apportioned for administrative expenses to direct service or program costs.
- K.** Process for Obtaining an Extension of the End-of-the-Fiscal Year CARS Report Due Date
- L.** Extension Request: The Department will grant an extension only in very exceptional situations such as a catastrophic information system failure, a key staff person's unanticipated illness or accident, or a local emergency or disaster situation that makes it impossible to meet the due date.
 - 1. It is the responsibility of the CSB to obtain and confirm the Department's approval of an extension of the due date within the time frames specified below. Failure of the CSB to fulfill this responsibility constitutes prima facie acceptance by the CSB of any resulting one-time reduction in state funds apportioned for administrative expenses.
 - 2. As soon as CSB staff becomes aware that it cannot submit the end-of-the-fiscal year CARS report in time to be received in the Department by 5:00 p.m. on the due date, the executive director must inform the Office of Management Services (OMS) Director that it is requesting an extension of this due date. This request should be submitted as soon as possible and it shall be in writing, describe completely the reason(s) and need for the extension, and state the date on which the report will be received by the Department.
 - 3. The written request for an extension must be received in the OMS no later than 5:00 p.m. on the fourth business day before the due date through the performancecontractsupport@dbhds.virginia.gov email mailbox. Telephone extension requests are not acceptable and will not be processed.
 - 4. The OMS will act on all requests for due date extensions that are received in accordance with this process and will notify the requesting CSBs of the status of their requests by 5:00 p.m. on the second business day before the due date.
- M.** Performance Contract Revision Instructions:
 - 1. The CSB may revise Exhibit A of its signed contract only in the following circumstances:
 - 2. a new, previously unavailable category or subcategory of services is implemented;
 - 3. an existing category or subcategory of services is totally eliminated;
 - 4. a new program offering an existing category or subcategory of services is implemented;
 - 5. a program offering an existing category or subcategory of services is eliminated;

I. Administrative Performance Requirements

6. new restricted or earmarked state or federal funds are received to expand an existing service or establish a new one;
7. state or federal block grant funds are moved among program (mental health, developmental, or substance use disorder) areas or emergency or ancillary services (an exceptional situation);
8. allocations of state, federal, or local funds change; or
9. a major error is discovered in the original contract.
10. Revisions of Exhibit A shall be submitted using the CARS software and the same procedures used for the original performance contract.

Background

State agencies often administer federal awards received as pass-through funds to other non-federal entities. These non-federal recipient entities are called Subrecipient and they assist in carrying out various federally-funded programs. Subrecipient are typically units of local government (i.e. city and county agencies) but also include other entities such as Native American tribes, other state agencies, and institutions of higher education, special districts and non-profits. The nature of these relationships are governed by federal statute, regulations, and policies in addition to state laws and regulations. The source of the funding determines the regulations and policies that govern the provision of the funds. The Substance Abuse and Mental Health Services Administration (SAMHSA) is the primary source of federal funds awarded to DBHDS. DBHDS also receives funds from the U.S. Department of Justice and the U.S. Department of Education.

As a primary recipient of federal funds, state agencies serve a pass-through role in which funds are subawarded to Subrecipient. Federal regulations require that pass-through entities provide monitoring of their Subrecipient which is outlined in Sections 200.330 through 200.345 in 2 C.F.R. Part 200 and Sections 75.300 through 75.391 in 45 C.F.R. Part 75 for SAMHSA awards. Further, audit requirements contained in 2 C.F.R. Part 200, Subpart F and 45 C.F.R. Part 75, Subpart F for SAMHSA awards, require that pass-through entities monitor the activities of their Subrecipient, as necessary, to ensure that federal awards are used appropriately and that performance goals are achieved.

In order to further the provision of necessary goods and services to the community, DBHDS may enter into federally-funded subrecipient relationships with Community Service Boards (CSBs). This exhibit provides compliance requirements and other general grant information for the federal grant funds that DBHDS passes-through to the CSBs.

Defined Terms

Administrative Proceeding – A non-judicial process that is adjudicatory in nature in order to make a determination of fault or liability (e.g., Securities and Exchange Commission Administrative proceedings, Civilian Board of Contract Appeals proceedings, and Armed Services Board of Contract Appeals proceedings). This includes proceedings at the Federal and State level but only in connection with performance of a Federal contract or grant. It does not include audits, site visits, corrective plans, or inspection of deliverables.

Conference – A meeting, retreat, seminar, symposium, workshop or event whose primary purpose is the dissemination of technical information beyond the non-Federal entity and is necessary and reasonable for successful performance under the Federal award.

Conviction – For purposes of this award term and condition, a judgment or conviction of a criminal offense by any court of competent jurisdiction, whether entered upon a verdict or a plea, and includes a conviction entered upon a plea of nolo contendere.

Drug-Free Workplace – A site for the performance of work done in connection with a specific SFA awarded to a Subrecipient, the employees of whom are prohibited from engaging in the unlawful manufacture, sale, distribution, dispensation, possession or use of any controlled substance or marijuana during the performance of the SFA.

Employee - An individual employed by the subrecipient who is engaged in the performance of the project or program under this award; or another person engaged in the performance of the project or program under this award and not compensated by the subrecipient including, but not limited to, a volunteer or individual whose services are contributed by a third party as an in-kind contribution toward cost sharing or matching requirements.

Entity – Any of the following, as defined in 2 CFR Part 25: a Governmental organization, which is a State, local government, or Indian tribe; a foreign public entity; a domestic or foreign nonprofit organization; a domestic or foreign for-profit organization; a Federal agency, but only as a subrecipient under an award or sub-award to a non-Federal entity.

Equipment – Tangible personal property (including information technology systems) having a useful life of more than one year and a per-unit acquisition cost which equals or exceeds the lesser of the capitalization level established by the non-Federal entity for financial statement purposes, or \$5,000.

Executive – Officers, managing partners, or any other employees in management positions.

Forced labor - Labor obtained by any of the following methods: the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

Funding Opportunity Announcement (FOA) – The document that all federal agencies utilize to announce the availability of grant funds to the public. The number of the announcement pertaining to this SFA is included in the Grant Specific Requirements in Section VI.

Intangible Property – Intangible property means property having no physical existence, such as trademarks, copyrights, patents and patent applications and property, such as loans, notes and other debt instruments, lease agreements, stock and other instruments of property ownership (whether the property is tangible or intangible).

Major Medical Equipment – An item intended for a medical use that has a cost of more than \$1,000 per unit.

Minor Renovation, Remodeling, Expansion, and Repair of Housing – Improvements or renovations to existing facilities or buildings that do not total more than \$5,000.

Notice of Award (NOA) – The official award document issued by the federal granting agency that notifies the primary recipient of their award amount. A copy of the NOA is included in Attachment B.

Obligation – Orders placed for property and services, contracts and subawards made, and similar transactions during the Period of Performance.

Pass-Through Entity - Pass-through entity means a non-Federal entity that provides a subaward to a subrecipient to carry out part of a Federal program.

Period of Performance – The timeframe in which the Subrecipient may incur obligations on funding as a result of this agreement.

Recipient – The non-federal entity that receives a grant award from a federal entity. The recipient may be the end user of the funds or may serve as a pass-through to subrecipient entities.

Subaward – A legal instrument to provide support for the performance of any portion of the substantive project or program for which the Recipient received the Federal award and that the recipient awards to an eligible subrecipient.

Subrecipient – A non-Federal entity that receives a subaward from the recipient (or Pass-Through Entity) under this award to carry out part of a Federal award, including a portion of the scope of work or objectives, and is accountable to the Pass-Through Entity for the use of the Federal funds provided by the subaward. Grant recipients are responsible for ensuring that all sub-recipients comply with the terms and conditions of the award, per 45 CFR §75.101.

Supplant – To replace funding of a recipient's existing program with funds from a federal grant.

System of Award Management (SAM) – The Federal repository into which an entity must provide information required for the conduct of business as a recipient. Additional information about registration procedures may be found at the SAM Internet site (currently at: <http://www.sam.gov>).

Total compensation – The cash and noncash dollar value earned by the executive during the recipient's or subrecipient's preceding fiscal year and includes the following (for more information see 17 CFR 229.402(c)(2)): salary and bonus; awards of stock, stock options, and stock appreciation rights (use the dollar amount recognized for financial statement reporting purposes with respect to the fiscal year in accordance with the Statement of Financial Accounting Standards No. 123 (Revised 2004) (FAS 123R), Shared Based Payments); earnings for services under non-equity incentive plans (this does not include group life, health, hospitalization or medical reimbursement plans that do not discriminate in favor of executives, and are available generally to all salaried employees); change in pension value (this is the change in present value of defined benefit and actuarial pension plans); above-market earnings on deferred compensation which is not tax-qualified and; other compensation, if the aggregate value of all such other compensation (e.g. severance, termination payments, value of life

insurance paid on behalf of the employee, perquisites or property) for the executive exceeds \$10,000. [75 FR 55669, Sept. 14, 2010, as amended at 79 FR 75879, Dec. 19, 2014]

Total value of currently active grants, cooperative agreements, and procurement contracts – Only the Federal share of the funding under any Federal award with a recipient cost share or match; and the value of all expected funding increments under a Federal award and options, even if not yet exercised [81 FR 3019, Jan. 20, 2016].

Unique Entity Identifier (UEI) – The identifier required for SAM registration to uniquely identify business entities.

Unliquidated Obligations – An invoice for which the Subrecipient has already been allocated funding to pay by the pass-through entity that falls within timeframe for expending unliquidated obligations provided in Section III of this Exhibit. Unliquidated Obligations cannot include personnel costs and are limited to goods or services that were purchased or contracted for prior to the end of the Period of Performance but were not yet expensed as the goods or services were not yet received or the Subrecipient had not yet received an invoice.

I. Federal Grant Requirements for DBHDS as the Pass-through Entity

As the pass-through entity for federal grant funds, DBHDS must comply and provide guidance to the subrecipient in accordance with U.S. C.F.R. 2 § 200.332 and CFR 45 § 75.352 (for SAMHSA awards):

- A. Ensure every subaward is clearly identified to the subrecipient as a subaward and includes the following information at the time of the subaward. If any of these data elements change, include the changes in subsequent subaward modification. When some of this information is not available, the pass-through entity must provide the best information available to describe the Federal award and subaward:
 1. Subrecipient name (which must match the name associated with its unique entity identifier);
 2. Subrecipient's unique entity identifier;
 3. Federal Award Identification Number (FAIN);
 4. Federal Award Date (see § 200.1 and § 75.2 Federal award date) of award to the recipient by the HHS awarding agency;
 5. Subaward Period of Performance Start and End Date;
 6. Subaward Budget Period Start and End Date;
 7. Amount of Federal Funds Obligated by this action by the pass-through entity to the subrecipient;
 8. Total Amount of Federal Funds Obligated to the subrecipient by the pass-through entity including the current obligation;
 9. Total Amount of the Federal Award committed to the subrecipient by the pass-through entity;
 10. Federal award project description, as required to be responsive to the Federal Funding Accountability and Transparency Act (FFATA);
 11. Name of Federal awarding agency, pass-through entity, and contract information for awarding official of the pass-through entity;
 12. CFDA Number and Name; the pass-through entity must identify the dollar amount made available under each Federal award and the CFDA number at time of disbursement;
 13. Identification of whether the award is R&D; and
 14. Indirect cost rate for the Federal award (including if the de minimis rate is charged per § 200.414 and § 75.414).
- B. Comply with all Federal statutes, regulations and the terms and conditions of the Federal award.
- C. The Department shall negotiate with the subrecipient an approved federally recognized indirect cost rate negotiated between the subrecipient and the Federal Government or, if no such rate exists, either a rate negotiated between the pass-through entity and the subrecipient or a de minimis indirect cost rate as defined in § 200.414(f) and § 75.414(f).
- D. The Department is responsible for monitoring the activities of the subrecipient as necessary to ensure that the subaward is used for authorized purposes, in compliance with Federal statutes, regulations, and the terms and conditions of the subaward; and that subaward performance goals are achieved. Pass-through entity monitoring of the subrecipient must include, but is not limited to the following:
 1. Reviewing financial and performance reports required by the pass-through entity.

2. Following-up and ensuring that the subrecipient takes timely and appropriate action on all deficiencies pertaining to the Federal award provided to the subrecipient from the pass-through entity detected through audits, on-site reviews, and other means.
3. Issuing a management decision for audit findings pertaining to the Federal award provided to the subrecipient from the pass-through entity as required by § 200.521 and § 75.521.
4. The Department shall evaluate each subrecipient's risk of noncompliance with Federal statutes, regulations, and the terms and conditions of the subaward for purposes of determining the appropriate subrecipient monitoring.
5. The Department shall verify that every subrecipient is audited as required by subpart F when it is expected that the subrecipient's Federal awards expended during the respective fiscal year equaled or exceeded the threshold set forth in § 200.501 and § 75.501.
6. The Department shall consider whether the results of the subrecipient's audits, on-site reviews, or other monitoring indicate conditions that necessitate adjustments to the pass-through entity's own records.

II. General Federal Grant Requirements for the Department and CSBs

The federal grants listed in Section IV of this Exhibit have requirements that are general to the federal agency that issues the funds. Included below are the general grant terms and conditions for each of the federal agencies for which DBHDS is the pass-through entity to the CSBs.

A. SAMHSA GRANT

1. **Grant Oversight:** The CSBs and the Department are legally and financially responsible for all aspects of this award including funds provided to sub-recipients, in accordance with 45 CFR § 75.351 – 75.353, Sub-recipient monitoring and management.
2. **Acceptance of the Terms of an Award:** By drawing or otherwise obtaining funds from DBHDS that resulted from funds obtained from the Health and Human Services (HHS) Payment Management System), the subrecipient acknowledges acceptance of the terms and conditions of the award and is obligated to perform in accordance with the requirements of the award. If the subrecipient cannot accept the terms, the subrecipient should notify the Program contact at DBHDS prior to the signature of its Exhibit D or Notice of Award. Once the Exhibit D or Notice of Award is signed by the subrecipient, the contents of the Exhibit D or Notice of Award are binding on the subrecipient unless and until modified and signed by DBHDS.

Certification Statement: By invoicing DBHDS for funds, the subrecipient certifies that proper financial management controls and accounting systems, to include personnel policies and procedures, have been established to adequately administer Federal awards and drawdown funds. Recipients of Department of Health and Human Services' (DHHS) grants or cooperative agreement awards, and their Subrecipient, must comply with all terms and conditions of their awards, including: (a) terms and conditions included in the HHS Grants Policy Statement in effect at the time of a new, non-competing continuation, or renewal award (<https://www.hhs.gov/sites/default/files/grants/grants/policies-regulations/hhsgrps107.pdf>), including the requirements of HHS grants administration regulations; (b) requirements of the authorizing statutes and implementing regulations for the program under which the award is funded; (c) applicable requirements or limitations in appropriations acts; and (d) any requirements specific to the particular award specified in program policy and guidance, the FOA, or the NOA.

3. **Uniform Administrative Requirements, Cost Principles, and Audit Requirements for HHS Awards:** The NOA issued is subject to the administrative requirements, cost principles, and audit requirements that govern Federal monies associated with this award, as applicable, in the Uniform Guidance 2 CFR Part 200 as codified by HHS at 45 CFR Part 75

(<https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=0ddb69baec587eeea4ab7e6a68c4acb0&mc=tr ue&r=PART&n=pt45.1.75.>)

4. **Award Expectations:** The eligibility and program requirements originally outlined in the FOA must continue to be adhered to as the funded project is implemented. Recipients must comply with the performance goals, milestones, outcomes, and performance data collection as reflected in the FOA and related policy and guidance. Additional terms and/or conditions may be applied to this award if outstanding financial or programmatic compliance issues are identified by Substance Abuse and Mental Health Services Administration (SAMHSA). Subrecipient must comply with the Scope of Services of this SFA as outlined in their Exhibit D or Notice of Award.
5. **Flow down of requirements to sub-recipients:** The grantee, as the awardee organization, is legally and financially responsible for all aspects of this award including funds provided to sub-recipients, in accordance with 45 CFR 75.351 – 75.353, Subrecipient monitoring and management.
6. **Risk Assessment:** SAMHSA's Office of Financial Advisory Services (OFAS) may perform an administrative review of the subrecipient organization's financial management system. If the review discloses material weaknesses or other financial management concerns, grant funding may be restricted in accordance with 45 CFR 75 and 2 CFR 200, as applicable. DBHDS reviews and determines the risk associated with its Subrecipient. As part of the risk assessment process, DBHDS may perform an administrative review of the subrecipient's financial management system.
7. **Improper Payments:** Any expenditure by the Subrecipient which is found by auditors, investigators, and other authorized representatives of DBHDS, the Commonwealth of Virginia, the U.S. Department of Health and Human Services, the U.S. Government Accountability Office or the Comptroller General of the United States to be improper, unallowable, in violation of federal or state law or the terms of the NOA, FOA, or this Agreement, or involving any fraudulent, deceptive, or misleading representations or activities of the Subrecipient, shall become Subrecipient's liability, to be paid by Subrecipient from funds other than those provided by DBHDS for the given program or any other funding agreements between DBHDS and the Subrecipient. This provision shall survive the expiration or termination of the applicable Performance Contract.
8. **Treatment of Property and Equipment:** If the Program permits the Subrecipient or entities that receive funding from the Subrecipient to purchase real property or equipment with grant funds, the Program retains a residual financial interest, enabling the Program to recover the assets or determine final disposition. This will be accomplished on a case-by-case basis, according to the federal grant guidelines applicable to the grant that is funding the service(s) in accordance with 2 CFR 200.33 and 45 CFR 75.2. Equipment is defined in the defined terms section of this Exhibit.
9. **Program Income:** Program income accrued under this grant award must be reported to the Recipient and must be used to further the objectives of the grant project and only for allowable costs.
10. **Financial Management:** The Subrecipient shall maintain a financial management system and financial records and shall administer funds received in accordance with all applicable federal and state requirements, including without limitation:
 - 1) the Uniform Guidance, 45 C.F.R. Part 75;
 - 2) the NOA; and
 - 3) FOA.

The Subrecipient shall adopt such additional financial management procedures as may from time to time be prescribed by DBHDS if required by applicable laws, regulations or guidelines from its federal and state government funding sources. Subrecipient shall maintain detailed, itemized documentation and records of all income received and expenses incurred pursuant to this Exhibit.

11. **Audit of Financial Records:** The Subrecipient shall comply with the audit and reporting requirements defined by the Federal Office of Management and Budget (OMB) 2 CFR 200 (Audits of States, Local, Governments and Non-Profit organizations) and 45 CFR 75.500 – 75.521 as applicable. The Subrecipient will, if total Federal funds expended are \$750,000 or more a year, have a single or program specific financial statement audit conducted for the annual period in compliance with the General Accounting Office audit standards (45 CFR 75-501(a)).

If total federal funds expended are less than \$750,000 for a year the Subrecipient is exempt from federal audit requirements (45 CFR 75-501(d)), but the Subrecipient's records must be available to the Pass-Through Agency and appropriate officials of HHS, SAMHSA, the U.S. Government Accountability Office and the Comptroller General of the United States, and it must still have a financial audit performed for that year by an independent Certified Public Accountant. Further, the subrecipient shall complete the certification letter included in Exhibit F (B) disclosing that they are not subject to the single audit requirement.

Should an audit by authorized state or federal official result in disallowance of amounts previously paid to the Subrecipient, the Subrecipient shall reimburse the Pass-Through Agency upon demand.

Pursuant to 45 CFR 75.361, the Subrecipient shall retain all books, records, and other relevant documents for three (3) years from the end of the calendar year in which the grant period terminates. In the event that any litigation, claim, or audit is initiated prior to the expiration of the 3-year period, all records must be retained until all litigation, claims, or audit findings involving the records have been resolved and final action taken. DBHDS, its authorized agents, and/or federal or state auditors shall have full access to and the right to examine any of said materials during said period.

12. **Accounting Records and Disclosures:** The Subrecipient must maintain records which adequately identify the source and application of funds provided for financially assisted activities, including awards and authorizations, obligations, unobligated balances, assets, liabilities, outlays or expenditures, and income. The Subrecipient should expect that the Recipient and SAMHSA may conduct a financial compliance audit and on-site program review of this project as outlined in paragraph (12).
13. **Standards for Documentation of Personnel Expenses:** The Subrecipient shall comply with 2 CFR 200.430 and 45 CFR 75.430 Compensation-Personal Services and 2 CFR 200.431 and 45 CFR 75.431 Compensation-Fringe Benefits as required by the Federal Office of Management and Budget (OMB) Circular 2 CFR 200 (Cost Principles for State, Local and Indian Tribal Government). Per Standards for Documentation of Personnel Expenses 45 CFR 75.430(x)(3) in accordance with Department of Labor regulations implementing the Fair Labor Standards Act (FLSA) (29 CFR Part 516), charges for the salaries and wages of nonexempt employees, in addition to the supporting documentation described in this section (45 CFR 75.430), must also be supported by records indicating the total number of hours worked each day. As a result, all nonexempt employees paid in whole or in part from grant funds should prepare a timesheet indicating the hours worked on each specific project for each pay period. Based on these times sheets and hourly payroll cost for each employee, a statement indicating the distribution of payroll charges should be prepared and placed in the appropriate files and shall be made available for inspection.
14. **Non-Supplant:** Federal award funds must supplement, not replace (supplant) nonfederal funds. Applicants or award recipients and Subrecipient may be required to demonstrate and document that a reduction in non-federal resources occurred for reasons other than the receipt of expected receipt of federal funds.
15. **Unallowable Costs:** All costs incurred prior to the award issue date and costs not consistent with the FOA, 45 CFR Part 75, and the HHS Grants Policy Statement, are not allowable.

16. **Executive Pay:** The Consolidated Appropriations Act, 2021 (Public Law 116-260), signed into law on December 27, 2020 restricts the amount of direct salary to Executive Level II of the Federal Executive Pay scale. Effective January 3, 2021, the salary limitation for Executive Level II is \$199,300.
17. **Intent to Utilize Funding to Enter into a Procurement/Contractual Relationship:** If the Subrecipient utilizes any of these funds to contract for any goods or services, the Subrecipient must ensure that the resultant contract complies with the terms of Appendix II, 45 C.F.R. 75 which governs the contractual provisions for non-federal entity contracts under federal awards issued by the Department of Health and Human Services.
18. **Ad Hoc Submissions:** Throughout the project period, SAMHSA or DBHDS may require submission of additional information beyond the standard deliverables. This information may include, but is not limited to the following:
- Payroll
 - Purchase Orders
 - Contract documentation
 - Proof of Project implementation
19. **Conflicts of Interest Policy:** Subrecipient must establish written policies and procedures to prevent employees, consultants, and others (including family, business, or other ties) involved in grant-supported activities, from involvement in actual or perceived conflicts of interest. The policies and procedures must:
- Address conditions under which outside activities, relationships, or financial interest are proper or improper;
 - Provide for advance disclosure of outside activities, relationships, or financial interest to a responsible organizational official;
 - Include a process for notification and review by the responsible official of potential or actual violations of the standards; and
 - Specify the nature of penalties that may be imposed for violations.
20. **Administrative and National Policy Requirements:** Public policy requirements are requirements with a broader national purpose than that of the Federal sponsoring program or award that an applicant/recipient/subrecipient must adhere to as a prerequisite to and/or condition of an award. Public policy requirements are established by statute, regulation, or Executive order. In some cases they relate to general activities, such as preservation of the environment, while, in other cases they are integral to the purposes of the award-supported activities. An application funded with the release of federal funds through a grant award does not constitute or imply compliance with federal statute and regulations. Funded organizations are responsible for ensuring that their activities comply with all applicable federal regulations.
21. **Marijuana Restriction:** Grant funds may not be used, directly or indirectly, to purchase, prescribe, or provide marijuana or treatment using marijuana. Treatment in this context includes the treatment of opioid use disorder. Grant funds also cannot be provided to any individual who or organization that provides or permits marijuana use for the purposes of treating substance use or mental disorders. See, e.g., 45 C.F.R. 75.300(a) (requiring HHS to “ensure that Federal funding is expended in full accordance with U.S. statutory requirements.”); 21 U.S.C. § 812(c) (10) and 841 (prohibiting the possession, manufacture, sale, purchase or distribution of marijuana). This prohibition does not apply to those providing such treatment in the context of clinical research permitted by the Drug Enforcement Agency and under an FDA-approved investigational new drug application where the article being evaluated is marijuana or a constituent thereof that is otherwise a banned controlled substance under federal law.

22. **Confidentiality of Alcohol and Drug Abuse Patient Records:** The regulations (42 CFR 2) are applicable to any information about alcohol and other drug abuse patients obtained by a "program" (42 CFR 2.11), if the program is federally assisted in any manner (42 CFR 2.12b). Accordingly, all project patient records are confidential and may be disclosed and used only in accordance with 42 CFR Part 2. The recipient and/or subrecipient is responsible for assuring compliance with these regulations and principles, including responsibility for assuring the security and confidentiality of all electronically transmitted patient material.
23. **Drug-Free Workplace:** The Subrecipient agrees to 1) provide a drug-free workplace for the Subrecipient's employees; 2) post in conspicuous places, available to employees and applicants for employment, a statement notifying employees that the unlawful manufacture, sale, distribution, dispensation, possession, or use of a controlled substance or marijuana is prohibited in the Subrecipient's workplace and specifying the actions that will be taken against employees for violations of such prohibition; 3) state in all solicitations or advertisements for employees placed by or on behalf of the Suprecipient that the Subrecipient maintains a drug-free workplace; and 4) include the provisions of the foregoing clauses in every subcontract or purchase order of over \$10,000, so that the provisions will be binding upon each subcontractor or vendor.
24. **Promotional Items:** SAMHSA grant funds may not be used for Promotional Items. Promotional items include but are not limited to clothing and commemorative items such as pens, mugs/cups, folders/folios, lanyards, and conference bags. HHS Policy on the Use of Appropriated Funds for Promotional Items: <https://www.hhs.gov/grants/contracts/contract-policies-regulations/spending-on-promotionalitems/index.html>
25. **SAM and DUNS Requirements:** This award is subject to requirements as set forth in 2 CFR 25.310 Appendix A System of Award Management (SAM) and Data Universal Number System (DUNS) numbers. 2 CFR Part 25 - Appendix A4 SAM and Universal Identifier Requirements. This includes the following:
- A. Requirement for SAM: Unless exempted from this requirement under 2 CFR 25.110, the Subrecipient must maintain its information in SAM, until the end of the calendar year in which the grant(s) from which funding is received expire. The information must be reviewed and updated at least annually after the initial registration, and more frequently if required by changes in the information or the addition of another award term.
- B. Requirement for Unique Entity Identifier (UEI) if you are authorized to make subawards under this award, you:
1. Must notify potential Subrecipient that no governmental organization, foreign public entity, domestic or foreign nonprofit organization, or Federal agency serving as a subrecipient may receive a subaward unless the entity has provided its UEI; and
 2. May not make a subaward to a governmental organization, foreign public entity, domestic or foreign nonprofit organization, or Federal agency serving as a subrecipient, unless the entity has provided its UEI.
26. **Acknowledgement of Federal Funding in Communications and Contracting:** As required by HHS appropriations acts, all HHS recipients and Subrecipient must acknowledge Federal funding when issuing statements, press releases, requests for proposals, bid invitations, and other documents describing projects or programs funded in whole or in part with Federal funds. Recipients and Subrecipient are required to state: (1) the percentage and dollar amounts of the total program or project costs financed with Federal funds; and (2) the percentage and dollar amount of the total costs financed by nongovernmental sources.
27. **Acknowledgement of Federal Funding at Conferences and Meetings:** Allowable conference costs paid by the non-Federal entity as a sponsor or host of the conference may include rental of facilities,

speakers' fees, costs of meals and refreshments, local transportation, and other items incidental to such conferences unless further restricted by the terms and conditions of the Federal award. As needed, the costs of identifying, but not providing, locally available dependent-care resources are allowable. Conference hosts/sponsors must exercise discretion and judgment in ensuring that conference costs are appropriate, necessary and managed in a manner that minimizes costs to the Federal award. The HHS awarding agency may authorize exceptions where appropriate for programs including Indian tribes, children, and the elderly. See also 45 CFR 75.438, 75.456, 75.474, and 75.475.

When a conference is funded by a grant or cooperative agreement, the recipient and/or subrecipient must include the following statement on all conference materials (including promotional materials, agenda, and Internet sites):

Funding for this conference was made possible (in part) by (insert grant or cooperative agreement award number) from SAMHSA. The views expressed in written conference materials or publications and by speakers and moderators do not necessarily reflect the official policies of the Department of Health and Human Services; nor does mention of trade names, commercial practices, or organizations imply endorsement by the U.S. Government.

Conference materials and other publications funded by this SFA must include language that conveys the following:

- a. The publication, event or conference was funded [in part or in whole] by SAMHSA Grant (Enter Grant Number from the appropriate federal NOA that was sent out to your CSB);
 - b. The views expressed in written materials or by conference speakers and moderators do not necessarily reflect the official policies of the U.S. Department of Health and Human Services or the Executive Branch of the Commonwealth of Virginia;
 - c. Mention of trade names, commercial practices or organizations does not imply endorsement by the U.S. Government or the Commonwealth of Virginia.
28. **Mandatory Disclosures:** Consistent with 45 CFR 75.113, the Subrecipient must disclose in a timely manner, in writing to the HHS Office of Inspector General (OIG), all information related to violations, or suspected violations, of Federal criminal law involving fraud, bribery, waste, abuse, or gratuity violations potentially affecting the Federal award. Subrecipient must disclose, in a timely manner, in writing to the prime recipient (pass through entity) and the HHS OIG, all information related to violations, or suspected violations, of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal award. Disclosures must be sent in writing to the awarding agency and to the HHS OIG at the following addresses:

U.S. Department of Health and Human Services
Office of Inspector General ATTN: Mandatory Grant Disclosures, Intake Coordinator
330 Independence Avenue, SW, Cohen Building Room 5527
Washington, DC 20201
Fax: (202) 205-0604
(Include "Mandatory Grant Disclosures" in subject line) or email:
MandatoryGranteeDisclosures@oig.hhs.gov

Failure to make required disclosures can result in any of the remedies described in 45 CFR 75.371 remedies for noncompliance, including suspension or debarment (see 2 CFR parts 180 & 376 and 31 U.S.C. 3321).

The Subrecipient will notify DBHDS when violations are reported to HHS Office of Inspector General within three business days.

29. **Lobbying Restrictions:** Pursuant to 45 CFR 75.215, no portion of these funds may be used to engage in activities that are intended to support or defeat the enactment of legislation before the Congress or Virginia General Assembly, or any local legislative body, or to support or defeat any proposed or pending regulation, administrative action, or order issued by the executive branch of any federal, state or local government, except in presentation to the executive branch of any State or local government itself. No portion of these funds can be used to support any personnel engaged in these activities. These prohibitions include any activity to advocate or promote any proposed, pending or future Federal, State or local tax increase, or any proposed, pending or future requirement or restriction on any legal consumer product, including its sale or marketing, including but not limited to the advocacy or promotion of gun control.
30. **Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(G)), amended by 2 C.F.R. Part 175:** The Trafficking Victims Protection Act of 2000 authorizes termination of financial assistance provided to a private entity, without penalty to the Federal government, if the recipient or subrecipient engages in certain activities related to trafficking in persons. SAMHSA may unilaterally terminate this award, without penalty, if a private entity recipient, or a private entity subrecipient, or their employees:
- a) Engage in severe forms of trafficking in persons during the period of time that the award is in effect;
 - b) Procure a commercial sex act during the period of time that the award is in effect; or,
 - c) Use forced labor in the performance of the award or subawards under the award.

The text of the full award term is available at 2 C.F.R. 175.15(b). See <http://www.gpo.gov/fdsys/pkg/CFR-2012-title2-vol1/pdf/CFR-2012-title2-vol1-sec175-15.pdf>

31. **Accessibility Provisions:** Recipients and Subrecipient of Federal Financial Assistance (FFA) from HHS must administer their programs in compliance with Federal civil rights law. This means that recipients and Subrecipient of HHS funds must ensure equal access to their programs without regard to a person's race, color, national origin, disability, age, and in some circumstances, sex and religion. This includes ensuring your programs are accessible to persons with limited English proficiency.

The HHS Office for Civil Rights also provides guidance on complying with civil rights laws enforced by HHS. Please see: <http://www.hhs.gov/ocr/civilrights/understanding/section1557/index.html>. Recipients and Subrecipient of FFA also have specific legal obligations for serving qualified individuals with disabilities. Please see- <http://www.hhs.gov/ocr/civilrights/understanding/disability/index.html>. Please contact the HHS Office for Civil Rights for more information about obligations and prohibitions under Federal civil rights laws at <https://www.hhs.gov/civil-rights/index.html> or call 1-800-368-1019 or TDD 1-800-537-7697.

Also note that it is an HHS Departmental goal to ensure access to quality, culturally competent care, including long-term services and supports, for vulnerable populations. For further guidance on providing culturally and linguistically appropriate services, recipients and Subrecipient should review the National Standards for Culturally and Linguistically Appropriate Services in Health and Health Care at <https://minorityhealth.hhs.gov/omh/browse.aspx?lvl=1&lvlid=6>.

32. **Executive Order 13410: Promoting Quality and Efficient Health Care:** This Executive Order promotes efficient delivery of quality health care through the use of health information technology, transparency regarding health care quality and price, and incentives to promote the widespread adoption of health information technology and quality of care. Accordingly, all recipients and Subrecipient that electronically exchange patient level health information to external entities where national standards exist must:

- a) Use recognized health information interoperability standards at the time of any HIT system update, acquisition, or implementation, in all relevant information technology systems supported, in whole or in part, through this agreement/contract. Please consult www.healthit.gov for more information, and
- b) Use Electronic Health Record systems (EHRs) that are certified by agencies authorized by the Office of the National Coordinator for Health Information Technology (ONC), or that will be certified during the life of the grant. For additional information contact: Jim Kretz, at 240-276-1755 or Jim.Kretz@samhsa.hhs.gov.
33. **Travel:** Funds used to attend meetings, conferences or implement the activities of this grant must not exceed the lodging rates and per diem for Federal travel and Meal/Incidental expenses provided by the General Services Administration. These rates vary by jurisdiction.
34. **English Language:** All communication between the Pass-Through Agency and the Subrecipient must be in the English language and must utilize the terms of U.S. dollars. Information may be translated into other languages. Where there is inconsistency in meaning between the English language and other languages, the English language meaning shall prevail.
35. **Intangible Property Rights:** Pursuant to 2 CFR 200.315 and 45 CFR 75.322:
- A. Title to intangible property (as defined in the Definitions Section of this Exhibit) acquired under a Federal award vests upon acquisition in the non-Federal entity. The non-Federal entity must use that property for the originally authorized purpose, and must not encumber the property without approval of the Federal awarding agency (SAMHSA). When no longer needed for the originally authorized purpose, disposition of the intangible property must occur in accordance with the provisions in 2 CFR 200.313(e) and 45 CFR 75.320(e).
 - B. The non-Federal entity may copyright any work that is subject to copyright and was developed, or for which ownership was acquired, under a Federal award. The awarding agency reserves a royalty-free, nonexclusive and irrevocable right to reproduce, publish, or otherwise use the work for Federal purposes and to authorize others to do so.
 - C. The non-Federal entity is subject to applicable regulations governing patents and inventions, including government-wide regulations issued by the Department of Commerce at 37 CFR Part 401.
 - D. The Federal Government has the right to: 1) Obtain, reproduce, publish, or otherwise use the data produced under a Federal Award; and 2) Authorize others to receive, reproduce, publish, or otherwise use such data for Federal purposes.
 - E. Freedom of Information Act:
 - 1) In response to a Freedom of Information Act (FOIA) request for research data relating to published research findings produced under a Federal award that were used by the Federal Government in developing an agency action that has the force and effect of law, the HHS awarding agency must request, and the non-Federal entity must provide, within a reasonable time, the research data so that they can be made available to the public through the procedures established under the FOIA. If the HHS awarding agency obtains the research data solely in response to a FOIA request, the HHS awarding agency may charge the requester a reasonable fee equaling the full incremental cost of obtaining the research data. This fee should reflect costs incurred by the Federal agency and the non-Federal entity. This fee is in addition to any fees the HHS awarding agency may assess under the FOIA (5 U.S.C. 552(a)(4)(A)).
 - 2) Published research findings means when:
 - (i) Research findings are published in a peer-reviewed scientific or technical journal; or
 - (ii) A Federal agency publicly and officially cites the research findings in support of an agency action that has the force and effect of law. "Used by the Federal Government in developing an agency action that has the force and effect of law" is defined as when an agency publicly and officially cites the research findings in support of an agency action that has the force and effect of law.

3) Research data means the recorded factual material commonly accepted in the scientific community as necessary to validate research findings, but not any of the following: Preliminary analyses, drafts of scientific papers, plans for future research, peer reviews, or communications with colleagues. This “recorded” material excludes physical objects (e.g., laboratory samples). Research data also do not include:

- (i) Trade secrets, commercial information, materials necessary to be held confidential by a researcher until they are published, or similar information which is protected under law; and
- (ii) Personnel and medical information and similar information the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, such as information that could be used to identify a particular person in a research study.

F. The requirements set forth in paragraph (E)(1) of this part do not apply to commercial organizations.

The Pass-Through Agency reserves the irrevocable right to utilize any Intangible Property described above, royalty-free, for the completion of the terms of this Grant and Agreement.

- 36. **National Historical Preservation Act and Executive Order 13287, Preserve America:** The Subrecipient must comply with this federal legislation and executive order.
- 37. **Welfare-to-Work:** The Subrecipient is encouraged to hire welfare recipients and to provide additional needed training and mentoring as needed.
- 38. **Applicable Laws and Courts:** Awards of federal funds from DBHDS shall be governed in all respects by the laws of the Commonwealth of Virginia and any litigation with respect thereto shall be brought in the courts of the Commonwealth. The Subrecipient shall comply with all applicable federal, state and local laws, rules and regulations.
- 39. **Immigration Reform and Control Act of 1986:** The Subrecipient certifies that the Subrecipient does not, and shall not knowingly employ an unauthorized alien as defined in the federal Immigration Reform and Control Act of 1986.
- 40. **Construction Purchases:** SAMHSA grant funds may not be used for the purchase or construction of any building or structure to house any part of the program (Applicants may request up to \$5,000 for renovations and alterations of existing facilities, if necessary and appropriate to the project).
- 41. **Residential or Outpatient Treatment:** SAMHSA grant funds may not be used to provide residential or outpatient treatment services when the facility has not yet been acquired, sited, approved, and met all requirements for human habitation and services provision. (Expansion or enhancement of existing residential services is permissible).
- 42. **Inpatient Services:** SAMHSA grant funds may not be used to provide inpatient treatment or hospital-based detoxification services. Residential services are not considered to be inpatient or hospital-based services.
- 43. **Direct Payments to Individuals:** SAMHSA grant funds may not be used to make direct payments to individuals to enter treatment or continue to participate in prevention or treatment services. Note: A recipient or treatment or prevention provider may provide up to \$30 in non-cash incentives to individuals to participate in required data collection follow-up. This amount may be paid for participation in each required follow-up interview.

44. **Meals:** Meals are allowable so long as they are part of conferences or allowable non-local travel and do not exceed the per diem reimbursement rate allowed for the jurisdiction by the General Services Administration. Grant funds may be used for light snacks, not to exceed \$3.00 per person per day.
45. **Sterile Needles or Syringes:** Funds may not be used to provide sterile needles or syringes for the hypodermic injection of any illegal drug. Provided, that such limitation does not apply to the use of funds for elements of a program other than making such purchases if the relevant State or local health department, in consultation with the Centers for Disease Control and Prevention, determines that the State or local jurisdiction, as applicable, is experiencing, or is at risk for, a significant increase in hepatitis infections or an HIV outbreak due to injection drug use, and such program is operating in accordance with state and local law.
46. **Compliance with Federal Regulations/Statute/Policy:** The Subrecipient agrees to enforce, administer, and comply with any applicable federal regulations, statutes, or policies that are not otherwise mentioned including 2 C.F.R. § 200, 45 C.F.R. § 75, the Health and Human Services Grants Policy Statement, or any other source.

III. Federal Grant Specific Requirements

There are additional requirements to the grants included in Section IV of this Exhibit that are not universal to all grants that DBHDS administers. Included below, by grant name, is a list of the grant specific requirements as required by federal statute, regulation, and policy.

A. SAMHSA GRANTS

1. **State Opioid Response Grant (SUD Federal Opioid Response)**

Pursuant to the Notice of Award received by DBHDS and the Funding Opportunity Announcement (TI-20-012) associated with the State Opioid Response Grant, the following are requirements of the funding distributed to the Subrecipient as a result of this agreement.

- a. **Restrictions on Expenditures:** State Opioid Response Grant funds may not be used to:
- i. Pay for services that can be supported through other accessible sources of funding such as other federal discretionary and formula grant funds, e.g. HHS (CDC, CMS, HRSA, and SAMHSA), DOJ (OJP/BJA) and non-federal funds, 3rd party insurance, and sliding scale self-pay among others.
 - ii. Pay for a grant or subaward to any agency which would deny any eligible client, patient, or individual access to their program because of their use of Food and Drug Administration (FDA)-approved medications for the treatment of substance use disorders.
 - iii. Provide incentives to any health care professional for receipt of data waiver or any type of professional training development.
 - iv. Procure DATA waiver training. This training is offered free of charge by SAMHSA at pcssnow.org.
- b. **Expenditure Guidelines:**
- i. Grant funds:
 - a) Shall be used to fund services and practices that have a demonstrated evidence-base, and that are appropriate for the population(s) of focus.

- b) For treatment and recovery support services grant funds shall only be utilized to provide services to individuals with a diagnosis of an opioid use disorder or to individuals with a demonstrated history of opioid overdose problems.
- c) May only fund FDA approved products.
- d) May only be used for HIV and viral hepatitis testing that is performed as clinically indicated and referral to appropriate treatment must be provided to those testing positive. Vaccination for hepatitis A and B should be provided or referral made for same as clinically indicated.

a. Limitations on Reimbursements: Subrecipient shall not be reimbursed or otherwise compensated for any expenditures incurred or services provided prior to or more than 40 days after the appropriate Award Period included in section IV.

DBHDS shall only reimburse or otherwise compensate the Subrecipient for documented expenditures incurred during this period that are: 1) reasonable and necessary to carry out the agreed upon scope of service outlined in Exhibit D, 2) documented by contracts or other evidence of liability consistent with established DBHDS and Subrecipient procedures; and 3) incurred in accordance with all applicable requirements for the expenditure of funds payable under this agreement

b. Closeout: Final payment request(s) under this Agreement must be received by DBHDS no later than thirty (30) days after the end of the Period of Performance referenced in the Exhibit D. No payment request will be accepted by DBHDS after this date without authorization from DBHDS. The Subrecipient may continue to expend retained funds until 40 days after the end of the Period of Performance to pay for unliquidated obligations as defined in this agreement

Any funds remaining unexpended and unobligated at the end of the Period of Performance shall be returned to DBHDS within 30 days of the end of the Period of Performance. Any funds distributed to the Subrecipient by the pass-through entity that remain unexpended by 40 days after the end of the Period of Performance shall be returned to DBHDS. The Subrecipient will send these funds to DBHDS by no later than the end of the 75th day after the end of the Performance Period. Unexpended funds should be returned in the form of a check made payable to the Treasurer of Virginia and sent to:

DBHDS

PO Box 1797

Richmond, VA 23218-1797

C/O Eric Billings

Failure to return unexpended funds in a prompt manner may result in a denial of future federal Subrecipient awards from DBHDS.

In consideration of the execution of this agreement by DBHDS, the Subrecipient agrees that acceptance of final payment from DBHDS will constitute an agreement by the Subrecipient to release and forever discharge DBHDS, its agents, employees, representatives, affiliates, successors and assigns from any and all claims, demands, damages, liabilities, actions, causes of action or suits of any nature whatsoever, which Subrecipient has at the time of acceptance of final payment or may thereafter have, arising out of or in any way relating to any and all injuries and damages of any kind as a result of or in any way relating to this agreement. Subrecipient's obligations to DBHDS under this agreement shall not terminate until all closeout requirements are completed to the satisfaction of DBHDS. Such requirements shall include, without limitation, submitting final reports to DBHDS and providing any closeout-related information requested by DBHDS by the deadlines specified by DBHDS. This provision shall survive the expiration or termination of this agreement.

2. Substance Abuse Prevention and Treatment Block Grant (SUD FBG)

Pursuant to the Substance Abuse Prevention and Treatment Block Grant (SAPTBG) Funding Agreement and relevant federal statutes, the following are requirements of the funding distributed to the Subrecipient as a result of this agreement.

- a. **Restrictions on Expenditures:** No SAPTBG funds may not be used for any of the following purposes:
 - i. To provide inpatient hospital services unless it has been determined, in accordance with the guidelines issued by the Secretary of Health and Human Services, that such treatment is a medical necessity for the individual involved and that the individual cannot be effectively treated in a community-based, non-hospital, residential program of treatment;
 - ii. To make cash payments to intended recipients of health services;
 - iii. To purchase or improve land, purchase, construct, or permanently improve (other than minor remodeling with DBHDS, Federal Grants Manager approval) any building or other facility, or purchase major medical equipment as defined in the Defined Terms section of this Exhibit.
 - iv. To satisfy any requirement for the expenditure of non-federal funds as a condition for the receipt of federal funds; or
 - v. To provide financial assistance to any entity other than a public or non-profit entity.
 - vi. To carry out any program that provides individuals with hypodermic needles or syringes so that such individuals may use illegal drugs, unless the Surgeon General of the Public Health Service determines that a demonstration needle exchange program would be effective in reducing drug abuse and the risk that the public will become infected with the etiologic agent for acquired immune deficiency syndrome. (42 US Code § 300x-31(a))
- b. **Grant Guidelines:**
 1. In the case of an individual for whom grant funds are expended to provide inpatient hospital services, as outlined above (A.a.), the Subrecipient shall not incur costs that are in excess of the comparable daily rate provided for community-based, non-hospital, residential programs of treatment for substance abuse (42 US Code § 300x-31(b)(2)).
 2. No entity receiving SAPTBG funding may participate in any form of discrimination on the basis of age as defined under the Age Discrimination Act of 1975 (42 US Code § 6101), on the basis of handicap as defined under section 504 of the Rehabilitation Act of 1973 (29 US Code § 794), on the basis of sex as defined under Title IX of the Education Amendments of 1972 (20 US Code § 1681) or on the basis of race, color, or national origin as defined under Title VI of the Civil Rights Act of 1964 (42 US Code § 2000) (42 US Code § 300x-57(a)(1)).
 3. No person shall on the ground of sex, or on the ground of religion, be excluded from participation in, be denied the benefits of, or be subject to discrimination under, any program or activity funded in whole or in part with funds made available under section 300x or 300x-21 of title 42 US Code (42 US Code § 300x-57(a)(2)).
 4. The Subrecipient agrees to comply with the provisions of the Hatch Act (5 US Code § 1501-1508 and 7324-7328) which limits the political activities of employees whose principal employment activities are funded in whole or in part with federal funds.
 5. The Subrecipient will comply, as applicable with the provisions of the Davis-Bacon Act (40 US Code § 276(a) – 276(a)-7), the Copeland Act (40 US Code § 276(c) and 18 US Code § 874), and the Contract Work Hours and Safety Standards Act (40 US Code § 327-333), regarding labor standards for federally assisted construction subagreements.
 6. This funding source is designated to plan, implement, and evaluate activities that prevent or treat substance use disorder, including to fund priority substance use disorder treatment and support services for individuals without insurance or for whom coverage is terminated for short periods of time. Further these funds can be utilized to fund those priority treatment and support services that demonstrate success in improving outcomes and/or supporting recovery that are not covered by

Medicaid, Medicare, or private insurance, fund primary prevention by providing universal, selective, and indicated prevention activities and services for persons not identified as needing treatment, and collecting performance and outcome data to determine the ongoing effectiveness of behavioral health promotion, treatment, and recovery support services. SAPTBG funds are to be the funds of last resort. Medicaid and private insurance, if available, must be used first. Target and priority populations are pregnant and parenting women and intravenous (IV) drug users. In providing treatment services to these target and priority populations, providers must offer treatment in order of population preference as outlined in 45 CFR 96.131 (a) which is as follows:

- i. Pregnant injecting drug users;
- ii. Pregnant substance abusers;
- iii. Injecting drug users;
- iv. All others

Allowable SAPTBG services include: Healthcare Home/Physical Health (General and specialized outpatient medical services, Acute Primary care, General Health Screens, Tests and Immunizations, Comprehensive Care Management, Care coordination and Health Promotion, Comprehensive Transitional Care, Individual and Family Support, Referral to Community Services), Prevention and Promotion (Including Promotion, such as Screening, Brief Intervention and Referral to Treatment, Brief Motivational Interviews, Screening and Brief Intervention for Tobacco Cessation, Parent Training, Facilitated Referrals, Relapse Prevention/Wellness Recovery Support, Warm Line); Engagement Services (including Assessment, Specialized Evaluations (Psychological and Neurological), Service Planning (including crisis planning), Consumer/Family Education, Outreach); Outpatient Services (including Individual evidenced based therapies, Group therapy, Family therapy, Multi-family therapy, Consultation to Caregivers); Medication Services (including Medication management, Pharmacotherapy including MAT; Laboratory services); Community Rehabilitative Support (including Parent/Caregiver Support, Skill building (social, daily living, cognitive), Case management, Behavior management, Supported employment, Permanent supported housing, Recovery housing, Therapeutic mentoring, Traditional healing services); Recovery Supports (including Peer Support, Recovery Support Coaching, Recovery Support Center Services, Supports for Self Directed Care); and Other Habilitative Supports (including Respite; Supported Education; Transportation; Assisted living services; Recreational services; Trained behavioral health interpreters; Interactive communication technology devices); Intensive Support Services (including Substance abuse intensive outpatient; Partial hospital; Assertive Community Treatment; Intensive home based services; Multi-systemic therapy; Intensive Case Management); Out of Home Residential Services (including Crisis residential/stabilization, Clinically Managed 24 Hour Care (SA), Clinically Managed Medium Intensity Care (SA), Adult Substance Abuse Residential, Adult Mental Health Residential, Youth Substance Abuse Residential Services, Children's Residential Mental Health Services, Therapeutic foster care); and Acute Intensive Services (including Mobile crisis, Peer based crisis services, Urgent care, 23 hr. observation bed, Medically Monitored Intensive Inpatient (SA), 24/7 crisis hotline services). Treatment and competency restoration services may be provided to individuals with a serious mental illness or serious emotional

- c. **Limitations on Reimbursements:** Subrecipient shall not be reimbursed or otherwise compensated for any expenditures incurred or services provided prior to or after the appropriate Award Period included in section IV.

DBHDS shall only reimburse or otherwise compensate the Subrecipient for documented expenditures incurred during this period that are: 1) reasonable and necessary to carry out the agreed upon scope of service outlined in Exhibit D, 2) documented by contracts or other evidence of liability consistent with established DBHDS and Subrecipient procedures; and 3) incurred in accordance with all applicable requirements for the expenditure of funds payable under this agreement.

- d. **Closeout:** Final payment request(s) under this Agreement must be received by DBHDS no later than thirty (30) days after the end of the Period of Performance referenced in the Exhibit D. No payment request will be accepted by DBHDS after this date without authorization from DBHDS. The Subrecipient may

continue to expend retained funds until the end of the Period of Performance to pay for remaining allowable costs.

Any funds remaining unexpended at the end of the Period of Performance shall be returned to DBHDS within 30 days of the end of the Period of Performance. Unexpended funds should be returned in the form of a check made payable to the Treasurer of Virginia and sent to:

DBHDS

PO Box 1797

Richmond, VA 23218-1797

C/O Eric Billings

Failure to return unexpended funds in a prompt manner may result in a denial of future federal Subrecipient awards from DBHDS.

In consideration of the execution of this agreement by DBHDS, the Subrecipient agrees that acceptance of final payment from DBHDS will constitute an agreement by the Subrecipient to release and forever discharge DBHDS, its agents, employees, representatives, affiliates, successors and assigns from any and all claims, demands, damages, liabilities, actions, causes of action or suits of any nature whatsoever, which Subrecipient has at the time of acceptance of final payment or may thereafter have, arising out of or in any way relating to any and all injuries and damages of any kind as a result of or in any way relating to this agreement. Subrecipient's obligations to DBHDS under this agreement shall not terminate until all closeout requirements are completed to the satisfaction of DBHDS. Such requirements shall include, without limitation, submitting final reports to DBHDS and providing any closeout-related information requested by DBHDS by the deadlines specified by DBHDS. This provision shall survive the expiration or termination of this agreement.

3. Community Mental Health Services Block Grant (MH FBG)

Pursuant to the Community Mental Health Services Block Grant (CMHSBG) Funding Agreement and relevant federal statutes, the following are requirements of the funding distributed to the Subrecipient as a result of this agreement.

- a. **Restrictions on Expenditures:** CMHSBG funds may not be used for any of the following purposes:
 1. To provide inpatient services;
 2. To make cash payments to intended recipients of health services;
 3. To purchase or improve land, purchase, construct, or permanently improve (other than minor remodeling with DBHDS, Federal Grants Manager approval) any building or other facility, or purchase major medical equipment (as defined in the Definitions section of this Exhibit);
 4. To satisfy any requirement for the expenditure of non-federal funds as a condition for the receipt of federal funds; or
 5. To provide financial assistance to any entity other than a public or non-profit entity. (42 US Code § 300x-5(a))
- b. **Grant Guidelines:**
 1. No entity receiving CMHSBG funding may participate in any form of discrimination on the basis of age as defined under the Age Discrimination Act of 1975 (42 US Code § 6101), on the basis of handicap as defined under section 504 of the Rehabilitation Act of 1973 (29 US Code § 794), on the basis of sex as defined under Title IX of the Education Amendments of 1972 (20 US Code § 1681) or on the basis of race, color, or national origin as defined under Title VI of the Civil Rights Act of 1964 (42 US Code § 2000) (42 US Code § 300x-57(a)(1)).
 2. No person shall on the ground of sex, or on the ground of religion, be excluded from participation in, be denied the benefits of, or be subject to discrimination under, any program or activity funded in

whole or in part with funds made available under section 300x or 300x-21 of title 42 US Code (42 US Code § 300x-57(a)(2)).

3. The Subrecipient must provide the services through appropriate, qualified community programs, which may include community mental health centers, child mental-health programs, psychosocial rehabilitation programs, mental health peer-support programs, and mental-health primary consumer-directed programs. Services may be provided through community mental health centers only if the centers provide: 1) Services principally to individuals residing in a defined geographic area (hereafter referred to as a “service area”); 2) Outpatient services, including specialized outpatient services for children, the elderly, individuals with a Serious Mental Illness (SMI), and residents of the service areas of the center who have been discharged from inpatient treatment at a mental health facility; 3) 24-hour-a-day emergency care services; 4) Day treatment or other partial hospitalization services, or psychosocial rehabilitation services; 5) Screening for patients being considered for admission to state mental health facilities to determine the appropriateness of such admission; 6) Services within the limits of the capacities of the centers, to any individual residing or employed in the service area of the center regardless of ability to pay; and 7) Services that are accessible promptly, as appropriate, and in a manner which preserves human dignity and assures continuity of high quality care (42 US Code § 300x-2(c)).
 4. The Subrecipient agrees to comply with the provisions of the Hatch Act (5 US Code § 1501-1508 and 7324-7328) which limits the political activities of employees whose principal employment activities are funded in whole or in part with federal funds.
 5. The Subrecipient will comply, as applicable with the provisions of the Davis-Bacon Act (40 US Code § 276(a) – 276(a)-7), the Copeland Act (40 US Code § 276(c) and 18 US Code § 874), and the Contract Work Hours and Safety Standards Act (40 US Code § 327-333), regarding labor standards for federally assisted construction subagreements.
 6. Treatment and competency restoration services may be provided to individuals with a serious mental illness or serious emotional disturbance who are involved with the criminal justice system or during incarceration.
 7. CMHSBG funds are to be the funds of last resort. Medicaid and private insurance, if available, must be used first.
- c. **Limitations on Reimbursements:** Subrecipient shall not be reimbursed or otherwise compensated for any expenditures incurred or services provided prior to or after the appropriate Award Period provided in section IV.

DBHDS shall only reimburse or otherwise compensate the Subrecipient for documented expenditures incurred during this period that are: 1) reasonable and necessary to carry out the agreed upon scope of service outlined in Exhibit D, 2) documented by contracts or other evidence of liability consistent with established DBHDS and Subrecipient procedures; and 3) incurred in accordance with all applicable requirements for the expenditure of funds payable under this agreement.

- d. **Closeout:** Final payment request(s) under this Agreement must be received by DBHDS no later than thirty (30) days after the end of the Period of Performance referenced in the Exhibit D. No payment request will be accepted by DBHDS after this date without authorization from DBHDS. The Subrecipient may continue to expend retained funds until the end of the Period of Performance to pay for remaining allowable costs.

Any funds remaining unexpended at the end of the Period of Performance shall be returned to DBHDS within 30 days of the end of the Period of Performance. Unexpended funds should be returned in the form of a check made payable to the Treasurer of Virginia and sent to:

DBHDS

PO Box 1797

Richmond, VA 23218-1797

C/O Eric Billings

Failure to return unexpended funds in a prompt manner may result in a denial of future federal Subrecipient awards from DBHDS.

In consideration of the execution of this agreement by DBHDS, the Subrecipient agrees that acceptance of final payment from DBHDS will constitute an agreement by the Subrecipient to release and forever discharge DBHDS, its agents, employees, representatives, affiliates, successors and assigns from any and all claims, demands, damages, liabilities, actions, causes of action or suits of any nature whatsoever, which Subrecipient has at the time of acceptance of final payment or may thereafter have, arising out of or in any way relating to any and all injuries and damages of any kind as a result of or in any way relating to this agreement. Subrecipient's obligations to DBHDS under this agreement shall not terminate until all closeout requirements are completed to the satisfaction of DBHDS. Such requirements shall include, without limitation, submitting final reports to DBHDS and providing any closeout-related information requested by DBHDS by the deadlines specified by DBHDS. This provision shall survive the expiration or termination of this agreement.

4. Projects for Assistance in Transition from Homelessness (PATH)

Pursuant to the Notice of Award received by DBHDS, Funding Opportunity Announcement (SM-20-F2), and relevant statutes associated with the Project for Assistance in Transition from Homelessness (PATH) Grant, the following are requirements of the funding distributed to the Subrecipient as a result of this agreement.

- a. **Restrictions on Expenditures:** PATH funds may not be used for any of the following purposes:
 1. To support emergency shelters or construction of housing facilities;
 2. For inpatient psychiatric treatment costs or inpatient substance use disorder treatment costs; or
 3. To make cash payments to intended recipients of mental health or substance use disorder services (42 U.S. Code § 290cc-22(g)).
 4. For lease arrangements in association with the proposed project utilizing PATH funds beyond the project period nor may the portion of the space leased with PATH funds be used for purposes not supported by the grant.
- b. **Grant Guidelines:**
 1. All funds shall be used for the purpose of providing the following:
 - i. Outreach services;
 - ii. Screening and diagnostic treatment services;
 - iii. Habilitation and rehabilitation services;
 - iv. Community mental health services;
 - v. Alcohol or drug treatment services;
 - vi. Staff training including the training of individuals who work in shelters, mental health clinics, substance use disorder programs, and other sites where homeless individuals require services;
 - vii. Case management services including:
 1. Preparing a plan for the provision of community mental health services to the eligible homeless individual involved and reviewing such plan not less than once every three months;
 2. Providing assistance in obtaining and coordinating social and maintenance services for the eligible homeless individuals, including services relating to daily living activities, personal financial planning, transportation services, and habilitation and rehabilitation services, prevocational and vocational services, and housing services;

3. Providing assistance to the eligible homeless individual in obtaining income support services, including housing assistance, supplemental nutrition assistance program benefits, and supplemental security income benefits;
4. Referring the eligible homeless individual for such other services as may be appropriate; and
5. Providing representative payee services in accordance with section 1631(a)(2) of the Social Security Act (42 U.S. Code § 1383(a)(2)) if the eligible homeless individual is receiving aid under Title XVI of such act (42 U.S. Code § 1381 et seq.) and if the applicant is designated by the Secretary to provide such services;
- viii. Supportive and supervisory services in residential settings;
- ix. Referrals for primary health services, job training, educational services, and relevant housing services;
- x. Minor renovation, expansion, and repair of housing (as defined in the Definitions section of this Exhibit);
- xi. Planning of housing;
- xii. Technical assistance in applying for housing assistance;
- xiii. Improving the coordination of housing services;
- xiv. Security deposits;
- xv. The costs associated with matching eligible homeless individuals with appropriate housing situations;
- xvi. One-time rental payments to prevent eviction;
- xvii. Other appropriate services as determined by the Secretary of Health and Human Services (42 U.S. Code § 290cc-22(b)).
2. All funds shall only be utilized for providing the services outlined above to individuals who:
 - i. Are suffering from a serious mental illness; or
 - ii. Are suffering from a serious mental illness and from a substance use disorder; and
 - iii. Are homeless or at imminent risk of becoming homeless (42 U.S. Code § 290cc-22(a)).
3. Funding may not be allocated to an entity that:
 - i. Has a policy of excluding individuals from mental health services due to the existence or suspicion of a substance use disorder; or
 - ii. Has a policy of excluding individuals from substance use disorder services due to the existence or suspicion of mental illness (42 U.S. Code § 290cc-22(e)).
4. Match amounts agreed to with DBHDS may be:
 - i. Cash;
 - ii. In-kind contributions, that are fairly evaluated, including plant, equipment, or services.

Amounts provided by the federal government or services assisted or subsidized to any significant extent by the Federal Government, shall not be included in determining the amount of match (42 U.S. Code § 290cc-23(b)).
5. Subrecipient may not discriminate on the basis of age under the Age Discrimination Act of 1975 (42 U.S. Code § 6101 et seq.), on the basis of handicap under section 504 of the Rehabilitation Act of 1973 (29 U.S. Code § 794), on the basis of sex under Title IX of the Education Amendments of 1972 (20 U.S. Code § 1681 et seq.), or on the basis of race, color, or national origin under Title VI of the Civil Rights Act of 1964 (42 U.S. Code § 2000d et seq.)(42 U.S. Code § 290cc-33(a)(1)).
6. The Subrecipient shall not exclude from participation in, deny benefits to, or discriminate against any individuals that are otherwise eligible to participate in any program or activity funded from the PATH grant (42 U.S. Code § 290cc-33(a)(2)).
- c. **Limitations on Reimbursements:** Subrecipient shall not be reimbursed or otherwise compensated for any expenditures incurred or services provided prior to or following one year after the end of the appropriate Award Period provided in section IV.

DBHDS shall only reimburse or otherwise compensate the Subrecipient for documented expenditures incurred during this period that are: 1) reasonable and necessary to carry out the agreed upon scope of service outlined in Exhibit D, 2) documented by contracts or other evidence of liability consistent with established DBHDS and Subrecipient procedures; and 3) incurred in accordance with all applicable requirements for the expenditure of funds payable under this agreement.

- d. **Closeout:** Final payment request(s) under this Agreement must be received by DBHDS no later than thirty (30) days after the end of the Period of Performance referenced in the Exhibit D. No payment request will be accepted by DBHDS after this date without authorization from DBHDS. The Subrecipient may continue to expend retained funds until 365 days after the end of the Period of Performance to pay for remaining allowable costs.

Any funds remaining unexpended and unobligated at the end of the Period of Performance shall be returned to DBHDS within 30 days of the end of the Period of Performance. Any funds distributed to the Subrecipient by the pass-through entity that remain unexpended by 365 days after the end of the Period of Performance shall be returned to DBHDS. The Subrecipient will send these funds to DBHDS by no later than the end of the 395th day after the end of the Performance Period. Unexpended funds should be returned in the form of a check made payable to the Treasurer of Virginia and sent to:

DBHDS

PO Box 1797

Richmond, VA 23218-1797

C/O Eric Billings

Failure to return unexpended funds in a prompt manner may result in a denial of future federal Subrecipient awards from DBHDS.

In consideration of the execution of this agreement by DBHDS, the Subrecipient agrees that acceptance of final payment from DBHDS will constitute an agreement by the Subrecipient to release and forever discharge DBHDS, its agents, employees, representatives, affiliates, successors and assigns from any and all claims, demands, damages, liabilities, actions, causes of action or suits of any nature whatsoever, which Subrecipient has at the time of acceptance of final payment or may thereafter have, arising out of or in any way relating to any and all injuries and damages of any kind as a result of or in any way relating to this agreement. Subrecipient's obligations to DBHDS under this agreement shall not terminate until all closeout requirements are completed to the satisfaction of DBHDS. Such requirements shall include, without limitation, submitting final reports to DBHDS and providing any closeout-related information requested by DBHDS by the deadlines specified by DBHDS. This provision shall survive the expiration or termination of this agreement.

SubrecipientSubrecipient5. **Young Adult Substance Abuse Treatment Implementation Grant**

Pursuant to the Notice of Award received by DBHDS and the Funding Opportunity Announcement (TI-17-002) associated with the Youth Treatment Implementation Grant, the following are requirements of the funding distributed to the Subrecipient as a result of this agreement.

- a. **Restrictions on Expenditures:** Young Adult Substance Abuse Treatment Implementation Grant funds may not be used for any of the following purposes:
1. Pay for any lease beyond the project period.
 2. Provide services to incarcerated populations (defined as those persons in jail, prison, detention facilities, or in custody where they are not free to move about in the community).
 3. Pay for the purchase or construction of any building or structure to house any part of the program. (Subrecipient may request up to \$5,000 for renovations and alterations of existing facilities, if necessary and appropriate to the project.)
 4. Pay for housing other than residential mental health and/or substance use disorder treatment.
 5. Provide residential or outpatient treatment services when the facility has not yet been acquired, sited, approved, and met all requirements for human habitation and services provision. (Expansion or enhancement of existing residential services is permissible.)
 6. Provide inpatient treatment or hospital-based detoxification services. Residential services are not considered to be inpatient or hospital-based services.

7. Only allowable costs associated with the use of federal funds are permitted to fund EBPs. Other sources of funds may be used for unallowable costs (e.g. meals, sporting events, entertainment). Other support is defined as funds or resources, whether federal, non-federal or institutional, in direct support of activities through fellowships, gifts, prizes, or in-kind contributions.
8. Make direct payments to individuals to induce them to enter prevention or treatment services. However, grant funds may be used for non-clinical support services (e.g. bus tokens, child care) designed to improve access to and retention in prevention and treatment programs.
9. Make direct payments to individuals to encourage attendance and/or attainment of prevention or treatment goals. However, grant funds may be used for non-cash incentives of up to \$30 to encourage attendance and/or attainment of prevention or treatment goals when the incentives are built into the program design and when the incentives are the minimum amount that is deemed necessary to meet program goals. SAMHSA policy allows an individual participant to receive more than one incentive over the course of the program. However, non-cash incentives should be limited to the minimum number of times deemed necessary to achieve program outcomes. A grantee or treatment or prevention provider may also provide up to \$30 cash or equivalent (coupons, bus tokens, gifts, child care, and vouchers) to individuals as incentives to participate in required data collection follow-up. This amount may be paid for participation in each required interview.
10. Meals are generally unallowable unless they are an integral part of a conference grant or specifically stated as an allowable expense in the Performance Contract. Grant funds may be used for light snacks, not to exceed \$3.00 per person.
11. Consolidated Appropriations Act, 2016, Division H states, SEC. 520, notwithstanding any other provision of this Act, no funds appropriated in this Act shall be used to purchase sterile needles or syringes for the hypodermic injection of any illegal drug. Provided, that such limitation does not apply to the use of funds for elements of a program other than making such purchases if the relevant state or local health department, in consultation with the Centers for Disease Control and Prevention, determines that the state or local jurisdiction, as applicable, is experiencing, or is at risk for, a significant increase in hepatitis infections or an HIV outbreak due to injection drug use, and such program is operating in accordance with state and local law.
12. Pay for pharmacologies for HIV antiretroviral therapy, Sexually Transmitted Diseases (STD)/Sexually Transmitted Illnesses (STI), TB, and hepatitis B and C, or for psychotropic drugs.

b. Grant Guidelines:

1. Funds must be used to improve capacity to increase access to treatment and to improve the quality of treatment for adolescents and transitional youth aged 16-25, and their families/primary caregivers through:
 - i. Expanding and enhancing SUD treatment services for adolescents and transitional youth aged 16-25;
 - ii. Involving families, adolescents, and transitional aged youth at the state/territorial/tribal/local levels to inform policy, program, and effective practice;
 - iii. Expanding the qualified workforce;
 - iv. Disseminating Evidence-Based Practices (EBPs);
 - v. Developing funding and payment strategies that support EBPs in the current funding environment; and
 - vi. Improving interagency collaboration.
2. Subrecipient must address each of the following required activities:
 - i. Provide outreach and other engagement strategies to increase participation in, and provide access to, treatment for diverse populations (i.e. ethnic, racial, sexual orientation, gender identity, etc.).
 - ii. Provide direct treatment including screening, assessment, care management, and recovery support for diverse populations at risk. Treatment must be provided in outpatient, intensive outpatient, or day treatment settings. Clients must be screened and assessed for the presence of substance use disorders and/or co-occurring mental and substance use disorders, using an assessment

- instrument(s) that is evidence-based, and use the information obtained from the screening and assessment to develop appropriate treatment approaches for the persons identified as having such disorders.
- iii. Provide youth recovery support services and supports (e.g. recovery coaching, vocational, educational, and transportation services) designed to support recovery and improve access and retention.
 - iv. Provide the EBPs in assessment(s) and treatment intervention(s), selected in consultation with DBHDS for the population of focus.
 - v. Participate in a provider collaborative, managed by DBHDS, that, at a minimum, provides the following:
 1. Direct treatment for SUD and/or co-occurring substance use and mental disorders and recovery support services to the population of focus;
 2. Identifies and addresses common provider-level administrative challenges in providing substance abuse treatment and recovery support services to the population of focus;
 3. Develops and implements a common continuous quality improvement/quality assurance plan across the providers in the collaborative to improve the services provided;
 4. Identifies and addresses common barriers faced by the population of focus in accessing services; and
 5. Promotes coordination and collaboration with family support organizations to assist in the development of peer support services and strengthen services for the population of focus who have, or are at risk of SUD and/or co-occurring substance use and mental disorders.
3. Subrecipient must screen and assess clients for the presence of SUD and/or co-occurring mental and substance use disorders and use the information obtained from the screening and assessment to develop appropriate treatment approaches for the persons identified as having such co-occurring disorders.
 4. Subrecipient must utilize third party and other revenue realized from the provision of services to the extent possible and use Youth Treatment Implementation Grant funds only for services to individuals who are not covered by public or commercial eHealth insurance programs, individuals for whom coverage has been formally determined to be unaffordable, or for services that are not sufficiently covered by an individual's health insurance plan. Subrecipient are also expected to facilitate the health insurance application and enrollment process for eligible uninsured clients. Subrecipient should also consider other systems from which a potential service recipient may be eligible for services if appropriate for and desired by that individual to meet his/her needs. In addition, Subrecipient are required to implement policies and procedures that ensure other sources of funding are utilized first when available for that individual.
- c. **Limitations on Reimbursements:** Subrecipient shall not be reimbursed or otherwise compensated for any expenditures incurred or services provided prior to or following 40 days after the end of the Award Period included in section IV.
- DBHDS shall only reimburse or otherwise compensate the Subrecipient for documented expenditures incurred during this period that are: 1) reasonable and necessary to carry out the agreed upon scope of service outlined in Exhibit D, 2) documented by contracts or other evidence of liability consistent with established DBHDS and Subrecipient procedures; and 3) incurred in accordance with all applicable requirements for the expenditure of funds payable under this agreement.
- d. **Closeout:** Final payment request(s) under this Agreement must be received by DBHDS no later than thirty (30) days after the end of the Period of Performance referenced in the Exhibit D. No payment request will be accepted by DBHDS after this date without authorization from DBHDS. The Subrecipient may continue to expend retained funds until 40 days after the end of the Period of Performance to pay for unliquidated obligations as defined in this agreement

Any funds remaining unexpended and unobligated at the end of the Period of Performance shall be returned to DBHDS within 30 days of the end of the Period of Performance. Any funds distributed to the

Subrecipient by the pass-through entity that remain unexpended by 40 days after the end of the Period of Performance shall be returned to DBHDS. The Subrecipient will send these funds to DBHDS by no later than the end of the 75th day after the end of the Performance Period. Unexpended funds should be returned in the form of a check made payable to the Treasurer of Virginia and sent to:

DBHDS
PO Box 1797
Richmond, VA 23218-1797
C/O Eric Billings

Failure to return unexpended funds in a prompt manner may result in a denial of future federal Subrecipient awards from DBHDS.

In consideration of the execution of this agreement by DBHDS, the Subrecipient agrees that acceptance of final payment from DBHDS will constitute an agreement by the Subrecipient to release and forever discharge DBHDS, its agents, employees, representatives, affiliates, successors and assigns from any and all claims, demands, damages, liabilities, actions, causes of action or suits of any nature whatsoever, which Subrecipient has at the time of acceptance of final payment or may thereafter have, arising out of or in any way relating to any and all injuries and damages of any kind as a result of or in any way relating to this agreement. Subrecipient's obligations to DBHDS under this agreement shall not terminate until all closeout requirements are completed to the satisfaction of DBHDS. Such requirements shall include, without limitation, submitting final reports to DBHDS and providing any closeout-related information requested by DBHDS by the deadlines specified by DBHDS. This provision shall survive the expiration or termination of this agreement.

6. Emergency Grants to Address Mental and Substance Use Disorders During COVID-19 (MH & SUD Federal COVID Emergency Grant)

Pursuant to the Notice of Award received by DBHDS and the Funding Opportunity Announcement (FG-20-006) associated with the MH and SUD Emergency COVID-19 Grant, the following are requirements of the funding distributed to the Subrecipient as a result of this agreement.

- a. **Restrictions on Expenditures:** MH and SUD Emergency COVID-19 Grant funds may not be used for any of the following purposes:
 1. Construction or major alterations and renovations.
Subrecipient
- b. **Grant Guidelines:**
 1. Subrecipient funds are to be used primarily to support direct treatment services for individuals impacted by COVID-19.
 2. The purchase of PPE is an allowable cost and can only be provided for staff working directly on the grant. The purchase of PPE for clients is not an allowable cost.
 3. The purchase of equipment or supplies (e.g., pre-paid minutes, cell phones, Hot spots, iPad tablets, etc.) for clients is not an allowable cost.
- c. **Limitations on Reimbursements:** Subrecipient shall not be reimbursed or otherwise compensated for any expenditures incurred or services provided prior to or following 40 days after the end of the appropriate Award Period included in section IV.

DBHDS shall only reimburse or otherwise compensate the Subrecipient for documented expenditures incurred during this period that are: 1) reasonable and necessary to carry out the agreed upon scope of service outlined in Exhibit D, 2) documented by contracts or other evidence of liability consistent with established DBHDS and Subrecipient procedures; and 3) incurred in accordance with all applicable requirements for the expenditure of funds payable under this agreement.

- d. **Closeout:** Final payment request(s) under this Agreement must be received by DBHDS no later than thirty (30) days after the end of the Period of Performance referenced in the Exhibit D. No payment request will

be accepted by DBHDS after this date without authorization from DBHDS. The Subrecipient may continue to expend retained funds until 40 days after the end of the Period of Performance to pay for unliquidated obligations as defined in this agreement

Any funds remaining unexpended and unobligated at the end of the Period of Performance shall be returned to DBHDS within 30 days of the end of the Period of Performance. Any funds distributed to the Subrecipient by the pass-through entity that remain unexpended by 40 days after the end of the Period of Performance shall be returned to DBHDS. The Subrecipient will send these funds to DBHDS by no later than the end of the 75th day after the end of the Performance Period. Unexpended funds should be returned in the form of a check made payable to the Treasurer of Virginia and sent to:

DBHDS
PO Box 1797
Richmond, VA 23218-1797
C/O

Failure to return unexpended funds in a prompt manner may result in a denial of future federal Subrecipient awards from DBHDS.

In consideration of the execution of this agreement by DBHDS, the Subrecipient agrees that acceptance of final payment from DBHDS will constitute an agreement by the Subrecipient to release and forever discharge DBHDS, its agents, employees, representatives, affiliates, successors and assigns from any and all claims, demands, damages, liabilities, actions, causes of action or suits of any nature whatsoever, which Subrecipient has at the time of acceptance of final payment or may thereafter have, arising out of or in any way relating to any and all injuries and damages of any kind as a result of or in any way relating to this agreement. Subrecipient's obligations to DBHDS under this agreement shall not terminate until all closeout requirements are completed to the satisfaction of DBHDS. Such requirements shall include, without limitation, submitting final reports to DBHDS and providing any closeout-related information requested by DBHDS by the deadlines specified by DBHDS. This provision shall survive the expiration or termination of this agreement.

IV. List of Federal Grants

Provided in the chart below is a current list of the federal grants that DBHDS passes-through to CSBs and the required identifying information that should be used to categorize and track these funds.

SAMHSA GRANTS	
GRANT NAME: State Opioid Response Grant (SUD Federal Opioid Response)	
GRANT NAME: State Opioid Response Grant (SUD Federal Opioid Response) FEDERAL AWARD IDENTIFICATION NUMBER (FAIN): H79TI081682 FEDERAL AWARD DATE: 2/19/2018 FEDERAL AWARDING AGENCY: Department of Health and Human Services, Substance Abuse and Mental Health Services Administration (SAMHSA) FEDERAL AWARD PASS-THROUGH ENTITY: Virginia Department of Behavioral Health and Developmental Services CFDA NUMBER: 93.788 RESEARCH AND DEVELOPMENT AWARD: ____YES OR __X__NO FEDERAL GRANT AWARD YEAR: FFY 2020 AWARD PERIOD: 9/30/2019 – 9/29/2021	
GRANT NAME: Substance Abuse Prevention and Treatment Block Grant (SUD FBG)	

GRANT NAME: Substance Abuse Prevention and Treatment Block Grant (SUD FBG)
FEDERAL AWARD IDENTIFICATION NUMBER (FAIN): B08TI083056-01
FEDERAL AWARD DATE: 5/15/2020
FEDERAL AWARDOING AGENCY: Department of Health and Human Services, Substance Abuse and Mental Health Services Administration (SAMHSA)
FEDERAL AWARD PASS-THROUGH ENTITY: Virginia Department of Behavioral Health and Developmental Services
CFDA NUMBER: 93.959
RESEARCH AND DEVELOPMENT AWARD: ____YES OR __X__NO
FEDERAL GRANT AWARD YEAR: FFY 2020
AWARD PERIOD: 10/1/2019 – 9/30/2021

GRANT NAME: Community Mental Health Services Block Grant (MH FBG)

GRANT NAME: Community Mental Health Services Block Grant (MH FBG)
FEDERAL AWARD IDENTIFICATION NUMBER (FAIN): B09SM082636-01
FEDERAL AWARD DATE: 12/31/2019
FEDERAL AWARDOING AGENCY: Department of Health and Human Services, Substance Abuse and Mental Health Services Administration (SAMHSA)
FEDERAL AWARD PASS-THROUGH ENTITY: Virginia Department of Behavioral Health and Developmental Services
CFDA NUMBER: 93.958
RESEARCH AND DEVELOPMENT AWARD: ____YES OR __X__NO
FEDERAL GRANT AWARD YEAR: FFY 2020
AWARD PERIOD: 10/1/2019 – 9/30/2021

GRANT NAME: Projects for Assistance in Transition from Homelessness (PATH)

GRANT NAME: Projects for Assistance in Transition from Homelessness (PATH)
FEDERAL AWARD IDENTIFICATION NUMBER (FAIN): X06SM083701-01
FEDERAL AWARD DATE: 8/24/2020
FEDERAL AWARDOING AGENCY: Department of Health and Human Services, Substance Abuse and Mental Health Services Administration (SAMHSA)
FEDERAL AWARD PASS-THROUGH ENTITY: Virginia Department of Behavioral Health and Developmental Services
CFDA NUMBER: 93.15
RESEARCH AND DEVELOPMENT AWARD: ____YES OR __X__NO
FEDERAL GRANT AWARD YEAR: FFY 2020
AWARD PERIOD: 9/1/2020 – 8/31/2021

GRANT NAME: Projects for Assistance in Transition from Homelessness (PATH)
FEDERAL AWARD IDENTIFICATION NUMBER (FAIN): X06SM083701-02
FEDERAL AWARD DATE: TBD
FEDERAL AWARDOING AGENCY: Department of Health and Human Services, Substance Abuse and Mental Health Services Administration (SAMHSA)
FEDERAL AWARD PASS-THROUGH ENTITY: Virginia Department of Behavioral Health and Developmental Services
CFDA NUMBER: 93.15
RESEARCH AND DEVELOPMENT AWARD: ____YES OR __X__NO
FEDERAL GRANT AWARD YEAR: FFY 2021
AWARD PERIOD: 9/1/2021 – 8/31/2022

GRANT NAME: Young Adult Substance Abuse Treatment Implementation Grant (YSAT)

GRANT NAME: Young Adult Substance Abuse Treatment Implementation Grant (YSAT)
FEDERAL AWARD IDENTIFICATION NUMBER (FAIN): H79TI080197
FEDERAL AWARD DATE: 5/15/2020
FEDERAL AWARDOING AGENCY: Department of Health and Human Services, Substance Abuse and Mental Health Services Administration (SAMHSA)
FEDERAL AWARD PASS-THROUGH ENTITY: Virginia Department of Behavioral Health and Developmental Services
CFDA NUMBER: 93.243
RESEARCH AND DEVELOPMENT AWARD: ____YES OR __X__NO
FEDERAL GRANT AWARD YEAR: FFY 2021
AWARD PERIOD: 9/30/2020 – 9/29/2021

GRANT NAME: State Opioid Response Grant (SUD Federal Opioid Response)

GRANT NAME: State Opioid Response Grant (SUD Federal Opioid Response)
FEDERAL AWARD IDENTIFICATION NUMBER (FAIN): H79TI081682
FEDERAL AWARD DATE: 2/19/2018
FEDERAL AWARDOING AGENCY: Department of Health and Human Services, Substance Abuse and Mental Health Services Administration (SAMHSA)
FEDERAL AWARD PASS-THROUGH ENTITY: Virginia Department of Behavioral Health and Developmental Services
CFDA NUMBER: 93.788
RESEARCH AND DEVELOPMENT AWARD: ____YES OR __X__NO
FEDERAL GRANT AWARD YEAR: FFY 2020
AWARD PERIOD: 9/30/2019 – 9/29/2021

GRANT NAME: State Opioid Response Grant (SUD Federal Opioid Response)
FEDERAL AWARD IDENTIFICATION NUMBER (FAIN): H79TI083296
FEDERAL AWARD DATE: 8/27/2020
FEDERAL AWARDOING AGENCY: Department of Health and Human Services, Substance Abuse and Mental Health Services Administration (SAMHSA)
FEDERAL AWARD PASS-THROUGH ENTITY: Virginia Department of Behavioral Health and Developmental Services
CFDA NUMBER: 93.788
RESEARCH AND DEVELOPMENT AWARD: ____YES OR __X__NO
FEDERAL GRANT AWARD YEAR: FFY 2021
AWARD PERIOD: 9/30/2020 – 9/29/2021

GRANT NAME: Substance Abuse Prevention and Treatment Block Grant (SUD FBG)

GRANT NAME: Substance Abuse Prevention and Treatment Block Grant (SUD FBG)
FEDERAL AWARD IDENTIFICATION NUMBER (FAIN): B08TI083481
FEDERAL AWARD DATE: 2/1/2021
FEDERAL AWARDOING AGENCY: Department of Health and Human Services, Substance Abuse and Mental Health Services Administration (SAMHSA)
FEDERAL AWARD PASS-THROUGH ENTITY: Virginia Department of Behavioral Health and Developmental Services
CFDA NUMBER: 93.959
RESEARCH AND DEVELOPMENT AWARD: ____YES OR __X__NO
FEDERAL GRANT AWARD YEAR: FFY 2021
AWARD PERIOD: 10/1/2020 – 9/30/2022

GRANT NAME: Substance Abuse Prevention and Treatment Block Grant (SUD FBG)
FEDERAL AWARD IDENTIFICATION NUMBER (FAIN): B08TI083547
FEDERAL AWARD DATE: 3/11/2021
FEDERAL AWARDOING AGENCY: Department of Health and Human Services, Substance Abuse and Mental Health Services Administration (SAMHSA)
FEDERAL AWARD PASS-THROUGH ENTITY: Virginia Department of Behavioral Health and Developmental Services
CFDA NUMBER: 93.959
RESEARCH AND DEVELOPMENT AWARD: ____YES OR __X__NO
FEDERAL GRANT AWARD YEAR: FFY 2022
AWARD PERIOD: 3/15/2021 – 3/14/2023

GRANT NAME: Community Mental Health Services Block Grant (MH FBG)

<p>GRANT NAME: Community Mental Health Services Block Grant (MH FBG) FEDERAL AWARD IDENTIFICATION NUMBER (FAIN): B09SM083794 FEDERAL AWARD DATE: 11/17/2020 FEDERAL AWARDDING AGENCY: Department of Health and Human Services, Substance Abuse and Mental Health Services Administration (SAMHSA) FEDERAL AWARD PASS-THROUGH ENTITY: Virginia Department of Behavioral Health and Developmental Services CFDA NUMBER: 93.958 RESEARCH AND DEVELOPMENT AWARD: ____ YES OR ____X____ NO FEDERAL GRANT AWARD YEAR: FFY 2021 AWARD PERIOD: 10/1/2020 – 9/30/2022</p>	<p>GRANT NAME: Community Mental Health Services Block Grant (MH FBG) FEDERAL AWARD IDENTIFICATION NUMBER (FAIN): B09SM083950 FEDERAL AWARD DATE: 3/11/2021 FEDERAL AWARDDING AGENCY: Department of Health and Human Services, Substance Abuse and Mental Health Services Administration (SAMHSA) FEDERAL AWARD PASS-THROUGH ENTITY: Virginia Department of Behavioral Health and Developmental Services CFDA NUMBER: 93.958 RESEARCH AND DEVELOPMENT AWARD: ____ YES OR ____X____ NO FEDERAL GRANT AWARD YEAR: FFY 2022 AWARD PERIOD: 3/15/2021 – 3/14/2023</p>
<p align="center">GRANT NAME: Emergency Grants to Address Mental & Substance Use Disorders During COVID-19 (MH & SUD Federal COVID Emergency Grant)</p>	
<p>GRANT NAME: Emergency Grants to Address Mental & Substance Use Disorders During COVID-19 (MH & SUD Federal COVID Emergency Grant) FEDERAL AWARD IDENTIFICATION NUMBER (FAIN): H79FG000285 FEDERAL AWARD DATE: 4/16/2020 FEDERAL AWARDDING AGENCY: Department of Health and Human Services, Substance Abuse and Mental Health Services Administration (SAMHSA) FEDERAL AWARD PASS-THROUGH ENTITY: Virginia Department of Behavioral Health and Developmental Services CFDA NUMBER: 93.665 RESEARCH AND DEVELOPMENT AWARD: ____ YES OR ____X____ NO FEDERAL GRANT AWARD YEAR: FFY 2021 AWARD PERIOD: 4/20/2020 – 8/19/2021</p>	<p>GRANT NAME: Emergency Grants to Address Mental & Substance Use Disorders During COVID-19 (MH & SUD Federal COVID Emergency Grant) FEDERAL AWARD IDENTIFICATION NUMBER (FAIN): H79FG000712 FEDERAL AWARD DATE: 1/15/2021 FEDERAL AWARDDING AGENCY: Department of Health and Human Services, Substance Abuse and Mental Health Services Administration (SAMHSA) FEDERAL AWARD PASS-THROUGH ENTITY: Virginia Department of Behavioral Health and Developmental Services CFDA NUMBER: 93.665 RESEARCH AND DEVELOPMENT AWARD: ____ YES OR ____X____ NO FEDERAL GRANT AWARD YEAR: FFY 2021 AWARD PERIOD: 2/1/2021 – 5/31/2022</p>

Exhibit F(B) FY22-23 Single Audit Exemption Form

Audit of Financial Records: The Subrecipient shall comply with the audit and reporting requirements defined by the Federal Office of Management and Budget (OMB) 2 CFR 200 (Audits of States, Local, Governments and Non-Profit organizations) and 45 CFR 75.500 – 75.521 as applicable.

If total federal funds expended are less than \$750,000 for a year the Subrecipient is exempt from federal audit requirements (45 CFR 75-501(d)), however, the Subrecipient's records must be made available to the Pass-Through Agency and appropriate officials of HHS, SAMHSA, the U.S. Government Accountability Office and the Comptroller General of the United States upon request, and it must still have a financial audit performed for that year by an independent Certified Public Accountant.

The due date for submission of the audit shall be December 1, the same due date as audits required by OMB 2 CFR 200. Further, if applicable, within 30 days of the effective date of this Agreement, the Subrecipient must submit to DBHDS' Federal Grants Manager a written statement of exemptions to the single audit requirement and a copy of the most recent audited financial statement along with any findings and corrective action plans.

Organization Information:

<u>Agency Name and Address</u>		<u>FEIN(s)</u>	<u>Fiscal Year End Date</u>
<u>Agency Representative</u>		<u>Title</u>	
<u>Telephone</u>	<u>Fax</u>	<u>Email</u>	

Certification:

For the fiscal year indicated above, the agency did not incur expenditures of \$750,000 or more for all federal programs and is not required to have an audit of federal programs in accordance with the Federal Single Audit 2 CFR § 200.501 and 45 CFR 75.501. **The agency, however, agrees to submit an independent financial audit performed by an independent Certified Public Accountant.**

<u>Agency Representative's Signature</u>	<u>Date</u>
--	-------------

Independent Auditor Information:

<u>Firm Name and Address</u>		
<u>CPA Name</u>		<u>Virginia State License Number</u>
<u>Telephone</u>	<u>Fax</u>	<u>Email</u>

9.4.h

Sample entry:

Agency Name: _____

Total expenditures for all federal awards

Packet Pg. 208

Exhibit G: FY22 – Core Mandated Services

Core mandated services a CSB shall be responsible for providing.

Services	Mandated	Description
Virginia Psychiatric Bed Registry	VA Code Mandated	The CSB shall participate in and utilize the Virginia Psychiatric Bed Registry required by § 37.2-308.1 of the Code to access local or state hospital psychiatric beds or residential crisis stabilization beds whenever necessary to comply with requirements in § 37.2-809 of the Code that govern the temporary detention process.
Preadmission Screening	VA Code Mandated	The CSB shall provide preadmission screening services pursuant to § 37.2-505 or § 37.2-606, § 37.2-805, § 37.2-809 through § 37.2-813, § 37.2-814, and § 16.1-335 et seq. of the Code.
Discharge Planning	VA Code Mandated	Section 37.2-500 of the Code of Virginia requires that CSBs must provide emergency services.
Emergency Services Availability	VA Code Mandated	Section 32.2-500 of the code requires the CSB shall have at least one local telephone number, and where appropriate one toll-free number, for emergency services telephone calls that is available to the public 24 hours per day and seven days per week throughout its service area.
Preadmission Screening Evaluations	VA Code Mandated	1.) The purpose of preadmission screening evaluations is to determine whether the person meets the criteria for temporary detention pursuant to Article 16 of Chapter 11 of Title 16.1, Chapters 11 and 11.1 of Title 19.2, and Chapter 8 of Title 37.2 in the Code and to assess the need for hospitalization or treatment. Preadmission screening reports required by § 37.2-816 of the Code shall comply with requirements in that section.
Certification of Preadmission Screening Clinicians	VA Code Mandated	The CSB and Department prioritize having emergency custody order or preadmission screening evaluations performed pursuant to Article 16 of Chapter 11 of Title 16.1, Chapters 11 and 11.1 of Title 19.2, and Chapter 8 of Title 37.2 in the Code provided by the most qualified, knowledgeable, and experienced CSB staff.
STEP-VA	VA Code Mandated and Appropriations Act MM.1	Pursuant to 37.2-500 and 37.2-601 of the Code, all CSBs shall provide the following services as described in the Taxonomy and report data through CCS 3 and CARS as required by the Department. <ul style="list-style-type: none"> a. Same Day Mental Health Assessment Services (SDA or Same Day Access) b. Outpatient Primary Care Screening Services

Exhibit G: FY22 – Core Mandated Services

		<ul style="list-style-type: none"> c. Outpatient Behavioral Health and Substance Use Disorder Services d. Peer Support and Family Support Services e. Mental Health Services for Military Service Members, Veterans, and Families (SMVF)
Department of Justice Settlement Agreement (DOJ SA)	Compliance with DOJ SA	See Exhibit M

COMMUNITY SERVICES PERFORMANCE CONTRACT

Exhibit H FY 2022 and FY2023: Regional Local Inpatient Purchase of Services (LIPOS) Requirements

Effective July 1, 2021, the Department and the CSB agree to implement the following requirements for management and utilization of all regional state mental health acute care (LIPOS) funds to enhance monitoring of and financial accountability for LIPOS funding, divert individuals from admission to state hospitals when clinically appropriate, and expand the availability of local inpatient psychiatric hospital services for state facility diversions.

A. The CSB Responsibilities

All regional state mental health LIPOS funds allocated within the region shall be managed by the regional management group (RMG) and the regional utilization management and consultation team (RUMCT) on which the CSB participates in accordance with Services Taxonomy.

1. The CSB, through the RMG and RUMCT on which it participates, shall ensure that other funds or resources such as pro bono bed days offered by contracting local hospitals and Medicaid or other insurance payments are used to offset the costs of local inpatient psychiatric bed days or beds purchased with state mental health LIPOS funds so that regional state mental health LIPOS funds can be used to obtain additional local inpatient psychiatric bed days or beds.
2. If an individual's primary diagnosis is SA (Substance Abuse) and a TDO (Temporary Detention Order) is issued to a private psychiatric facility LIPOS may be used by the CSB.
3. CSBs and/or regions are expected to maintain contracts or memorandum of agreement with local facilities that at minimum specifies funding is to be utilized as funding of last resort, authorization procedures, timeliness of invoicing, the rate and any other limitations. These contracts or MOU's shall be available to DBHDS upon request for review.
4. Annually regions will provide DBHDS with contracted rates for facilities. This will be due with the first quarter report.

B. The Department Responsibilities

1. The Department, may conduct utilization reviews of the CSB or region at any time to confirm the effective utilization of regional state mental health LIPOS funds.
2. The Department shall provide technical assistance when requested by the CSB.

C. Payment Terms

1. LIPOS allocations are distributed to the regional fiscal agent. The RMG/ RUMCT and Regional fiscal agent retain responsibility to ensure equitable access to the regional allocation by CSB and report to DBHDS any funding deficits or re allocation by CSB. Funding for regions will be determined by DBHDS in collaboration with the region based on regional spending from previous year.
 - a) For initial allocation to be distributed within 15 day of the beginning of the fiscal year DBHDS will allocated the higher of: either Average spending for previous fiscal year quarters 1, 2 and 3 **OR** the highest quarter spent.
 - b) For the quarters 2, 3 and 4 of the fiscal year determination of the allocation will be based on the previous quarter amount spent. For example: Quarter 2 funding is a reimbursed amount of quarter 1 LIPOS spending.
 - c) At any time during the year should expenses exceed funding regions may request assistance from DBHDS. Additionally DBHDS will monitor expenses and encumbrance to ensure

COMMUNITY SERVICES PERFORMANCE CONTRACT

Exhibit H FY 2022 and FY2023: Regional Local Inpatient Purchase of Services (LIPOS) Requirements

- regions have adequate funding for invoices received after the end of the fiscal year per contract/MOA agreements.
2. Administration fees for LIPOS are based on the following:
 - a) The Regional Fiscal Agent is entering into a subcontract with another entity which will allow the third party to administer the service or program, the Regional Fiscal Agent may retain up to 5% of the allocation/expenditures for Administrative Costs.

OR

The annualized cost of the employed Regional manager.

 - b) The determination of which administration fee methodology utilized will be discussed and documented by regional leadership and DAP specialist with DBDHS. Should the region choose the 5% this 5% will be determined based on the amount spent the previous fiscal year.
 - c) The administration fee that is agreed upon will be sent in full to the region at the beginning of the fiscal year.
 3. Any balance of LIPOS funds at the end of quarter 4 may be accounted for in the following fiscal year allocation. Unspent balances are not to be utilized without approval from DBHDS.

D. Reporting

1. The CSB must include information on individuals receiving services under this grant required to be reported in monthly CCS 3 extracts and in the CARS performance contract and mid-year and end of the fiscal year performance reports pursuant to the Performance Contract.
2. The region will provide quarterly data on an agreed upon LIPOS data collection tool each quarter within 30 days of the end of the previous quarter.
3. Regions will maintain documentation of invoices from providers. These invoices and documentation shall be available to DBHDS upon request.
4. The CSB must also comply with any additional reporting requirements required by the Department.

I. Behavioral Health Wellness/Prevention Services

A. Required SABG Prevention Set-Aside Frameworks

1. **Strategic Prevention Framework (SPF):** The CSB, in partnership with local community coalitions, shall use the data driven Strategic Prevention Framework (SPF) planning model to: complete a needs assessment using community, regional, and state data; build capacity to successfully implement prevention services; develop logic models, inclusive of CSB only programs and coalition partnership efforts, and a strategic plan with measurable goals, objectives, and strategies; implement evidenced-based programs, practices, and strategies that are linked to data and target populations; evaluate program management and decision making for enabling the ability to reach outcomes; plan for the sustainability of prevention outcomes; and utilize culturally appropriate strategies throughout all aspects of the SPF process.

The CSB shall work with OMNI Institute, the Department's evaluation contractor, to develop an evaluation plan for its SABG prevention set aside-funded prevention services, Suicide Prevention and Mental Health First Aid strategies.

2. **Institute of Medicine (IOM) and Center for Substance Abuse Prevention (CSAP) Six (6) Strategies:** The CSB shall use the IOM model to identify target populations based on levels of risk: universal, selective, and indicated. The CSB shall utilize the CSAPs evidenced- based strategies: information dissemination, education and skill building, alternatives, problem identification and referral, community-based process, and environmental approaches. Community-based process/coalitions and environmental approaches that impact the population as a whole are keys to achieving successful outcomes and are Department priorities.
3. **Evidence Based Prevention Practice:** The Department prioritizes programs, practices, and strategies that target the prevention of substance use disorders and suicide and promotes mental health wellness across the lifespan using data to identify specific targets. The current prevention model best practice and a Department priority is environmental strategies complemented by programs that target the highest risk populations: selective and indicated (refer to subsection 5.b).

All programs, practices, and strategies must link to a current local needs assessment and align with priorities set forth by the Department. Remaining Departmental resources may be utilized to meet additional locally identified needs in the CSB catchment area. Programs, practices, and strategies can be selected from the following resources: Office of Juvenile Justice and Delinquency Prevention Effective, Blueprints Model Programs, Blueprints Promising Programs, Suicide Prevention Resource Center Section 1, Centers for Disease Control and Prevention Evidence-Based Practices and other sources of evidenced based prevention practice.

The CSB must select them based on evidence and effectiveness for the community and target population. All programs, practices, and strategies must be approved by the Department prior to implementation.

Substance abuse prevention services may not be delivered to persons who have substance use disorders in an effort to prevent continued substance use.

B. DBHDS Behavioral Health Wellness Priorities

1. **SYNAR Strategies- Merchant Education and Counter Tools:** In July 1992, Congress enacted P.L. 102-321 section 1926, the SYNAR Amendment, to decrease youth retail access to tobacco. Beginning in FY 2003, the Department allocated \$10,000 annually to the CSB to complete SYNAR-related tasks. To stay in compliance with the SABG, states must meet and sustain the merchant retail violation rate (RVR) under 20 percent or face penalties to the entire SABG, including funds for treatment. Merchant education involves educating local merchants about the consequences of selling tobacco products to youth. This strategy has been effective in keeping state RVR rates under the required 20 percent. The CSB shall conduct merchant education activities with all merchants deemed by the Alcoholic Beverage Control Board to be in violation of selling tobacco products to youth in the CSB's service area. Other merchants shall be added if deemed to be at higher risk due to factors such as being in proximity to schools.

The CSB, itself or in collaboration with the local coalition, shall continuously update the verified list of tobacco retailers, including all retailers selling vapor products, by conducting store audits and recording the data into the Countertools system.

The CSB shall conduct store audits of and merchant education with 100 percent of tobacco retailers in its service area over a two year period. All store audit and merchant education activities shall be documented in the Counter Tools system and recorded in the prevention data system. Tobacco education programs for youth with the goal of reducing prevalence or use are not to be identified as SYNAR activities.

2. **Adverse Childhood Experiences (ACEs) Self-Healing Communities:**

ACEs have been connected to physical, emotional and behavioral health consequences in youth and adults to include substance use disorder, depression, anxiety and suicide. The self-healing communities' model builds the capacity of communities to define and solve problems most relevant to their localities to address ACEs and prevent and reduce the impact.

This model starts with training and then expanding leadership in each community. Research shows there is a significant connection between ACEs and suicides and drug overdoses. Helping communities understand the impact of ACEs will expand the leadership capacity necessary to do just that.

3. **Mental Health First Aid (MHFA) and Regional Suicide Prevention Initiatives:** In the FY 2014 budget, an ongoing appropriation was made to expand and support Suicide Prevention and Mental Health First Aid initiatives across the Commonwealth of Virginia in an effort to prevent suicide and reduce the stigma of mental illness and encourage seeking help.

The CSB shall work with the regional MH/Suicide prevention team to provide a regionally developed suicide prevention plan using the Strategic Prevention Framework model.

The plan developed by the team shall identify suicide prevention policies and strategies using the most current data to target populations with the highest rates of suicide. If selected by the region, the CSB shall act as the fiscal agent for the state funds supporting the suicide prevention services. MHFA may be offered by individual CSBs and/or as a part of the regional effort.

C. SABG Prevention Proposed Performance Contract Measures

To reflect the performance in the above-named categories, we will use the following measures as a minimum requirement:

Priority Strategy	Proposed FY21 and FY22 Performance Contract Measures
General Capacity Requirements	<ul style="list-style-type: none"> Each CSB must complete an evaluation plan which is revised and approved annually and includes: <ul style="list-style-type: none"> A logic model which includes all of the required priority strategies all CSBs must implement and any discretionary strategies the CSB has elected to implement. A measurement plan documenting how all required metrics will be tracked and reported. All prevention programs, practices, and strategies must be evidence-based and approved by the DBHDS OBHW team. Only strategies that align with the state-identified priorities and/or the CSB's logic model outcomes will be approved. Each CSB must maintain a license for the Performance-Based Prevention System (PBPS) and record all implemented strategies in the PBPS. Each CSB must maintain a minimum of 1 FTE Prevention Lead position. This position leads and ensures compliance and implementation of all Prevention priority strategies. Prevention funding should be used for prevention staff to attend at least one national prevention-related conference per year. Any national conferences outside of the NPN Prevention Research Conference, NATCON, CADCA National or Mid-Year Conferences must have prior DBHDS approval. Each CSB receives \$3000 in their base allocation to help support this capacity building effort.
Community Coalition Development	<ol style="list-style-type: none"> The CSB shall be involved in a minimum of 6-10 coalition meetings a year. The CSB should maintain membership in CADCA and/or CCoVA each year. The CSB and its associated coalition should ensure youth engagement in the coalition either as a sub-group of the coalition or a separate youth coalition. The CSB should maintain a social media presence to publicize prevention activities and messaging (Facebook page, Instagram, website, etc.) Websites should be updated monthly at a minimum and social media bi-weekly to ensure information and resources remain relevant and engages the community. Every 2 years, each CSB must complete a coalition readiness assessment and an assessment of representation in the coalition of the following 12 sectors: youth; parents; businesses; media; school; youth-serving organizations; law enforcement; religious/fraternal organizations; civic and volunteer organizations; healthcare professionals; state, local and tribal governments; and other organizations involved in reducing illicit substance use.
SYNAR: Merchant Education and Counter Tools	<ol style="list-style-type: none"> The CSB shall conduct store audits of and merchant education with 100 percent of tobacco/nicotine retailers in its service area over a two-year period. Any retailer to be found in violation in the previous year is to be given priority for merchant education. The CSB also must maintain and update a list of tobacco/nicotine retailers in its catchment area over the two-year period. Data must be entered into the Counter Tools and PBPS systems. Tobacco education programs for youth with the goal of reducing prevalence of use are not to be identified as SYNAR activities.
ACEs Self-Healing Communities	<ol style="list-style-type: none"> All CSBs should ensure there are at least 2 ACEs master trainers in their catchment area at all times. All CSBs must conduct at least 12 ACEs trainings annually. All ACEs training data (including number of trainings held and number of people trained) must be reported in PBPS. CSBs which are designated as Self-Healing Communities and are receiving additional funding to address ACEs must complete all items noted above <i>and</i> the following: Maintain an ACEs self-healing community advisory committee made up of a cross-section of community partners, meets at least quarterly, reviews the Self-Healing Communities logic model and provides ongoing feedback and recommendations on how to best achieve the logic model goals.

Priority Strategy	Proposed FY21 and FY22 Performance Contract Measures
	<ol style="list-style-type: none"> 6. Create a logic model specific to the ACEs work that is planned and implemented in the community. 7. Submit a quarterly report on all ACEs strategies and measures. 8. Engage in a local Trauma-Informed Community Network (TICN) or other trauma-centered coalition.
MHFA/Suicide Prevention Planning and Trainings	<ol style="list-style-type: none"> 1. The CSB shall work with the regional MH/suicide prevention team to provide a regionally developed suicide prevention plan using the Strategic Prevention Framework model. 2. The plan developed by the team shall identify suicide prevention policies and strategies. Strategies should be determined using the most current data and there should be strategies in the plan that are for the community as a whole as well as strategies that target subpopulations with the highest rates of suicide. The plan should also identify the CSB's marketing plan to ensure community groups (schools, faith groups, businesses, etc.) and community members are aware of the mental health and suicide prevention trainings the CSB is providing. 3. Each MHFA trainer must provide a minimum of 3 Youth and/or Adult MHFA trainings annually. 4. The CSB should ensure a minimum of 45 community participants are trained annually in MHFA (across all MHFA trainers at the CSB; there is no minimum number of trainees for each certified trainer). 5. In addition to the required MHFA trainings, a minimum of 3 suicide prevention trainings <i>per trainer</i> must be provided annually. These 3 trainings may be a combination of any of the approved trainings below: <ol style="list-style-type: none"> a. ASIST b. safeTALK c. suicideTALK d. QPR 6. Every year, each CSB will be required to submit a mid-year (April) and end-of-year (September) report which should contain details on trainings implemented, including the number of different groups and community members participating in the trainings.
Lock & Talk	<ol style="list-style-type: none"> 1. CSBs participating in the Lock and Talk Initiative shall develop an implementation plan that best meets the needs of their respective communities (including strategies to address target populations.) At a minimum CSBs are expected to implement components 1 & 2 below, and strongly encouraged to implement the Gun Shop Project and/or partner with their medical community (pharmacies, medical practices) if the Gun Shop Project is not an appropriate fit for their community. 2. Lock and Talk Components: <ol style="list-style-type: none"> a) Media Campaign Materials (bus ads, posters, billboards, PSA, etc.) b) Medication Lock Box/Cable Lock/Trigger Lock Distribution at Event c) Gun Shop Project

Collaborative Discharge Requirements for Community Services Boards and State Hospitals

Adult & Geriatric

Department of Behavioral Health and Developmental Services

This document is designed to provide consistent direction and coordination of activities required of state hospitals and community services boards (CSBs) in the development and implementation of discharge planning. The activities delineated in these protocols are based on or referenced in the Code of Virginia or the community services performance contract. In these protocols, the term CSB includes local government departments with a policy-advisory CSBs, established pursuant to § 37.2-100 of the Code of Virginia, and the behavioral health authority, established pursuant to § 37.2-601 et seq. of the Code of Virginia.

Shared Values:

Both CSBs and state hospitals recognize the importance of timely discharge planning and implementation of discharge plans to ensure the ongoing availability of state hospital beds for individuals presenting with acute psychiatric needs in the community. The recognition that discharge planning begins at admission is an important aspect of efficient discharge planning.

The Code of Virginia assigns the primary responsibility for discharge planning to CSBs; however, discharge planning is a collaborative process that must include state hospitals.

Joint participation in treatment planning and frequent communication between CSBs and state hospitals are the most advantageous method of developing comprehensive treatment goals and implementing successful discharge plans. The treatment team, in consultation with the CSB, shall ascertain, document, and address the preferences of the individual and their surrogate decision maker (if one has been designated) in the assessment and discharge planning process that will promote elements of recovery, resiliency, self-determination, empowerment, and community integration.

Table of Contents

Regional/general requirements: 3-4

Collaborative responsibilities following admission to state hospitals: 5-7

Needs assessment: 8-9

Pre-discharge planning: 10-17

Referrals for mental health services: 10

NGRI acquittees: 10-12

Guardianship: 12

Assisted living facility referrals: 13

Nursing home referrals: 14

Shelter placements: 14-15

Discharge planning requirements for individuals with a developmental disability diagnosis: 15-17

Readiness for discharge: 18-21

Clinical readiness for discharge rating scale: 20-21

Discharge readiness dispute process: 21

Finalizing discharge: 22-26

CSB and state hospital joint review of discharge ready patients: 22

Extraordinary Barriers List (EBL): 22

Safety and support plans: 23

Aftercare appointments: 24

Benefit applications and follow up: 25

Discharge transportation: 25

Discharge paperwork: 26

Transfers between CSBs: 27-29

Glossary: 30-33

CSB discharge planning outcome measures: 34

Attachments:

Appendix A: Out of Catchment Notification/Referral Form

Appendix B: Memo Regarding Patient Choice at Discharge

Appendix C: DAP Memory Care Justification Form

General Requirements

Regional responsibility	Responsible entity	Timeframe
The CSB emergency services clinicians shall complete a tracking form documenting all private hospital contacts prior to seeking a bed of last resort at a state hospital, and transmit the form to the receiving state hospital, along with the preadmission screening form.	CSB emergency services	<i>Upon admission request to state hospital</i>
Each CSB shall provide the DBHDS Director of Community Integration (or designee) with the names of CSB personnel who are serving as the CSB's state hospital discharge liaisons. The DBHDS Office of Community Integration will update and distribute listings of all CSB discharge planning and state hospital social work contacts to CSB regional managers and state hospital social work directors, with the expectation that these will be distributed to individual CSBs and state hospital social workers.	CSBs DBHDS Office of Community Integration	<i>At least quarterly, or whenever changes occur</i> <i>At least quarterly</i>
Each region shall develop a process for developing, updating, and distributing a list of available CSB and regional housing resources funded by DBHDS for individuals being discharged from state hospitals. The resource listing should include willing private providers. Regions shall review and update the list and ensure that it is available to CSB state hospital liaisons, state hospital social work staff, and Central Office Community Transition Specialists to ensure that all resource options are explored for individuals in state hospitals.	CSB regions	<i>Updated at least quarterly</i>
In order to facilitate communication and timely problem solving, each region shall establish, regularly review, and update a regional bidirectional process, with time frames, and clearly defined steps for notification, discussion, and resolution of issues surrounding discharge planning for both adult and geriatric hospitals, to include CSBs, state	CSB regions	<i>Updated as needed</i>

hospitals, and Central Office levels. A copy of this process shall be submitted to each region's Community Transition Specialist.		
---	--	--

Collaborative Responsibilities Following Admission to State Hospitals

CSB responsibilities	Timeframe	State hospital responsibilities	Timeframe
The CSB emergency services clinician shall notify the CSB discharge planner of every admission to a state hospital	<i>Within 24 hours of the issuance of the TDO</i>		
CSB staff shall participate in discussions to determine whether the state hospital is the most appropriate treatment site	<i>Immediately upon admission and ongoing</i>	State hospital staff shall assess each individual to determine whether the state hospital is the most appropriate treatment site	<i>Immediately upon admission and ongoing</i>
<p>CSB staff shall begin the discharge planning process for both civil and forensic admissions. If the CSB disputes case management CSB/discharge planning responsibility for the individual, the CSB shall notify the state hospital social work director immediately upon notification of the admission (for reference, please see the definition of “case management CSB/CSB responsible for discharge planning” contained in the glossary of this document).</p> <ol style="list-style-type: none"> 1. For every admission to a state hospital from the CSB’s catchment area that is not currently open to services at that CSB, the CSB shall open the individual to consumer monitoring and assign case management/discharge planning responsibilities to the appropriate staff. 2. The individual assigned to take the lead in discharge planning will ensure 	<i>Upon admission</i>	<p>State hospital staff shall contact the CSB to notify them of the new admission</p> <p>State hospital staff shall also provide a copy of the admissions information/face sheet to the CSB, as well as the name and phone number of the social worker assigned and the name of the admitting unit</p> <p>For individuals admitted with a primary developmental disability (DD) diagnosis, or a co-occurring mental health and DD diagnosis, the hospital social work director (or designee) shall communicate with the CSB discharge liaison to determine who the CSB has identified to take the lead in discharge planning (CSB liaison or DD staff). At a minimum, the CSB staff is who assigned lead discharge planning responsibilities shall participate in all treatment team meetings and discharge planning meetings; however, it is most</p>	<p><i>Within one business day</i></p> <p><i>Within one business day</i></p>

<p>that other relevant parties (CSB program staff, private providers, etc.) are engaged with state hospital social work staff.</p> <p>3. CSB staff shall establish a personal contact (preferably in person) with the hospitalized individual in order to initiate collaborative discharge planning.</p>	<p><i>Within seven calendar days of admission</i></p>	<p>advantageous if both staff can participate in treatment teams as much as possible.</p>	
<p>CSB staff will make arrangements to attend CTP and TPR meetings in person. If CSB staff are unable to physically attend the CTP or TPR meeting, the CSB may request arrangements for telephone or video conference.</p> <p>For NGRI patients with approval for unescorted community not overnight privileges and higher, the CSB NGRI Coordinator shall also make arrangements to attend any CTP and TPR meetings in person, or, if unable to attend in person, may request alternative accommodations.</p> <p>In the event that the arrangements above are not possible, the CSB shall make efforts to discuss the individual's progress towards discharge with the state hospital social worker within two business days of the CTP or TPR meeting.</p> <p>Note: While it may not be possible for the CSB to attend every treatment planning</p>	<p><i>Ongoing</i></p> <p><i>Ongoing</i></p> <p><i>Within two business days of the missed meeting</i></p>	<p>State hospital staff shall make every effort to inform the CSB by email of the date and time of CTP meetings. For NGRI patients with approval for unescorted community not overnight privileges and higher, state hospital staff will include the CSB NGRI Coordinator in these notifications.</p> <p>If CTP and TPR meetings must be changed from the originally scheduled time, the state hospital shall make every effort to ensure that the CSB is made aware of this change</p> <p>The CTP meeting shall be held within seven calendar days of admission.</p> <p>Note: It is expected that the state hospital will make every effort to include CSBs in CTP and TPRs, including providing alternative accommodations (such as phone or video) and scheduling meetings so that liaisons can participate in as many treatment team meetings as possible</p>	<p><i>At least two business days prior to the scheduled meeting</i></p> <p><i>Within seven calendar days of admission</i></p>

meeting, participation in person or via phone or video conference is expected. This is the most effective method of developing comprehensive treatment goals and implementing efficient and successful discharge plans.			
---	--	--	--

Needs Assessment

CSB responsibilities	Timeframe	State hospital responsibilities	Timeframe
<p>Discharge planning begins on the initial prescreening evaluation and continues throughout hospitalization. In completing the discharge plan, the CSB shall consult with the individual, members of the treatment team, the surrogate decision maker, and (with consent) family members or other parties, to determine the preferences of the individual upon discharge.</p> <p>The CSB shall obtain required releases of information.</p> <p>The discharge plan shall include:</p> <ul style="list-style-type: none"> • The anticipated date of discharge from the state hospital • The identified services needed for successful community placement and the frequency of those services • The specific public and/or private providers that have agreed to provide these services 	<p><i>At admission and ongoing thereafter</i></p> <p><i>As soon as possible upon admission</i></p>	<p>The state hospital social worker shall complete the comprehensive social work assessment. This assessment shall provide information to help determine the individual's needs upon discharge.</p> <p>The treatment team shall document the individual's preferences in assessing their unique needs upon discharge.</p>	<p><i>Prior to the CTP or within seven calendar days of admission</i></p> <p><i>Ongoing</i></p>
<p>CSB shall assist with any required forms of identification, or obtaining required documents that an individual may already have.</p>	<p><i>As needed</i></p>	<p>The state hospital shall assess if any form of identification will be required for discharge planning purposes, what forms of identification the individual may already have available, and begin the process of obtaining identification if needed</p>	<p><i>Within one week of admission</i></p>

If the individual's needs change or as more specific information about the discharge plan becomes available, the CSB staff shall update the discharge plan accordingly	<i>Ongoing</i>	As an individual's needs change, the hospital social worker shall document changes in their progress notes and through communications/meetings with the CSB.	<i>Ongoing</i>
The CSB and the state hospital treatment team shall ascertain, document, and address the preferences of the individual and the surrogate decision maker as to the placement upon discharge. These preferences shall be addressed to the greatest degree possible in determining the optimal and appropriate discharge placement (please see attached memo regarding patient choice in state hospital discharges)			<i>Ongoing</i>

Pre-Discharge Planning

Note: please see glossary for information regarding state and federal regulations concerning release of information for discharge planning purposes

CSB responsibilities	Timeframe	State hospital responsibilities	Timeframe
<p>For the following services, the CSB shall confirm the availability of serves, as well as the individual’s appropriateness for services; or refer to a private provider for services</p> <ul style="list-style-type: none"> • Case management • Psychosocial rehabilitation • Mental health skill building • Permanent supportive housing • PACT/ICT • Other residential services operated by the CSB or region <p>The CSB shall share the outcome of the assessment and the date when the services will be available with the hospital treatment team.</p>	<p><i>Within 10 business days of receiving the referral</i></p> <p><i>Immediately upon completion of the assessment</i></p>	<p>The state hospital treatment team shall review discharge needs on an ongoing basis. If referrals for the following services are needed for the individual, the hospital social worker shall refer the individual to the CSB responsible for discharge planning for assessment for eligibility</p> <ul style="list-style-type: none"> • Case management • Psychosocial rehabilitation • Mental health skill building • Permanent supportive housing • PACT/ICT • Other residential services operated by the CSB or region 	<p><i>Within two business days of the treatment team identifying the need for the services</i></p>
<p>NGRI acquittees:</p> <p>The CSB Executive Director shall appoint an individual with the appropriate knowledge, skills, and abilities to serve as NGRI Coordinator for their agency (please see glossary for specific requirements)</p>	<p><i>Ongoing. Changes in assigned NGRI Coordinator should be communicated to DBHDS Central Office Forensics staff</i></p>	<p>NGRI acquittees:</p> <p>State hospital staff shall provide notice to the NGRI Coordinator of any meetings scheduled to review an acquttee’s appropriateness for a privilege increase or release</p>	<p><i>At least two business days prior to the scheduled meeting</i></p>

<p>The CSB NGRI Coordinator or designee (with decision-making and signatory authority) shall attend in person or via telephone any meetings scheduled to discuss an acquittee's appropriateness for privilege level increases at the unescorted community not overnight privilege level or higher.</p> <p>The CSB NGRI Coordinator shall review, edit, sign, and return the risk management plan (RMP) for individuals adjudicated as NGRI</p> <p>The CSB NGRI Coordinator shall develop and transmit to the state hospital a fully developed conditional release plan (CRP) or unconditional release plan (UCRP) with all required signatures</p> <p>Please note: For some NGRI patients, the RMP or CRP may involve more than one CSB. It is essential that the CSB responsible for the development of these plans communicates efficiently with other involved CSBs, and ensures that these plans are signed as soon as possible according to the time frames above.</p>	<p><i>Ongoing</i></p> <p><i>Within 10 business days of receiving notice from the state hospital</i></p> <p><i>Within 10 business day of being notified that the individual has been recommended for release</i></p>	<p>The state hospital shall provide notice to CSB staff, including the CSB NGRI Coordinator, of the need for a risk management plan (RMP), a Conditional Release Plan (CRP), or an Unconditional Release Plan (UCRP) once the determination has been made that a packet must be completed</p> <p>The state hospital shall complete the packet requesting an increase in privilege level or release</p>	<p><i>Within one business day of the treatment team identifying the individual as being eligible for a privilege increase or release</i></p> <p><i>Within 10 business days of the treatment team identifying the individual as being eligible for a privilege increase</i></p>
---	---	--	--

<p>Guardianship:</p> <p>Upon being notified of the need for a guardian, the CSB shall explore potential individuals/agencies to serve in that capacity.</p> <p>If the CSB cannot locate a suitable candidate who agrees to serve as guardian, they shall notify the state hospital to begin the process of referral for a DBHDS guardianship slot.</p>	<p><i>Within two business days of notification</i></p> <p><i>Within 10 business days of notification of need for a guardian</i></p>	<p>Guardianship:</p> <p>Evaluation for the need for a guardian shall start upon admission. Activities related to securing a guardian (if needed) start and continue regardless of a patient's discharge readiness level.</p> <p>The hospital social worker shall notify the CSB discharge planner that the treatment team has determined that the individual is in need of a guardian in order to be safely discharged.</p> <p>If notified by the CSB that a suitable candidate for guardianship cannot be located, the state hospital shall begin the process of referring the individual to DBHDS Central Office for a DBHDS guardianship slot.</p>	<p><i>Within two business days of determination</i></p> <p><i>Immediately upon notification by the CSB of the need for a DBHDS guardianship slot</i></p>
<p>Assisted Living (ALF) referrals:</p> <p>The CSB shall obtain verbal consent and releases from the individual or the surrogate decision maker to begin initial contacts to facilities regarding bed availability and willingness to consider the individual for placement.</p> <p>The CSB shall obtain required documentation and send referral packets to</p>	<p><i>As soon as an ALF is being considered, and prior to the individual being determined to be RFD</i></p> <p><i>Within one business day after the individual is rated as RFD</i></p>	<p>Assisted Living referrals:</p> <p>The state hospital shall complete the UAI.</p> <p>The state hospital shall transmit the UAI to the CSB</p>	<p><i>Within five business days of the individual being found discharge ready level 2</i></p> <p><i>Immediately upon completion of the UAI</i></p> <p><i>As requested</i></p>

<p>multiple potential placements. The referrals are to be sent simultaneously.</p> <p>If the CSB does not receive a response from a potential placement, the CSB shall be follow up with providers regarding potential placements. It is expected that the CSB will continue to communicate with the provider about potential placement until a disposition decision is reached or the patient discharges to a different placement.</p> <p>If it is determined that a secure Memory Care unit is recommended and that DAP will be required to fund this placement, the CSB shall completed the Memory Care Justification form, submit to the Community Transition Specialist for their hospital, and receive approval prior to referring to secure memory care units.</p>	<p><i>Within five business days of sending the referral</i></p> <p><i>Prior to referring to private pay Memory Care units</i></p>	<p>The state hospital shall assist in the facilitation of interviews/assessments required by potential ALF providers</p>	
---	---	--	--

<p>Nursing home (NH) referrals:</p> <p>The CSB shall obtain verbal consent and releases from the individual or the surrogate decision maker to begin initial contacts regarding bed availability and willingness to consider the individual for placement.</p> <p>The CSB shall obtain required documentation and send referral packets to multiple potential placements. The referrals are to be sent simultaneously.</p> <p>If the CSB does not receive a response from a potential placement, the CSB shall follow up with providers regarding potential placements. It is expected that the CSB will continued to communicate with the provider about potential placement until a disposition decision is reached or the patient discharges to a different placement.</p>	<p><i>As soon as an NH is being considered, and prior to the individual being determined to be RFD</i></p> <p><i>Within one business day after the individual is rated as RFD</i></p> <p><i>Within five business days of sending the referral</i></p>	<p>Nursing home referrals:</p> <p>The state hospital shall complete the UAI</p> <p>For individuals who require PASRR screening, the state hospital shall send the referral packet to Ascend</p> <p>The results of the level 2 PASRR screening shall be transmitted to the CSB</p> <p>The state hospital shall assist in the facilitation of interviews/assessments required by potential nursing home providers</p>	<p><i>Within five business days of the individual being found discharge ready level 2</i></p> <p><i>Within one business day of the individual being found clinically ready for discharge</i></p> <p><i>Immediately upon receipt of the screening results</i></p> <p><i>As requested</i></p>
<p>Shelter placements:</p> <p>Both the CSB responsible for discharge planning, and the CSB that serves the catchment area where the shelter is located shall follow the same procedures as outlined in the CSB transfers section for out of catchment placements.</p>		<p>Shelter placements:</p> <p>If discharge to a shelter is clinically recommended and the individual or their surrogate decision maker agrees with this placement, the hospital social worker shall document this recommendation in the medical record. The hospital social worker shall notify the director of social work when CSB consultation has occurred. The director of social work shall review the plan for discharge to a shelter with the medical</p>	

		<p>director (or their designee). Following this review, the medical director (or designee) shall document endorsement of the plan for discharge to a shelter in the individual's medical record.</p> <p>In the case of out of catchment shelter placements, hospital staff shall notify both the CSB responsible for discharge planning, as well as the CSB that serves the catchment area of the shelter.</p>	<i>Prior to discharge</i>
<p>Individuals with a developmental disability (DD) diagnosis:</p> <p>The CSB shall determine and report to the hospital if the individual is currently receiving DD services, has a waiver, is on the waiver waiting list, or should be screened for waiver</p> <p>When indicated based on the information above, the VIDES shall be completed</p> <p>The CSB shall initiate a referral to REACH for any individual who is not already being followed by REACH</p> <p>If applicable, the CSB shall ensure that the individual has been added to the DD Waiver waitlist.</p> <p>The CSB liaison and support coordinator shall participate in the development and</p>	<p><i>Within two business days of admission</i></p> <p><i>Within ten business days of admission</i></p> <p><i>Within three calendar days of admission</i></p> <p><i>Immediately upon notification of need</i></p>	<p>Individuals with a developmental disability (DD) diagnosis:</p> <p>Upon identification than an individual admitted to the state hospital has a DD diagnosis, the hospital social work director shall notify the CSB liaison/case manager and the CSB DD director (or designee).</p> <p>The state hospital shall notify the designated CSB lead for discharge planning of all relevant meetings, as well as the REACH hospital liaison (if REACH is involved) so attendance can be arranged.</p> <p>The state hospital shall assist the CSB in compiling all necessary documentation to implement the process for obtaining a DD waiver and/or bridge funding. This may including conducting psychological testing and assessments as needed.</p>	<p><i>Immediately upon notification of diagnosis</i></p> <p><i>Ongoing</i></p> <p><i>As needed. Required psychological testing and assessment shall be completed within 21 calendar days of referral</i></p>

<p>updating of the discharge plan, including attending and participating in treatment team meetings, discharge planning meetings, and other related meetings.</p> <p>The CSB shall contact and send referrals to potential providers, and assist in coordinating assessments with these providers.</p> <p>The CSB shall assist in scheduling tours/visits with potential providers for the individual and/or the individual's surrogate decision maker.</p> <p>The CSB shall locate and secure needed specialists who will support the individual in the community at discharge.</p> <p>If required, the CSB shall facilitate the transfer of case management responsibilities to the receiving CSB according to the <i>Transferring Support Coordination/DD Waiver Slots</i> policy.</p> <p>The CSB shall request an emergency DD waiver slot if the individual is determined to be eligible for waiver, prior to requesting DAP funding.</p> <p>If it is anticipated that an individual with a DD diagnosis is going to require transitional</p>	<p><i>At admission and ongoing</i></p> <p><i>At the time that an individual is rated a discharge ready level 2</i></p> <p><i>Ongoing</i></p> <p><i>Prior to discharge</i></p> <p><i>According to timelines set forth in the transfer procedure</i></p> <p><i>Immediately upon notification of need</i></p>	<p>The state hospital shall serve as a consultant to the DD case manager as needed.</p> <p>The state hospital shall assist with coordinating assessments with potential providers.</p> <p>The state hospital shall facilitate tours/visits with potential providers for the individual and/or the individual's surrogate decision maker.</p> <p>Note: When requested referrals or assessments are not completed in a timely manner, the state hospital director shall contact the CSB Executive Director to resolve delays in the referral and assessment process.</p>	<p><i>At the time that the individual is rated a discharge ready level 2</i></p> <p><i>Ongoing</i></p>
--	--	--	--

funding, the CSB shall completed an application for DD crisis funds.	<i>Immediately upon notification of need</i>		
--	--	--	--

Readiness for Discharge

CSB responsibilities	Timeframe	State hospital responsibilities	Timeframe
Once the CSB has received notification of an individuals' readiness for discharge, they shall take immediate steps to implement the discharge plan	<i>Immediately upon notification</i>	<p>The treatment team shall assess and rate the clinical readiness for discharge for all individuals</p> <p>The state hospital social worker shall notify the CSB through the use of email when the treatment team has made a change to an individual's discharge readiness rating. This includes when an individual is determined to be ready for discharge and no longer requires inpatient level of care. Or, for voluntary admissions, when consent has been withdrawn.</p>	<p><i>A minimum of weekly</i></p> <p><i>Within one business day</i></p>
<p>In response to the state hospital's weekly email including all patients who are RFD, the CSB shall "reply all" with discharge planning updates.</p> <p>Note: These email correspondences are not required to occur on weeks when CSBs and state hospitals collaboratively review patients who are ready for discharge. These notifications and responses shall occur for all individuals, including individuals who were diverted from other state hospitals.</p>	<i>Within two business days</i>	On weeks in which CSB and state hospital census/barriers meetings do not occur, the state hospital shall use encrypted email to provide notification to each CSB's liaison, the liaison's supervisor, the CSB behavioral health director or equivalent, the CSB executive director, the state hospital social work director, the state hospital director, the appropriate Regional Manager, and the Central Office Community Transition Specialist (and others as appropriate) of every individual who is ready for discharge, including the date that the individual was determined to be clinically ready for discharge.	<i>Weekly</i>

		Note: These notifications and responses shall occur for all individuals, including individuals who were diverted from other state hospitals.	
--	--	--	--

Clinical Readiness for Discharge Rating Scale

1. Clinically Ready for Discharge

- Has met treatment goals and no longer requires inpatient hospitalization
- Is exhibiting baseline behavior that is not anticipated to improve with continued inpatient treatment
- No longer requires inpatient hospitalization, but individual/family/surrogate decision maker is reluctant to participate in discharge planning
- NGRI patients with approval to begin 48 hour passes*
- NGRI patient for whom at least one forensic evaluator has recommended conditional or unconditional release and there is a pending court date*
- NGRI on revocation status and treatment team and CSB recommend conditional or unconditional release and there is a pending court date*
- Any civil patient for which the barrier to discharge is not clinical stability
- Other forensic legal status (CST, restoration, etc.): clinically stable, evaluations completed and ready to be discharged back to jail*

2. Almost Clinically Ready for Discharge

- Has made significant progress towards meeting treatment goals, but needs additional inpatient care to fully address clinical issues and/or there is a concern about adjustment difficulties
- Can take community trial visits to assess readiness for discharge; may have the civil privilege level to go on temporary overnight visits
- NGRI with unescorted community visits, not overnight privilege level
- Other forensic legal status: significant clinical improvement, evaluations not yet completed

3. Not Clinically Ready for Discharge

- Has not made significant progress towards treatment goals and requires treatment and further stabilization in an acute psychiatric inpatient setting
- NGRI and does not have unescorted community visits privilege
- Other forensic legal status: may present with symptoms, willing to engage in treatment, evaluations not yet completed

4. Significant Clinical Instability Limiting Privileges and Engagement in Treatment

- Not nearing psychiatric stability
- Requires constant 24 hour a day supervision in an acute inpatient psychiatric setting
- Presents significant risk and/or behavioral management issues that requires psychiatric hospitalization to treat

- Unable to actively engage in treatment and discharge planning, due to psychiatric or behavioral instability
- Other forensic legal status: not psychiatrically stable or nearing psychiatric stability, evaluations not completed

For any patient in which the legal system (e.g. court system, probation, etc.) is required to approve their discharge plan, their designation on the discharge ready list should be notated with a double asterisk()*

Note: Discharge planning begins at admission and is continuously active throughout hospitalization, independent of an individual's clinically readiness for discharge rating.

Discharge Readiness Dispute Process for State Hospitals, CSBs, and DBHDS Central Office

1. The CSB shall notify the state hospital social work director (or designee), in writing, of their disagreement with the treatment team's designation of the individual's clinical readiness for discharge within three calendar days (72 hours) of receiving the discharge readiness notification.
2. The state hospital social work director (or designee) shall initiate a resolution effort to include a meeting with the state hospital and CSB staff at a higher level than the treatment team (including notification to the CSB executive director and state hospital director), as well as a representative from the Central Office Community Integration Team. This meeting shall occur within one business day of receipt of the CSB's written disagreement.
3. If the disagreement remains unresolved, the Central Office Community Integration Team will immediately give a recommendation regarding the patient's discharge readiness to the DBHDS Commissioner. The Commissioner shall provide written notice of their decision regarding discharge to the CSB executive director and state hospital director.
4. During the dispute process outlined above, the CSB shall formulate a discharge plan that can be implemented within three business days if the decision is in support of clinical readiness for discharge.
5. Should the Commissioner determine that the individual is clinically ready for discharge and the CSB has not developed a discharge plan to implement immediately, then the discharge plan shall be developed by the Department and the Commissioner may take action in accordance with Virginia Code § 37.2-505(A)(3).

Finalizing Discharge

Joint Responsibility of the State Hospital, CSB, and DBHDS Central Office

At a minimum, twice per month the state hospital and CSB staff shall review individuals rated a 1 on the clinical readiness for discharge scale. Individuals rated a 2 on the clinical readiness for discharge scale shall be jointly reviewed at least once per month. To ensure that discharge planning is occurring at an efficient pace, the CSB shall provide updated discharge planning progress that shall be documented in these reviews. The regional utilization structures shall review at least monthly the placement status of those individuals who are on the EBL.

The Office of Community Integration shall monitor the progress of those individuals who are identified as being ready for discharge, with a specific focus on individuals who are on the EBL.

When a disagreement between the state hospital and the CSB occurs regarding the discharge plan for an individual, both parties shall attempt to revolve the disagreement and will include the individual and their surrogate decision maker, if appropriate. If these parties are unable to reach a resolution, the state hospital will notify their Central Office Community Transition Specialist within three business days to request assistance in resolving the dispute.

CSB responsibilities	Timeframe	State hospital responsibilities	Timeframe
In the event that the CSB experiences extraordinary barriers to discharge and is unable to complete the discharge within seven (7) calendar days of the determination that the individual is clinically ready for discharge, the CSB shall document in the CSB medical record the reason(s) why the discharge cannot occur within seven (7) days of determination. The documentation shall describe the barriers to discharge (i.e. reason for placement on the Extraordinary Barriers List (EBL) and the specific steps being taken by the CSB to address these barriers.	<i>Within seven (7) calendar days of determination that individual is clinically ready for discharge</i>		

<p>The reduce readmissions to state hospitals, CSBs, in conjunction with the treatment team, shall develop and complete (when clinically indicated) a safety and support plan as part of the individual's discharge plan</p> <p>Note: Safety and support plans are generally not required for court-ordered evaluations, restoration to competency cases, and jail transfers; however, at the clinical discretion of the CSB and/or treatment team, the development of a safety and support plan may be advantageous when the individuals presents significant risk factors, and for those individuals who will be returning to the community following a brief incarceration period.</p> <p>Exception: Due to having a risk management plan as part of the conditional release plan, NGRI acquittees do not require a safety and support plan</p>	<p><i>Prior to discharge</i></p>	<p>The state hospital shall collaborate and provide assistance in the development of safety and support plans</p> <p>Note: Safety and support plans are generally not required for court-ordered evaluations, restoration to competency cases, and jail transfers; however, at the clinical discretion of the CSB and/or treatment team, the development of a safety and support plan may be advantageous when the individuals presents significant risk factors, and for those individuals who will be returning to the community following a brief incarceration period.</p> <p>Exception: Due to having a risk management plan as part of the conditional release plan, NGRI acquittees do not require a safety and support plan</p>	<p><i>Prior to discharge</i></p>
--	----------------------------------	---	----------------------------------

<p>CSB staff shall ensure that all arrangements for psychiatric services and medical follow up appointments are in place.</p> <p>CSB staff shall ensure the coordination of any other intra-agency services (e.g. employment, outpatient services, residential, etc.) and follow up on applications for entitlements and other resources submitted by the state hospital.</p> <p>The CSB case manager, primary therapist, or other designated clinical staff shall schedule an appointment to see individuals who have been discharged from a state hospital.</p> <p>The CSB case manager, discharge liaison, or other designated clinical staff shall ensure that an appointment with the CSB (or private) psychiatrist is scheduled when the individual is being discharged on psychiatric medications</p>	<p><i>Prior to discharge</i></p> <p><i>Prior to and following discharge</i></p> <p><i>Within seven calendar days, or sooner if the individual's condition warrants</i></p> <p><i>Within seven days of discharge</i></p>		
--	---	--	--

<p>Benefit applications: For any patient who is committed to a state facility (or CMA), and whose hospital stay is less than 30 days, the CSB shall initiate applications for Social Security benefits.</p> <p>The CSB shall contact the entity responsible for processing entitlement applications (SSA, DSS, etc.) to ensure that the benefits application has been received and that these entities have all required documentation.</p> <p>If benefits are not active with 30 days of the patient's discharge, the CSB shall again contact the entity responsible for processing the entitlement application in order to expedite benefit approval.</p>	<p><i>As soon as a discharge date is finalized</i></p> <p><i>30 days post-discharge, and every 15 days thereafter until benefits are active</i></p>	<p>Benefit applications: State hospital staff shall initiate applications for Medicare, Medicaid, Social Security benefits, Auxiliary Grant, and other financial entitlements as necessary. Applications shall be initiated in a timely manner per federal and state regulations <i>*Note: For patients whose hospital stay is less than 30 days, the CSB will be responsible for Social Security applications</i></p> <p>To facilitate follow-up, if benefits are not active at the time of discharge, the state hospital shall notify the CSB of the type of entitlement application, as well as the date it was submitted, and include a copy of entitlement applications with the discharge documentation that is provided to the CSB</p>	<p><i>Prior to discharge and per federal and state regulations</i></p>
<p>Discharge Transportation:</p> <p>The CSB shall ensure that discharge transportation is arranged for individuals discharging from state hospitals.</p> <p>Note: When transportation is the only remaining barrier to discharge, the state hospital and CSB will implement a resolution process for resolving transportation issues when these are anticipated to result in discharges being delayed by 24 hours or more.</p>	<p><i>Prior to scheduled discharge date</i></p>	<p>Note: When transportation is the only remaining barrier to discharge, the state hospital and CSB will implement a resolution process for resolving transportation issues when these are anticipated to result in discharges being delayed by 24 hours or more.</p>	

		<p>Discharge Instructions: The treatment team shall complete the discharge information and instructions form (DIIF). State hospital staff shall review the DIIF with the individual and/or their surrogate decision maker and request their signature.</p> <p>Distribution of the DIIF shall be provided to all next level of care providers, including the CSB.</p> <p>The state hospital medical director shall be responsible for ensuring that the physician's discharge summary is provided to the CSB responsible for discharge planning (and prison or jails, when appropriate)</p>	<p><i>Prior to discharge</i></p> <p><i>No later than one calendar day post-discharge</i></p> <p><i>As soon as possible post-discharge</i></p>
--	--	---	---

Transfers between CSBs

CSB responsibilities	Timeframe	State hospital responsibilities	Timeframe
Transfers shall occur when an individual is being discharged to a different CSB catchment area than the CSB responsible for discharge planning. If a determination is made that an individual will be relocating post-discharge, the CSB responsible for discharge planning shall immediately notify the CSB affected.	<i>Prior to discharge</i>	The state hospital social worker shall indicate in the medical record any possibility of a transfer out of the original CSB catchment area.	<i>Ongoing</i>
The CSB shall complete and forward a copy of the Out of Catchment Notification/Referral form to the receiving CSB.	<i>Prior to discharge</i>		
Note: Coordination of the possible transfer shall, when possible, allow for discussion of resource availability and resource allocation between the two CSBs prior to the transfer.			
Exception to above may occur when the CSB, individual served, and/or their surrogate decision maker wish to keep services at the original CSB, while living in a different CSB catchment area.			
For NGRI patients, CSB NGRI coordinators will consult regarding any possible transfers between CSBs. Transfers of NGRI patients shall be accepted by the receiving CSB			

<p>unless the necessary services in the release plan are permanently unavailable, resulting in increased risk to the community or to the NGRI acquittee.</p> <p>For individuals who are enrolled in CSB DD services, please follow the <i>Transferring Support Coordination/DD Waiver Slots</i> policy.</p>			
<p>At a minimum, the CSB responsible for discharge and the CSB that serves the discharge catchment area shall collaborate prior to the actual discharge date. The CSB responsible for discharge planning is responsible for completing the discharge plan, conditional release plan, and safety and support plan (if indicated), and for the scheduling of follow up appointments.</p> <p>While not responsible for the development of the discharge plan and the safety and support plan, the CSB that serves the catchment area where the patient will be discharged should be actively involved in the development of these plans. The arrangements for and logistics of this involvement are to be documented in the discharge plan and the individual's medical record.</p>	<i>Prior to discharge</i>		

<p>The CSB responsible for discharge planning shall provide the CSB that serves the catchment area where the patient will be discharging with copies of all relevant documentation related to the treatment of the individual.</p>	<p><i>Prior to discharge</i></p>		
<p>If the two CSBs cannot agree on the transfer, they shall seek resolution from the Director of Community Integration (or designee). The CSB responsible for discharge planning shall initiate this contact</p>	<p><i>Within three calendar days of notification of intent to transfer</i></p>		

Glossary

Acute admissions or acute care services: Services that provide intensive short-term psychiatric treatment in state mental health hospitals.

Case management CSB/CSB responsible for discharge planning: The public body established pursuant to § 37.2-501 of the *Code of Virginia* that provides mental health, developmental, and substance abuse services within each city and county that established it and in which an adult resides or in which surrogate decision maker resides. The case management CSB is responsible for case management and liaising with the hospital when an individual is admitted to a state hospital, and for discharge planning. If the individual or surrogate decision maker chooses for the individual to reside in a different locality after discharge from the state hospital, the CSB serving that locality becomes the receiving CSB and works with the CSB responsible for discharge planning/referring CSB, the individual, and the state hospital to effect a smooth transition and discharge. The CSB responsible for discharge planning is ultimately responsible for the completion of the discharge plan. Reference in these protocols to CSB means CSB responsible for discharge planning, unless the context clearly indicates otherwise.

Case management/ CSB responsible for discharge planning designations may vary from the definition above under the following circumstances:

- When the individual's living situation is unknown or cannot be determined, or the individual lives outside of Virginia, the CSB responsible for discharge planning is the CSB which completed the pre-screening admission form.
- For individuals who are transient or homeless, the CSB serving the catchment area in which the individual is living or sheltered at the time of pre-screening is the CSB responsible for discharge planning.
- When a CSB other than the pre-screening CSB is continuing to provide services and supports to the individual, then the CSB responsible for discharge planning is the CSB providing those services and supports.
- For individuals in correctional facilities, in local hospitals, or Veteran's Administration facilities, or in regional treatment/detox programs, the CSB responsible for discharge planning is the CSB serving the catchment area in which the individual resided prior to incarceration, or admission to local hospitals, Veterans Administration facilities, or regional detox programs
- In instances in which there is a dispute related to which CSB is responsible for discharge planning, the state hospital will work collaboratively with the CSBs involved to determine which CSB is responsible within two business days. If resolution cannot be reached, the state hospital will contact their Community Transition Specialist who will make a determination based on the available information.

Comprehensive treatment planning meeting: The meeting, which follows the initial treatment meeting and occurs within seven days of admission to a state hospital. At this meeting, the individual's comprehensive treatment plan (CTP) is developed by the treatment team in consultation with the individual, the surrogate decision maker, the CSB and, with the individual's consent, family members and private providers. The purpose of the meeting is to guide, direct, and support all treatment aspects for the individual.

Co-occurring disorders: Individuals are diagnosed with more than one, and often several, of the following disorders: mental health disorders, developmental disability, or substance use disorders. Individuals may have more than one substance use disorder and more than one mental health disorder. At an individual level, co-occurring disorders exist when at least one disorder of each type (for example: a mental health and substance use disorder or developmental disability and mental health disorder) can be identified independently of the other and are not simply a cluster of symptoms resulting from a single disorder.

Discharge plan or pre-discharge plan: Hereafter referred to as the discharge plan, means an individualized plan for post-hospital services that is developed by the case management CSB in accordance with § 37.2-505 and § 16.1-346.1 of the Code of Virginia in consultation with the individual, surrogate decision maker, and the state hospital treatment team. This plan must include the mental health, developmental, substance abuse, social, educational, medical, employment, housing, legal, advocacy, transportation, and other services and supports needed by the individual, consistent with subdivision A.3 of § 37.2-505, following an episode of hospitalization and must identify the public or private providers that have agreed to provide these services and supports. The discharge plan is required by § 37.2-505, § 16.1-346.1, and § 37.2-508 of the Code of Virginia.

Level 2 PASRR Screening: Federal law requires that all individuals (regardless of payer source) who apply as a new admission to a Medicaid-certified nursing facility (NF) be evaluated for evidence of possible mental illness or intellectual disability. This evaluation and determination is conducted to ensure that individuals are placed appropriately, in the least restrictive setting possible, and that individuals receive needed services, wherever they are living. The process involves two steps, known as Level 1(UAI) and Level 2 screening. The use of a Level 1 and Level 2 screening and evaluation is known as the Preadmission Screening and Resident Review (PASRR) process. In Virginia, level 2 PASRR screenings are conducted by Ascend. Individuals with a sole or primary diagnosis of dementia are exempt from Level 2 screenings.

NGRI Coordinator (CSB): Required knowledge:

- Understanding of the basic criminal justice process and the Virginia Code related to insanity acquittees
- Understanding of risk assessment and risk management in the community as well as the knowledge of what community resources are needed for risk management
- Ability to work with an interdisciplinary team
- Ability to communicate well, particularly knowledge of how to write to the court and how to verbally present information in a courtroom setting
- Knowledge of person-centered planning practices that emphasizes recovery principals.

Responsibilities:

1. Serving as the central point of accountability for CSB-assigned acquittees in DBHDS state hospitals
 - a. Ensuring adequate and prompt communication with state hospital staff, Central Office staff, and their own agency staff related to NGRI patients

- b. Working with state hospital staff to resolve any barriers to treatment or release planning for NGRI patients
- c. Participating in all meetings where their presence is necessary in order to make decisions related to NGRI privilege increases or release
- d. Jointly preparing Risk Management Plans, Conditional Release Plans, or Unconditional Release Plans; Promptly responding to requests for modifications, reconciling differences, and returning signed documents to prevent delays to NGRI patient progress towards discharge
- 2. Serving as the central point for accountability and overseeing compliance of the CSB and the NGRI acquittee when court ordered for Conditional Release:
 - a. Oversee compliance of the CSB with the acquittee's court-ordered Conditional Release Plan (CRP).
 - b. Monitor the provision of CSB and non-CSB services in the CRP through agreed-upon means, including written reports, observation of services, satisfaction of the acquittee, etc.
 - c. Assess risk on a continuous basis and make recommendations to the court
 - d. Be the primary point of contact for judges, attorneys, and DBHDS staff.
 - e. Coordinate the provision of reports to the courts & DBHDS in a timely fashion
 - f. Assure that reports are written professionally and address the general and special conditions of the CRP with appropriate recommendations
 - g. Prepare correspondence to the courts and DBHDS regarding acquittee non-compliance to include appropriate recommendations for the court to consider
 - h. Provide adequate communication and coordinate the re-admission of NGRI acquittees to the state hospital when necessary
 - i. Represent the CSB in court hearings regarding insanity acquittees
- 3. Maintain training and expertise needed for this role.
 - a. Agree to participate in any and all DBHDS-developed training developed specifically for this role
 - b. Agree to seek out consultation with DBHDS as needed
 - c. Train other CSB staff and other provider staff (as appropriate) regarding the responsibilities of working with insanity acquittees, including the monthly and 6 month court reports

Primary substance use disorder: An individual who is clinically assessed as having one or more substance use disorder per the current Diagnostic and Statistical Manual of Mental Disorders (DSM) with the substance use disorder being the “principle diagnosis” (i.e. the condition established after evaluation to be chiefly responsible for the admission). The individual may not have a mental health disorder per the current DSM or the mental health disorder is not the principle diagnosis.

Releases of Information: The practice of authorizing a healthcare entity to release protected health information to other healthcare providers, non-healthcare organizations, or individuals. Obtained a signed release of information is best practice and should occur if at all possible; however, collaboration and information sharing for the purposes of discharge planning does not require a release of information. While releases of information are best practice, they should not be a barrier to discharge. These activities are explained in the Code of Virginia § 37.2-839. Additionally please see HIPAA requirements on [Treatment, Payment, & Health Care Operations](#). Lastly this provision is covered in the Human Right Regulations 12VAC35-115-80- B.8.g.

State hospital: A hospital or psychiatric institute, or other institution operated by DBHDS that provides acute psychiatric care and treatment for persons with mental illness

Surrogate decision maker: A person permitted by law or regulations to authorize the disclosure of information or give consent for treatment and services, including medical treatment, or participation in human research, on behalf of an individual who lacks the mental capacity to make these decisions. A surrogate decision maker may include an attorney-in-fact, health care agent, legal guardian, or, if these are not available, the individual's family member (spouse, adult child, parent, adult brother or sister, or any other relative of the individual) or a next friend of the individual (defined in 12VAC35-115-146).

Treatment team: The group of individuals responsible for the care and treatment of the individual during the period of hospitalization. Team members shall include, at a minimum, the individual receiving services, psychiatrist, a psychologist, a social worker, and a nurse. CSB staff shall actively participate, collaborate, and consult with the treatment team during the individual's period of hospitalization. The treatment team is responsible for providing all necessary and appropriate supports to assist the CSB in completing and implementing the individual's discharge plan.

Treatment plan: A written plan that identifies the individual's treatment, educational/vocational and service needs, and states the goals, objectives, and interventions designed to address those needs. There are two sequential levels of treatment plans:

1. The "initial treatment plan," which directs the course of care during the first hours and days after admission; and
2. The "comprehensive treatment plan (CTP)," developed by the treatment team with CSB consultation, which guides, directs, and supports all treatment of the individual.

Treatment plan review (TPR): Treatment planning meetings or conferences held subsequent to the CTP meet

CSB State Hospital Discharge Planning Performance Measures

1. Eligible patients will be seen by CSB staff (outpatient therapist, case manager, psychiatrist, etc.) within seven calendar days of discharge from a state hospital (assessments by emergency services are not considered follow-up appointments). 80% of eligible patients will be seen by a CSB clinical staff member within seven calendar days of the discharge date.
2. CSBs will have a state hospital 30 day readmission rate of 7% or below
3. Patients followed by CSBs will have an average length of stay on the extraordinary barriers list (EBL) of 60 days or less. *Please note this measure will exclude NGRI patients.
4. CSBs that serve a population of 100,000 or more will have an average daily census of ten (10) beds or less per 100,000 adult and geriatric population. DBHDS shall calculate the CSBs' average daily census per 100,000 for the adult and geriatric population for patients with the following legal statuses: civil temporary detention order, civil commitment, court mandated voluntary, voluntary, and NGRI patients with 48 hours unescorted community visit privileges.

All data performance measure outcomes will be distributed to CSBs by DBHDS on a monthly basis.

Department of Justice Settlement Agreement Requirements

The CSB and the Department agrees to comply with the following requirements in the Settlement Agreement for Civil Action No: 3:12cv00059-JAG between the U.S. Department of Justice (DOJ) and the Commonwealth of Virginia, entered in the U. S. District Court for the Eastern District of Virginia on August 23, 2012 [section IX.A, p. 36], and in compliance indicators agreed to by the parties and filed with the Court on January 14, 2020.

Sections identified in text or brackets refer to sections in the agreement requirements that apply to the target population defined in section III.B of the Agreement: individuals with developmental disabilities who currently reside in training centers, (ii) meet criteria for the DD Waiver waiting list, including those currently receiving DD Waiver services, or (iii) reside in a nursing home or an intermediate care facility (ICF).

- 1.) Case Managers or Support Coordinators shall provide anyone interested in accessing DD Waiver Services with a DBHDS provided resource guide that contains information including but not limited to case management eligibility and services, family supports- including the IFSP Funding Program, family and peer supports, and information on the My Life, My Community Website, information on how to access REACH services, and information on where to access general information. [section III.C.2. a-f, p. 1].
- 2.) Case management services, defined in section III.C.5.b, shall be provided to all individuals receiving Medicaid Home and Community-Based Waiver services under the Agreement by case managers or support coordinators who are not directly providing or supervising the provision of Waiver services to those individuals [section III.C.5.c, p. 8].
- 3.) For individuals receiving case management services pursuant to the Agreement, the individual's case manager or support coordinator shall meet with the individual face-to-face on a regular basis and shall conduct regular visits to the individual's residence, as dictated by the individual's needs [section V.F.1, page 26].
 - a. At these face-to-face meetings, the case manager or support coordinator shall: observe the individual and the individual's environment to assess for previously unidentified risks, injuries, needs, or other changes in status; assess the status of previously identified risks, injuries, needs, or other changes in status; assess whether the individual's individual support plan (ISP) is being implemented appropriately and remains appropriate for the individual; and ascertain whether supports and services are being implemented consistent with the individual's strengths and preferences and in the most integrated setting appropriate to the individual's needs.
 - b. The case manager or support coordinator shall document in the ISP the performance of these observations and assessments and any findings, including any changes in status or significant events that have occurred since the last face-to-face meeting.
 - c. If any of these observations or assessments identifies an unidentified or inadequately addressed risk, injury, need, or change in status, a deficiency in the individual's support plan or its implementation, or a discrepancy between the implementation of supports and services and the individual's strengths and preferences, then the case manager or support coordinator shall report and document the issue in accordance with Department policies and regulations, convene the individual's service planning team to address it, and document its resolution.
- 4.) DBHDS shall develop and make available training for CSB case managers and leadership staff on how to assess change in status and that ISPs are implemented appropriately. DBHDS shall provide a tool with elements for the case managers to utilize during face-to-face visits to assure that changes in status as well as ISP are implemented appropriately and documented.
 - a. CSB shall ensure that all case managers and case management leadership complete the training that helps to explain how to identify change in status and that elements of the ISP are implemented appropriately. The CSB shall deliver the contents of the DBHDS training through support coordinator supervisors or designated trainers to ensure case managers understand the definitions of a change in status or needs and the elements of appropriately implemented services, as well as how to apply and document observations and needed actions.

Department of Justice Settlement Agreement Requirements

- b. CSB shall ensure that all case managers use the DBHDS On-Site Visit Tool during one face-to-face visit each quarter to assess at whether or not each person receiving targeted case management under the waiver experienced a change in status and to assess whether or not the ISP was implemented appropriately.
- 5.) Using the process developed jointly by the Department and Virginia Association of Community Services Boards (VACSB) Data Management Committee (DMC), the CSB shall report the number, type, and frequency of case manager or support coordinator contacts with individuals receiving case management services [section V.F.4, p. 27].
- 6.) The CSB shall report key indicators, selected from relevant domains in section V.D.3 on page 24, from the case manager's or support coordinator's face-to-face visits and observations and assessments [section V.F.5, p 27]. Reporting in WaMS shall include the provision of data and actions related to DBHDS defined elements regarding a change in status or needs and the elements of appropriately implemented services in a format, frequency, and method determined by DBHDS [section III.C.5.b.i.].
- 7.) The individual's case manager or support coordinator shall meet with the individual face-to-face at least every 30 days (including a 10 day grace period but no more than 40 days between visits), and at least one such visit every two month must be in the individual's place of residence, for any individuals who [section V.F.3, pages 26 and 27]:
- a. Receive services from providers having conditional or provisional licenses;
 - b. Have more intensive behavioral or medical needs as defined by the Supports Intensity Scale category representing the highest level of risk to individuals
 - c. Have an interruption of service greater than 30 days;
 - d. Encounter the crisis system for a serious crisis or for multiple less serious crises within a three-month period;
 - e. Have transitioned from a training center within the previous 12 months; or
 - f. Reside in congregate settings of five or more individuals. Refer to Enhanced Case Management Criteria Instructions and Guidance issued by the Department.
- 8.) Case managers or support coordinators shall give individuals a choice of service providers from which they may receive approved DD Waiver services, present all options of service providers based on the preferences of the individuals, including CSB and non-CSB providers, and document this using the Virginia Informed Choice Form in the waiver management system (WaMS) application. [section III.C.5.c, p. 8]. The CSB SC will complete the Virginia Informed Choice form to document provider and SC choice for Regional Support Team referrals, when changes in any provider, service, or service setting occurs, a new service is requested, the individual is dissatisfied with a service or provider, and no less than annually.
- 9.) The CSB shall complete the Support Coordinator Quality Review process for a statistically significant sample size as outlined in the Support Coordinator Quality Review Process.
- a. DBHDS shall annually pull a statistically significant stratified sample of individuals receiving HCBS waiver and send this to the CSB to be utilized to complete the review.
 - b. Each quarter, the CSB shall complete the number of Support Coordinator Quality Reviews and provide data to DBHDS as outlined by the process.
 - c. DBHDS shall analyze the data submitted to determine the following elements are met:
 - i. The CSB offered each person the choice of case manager/provider
 - ii. The case manager assesses risk, and risk mitigation plans are in place
 - iii. The case manager assesses whether the person's status or needs for services and supports have changed and the plan has been modified as needed.
 - iv. The case manager assists in developing the person's ISP that addresses all of the individual's risks, identified needs and preferences.
 - v. The ISP includes specific and measurable outcomes, including evidence that employment goals have been discussed and developed, when applicable.

Department of Justice Settlement Agreement Requirements

- vi. The ISP was developed with professionals and nonprofessionals who provide individualized supports, as well as the individual being served and other persons important to the individual being served.
 - vii. The ISP includes the necessary services and supports to achieve the outcomes such as medical, social, education, transportation, housing, nutritional, therapeutic, behavioral, psychiatric, nursing, personal care, respite, and other services necessary.
 - viii. Individuals have been offered choice of providers for each service.
 - ix. The case manager completes face-to-face assessments that the individual's ISP is being implemented appropriately and remains appropriate to the individual by meeting their health and safety needs and integration preferences.
 - x. The CSB has in place and the case manager has utilized where necessary, established strategies for solving conflict or disagreement within the process of developing or revising ISPs, and addressing changes in the individual's needs, including, but not limited to, reconvening the planning team as necessary to meet the individuals' needs.
- d. DBHDS shall review the data submitted and complete a semi-annual report that includes a review of data from the Support Coordinator Quality Reviews and provide this information to the CSB. To assure consistency between reviewers, DBHDS shall complete an inter-rater reliability process.
- e. If 2 or more records do not meet 86% compliance for two consecutive quarters, the CSB shall receive technical assistance provided by DBHDS.
- f. The CSB shall cooperate with DBHDS and facilitate its completion of on-site annual retrospective reviews at the CSB to validate findings of the CSB Support Coordinator Quality Review to provide technical assistance for any areas needing improvement.
- 10.) Case managers or support coordinators shall offer education about integrated community options to any individuals living outside of their own or their families' homes and, if relevant, to their authorized representatives or guardians [section III.D.7, p. 14]. Case managers shall offer this education at least annually and at the following times:
- a. At enrollment in a DD Waiver
 - b. When there is a request for a change in Waiver service provider(s)
 - c. When an individual is dissatisfied with a current Waiver service provider,
 - d. When a new service is requested
 - e. When an individual wants to move to a new location, or
 - f. When a regional support team referral is made as required by the Virginia Informed Choice Form
- 11.) For individuals receiving case management services identified to have co-occurring mental health conditions or engaging in challenging behaviors, the individual's case manager or support coordinator shall assure that effective community based behavioral health and/or behavioral supports and services are identified and accessed where appropriate and available.
- a. If the case manager or support coordinator incurs capacity issues related to accessing needed behavioral support services in their designated Region, every attempt to secure supports should be made to include adding the individual to several provider waitlists (e.g., based upon individualized needs, this may be inclusive of psychotherapy, psychiatry, counseling, applied behavior analysis/positive behavior support providers, etc.) and following up with these providers quarterly to determine waitlist status. [SA. Provision: III.C.6.a.i-iii Filing reference: 7.14, 7.18]
 - b. DBHDS will provide the practice guidelines and a training program for case managers regarding the minimum elements that constitute an adequately designed behavioral program and what can be observed to determine whether the plan is appropriately implemented. The CSB shall ensure that all case managers and case management leadership complete the training such that case managers are aware of the practice guidelines for behavior support plans and of key elements that can be observed to determine whether the plan is appropriately implemented. [SA. Provision: III.C.6.a.i-iii Filing reference: 7.16, 7.20]
- 12.) The CSB shall identify children and adults who are at risk for crisis through the standardized crisis screening tool or through the utilization of the elements contained in the tool at intake, and

Department of Justice Settlement Agreement Requirements

if the individual is identified as at risk for crisis or hospitalization, shall refer the individual to REACH. [S.A. Provision: III.C.6.a.i-iii Filing reference: 7.2]

- 13.) For individuals that receive enhanced case management, the case manager or support coordinator shall utilize the standardized crisis screening tool during monthly visits; for individuals that receive targeted case management, the case manager or support coordinator shall use the standardized crisis screening tool during quarterly visits. Any individual that is identified as at risk for crisis shall be referred to REACH. [S.A. Provision: III.C.6.a.i-iii Filing reference: 7.3]
- 14.) The CSB shall ensure that CSB Executive Directors, Developmental Disability Directors, case management or support coordination supervisors, case managers or support coordinators, and intake workers participate in training on how to identify children and adults who are at risk for going into crisis.
 - a. CSBs shall ensure that training on identifying risk of crisis for intake workers and case managers (or support coordinators) shall occur within 6 months of hire. [S.A. Provision: III.C.6.a.i-iii Filing reference: 7.5]
- 15.) The CSB shall provide data on implementation of the crisis screening tool as requested by DBHDS when it is determined that an individual with a developmental disability has been hospitalized and has not been referred to the REACH program.
 - a. The CSB shall provide to DBHDS upon request copies of the crisis risk assessment tool, or documentation of utilization of the elements contained within the tool during a crisis screening, for quality review purposes to ensure the tool is being implemented as designed and is appropriately identifying people at risk of crisis. [S.A. Provision: III.C.6.a.i-iii Filing reference: 7.6]
 - b. DBHDS shall develop a training for the CSB to utilize when training staff on assessing an individual's risk of crisis/hospitalization.
 - c. DBHDS shall initiate a quality review process to include requesting documentation for anyone psychiatrically hospitalized who was not referred to the REACH program and either actively receiving case management during the time frame or for whom an intake was completed prior to hospitalization. The CSB shall promptly, but within no more than 5 business days, provide the information requested.
 - d. DBHDS shall request information to verify presence of DD diagnosis for persons that are psychiatrically hospitalized that are not known to the REACH program. The CSB shall promptly, but within no more than 5 business days, provide the information requested. [S.A. Provision: III.C.6.b.ii.A Filing references 8.6, 8.7]
- 16.) CSB Case manager shall work with the REACH program to identify a community residence within 30 days of admission to the program including making a referral to RST when the system has been challenged to find an appropriate provider within this timeframe.
 - a. If a waiver eligible individual is psychiatrically hospitalized, is a guest at a REACH CTH, or is residing at an Adult Transition Home and requires a waiver to obtain a community residence, the CSB shall submit an emergency waiver slot request. [S.A. Provision III.C.6.b.ii.A Filing reference 10.2]
- 17.) CSB emergency services shall be available 24 hours per day and seven days per week, staffed with clinical professionals who shall be able to assess crises by phone, assist callers in identifying and connecting with local services, and, where necessary, dispatch at least one mobile crisis team member adequately trained to address the crisis for individuals with developmental disabilities [section III.C.6.b.i.A, p. 9].
 - a. The mobile crisis team shall be dispatched from the Regional Education Assessment Crisis Services Habilitation (REACH) program that is staffed 24 hours per day and seven days per week by qualified persons able to assess and assist individuals and their families during crisis situations and that has mobile crisis teams to address crisis situations and offer services and support on site to individuals and their families within one hour in urban areas and two hours in rural areas as measured by the average annual response time [section III.C.6.b.ii, pages 9 and 10].

Department of Justice Settlement Agreement Requirements

- b. All Emergency services staff and their supervisors shall complete the REACH training, created and made available by DBHDS, that is part of the emergency services training curriculum.
 - c. DBHDS shall create and update a REACH training for emergency staff and make it available through the agency training website.
 - d. CSB emergency services shall notify the REACH program of any individual suspected of having a developmental disability who is experiencing a crisis and seeking emergency services as soon as possible, preferably prior to the initiation of a preadmission screening evaluation in order to allow REACH and emergency services to appropriately divert the individual from admission to psychiatric inpatient services when possible.
 - e. If the CSB has an individual receiving services in the REACH Crisis Therapeutic Home (CTH) program with no plan for discharge to a community residence and a length of stay that shall soon exceed 30 concurrent days, the CSB Executive Director or his or her designee shall provide a weekly update describing efforts to achieve an appropriate discharge for the individual to the Director of Community Support Services in the Department's Division of Developmental Services or his/her designee.
 - f. DBHDS shall notify the CSB Executive Director or designee when it is aware of a person at the REACH CTH who is nearing a 30-day concurrent stay.
- 18.) Comply with State Board Policy 1044 (SYS) 12-1 Employment First [section III.C.7.b, p. 11]. This policy supports identifying community-based employment in integrated work settings as the first and priority service option offered by case managers or support coordinators to individuals receiving day support or employment services.
- a. CSB case managers shall take the on-line case management training modules and review the case management manual.
 - b. CSB case managers shall initiate meaningful employment conversations with individuals starting at the age of 14 until the age of retirement (65).
 - c. CSB case managers shall discuss employment with all individuals, including those with intense medical or behavioral support needs, as part of their ISP planning processes.
 - d. CSB case managers shall document goals for or toward employment for all individuals 18-64 or the specific reasons that employment is not being pursued or considered.
 - e. DBHDS shall create training and tools for case managers regarding meaningful conversation about employment, including for people with complex medical and behavioral support needs. The CSB shall utilize this training with its staff and document its completion.
- 19.) CSB case managers or support coordinators shall liaise with the Department's regional community resource consultants regarding responsibilities as detailed in the Performance Contract [section III.E.1, p. 14].
- 20.) Case managers or support coordinators shall participate in discharge planning with individuals' personal support teams (PSTs) for individuals in training centers and children in ICF/IIDs for whom the CSB is the case management CSB, pursuant to § 37.2-505 and § 37.2-837 of the Code that requires the CSB to develop discharge plans in collaboration with training centers [section IV.B.6, p. 16].
- 21.) In developing discharge plans, CSB case managers or support coordinators, in collaboration with facility PSTs, shall provide to individuals and, where applicable, their authorized representatives, specific options for types of community residences, services, and supports based on the discharge plan and the opportunity to discuss and meaningfully consider these options [section IV.B.9, p. 17].
- 22.) CSB case managers or support coordinators and PSTs shall coordinate with specific types of community providers identified in discharge to provide individuals, their families, and, where applicable, their authorized representatives with opportunities to speak with those providers, visit community residences (including, where feasible, for overnight visits) and programs, and facilitate conversations and meetings with individuals currently living in the community and their families before being asked to make choices regarding options [section IV.B.9.b, p. 17].

Department of Justice Settlement Agreement Requirements

- 23.) CSB case managers or support coordinators and PSTs shall assist individuals and, where applicable, their authorized representatives in choosing providers after providing the opportunities described in subsection 13 above and ensure that providers are timely identified and engaged in preparing for individuals' transitions [section IV.B.9.c, p.17]. Case managers or support coordinators shall provide information to the Department about barriers to discharge for aggregation and analysis by the Department for ongoing quality improvement, discharge planning, and development of community-based services [IV.B.14, p. 19].
- 24.) In coordination with the Department's Post Move Monitor, the CSB shall conduct post- move monitoring visits within 30, 60, and 90 days following an individual's movement from a training center to a community setting [section IV.C.3, p.19]. The CSB shall provide information obtained in these post move monitoring visits to the Department within seven business days after the visit.
- 25.) If a CSB provides day support or residential services to individuals in the target population, the CSB shall implement risk management and quality improvement processes, including establishment of uniform risk triggers and thresholds that enable it to adequately address harms and risks of harms, including any physical injury, whether caused by abuse, neglect, or accidental causes [section V.C.1, p. 22].
- 26.) Using the protocol and the real-time, web-based incident reporting system implemented by the Department, the CSB shall report any suspected or alleged incidents of abuse or neglect as defined in § 37.2-100 of the Code, serious injuries as defined in 12 VAC 35- 115-30 of the *Rules and Regulations to Assure the Rights of Individuals Receiving Services from Providers Licensed, Funded, or Operated by the Department of Behavioral Health and Developmental Services* or deaths to the Department within 24 hours of becoming aware of them [section V.C.2, p. 22].
- 27.) CSBs shall participate with the Department to collect and analyze reliable data about individuals receiving services under this Agreement from each of the following areas:
- | | |
|-------------------------------------|---|
| a. safety and freedom from harm | e. community inclusion, health and well-being |
| b. physical, mental, and behavioral | f. access to services |
| c. avoiding crises | g. provider capacity |
| d. choice and self-determination | h. stability [section V.D.3, pgs. 24 & 25] |
- 28.) CSBs shall participate in the regional quality council established by the Department that is responsible for assessing relevant data, identifying trends, and recommending responsive actions in its region [section V.D.5.a, p. 25].
- 29.) CSBs shall provide access and assist the Independent Reviewer to assess compliance with this Agreement. The Independent Reviewer shall exercise his access in a manner that is reasonable and not unduly burdensome to the operation of the CSB and that has minimal impact on programs or services to individuals receiving services under the Agreement [section VI.H, p. 30 and 31].
- 30.) CSBs shall participate with the Department and any third party vendors in the implementation of the National Core Indicators (NCI) Surveys and Quality Service Reviews (QSRs) for selected individuals receiving services under the Agreement. This includes informing individuals and authorized representatives about their selection for participation in the NCI individual surveys or QSRs; providing the access and information requested by the vendor, including health records, in a timely manner; assisting with any individual specific follow up activities; and completing NCI surveys [section V.I, p. 28].
- a. During FY22 the QSR process will be accelerated and will require the CSB to fully participate in the completion of QSR implementation twice during a nine-month period. This will ensure that the Commonwealth can show a complete improvement cycle intended by the QSR process by June 30, 2022. The attached GANTT details the schedule for the QSR reviews of 100% of providers, including support coordinators, for two review cycles.

Department of Justice Settlement Agreement Requirements

- 31.) The CSB shall notify the community resource consultant (CRC) and regional support team (RST) in the following circumstances to enable the RST to monitor, track, and trend community integration and challenges that require further system development:
- within five calendar days of an individual being presented with any of the following residential options: an ICF, a nursing facility, a training center, or a group home/congregate setting with a licensed capacity of five beds or more;
 - if the CSB is having difficulty finding services within 30 calendar days after the individual's enrollment in the waiver; or
 - immediately when an individual is displaced from his or her residential placement for a second time [sections III.D.6 and III.E, p. 14].
- 32.) DBHDS shall provide data to CSBs on their compliance with the RST referral and implementation process.
- DBHDS shall provide information quarterly to the CSB on individuals who chose less integrated options due to the absence of something more integrated at the time of the RST review and semi-annually
 - DBHDS shall notify CSBs of new providers of more integrated services so that individuals who had to choose less integrated options can be made aware of these new services and supports.
 - CSBs shall offer more integrated options when identified by the CSB or provided by DBHDS.
 - CSBs shall accept technical assistance from DBHDS if the CSB is not meeting expectations.
- 33.) Case managers or support coordinators shall collaborate with the CRC to ensure that person-centered planning and placement in the most integrated setting appropriate to the individual's needs and consistent with his or her informed choice occur [section III.E.1- 3, p. 14].
- CSBs shall collaborate with DBHDS CRCs to explore community integrated options including working with providers to create innovative solutions for people.

The Department encourages the CSB to provide the Independent Reviewer with access to its services and records and to individuals receiving services from the CSB; however, access shall be given at the sole discretion of the CSB [section VI.G, p. 31].

34.) Developmental Case Management Services

- Case managers or support coordinators employed or contracted by the CSB shall meet the knowledge, skills, and abilities qualifications in the Case Management Licensing Regulations, 12 VAC 35-105-1250. During its inspections, the Department's Licensing Office may verify compliance as it reviews personnel records.
- Reviews of the individual support plan (ISP), including necessary assessment updates, shall be conducted with the individual quarterly or every 90 days and include modifications in the ISP when the individual's status or needs and desires change.
- During its inspections, the Department's Licensing Office may verify this as it reviews the ISPs including those from a sample identified by the CSB of individuals who discontinued case management services.
- The CSB shall ensure that all information about each individual, including the ISP and VIDES, is imported from the CSB's electronic health record (EHR) to the Department within five (5) business days through an electronic exchange mechanism mutually agreed upon by the CSB and the Department into the electronic waiver management system (WaMS).
- If the CSB is unable to submit via the data exchange process, it shall enter this data directly through WaMS, when the individual is entered the first time for services, or when his or her living situation changes, her or his ISP is reviewed annually, or whenever changes occur, including information about the individual's:

Department of Justice Settlement Agreement Requirements

- | | | | |
|------|---------------------------------------|-------|---|
| i. | full name | viii. | level of care information |
| ii. | social security number | ix. | change in status |
| iii. | Medicaid number | x. | terminations |
| iv. | CSB unique identifier | xi. | transfers |
| v. | current physical residence
address | xii. | waiting list information |
| vi. | living situation (e.g., group
home | xiii. | bed capacity of the group home if that
is chosen |
| vii. | family home, or own home) | xiv. | Current support coordinator's name |
- f. Case managers or support coordinators and other CSB staff shall comply with the SIS[®] Administration Process and any changes in the process within 30 calendar days of notification of the changes.
- g. Case managers or support coordinators shall notify the Department's service authorization staff that an individual has been terminated from all DD waiver services within 10 business days of termination.
- h. Case managers or support coordinators shall assist with initiating services within 30 calendar days of waiver enrollment and shall submit Request to Retain Slot forms as required by the Department. All written denial notifications to the individual, and family/caregiver, as appropriate, shall be accompanied by the standard appeal rights (12VAC30-110).
- i. Case managers or support coordinators shall complete the level of care tool for individuals requesting DD Waiver services within 60 calendar days of application for individuals expected to present for services within one year.
- j. Case managers or support coordinators shall comply with the DD waitlist process and slot assignment process and implement any changes in the processes within 30 calendar days of written notice from the Department.

35.) Targeted Technical Assistance

- a. The CSB shall participate in technical assistance as determined by the Case Management Steering Committee. Technical assistance may be comprised of virtual or on-site meetings, trainings, and record reviews related to underperformance in any of the following areas monitored by the committee: Regional Support Team referrals, Support Coordination Quality Review results, Individual Support Plan entry completion, and case management contact data.
- b. DBHDS shall provide a written request that contains specific steps and timeframes necessary to complete the targeted technical assistance process.
- c. The CSB shall accommodate technical assistance when recommended within 45 days of the written request.
- d. CSB failure to participate in technical assistance as recommended or demonstrate improvement within 12 months may result in further actions under Exhibit I of this contract.

37.) CSB Quality Improvement Committees will review annually the DMAS-DBHDS Quality Review Team's End of Year report on the status of the performance measures included in the DD HCBS Waivers' Quality Improvement Strategy with accompanying recommendations to the DBHDS Quality Improvement Committee. CSB documentation of these reviews and resultant CSB-specific quality improvement activities will be reported to DBHDS within 30 days of receiving the report.

Department of Justice Settlement Agreement Requirements

PLAN TO MEET COMPLIANCE BY JUNE 30, 2021				PERIOD:														
	MILESTONES	PLAN START	PLAN DURATION	COMPLETE DATE	Apr-20	May-20	Jun-20	Jul-20	Aug-20	Sep-20	Oct-20	Nov-20	Dec-20	Jan-21	Feb-21	Mar-21	Apr-21	May-21
Phase 1	Vendor Contract	4/1/2020	1 Month	4/27/2020														
	Tools/Definitions/ Methodology Refined and Delivered to	5/1/2020	1 Month	5/22/2020														
	IR/Consultant Review and Approval	5/22/2020	2 Weeks	6/5/2020														
	Finalize Tools and Train Reviewers	6/5/2020	4 Weeks	6/30/2020														
	Group 1 Reviews Begin (290)	7/1/2020	45 Days	8/15/2020														
	Group 2 Reviews (290)	8/15/2020	45 Days	9/30/2020														
Phase 2	Group 1 Data Analysis and Reports Developed and Delivered	8/16/2020	1 Month	9/15/2020														
	Group 1 Technical Assistance Developed and Delivered	7/1/2020	1 Month/ Ongoing	9/15/2020														
	Group 2 Data Analysis and Reports Developed and Delivered	10/1/2020	1 Month	10/31/2020														
	Group 2 Technical Assistance Developed and Delivered	9/16/2020	45 Days/ Ongoing	10/31/2020														
Phase 3	Group 1 Improvements Implemented	9/16/2020	2 Months	11/15/2020														
	Group 2 Improvements Implemented	11/1/2020	2 Months	12/31/2020														
Phase 4	Group 1 Re-Review	11/15/2020	45 Days	12/31/2020														
	Goup 2 Re-Review	1/1/2021	45 Days	2/15/2021														
	Group 1 Data Analysis and Report Generation to Evaluate Impact	1/1/2021	1 Month	1/31/2021														
	Group 2 Data Analysis and Report Generation to Evaluate Impact	2/16/2021	1 Month	3/15/2021														
	Group 1 Report Delivered to IR	2/1/2021	N/A	2/1/2021														
	Group 2 Report Delivered to IR	3/16/2021	N/A	3/16/2021														
	Specific Activity																	
	Ongoing Activity																	

Addendum II FY2022 –FY2023: Central Office, State Facility, and Community Services Board Partnership Agreement

Table of Contents

Section 1: Purpose.....	2
Section 2: Roles and Responsibilities	2
Central Office	2
Community Services Boards	3
State Facilities	4
Section 3: Vision and Core Values	4
Core Values	5
Section 4: Indicators Reflecting Core Values	5
Section 5: Advancing the Vision.....	5
Section 6: Critical Success Factors	6
Section 7: Accountability	6
Section 8: Involvement and Participation of Individuals Receiving Services and Their Family Members	7

Addendum II FY2022 –FY2023: Central Office, State Facility, and Community Services Board Partnership Agreement

Section 1: Purpose

The Central Office of the Department of Behavioral Health and Developmental Services (Department), state hospitals and training centers (state facilities) operated by the Department, and community services boards (CSBs), which are entities of local governments, are the operational partners in Virginia's public system for providing mental health, developmental, and substance use disorder services. CSBs include operating CSBs, administrative policy CSBs, and policy-advisory CSBs to local government departments and the behavioral health authority that are established pursuant to Chapters 5 and 6, respectively, of Title 37.2 of the Code of Virginia.

Pursuant to State Board Policy 1034, the partners enter into this agreement to implement the vision statement articulated in State Board Policy 1036 and to improve the quality of care provided to individuals receiving services (individuals) and enhance the quality of their lives. The goal of this agreement is to establish a fully collaborative partnership process through which CSBs, the Central Office, and state facilities can reach agreements on operational and policy matters and issues. In areas where it has specific statutory accountability, responsibility, or authority, the Central Office will make decisions or determinations with the fullest possible participation and involvement by the other partners. In all other areas, the partners will make decisions or determinations jointly. The partners also agree to make decisions and resolve problems at the level closest to the issue or situation whenever possible. Nothing in this partnership agreement nullifies, abridges, or otherwise limits or affects the legal responsibilities or authorities of each partner, nor does this agreement create any new rights or benefits on behalf of any third parties.

The partners share a common desire for the system of care to excel in the delivery and seamless continuity of services for individuals and their families and seek similar collaborations or opportunities for partnerships with advocacy groups for individuals and their families and other system stakeholders. We believe that a collaborative strategic planning process helps to identify the needs of individuals and ensures effective resource allocation and operational decisions that contribute to the continuity and effectiveness of care provided across the public mental health, developmental, and substance use disorder services system. We agree to engage in such a collaborative planning process.

This partnership agreement also establishes a framework for covering other relationships that may exist among the partners. Examples of these relationships include regional initiatives such as the regional utilization management teams, regional crisis stabilization programs, regional discharge assistance programs, regional local inpatient purchases of services, and REACH programs.

Section 2: Roles and Responsibilities

Although this partnership philosophy helps to ensure positive working relationships, each partner has a unique role in providing public mental health, developmental, and substance use disorder services. These distinct roles promote varying levels of expertise and create opportunities for identifying the most effective mechanisms for planning, delivering, and evaluating services.

Central Office

1. Ensures through distribution of available state and federal funding that an individually focused and community-based system of care, supported by community and state facility resources, exists for the delivery of publicly funded services and supports to individuals with mental health or substance use disorders or developmental disabilities.

Addendum II FY2022 –FY2023: Central Office, State Facility, and Community Services Board Partnership Agreement

2. Promotes the public mental health, developmental, and substance use disorder service delivery system (including the Central Office) quality improvement efforts that focus on individual outcome and provider performance measures designed to enhance service quality, accessibility, and availability, and provides assistance to the greatest extent practicable with Department-initiated surveys and data requests.
3. Supports and encourages the maximum involvement to ensure that services are not imposed on individuals receiving services. The receiver of services should be an active participant in the planning, delivery, and documentation of services whenever practical participation of individuals receiving services and family members of individuals receiving services in policy formulation and services planning, delivery, monitoring, and evaluation.
4. Ensures fiscal accountability that is required in applicable provisions of the Code, relevant state and federal regulations, and policies of the State Board.
5. Promotes identification of state-of-the-art, best or promising practice, or evidence-based programming and resources that exist as models for consideration by other partners.
6. Seeks opportunities to affect regulatory, policy, funding, and other decisions made by the Governor, the Secretary of Health and Human Resources, the General Assembly, the Department of Medical Assistance Services and other state agencies, and federal agencies that interact with or affect the other partners.
7. Encourages and facilitates state interagency collaboration and cooperation to meet the service needs of individuals and to identify and address statewide interagency issues that affect or support an effective system of care.
8. Serves as the single point of accountability to the Governor and the General Assembly for the public system of mental health, developmental, and substance use disorder services.
9. Problem solves and collaborates with a CSB and state facility together on a complex or difficult situation involving an individual who is receiving services when the CSB and state facility have not been able to resolve the situation successfully at their level.

Community Services Boards

1. Pursuant to § 37.2-500 and 37.2-600 of the Code and State Board Policy 1035, serve as the single points of entry into the publicly funded system of individually focused and community-based services and supports for individuals with mental health or substance use disorders or developmental disabilities, including individuals with co-occurring disorders in accordance with State Board Policy 1015.
2. Serve as the local points of accountability for the public mental health, developmental, and substance use disorder service delivery system.
3. To the fullest extent that resources allow, promote the delivery of community-based services that address the specific needs of individuals, particularly those with complex needs, with a focus on service quality, accessibility, integration, and availability and on self-determination, empowerment, and recovery.

Addendum II FY2022 –FY2023: Central Office, State Facility, and Community Services Board Partnership Agreement

4. Support and encourage the maximum involvement and participation of individuals receiving services and family members of individuals receiving services in policy formulation and services planning, delivery, monitoring, and evaluation.
5. Establish services and linkages that promote seamless and efficient transitions of individuals between state facility and community services.
6. Promote sharing of program knowledge and skills with other partners to identify models of service delivery that have demonstrated positive outcomes for individuals receiving services.
7. Problem-solve and collaborate with state facilities on complex or difficult situations involving individuals receiving services.
8. Encourage and facilitate local interagency collaboration and cooperation to meet the other services and supports needs, including employment and stable housing, of individuals receiving services.

State Facilities

1. Provide psychiatric hospitalization and other services to individuals identified by CSBs as meeting statutory requirements for admission in § 37.2-817 of the Code and criteria in the Continuity of Care Procedures in the CSB Administrative Requirements, including the development of specific capabilities to meet the needs of individuals with co-occurring mental health and substance use disorders in accordance with State Board Policy 1015.
2. Within the resources available, provide residential, training, or habilitation services to individuals with developmental disabilities identified by CSBs as needing those services in a training center and who are certified for admission pursuant to § 37.2-806 of the Code.
3. To the fullest extent that resources allow, provide services that address the specific needs of individuals with a focus on service quality, accessibility, and availability and on self-determination, empowerment, and recovery.
4. Support and encourage the involvement and participation of individuals receiving services and family members of individuals receiving services in policy formulation and services planning, delivery, monitoring, and evaluation.
5. Establish services and linkages that promote seamless and efficient transitions of individuals
6. Promote sharing of program knowledge and skills with other partners to identify models of service delivery that have demonstrated positive outcomes for individuals.
7. Problem-solve and collaborate with CSBs on complex or difficult situations involving individuals receiving services.

Section 3: Vision and Core Values

The Central Office, state facilities, and CSBs share a common desire for the public system of care to excel in the delivery and seamless continuity of services to individuals receiving services and their families. While they are interdependent, each partner works independently with both shared and distinct points of accountability, such as state, local, or federal governments, other funding sources, individuals receiving services, and families. The partners embrace a common vision and core values that guide the Central Office, state facilities, and CSBs in developing and implementing policies, planning services, making decisions, providing services, and measuring the effectiveness of service delivery.

Addendum II FY2022 –FY2023: Central Office, State Facility, and Community Services Board Partnership Agreement

Vision Statement

The vision, as articulated in State Board Policy 1036, is of a system of quality recovery-oriented services and supports that respects the rights and values of individuals with mental illnesses, intellectual disability, other developmental disabilities who are eligible for or are receiving Medicaid developmental disability waiver services, or substance use disorders, is driven by individuals receiving services, and promotes self-determination, empowerment, recovery, resilience, health and overall wellness, and the highest possible level of participation by individuals receiving services in all aspects of community life, including work, school, family, and other meaningful relationships. This vision also includes the principles of inclusion, participation, and partnership.

Core Values

Underpinning the vision are the core values of accountability, responsiveness, accessibility and localized solution meaning:

1. The Central Office, state facilities, and CSBs are working in partnership; we hold each other accountable for adhering to our core values.
2. As partners, we will focus on fostering a culture of responsiveness and striving for continuous quality improvement.
3. All services should be designed to be welcoming, accessible, and capable of providing interventions properly matched to the needs of individuals with co-occurring disorders.
4. As partners, we will make decisions and resolve problems at the level closest to the issue or situation whenever possible.

Section 4: Indicators Reflecting Core Values

The public system of care in Virginia is guided by simple, cost-effective measures reflecting the core values and expectations identified by the Central Office, state facilities, and CSBs. Subsequently, any indicators or measures should reflect the core values listed in the preceding section. The partners agree to identify, prioritize, collect, and utilize these measures as part of the quality assurance systems mentioned in Section 6 of this agreement and in the quality improvement plan described in Section 6.b of the community services performance contract.

Section 5: Advancing the Vision

The partners agree to engage in activities to advance the achievement of the Vision Statement contained in State Board Policy 1036 and Section 3 of this agreement, including these activities.

1. **Recovery:** The partners agree, to the greatest extent possible, to:
 - a. provide more opportunities for individuals receiving services to be involved in decision making,
 - b. increase recovery-oriented, peer-provided, and consumer-run services,
 - c. educate staff and individuals receiving services about recovery, and
 - d. assess and increase the recovery orientation of CSBs, the Central Office, and state hospitals.

Addendum II FY2022 –FY2023: Central Office, State Facility, and Community Services Board Partnership Agreement

2. **Integrated Services:** The partners agree to advance the values and principles in the Charter Agreement signed by the CSB and the Central Office and to increase effective screening and assessment of individuals for co-occurring disorders to the greatest extent possible.
3. **Person-Centered Planning:** The partners agree to promote awareness of the principles of person-centered planning, disseminate and share information about person-centered planning, and participate on work groups focused on implementing person-centered planning.

Section 6: Critical Success Factors

The partners agree to engage in activities that will address the following seven critical success factors. These critical success factors are required to transform the current service system's crisis response orientation to one that provides incentives and rewards for implementing the vision of a recovery and resilience-oriented and person-centered system of services and supports. Successful achievement of these critical success factors will require the support and collective ownership of all system stakeholders.

1. Virginia successfully implements a recovery and resilience-oriented and person-centered system of services and supports.
2. Publicly funded services and supports that meet growing mental health, developmental, and substance use disorder services needs are available and accessible across the Commonwealth.
3. Funding incentives and practices support and sustain quality care focused on individuals receiving services and supports, promote innovation, and assure efficiency and cost effectiveness.
4. State facility and community infrastructure and technology efficiently and appropriately meet the needs of individuals receiving services and supports.
5. A competent and well-trained mental health, developmental, and substance use disorder services system workforce provides needed services and supports.
6. Effective service delivery and utilization management assures that individuals and their families receive services and supports that are appropriate to their needs.
7. Mental health, developmental, and substance use disorder services and supports meet the highest standards of quality and accountability.

Section 7: Accountability

The Central Office, state facilities, and CSBs agree that it is necessary and important to have a system of accountability. The partners also agree that any successful accountability system requires early detection with faithful, accurate, and complete reporting and review of agreed-upon accountability indicators. The partners further agree that early detection of problems and collaborative efforts to seek resolutions improve accountability. To that end, the partners commit themselves to a problem identification process defined by open sharing of performance concerns and a mutually supportive effort toward problem resolution. Technical assistance, provided in a non-punitive manner designed not to "catch" problems but to resolve them, is a key component in an effective system of accountability.

Where possible, joint work groups, representing CSBs, the Central Office, and state facilities, shall review all surveys, measures, or other requirements for relevance, cost benefit, validity, efficiency, and consistency with this statement prior to implementation and on an ongoing basis as requirements change. In areas where it has specific statutory accountability, responsibility, or authority, the Central Office will

Addendum II FY2022 –FY2023: Central Office, State Facility, and Community Services Board Partnership Agreement

make decisions or determinations with the fullest possible participation and involvement by the other partners. In all other areas, the partners will make decisions or determinations jointly.

The partners agree that when accreditation or another publicly recognized independent review addresses an accountability issue or requirement, where possible, compliance with this outside review will constitute adherence to the accountability measure or reporting requirement. Where accountability and compliance rely on affirmations, the partners agree to make due diligence efforts to comply fully. The Central Office reserves the powers given to the department to review and audit operations for compliance and veracity and upon cause to take actions necessary to ensure accountability and compliance.

Section 8: Involvement and Participation of Individuals Receiving Services and Their Family Members

- 1. Involvement and Participation of Individuals Receiving Services and Their Family Members:** CSBs, state facilities, and the Central Office agree to take all necessary and appropriate actions in accordance with State Board Policy 1040 to actively involve and support the maximum participation of individuals receiving services and their family members in policy formulation and services planning, delivery, monitoring, and evaluation.
- 2. Involvement in Individualized Services Planning and Delivery by Individuals Receiving Services and Their Family Members:** CSBs and state facilities agree to involve individuals receiving services and, with the consent of individuals where applicable, family members, authorized representatives, and significant others in their care, including the maximum degree of participation in individualized services planning and treatment decisions and activities, unless their involvement is not clinically appropriate.
- 3. Language:** CSBs and state facilities agree that they will endeavor to deliver services in a manner that is understood by individuals receiving services. This involves communicating orally and in writing in the preferred languages of individuals, including Braille and American Sign Language when applicable, and at appropriate reading comprehension levels.
- 4. Culturally Competent Services:** CSBs and state facilities agree that in delivering services they will endeavor to address to a reasonable extent the cultural and linguistic characteristics of the geographic areas and populations that they serve.

Section 9: Communication. CSBs, state facilities, and the Central Office agree to communicate fully with each other to the greatest extent possible. Each partner agrees to respond in a timely manner to requests for information from other partners, considering the type, amount, and availability of the information requested.

Section 10: Quality Improvement. On an ongoing basis, the partners agree to work together to identify and resolve barriers and policy and procedural issues that interfere with the most effective and efficient delivery of public mental health, developmental, and substance use disorder services.

Section 11: Reviews, Consultation, and Technical Assistance. CSBs, state facilities, and the Central Office agree, within the constraints of available resources, to participate in review, consultation, and technical assistance activities to improve the quality of services provided to individuals and to enhance the effectiveness and efficiency of their operations.

**Addendum II FY2022 –FY2023: Central Office, State Facility, and Community Services
Board Partnership Agreement**

Section 12: Revision. This is a long-term agreement that should not need to be revised or amended annually. However, the partners agree that this agreement may be revised at any time with the mutual consent of the parties. When revisions become necessary, they will be developed and coordinated through the System Leadership Council. Finally, either party may terminate this agreement with six months written notice to the other party and to the System Leadership Council.

Section 13: Relationship to the Community Services Performance Contract. This partnership agreement by agreement of the parties is hereby incorporated into and made a part of the current community services performance contract by reference.

**Board of Supervisors**1800 Sandy Hook Road
Goochland, VA 23063**9.5**

Meeting: 08/03/21 02:00 PM

Department: Human Resources

Category: Other

Prepared By: Jessica Rice

Department Head: Jessica Rice

**SCHEDULED
ACTION ITEM**

(ID # 4095)

HUMAN RESOURCES POLICY MANUAL AMENDMENT

✓ Vote Record - Action Item 4095						
<input type="checkbox"/> Adopted <input type="checkbox"/> Adopted as Amended <input type="checkbox"/> Defeated <input type="checkbox"/> Tabled <input type="checkbox"/> Withdrawn <input type="checkbox"/> Recommended for Approval <input type="checkbox"/> Recommended for Denial <input type="checkbox"/> Recommended for Approval as Amended <input type="checkbox"/> Deferred <input type="checkbox"/> Consensus of the Board <input type="checkbox"/> Approved <input type="checkbox"/> Tabled by Consensus <input type="checkbox"/> Approved as Amended <input type="checkbox"/> Recusal <input type="checkbox"/> Strike <input type="checkbox"/> No quorum <input type="checkbox"/> Public Hearing Held <input type="checkbox"/> Reviewed			Yes/Aye	No/Nay	Abstain	Absent
	Susan Lascolette		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Ken Peterson		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	John Lumpkins		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Neil Spoonhower		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Don Sharpe		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Strat Goal 1	Efficient, effective, and transparent government; emphasis on customer service excellence	X
Strat Goal 2	Balanced development that contributes to the welfare of the community and preserves its rural character	
Strat Goal 3	Excellence in Financial Management	X
Strat Goal 4	High Quality Core Services including Education, Public Safety, and Community Health	
Strat Goal 5	Positive Work Environment with a Highly Qualified, Diverse Workforce	

Board Action Requested

The Board is requested to approve the amendments to the Human Resources Policy Manual, as described.

Summary of Information

The Human Resources Policy manual is a compilation of personnel policies that serves as the organization's guiding document pertaining to recruiting, pay, benefits, employee conduct, discipline, grievances, and all other related protocols. Effective August 1, 2021, Goochland County will implement the following amendments to the Human Resources Policy Manual in response to new legislation passed in the Virginia Overtime Wage Act (VOWA).

1) **Section 3.11 Overtime Compensation**

Policy section 3.11 has been revised to reflect that overtime wages are now calculated based on all wages earned during the specified period. This includes base rate, pay for special assignments, and stipends. Note that overtime wages only apply to non-exempt employees.

2) **Section 5.12 Compensatory Leave**

Action Item

Meeting of August 3, 2021

Policy section 5.12 has been revised to reflect the legislative change stipulating that no employees may receive compensatory leave in lieu of being paid overtime wages. The only exception is uniformed firefighters and sworn law enforcement officers.

Attachments

Amended HR Policy Manual sections 3.11 and 5.12

Draft Motion

I move that the Board (approve/ approve as amended/ deny/ defer to *date*) the proposed changes to the Human Resources Policy Manual.

ATTACHMENTS:

- HR Policy Manual Update- Sections 3.11 and 5.12 (DOCX)

3.11 Overtime Compensation

Employees who are not in exempt positions under the Fair Labor Standards Act will be compensated in overtime wages at the rate of 1.5 times the regular rate of pay for all hours actually worked in excess of 40 hours per work week. In accordance with the Virginia Overtime Wage Act (VOWA), the regular rate of pay is defined as an employee's hourly rate in addition to other wages paid in that work week, minus any applicable federal exclusions, divided by the total number of hours worked in that work week. Compensatory leave may be offered to non-exempt uniformed firefighters and law enforcement officers at a rate of 1.5 hours for each hour of overtime worked, in lieu of overtime wages. Payment of overtime wages and/or awarding compensatory leave for fire protection and law enforcement employees shall be in accordance with the provisions of Virginia Code §§ 9.1-700 through 9.1-706. (Refer to Section 5.12 Compensatory Leave)

Unless authorized to do so, non-exempt employees should not work over 40 hours during a work week. Non-exempt employees should not access job-related emails or conduct other business outside of work hours. Employees may not work overtime without advanced permission from their supervisor. Working unapproved overtime may subject a non-exempt employee to disciplinary action. If an employee works over the scheduled hours for a particular day without advanced authorization, the employee should inform the supervisor immediately on the day following.

Exempt employees who are required to work beyond normal hours or on weekends and holidays may be given Special Duty Leave at the discretion of the department head or County Administrator, as applicable. (Refer to Section 5.11 Special Duty Leave)

5.12 Compensatory Leave

Non-exempt "fire protection employees" and "law enforcement employees," as those terms are defined in Virginia Code § 9.1-700, may be awarded compensatory leave in accordance with the provisions of Virginia Code §§ 9.1-700 through 9.1-706. Those identified public safety employees may receive compensatory leave in lieu of cash wage payments on a time and one-half basis with approval of the Fire Chief or Sheriff, as appropriate. If approved, 1.5 hours of compensatory leave time will be given for each hour of overtime worked. In accordance with the Virginia Overtime Wage Act (VOWA), regular employees and non-uniformed public safety employees are ineligible to receive compensatory leave in lieu of overtime wage payments.

An employee cannot accumulate more than 80 hours of compensatory leave in a calendar year. After 80 hours have been accumulated, employees will be paid for the overtime hours they work instead of accruing additional compensatory leave. Up to 40 hours may be carried over to the following calendar year. Any compensatory leave in excess of 40 hours must be paid out in cash wages at the end of the calendar year. Department heads are responsible for knowing the compensatory leave balances of their employees and must develop a plan to either reduce or maintain compensatory leave balances at or below the maximum carryover hours. An employee will be paid out in cash wages for all unused compensatory leave upon separation from employment with the County. (See 3.11 Overtime Compensation)

**Board of Supervisors**1800 Sandy Hook Road
Goochland, VA 23063

Meeting: 08/03/21 02:00 PM

Department: Finance

Category: Other

Prepared By: Barbara Horlacher

Department Head: Barbara Horlacher

10.1**SCHEDULED
ACTION ITEM**

(ID # 4076)

**FY2021 YEAR END FUND BALANCE PROJECTION AND FUND
BALANCE ASSIGNMENTS**

✓ Vote Record - Action Item 4076						
<input type="checkbox"/> Adopted <input type="checkbox"/> Adopted as Amended <input type="checkbox"/> Defeated <input type="checkbox"/> Tabled <input type="checkbox"/> Withdrawn <input type="checkbox"/> Recommended for Approval <input type="checkbox"/> Recommended for Denial <input type="checkbox"/> Recommended for Approval as Amended <input type="checkbox"/> Deferred <input type="checkbox"/> Consensus of the Board <input type="checkbox"/> Approved <input type="checkbox"/> Tabled by Consensus <input type="checkbox"/> Approved as Amended <input type="checkbox"/> Recusal <input type="checkbox"/> Strike <input type="checkbox"/> No quorum <input type="checkbox"/> Public Hearing Held <input type="checkbox"/> Reviewed			Yes/Aye	No/Nay	Abstain	Absent
	Susan Lascolette		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Ken Peterson		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	John Lumpkins		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Neil Spoonhower		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Don Sharpe		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Strat Goal 1	Efficient, effective, and transparent government; emphasis on customer service excellence	X
Strat Goal 2	Balanced development that contributes to the welfare of the community and preserves its rural character	
Strat Goal 3	Excellence in Financial Management	X
Strat Goal 4	High Quality Core Services including Education, Public Safety, and Community Health	
Strat Goal 5	Positive Work Environment with a Highly Qualified, Diverse Workforce	

Board Action Requested

The Board is to receive information on preliminary FY2021 general fund results. Based on that information, the Board is requested to approve assigned uses of general fund balance as of June 30, 2021. Budget amendments to appropriate available FY2021 fund balance and other available funds to the FY2022 budget will be presented for a public hearing and voted on in the evening meeting.

Summary of Information

Attached are general fund preliminary results for FY2021. Preliminary results for FY2021 indicate an ending fund balance of \$39,000,119, an increase of approximately \$1,000,000 over the FY2020 fund balance.

The second attachment lists recommended assigned uses of the estimated general fund balance as of June 30, 2021. Some of the assigned uses are carryovers from previous years, others are consistent with FY2022 budgets, and others are new recommendations. Staff requests approval of the fund balance assignments. As these assignments are based on estimates, they will be refined by the Board at the October meeting for inclusion in the County's FY2021 financial statements.

Approval of these assignments does not result in the appropriation of funds. A public

Action Item

Meeting of August 3, 2021

hearing will be held on August 3, 2021, to appropriate a portion of the FY2021 fund balance to the FY2022 budget.

Draft Motion

I move that the Goochland County Board of Supervisors approve/ approve as amended/ deny the June 30, 2021 preliminary fund balance assignments.

ATTACHMENTS:

- FY21 4TH QTR (PDF)
- FY21 Fund Balance (PDF)

County of Goochland, Virginia
General Fund
FY21 Fourth Quarter Projections

Year Ended June 30, 2021

	Adopted Budget	Final Budget	Year-End Projected	Variance with Final Budget - Positive (Negative)
REVENUES				
Total revenues	\$ 57,158,477	\$ 59,193,789	\$ 64,700,000	\$ 5,506,211
EXPENDITURES				
Current:				
General government administration	5,847,218	5,912,979	5,687,979	225,000
Judicial administration	1,841,717	1,967,584	1,842,584	125,000
Public safety	13,236,430	13,801,180	13,001,180	800,000
General services	2,788,047	2,961,063	2,861,063	100,000
Health and welfare	4,114,316	4,367,566	3,917,566	450,000
Education	23,330,000	24,607,796	24,307,796	300,000
Parks and recreation	1,081,687	1,143,335	1,093,335	50,000
Community development	1,918,152	2,159,443	1,929,443	230,000
Debt service:				
Principal retirement	2,413,000	2,413,000	1,524,000	889,000
Interest and other fiscal charges	288,000	288,000	286,702	1,298
Total expenditures	56,858,567	59,621,946	56,451,648	3,170,298
Excess (deficiency) of revenues over (under) expenditures	299,910	(428,157)	8,248,352	8,676,509
OTHER FINANCING SOURCES (USES)				
Transfer to Capital Projects Fund	(2,319,818)	(6,588,156)	(6,588,156)	-
Transfer to Office of Children's Services Fund	(900,000)	(900,000)	(600,000)	(300,000)
Total transfers net	(3,219,818)	(7,488,156)	(7,188,156)	(300,000)
Net change in fund balance	(2,919,908)	(7,916,313)	1,060,196	8,376,509
Fund balance - beginning	-	\$ 37,939,923	\$ 37,939,923	-
Fund balance - ending	\$ (2,919,908)	\$ 30,023,610	\$ 39,000,119	\$ 8,376,509
Nonspendable			308,929	
Restricted			23,460	
Revenue Stabilization			2,118,000	
Assigned			17,379,000	
Unassigned			19,170,730	
Projected Fund balance - ending			<u>\$ 39,000,119</u>	
FINANCIAL POLICY COMPLIANCE				
Policy			10%	
Actual debt service expenditures to total GF expenditures			3.0%	
Unused capacity (favorable variance)			7.0%	
Target unassigned fund balance			25%	
Actual unassigned fund balance			27.5%	
Exceed target (favorable variance)			2.5%	
Revenue stabilization policy			3%	
Actual revenue stabilization			3%	

Attachment: FY21 4TH QTR (4076 : Year End Projection and FY21 Fund Balance Assignments)

FY2021 General Fund Year End Balances ESTIMATED

Total Fund Balance 6/30/20, per CAFR:	\$ 37,939,923
Unassigned FB plus revenue stab. as of 6/30/20, per CAFR:	\$ 20,961,211

Description	Estimated Amount	Fund Balance Classification
Prepaid items	188,000	Nonspendable
Due From TCSD in future years (Three Chopt Loan)	117,634	Nonspendable
Inventories	3,295	Nonspendable
Conservation Easement Stewardship	15,360	Restricted
Courthouse Maintenance funds In GF Balance (Fund 142)	8,100	Restricted
Revenue Stabilization Reserve - at least 3% of Annual Budget	2,118,000	Committed
Reserve for future school debt	3,717,000	Assigned
Reserve for Louisa Border Engineering & Surveying Costs	140,000	Assigned
TCSD Debt - reserve to help address future debt costs	1,000,000	Assigned
Reservation for Parks Development and Land Acquisition	43,000	Assigned
Reservation for Schools Retiree Healthcare Liability	120,000	Assigned
Reservation for County Retiree Healthcare Liability	210,000	Assigned
Citizen Survey costs	35,000	Assigned
Courthouse Security funds In GF Balance	150,000	Assigned
Social Services unspent funds in GF Balance (Fund 140)	120,000	Assigned
Reservation for Encumbrances rolled forward	105,000	Assigned
Broadband programs	200,000	Assigned
Courthouse Village studies	100,000	Assigned
Courthouse land acquisition	200,000	Assigned
FY22 capital projects	4,271,000	Assigned
Future transportation projects	500,000	Assigned
Schools turnback	300,000	Assigned
Pay-go investment in School projects	2,125,000	Assigned
Pay-go investment in courthouse budget	1,000,000	Assigned
PR vehicle/security/convenience center	343,000	Assigned/appropriate
Future transportation projects	500,000	Assigned
Future CIP projects	2,200,000	Assigned

General Fund Balance 6/30/21 ESTIMATE	\$ 39,000,119
Nonspendable	308,929
Restricted	23,460
Committed	2,118,000
Assigned	17,379,000
Unassigned	\$ 19,170,730

Unassigned FB plus revenue stab. as of 6/30/20	\$ 21,288,730
--	---------------

Increase in unassigned FB plus revenue stab.	\$ 327,519
--	------------

Attachment: FY21 Fund Balance (4076 : Year End Projection and FY21 Fund Balance Assignments)



Board of Supervisors

1800 Sandy Hook Road
Goochland, VA 23063

Meeting: 08/03/21 02:00 PM

Department: Finance

Category: Presentation

Prepared By: Barbara Horlacher

Department Head: Barbara Horlacher

SCHEDULED INFORMATION ITEM

(ID # 4096)

OVERVIEW OF REFERENDUM PROCESS

Strat Goal 1	Efficient, effective, and transparent government; emphasis on customer service excellence	X
Strat Goal 2	Balanced development that contributes to the welfare of the community and preserves its rural character	
Strat Goal 3	Excellence in Financial Management	X
Strat Goal 4	High Quality Core Services including Education, Public Safety, and Community Health	
Strat Goal 5	Positive Work Environment with a Highly Qualified, Diverse Workforce	

Board Action Requested

No action requested.

Summary of Information

On November 2, 2021, Goochland County citizens will have the opportunity to cast their votes on two referendum questions that would allow the general obligation bond funding of county and school division projects that will have lasting, positive impacts on our community. An update on the actions that will be taken by the County and the Schools to inform citizens regarding the referendum will be presented.

Lisa K. Beczkiewicz

Lisa K. Beczkiewicz, Deputy Clerk

7/28/2021

**Board of Supervisors**1800 Sandy Hook Road
Goochland, VA 23063**10.5**

Meeting: 08/03/21 02:00 PM

Department: County Administration

Category: Appointment

Prepared By: Lisa K. Beczkiewicz

Department Head: Lisa K. Beczkiewicz

**SCHEDULED
ACTION ITEM**

(ID # 4075)

APPOINTMENTS - AUGUST 1, 2021

✓ Vote Record - Action Item 4075						
<input type="checkbox"/> Adopted <input type="checkbox"/> Adopted as Amended <input type="checkbox"/> Defeated <input type="checkbox"/> Tabled <input type="checkbox"/> Withdrawn <input type="checkbox"/> Recommended for Approval <input type="checkbox"/> Recommended for Denial <input type="checkbox"/> Recommended for Approval as Amended <input type="checkbox"/> Deferred <input type="checkbox"/> Consensus of the Board <input type="checkbox"/> Approved <input type="checkbox"/> Tabled by Consensus <input type="checkbox"/> Approved as Amended <input type="checkbox"/> Recusal <input type="checkbox"/> Strike <input type="checkbox"/> No quorum <input type="checkbox"/> Public Hearing Held <input type="checkbox"/> Reviewed						
			Yes/Aye	No/Nay	Abstain	Absent
	Susan Lascolette		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Ken Peterson		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	John Lumpkins		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Neil Spoonhower		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Don Sharpe		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Strat Goal 1	Efficient, effective, and transparent government; emphasis on customer service excellence	X
Strat Goal 2	Balanced development that contributes to the welfare of the community and preserves its rural character	
Strat Goal 3	Excellence in Financial Management	
Strat Goal 4	High Quality Core Services including Education, Public Safety, and Community Health	X
Strat Goal 5	Positive Work Environment with a Highly Qualified, Diverse Workforce	

Board Action Requested

The Board will consider the following appointments at its August 3, 2021 meeting.

Economic Development Authority

Reappointment of Demerst B Smit (DB), effective August 1, 2021, four-year term, ending July 31, 2025

Capital Area Alcohol Safety Action Program (CAASAP)

Reappointment of Eddie Carpenter, July 1, 2021, three-year term, ending June 30, 2024.
Reappointment of Buzz Coe, June 1, 2021, three-year term, ending May 31, 2024.

Recreation Advisory Commission

Reappointment of Robert Wheatley, August 1, 2021, two-year term, ending July 31, 2023.

RRTPO Community Transportation Advisory Committee (CTAC)

Reappointment of Bob Basham, June 1, 2021, two-year term, ending May 30, 2023.

Draft Motion

Action Item

Meeting of August 3, 2021

I move that the Goochland County Board of Supervisors (approve/approve as amended) the appointments as presented.



Board of Supervisors

1800 Sandy Hook Road
Goochland, VA 23063

SCHEDULED ACTION ITEM

Meeting: 08/03/21 02:00 PM
Department: County Attorney
Category: Closed Meeting
Prepared By: Christina Neale
Department Head: Tara A. McGee

10.6

(ID # 4088)

MOTION TO ENTER A CLOSED MEETING FOR THE PURPOSE OF DISCUSSION REGARDING RECRUITMENT FOR THE INTERIM AND COUNTY ADMINISTRATOR POSITIONS, AS PERMITTED BY VIRGINIA CODE § 2.2-3711(A)(1). CERTIFICATION AT THE CONCLUSION OF THE CLOSED MEETING.

✓ Vote Record - Action Item 4088						
<input type="checkbox"/> Adopted <input type="checkbox"/> Adopted as Amended <input type="checkbox"/> Defeated <input type="checkbox"/> Tabled <input type="checkbox"/> Withdrawn <input type="checkbox"/> Recommended for Approval <input type="checkbox"/> Recommended for Denial <input type="checkbox"/> Recommended for Approval as Am <input type="checkbox"/> Deferred <input type="checkbox"/> Consensus of the Board <input type="checkbox"/> Approved <input type="checkbox"/> Tabled by Consensus <input type="checkbox"/> Approved as Amended <input type="checkbox"/> Recusal <input type="checkbox"/> Strike <input type="checkbox"/> No quorum <input type="checkbox"/> Public Hearing Held <input type="checkbox"/> Reviewed						
			Yes/Aye	No/Nay	Abstain	Absent
	Susan Lascolette		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Ken Peterson		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	John Lumpkins		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Neil Spoonhower		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Don Sharpe		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Board Action Requested

Motion to convene a Closed Meeting.

Certification required upon conclusion of Closed Meeting.

Summary of Information

Motion to convene a Closed Meeting, as permitted by Virginia Code § 2.2-3711(A)(1), for the purpose of discussion regarding recruitment for the Interim and County Administrator positions, and certification required by Virginia Code § 2.2-3712(D), upon conclusion of the Closed Meeting.

Motion to Convene Closed Meeting

In accordance with the provisions of Virginia Code § 2.2-3711(A)(1), I move that the Goochland County Board of Supervisors convene in Closed Meeting for the purpose of discussion regarding recruitment for the Interim and County Administrator positions.

Roll Call Vote:

Susan F. Lascolette _____

John L. Lumpkins, Jr., Chair _____

Kendall C. Peterson, Vice-Chair _____

Don Sharpe _____

Neil Spoonhower _____

Abstentions:

Action Item
Absent:

Meeting of August 3, 2021

Certification of Closed Meeting

Pursuant to Virginia Code § 2.2-3712(D), I move that the Board members hereby certify that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements under the Freedom of Information Act, and (ii) only such public business matters as were identified in the motion convening the Closed Meeting were heard, discussed, or considered in the Closed Meeting.

Roll Call Vote:

Susan F. Lascolette	_____
John L. Lumpkins, Jr., Chair	_____
Kendall C. Peterson, Vice-Chair	_____
Don Sharpe	_____
Neil Spoonhower	_____
Abstentions:	
Absent:	

Tara A. McGee
Tara A. McGee, County Attorney 7/26/2021



Board of Supervisors

1800 Sandy Hook Road
Goochland, VA 23063

SCHEDULED RESOLUTION

Meeting: 08/03/21 02:00 PM

Department: Finance

Category: Budget Amendments

Prepared By: Barbara Horlacher

Department Head: Barbara Horlacher

14.1

(ID # 4087)

RESOLUTION AMENDING THE FISCAL YEAR 2022 GOOCHLAND COUNTY BUDGET BY BUDGETING AND APPROPRIATING \$2,716,485 IN THE COUNTY GENERAL FUND, THE COUNTY CAPITAL IMPROVEMENT FUND, AND THE SCHOOL GRANT FUND

Strat Goal 1	Efficient, effective, and transparent government; emphasis on customer service excellence	
Strat Goal 2	Balanced development that contributes to the welfare of the community and preserves its rural character	
Strat Goal 3	Excellence in Financial Management	X
Strat Goal 4	High Quality Core Services including Education, Public Safety, and Community Health	X
Strat Goal 5	Positive Work Environment with a Highly Qualified, Diverse Workforce	

Board Action Requested

The Board is requested to hold a public hearing to consider amendments and appropriations totaling \$2,716,485 to the Fiscal Year 2022 budget. After the public hearing, the Board is requested to amend the Fiscal Year 2022 as described below.

Summary of Information

Virginia Code Section 15.2-2507 requires that if a locality intends to amend its budget by an amount that exceeds one percent of the total expenditures shown in the currently adopted budget, then a public hearing on the budget amendment must first be held. The current amended Fiscal Year 2022 Goochland County budget is \$141,570,681. The combined budget amendments described below total \$2,716,485, which is greater than 1% of the current Fiscal Year 2022 budget.

Staff requests the consideration of the following budget amendments:

- Parks and Recreation - \$40,000 for a vehicle to transport tables, folding chairs, etc.
- Capital Improvement Fund - \$125,000 for security improvements
- Capital Improvement Fund - \$153,000 for Central Convenience Center improvements

Goochland County Public Schools requests the appropriation of grant funds totaling \$2,398,485. No additional funding from the County is requested. These items were approved by the School Board at its July 13, 2021, meeting. See attached for further details.

Draft Motion

I move that the Goochland County Board of Supervisors (approve/ approve as amended / deny) the following Resolution amending the Fiscal Year 2022 Goochland County Budget by budgeting and appropriating \$2,716,485 in the County General Fund, the County Capital Improvement Fund, and the School Grant Fund.

ATTACHMENTS:

- BHtransmittalJul14 (PDF)
- ARPA ESSER III Use of Funds (PDF)
- American Rescue Plan Use of Funds Multi-Year Plan Details (PDF)

✓ Vote Record - Resolution 4087						
<input type="checkbox"/> Approved <input type="checkbox"/> Recommended for Approval <input type="checkbox"/> Recommended for Denial <input type="checkbox"/> Deferred <input type="checkbox"/> Denied <input type="checkbox"/> Withdrawn <input type="checkbox"/> Recommended for Approval as Am <input type="checkbox"/> Adopted <input type="checkbox"/> Adopted as Amended <input type="checkbox"/> Defeated <input type="checkbox"/> Consensus of the Board <input type="checkbox"/> Tabled by Consensus <input type="checkbox"/> Approved as Amended <input type="checkbox"/> Send to BOS with Report of Tie Vote						
			Yes/Aye	No/Nay	Abstain	Absent
	Susan Lascolette		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Ken Peterson		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	John Lumpkins		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Neil Spoonhower		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Don Sharpe		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AT A MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF GOOCHLAND, VIRGINIA, HELD ON AUGUST 3, 2021, IN THE GOOCHLAND COUNTY ADMINISTRATION BUILDING, 1800 SANDY HOOK RD., SUITE 250, GOOCHLAND, VIRGINIA, THE FOLLOWING ACTION WAS TAKEN:

Resolution amending the Fiscal Year 2022 Goochland County Budget by budgeting and appropriating a total of \$2,716,485 to the County General Fund, the County Capital Improvement Fund, and the School Grant Fund

WHEREAS, on April 20, 2021, the Goochland County Board of Supervisors adopted and appropriated the Fiscal Year 2022 Goochland County Budget in the amount of \$141,274,251; and

WHEREAS, Virginia Code § 15.2-2507 states that any locality may amend its budget to adjust the aggregate amount to be appropriated during the current fiscal year and must first hold a public hearing that is advertised once in the newspaper if any such amendment exceeds one percent of the total expenditures of the currently adopted budget; and

WHEREAS, the proposed budget amendment in the amount of \$2,716,485 exceeds one percent of the currently adopted budget; and

WHEREAS, the Goochland County Board of Supervisors advertised as required by law and held a public hearing on the proposed budget amendment on August 3, 2021.

NOW, THEREFORE, BE IT RESOLVED, that the Fiscal Year 2022 Goochland County Operating Budget is hereby amended, and the funds appropriated as shown:

Resolution

Meeting of August 3, 2021

Project	Amount	Totals	Source of Funds
County General Fund			
Parks and Rec truck for moving large items	\$ 40,000		Assigned General Fund balance
		\$ 40,000	
County Capital Improvement Fund			
Security improvements	125,000		Assigned General Fund balance
Central Convenience Center improvements	153,000		Assigned General Fund balance
		278,000	
School Grant Fund			
Special education	147,220		ARPA IDEA special education award
Preschool special education	10,709		ARPA IDEA preschool special education
Academic recovery	278,411		CRSSA ESSER II allocation grant
Balanced calendar	604,000		CRSSA ESSER II allocation grant
See attachments	1,358,145		ARPA ESSER II allocation grant
		2,398,485	
GRAND TOTAL		\$ 2,716,485	GRAND TOTAL

Adopted this 3rd day of August, 2021.

A COPY ATTEST:

 County Administrator or Designee
 Goochland County Board of Supervisors



Jeremy J. Raley, Ed.D.,
Superintendent

P.O. Box 169
2938-I River Road West
Goochland, VA 23063-0169

(804) 556-5630 phone
(804) 556-3847 fax
goochlandschools.org

July 14, 2021

Barbara Horlacher, Deputy County Administrator for Administration
County of Goochland
1800 Sandy Hook Road
Goochland, VA 23063

Dear Ms. Horlacher,

The School Board approved at their July 13, 2021 meeting the following budget supplements. We ask that the Board of Supervisors approve these items in their August 2021 meeting;
These items require no additional funding from the County.

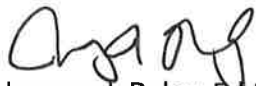
Budget Supplement – School's Federal Grant Fund	Amount	Totals	Source of Funds (anticipated expenses)
ARPA IDEA Special education award	\$147,220		US DOE/American Rescue Plan Act (ARPA) IDEA allocation for additional needs for SPED students due to the pandemic
ARPA IDEA Preschool Special education award	10,709		US DOE/ARPA IDEA allocation for additional needs for SPED preschool students due to the pandemic
CRRSA ESSER II Allocation – Unfinished Learning Grant	278,411		Coronavirus Relief and Recovery Supplemental Appropriations (12/2020) – VA DOE competitive grant award for a number of academic recovery and mental health initiatives
CRRSA ESSER II Allocation – Balanced Calendar Grant	604,000		Coronavirus Relief and Recovery Supplemental Appropriations (12/2020) – VA DOE competitive grant award for a proposed Balanced Calendar initiative that is still under consideration by the School Board
ARPA ESSER III Allocation	1,358,145		American Rescue Plan allocation less \$1M already appropriated in FY2022 budget
Total Budget Supplement		\$ 2,398,485	

These federal awards, recorded in our Federal Grant Fund, can be used over multiple years and the use of the Elementary and Secondary School Emergency Relief (ESSER) grants administered by the U.S. Department of Education (DOE) have been vetted with many Goochland County Public School stakeholders and are shown in both narrative and detail

form on the GCPS website (published documents attached) along with a previously appropriated \$1,049,998 ESSER II allocation. GCPS plans include matching these one-time revenues with non-recurring expenses or with plans to partially operationalize some of the successful programs before September 2024 when the funding is no longer available.

We thank the Board of Supervisors for their careful consideration of approving these supplemental appropriations. Please let us know if there is any other information you would like us to provide.

Sincerely,



Jeremy J. Raley, Ed.D.
Superintendent

Attachments from GCPS website on "[Use of American Rescue Plan Funds](#)"

July 1, 2021

Section 1: Introduction

The purpose of the American Rescue Plan (ARP) Act Elementary and Secondary School Emergency Relief (ESSER) III Fund is to help safely reopen and sustain the safe operation of schools and address the impacts of COVID-19 on the nation's students by addressing students' **academic, social, emotional, and mental health needs**. Goochland County Public Schools has been awarded \$2,358,145 in ESSER III funds. This plan describes how the awarded funds will be used. Questions about this plan should be directed to Dr. Jeremy Raley, Superintendent, at jralley@glnd.k12.va.us or 804-556-5601.

Our COVID-19 response up to this point is explained in our [Updated Return to Instruction and Continuity of Services Plan](#), posted on our website June 1, 2021. A [detailed summary of three years of ARP \(ESSER III\) and ESSER II funds](#) is available on the website and is explained in sections 2, 3 and 4 below.

Section 2: Prevention and Mitigation Strategies

ARP Act ESSER III funds may be used to implement prevention and mitigation strategies that are, to the greatest extent practicable, consistent with the most recent [Centers for Disease Control and Prevention \(CDC\) guidance](#) on reopening schools, in order to continuously and safely open and operate schools for in-person learning. Goochland County Public Schools will use approximately \$1,123,000 of its ARP Act ESSER III funds to implement prevention and mitigation strategies as described below. This is in addition to the use of \$680,000 of ESSER II for similar strategies.

Goochland County Public Schools will continue its short-term prevention and mitigation strategies by providing personal protective equipment (PPE) and cleaning supplies for SY 2021-22 as well as maintain physical distancing as needed by purchasing more individual student desks and chairs (in place of group tables), improving outdoor spaces for eating and classrooms, hiring two permanent subs for SY2021-22 at the secondary complex, paying for another year of warehouse storage for excess school furniture, and the cost of moving the furniture back into schools.

Goochland County Public Schools will continue its long-term prevention and mitigation strategies by improving air quality in several critical ways: replacing the cooling tower at the Goochland High School which was built over 20 years ago, complete HVAC upgrades at Randolph and Byrd Elementary schools which were built over 60 years ago (upgrades started with Coronavirus Relief Funds and ESSER II funds), and improve the building automation system at these schools. Investments are being made for improvements at both Byrd and Randolph as they are not slated for replacement in the near future. Our division's current plan has these facilities being replaced ten or more years in the future.

Section 3: Addressing Unfinished Learning

Section 2001(e)(1) of the ARP Act requires each LEA to use twenty percent of its formula funds to address the academic impact of lost instructional time (learning loss) through the

implementation of evidence-based interventions, such as summer learning or summer enrichment, extended day, comprehensive after school programs, or extended school year programs. Goochland County Public Schools will use approximately \$1,017,000 of its ARP Act ESSER III funds to address unfinished learning as described below. (This is in addition to the use of \$801,100 of ESSER II for expanded summer and tutoring programs in 2021 and the first year of balanced calendar intersessions, if approved by the School Board, in the Fall of 2021.)

Goochland County Public Schools will address the academic impact of lost instructional time by hiring nine part-time interventionists at the three elementary schools for the next two school years (SY 2021-22 and SY 2022-23). These professional educators will provide Tier 2 and Tier 3 support for students in a formalized plan for enhanced multi-tiered systems of support (MTSS). These funds will also provide expanded summer school support during the summer of 2022 before starting school earlier in August 2022 as the division proposes to implement a balanced instructional calendar to potentially begin in the 2022-2023 academic year. This structural adjustment to our instructional calendar will provide 29 alternative and optional days of instruction as enrichment, remedial, and academic support programming. ESSER III funds will also pay for the second year of implementation of our proposed balanced calendar. These programs are intended to be included in the division's operational budget beyond the ESSER III grant period.

Section 4: Other Uses of Funds

Section 2001(e) of the ARP Act permits school divisions to use the ARP Act ESSER III funding not reserved to address unfinished learning to address the impacts of COVID-19 in a variety of ways. Goochland County Public Schools will use approximately \$220,000 of its ARP Act ESSER III funds in accordance with Section 2001(e) of the ARP Act as described below. This is in addition to the use of \$450,000 of ESSER II for similar strategies in SY 2021-22 and SY 2022-23.

Goochland County Public Schools will fund about \$150,000 for COVID-19 related software and technology services and student mobile Wifi device data plans for SY 2022-23 and SY 2023-2024. It will also pay for the second year of a new social worker position in SY 2022-23. These programs are intended to be included in the division's operational budget beyond the ESSER III grant period if sufficient state and local funds are appropriated.

Section 5: Addressing Students' Academic, Social, Emotional, and Mental Health Needs

Academic Needs of Students

As Goochland County Public Schools prepare to conclude the 2020-21 academic year, we have the most robust summer academic program we have ever designed ready for students. Our summer instructional program will include an in-person pre-kindergarten experience for rising kindergarten students in need of an early start to a successful transition to kindergarten. We will provide our rising first through fifth grade students with a rich, in-person summer program with a concentration in literacy, numeracy, and enrichment for five weeks this summer. We will provide middle and high school students with in-person summer academic support programming, credit recovery, and credit advancement. We will also provide summer academic support virtually for students who remain unable to participate in in-person learning. Finally, we will provide two unique enrichment opportunities for students, after missing these in-person programs last summer: a one-week fine arts camp and a one-week STEM camp.

We plan to open the 2021-22 academic year with all of our students in person. Preliminary results indicate that all but ten of our families plan to participate in school in person next year. We have invested heavily this year in health mitigation efforts. These investments have allowed us to safely bring students back into our schools throughout the current school year and have provided the foundation for us to prepare for an in-person school year for 2021-22.

Students who are granted permission to participate in a remote instructional experience next year will receive their instruction virtually through Virtual Virginia at the elementary level and a combination of Virtual Virginia and a third party distance provider at the secondary level.

We have a strong structure in place for monitoring student academic performance and have continued to rigorously monitor student performance throughout the past fifteen months. Data analysis of individual student growth, traditional academic achievement, and qualitative data by way of student surveys has allowed our instructional team to continuously adjust pacing and curriculum in real time to ensure as much academic success as possible. Furthermore, that same data analysis has contributed to our programming decisions throughout the 2020-21 school year, for the upcoming summer, for the 2021-22 school year, and beyond.

Elementary students in need of additional academic support at the elementary level will receive it in multiple ways through our multi-tiered system of support (MTSS). Goochland County Public Schools' Multi-Tiered System of Support (MTSS) is a framework designed to provide students with responsive support when academic struggles arise. MTSS includes a structure to help educators with three important, specific tasks:

1. identifying students in need of academic support;
2. developing a personalized, actionable plan to support students as they work to achieve success; and,
3. monitoring individual student progress.

Instead of the “waiting for failure” model of many assessment systems, MTSS takes a proactive approach to identifying students with academic needs. Early assessment and intervention for these students can help them catch up to grade level proficiency sooner. Key components to our MTSS include:

- Universal screening of all students early each school year
- Tiers of interventions that can be amplified in response to levels of need
- Ongoing data collection and formative assessment
- Schoolwide approach to expectations and supports
- Open, consistent communication and partnership with families

MTSS uses three distinct tiers of support to assist all students at various levels of need:

Tier 1 (Universal) - 100% of students receive this level of support.

This tier is the foundation of the MTSS framework. Tier 1 encompasses the entire student population of a school and includes core instruction and differentiated support. This structure includes day to day instruction, the overall development of positive relationships among students and staff, and differentiated support that reflect best practice and can be delivered in the classroom. Students who do not achieve success within Tier 1 may move into Tier 2.

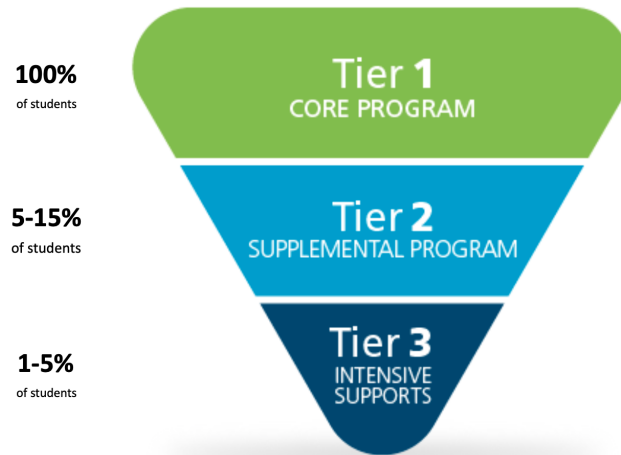
Tier 2 (Secondary) - 5-15% of students receive this level of support.

Some students need formalized intervention in order to achieve academic success. Tier 2 provides students with this support. Often interventions within Tier 2 are delivered in small group settings. This targeted support allows many students to achieve academic proficiency. Students who do not achieve

success within Tier 2 may move into Tier 3.

Tier 3 (Tertiary) - 1-5% of students receive this level of support.

A much smaller subset of students may have significant, lasting academic deficits that require additional specialized support beyond Tier 2. Tier 3 provides these students with individualized support aimed at ensuring long term academic success.



	<i>Which team members?</i>	<i>How and when?</i>
Tier 1 (100%)	Regular Education Teachers Special Education Teachers	<ul style="list-style-type: none"> • Daily • Whole group and small group instruction • Opportunities to practice content and skills (often individualized based on student need)
Tier 2 (5-15%)	Regular Education Teachers Special Education Teachers Academic Interventionists Reading Specialists Math Specialists Speech Language Pathologists	<ul style="list-style-type: none"> • At least 2-3 times per week • During intervention and enrichment block or other specified small group time (received outside of core/Tier 1 instruction) • No more than 6 students in an intervention group • Focused foundational skill intervention
Tier 3 (1-5%)	Special Education Teachers Academic Interventionists Reading Specialists Math Specialists Speech Language Pathologists	<ul style="list-style-type: none"> • At least 2-3 times per week • Should be provided in addition to Tier 1 & Tier 2 support small group time (received outside of core/Tier 1 instruction) • During other specific times • No more than 3 students in an intervention group • Focused foundational skill intervention

MTSS Teams will meet at regular intervals (at least quarterly) throughout the school year to analyze and discuss screening, diagnostic and intervention progress monitoring data. MTSS Teams will make decisions about which students will receive Tier 2 and Tier 3 intervention, who will be conducting the intervention, and the specific foundational skill focus for intervention groups.

- MTSS Team members - Principal (*lead*), Grade Level Teams, and Relevant Support Staff/Specialists
- Checkpoints - (1) Beginning of MP1, (2) End of MP1, (3) End of MP2, (4) End of MP3, (5) End of MP4 (others will occur in between as needed)

A Specialized Team will meet as needed per request by the MTSS Team or the classroom teacher to discuss next steps for students who are not making adequate progress within the tiered intervention support. Appropriate progress monitoring data will be completed and used to analyze what the next steps are for the student.

- Specialized Team members - School Counselor (lead), Classroom Teacher, Principal, School Psychologist, and Relevant Support Staff

Various data points will be analyzed in order to determine which students are below benchmark expectations, need additional support, who qualifies for Tier 2 or Tier 3 intervention support, and in identifying specific foundational skill focus for intervention. Data will also be utilized to monitor student progress within intervention and determine next steps for students within the MTSS process.

Formal screeners are given to all students. Data from the formal screeners will be utilized to determine students who need a diagnostic screener to determine specific skill needs and if tiered intervention supports are necessary.

Based on the level and type of intervention, progress monitoring tools will be conducted on a regular basis, specific to the intervention skill. Progress monitoring tools will be given at least every 4-6 weeks (timing also depends on the tools specific to an intervention). If a student makes adequate progress, the teacher, specialist, or interventionist will call a meeting with the necessary members to decide the next steps of support for the student.

Reading Skill	Formal Screener (Classroom Teacher)	Diagnostic Screener (Classroom Teacher or Specialist)	Progress Monitoring (Teacher, Specialist, Interventionist administering Intervention)
Phonemic Awareness	PALS	P.A.S.T (1-5), Heggerty Assessment (K)	Heggerty or Bridge the Gap Assessments

Word Reading/Phonics	PALS, MAP (gr 2-5)	LETRS Phonics and Word Reading Survey	GCPS Word Reading Quick Checks
Fluency/Decoding	PALS	Running Record (F&P)	Running Record (100's box form)
Comprehension	PALS, MAP (gr 2-5)	Running Record (F&P)	Running Record (100's box form)

Math Skill	Formal Screener (Classroom Teacher)	Diagnostic Screener (Classroom Teacher or Specialist)	Progress Monitoring (Teacher, Specialist, Interventionist administering Intervention)
Number Sense - Numbers & Operations	MAP (gr 1-5), VKRP, SOL (gr 4-5)	Hiding Assessment, MAP Screeners Intervention Kit Screener	Hiding Assessment, Intervention Kit PM Tool
Computation - Addition/Subtraction	MAP (gr 1-5), VKRP, SOL (gr 4-5)	Hiding Assessment, MAP Screeners Intervention Kit Screener	Hiding Assessment, Intervention Kit PM Tool
Computation - Multiplication/Division	MAP (gr 1-5), SOL (gr 4-5)	MAP Screeners Intervention Kit Screener	Intervention Kit PM Tool
Computation - Fractions & Decimals	MAP (gr 1-5), SOL (gr 4-5)	MAP Screeners Intervention Kit Screener	Intervention Kit PM Tool

Social, Emotional and Mental Health Needs of Students

Social Emotional: Goochland County Public Schools will continue to support the social-emotional needs of our students as we begin our recovery from the COVID-19 pandemic. Our mental health team members (school counselors, school psychologists, a mental health counselor, and a school social worker) will provide social-emotional support to students in varying capacities. In addition to all students having access to counselors at all schools, students also participate in class counseling lessons, small group counseling, and career and academic counseling. Additionally, GCPS coordinates several school activities to promote kindness, a welcoming school climate, and healthy decision making. Examples of these school-wide activities include Kindness Week activities, activities during Bully Prevention month, and special events targeted to teenagers to educate them on substance use and abuse.

Over the next few years, we expect to see more teachers incorporate morning meetings into daily instruction in order to foster a positive classroom climate, encourage connections between students,

and build a strong sense of community in classrooms. Additionally, our high school will continue to increase its restorative practices as an alternative to traditional high school discipline. Restorative practices have helped with building relationships and coping skills with students while also assisting them with problem-solving challenging situations.

Mental Health: As mentioned above, our mental health team is prepared to support our students and families as we begin recovering from the COVID-19 pandemic. Goochland County Public Schools' mental health team consists of school counselors, school psychologists, and a mental health counselor. Our 2021-2022 school year budget also includes a school social worker and an additional part-time school counselor (to provide additional counseling support to students at our largest elementary school). Our mental health team provides a variety of services and supports to students including individual counseling, small group counseling, and classwide counseling lessons. We will have at least one school counselor at each of our elementary schools, two school counselors at our middle school, and three school counselors at our high school. Additionally, we have 2.25 FTE school psychologists who support students across our five schools. We also have a mental health counselor who provides intensive counseling support to secondary students through a blend of the clinical counseling and school counseling models. We also have a school social worker who will be providing intensive counseling support to elementary students through a blend of clinical counseling and school counseling models. The school social worker will also help to strengthen our partnerships with community agencies and connect families with community resources.

We will also partner with a local non-profit organization to provide therapeutic day treatment services and outpatient counseling services to our students on school grounds. Since we are a rural school district, many of our students seek outpatient mental health services in nearby communities. Transportation can be a barrier to accessing these mental health services. Through this partnership with the local non-profit organization, we are able to alleviate this transportation barrier for some families.

Section 6: Consultation with Stakeholders and Opportunity for Public Comment

In developing the FY2022 operating budget, Goochland County Public Schools sought public input and took such input into account for a multi-year COVID-19 funding plan that included \$1,049,4998 of the ESSER II allocation and \$1,000,000 of anticipated funding from the American Rescue Plan. These preliminary plans for the use of \$2,049,998 funds were presented at Goochland County School Board meetings between January and March 2021. Additional information was also shared during public meetings with the Goochland County Board of Supervisors as a part of their budget deliberations.

With the pending allocation of \$1,348,145 of more funding and the need for a 20% Learning Loss set-aside, division senior level staff discussed additional needs for COVID-19 related learning loss recovery and continuing risk mitigation measures during the months of March through May 2021. The division's new proposed multi-year spending plan was shared publicly at the School Board's May 11, 2021 meeting. Solicitations for feedback were made during that meeting. Further conversations were conducted during May 2021 meetings with our school division's Gifted Advisory Committee, our Special Education Advisory Committee, Superintendent's Leadership Team, administrative and operational leadership teams, teacher leaders, and our Advisory Committee for Equity in Education. Each of these stakeholder groups have representation from our public and our internal school community.


Feedback received from these settings was used to make adjustments in our proposed financial and operational plan and to seek an additional \$882,411 of ESSER II funding from the state to Address

Unfinished Learning initiatives.

Section 7: Making the Plan Available to the Public

Goochland County Public Schools has taken the following steps to make this plan available to the public:

- The plan is posted at www.goochlandschools.org;
- The plan is available in Spanish;
- The plan may be orally translated for parents. Contact Dr. Jennifer Waggener, Executive Director of Exceptional Education at jwaggener@glnd.k12.va.us or 804-556-5601 to request translation; and
- Upon request, a parent who is an individual with a disability as defined by the ADA may be provided with the plan in an alternative format accessible by contacting Dr. Jennifer Waggener, Executive Director of Exceptional Education at jwaggener@glnd.k12.va.us or 804-556-5601.

	Gochohland County Public Schools Multi-Year CARES Act Funding Plan		KEY:	ESSER II	ARPA/ESSER III (+ ARPA 20% learning loss set-aside of \$472K exceeded)				
			SY 2020-21	SY 2021-22	SY 2022-23	SY 2023-24	SY 2024-25	TOTAL	
Social Worker (0.82 FTE)			63,597	66,780	Operational				
RES Counselor (0.5 FTE)			33,660	Operational	Expanded Operational				
Unfinished learning initiatives (wellness clubs, counseling programs)			39,209	23,215	Partially discontinue				
Interventionists (ES - 9 p/t teachers)			190,000	190,000	Partially discontinue				
Interventionist curriculum/materials			20,000						
Permanent Subs (elementary-3)			112,665	Discontinue or make operational					
Permanent Subs (secondary-2)			77,335	Discontinue or make operational					
Expanded Summer School (July 2021/July 2022)			101,431	75,000	Expanded operational as balanced calendar				
Unfinished learning initiatives-tutoring, secondary activity bus			47,840	47,840	Partially discontinue				
Proposed Balanced Instructional Calendar/6 weeks of intersessions			50,000	554,000	541,910	Operational			
Unfinished learning initiatives (technology: student assessment upgrades, MTSS dashboard)	26,187	58,887	35,233	Partially discontinue					
Technology costs - software, mobile Wifi devices, new staff laptops	111,575	60,110	72,449	79,011	Partially discontinue				
PPE/Cleaning supplies		43,554							
Desks/chairs/outdoor PE supplies (social distancing)	9,575	70,895							
		158,395							
Extra PE/cafeteria spaces (patio expansions, tents)		118,711							
Moving/warehouse expenses (social distancing)		75,000							
GHS/GMS Dishwasher & tray return window (sanitation)	64,507	5,000							
Indoor air quality - Building automation system, facility assessments		99,929	50,000	50,000	Continue in CIP master plan				
HVAC upgrade projects	49,440	293,801	550,000						
Total \$4,290,554 (ESSER II & III)	235,097	1,720,019	1,664,517	670,921	0	4,290,554			
Phase-out to avoid "fiscal cliff" when funding is gone	5.48%	40.09%	38.79%	15.64%					
\$2,358,145 of new funding from American Rescue Plan (ARP) Act or ESSER III (Elementary and Secondary School Emergency Relief).									
\$1,049,998 of new funding from the Coronavirus Response and Relief Supplemental Appropriations (CRRSA) Act or ESSER II.									
\$882,411 of new funding from the state's portion of the CRRSA or ESSER II.									
*Please direct any questions to Debbie White at dwhite@glnd.k12.va.us (plan as of July 1, 2021)									
			ESSER III	ESSER III	ESSER III	ESSER III	ESSER II	ESSER II (VA)	
	Categories to match Use of Funds narrative		SY 2021-22	SY 2022-23	SY 2023-24	Total	Total	Total	
	Risk Mitigation Strategies		472,995	600,000	50,000	1,122,995	679,625		
	Addressing Unfinished Learning		210,000	265,000	541,910	1,016,910	101,431	699,680	
	Other Needs (Social Emotional Health)			66,780		66,780	97,257	62,424	
	Other Needs (Technology)			72,449	79,011	151,460	171,685	120,307	
	Total		682,995	1,004,229	670,921	2,358,145	1,049,998	882,411	



Board of Supervisors

1800 Sandy Hook Road
Goochland, VA 23063

SCHEDULED RESOLUTION

Meeting: 08/03/21 02:00 PM

Department: Planning & Zoning

Category: Other

Prepared By: Tom Coleman

Department Head: MinuteTraq Admin

14.2

(ID # 4039)

RESOLUTION ABANDONING 0.197± MILE OF THREE CHOPT ROAD (STATE ROUTE 622) LOCATED NORTH OF BROAD STREET ROAD (U.S. ROUTE 250), EAST OF STATE ROUTE 288, AND WEST OF FOUR RINGS DRIVE (STATE ROUTE 1057) IN GOOCHLAND COUNTY

Strat Goal 1	Efficient, effective, and transparent government; emphasis on customer service excellence	
Strat Goal 2	Balanced development that contributes to the welfare of the community and preserves its rural character	X
Strat Goal 3	Excellence in Financial Management	
Strat Goal 4	High Quality Core Services including Education, Public Safety, and Community Health	
Strat Goal 5	Positive Work Environment with a Highly Qualified, Diverse Workforce	

Authority Action Requested

The Board is requested to hold a public hearing to consider a request to abandon a segment of Three Chopt Road.

Summary of Information

LJP Properties, LLC, requests abandonment of a 0.197-mile segment of Three Chopt Road located generally between Broad Street Road to the south, Route 288 to the west, Drive Shack to the north, and Four Rings Drive to the east. LJP Properties is the owner of the parcels abutting the applicable segment of Three Chopt Road.

LJP Properties indicated the requested abandonment will allow for a better development in a more cohesive manner with the surrounding development.

Four Rings Drive is a parallel road which was recently constructed and accepted into the Virginia Department of Transportation's (VDOT) highway system and provides an improved north-to-south, four-lane access with a signalized intersection at Broad Street Road.

Although VDOT maintains the right-of-way, the VDOT Commissioner will not approve the abandonment without the local governing body providing its support.

The attached plat provides greater detail about the proposed abandonment.

Draft Motion

I move that the Board (adopt / adopt as amended / deny / defer to *date*) this Resolution abandoning 0.197± Mile of Three Chopt Road (State Route 622) located north of Broad Street Road (U.S. Route 250), east of State Route 288, and west of Four Rings Drive (State Route 1057) in Goochland County.

Resolution**ATTACHMENTS:**

- Three Chopt Road Abandonment - Plat (Exhibit A) (PDF)
- Three Chopt Road Abandonment - Request letter (PDF)
- Three Chopt Road Abandonment - Location map (PDF)

✓ Vote Record - Resolution 4039						
<input type="checkbox"/> Approved <input type="checkbox"/> Recommended for Approval <input type="checkbox"/> Recommended for Denial <input type="checkbox"/> Deferred <input type="checkbox"/> Denied <input type="checkbox"/> Withdrawn <input type="checkbox"/> Recommended for Approval as Am <input type="checkbox"/> Adopted <input type="checkbox"/> Adopted as Amended <input type="checkbox"/> Defeated <input type="checkbox"/> Consensus of the Board <input type="checkbox"/> Tabled by Consensus <input type="checkbox"/> Approved as Amended <input type="checkbox"/> Send to BOS with Report of Tie Vote						
			Yes/Aye	No/Nay	Abstain	Absent
	Susan Lascolette		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Ken Peterson		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	John Lumpkins		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Neil Spoonhower		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Don Sharpe		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AT A MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF GOOCHLAND, VIRGINIA, HELD ON AUGUST 3, 2021, IN THE GOOCHLAND COUNTY ADMINISTRATION BUILDING, 1800 SANDY HOOK RD., SUITE 250, GOOCHLAND, VIRGINIA, THE FOLLOWING ACTION WAS TAKEN:

Resolution Abandoning 0.197± Mile of Three Chopt Road (State Route 622) located north of Broad Street Road (U.S. Route 250), east of State Route 288, and west of Four Rings Drive (State Route 1057) in Goochland County

WHEREAS, the Virginia Department of Transportation maintains as part of the Secondary Road System portions of Three Chopt Road (State Route 622); and

WHEREAS, LJP properties, LLC, abutting landowner, has requested the Goochland County Board of Supervisors take action in support of abandoning the 0.197± mile segment of Three Chopt Road (State Route 622) located north of Broad Street Road (U.S. Route 250), east of State Route 288, and west of Four Rings Drive (State Route 1057), as shown on the plat labeled “**Exhibit A**” prepared by Balzer & Associates, titled “EXHIBIT SHOWING 0.994 ACRE OF RIGHT-OF-WAY TO BE VACATED, DOVER DISTRICT, COUNTY OF GOOCHLAND, VIRGINIA”, dated January 16, 2019, attached and incorporated by reference; and

WHEREAS, Four Rings Drive, a parallel road in close proximity to the proposed abandonment, was recently constructed and accepted into the Virginia Department of Transportation’s highway system and provides an improved north-to-south, four-lane access with signalized intersection at Broad Street Road; and

WHEREAS, on June 1, 2021, the Goochland County Board of Supervisors adopted Resolution #4017 providing its Notice of Intent to abandon the 0.197± mile road segment; and

WHEREAS, in accordance with Virginia Code § 33.2-909, (1) notice was posted in at least 3 places on and along the aforesaid 0.197± mile segment of Three Chopt Road (State Route 622) for at least 30 days; (2) notice was published in at least 2 issues of the Goochland Gazette, a newspaper having general circulation in the County; and (3) a certified copy of Resolution #4017 was provided to the Virginia Department of Transportation Commissioner; and

WHEREAS, on August 3, 2021, the Goochland County Board of Supervisors held a public hearing on the proposed abandonment in accordance with state law; and

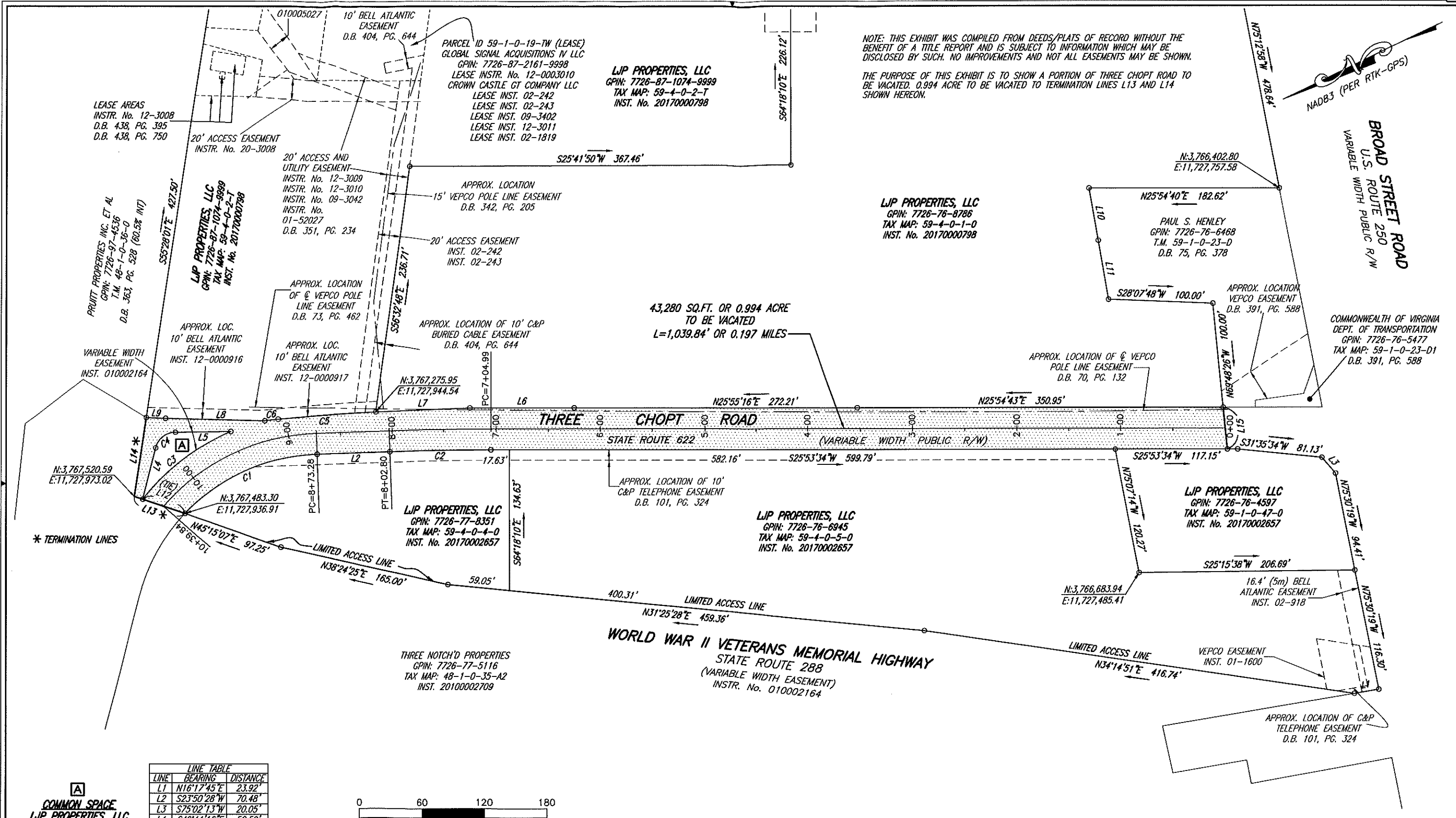
WHEREAS, it appears to the Goochland County Board of Supervisors that the aforesaid segment of Three Chopt Road (State Route 622) serves no public necessity and is no longer necessary as a part of the Secondary System of State Highways.

NOW, THEREFORE, BE IT RESOLVED, the Goochland County Board of Supervisors hereby abandons the above-referenced 0.197± mile segment of Three Chopt Road (State Route 622) located north of Broad Street Road (U.S. Route 250), east of State Route 288, and west of Four Rings Drive (State Route 1057) in Goochland County as depicted on the aforesaid attached “**Exhibit A**”; and

BE IT FURTHER RESOLVED, the Clerk of the Goochland County Board of Supervisors shall provide a certified copy of this Resolution and the August 3, 2021 public hearing minutes to the of the Virginia Department of Transportation Commissioner for approval.

A COPY ATTEST:

County Administrator or Designee
Goochland County Board of Supervisors



NOTE: THIS EXHIBIT WAS COMPILED FROM DEEDS/PLATS OF RECORD WITHOUT THE BENEFIT OF A TITLE REPORT AND IS SUBJECT TO INFORMATION WHICH MAY BE DISCLOSED BY SUCH. NO IMPROVEMENTS AND NOT ALL EASEMENTS MAY BE SHOWN.

THE PURPOSE OF THIS EXHIBIT IS TO SHOW A PORTION OF THREE CHOPT ROAD TO BE VACATED. 0.994 ACRE TO BE VACATED TO TERMINATION LINES L13 AND L14 SHOWN HEREON.

A

COMMON SPACE
LJP PROPERTIES, LLC
GPIN: 7726-77-9489
T.M. 59-4-0-A-0
INST. No. 20170002657

DATE: 01-16-2019
SCALE: 1" = 60'
JOB: C1300690.00
DRAWN BY: WRL
CHECKED BY: CMF
SHEET 1 OF 1

LINE	BEARING	DISTANCE
L1	N16°17'45"E	23.92'
L2	S23°50'28"W	70.48'
L3	S75°02'13"W	20.05'
L4	S49°44'16"E	50.59'
L5	S25°05'10"W	53.28'
L6	N25°49'44"E	99.82'
L7	N23°36'35"E	90.41'
L8	N27°17'40"E	95.63'
L9	N28°03'06"E	18.82'
L10	N74°12'26"W	50.80'
L11	N74°12'35"W	57.16'
L12	N44°05'02"E	43.42'
L13	N44°05'02"E	51.91'
L14	S55°28'01"E	76.31'
L15	N69°48'26"W	40.12'

0 60 120 180

Scale: 1" = 60'

CURVE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH	DELTA ANGLE
C1	183.08'	141.68'	S01°40'18"W	138.17'	44°20'21"
C2	2711.62'	97.10'	S24°52'01"W	97.09'	2°03'06"
C3	223.08'	107.84'	N11°26'28"W	106.80'	27°41'55"
C4	20.00'	26.09'	S12°16'43"E	24.28'	74°44'45"
C5	1877.84'	94.47'	N21°31'29"E	94.46'	2°52'56"
C6	223.08'	12.56'	N18°28'13"E	12.56'	3°13'35"



EXHIBIT SHOWING
0.994 ACRE OF RIGHT-OF-WAY
TO BE VACATED

DOVER DISTRICT
COUNTY OF GOOCHLAND, VIRGINIA

PLANNERS / ARCHITECTS / ENGINEERS / SURVEYORS
ROANOKE / RICHMOND / NEW RIVER VALLEY / STAUNTON / HARRISONBURG / LYNCHBURG
15671 City View Drive, Suite 200 / Midlothian, Virginia 23113 / Phone (804) 784-0671 / www.balzer.co

Packet Pg. 299

Attachment: Three Chopt Road Abandonment - Plat (Exhibit A) (4039 : Abandonment - Three Chopt Road (Page))



JENNIFER D. MULLEN

Richmond Office

(804) 977-3374

jmullen@rothjackson.com

April 13, 2021

Jo Ann Hunter
County of Goochland
1800 Sandy Hook Rd
Goochland, VA 23063

RE: THREE CHOPT VACATION

Dear Jo Ann:

This firm represents LJP Properties, LLC, the owner of the parcels abutting the portions of Three Chopt Road requested to be abandoned. Four Rings Drive is a parallel road which has been newly constructed and accepted into the Virginia Department of Transportation's highway system. The requested abandonment will allow for a better development parcel in a more cohesive manner with the surrounding development.

Please let me know if you would like to discuss the request further or need additional information.

Sincerely,

Jennifer D. Mullen

Enclosure

RICHMOND

1519 Summit Avenue, Suite 102, Richmond, VA 23230

P: 804-441-8440 F: 804-441-8438



TYSONS CORNER

8200 Greensboro Drive, Suite 820, McLean, VA 22102

P: 703-485-3535 F: 703-485-3525

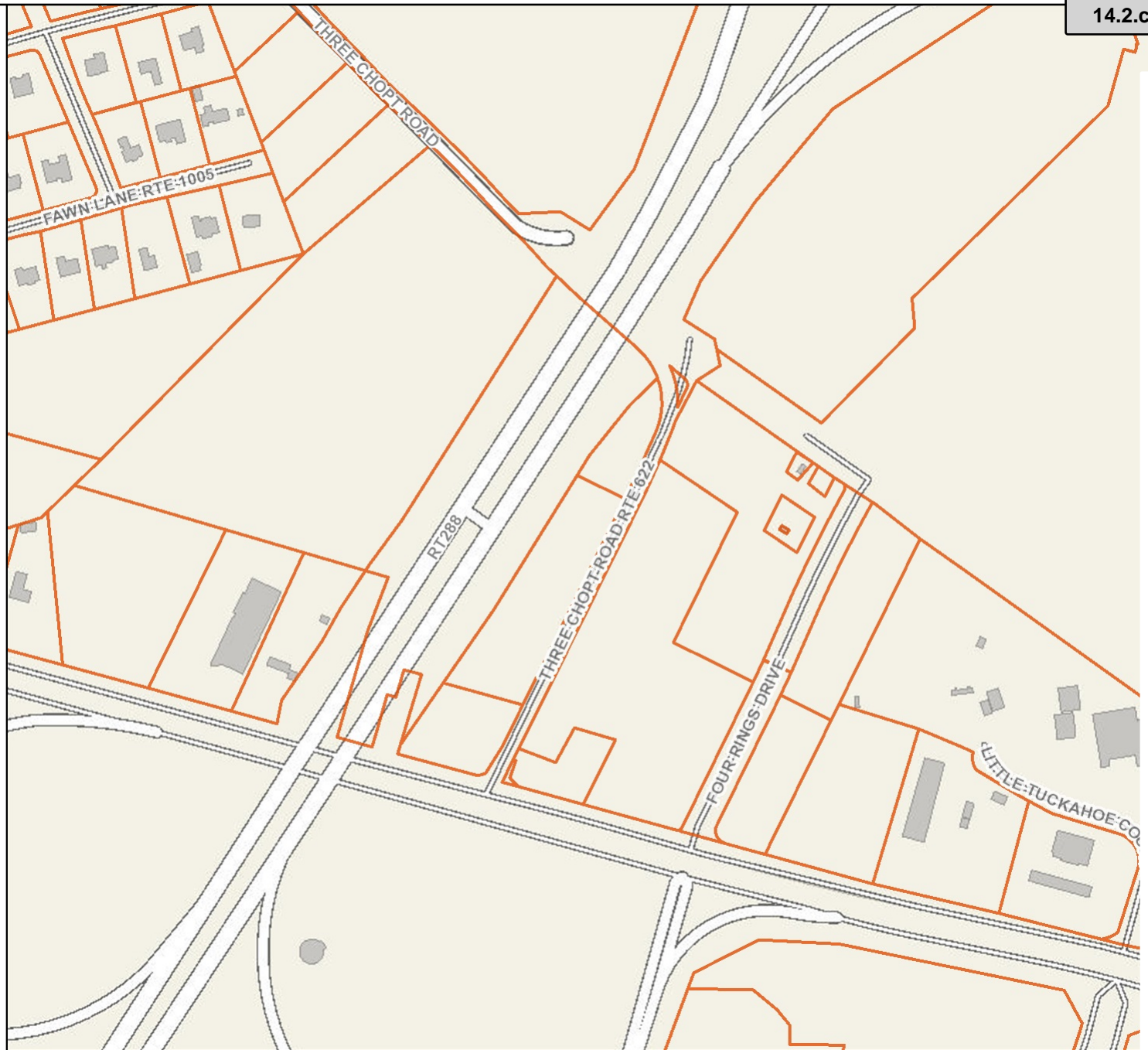
County of Goochland, Virginia

Legend

-  Census Boundary - 2019
-  Parcels
- Road Labels



Feet
0 100 200 300 400
1:4,514 / 1"=376 Feet



14.2.c

Title:

Date: 5/14/202

DISCLAIMER: This map depicts data derived from public records and presented "as is." It is not a legal representation of any feature depicted. Determinations of topography or contours, and depictions of physical improvements and property lines are for general information only and cannot be used for the design, modification, or construction of improvements to real property or for flood plain determinations. Goochland County disclaims all warranties, express or implied, including implied warranties of merchantability and fitness for a particular purpose. Goochland County assumes no responsibility or liability for any errors, omissions, or inaccuracies. Contact (804) 556-5832 with questions.



Packet Pg. 301

Attachment: Three Chopt Road Abandonment - Location map (4039 : Abandonment - Three Chopt Road



Board of Supervisors

1800 Sandy Hook Road
Goochland, VA 23063

SCHEDULED ORDINANCE

Meeting: 08/03/21 02:00 PM
Department: Planning & Zoning
Category: BOS CUP Ordinance
Prepared By: Tom Coleman
Department Head: MinuteTraq Admin

14.3

(ID # 4082)

DISTRICT 4 - CU-2011-00002A - APPLICATION BY JNE ENTERPRISES, LLC T/A CARNET REQUESTING RENEWAL OF CONDITIONAL USE PERMIT CU-2011-00002 FOR AUTOMOBILE AND MOTOR VEHICLE SALES ON 1.973 ACRES AT 12642 BROAD STREET ROAD ON TAX MAP NO. 59-1-0-10-0. THE PROPERTY IS ZONED BUSINESS, GENERAL (B-1). THE CONDITIONAL USE PERMIT IS REQUIRED BY GOOCHLAND COUNTY ZONING ORDINANCE SECTION 15-242. THE COMPREHENSIVE PLAN DESIGNATES THIS AREA AS COMMERCIAL.

Strat Goal 1	Efficient, effective, and transparent government; emphasis on customer service excellence	
Strat Goal 2	Balanced development that contributes to the welfare of the community and preserves its rural character	X
Strat Goal 3	Excellence in Financial Management	
Strat Goal 4	High Quality Core Services including Education, Public Safety, and Community Health	
Strat Goal 5	Positive Work Environment with a Highly Qualified, Diverse Workforce	

Board Action Requested

The Board is requested to hold a public hearing and consider this conditional use permit renewal application by JNE Enterprises, LLC.

Summary of Information

District 4 - Application by JNE Enterprises, LLC (t/a Carnet) requesting renewal of Conditional Use Permit CU-2011-00002 for automobile and motor vehicle sales on 1.973 acres at 12642 Broad Street Road on Tax Map No. 59-1-0-10-0. The property is zoned Business, General (B-1). The Conditional Use Permit is required by Goochland County Zoning Ordinance Section 15-242. The Comprehensive Plan designates this area as Commercial.

A conditional use permit for automobile sales was originally approved in 2011. The applicant leases office space in an existing building (Floor Trader) to operate a retail used automobile and motor vehicle sales business with no more than ten vehicles at any time on the property.

Jody Crown (t/a Carnet) hosted a community meeting on May 13, 2021, for renewal of a Conditional Use Permit to continue to sell used vehicles at 12642 Broad Street Road. Board Member, Mr. Spoonhower, Carnet employees, and County staff were present. No one else from the public attended. Ms. Crown discussed her business operations. There were no issues or concerns from neighbors.

At its July 8, 2021 public meeting, the Planning Commission recommended approval on a 4-0 vote. Mr. Myers was absent. No one from the public spoke.

Draft Motions

- ☐ **Approve:** I move that the Board of Supervisors approve conditional use permit CU-2011-00002A for automobile and motor vehicle sales at 12642 Broad Street Road subject to the imposed conditions as presented.
- ☐ **Approve as amended:** I move that the Board of Supervisors approve conditional use permit CU-2011-00002A for automobile and motor vehicle sales at 12642 Broad Street Road subject to the imposed conditions, with the following amendments:
_____.
- ☐ **Defer:** I move that the Board of Supervisors defer conditional use permit CU-2011-00002A for automobile and motor vehicle sales at 12642 Broad Street Road to
_____ (date) _____.
- ☐ **Deny:** Based on the information in the staff report and from the public hearing, I move that the Board of Supervisors deny conditional use permit CU-2011-00002A for automobile and motor vehicle sales at 12642 Broad Street Road on the grounds that:
- it is not in keeping with public necessity, convenience, general welfare, and good zoning practice;
 - and _____.

ATTACHMENTS:

- CU-2011-00002A - PC Resolution (PDF)
- CU-2011-00002A - Staff Report (DOCX)
- CU-2011-00002A - Application (PDF)

✓ Vote Record - Ordinance 4082						
<input type="checkbox"/> Adopted <input type="checkbox"/> Adopted as Amended <input type="checkbox"/> Defeated <input type="checkbox"/> Tabled <input type="checkbox"/> Withdrawn <input type="checkbox"/> Meeting Cancelled <input type="checkbox"/> Deferred <input type="checkbox"/> Denied <input type="checkbox"/> Approved <input type="checkbox"/> Consensus of the Board <input type="checkbox"/> Tabled by Consensus <input type="checkbox"/> Approved as Amended <input type="checkbox"/> Referred <input type="checkbox"/> Public Hearing Held			Yes/Aye	No/Nay	Abstain	Absent
	Susan Lascolette		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Ken Peterson		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	John Lumpkins		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Neil Spoonhower		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Don Sharpe		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AT A MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF GOOCHLAND, VIRGINIA, HELD ON AUGUST 3, 2021, IN THE GOOCHLAND COUNTY ADMINISTRATION BUILDING, 1800 SANDY HOOK RD., SUITE 250, GOOCHLAND, VIRGINIA, THE FOLLOWING ACTION WAS TAKEN:

Ordinance granting Conditional Use Permit CU-2011-00002A for automobile and motor vehicle sales on 1.973 acres at 12642 Broad Street Road on Tax Map No. 59-1-0-10-0

WHEREAS, Virginia Code § 15.2-2286(A)(3) enables the Goochland County Board of Supervisors to grant conditional use permits under suitable regulations and safeguards; and

WHEREAS, JNE Enterprises, LLC (t/a Carnet) filed an application requesting renewal of a conditional use permit (CUP) for automobile and motor vehicle sales on 1.973 acres at 12642 Broad Street Road on Tax Map No. 59-1-0-10-0 in Election District 4; and

WHEREAS, the original CUP was granted in Case No. CU-2011-00002 on July 5, 2011 subject to 3 imposed conditions; and

WHEREAS, the subject property is zoned Business, General (B-1) and the proposed activity is permitted in that district with a CUP under Zoning Ordinance § 15-242; and

WHEREAS, in addition to extending the CUP, certain conditions are being amended or added, but this CUP states all conditions imposed on the Property; and

WHEREAS, the conditions imposed below represent suitable regulations and safeguards to protect the neighboring properties from the impact of the CUP; and

WHEREAS, the Comprehensive Plan designates this area as Commercial; and

WHEREAS, pursuant to Virginia Code § 15.2-2204, the Goochland County Planning Commission advertised as required by law and held a public hearing on this application on July 8, 2021 and voted 4-0 to recommend approval of this request; and

Ordinance

Meeting of August 3, 2021

WHEREAS, pursuant to Virginia Code § 15.2-2204, the Goochland County Board of Supervisors advertised as required by law and held a public hearing on this application on August 3, 2021.

NOW, THEREFORE, BE IT ORDAINED, the Goochland County Board of Supervisors is empowered to grant this application pursuant to Zoning Ordinance § 15-60, has considered each of the applicable standards in Zoning Ordinance § 15-60.B, and hereby finds that granting this request is a matter of public necessity, convenience, general welfare, or good zoning practice; and

BE IT FURTHER ORDAINED, this 3rd day of August, 2021, the Goochland County Board of Supervisors hereby approves conditional use permit CU-2011-00002A for automobile and motor vehicle sales on 1.973 acres at 12642 Broad Street Road on Tax Map No. 59-1-0-10-0 in Election District 4, subject to the following imposed conditions:

1. Use. Automobile and motor vehicle sales are permitted on the Property subject to these conditions.
2. Vehicle display. No more than 10 automobiles and motor vehicles may be displayed for sale on the Property at any one time. Automobiles and motor vehicles may be displayed for sale only in designated locations shown on the approved POD.
3. Outside storage. No outside repair or storage is permitted of automobile or motor vehicle parts, petroleum products, equipment, tools for repair, or other supplies.
4. Signs. Signs are allowed as permitted by the Zoning Ordinance, but no attention-getting devices are permitted, including, but not limited to, devices designed or intended to attract attention through noise or sudden, intermittent, or rhythmic movement, or physical or lighting changes. Banners, flags, streamers, balloons, propellers, whirligigs, searchlights, and flashing lights are also specifically prohibited.
5. Expiration. This CUP expires on the last day of August 2036. Any application for a renewal should be filed before the expiration date.
6. Transfer or lease. Prior to the transfer or lease of the Property, the property owner(s) shall notify, in writing, (a) the Department of Community Development of the planned transfer or lease, and (b) the new owner or lessee of this CUP and its conditions, with a copy to the Department of Community Development.

A COPY ATTEST:

County Administrator or Designee
Goochland County Board of Supervisors

✓ Vote Record - Resolution 4058						
<input type="checkbox"/> Approved <input checked="" type="checkbox"/> Recommended for Approval <input type="checkbox"/> Recommended for Denial <input type="checkbox"/> Deferred <input type="checkbox"/> Denied <input type="checkbox"/> Withdrawn <input type="checkbox"/> Recommended for Approval as Am <input type="checkbox"/> Adopted <input type="checkbox"/> Adopted as Amended <input type="checkbox"/> Defeated <input type="checkbox"/> Consensus of the Board <input type="checkbox"/> Tabled by Consensus <input type="checkbox"/> Approved as Amended <input type="checkbox"/> Send to BOS with Report of Tie Vote						
			Yes/Aye	No/Nay	Abstain	Absent
	John Myers	Voter	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Matt Brewer	Seconder	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Tom Rockecharlie	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Curt Pituck	Mover	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Carter Duke	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AT A MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF GOOCHLAND, VIRGINIA, HELD ON JULY 8, 2021, IN THE GOOCHLAND COUNTY ADMINISTRATION BUILDING, 1800 SANDY HOOK RD., SUITE 250, GOOCHLAND, VIRGINIA, THE FOLLOWING ACTION WAS TAKEN:

Resolution recommending approval of CU-2011-00002A - Application by JNE Enterprises, LLC (t/a Carnet) requesting renewal of Conditional Use Permit CU-2011-00002 for automobile and motor vehicle sales on 1.973 acres at 12642 Broad Street Road on Tax Map No. 59-1-0-10-0

WHEREAS, Virginia Code § 15.2-2286(A)(3) enables the Goochland County Board of Supervisors to grant conditional use permits under suitable regulations and safeguards; and

WHEREAS, the Goochland County Planning Commission is authorized and required, by Virginia Code § 15.2-2285(A), to consider, hold a public hearing, and make a recommendation to the Board of Supervisors on all land use applications filed with the County; and

WHEREAS, JNE Enterprises, LLC (t/a Carnet) filed an application requesting renewal of a conditional use permit (CUP) for automobile and motor vehicle sales on 1.973 acres at 12642 Broad Street Road on Tax Map No. 59-1-0-10-0 in Election District 4; and

WHEREAS, the original CUP was granted in Case No. CU-2011-00002 on July 5, 2011 subject to 3 imposed conditions; and

WHEREAS, the subject property is zoned Business, General (B-1) and the proposed activity is permitted in that district with a CUP under Zoning Ordinance § 15-242; and

WHEREAS, in addition to extending the CUP, certain conditions are being amended or added, but this CUP states all conditions imposed on the Property; and

WHEREAS, the conditions imposed below represent suitable regulations and safeguards to protect the neighboring properties from the impact of the CUP; and

WHEREAS, the Comprehensive Plan designates this area as Commercial; and

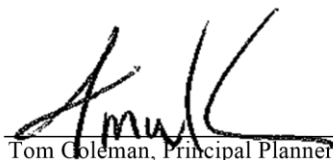
WHEREAS, pursuant to Virginia Code § 15.2-2204, the Goochland County Planning Commission advertised as required by law and held a public hearing on this application on July 8, 2021.

NOW, THEREFORE, BE IT RESOLVED, the Goochland County Planning Commission is empowered to make recommendations to the Board of Supervisors regarding this application pursuant to Zoning Ordinance § 15-60, has considered each of the applicable standards in Zoning Ordinance § 15-60.B, and hereby finds that granting this request is a matter of public necessity, convenience, general welfare, or good zoning practice; and

BE IT FURTHER RESOLVED, this 8th day of July, 2021, the Goochland County Planning Commission hereby recommends that the Goochland County Board of Supervisors grant the renewal of this conditional use permit for automobile and motor vehicle sales on 1.973 acres at 12642 Broad Street Road on Tax Map No. 59-1-0-10-0 in Election District 4, subject to the following imposed conditions:

1. Use. Automobile and motor vehicle sales are permitted on the Property subject to these conditions.
2. Limit on vehicles. No more than 10 automobiles and motor vehicles for sale can be stored on the Property at any one time. Automobiles and motor vehicles for sale shall only be stored in designated locations shown on the approved POD.
3. No outside repair or storage. No outside repair or storage of automobile or motor vehicle parts, petroleum products, etc. is permitted.
4. Expiration. This CUP expires on the last day of August 2036. Any application for a renewal should be filed before the expiration date.
5. Signs. Signs are allowed as permitted by the Zoning Ordinance, but no attention-getting devices are permitted, including, but not limited to, devices designed or intended to attract attention through noise or sudden, intermittent, or rhythmic movement, or physical or lighting changes. Banners, flags, streamers, balloons, propellers, whirligigs, searchlights, and flashing lights are also specifically prohibited.
6. Transfer or lease. Prior to the transfer or lease of the Property, the property owner(s) shall notify, in writing, (a) the Department of Community Development of the planned transfer or lease, and (b) the new owner or lessee of this CUP and its conditions, with a copy to the Department of Community Development.

A COPY TESTE:



Tom Coleman, Principal Planner

7/13/2021



GOOCHLAND COUNTY
Department of Community Development
 Staff Report for Planning Commission
 Prepared July 15, 2021

CU-2011-00002A – JNE Enterprises, LLC (t/a Carnet)

Voting District:	4	
Application Date:	6/1/2021	
Community Meeting Date:	5/13/2021	
Planning Commission Public Hearing:	7/8/2021	Recommend for Approval
Board of Supervisors Public Hearing:	8/3/2021	Pending

OVERVIEW:

Request	Renew CUP for Automobile and Motor Vehicle Sales
Location	12642 Broad Street Road
Subdivision	n/a
Tax Map No.	59-1-0-10-0
Acreage	1.973 acres
Current Zoning	B-1 (Business, General)
Comprehensive Plan	Commercial
TCS	Yes
Overlay District / Village	Centerville Village Overlay District / Centerville Village
Staff Contact	Tom Coleman (556-5865); tcoleman@goochlandva.us

APPLICATION SUMMARY:

Application by JNE Enterprises, LLC (t/a Carnet) requesting renewal of Conditional Use Permit CU-2011-00002 for automobile and motor vehicle sales on 1.973 acres at 12642 Broad Street Road on Tax Map No. 59-1-0-10-0. The property is zoned Business, General (B-1). The Conditional Use Permit is required by Goochland County Zoning Ordinance Section 15-242. The Comprehensive Plan designates this area as Commercial.

A CUP for automobile sales was originally approved in 2011. The applicant leases office space in an existing building (Floor Trader) to operate a retail used automobile sales business with no more than ten vehicles at any time on the property.

At their July 8, 2021 public meeting, the Planning Commission recommended approval on a 4-0 vote. Mr. Myers was absent. No one from the public spoke.

EVALUATION:

- Consistent with Comprehensive Plan
- Parking vehicle inventory on site should be limited to minimize impact to primary business (Floor Trader).

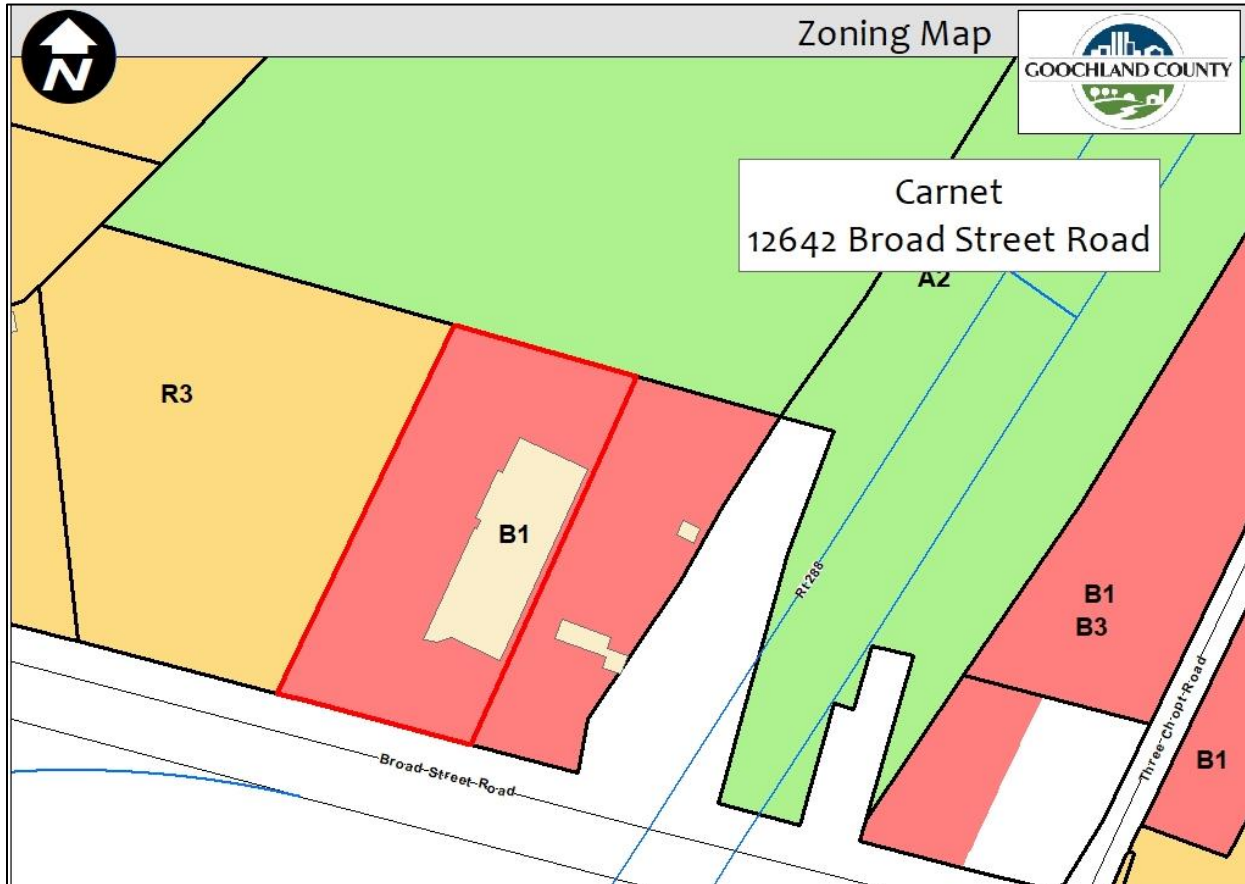
EXISTING LAND USE / COMPREHENSIVE PLAN

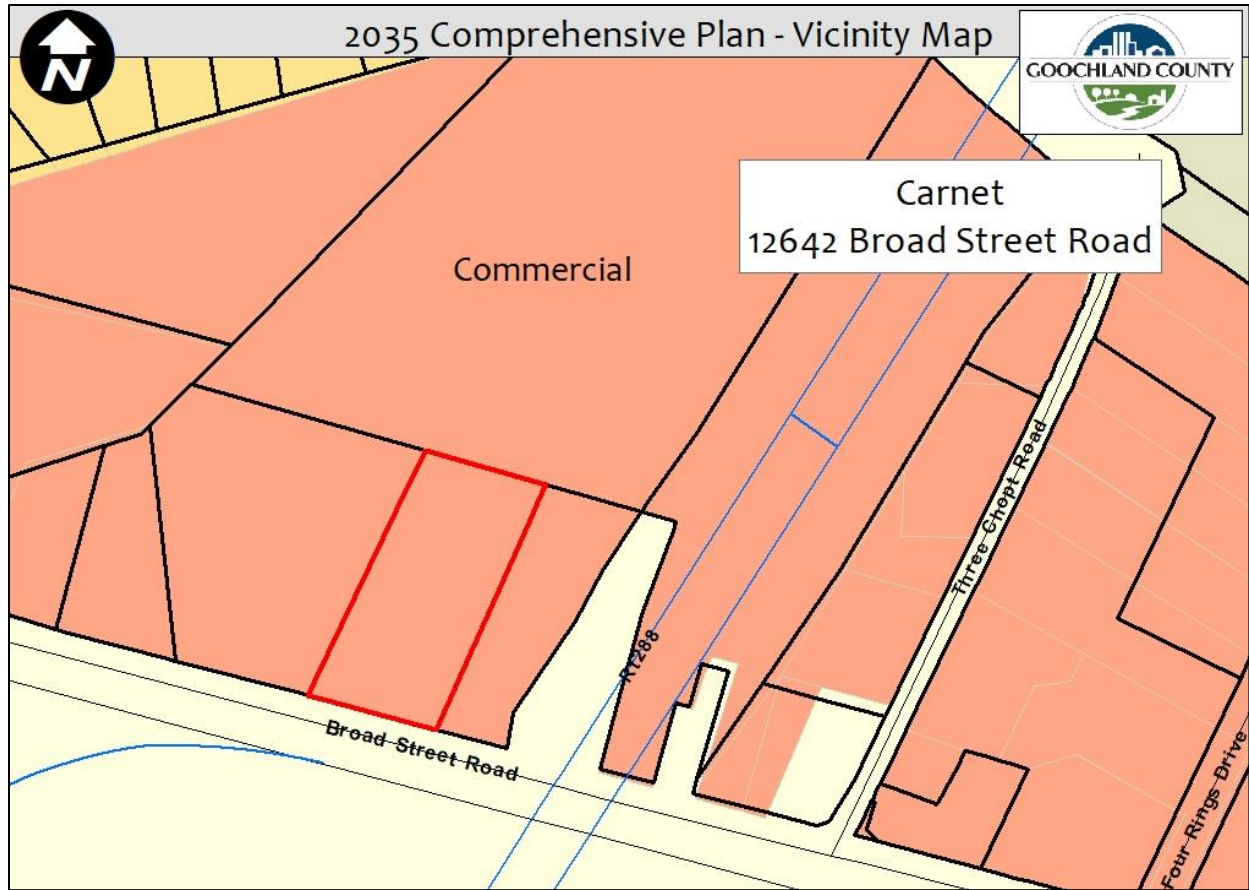
Zoning	B-1 (Business, General)
Existing Land Use	Wholesale and retail business with offices
Comprehensive Plan	Centerville Village / Commercial

JNE Enterprises
CU-2011-00002A

ADJACENT PROPERTY INFORMATION

	North	South	East	West
Adjacent Zoning	A-2	n/a	B-1	R-3
Adjacent Land Use	Undeveloped	Route 288	Commercial	Undeveloped





EXISTING / PROPOSED USE

The subject property is located along the north line of Broad Street Rd. approximately 120 feet west of Route 288. Access to the site is from Broad Street Rd.

Floor Trader operates a retail flooring store on the subject property, and the building includes extra office space towards the Broad Street frontage that Floor Trader does not utilize. The building is approximately 20,020 square feet in size and includes retail, office, and warehouse space. The front section of the building is 2 stories in height and includes the office space.

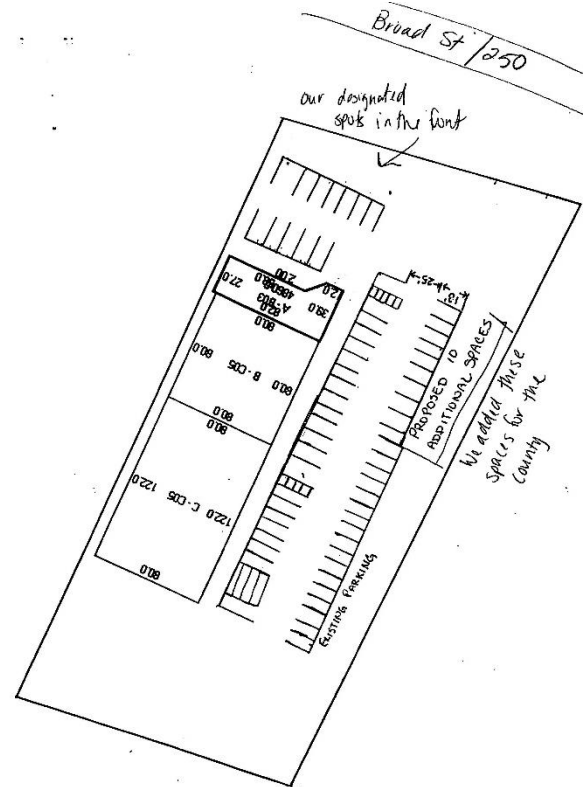
JNE Enterprises originally obtained approval for a CUP to operate an automobile sales business on the property in 2011 and leases about 300 square feet of office space. JNE Ent. also received plan of development approval in 2011 (POD-2011-00014).

State regulations require the vehicle sales business to have ten dedicated parking spaces. The current parking layout for the site lends itself to providing the parking spaces in the front parking area abutting Broad Street Rd. The amount of warehouse floor area plus underutilized office space allow for the ten dedicated parking spaces for this use.

JNE Ent. operating hours are generally 10:00 a.m. to 3 p.m., Monday -Thursday, and by appointment, with 2-3 employees present.

Comprehensive Plan

The subject property is recommended for Commercial use. Both the existing flooring store use and the proposed auto sales use are consistent with this designation.

Site Elevation

REVIEW BY COUNTY AGENCIES/DEPARTMENTS	
Building	No comments received
Fire/Rescue	No comments received
Utilities	No comments received
Schools	n/a
Public Safety	No comments received
Environmental	No comments received
Historic & Cultural Resources	None

REVIEW BY STATE AGENCIES/DEPARTMENTS	
Health	No comments received
VDOT	No comments received

TRANSPORTATION

Access to the office will be provided by an existing entrance on Broad Street Road.

Traffic Counts

Roadway	From	To	Length (miles)	AADT (2018)*
<i>Broad Street Rd.</i>	<i>Manakin Rd</i>	<i>Hockett Rd.</i>	3.23	15,000
<i>Plaza Drive</i>	<i>Broad Street Rd.</i>	<i>I-64</i>	0.78	2,000

*VDOT Jurisdiction Report, Daily Traffic Volume Estimates, Goochland County, 2018

Major Thoroughfare Plan (MTP)

The Major Thoroughfare Plan identifies this segment of Broad Street Road (U.S. Rte. 250) as a Minor Arterial.

CODE ENFORCEMENT/MAINTENANCE ISSUES

None identified by staff.

COMMUNITY MEETING

Jody Crown (t/a Carnet) hosted a community meeting on May 13, 2021, for renewal of a Conditional Use Permit to continue to sell used vehicles at 12642 Broad Street Road. Board Member, Mr. Spoonhower and Carnet employees were present. No one else from the public attended. Ms. Crown discussed her business operations. There were no issues or concerns from neighbors.

FISCAL IMPACT

- Approval of this CUP supports a small business operation.
- Approval of this CUP supports commercial activity in this commercial corridor.
- Application has minimal financial impact for the County.

CUMULATIVE PLANNING IMPLICATIONS

- Parking vehicle inventory on site should be limited and managed to minimize impact to the primary retail business.

CONDITIONS

Should the Planning Commission recommend approval of this application, the following conditions are recommended (*Note: CUP conditions are blacklined versus 2011 approval.*):

1. Use. Automobile and motor vehicle sales are permitted on the Property subject to these conditions.

~~Inventory Limit~~ The number of vehicles for sale located on this property shall not exceed ten (10).

2. Vehicle display. No more than 10 automobiles and motor vehicles may be displayed for sale on the Property at any one time. Automobiles and motor vehicles may be displayed for sale only in designated locations shown on the approved POD.

~~Expiration.~~ This Conditional Use Permit (CUP) shall be valid for ten years until July 31, 2021. At that time, the applicant may apply for an extension.

3. Outside storage. No outside repair or storage is permitted of automobile or motor vehicle parts, petroleum products, equipment, tools for repair, or other supplies.

~~Transfer of Ownership.~~ The applicant/property Owner shall notify the Planning Office of any transfer of ownership of the property to ensure the new owner is notified of this CUP application and any CUP conditions.

4. Signs. Signs are allowed as permitted by the Zoning Ordinance, but no attention-getting devices are permitted, including, but not limited to, devices designed or intended to attract attention through noise or sudden, intermittent, or rhythmic movement, or physical or lighting changes. Banners, flags, streamers, balloons, propellers, whirligigs, searchlights, and flashing lights are also specifically prohibited.

5. Expiration. This CUP expires on the last day of August 2036. Any application for a renewal should be filed before the expiration date.

6. Transfer or lease. Prior to the transfer or lease of the Property, the property owner(s) shall notify, in writing, (a) the Department of Community Development of the planned transfer or lease, and (b) the new owner or lessee of this CUP and its conditions, with a copy to the Department of Community Development.

PLANNING COMMISSION RECOMMENDATION/VOTE:

At their July 8, 2021 public meeting, the Planning Commission recommended approval on a 4-0 vote. Mr. Myers was absent. No one spoke.

CONDITIONAL USE PERMIT APPLICATION

COUNTY OF GOOCHLAND, VIRGINIA

Planning and Zoning Office
P.O. Box 103

Goochland, VA 23063

Phone: (804) 556-5863

Web: www.goochlandva.us FAX: (804) 556-5654

Office Use Only			
Application File Date: <u>June 1, 2021</u>		Fee paid: \$ <u> </u>	Application No.: <u>CU-2011-00002A</u>
Planning Commission Public Hearing: <u>7-8-21</u> Board of Supervisors Public Hearing: <u> </u>		Receipt No.: <u>Renewal</u>	Pre-Application: <u>2021-00017</u>
Name of Applicant: <u>JNE Enterprises</u> <u>dba Carnet</u>		Name of Representative: <u>Jody Crown</u>	
Address <u>12642 Broad Street Rd</u> <u>Richmond Va</u> <u>23233</u>		Address <u>2418 Cedar Cone Dr</u> <u>Richmond Va</u> <u>23233</u>	
Phone No. <u>804-928-9099</u>		Phone No. <u>804-928-9099</u>	
Location: <u>Goochland County</u>		District: <u>TC</u>	
Disclosure of Real Parties in Interest. Provide completed disclosure form(s). <u>Edward Sawdy</u>		Subdivision: <u> </u>	
Property Owner <u>Sawdy 6 Properties LLC</u>		Are there any deed restrictions? Yes <u> </u> No <u> </u>	
Tax Map # <u>59-1-0-10-10</u>	GPIN # <u> </u>	If yes attached a copy of deed.	
Deed Book	Plat Book	Zone	Acreage
	<u>203</u>	<u>B-1</u>	<u>1.973</u>

Property in Land Use: Yes / No - If your property is in the County's land use taxation program, please be advised that any proposed change in the use of the land could make the property ineligible for further participation in the land use taxation program.

Attachment: CU-2011-00002A - Application (4082 : District 4 - CU-2011-00002A - JNE Enterprises, LLC (w/ Carnet))

REQUEST

Applicant request a conditional use permit to locate the following USE on the above described property: Auto sales Section 15-242. (Describe here what is intended to be done on or with the property. If a building is involved, a sketch or plan with photographic or other suitable description should accompany this application.)

Existing building is being used for a business of used car sales. 298 sq ft of office space is being used.

IMPROVEMENTS PROPOSED:

Describe briefly the improvements proposed. State whether new buildings are to be constructed, existing buildings are to be used or additions made to existing building(s).

no improvements

NECESSITY OF USE:

Describe the reason for the requested change.

renewal

PROTECTION TO ABUTTING PROPERTY:

Describe the effects of the proposed use on adjacent property and the surrounding neighborhood. What protection will be offered adjoining property owners?

no change

ENHANCEMENT OF COUNTY:

Why does the applicant believe that this requested change will be advantageous to the County? (Please substantiate with facts.)

We will not be changing anything - and we have brought a unique business to the County.

DESCRIBE THE PROPOSED USE, AND OTHER PERTINENT DATA:

1. Type of operation(s): Used car Sales - low volume - internet sale
2. Hours of operation: mon-thurs 10-3/by appointment
3. Proposed Name of development or business: Carnet
4. Estimated number of patrons/clients/patients/pupils/etc.: 3-5 / week
5. Proposed number of employees/attendants/teachers/etc. 2
6. Estimate of traffic impact of the proposed use, including the maximum expected trip generation and the distribution of such trips by mode and time of day.
4-8 additional enter and exits per day
7. Description of building façade and architecture of proposed new building or additions.
no new building
8. The square footage of the building: 20,900 Parking: @ 50
9. Total disturbed area: 298 sq ft office space
10. A listing, if known, of all hazardous or toxic substances, to be generated, utilized, stored, treated, and/or disposed of onsite and size and contents of any existing or proposed storage tanks or containers: none
11. Building Design: Provide 1 copies of floor plans and elevations for the front, sides, and rear of any on-site structures proposed.



Board of Supervisors

1800 Sandy Hook Road
Goochland, VA 23063

SCHEDULED ORDINANCE

Meeting: 08/03/21 02:00 PM

Department: Planning & Zoning

Category: BOS CUP Ordinance

Prepared By: Jamie Sherry

Department Head: MinuteTraq Admin

14.4

(ID # 4070)

DISTRICT 3 - CU-2021-00004 APPLICATION BY GOOCHLAND COUNTY SCHOOL BOARD REQUESTING A CONDITIONAL USE PERMIT FOR AN ELECTRONIC MESSAGE BOARD SIGN ON 104.35 ACRES AT THE GOOCHLAND COUNTY MIDDLE AND HIGH SCHOOL COMPLEX LOCATED AT 3250 RIVER ROAD WEST ON TAX MAP NO. 42-11-0-3-T. THE APPLICANT SEEKS FOUR SPECIAL EXCEPTIONS TO THE ELECTRONIC MESSAGE BOARD SIGN STANDARDS IN ZONING ORDINANCE SEC. 15-416: TO ALLOW VIDEOS AND MOVEMENT ON THE SCREEN, TO CHANGE MESSAGES MORE FREQUENTLY, TO ALLOW A TWO-SIDED SIGN WITH DIFFERENT DISPLAYS, AND TO ALLOW THE SIGN TO TURN ON AT 7:00 A.M. THE PROPERTY IS ZONED AGRICULTURAL, LIMITED (A-2). THE CONDITIONAL USE PERMIT IS REQUIRED BY GOOCHLAND COUNTY ZONING ORDINANCE SECTION 15-416 AND THE SPECIAL EXCEPTIONS ARE REQUESTED UNDER 15.416.B OF THE GOOCHLAND COUNTY ZONING ORDINANCE. THE COMPREHENSIVE PLAN DESIGNATES THIS AREA AS PUBLIC / COUNTY OWNED / INSTITUTIONAL.

Strat Goal 1	Efficient, effective, and transparent government; emphasis on customer service excellence	
Strat Goal 2	Balanced development that contributes to the welfare of the community and preserves its rural character	X
Strat Goal 3	Excellence in Financial Management	
Strat Goal 4	High Quality Core Services including Education, Public Safety, and Community Health	
Strat Goal 5	Positive Work Environment with a Highly Qualified, Diverse Workforce	

Board Action Requested

The Board is requested to hold a public hearing and consider this Conditional Use Permit application by Goochland County School Board.

Summary of Information

- A public hearing for an application by the Goochland County School Board for an electronic message board sign for the middle and high school complex at the northeast corner of River Road West (Rte. 6) and Bulldog Way (Rte.724) was held at the June 3, 2021, Planning Commission meeting. The Planning Commission recommended approval with a 5-0 vote. No one spoke at the public hearing. After the meeting, the Goochland County School Board revised their application requesting four special exceptions to the ordinance standards. Since the revisions are beyond the extent of the original public notice and hearing, their application was considered again by the Planning Commission in July.

- The revised application requests the following special exceptions to the ordinance standards for an electronic message board sign: 1) to allow videos and movement on the screen, 2) to change messages every 10 seconds, 3) to allow a two-sided sign with different displays, and 4) to allow the sign to turn on at 7:00 a.m. instead of just sunrise. The Board of Supervisors may grant these exceptions through the conditional use permit process.
- The use is permitted in the A-2, Agriculture, Limited zoning district with a conditional use permit (CUP).
- The area surrounding the school complex is comprised of single-family residences and farmland. Holland Hills Subdivision is adjacent to the complex on the west, and larger lot single family residential lots are located to the north and to the northwest of the complex. The closest house to the proposed sign is approximately 520 feet away and is screened by evergreen landscaping along Bulldog Way.
- River Road West is a two-lane road and is classified as a major collector road and the speed limit is 55 miles per hour. The speed limit is reduced to 40 miles per hour when the school speed limit sign is flashing.
- At its July 8, 2021 meeting, the Planning Commission recommended approval of the CUP including the requested exceptions, except for condition 5, Static Display Exception, with a 4-0 vote. Mr. Myers was absent. Zoning Ordinance Sec. 15-416.B.1.c states that messages must be static and not contain animation, videos, flashing or scrolling text. The applicant requests an exception to this standard in order to allow videos and movement on the screen. Condition 5 states that messages may contain animation, videos, and scrolling text, but no strobe or flashing lights. No one spoke at the public hearing.

Community Meeting

- Goochland Public School hosted a community on April 14, 2021. No citizens attended.

Draft Motions

- **Approve:** I move that the Board approve conditional use permit CU-2021-00004 for an electronic message board sign at 3250 River Road West subject to the imposed conditions as presented.
- **Approve as amended:** I move that the Board approve conditional use permit CU-2021-00004 for an electronic message board sign at 3250 River Road West subject to the imposed conditions, with the following amendments:
_____.
- **Defer:** I move that the Board defer consideration of conditional use permit CU-2021-00004 for an electronic message board sign at 3250 River Road West to _____ (date) _____.
- **Deny:** Based on the information in the staff report and from the public hearing, I move that the Board deny conditional use permit CU-2021-00004 for an electronic message board sign at 3250 River Road West on the grounds that:
 - it is not in keeping with public necessity, convenience, general welfare, and good zoning practice;

Ordinance

Meeting of August 3, 2021

- and _____.

ATTACHMENTS:

- CU-2021-00004 - Exhibit A (PDF)
- CU-2021-00004 - Exhibit B(PDF)
- CU-2021-00004 - PC Resolution (PDF)
- CU-2021-00004 - Staff Report (DOCX)
- CU-2021-00004 - Application (PDF)

✓ Vote Record - Ordinance 4070						
<input type="checkbox"/> Adopted <input type="checkbox"/> Adopted as Amended <input type="checkbox"/> Defeated <input type="checkbox"/> Tabled <input type="checkbox"/> Withdrawn <input type="checkbox"/> Meeting Cancelled <input type="checkbox"/> Deferred <input type="checkbox"/> Denied <input type="checkbox"/> Approved <input type="checkbox"/> Consensus of the Board <input type="checkbox"/> Tabled by Consensus <input type="checkbox"/> Approved as Amended <input type="checkbox"/> Referred <input type="checkbox"/> Public Hearing Held			Yes/Aye	No/Nay	Abstain	Absent
	Susan Lascolette		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Ken Peterson		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	John Lumpkins		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Neil Spoonhower		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Don Sharpe		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AT A MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF GOOCHLAND, VIRGINIA, HELD ON AUGUST 3, 2021, IN THE GOOCHLAND COUNTY ADMINISTRATION BUILDING, 1800 SANDY HOOK RD., SUITE 250, GOOCHLAND, VIRGINIA, THE FOLLOWING ACTION WAS TAKEN:

Ordinance granting Conditional Use Permit CU-2021-00004 for an electronic message board sign, with special exceptions, on 104.35 acres at the Goochland County Middle and High School complex located at 3250 River Road West on Tax Map No. 42-11-0-3-T

WHEREAS, Virginia Code §15.2-2286(A)(3) enables the Goochland County Board of Supervisors to grant conditional use permits under suitable regulations and safeguards; and

WHEREAS, Goochland County School Board filed an application requesting a Conditional Use Permit (CUP) for an electronic message board sign that would comply with the sign standards in Zoning Ordinance § 15-416, except for the following four exceptions: to allow videos and movement on the screen, to change messages more frequently, to allow different messages on a two-sided sign, and to allow the sign to turn on at 7:00 a.m.; and

WHEREAS, the 104.35-acre property is identified as Tax Map No. 42-11-0-3-T and located at 3250 River Road West in Election District 3; and

WHEREAS, the subject property is zoned Agriculture, Limited (A-2) and the proposed activity is permitted in that district with a CUP under Zoning Ordinance § 15-416, which imposes the following standards on the use:

1. General requirements
 - a. Building and electrical permits and inspections are required.
 - b. Sign cannot be located in a manner which could cause confusion with or from traffic signals.
 - c. Messages must be static; no animation, videos, flashing, or scrolling text is permitted.
2. Display

- a. Messages cannot change more than once every minute.
 - b. Transitions between messages can only be a black screen or an immediate transition; no flashing, fading, or scrolling text is permitted.
 - c. In the event of a malfunction, the display must be changed to a dark screen.
 - d. If sign is two-sided, both sides must display the same message.
3. Brightness controls
- a. Illumination from sign shall not exceed 0.5-foot candle above ambient lighting at any property line.
 - b. Lighting cannot shine directly toward any dwelling.
 - c. Signs are required to have an automatic dimmer and be turned off between 11:00 p.m. (or as late as the business is open) and sunrise.
 - d. Prior to sign permit approval, applicant must provide certification showing compliance with brightness controls.

WHEREAS, the standards imposed pursuant to Zoning Ordinance § 15-416 govern this use unless an exception is granted per the conditions below; and

WHEREAS, the ordinance standards and conditions imposed below represent suitable regulations and safeguards to protect the neighboring properties from the impact of the CUP; and

WHEREAS, the Comprehensive Plan designates this area as Public/County Owned/Institutional; and

WHEREAS, pursuant to Virginia Code § 15.2-2204, the Goochland County Planning Commission advertised as required by law and held a public hearing on this application on July 8, 2021 and voted 4-0 to recommend approval except for condition 5 (Static Display Exception); and

WHEREAS, pursuant to Virginia Code § 15.2-2204, the Goochland County Board of Supervisors advertised as required by law and held a public hearing on this application on August 3, 2021.

NOW, THEREFORE, BE IT ORDAINED, the Goochland County Board of Supervisors is empowered to grant this application pursuant to Zoning Ordinance § 15-60, has considered each of the applicable standards in Zoning Ordinance § 15-60.B, and hereby finds that granting this request is a matter of public necessity, convenience, general welfare, or good zoning practice; and

BE IT FURTHER ORDAINED, this 3rd day of August, 2021, the Goochland County Board of Supervisors hereby grants conditional use permit CU-2021-00004 for an electronic message board sign, with special exceptions, on 104.35 acres at the Goochland County Middle and High School complex located at 3250 River Road West on Tax Map No. 42-11-0-3-T in Election District 3, subject to the following imposed conditions:

1. Use. An electronic message board sign may be constructed and operated on the Property subject to these conditions, and the standards in Zoning Ordinance Sec. 15-416 unless exceptions are granted in the conditions below.
2. Electronic Message Board Design. The design and construction of the electronic message board sign shall be substantially in accordance with the drawings prepared by Talley Signs dated May 21, 2020, and attached as Exhibit A.
3. Site Plan. The electronic message board sign's location shall generally conform to the area indicated on the conceptual plan attached as Exhibit B. The sign must be placed outside of the right-of-way and meet zoning district setbacks.
4. Transfer or lease. Prior to the transfer or lease of the Property that includes the electronic message board sign, the property owner(s) shall notify, in writing, (a) the Department of Community Development of the planned transfer or lease, and (b) the new owner or lessee of this CUP and its conditions, with a copy to the community development department.
5. Static Display Exception. Applicant is granted an exception to the general requirements standard in Zoning Ordinance Sec. 15-416.B.1.c, that messages must be static and not contain animation, videos, flashing or scrolling text. Messages may contain animation, videos, and scrolling text, but no strobe or flashing lights are allowed.
6. Image Display Exception - Frequency. Applicant is granted an exception to the display standard in Zoning Ordinance Sec. 15-416.B.2.a, that messages cannot change more than once every minute. Messages cannot change more than once every 15 seconds.
7. Image Display Exception - Two-sided sign. Applicant is granted an exception to the display standard in Zoning Ordinance Sec. 15-416.B.2.d, that both sides of a two-sided sign must display the same message. The message displayed on one side of the sign may differ from the message displayed on the other side.
8. Brightness Controls Exception. Applicant is granted an exception to the brightness controls standard in Zoning Ordinance Sec. 15-416.B.3.c, that signs are required to be turned off between 11:00 p.m. (or as late as the business is open) and sunrise. The sign may turn on at sunrise or 7:00 a.m., whichever is earlier.

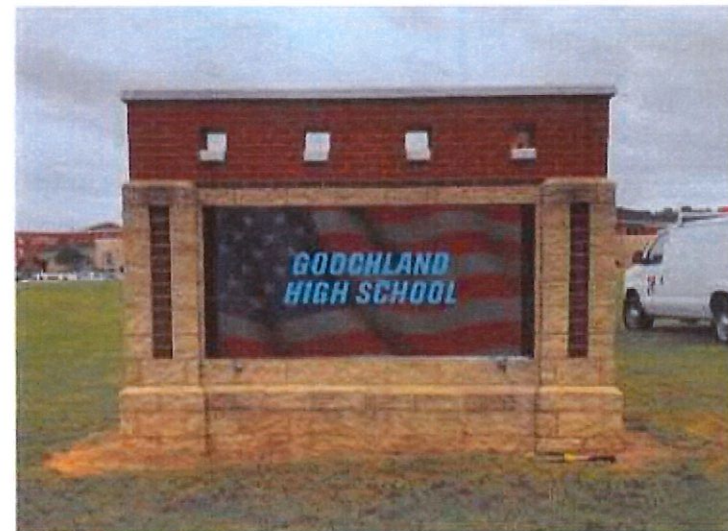
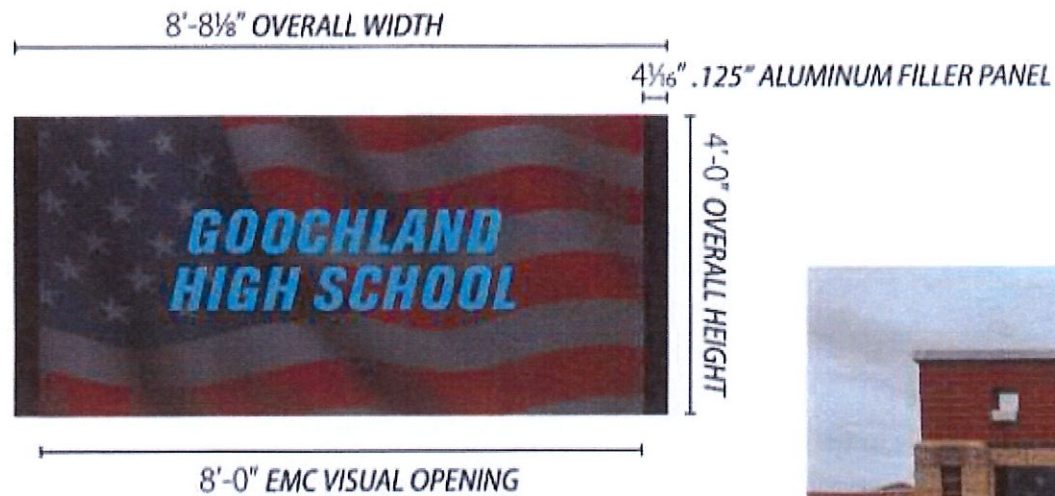
A COPY ATTEST:

County Administrator or Designee
Goochland County Board of Supervisors

EMC PANELS TO BE RETROFITTED INTO EXISTING 10" DEEP MONUMENT

METHOD OF MOUNTING TO BE DETERMINED THRU SURVEY.

QUANTITY: 2 CABINETS, 1 EACH SIDE

Exhibit A**SIDE A**

TALLEY
SIGN COMPANY
ARCHITECTURAL & COMMERCIAL
1900 Chamberlayne Ave., P.O. Box 27386 Richmond, Va. 23261
Phone 804-649-0325 Fax 804-643-1721

CLIENT: **GOOCHLAND HIGH SCHOOL**

DATE: 5/21/2020

JOB#: emc retrofit

REP: Eric Salmon

BY: DAP

LOC: Goochland, VA

REVISION:

1	
2	
3	
4	
5	

Attention:

This drawing is the sole property of Talley Sign Company. Upon receipt of this drawing, the client agrees it shall not be copied, plagiarized or reproduced in part or whole, that includes supplying this drawing to another vendor for any reason, nor used for any other purpose without written permission of Talley Sign Company. To do so is copyright infringement and theft of intellectual property.

©Copyright 2020 by Talley Sign Company



Exhibit B

✓ Vote Record - Resolution 4062						
<input type="checkbox"/> Approved <input type="checkbox"/> Recommended for Approval <input type="checkbox"/> Recommended for Denial <input type="checkbox"/> Deferred <input type="checkbox"/> Denied <input type="checkbox"/> Withdrawn <input checked="" type="checkbox"/> Recommended for Approval as Am <input type="checkbox"/> Adopted <input type="checkbox"/> Adopted as Amended <input type="checkbox"/> Defeated <input type="checkbox"/> Consensus of the Board <input type="checkbox"/> Tabled by Consensus <input type="checkbox"/> Approved as Amended <input type="checkbox"/> Send to BOS with Report of Tie Vote						
			Yes/Aye	No/Nay	Abstain	Absent
	John Myers	Voter	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Matt Brewer	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Tom Rockecharlie	Seconder	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Curt Pituck	Mover	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Carter Duke	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AT A MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF GOOCHLAND, VIRGINIA, HELD ON JULY 8, 2021, IN THE GOOCHLAND COUNTY ADMINISTRATION BUILDING, 1800 SANDY HOOK RD., SUITE 250, GOOCHLAND, VIRGINIA, THE FOLLOWING ACTION WAS TAKEN:

Resolution recommending approval of CU-2021-00004 - Application by Goochland County School Board requesting a Conditional Use Permit for an electronic message board sign, with special exceptions, on 104.35 acres at the Goochland County Middle and High School complex located at 3250 River Road West on Tax Map No. 42-11-0-3-T

WHEREAS, Virginia Code § 15.2-2286(A)(3) enables the Goochland County Board of Supervisors to grant conditional use permits under suitable regulations and safeguards; and

WHEREAS, the Goochland County Planning Commission is authorized and required, by Virginia Code § 15.2-2285(A), to consider, hold a public hearing, and make a recommendation to the Board of Supervisors on all land use applications filed with the County; and

WHEREAS, Goochland County School Board filed an application requesting a conditional use permit (CUP) for an electronic message board sign that would comply with the sign standards in Zoning Ordinance § 15-416, except for the following four exceptions: to allow videos and movement on the screen, to change messages more frequently, to allow different messages on a two-sided sign, and to allow the sign to turn on at 7:00 a.m.; and

WHEREAS, the 104.35-acre property is identified as Tax Map No. 42-11-0-3-T and located at 3250 River Road West in Election District 3; and

WHEREAS, the subject property is zoned Agricultural, Limited (A-2) and the proposed activity is permitted in that district with a CUP under Zoning Ordinance § 15-416.B, which imposes the following standards on the use:

1. General requirements
 - a. Building and electrical permits and inspections are required.
 - b. Sign cannot be located in a manner which could cause confusion with or from

traffic signals.

- c. Messages must be static; no animation, videos, flashing, or scrolling text is permitted.
2. Display
- a. Messages cannot change more than once every minute.
 - b. Transitions between messages can only be a black screen or an immediate transition; no flashing, fading, or scrolling text is permitted.
 - c. In the event of a malfunction, the display must be changed to a dark screen.
 - d. If sign is two-sided, both sides must display the same message.
3. Brightness controls
- a. Illumination from sign shall not exceed 0.5-foot candle above ambient lighting at any property line.
 - b. Lighting cannot shine directly toward any dwelling.
 - c. Signs are required to have an automatic dimmer and be turned off between 11:00 p.m. (or as late as the business is open) and sunrise.
 - d. Prior to sign permit approval, applicant must provide certification showing compliance with brightness controls.

WHEREAS, the standards imposed pursuant to Zoning Ordinance § 15-416 govern this use unless the Board of Supervisors grants an exception to any standard as permitted under Zoning Ordinance § 15-416.B; and

WHEREAS, the conditions imposed pursuant to Zoning Ordinance § 15-416.B and below represent suitable regulations and safeguards to protect the neighboring properties from the impact of the CUP; and

WHEREAS, the Comprehensive Plan designates this area as Public/County Owned/Institutional; and

WHEREAS, pursuant to Virginia Code § 15.2-2204, the Goochland County Planning Commission advertised as required by law and held a public hearing on this application on July 8, 2021.

NOW, THEREFORE, BE IT RESOLVED, the Goochland County Planning Commission is empowered to make recommendations to the Board of Supervisors regarding this application pursuant to Zoning Ordinance § 15-60, has considered each of the applicable standards in Zoning Ordinance § 15-60.B, and hereby finds that granting this request is a matter of public necessity, convenience, general welfare, or good zoning practice, and

BE IT FURTHER RESOLVED, this 8th day of July, 2021, the Goochland County Planning Commission hereby recommends that the Goochland County Board of Supervisors grant conditional use permit CU-2021-00004 for an electronic message board sign on 104.35

Resolution

Meeting of July 8, 2021

acres at 3250 River Road West on Tax Map No. 42-11-0-3-T in Election District 3, subject to the following imposed conditions:

1. Use. An electronic message board sign may be constructed and operated on the Property subject to these conditions and the standards stated in Zoning Ordinance Sec. 15-416.B.1, B.2, and B.3.
2. Electronic Message Board Design. The design and construction of the electronic message board sign shall be substantially in accordance with the drawings prepared by Talley Signs dated May 21, 2020, and attached as Exhibit A.
3. Site Plan. The electronic message board sign's location shall generally conform to the area indicated on the conceptual plan attached as Exhibit B. The sign must be placed outside of the right-of-way and meet zoning district setbacks.
4. Transfer or lease. Prior to the transfer or lease of the Property that includes the electronic message board sign, the property owner(s) shall notify, in writing, (a) the Department of Community Development of the planned transfer or lease, and (b) the new owner or lessee of this CUP and its conditions, with a copy to the community development department.
5. Image Display Exception - Frequency. Applicant is granted an exception to the display standard in Zoning Ordinance Sec. 15-416.B.2.a, that messages cannot change more than once every minute. Messages cannot change more than once every 15 seconds.
6. Image Display Exception - Two-sided sign. Applicant is granted an exception to the display standard in Zoning Ordinance Sec. 15-416.B.2.d, that both sides of a two-sided sign must display the same message. The message displayed on one side of the sign may differ from the message displayed on the other side.
7. Brightness Controls Exception. Applicant is granted an exception to the brightness controls standard in Zoning Ordinance Sec. 15-416.B.3.c, that signs are required to be turned off between 11:00 p.m. (or as late as the business is open) and sunrise. The sign may turn on at sunrise or 7:00 a.m., whichever is earlier.

A COPY TESTE:

Jamie Sherry

Jamie Sherry, Assistant Director of Community Development

7/9/2021

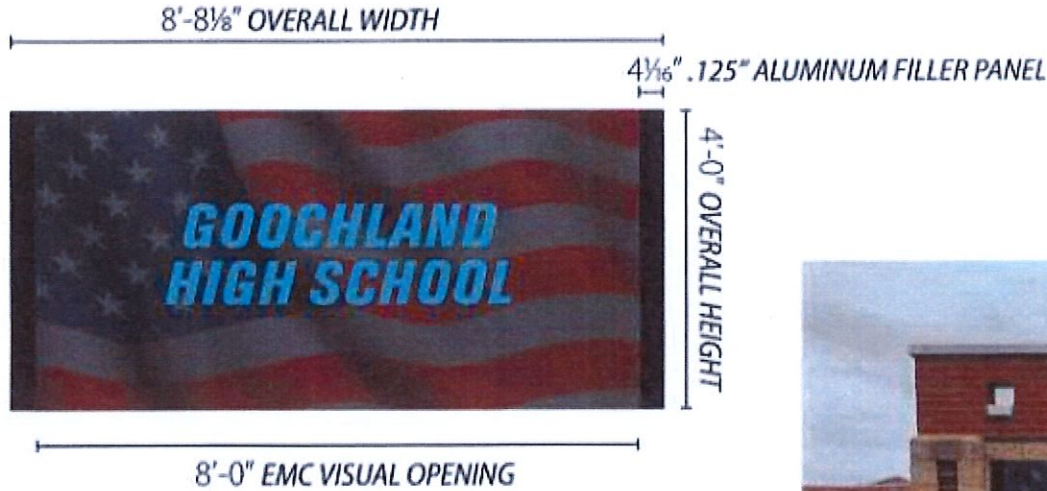
Attachment: CU-2021-00004 - PC Resolution (4070 : District 3 - CU-2021-00004 Goochland County School Board)

EMC PANELS TO BE RETROFITTED INTO EXISTING 10" DEEP MONUMENT

METHOD OF MOUNTING TO BE DETERMINED THRU SURVEY.

QUANTITY: 2 CABINETS, 1 EACH SIDE

Exhibit A



SIDE A

TALLEY
SIGN COMPANY
ARCHITECTURAL & COMMERCIAL
1908 Chamberlayne Ave. P.O. Box 27386 Richmond, Va. 23261
Phone 804-649-0325 Fax 804-643-1721

CLIENT: GOOCHLAND HIGH SCHOOL	
DATE: 5/21/2020	JOB#: emc retrofit
REP: Eric Salmon	BY: DAP
LOC: Goochland, VA	

REVISION:
1
2
3
4
5

Attention:
This drawing is the sole property of Talley Sign Company. Upon receipt of this drawing, the client agrees it shall not be copied, plagiarized or reproduced in part or whole, that includes supplying this drawing to another vendor for any reason, nor used for any other purpose without written permission of Talley Sign Company. To do so is copyright infringement and theft of intellectual property.

Copyright 2020 by Talley Sign Company



Exhibit B



GOOCHLAND COUNTY
Department of Community Development
 Staff Report for the Board of Supervisors
 Prepared July 9, 2021

CU-2021-00004 Goochland County School Board - H.S/M.S.

Voting District:	3
Application Date:	5/5/2021
Community Meeting Date:	4/14/2021
Planning Commission Public Hearing:	6/3/2021 <i>Recommended for Approval</i> 7/ 8/21 <i>Application Revised -New Public Hearing- Recommended for Approval except for condition 5</i>
Board of Supervisors Public Hearing:	8/3/2021 <i>Pending</i>

OVERVIEW:

Request	To allow an electronic message board sign
Location	Goochland High School and Goochland County Middle School 3250 River Road West (Rte. 6)
Subdivision	N/A
Assessors Tax Map No./GPIN	42-11-0-3-T
Acreage	104.35
Current Zoning	A-2 (Agriculture, Limited)
Proposed Zoning	A-2 (Agriculture, Limited)
Comprehensive Plan	Public / County Owned / Institutional
TCSD	No
Overlay District/Village	Yes
Staff Contact	Jamie Sherry: 804.556.5861 jsherry@goochlandva.us

APPLICATION SUMMARY

CU-2021-00004 Application by Goochland County School Board requesting a Conditional Use Permit for an electronic message board sign on 104.35 acres at the Goochland County Middle and High School complex located at 3250 River Road West on Tax Map No. 42-11-0-3-T. The applicant seeks four special exceptions to the electronic message board sign standards in Zoning Ordinance Sec. 15-416: to allow videos and movement on the screen, to change messages more frequently, to allow a two-sided sign with different displays, and to allow the sign to turn on at 7:00 a.m. The property is zoned Agricultural, Limited (A-2). The Conditional Use Permit is required by Goochland County Zoning Ordinance Section 15-416 and the special exceptions are requested under 15.416.B of the Goochland County Zoning Ordinance. The Comprehensive Plan designates this area as Public / County Owned / Institutional.

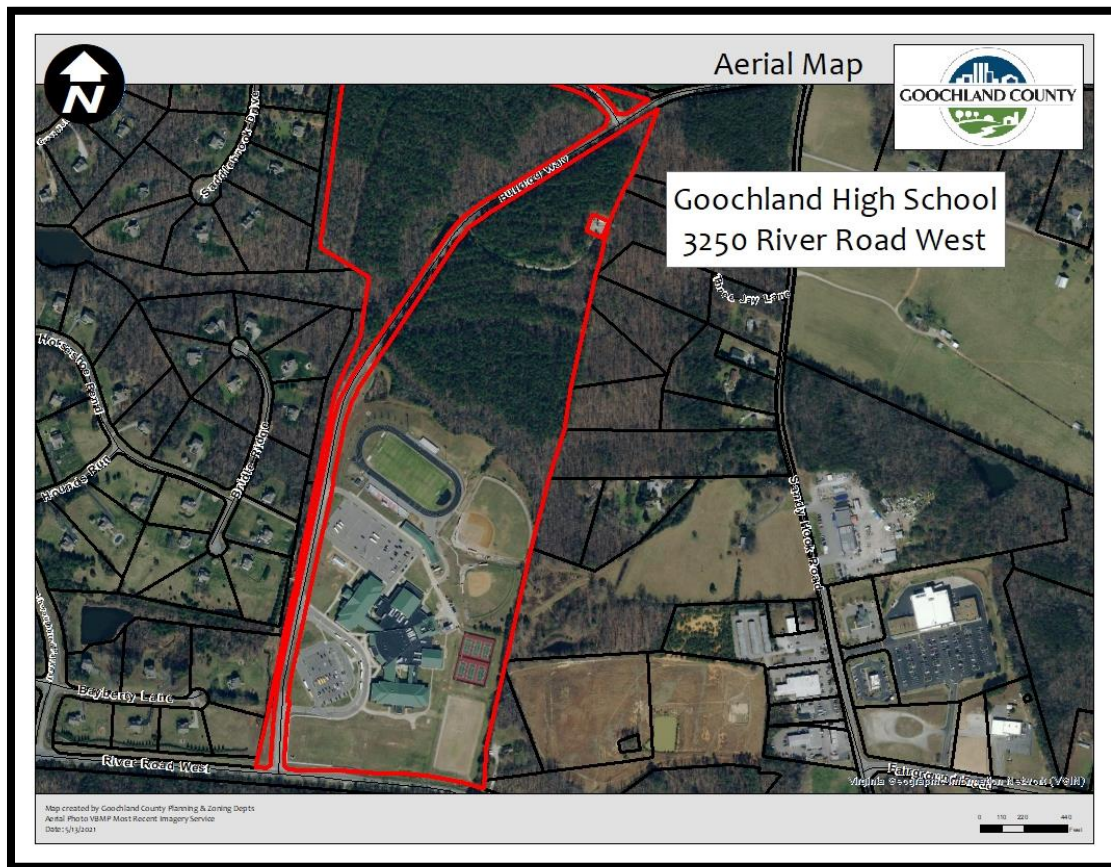
Summary

- A public hearing for an application by the Goochland County School Board for an electronic message board sign for the middle and high school complex at the northeast corner of River Road West (Rte. 6) and Bulldog Way (Rte.724) was held at the June 3, 2021, Planning Commission meeting. The Planning Commission recommended approval with a 5-0 vote. No one spoke at the public hearing. After the meeting, the Goochland County School Board revised their application requesting four special exceptions to the ordinance standards. Since the revisions are beyond the extent of the original public notice and hearing, their application was being considered again by the Planning Commission.
- The applicant has revised their application and are requesting the following special exceptions to the ordinance standards for an electronic message board sign: to allow videos and movement on the screen, to change messages every 10 seconds, to allow a two-sided sign with different displays, and to allow the sign to turn on at 7:00 a.m. instead of just sunrise. The Board of Supervisors may grant these exceptions through the conditional use process.
- The use is permitted in the A-2, Agriculture, Limited zoning district with a conditional use permit (CUP).
- The area surrounding the school complex is comprised of single-family residences and farmland. Holland Hills Subdivision is adjacent to the complex on the west, and larger lot single family residential lots are located to the north and to the northwest of the complex. The closest house to the proposed sign is approximately 520 feet away and is screened by evergreen landscaping along Bulldog Way.
- River Road West is a two-lane road and is classified as a major collector road and the speed limit is 55 miles per hour. The speed limit is reduced to 40 miles per hour when the school speed limit sign is flashing.
- Goochland Public School hosted a community on April 14, 2021. No citizens attended.
- At its July 8, 2021 meeting, the Planning Commission recommended approval of the CUP including the requested exceptions, except for condition 5, Static Display Exception, with a 4-0 vote. Mr. Myers was absent. Zoning Ordinance Sec. 15-416.B.1.c states that messages must be static and not contain animation, videos, flashing or scrolling text. The applicant requests an exception to this standard in order to allow videos and movement on the screen. Condition 5 states that messages may contain animation, videos, and scrolling text, but no strobe or flashing lights. No one spoke at the public hearing.

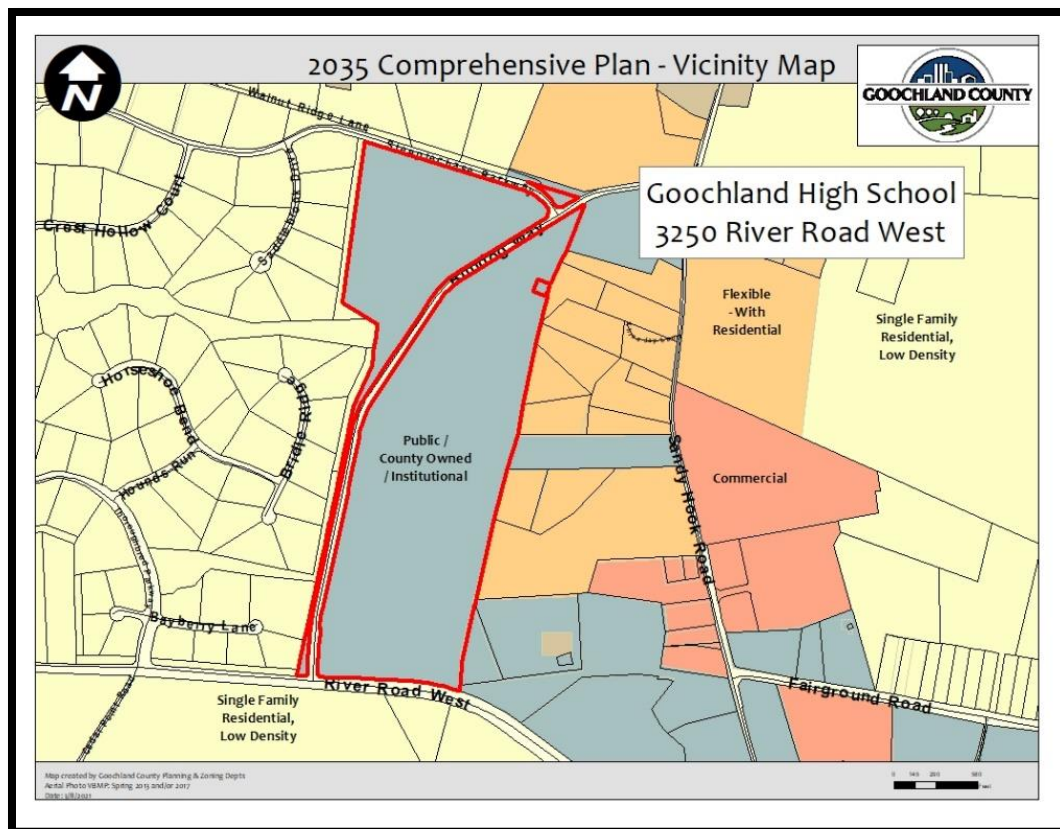
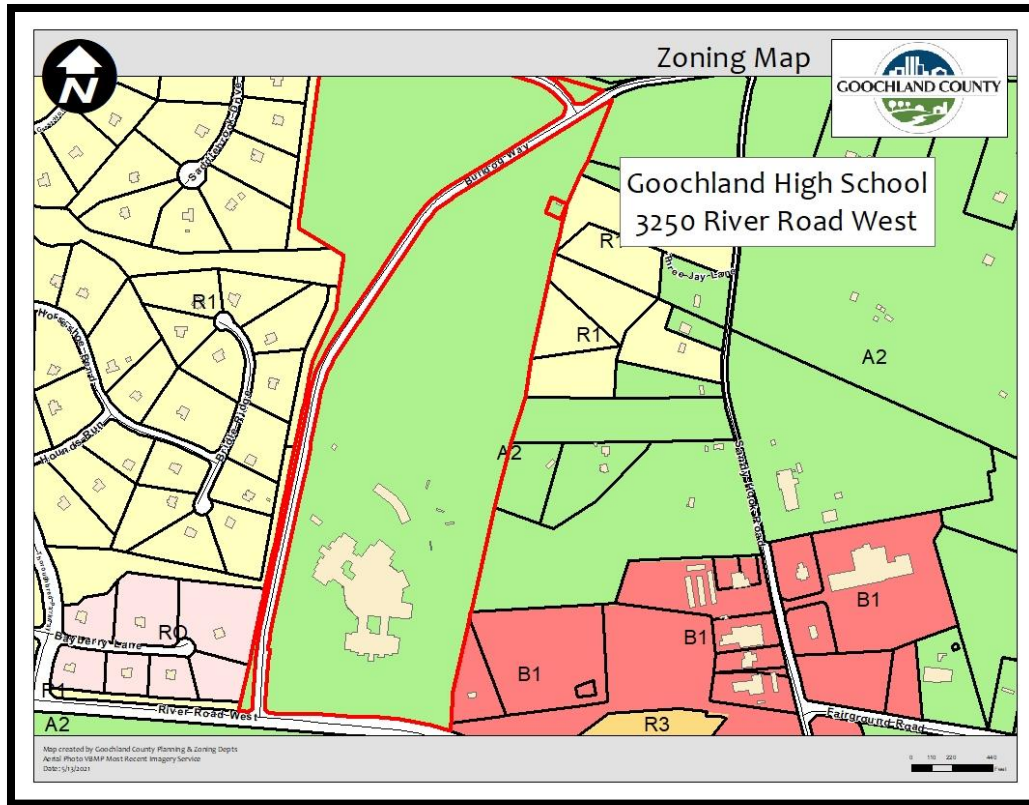
Goochland County School Board - Goochland H.S and M. S.
CU-2021-00004

EXISTING LAND USE/COMPREHENSIVE PLAN	
Zoning	A-2 (Agriculture, Limited)
Proposed Zoning	A-2 (Agriculture, Limited)
Existing Land Use	School Complex
Comprehensive Plan	Public / County Owned / Institutional

ADJACENT PROPERTY INFORMATION				
	North	South	East	West
Adjacent Zoning	A-2	A-2	R-1/A-2/B-1	R-1/RO
Adjacent Land Use	Residential	Vacant/ Residential	Vacant/ Residential	Residential



Goochland County School Board - Goochland H.S and M. S.
CU-2021-00004



PROPOSED USE

A public hearing for an application by the Goochland County School Board for an electronic message board sign for the middle and high school complex at the northeast corner of River Road West (Rte. 6) and Bulldog Way (Rte.724) was held at the June 3, 2021, Planning Commission meeting. The Planning Commission recommended for approval with a 5-0 vote. No one spoke at the public hearing. After the meeting, the Goochland County School Board revised their application requesting four special exceptions to the ordinance standard. Since the revisions are an intensification of the use, their request was heard again by the Planning Commission.

Electronic message board signs were added to the County Code with the adoption of the zoning ordinance rewrite that became effective on January 1, 2020. the following standards are required for electronic message board signs unless otherwise approved by the board of supervisors through the conditional use permit process.

(1) General requirements

- a. Building and electrical permits and inspections are required.
- b. Sign cannot be located in a manner which could cause confusion with or from traffic signals.
- c. Messages must be static; no animation, videos, flashing, or scrolling text is permitted.

(2) Display

- a. Messages cannot change more than once every minute.
- b. Transitions between messages can only be a black screen or an immediate transition; no flashing, fading, or scrolling text is permitted.
- c. In the event of a malfunction, the display must be changed to a dark screen.
- d. If sign is two-sided, both sides must display the same message.

(3) Brightness controls

- a. Illumination from sign shall not exceed 0.5-foot candle above ambient lighting at any property line.
- b. Lighting cannot shine directly toward any dwelling.
- c. Signs are required to have an automatic dimmer and be turned off between 11:00 p.m. (or as late as the business is open) and sunrise.
- d. Prior to sign permit approval, applicant must provide certification showing compliance with brightness controls.

The code section has additional requirements for gas stations and are not included in this report.

The regulations within the electronic message board ordinance were created to promote driver safety and to preserve the existing character of the area in which the sign will be located, while, at the same time, protecting the interest of sign owners.

There are currently 2 electronic message board signs in the county. In July 2020, Salem Baptist Church on Broad Street Road was the first to get approved under the new

Goochland County School Board - Goochland H.S and M. S.
CU-2021-00004

regulations. Reynolds Community College has an electronic message board, but since it located on state property, it was not subject to County requirements. The Board will be presented two applications for electronic message board signs at the August 3, 2021 meeting, as Goochland County School Board is also requesting an electronic message board sign for Randolph Elementary School on Sheppard Town Road.

County code Section 15-416 states that the planning commission and board of supervisors may consider the following factors, as well as other appropriate land use considerations, in determining whether to approve and apply conditions to the CUP:

- 1) Proportion of the sign face to be used for the electronic message.
- 2) Use of colors in the electronic message.
- 3) Relationship to nearby residences.
- 4) Distance to other electronic message boards.
- 5) Speed limit of roadway and road classification.
- 6) General character of area.
- 7) Landscaping incorporated into sign package.

Proportion of the sign face and colors for the electronic messages

The sign face for this sign is approximately 30 percent of the sign and the colors will be varied. Exhibit A shows how the proposed sign will appear when completed. The existing sign is placed out of the right of way and meets zoning district setback requirements.



Distance to other electronic message board signs

The closest electronic message board sign is at Reynolds Community College approximately 2/3 of a mile away.

General Character of the Area and Relationship to Residences

The area surrounding the school complex is comprised of single-family residences and farmland. Holland Hills Subdivision is adjacent to the complex on the west, and larger lot single family residential lots are located to the north and to the northwest of the complex. The closest house to the proposed sign is approximately 520 feet away and is screened by evergreen landscaping along Bulldog Way (see photo below).



Landscaping

No landscaping is proposed for this sign package. The applicant has indicated the sign distance from the school would poses maintenance issues because of a lack of a water source.

Speed limit of roadway and road classification

River Road West is a two-lane road with a tapered right turn lane onto Bulldog Way a wide median area to accommodate traffic related to school and school activities. This portion of River Road West is classified as a major collector road and the speed limit is 55 miles per hour. The speed limit is reduced to 40 miles per hour when the school speed limit sign is flashing.



PROPOSED EXCEPTIONS

The applicant is asking for the following exceptions that deviate from the required ordinance standards for an electronic message board on a sign. The Board of Supervisors may grant these exceptions through the conditional use process.

15.416.B.1.c - Messages must be static; no animation, videos, flashing, or scrolling text is permitted.

The applicant is proposing an exception to code Section 15.416.B.1.c in order to allow videos and movement on the screen. The applicant states the purpose of this request is to enhance messaging for both the middle and high schools and to incorporate some of effects of the sign messaging software.

In July 2020, as part of their application for an electronic message board sign, Salem Baptist Church requested an exception to this requirement, but the Board of Supervisors did not grant this exception.

15.416.B.2.a - Messages cannot change more than once every minute.

The applicant is proposing an exception to code Section 15.416.B.2.a to allow the sign to change once every 10 seconds. The applicant is making this request to provide for greater efficiency of messaging and will allow those slowing down to turn into the school to receive more information.

The regulations within the electronic message board ordinance were created to promote driver safety and to preserve the existing character of the area in which the sign will be located, while, at the same time, protecting the interest of sign owners. In addition to

Goochland County School Board - Goochland H.S and M. S.
CU-2021-00004

receiving comments from public meetings and hearings related to the zoning ordinance rewrite, staff benchmarked similar localities to see how they regulate electronic message board signs. The table below shows how other localities regulate image duration:

LOCALITY NAME	IMAGE DURATION
Henrico	Business Districts – every 10 seconds All other Districts – every 5 minutes
New Kent	Not Permitted
Hanover	Every 10 seconds
Powhatan	Every 3 minutes
Fluvanna	Every 20 seconds
Albemarle	Only 4 times per Hour (every 15 minutes)
Louisa	Every 5 Seconds

The one-minute message duration is somewhere in the middle of what other area localities adopted for image timing for electronic message boards

In July 2020, the Board of Supervisors granted Salem Baptist Church an exception to the standards to allow message changes every 15 seconds. The church was asking to allow messages to change every 5 seconds.

15.416.B.2.d - If sign is two-sided, both sides must display the same message.

The applicant is asking for an exception to code Section 15.416.B.2.d to allow for the sign to have differing messages on each side of the sign. The applicant has indicated the existing sign has different messages on each side of the sign, the left side has HS activities and the right side has MS activities. This request will allow each school to maintain control of messaging for one side of the sign.

15.416.B.3.- Signs are required to have an automatic dimmer and be turned off between 11:00 p.m. (or as late as the business is open) and sunrise.

The applicant is proposing an exception to code Section 15.416.B.3. The applicant is requesting the sign to be allowed to turn on at 7:00 a.m. to align with normal school arrival time, as certain times of the school year it is still dark at 7:00 a.m.

River Road West Overlay District

The sign will be placed on the existing sign at the corner of River Road West (Rte. 6) and Bulldog Way (Rte. 724) (Exhibit B). The existing sign is located in the River Road West Overlay District, but would not require a Certificate of Approval as Sec. 15-440 exempts sign face changes.

Goochland County School Board - Goochland H.S and M. S.
CU-2021-00004

REVIEW BY COUNTY AGENCIES/DEPARTMENTS	
Building	No comment.
Utilities	No comment
Schools	N/A
Public Safety	No comment.
Environmental	No comment.
Historic and Cultural Resources	No comment.
Accessor	No comment.

REVIEW BY STATE AGENCIES/DEPARTMENTS	
Health	No comment.
VDOT	No comment.

TRANSPORTATION

Traffic Counts

Roadway	From	To	Segment Length (Miles)	*AADT (2019)
River Road West (Rte.6)	<i>Maidens Road</i>	<i>Cardwell Road</i>	3.41	5100

(VDoT Jurisdiction Report, Daily Traffic Volume Estimates, Goochland County)

The Major Throughfare Plan designates River Road West as major collector road.

CODE ENFORCEMENT/MAINTENANCE ISSUES

None identified by staff.

COMMUNITY MEETING

Goochland Public School hosted a community meeting on April 14, 2021. There were three staff members from the school along with County staff, no one else attended.

FISCAL IMPACT

If the CUP is approved, no fiscal impact is expected.

Goochland County School Board - Goochland H.S and M. S.
CU-2021-00004

CONDITIONS

Should the Board of Supervisors approve this application, the following conditions are suggested:

1. Use. An electronic message board sign may be constructed and operated on the Property subject to these conditions, and the standards in Zoning Ordinance Sec. 15-416 unless exceptions are granted in the conditions below.
2. Electronic Message Board Design. The design and construction of the electronic message board sign shall be substantially in accordance with the drawings prepared by Talley Signs dated May 21, 2020, and attached as Exhibit A.
3. Site Plan. The electronic message board sign's location and design shall generally conform to the conceptual plan attached as Exhibit B. The sign must be placed outside of the right-of-way and meet zoning district setbacks.
4. Transfer or lease. Prior to the transfer or lease of the Property that includes the electronic message board, the property owner(s) shall notify, in writing, (a) the Department of Community Development of the planned transfer or lease, and (b) the new owner or lessee of this CUP and its conditions, with a copy to the community development department.

Should the Board of Supervisors approve of any of the requested exceptions, the following conditions are recommended to minimize the impact on both drivers and area residents:

5. Static Display Exception. Applicant is granted an exception to the general requirements standard in Zoning Ordinance Sec. 15-416.B.1.c, that messages must be static and not contain animation, videos, flashing or scrolling text. Messages may contain animation, videos, and scrolling text, but no strobe or flashing lights are allowed.
6. Image Display Exception – Frequency. Applicant is granted an exception to the display standard in Zoning Ordinance Sec. 15-416.B.2.a, that messages cannot change more than once every minute. Messages cannot change more than once every 15 seconds.
7. Image Display Exception – Two-sided sign. Applicant is granted an exception to the display standard in Zoning Ordinance Sec. 15-416.B.2.d, that both sides of a two-sided sign must display the same message. The message displayed on one side of the sign may differ from the message displayed on the other side.
8. Brightness Controls Exception. Applicant is granted an exception to the brightness controls standard in Zoning Ordinance Sec. 15-416.B.3.c, that signs are required to be turned off between 11:00 p.m. (or as late as the business is open) and sunrise. The sign may turn on at sunrise or 7:00 a.m., whichever is earlier.

PLANNING COMMISSION RECOMMENDATION:

At its July 8, 2021 meeting, the Planning Commission recommended approval of the CUP including the requested exceptions, except for condition 5, Static Display Exception, with a 4-0 vote. Mr. Myers was absent. The applicant requests an exception to this standard in order to allow videos and movement on the screen. Condition 5 states that messages may contain animation, videos, and scrolling text, but no strobe or flashing lights. No one spoke at the public hearing.

CONDITIONAL USE PERMIT APPLICATION COUNTY OF GOOCHLAND, VIRGINIA

Planning and Zoning Office

P.O. Box 103

Goochland, VA 23063

Phone: (804) 556-5863

Web: www.goochlandva.us FAX: (804) 556-5654

Office Use Only			
Application File Date: <u>MAY 5, 2021</u>		Fee paid: \$ <u> </u>	Application No.: CU- <u>2021-00004</u>
Planning Commission Public Hearing: <u>6-3-21</u> Board of Supervisors Public Hearing: <u> </u>		Receipt No.: <u> </u>	Pre-Application: <u>2021-00009</u>
Name of Applicant: Goochland County Public Schools		Name of Representative: Andrew R. Armstrong	
Address 2938 River Road West, Building I, Goochland VA 23063		Address 2938 River Road West, Building I Goochland VA 23063	
Phone No. <u>804 556 5605</u>		Phone No. <u>804 556 5605</u>	
Location: <u>Central Office, Goochland County Public Schools</u>		District: <u>3</u>	
Disclosure of Real Parties in Interest. Provide completed disclosure form(s).		Subdivision: <u>N/A</u>	
Property Owner Goochland County School Board		Are there any deed restrictions? Yes <u> </u> No <u>✓</u>	
Tax Map # 42-11-0-3-T		GPIN # 6758-70-7265-9999	
Deed Book 4953		Plat Book <u> </u>	Zone A2
		Acreage 104.35	
Account # <u> </u>			
Property in Land Use: Yes / <u>No</u> - If your property is in the County's land use taxation program, please be advised that any proposed change in the use of the land could make the property ineligible for further participation in the land use taxation program.			

Attachment: CU-2021-00004 - Application (4070 : District 3 - CU-2021-00004 Goochland County School Board)

REQUEST

Applicant request a conditional use permit to locate the following USE on the above described property: Installation of new LED message board sign Section 15-416. (Describe here what is intended to be done on or with the property. If a building is involved, a sketch or plan with photographic or other suitable description should accompany this application.)

See Attachment "A"

IMPROVEMENTS PROPOSED:

Describe briefly the improvements proposed. State whether new buildings are to be constructed, existing buildings are to be used or additions made to existing building(s).

Installation of a two-sided LED message board sign to be placed in the existing brick marquee sign structure located near the corner of River Road West and Bulldog Way. See attached schematic of sign.

NECESSITY OF USE:

Describe the reason for the requested change.

The installation of a new digital message board sign will complement the facility and provide information for the community.

PROTECTION TO ABUTTING PROPERTY:

Describe the effects of the proposed use on adjacent property and the surrounding neighborhood. What protection will be offered adjoining property owners?

Sign will emit light during the day and night with LED technology; timers and adjustable settings will allow for responsiveness to any concerns related to brightness.

ENHANCEMENT OF COUNTY:

Why does the applicant believe that this requested change will be advantageous to the County? (Please substantiate with facts.)

New signage will provide information to the school and community in a visibly pleasing format as well as symbolize the commitment of our schools and county to improvement of our facilities.

Attachment "A"**CU-2021-00004 Goochland County School Board****Goochland High School/Middle School Complex: Section 15-416:**

A (7) - Landscaping incorporated into sign package: Grass only as it is with current sign. No water available and County staff mow on a regular basis.

B(1) c - Messages must be static; no animation, videos, flashing, or scrolling text is permitted: To enhance messaging for public schools and to reflect the student experience, we want to incorporate some of effects as part of the sign messaging software.

B (2) a - Messages cannot change more than once every minute: Request a maximum change of once every 10 seconds for greater efficiency of messaging. This frequency should not distract drivers passing by but will allow those slowing down to turn into the school to receive more information.

B (2) d - If sign is two-sided, both sides must display the same message: As with current sign, the left side will be for HS activities and the right side for MS activities. (Sign is not "two-sided" but two signs side-by-side at an angle)

15-416. B.3.c has the requirement to have the lights turned off between the hours of 11 p.m. and sunrise: Request the sign to be turned off during the hours of 11 p.m. and 7 a.m. These consistent times align with normal school activity.

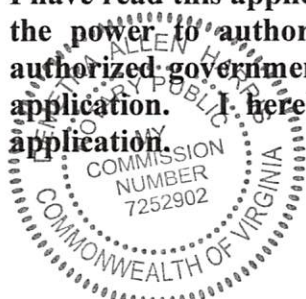
DESCRIBE THE PROPOSED USE, AND OTHER PERTINENT DATA:

1. **Type of operation(s):** Electric
2. **Hours of operation:** TBA: 24 hours proposed, can be adjusted as needed
3. **Proposed Name of development or business:** Goochland Middle/High School
4. **Estimated number of patrons/clients/patients/pupils/etc.:** 1500 pupils
5. **Proposed number of employees/attendants/teachers/etc.** 150 employees
6. **Estimate of traffic impact of the proposed use, including the maximum expected trip generation and the distribution of such trips by mode and time of day.**
None
7. **Description of building façade and architecture of proposed new building or additions.**
Two sided LED color message board installed into existing marquee sign space on brick sign structure.
8. **The square footage of the building:** 8x2x10 sign **Parking:** N/A
9. **Total disturbed area:** 0
10. **A listing, if known, of all hazardous or toxic substances, to be generated, utilized, stored, treated, and/or disposed of onsite and size and contents of any existing or proposed storage tanks or containers:** None
11. **Building Design: Provide 1 copies of floor plans and elevations for the front, sides, and rear of any on-site structures proposed.**

STATE OF VIRGINIA
COUNTY OF GOOCHLAND) To wit

I ANDREW N. ARMSTRONG, being duly sworn, depose and say that I am the Lessee/Owner of the property involved in the application. If I am not the Lessee/Owner, I will produce a copy of a contract to purchase the property or I will present written certification from the owner granting me the right to submit this application. I further declare that I have familiarized myself with the rules and regulations pertaining to preparing and filing this application and that the foregoing statements and answers provided herein are in all respects true and correct to the best of my knowledge and belief.

I have read this application, understand its intent, and freely consent to its filing. Furthermore, I have the power to authorize and hereby grant permission to Goochland County officials and other authorized government agents on official business to enter the property as necessary to process this application. I hereby agree to have a sign placed on my property, notifying the public of my application.



[Signature] 5/4/21
Signature of Applicant Date

Phone No. 804 556 5605

10 BWP 169 Goochland VA 23063
Mailing Address of Applicant

Subscribed and sworn to before me this 4th day of May, 20 21.

11/30/2021
My Commission Expires

Demetra Allen Harris
Notary Public

.....

Signature of Property Owner Date

Phone No. _____

Mailing Address of Property Owner

Subscribed and sworn to before me this 4th day of May, 20 21.

11/30/2021
My Commission Expires

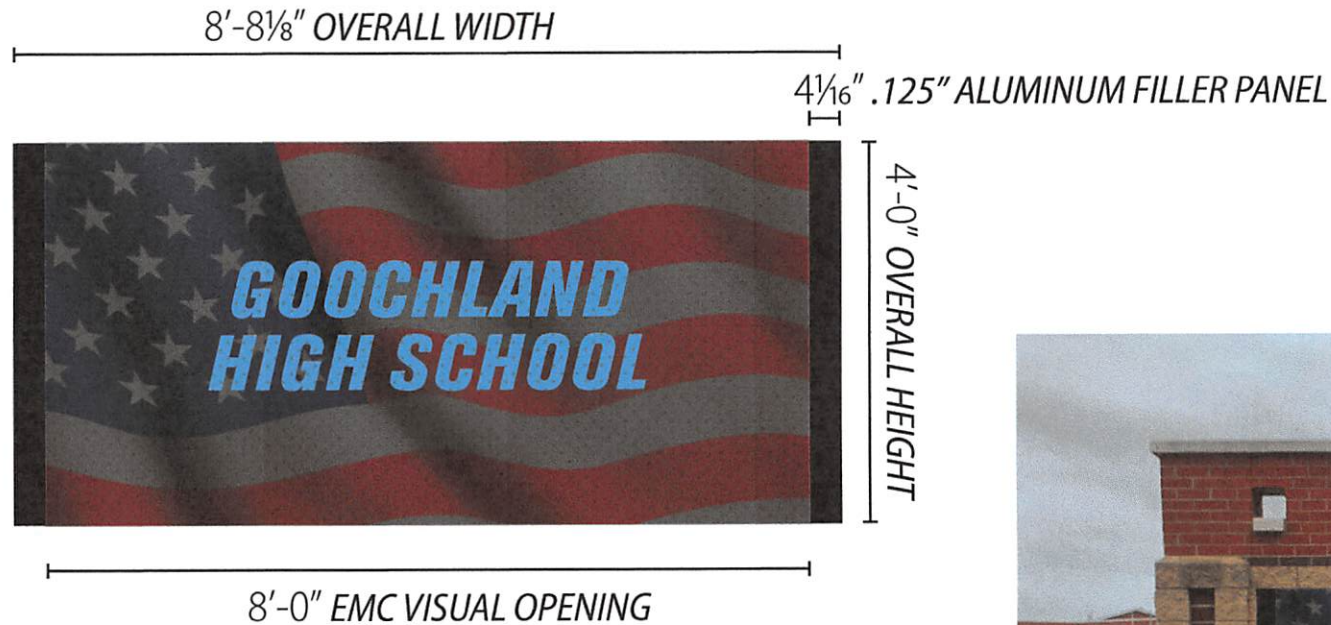
Demetra Allen Harris
Notary Public



EMC PANELS TO BE RETROFITTED INTO EXISTING 10" DEEP MONUMENT

METHOD OF MOUNTING TO BE DETERMINED THRU SURVEY.

QUANTITY: 2 CABINETS, 1 EACH SIDE



SIDE A

TALLEY
SIGN COMPANY
ARCHITECTURAL & COMMERCIAL
1908 Chamberlayne Ave. P.O. Box 27386 Richmond, Va. 23261
Phone 804-649-0325 Fax 804-643-1721

CLIENT: **GOOCHLAND HIGH SCHOOL**

DATE: 5/21/2020

JOB#: emc retrofit

REP: Eric Salmon

BY: DAP

LOC: Goochland, VA

REVISION:

1
2
3
4
5

Attention:

This drawing is the sole property of Talley Sign Company. Upon receipt of this drawing, the client agrees it shall not be copied, plagiarized or reproduced in part or whole, that includes supplying this drawing to another vendor for any reason, nor used for any other purpose without written permission of Talley Sign Company. To do so is copyright infringement and theft of intellectual property.

Packet Pg. 347



Board of Supervisors

1800 Sandy Hook Road
Goochland, VA 23063

SCHEDULED ORDINANCE

Meeting: 08/03/21 02:00 PM
Department: Planning & Zoning
Category: BOS CUP Ordinance
Prepared By: Jamie Sherry
Department Head: MinuteTraq Admin

14.5

(ID # 4071)

DISTRICT 4 - CU-2021-00003 APPLICATION BY GOOCHLAND COUNTY SCHOOL BOARD REQUESTING A CONDITIONAL USE PERMIT FOR AN ELECTRONIC MESSAGE BOARD SIGN ON 31.535 ACRES AT RANDOLPH ELEMENTARY SCHOOL LOCATED AT 1552 SHEPPARD TOWN ROAD ON TAX MAP NO. 44-1-0-46-0. THE APPLICANT SEEKS THREE SPECIAL EXCEPTIONS TO THE ELECTRONIC MESSAGE BOARD SIGN STANDARDS IN ZONING ORDINANCE SEC. 15-416: TO ALLOW VIDEOS AND MOVEMENT ON THE SCREEN, TO CHANGE MESSAGES MORE FREQUENTLY AND TO ALLOW THE SIGN TO TURN ON AT 7:00 A.M. THE PROPERTY IS ZONED AGRICULTURAL, LIMITED (A-2). THE CONDITIONAL USE PERMIT IS REQUIRED BY GOOCHLAND COUNTY ZONING ORDINANCE SECTION 15-416 AND THE SPECIAL EXCEPTIONS ARE REQUESTED UNDER 15.416.B OF THE GOOCHLAND COUNTY ZONING ORDINANCE. THE COMPREHENSIVE PLAN DESIGNATES THIS AREA AS PUBLIC / COUNTY OWNED / INSTITUTIONAL.

Strat Goal 1	Efficient, effective, and transparent government; emphasis on customer service excellence	
Strat Goal 2	Balanced development that contributes to the welfare of the community and preserves its rural character	X
Strat Goal 3	Excellence in Financial Management	
Strat Goal 4	High Quality Core Services including Education, Public Safety, and Community Health	
Strat Goal 5	Positive Work Environment with a Highly Qualified, Diverse Workforce	

Board Action Requested

The Board is requested to hold a public hearing and consider this conditional use permit application by Goochland County School Board.

Summary of Information

- A public hearing for an application by the Goochland County School Board for an electronic message board sign for Randolph Elementary was held at the June 3, 2021 Planning Commission meeting. The Planning Commission recommended approval with a 5-0 vote. No one spoke at the public hearing. After the meeting, the Goochland County School Board revised their application requesting three special exceptions to the ordinance standards. Since the revisions are beyond the extent of the original public notice and hearing, their application was considered again by the Planning Commission.
- The applicant is requesting three special exceptions to the electronic message board sign standards in Zoning Ordinance Sec. 15-416: to allow videos and movement on the screen, to change messages more frequently and to allow the sign to turn on at 7:00 a.m.

- The use is permitted in the Agricultural, Limited (A-2) zoning district with a conditional use permit (CUP).
- There are currently 2 electronic message board signs in the county. In July 2020, Salem Baptist Church on Broad Street Road was the first to get approved under the new regulations. Reynolds Community College has an electronic message board, but since it is located on state property, it was not subject to County requirements. The Planning Commission was presented two applications for electronic message board signs at its July 8, 2021 meeting, as Goochland County School Board is also requesting an electronic message board sign for Goochland County Middle and High Schools on River Road West.
- The area surrounding the school is comprised of mostly large lot single-family residences and farmland.
- The closest houses are approximately 400 and 475 feet from the proposed sign.
- The proposed sign will be located at the entrance of the parking lot off of Sheppard Town Road (Rte. 639). Sheppard Town Road is a two-lane road and is classified as a local road and the speed limit is 40 miles per hour.
- At its July 8, 2021 meeting, the Planning Commission recommended approval of the CUP including the requested exceptions, except for condition 5, Static Display Exception, with a 4-0 vote. Mr. Myers was absent. Zoning Ordinance Sec. 15-416.B.1.c states that messages must be static and not contain animation, videos, flashing or scrolling text. The applicant requests an exception to this standard in order to allow videos and movement on the screen. Condition 5 states that messages may contain animation, videos, and scrolling text, but no strobe or flashing lights. No one spoke at the public hearing.

Community Meeting

- Goochland County Public Schools held a community meeting on April 14, 2021. No citizens attended.

Draft Motions

- **Approve:** I move that the Board approve conditional use permit CU-2021-00003 for an electronic message board sign, at 1552 Sheppard Town Road subject to the imposed conditions as presented.
- **Approve as amended:** I move that the Board approve conditional use permit CU-2021-00003 for an electronic message board sign, at 1552 Sheppard Town Road subject to the imposed conditions, with the following amendments:
_____.
- **Defer:** I move that the Board defer consideration of conditional use permit CU-2021-00003 for an electronic message board sign, at 1552 Sheppard Town Road to
_____(date)_____.

Ordinance

Meeting of August 3, 2021

- **Deny:** Based on the information in the staff report and from the public hearing, I move that the Board deny conditional use CU-2021-00003 for an electronic message board sign, at 1552 Sheppard Town Road on the grounds that:
 - it is not in keeping with public necessity, convenience, general welfare, and good zoning practice;
 - and _____.

ATTACHMENTS:

- CU-2021-00003 - Exhibit A (PDF)
- CU-2021-00003 - Exhibit B(PDF)
- CU-2021-00003 - PC Resolution (PDF)
- CU-2021-00003 - Staff Report (DOCX)
- CU-2021-00003 - Application (PDF)

✓ Vote Record - Ordinance 4071						
<input type="checkbox"/> Adopted <input type="checkbox"/> Adopted as Amended <input type="checkbox"/> Defeated <input type="checkbox"/> Tabled <input type="checkbox"/> Withdrawn <input type="checkbox"/> Meeting Cancelled <input type="checkbox"/> Deferred <input type="checkbox"/> Denied <input type="checkbox"/> Approved <input type="checkbox"/> Consensus of the Board <input type="checkbox"/> Tabled by Consensus <input type="checkbox"/> Approved as Amended <input type="checkbox"/> Referred <input type="checkbox"/> Public Hearing Held			Yes/Aye	No/Nay	Abstain	Absent
	Susan Lascolette		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Ken Peterson		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	John Lumpkins		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Neil Spoonhower		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Don Sharpe		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AT A MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF GOOCHLAND, VIRGINIA, HELD ON AUGUST 3, 2021, IN THE GOOCHLAND COUNTY ADMINISTRATION BUILDING, 1800 SANDY HOOK RD., SUITE 250, GOOCHLAND, VIRGINIA, THE FOLLOWING ACTION WAS TAKEN:

Ordinance granting Conditional Use Permit CU-2021-00003 for an electronic message board sign, with special exceptions, on 31.535 acres at Randolph Elementary School located at 1552 Sheppard Town Road on Tax Map No. 44-1-0-46-0

WHEREAS, Virginia Code §15.2-2286(A)(3) enables the Goochland County Board of Supervisors to grant conditional use permits under suitable regulations and safeguards; and

WHEREAS, Goochland County School Board filed an application requesting a conditional use permit (CUP) for an electronic message board sign that would comply with the sign standards in Zoning Ordinance § 15-416, except for the following three exceptions requested: to allow videos and movements on the screen, to change messages more frequently, and to allow the sign to turn on at 7:00 a.m.; and

WHEREAS, the 31.535-acre property is identified as Tax Map No. 44-1-0-46-0 and located at 1552 Sheppard Town Road in Election District 4; and

WHEREAS, the subject property is zoned Agriculture, Limited (A-2) and the proposed activity is permitted in that district with a CUP under Zoning Ordinance § 15-416, which imposes the following standards on the use:

1. General requirements
 - a. Building and electrical permits and inspections are required.
 - b. Sign cannot be located in a manner which could cause confusion with or from traffic signals.
 - c. Messages must be static; no animation, videos, flashing, or scrolling text is permitted.
2. Display

- a. Messages cannot change more than once every minute.
 - b. Transitions between messages can only be a black screen or an immediate transition; no flashing, fading, or scrolling text is permitted.
 - c. In the event of a malfunction, the display must be changed to a dark screen.
 - d. If sign is two-sided, both sides must display the same message.
3. Brightness controls
- a. Illumination from sign shall not exceed 0.5-foot candle above ambient lighting at any property line.
 - b. Lighting cannot shine directly toward any dwelling.
 - c. Signs are required to have an automatic dimmer and be turned off between 11:00 p.m. (or as late as the business is open) and sunrise.
 - d. Prior to sign permit approval, applicant must provide certification showing compliance with brightness controls.

WHEREAS, the standards imposed pursuant to Zoning Ordinance § 15-416 govern this use unless an exception is granted per the conditions below; and

WHEREAS, the ordinance standards and conditions imposed below represent suitable regulations and safeguards to protect the neighboring properties from the impact of the CUP; and

WHEREAS, the Comprehensive Plan designates this area as Public/County Owned/Institutional; and

WHEREAS, pursuant to Virginia Code § 15.2-2204, the Goochland County Planning Commission advertised as required by law and held a public hearing on this application on July 8, 2021 and voted 4-0 to recommend approval except for condition 5 (Static Display Exception); and

WHEREAS, pursuant to Virginia Code § 15.2-2204, the Goochland County Board of Supervisors advertised as required by law and held a public hearing on this application on August 3, 2021.

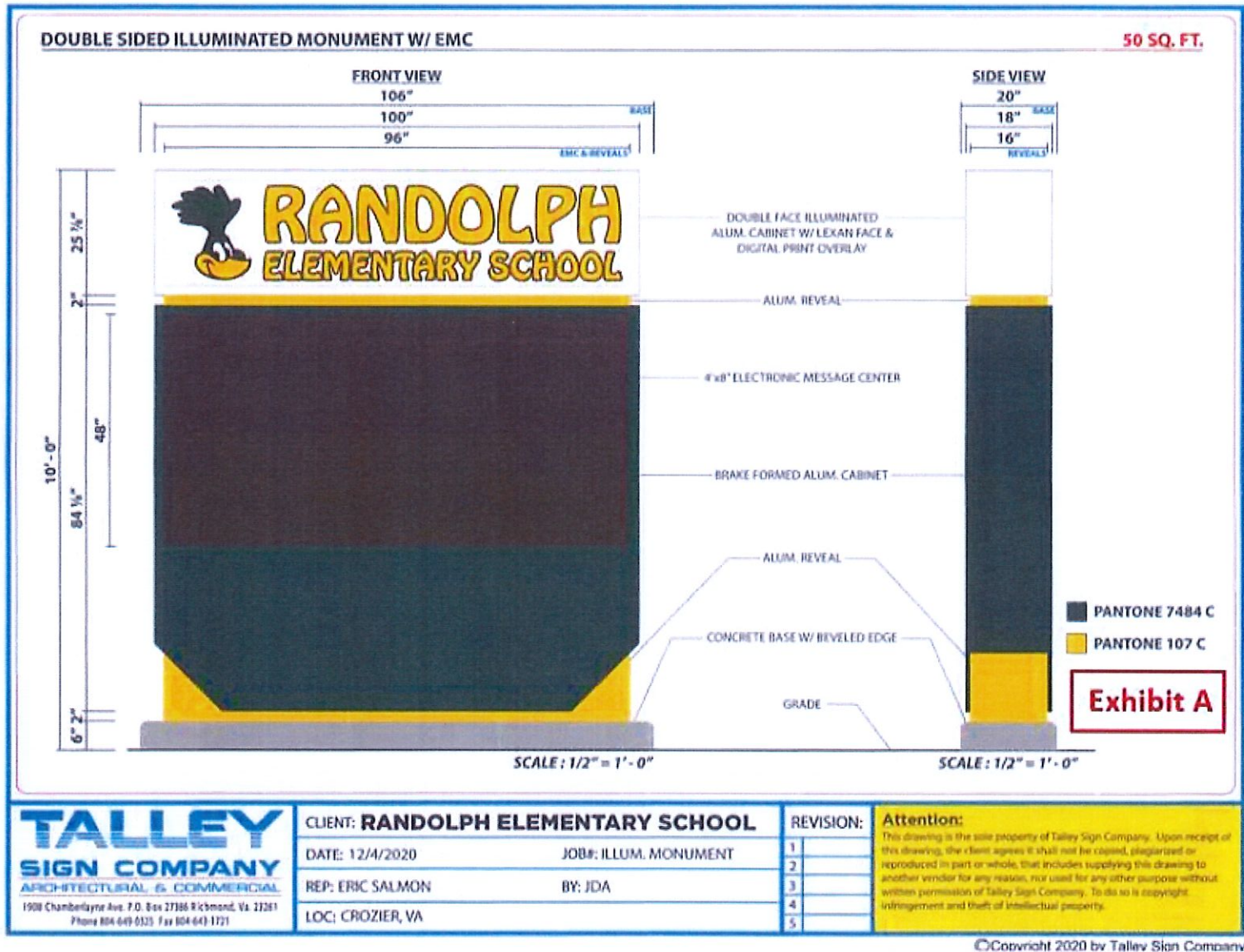
NOW, THEREFORE, BE IT ORDAINED, the Goochland County Board of Supervisors is empowered to grant this application pursuant to Zoning Ordinance § 15-60, has considered each of the applicable standards in Zoning Ordinance § 15-60.B, and hereby finds that granting this request is a matter of public necessity, convenience, general welfare, or good zoning practice; and

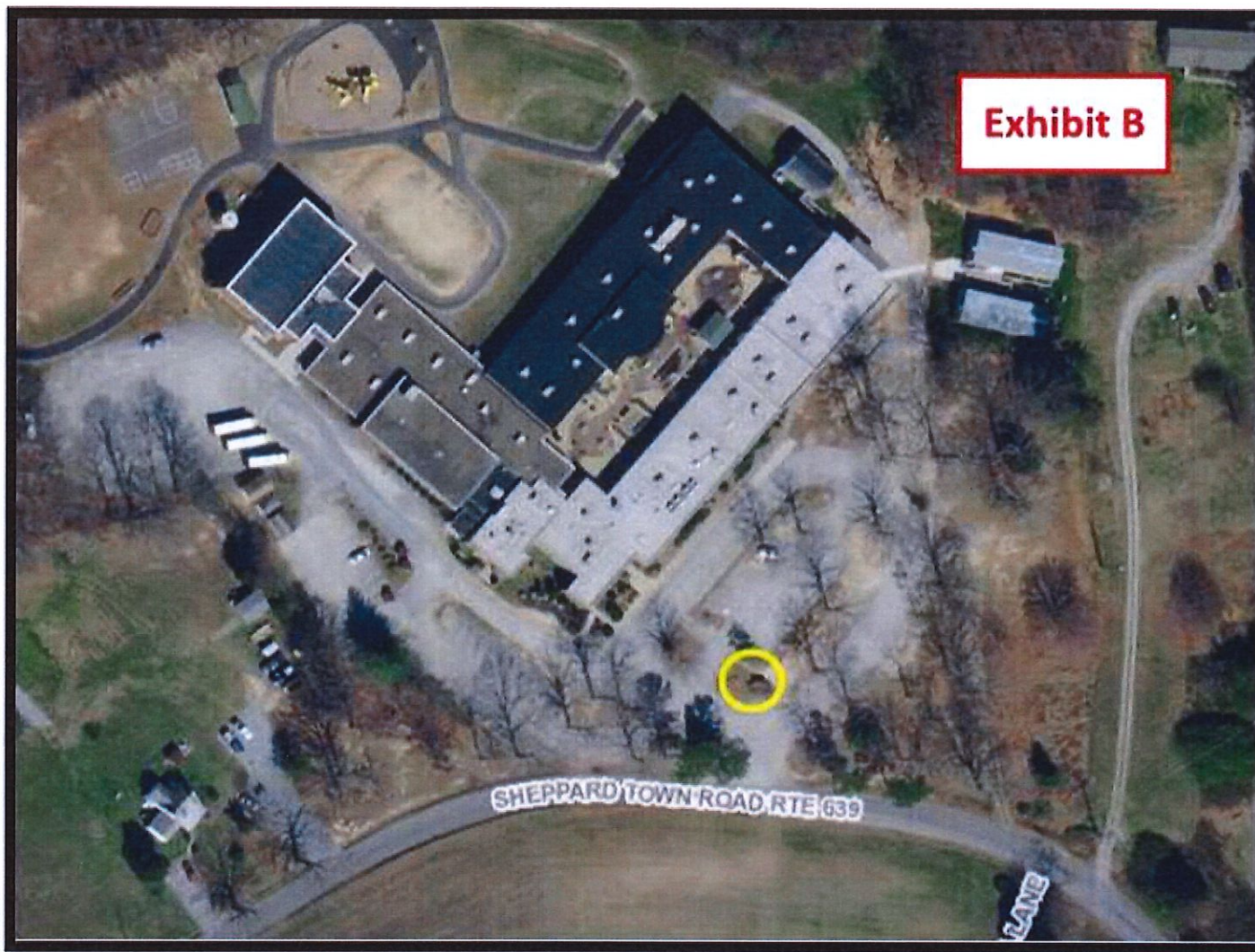
BE IT FURTHER ORDAINED, this 3rd day of August, 2021, the Goochland County Board of Supervisors hereby grants conditional use permit CU-2021-00003 for an electronic message board sign, with special exceptions, on 31.535 acres at Randolph Elementary School located at 1552 Sheppard Town Road on Tax Map No. 44-1-0-46-0 in Election District 4, subject to the following imposed conditions:

1. Use. An electronic message board sign may be constructed and operated on the Property subject to these conditions, and the standards in Zoning Ordinance Sec. 15-416 unless exceptions are granted in the conditions below.
2. Electronic Message Board Design. The design and construction of the electronic message board sign shall be substantially in accordance with the drawings prepared by Talley Signs dated December 4, 2020, and attached as Exhibit A.
3. Site Plan. The electronic message board sign's location and design shall generally conform to the conceptual plan attached as Exhibit B. The sign must be placed outside of the right-of-way and meet zoning district setbacks.
4. Transfer or lease. Prior to the transfer or lease of the Property that includes the electronic message board, the property owner(s) shall notify, in writing, (a) the Department of Community Development of the planned transfer or lease, and (b) the new owner or lessee of this CUP and its conditions, with a copy to the community development department.
5. Static Display Exception. Applicant is granted an exception to the general requirements standard in Zoning Ordinance Sec. 15-416.B.1.c, that messages must be static and not contain animation, videos, flashing or scrolling text. Messages may contain animation, videos, and scrolling text, but no strobe or flashing lights are allowed.
6. Image Display Exception. Applicant is granted an exception to the display standard in Zoning Ordinance Sec. 15-416.B.2.a, that messages cannot change more than once every minute. Messages cannot change more than once every 15 seconds.
7. Brightness Controls Exception. Applicant is granted an exception to the brightness controls standard in Zoning Ordinance Sec. 15-416.B.3.c, that signs are required to be turned off between 11:00 p.m. (or as late as the business is open) and sunrise. The sign may turn on at sunrise or 7:00 a.m., whichever is earlier.

A COPY ATTEST:

County Administrator or Designee
Goochland County Board of Supervisors





✓ Vote Record - Resolution 4063						
<input type="checkbox"/> Approved <input type="checkbox"/> Recommended for Approval <input type="checkbox"/> Recommended for Denial <input type="checkbox"/> Deferred <input type="checkbox"/> Denied <input type="checkbox"/> Withdrawn <input checked="" type="checkbox"/> Recommended for Approval as Am <input type="checkbox"/> Adopted <input type="checkbox"/> Adopted as Amended <input type="checkbox"/> Defeated <input type="checkbox"/> Consensus of the Board <input type="checkbox"/> Tabled by Consensus <input type="checkbox"/> Approved as Amended <input type="checkbox"/> Send to BOS with Report of Tie Vote						
			Yes/Aye	No/Nay	Abstain	Absent
	John Myers	Voter	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Matt Brewer	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Tom Rockecharlie	Seconder	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Curt Pituck	Mover	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Carter Duke	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AT A MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF GOOCHLAND, VIRGINIA, HELD ON JULY 8, 2021, IN THE GOOCHLAND COUNTY ADMINISTRATION BUILDING, 1800 SANDY HOOK RD., SUITE 250, GOOCHLAND, VIRGINIA, THE FOLLOWING ACTION WAS TAKEN:

Resolution recommending approval of CU-2021-00003 - Application by Goochland County School Board requesting a Conditional Use Permit for an electronic message board sign, with special exceptions, on 31.535 acres at Randolph Elementary School located at 1552 Sheppard Town Road on Tax Map No. 44-1-0-46-0.

WHEREAS, Virginia Code § 15.2-2286(A)(3) enables the Goochland County Board of Supervisors to grant conditional use permits under suitable regulations and safeguards; and

WHEREAS, the Goochland County Planning Commission is authorized and required, by Virginia Code § 15.2-2285(A), to consider, hold a public hearing, and make a recommendation to the Board of Supervisors on all land use applications filed with the County; and

WHEREAS, Goochland County School Board filed an application requesting a conditional use permit (CUP) for an electronic message board sign that would comply with the sign standards in Zoning Ordinance § 15-416, except for the following three exceptions requested: to allow videos and movement on the screen, to change messages more frequently, and to allow the sign to turn on at 7:00 a.m.; and

WHEREAS, the 31.535-acre property is identified as Tax Map No. 44-1-0-46-0 and located at 1552 Sheppard Town Road in Election District 4; and

WHEREAS, the subject property is zoned Agricultural, Limited (A-2) and the proposed activity is permitted in that district with a CUP under Zoning Ordinance § 15-416, which imposes the following standards on the use:

1. General requirements
 - a. Building and electrical permits and inspections are required.
 - b. Sign cannot be located in a manner which could cause confusion with or from

traffic signals.

- c. Messages must be static; no animation, videos, flashing, or scrolling text is permitted.
- 2. Display
 - a. Messages cannot change more than once every minute.
 - b. Transitions between messages can only be a black screen or an immediate transition; no flashing, fading, or scrolling text is permitted.
 - c. In the event of a malfunction, the display must be changed to a dark screen.
 - d. If sign is two-sided, both sides must display the same message.
- 3. Brightness controls
 - a. Illumination from sign shall not exceed 0.5-foot candle above ambient lighting at any property line.
 - b. Lighting cannot shine directly toward any dwelling.
 - c. Signs are required to have an automatic dimmer and be turned off between 11:00 p.m. (or as late as the business is open) and sunrise.
 - d. Prior to sign permit approval, applicant must provide certification showing compliance with brightness controls.

WHEREAS, the standards imposed pursuant to Zoning Ordinance § 15-416 govern this use unless the Board of Supervisors grants an exception to any standard as permitted under Zoning Ordinance § 15-416.B; and

WHEREAS, the conditions imposed pursuant to Zoning Ordinance § 15-416 and below represent suitable regulations and safeguards to protect the neighboring properties from the impact of the CUP; and

WHEREAS, the Comprehensive Plan designates this area as Public/County Owned/Institutional; and

WHEREAS, pursuant to Virginia Code § 15.2-2204, the Goochland County Planning Commission advertised as required by law and held a public hearing on this application on July 8, 2021.

NOW, THEREFORE, BE IT RESOLVED, the Goochland County Planning Commission is empowered to make recommendations to the Board of Supervisors regarding this application pursuant to Zoning Ordinance § 15-60, has considered each of the applicable standards in Zoning Ordinance § 15-60.B, and hereby finds that granting this request is a matter of public necessity, convenience, general welfare, or good zoning practice; and

BE IT FURTHER RESOLVED, this 8th day of July, 2021, the Goochland County Planning Commission hereby recommends that the Goochland County Board of Supervisors grant conditional use permit CU-2021-00003 for an electronic message board sign on 31.535

Resolution

Meeting of July 8, 2021

acres at 1552 Sheppard Town Road on Tax Map No. 44-1-0-46-0 in Election District 4, subject to the following imposed conditions:

1. Use. An electronic message board sign may be constructed and operated on the Property subject to these conditions and the standards stated in Zoning Ordinance Sec. 15-416.B.1, B.2, and B.3.
2. Electronic Message Board Design. The design and construction of the electronic message board sign shall be substantially in accordance with the drawings prepared by Talley Signs dated December 4, 2020, and attached as Exhibit A.
3. Site Plan. The electronic message board sign's location shall generally conform to the area identified on the conceptual plan attached as Exhibit B. The sign must be placed outside of the right-of-way and meet zoning district setbacks.
4. Transfer or lease. Prior to the transfer or lease of the Property that includes the electronic message board sign, the property owner(s) shall notify, in writing, (a) the Department of Community Development of the planned transfer or lease, and (b) the new owner or lessee of this CUP and its conditions, with a copy to the community development department.
5. Image Display Exception. Applicant is granted an exception to the display standard in Zoning Ordinance Sec. 15-416.B.2.a, that messages cannot change more than once every minute. Messages cannot change more than once every 15 seconds.
6. Brightness Controls Exception. Applicant is granted an exception to the brightness controls standard in Zoning Ordinance Sec. 15-416.B.3.c, that signs are required to be turned off between 11:00 p.m. (or as late as the business is open) and sunrise. The sign may turn on at sunrise or 7:00 a.m., whichever is earlier.

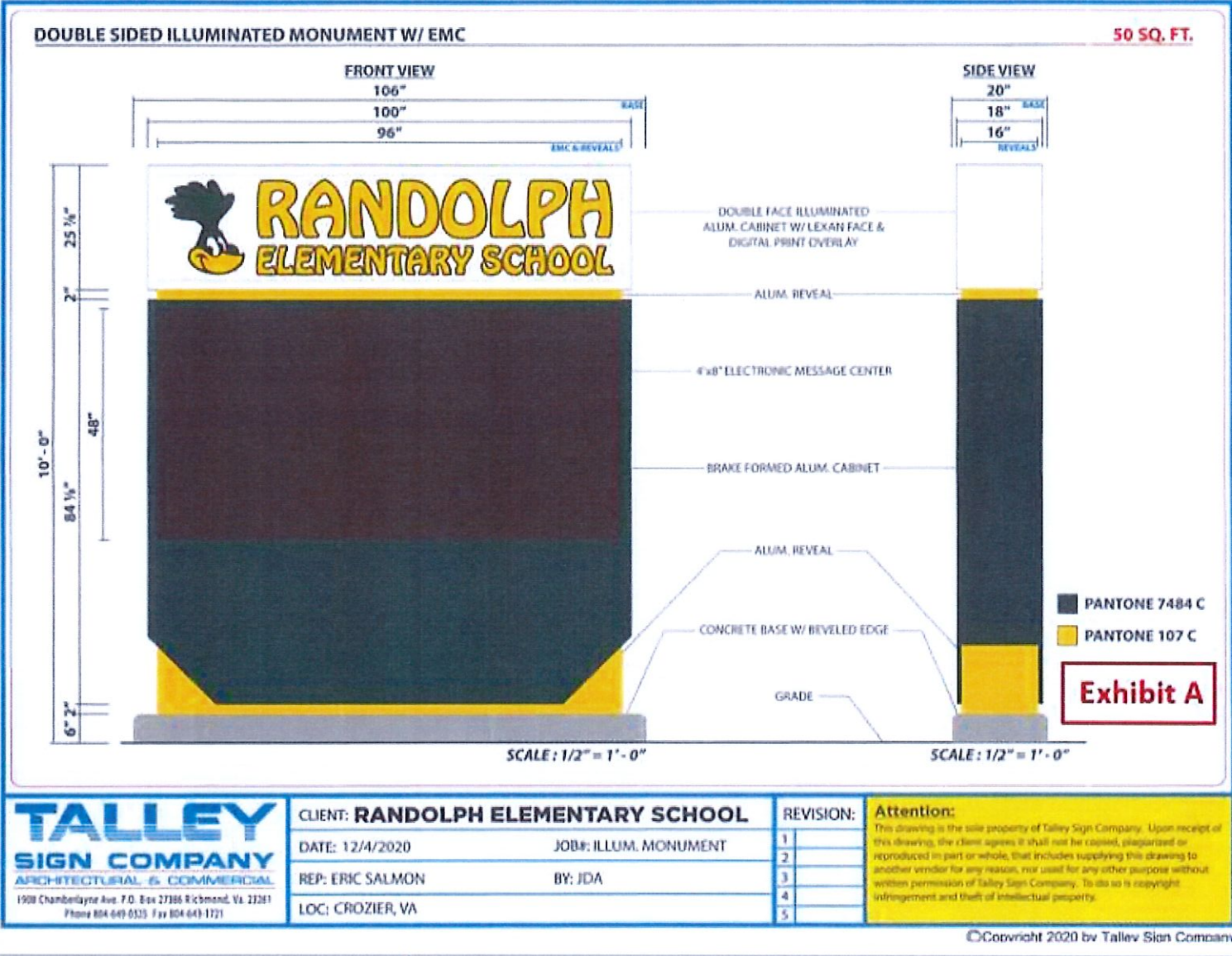
A COPY ATTEST:

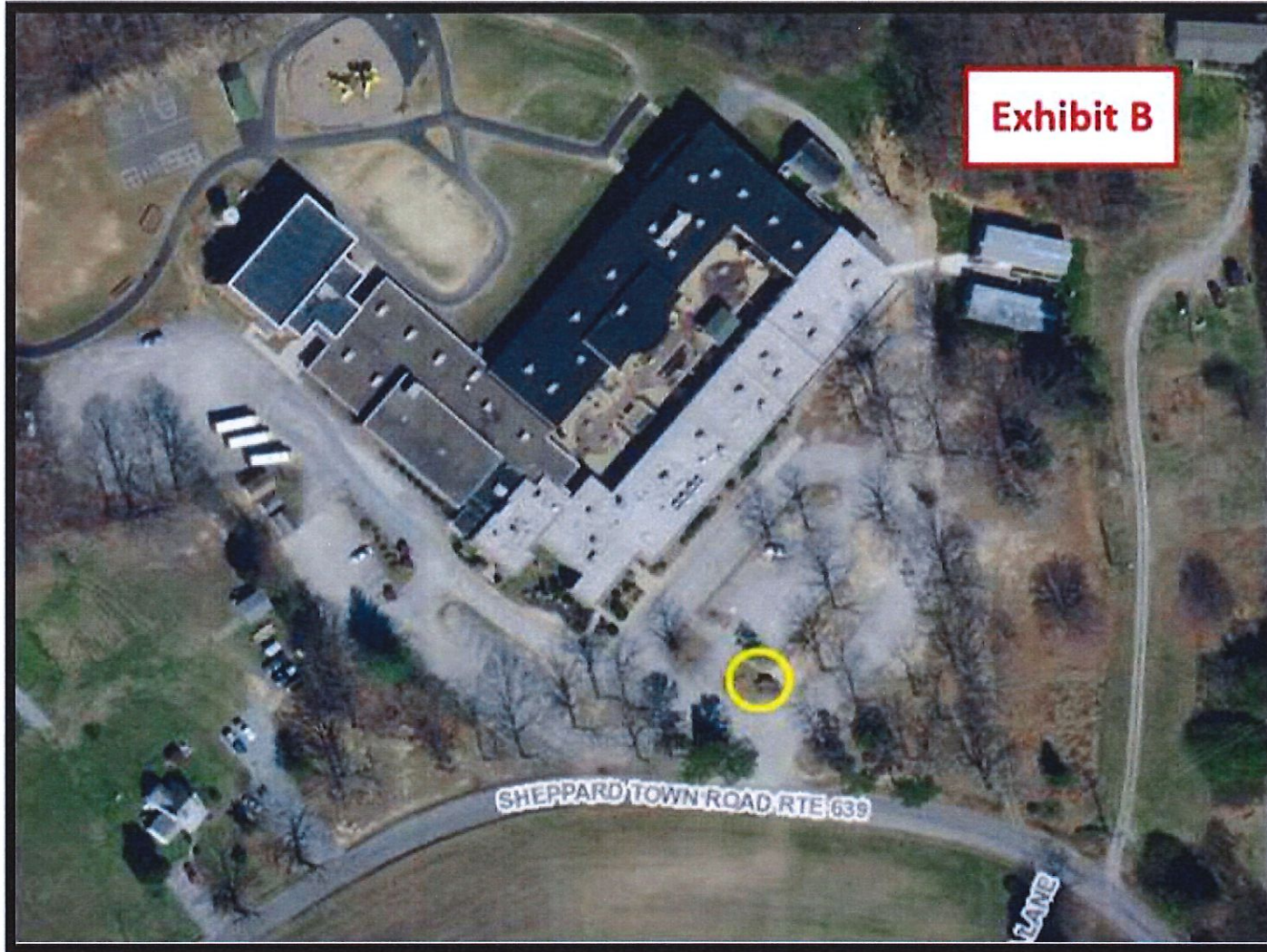
Jamie Sherry

Jamie Sherry, Assistant Director of Community Development

7/9/2021

Attachment: CU-2021-00003 - PC Resolution (4071 : District 4 - CU-2021-00003 Goochland County School Board)







GOOCHLAND COUNTY
Department of Community Development
 Staff Report for the Board of Supervisors
 Prepared July 9, 2021

CU-2021-00003 Goochland County School Board- Randolph E.S.

Voting District:	4
Application Date:	5/5/2021
Community Meeting Date:	4/14/2021
	6/3/2021 <i>Recommended Approval</i>
Planning Commission Public Hearing:	7/8/2021 <i>Application Revised -New Public Hearing- Recommended Approval</i>
Board of Supervisors Public Hearing:	8/3/2021 <i>Tentative</i>

OVERVIEW:

Request	To allow an electronic message board sign
Location	Randolph Elementary School 1552 Sheppard Town Road (Rte. 639)
Subdivision	N/A
Assessors Tax Map No./GPIN	44-1-0-46-0
Acreage	31.535
Current Zoning	A-2 (Agriculture, Limited)
Proposed Zoning	A-2 (Agriculture, Limited)
Comprehensive Plan	Public / County Owned / Institutional
TCSD	No
Overlay District/Village	No
Staff Contact	Jamie Sherry: 804.556.5861 jsherry@goochlandva.us

APPLICATION SUMMARY

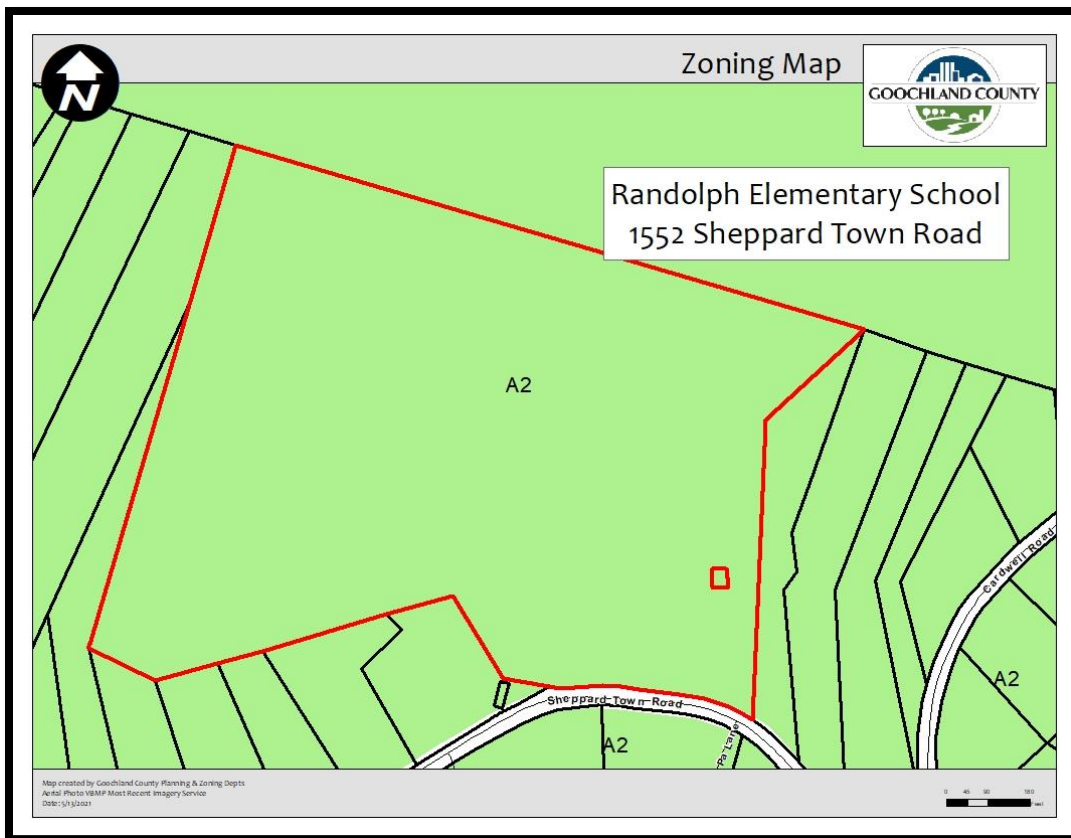
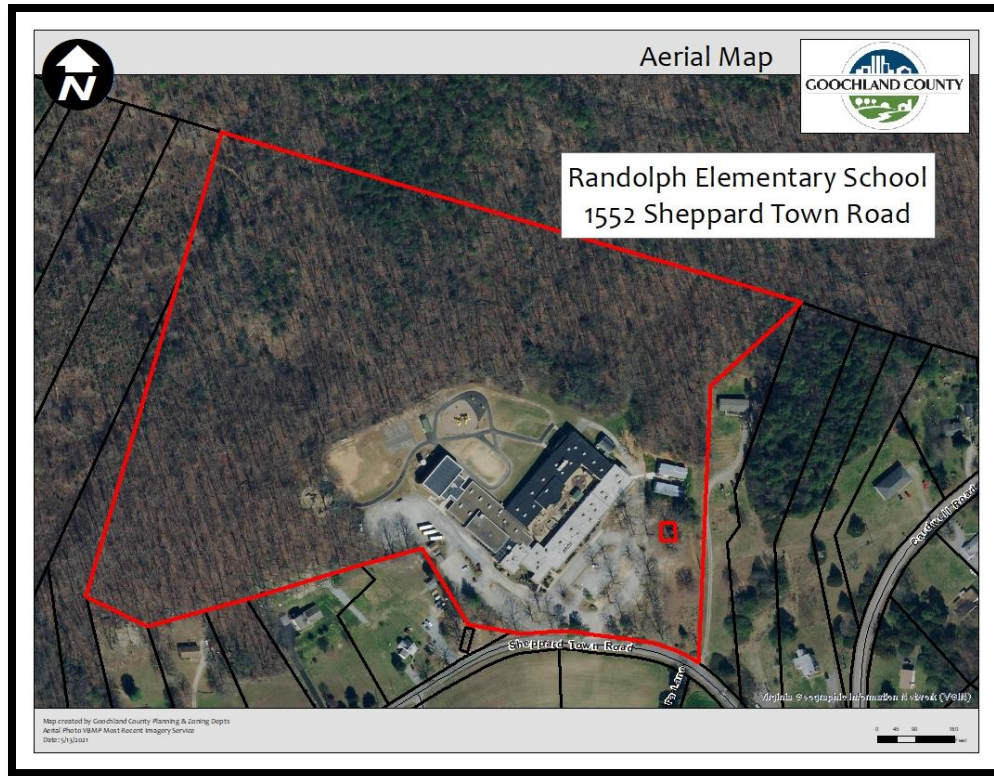
CU-2021-00003 Application by Goochland County School Board requesting a Conditional Use Permit for an electronic message board sign on 31.535 acres at Randolph Elementary School located at 1552 Sheppard Town Road on Tax Map No. 44-1-0-46-0. The applicant seeks three special exceptions to the electronic message board sign standards in Zoning Ordinance Sec. 15-416: to allow videos and movement on the screen, to change messages more frequently and to allow the sign to turn on at 7:00 a.m. The property is zoned Agricultural, Limited (A-2). The Conditional Use Permit is required by Goochland County Zoning Ordinance Section 15-416 and the special exceptions are requested under 15.416.B of the Goochland County Zoning Ordinance. The Comprehensive Plan designates this area as Public / County Owned / Institutional.

Goochland County School Board – Randolph Elementary School
CU-2020-00003

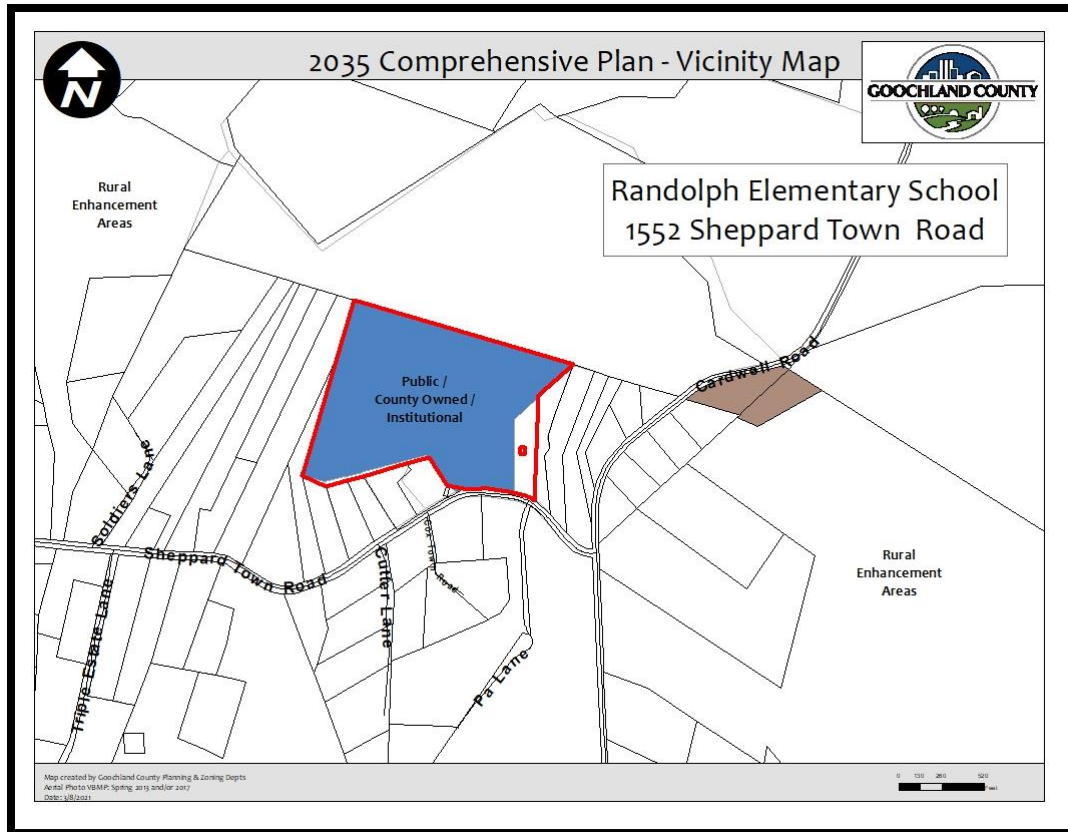
Summary

- A public hearing for an application by the Goochland County School Board for an electronic message board sign for Randolph Elementary was held at the June 3, 2021, Planning Commission meeting. The Planning Commission recommended for approval with a 5-0 vote. No one spoke at the public hearing. After the meeting, the Goochland County School Board revised their application requesting three special exceptions to the ordinance standards. Since the revisions are beyond the extent of the original public notice and hearing, their application was considered again by the Planning Commission.
- The applicant is requesting three special exceptions to the electronic message board sign standards in Zoning Ordinance Sec. 15-416: to allow videos and movement on the screen, to change messages more frequently and to allow the sign to turn on at 7:00 a.m.
- The use is permitted in the A-2, Agriculture, Limited zoning district with a conditional use permit (CUP).
- There are currently 2 electronic message board signs in the county. In July 2020, Salem Baptist Church on Broad Street Road was the first to get approved under the new regulations. Reynolds Community College has an electronic message board, but since it located on state property, it was not subject to County requirements. The Board will be presented two applications for electronic message board signs at the August 3, 2021 meeting, as Goochland County School Board is also requesting an electronic message board sign for Goochland County Middle and High Schools on River Road West.
- The area surrounding the school is comprised of mostly large lot single-family residences and farmland.
- The closest houses are approximately 400 and 475 feet from the proposed sign.
- The proposed sign will be located at the entrance of the parking lot off of Sheppard Town Road (Rte. 639). Sheppard Town Road is a two-lane road and is classified as a local road and the speed limit is 40 miles per hour.
- Goochland County Public Schools held a community meeting on April 14, 2021. No citizens attended.
- At the July 8, 2021 meeting, the Planning Commission recommended approval of the CUP including the requested exceptions, except for condition 5, Static Display Exception, Zoning Ordinance Sec. 15-416.B.1.c states that messages must be static and not contain animation, videos, flashing or scrolling text. The applicant requests an exception to this standard in order to allow videos and movement on the screen. Condition 5 states that messages may contain animation, videos, and scrolling text, but no strobe or flashing lights, with a 4-0 vote. Mr. Myers was absent. No one spoke at the public hearing.

Goochland County School Board – Randolph Elementary School
CU-2020-00003



Goochland County School Board – Randolph Elementary School
CU-2020-00003



EXISTING LAND USE/COMPREHENSIVE PLAN	
Zoning	A-2 (Agriculture, Limited)
Proposed Zoning	A-2 (Agriculture, Limited)
Existing Land Use	School
Comprehensive Plan	Public / County Owned / Institutional

ADJACENT PROPERTY INFORMATION				
	North	South	East	West
Adjacent Zoning	A-2	A-2	A-2	A-2
Adjacent Land Use	Vacant	Residential/ Farmland	Residential	Residential

PROPOSED USE

An electronic message board sign is permitted in the A-2, Agriculture, Limited zoning district with a conditional use permit (CUP). The applicant is requesting a conditional use permit to place a sign at Randolph Elementary School. The applicant is not requesting any special exceptions with this conditional use permit.

Electronic message board signs were added to the County Code with the adoption of the zoning ordinance rewrite that became effective on January 1, 2020. the following

Goochland County School Board – Randolph Elementary School
CU-2020-00003

standards are required for electronic message board signs unless otherwise approved by the board of supervisors through the conditional use permit process.

(1) General requirements

- a. Building and electrical permits and inspections are required.
- b. Sign cannot be located in a manner which could cause confusion with or from traffic signals.
- c. Messages must be static; no animation, videos, flashing, or scrolling text is permitted.

(2) Display

- a. Messages cannot change more than once every minute.
- b. Transitions between messages can only be a black screen or an immediate transition; no flashing, fading, or scrolling text is permitted.
- c. In the event of a malfunction, the display must be changed to a dark screen.
- d. If sign is two-sided, both sides must display the same message.

(3) Brightness controls

- a. Illumination from sign shall not exceed 0.5-foot candle above ambient lighting at any property line.
- b. Lighting cannot shine directly toward any dwelling.
- c. Signs are required to have an automatic dimmer and be turned off between 11:00 p.m. (or as late as the business is open) and sunrise.
- d. Prior to sign permit approval, applicant must provide certification showing compliance with brightness controls.

The code has additional requirements for gas stations and are not detailed in this report.

The regulations within the electronic message board ordinance were created to promote driver safety and to preserve the existing character of the area in which the sign will be located, while, at the same time, protecting the interest of sign owners.

There are currently 2 electronic message board signs in the county. In July 2020, Salem Baptist Church on Broad Street Road was the first to get approved under the new regulations. Reynolds Community College has an electronic message board, but since it located on state property, it was not subject to County requirements. The Board will be presented two applications for electronic message board signs at the August 3, 2021 meeting, as Goochland County School Board is also requesting an electronic message board sign for Goochland County High School and Middle School Complex.

County code Section 15-416 states that the planning commission and board of supervisors may consider the following factors, as well as other appropriate land use considerations, in determining whether to approve and apply conditions to the CUP:

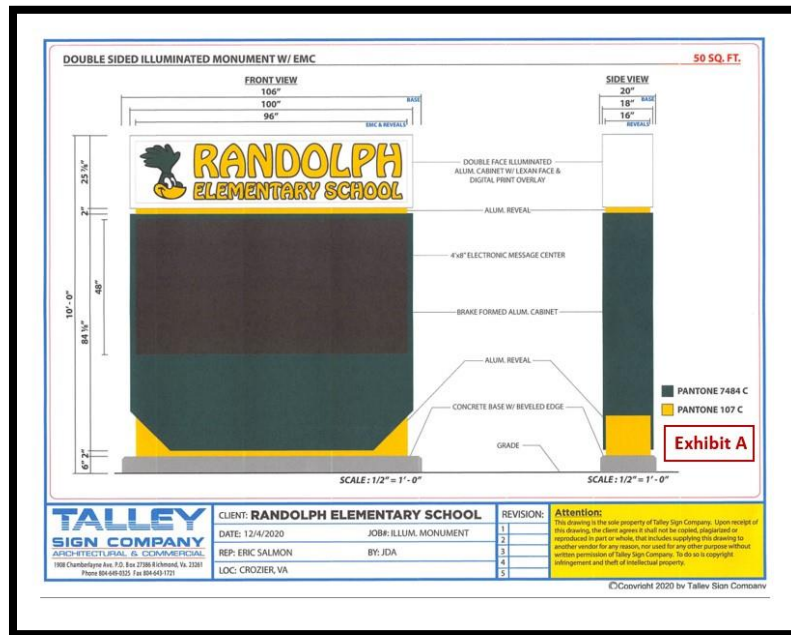
- 1) Proportion of the sign face to be used for the electronic message.
- 2) Use of colors in the electronic message.
- 3) Relationship to nearby residences.

Goochland County School Board – Randolph Elementary School
CU-2020-00003

- 4) Distance to other electronic message boards.
- 5) Speed limit of roadway and road classification.
- 6) General character of area.
- 7) Landscaping incorporated into sign package.

Proportion of the sign face and colors for the electronic messages

The sign face for this sign is approximately 36 percent of the sign and the colors will be varied. Exhibit A shows how the proposed sign will appear when completed. The appearance of the proposed sign is shown in Exhibit A and the location is shown in Exhibit B.



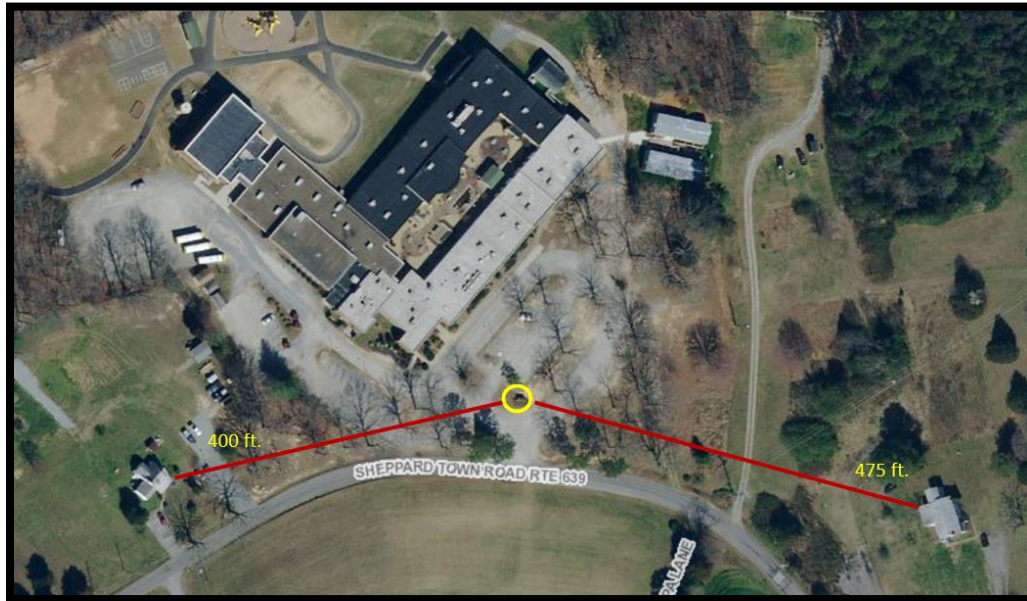
Distance to other electronic message board signs

The closest electronic message board sign is at Reynolds Community College, approximately 5 miles away.

Goochland County School Board – Randolph Elementary School
CU-2020-00003

General Character of the Area and Relationship to Residences

The area surrounding the school is comprised of mostly large lot single-family residences and farmland. All properties adjacent to the school are zoned A-2, Agricultural, Limited. The closest houses are approximately 400 and 475 feet from the proposed sign (see picture below).



Landscaping

No landscaping is proposed for this sign package. The applicant has indicated the sign will be placed at the entrance to the parking lot island and will be located on a gravel surface.

Speed limit of roadway and road classification

The proposed sign will be located at the entrance of a parking lot off of Sheppard Town Road (Rte. 639). Sheppard Town Road is a two-lane road and is classified as a local road and the speed limit is 40 miles per hour.

PROPOSED EXCEPTIONS

The applicant is asking for the following exceptions that deviate from the required ordinance standards for an electronic message board on a sign. The Board of Supervisors may grant these exceptions through the conditional use process.

15.416.B.1.c - Messages must be static; no animation, videos, flashing, or scrolling text is permitted.

The applicant is proposing an exception to code Section 15.416.B.1.c in order to allow videos and movement on the screen. The applicant states the purpose of this request is to enhance messaging for both the middle and high schools and to incorporate some of effects of the sign messaging software.

Goochland County School Board – Randolph Elementary School
CU-2020-00003

In July 2020, as part of their application for an electronic message board sign, Salem Baptist Church requested an exception to this requirement, but the Board of Supervisors did not grant this exception.

15.416.B.2.a - Messages cannot change more than once every minute.

The applicant is proposing an exception to code Section 15.416.B.2.a to allow the sign to change once every 10 seconds. The applicant is making this request to provide for greater efficiency of messaging and will allow those slowing down to turn into the school to receive more information.

The regulations within the electronic message board ordinance were created to promote driver safety and to preserve the existing character of the area in which the sign will be located, while, at the same time, protecting the interest of sign owners. In addition to receiving comments from public meetings and hearings related to the zoning ordinance rewrite, staff benchmarked similar localities to see how they regulate electronic message board signs. The table below shows how other localities regulate image duration:

LOCALITY NAME	IMAGE DURATION
Henrico	Business Districts – every 10 seconds All other Districts – every 5 minutes
New Kent	Not Permitted
Hanover	Every 10 seconds
Powhatan	Every 3 minutes
Fluvanna	Every 20 seconds
Albemarle	Only 4 times per Hour (every 15 minutes)
Louisa	Every 5 Seconds

The one-minute message duration is somewhere in the middle of what other area localities adopted for image timing for electronic message boards

In July 2020, the Board of Supervisors granted Salem Baptist Church an exception to the standards to allow message changes every 15 seconds. The church was asking to allow messages to change every 5 seconds.

15.416.B.3.- Signs are required to have an automatic dimmer and be turned off between 11:00 p.m. (or as late as the business is open) and sunrise.

The applicant is proposing an exception to code Section 15.416.B.3. The applicant is requesting the sign to be on at 7:00 a.m. to align with normal school arrival time, as certain times of the school year it is still dark at 7:00a.m.

Goochland County School Board – Randolph Elementary School
CU-2020-00003

REVIEW BY COUNTY AGENCIES/DEPARTMENTS	
Building	No comment.
Utilities	No comment.
Schools	N/A.
Public Safety	No comment.
Environmental	No comment.
Historic and Cultural Resources	No comment.
Accessor	No comment.

REVIEW BY STATE AGENCIES/DEPARTMENTS	
Health	No comment.
VDOT	No comment.

TRANSPORTATION

Traffic Counts

Roadway	From	To	Segment Length (Miles)	*AADT (2019)
Sheppard Town Road	Cardwell Road	Manakin Rd.	5.08	290

(VDoT Jurisdiction Report, Daily Traffic Volume Estimates, Goochland County)

The Major Throughfare Plan designates this Sheppard Town Road as local Road.

CODE ENFORCEMENT/MAINTENANCE ISSUES

None identified by staff.

COMMUNITY MEETING

Goochland County Public Schools held a community meeting on April 14. No citizens attended.

FISCAL IMPACT

If the CUP is approved, no fiscal impact is expected.

CONDITIONS

Should the Board of Supervisors approve this application, the following conditions are recommended:

1. Use. An electronic message board sign may be constructed and operated on the Property subject to these conditions, and the standards in Zoning Ordinance Sec. 15-416 unless exceptions are granted in the conditions below.

Goochland County School Board – Randolph Elementary School
CU-2020-00003

2. Electronic Message Board Design. The design and construction of the electronic message board sign shall be substantially in accordance with the drawings prepared by Talley Signs dated December 4, 2020, and attached as Exhibit A.
3. Site Plan. The electronic message board sign's location and design shall generally conform to the conceptual plan attached as Exhibit B. The sign must be placed outside of the right-of-way and meet zoning district setbacks.
4. Transfer or lease. Prior to the transfer or lease of the Property that includes the electronic message board, the property owner(s) shall notify, in writing, (a) the Department of Community Development of the planned transfer or lease, and (b) the new owner or lessee of this CUP and its conditions, with a copy to the community development department.

Should the Board of Supervisors approve any of the requested exceptions, the following conditions are recommended to minimize the impact on both drivers and area residents:

5. Static Display Exception. Applicant is granted an exception to the general requirements standard in Zoning Ordinance Sec. 15-416.B.1.c, that messages must be static and not contain animation, videos, flashing or scrolling text. Messages may contain animation, videos, and scrolling text, but no strobe or flashing lights are allowed.
6. Image Display Exception. Applicant is granted an exception to the display standard in Zoning Ordinance Sec. 15-416.B.2.a, that messages cannot change more than once every minute. Messages cannot change more than once every 15 seconds.
7. Brightness Controls Exception. Applicant is granted an exception to the brightness controls standard in Zoning Ordinance Sec. 15-416.B.3.c, that signs are required to be turned off between 11:00 p.m. (or as late as the business is open) and sunrise. The sign may turn on at sunrise or 7:00 a.m., whichever is earlier.

Planning Commission Recommendation

At the July 8, 2021 meeting, the Planning Commission recommended approval of the CUP including the requested exceptions, except for condition 5, Static Display Exception, Zoning Ordinance Sec. 15-416.B.1.c states that messages must be static and not contain animation, videos, flashing or scrolling text. The applicant requests an exception to this standard in order to allow videos and movement on the screen. Condition 5 states that messages may contain animation, videos, and scrolling text, but no strobe or flashing lights, with a 4-0 vote. Mr. Myers was absent. No one spoke at the public hearing.

APPLICATION

Goochland Co. Public School
Randolph

CONDITIONAL USE PERMIT APPLICATION

COUNTY OF GOOCHLAND, VIRGINIA

Planning and Zoning Office
P.O. Box 103

Goochland, VA 23063

Phone: (804) 556-5863

Web: www.goochlandva.us FAX: (804) 556-5654

Office Use Only		
Application File Date: <u>MAY 5, 2021</u>	Fee paid: \$ <u> </u>	Application No.: <u>CU- 2021-00003</u>
Planning Commission Public Hearing: <u>6-3-21</u> Board of Supervisors Public Hearing: <u> </u>	Receipt No.: <u> </u>	Pre-Application: <u>2021-00008</u>

Name of Applicant: Goochland County Public Schools		Name of Representative: Andrew R. Armstrong	
Address 2938 River Road West, Building I, Goochland VA 23063		Address 2938 River Road West, Building I Goochland VA 23063	
Phone No. <u>804 556 5605</u>		Phone No. <u>804 556 5605</u>	
Location: <u>Central Office, Goochland County Public Schools</u>		District: <u> </u>	
Disclosure of Real Parties in Interest. Provide completed disclosure form(s).		Subdivision: <u> </u>	
Property Owner Goochland County Public Schools		Are there any deed restrictions? Yes <u> </u> No <u> </u> If yes attached a copy of deed.	
Tax Map # <u>44-1-0-46-0</u>	GPIN # <u>6787-64-5163</u>	Account # <u>10492</u>	
Deed Book <u>10492</u>	Plat Book <u> </u>	Zone <u>A2</u>	Acreage <u>31.535</u>

Property in Land Use: Yes / No - If your property is in the County's land use taxation program, please be advised that any proposed change in the use of the land could make the property ineligible for further participation in the land use taxation program.

Attachment: CU-2021-00003 - Application (4071 : District 4 - CU-2021-00003 Goochland County School Board)

REQUEST

Applicant request a conditional use permit to locate the following USE on the above described property: Installation of new LED message board sign Section 15-416. (Describe here what is intended to be done on or with the property. If a building is involved, a sketch or plan with photographic or other suitable description should accompany this application.)

See Attachment "A"

IMPROVEMENTS PROPOSED:

Describe briefly the improvements proposed. State whether new buildings are to be constructed, existing buildings are to be used or additions made to existing building(s).

Installation of a one-sided LED message board sign to be placed facing Sheppard Town Road from an island in the property's parking lot. See attached schematic of sign.

NECESSITY OF USE:

Describe the reason for the requested change.

With the 2020 improvement to the RES parking lot, the installation of a new digital message board sign will complement the facility and provide information for the community.

PROTECTION TO ABUTTING PROPERTY:

Describe the effects of the proposed use on adjacent property and the surrounding neighborhood. What protection will be offered adjoining property owners?

Sign will emit light during the day and night with LED technology; timers and adjustable settings will allow for responsiveness to any concerns related to brightness.

ENHANCEMENT OF COUNTY:

Why does the applicant believe that this requested change will be advantageous to the County? (Please substantiate with facts.)

New signage will provide information to the school and community in a visibly pleasing format as well as symbolize the commitment of our schools and county to improvement of our facilities.

Attachment "A"**CU-2021-00003 Goochland County School Board****Randolph Elementary School: Section 15-416:**

A (7) - Landscaping incorporated into sign package: Grass, mulch, or gravel only. Not water available and the sign starts 6 inches off ground.

B(1) c - Messages must be static; no animation, videos, flashing, or scrolling text is permitted: To enhance messaging for public schools and to reflect the student experience, we want to incorporate some of effects as part of the sign messaging software.

B (2) a - Messages cannot change more than once every minute: Request a maximum change of once every 10 seconds for greater efficiency of messaging. This frequency should not distract drivers passing by but will allow those slowing down to turn into the school to receive more information.

15-416. B.3.c has the requirement to have the lights turned off between the hours of 11 p.m. and sunrise: Request the sign to be turned off during the hours of 11 p.m. and 7 a.m. These consistent times align with normal school activity.

DESCRIBE THE PROPOSED USE, AND OTHER PERTINENT DATA:

1. **Type of operation(s):** Electric
2. **Hours of operation:** TBA: 24 hours proposed, can be adjusted as needed
3. **Proposed Name of development or business:** Randolph Elementary School
4. **Estimated number of patrons/clients/patients/pupils/etc.:** 575 pupils
5. **Proposed number of employees/attendants/teachers/etc.** 75 employees
6. **Estimate of traffic impact of the proposed use, including the maximum expected trip generation and the distribution of such trips by mode and time of day.**
None
7. **Description of building façade and architecture of proposed new building or additions.**
Painted logo sign on top with one sided LED color message board below, featuring school colors
8. **The square footage of the building:** 8x2x10 sign **Parking:** N/A
9. **Total disturbed area:** 80 square feet (parking lot island)
10. **A listing, if known, of all hazardous or toxic substances, to be generated, utilized, stored, treated, and/or disposed of onsite and size and contents of any existing or proposed storage tanks or containers:** None
11. **Building Design: Provide 1 copies of floor plans and elevations for the front, sides, and rear of any on-site structures proposed.**

STATE OF VIRGINIA
COUNTY OF GOOCHLAND) To wit

I ANDREW R. ARMSTRONG, being duly sworn, depose and say that I am the Lessee/Owner of the property involved in the application. If I am not the Lessee/Owner, I will produce a copy of a contract to purchase the property or I will present written certification from the owner granting me the right to submit this application. I further declare that I have familiarized myself with the rules and regulations pertaining to preparing and filing this application and that the foregoing statements and answers provided herein are in all respects true and correct to the best of my knowledge and belief.

I have read this application, understand its intent, and freely consent to its filing. Furthermore, I have the power to authorize and hereby grant permission to Goochland County officials and other authorized government agents on official business to enter the property as necessary to process this application. I hereby agree to have a sign placed on my property, notifying the public of my application.



[Signature] 5/4/21
Signature of Applicant Date

Phone No. 707 556 5605

PO Box 169 Goochland VA 23062
Mailing Address of Applicant

Subscribed and sworn to before me this 4th day of May, 20 21.

11/30/2021
My Commission Expires

Demetra Allen Harris
Notary Public

Phone No. _____

Signature of Property Owner Date

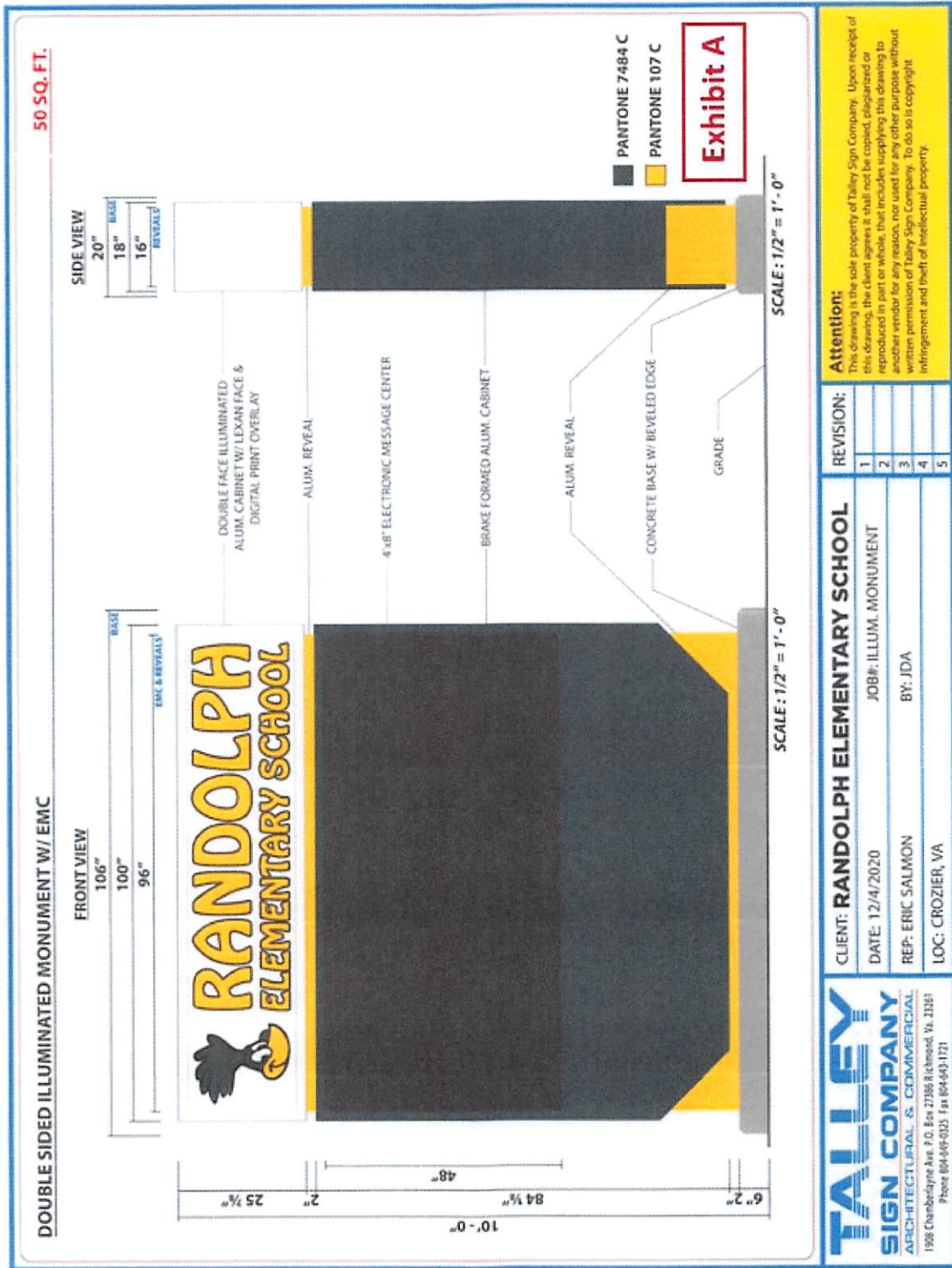
Mailing Address of Property Owner

Subscribed and sworn to before me this 4th day of May, 20 21.

11/30/2021
My Commission Expires

Demetra Allen Harris
Notary Public







Board of Supervisors

1800 Sandy Hook Road
Goochland, VA 23063

TABLED ORDINANCE

Meeting: 08/03/21 02:00 PM
Department: Planning & Zoning
Category: BOS Rezoning Ordinance
Prepared By: Tom Coleman
Department Head: MinuteTraq Admin

14.6

(ID # 4009)

DECISION ON DISTRICT 4 - RZ-2021-00004, PUBLIC COMMENT WILL BE ACCEPTED - APPLICATION FILED BY ME PV4 LLC REQUESTING A REZONING OF 41.334 ACRES FROM AGRICULTURAL, LIMITED (A-2) AND RESIDENTIAL PLANNED UNIT DEVELOPMENT (RPUD) WITH PROFFERED CONDITIONS, TO RESIDENTIAL PLANNED UNIT DEVELOPMENT (RPUD) 20.185 ACRES; BUSINESS, GENERAL (B-1) 5.96 ACRES; AND INDUSTRIAL, GENERAL (M-2) 15.189 ACRES, WITH PROFFERED CONDITIONS, ON ASHLAND ROAD, JOHNSON ROAD, AND ALDEBY STREET, ON TAX MAP NO. 48-5-0-1-A AND PORTIONS OF 48-17-4-F-0 AND 48-17-4-G-0. THE COMPREHENSIVE PLAN DESIGNATES THIS AREA AS FLEXIBLE.

Strat Goal 1	Efficient, effective, and transparent government; emphasis on customer service excellence	
Strat Goal 2	Balanced development that contributes to the welfare of the community and preserves its rural character	X
Strat Goal 3	Excellence in Financial Management	
Strat Goal 4	High Quality Core Services including Education, Public Safety, and Community Health	
Strat Goal 5	Positive Work Environment with a Highly Qualified, Diverse Workforce	

Board Action Requested

The Board is requested to consider rezoning application RZ-2021-00004 by ME PV4 LLC.

Summary of Information

Application filed by ME PV4 LLC requesting rezoning of 41.334 acres from Agricultural, Limited (A-2) and Residential Planned Unit Development (RPUD) with proffered conditions, to Residential Planned Unit Development (RPUD) (20.185 acres); Business, General (B-1) (5.96 acres); and Industrial, General (M-2) (15.189 acres), with proffered conditions, on Ashland Road, Johnson Road, and Aldeby Street, on Tax Map Nos. 48-5-0-1-A (formerly 48-1-0-55-A and portion of 48-5-0-1-0) and portions of 48-17-4-F-0 and 48-17-4-G-0. The Comprehensive Plan designates this area as Flexible.

At the June 1 public meeting, the Board of Supervisors deferred this application. There were questions/concerns about impacts to Johnson Road, height of industrial buildings, buffers for industrial uses, B-1 district uses, and proximity of dwellings to the quarry. Public comment will be accepted.

As proposed, the residential zoning would allow construction of 31 age-restricted, single-family detached homes as an extension of Parkside Village. The business zoning would facilitate approximately 35,000 sq. ft. of new retail construction, and the industrial zoning would facilitate approximately 109,000 sq. ft. of new industrial construction.

Changes to the application since the 6/1/21 Board meeting:
Applicant made the following changes to B-1/M-1 districts:

Added to proffers:

- Added to list of prohibited uses:
 - Gun club with indoor and/or outdoor shooting range
 - Funeral home;
 - Hotel/motel;
 - Theatre;
 - Convention Center; and,
 - Kennel-commercial; kennel-private.

Deleted from proffers:

- A cash proffer of ten-thousand dollars (\$10,000) shall be paid to Goochland County prior to the approval of any Plan of Development for the Property zoned M-2, Industrial, General. This proffer shall be paid toward the future widening of Johnson Road or any other transportation-related improvement, at the sole discretion of Goochland County.
- No building permit shall be issued until the Property is accepted into the Tuckahoe Creek Service District. (TCSD application is on Board agenda)

Added to proffers:

- Exhibit for Traffic Improvements
- No building on the Property shall exceed forty-five (45) feet in height.
- On the property zoned M-2, there shall be a minimum building setback of ninety (90) feet adjacent to any residentially zoned Property.
- Prior to the issuance of any Plan of Development, a conceptual site plan shall be reviewed and approved by the Planning Commission. Prior to the issuance of any Building Permit for any newly constructed building on the Property, conceptual architectural elevations shall be reviewed and approved by the Planning Commission.

The following concerns remain with this application:

- Residential zoning is not consistent with Comprehensive Plan.
- Limited road improvements for Johnson Road with significant commercial and industrial uses
- There is no conceptual plan for the business or industrial uses.
- There is no commitment to build the commercial or industrial uses in conjunction with the residential. It would be beneficial to commit to a minimum amount of applicable square footage, which would support the County's stated need to, "...diversifying our revenue streams by increasing our commercial tax base and reducing our burden on our residential tax base."
- The application could be improved by providing more architectural or building material guidance/restrictions for the commercial and industrial buildings.

The applicant held an open house-style community meeting on March 29, 2021. In attendance were Board of Supervisor member Mr. Sharpe, Planning Commission

Ordinance

Meeting of August 3, 2021

members Mr. Myers and Mr. Pituck, staff, and 49 citizens. Attendees raised concerns about increased traffic, the types of industrial and commercial uses and wanting a berm in order to separate and protect the neighborhood from these uses. There were also concerns about the neighborhood growing too large and needing amenities, such as a clubhouse.

At its May 6, 2021 public meeting, the Planning Commission recommended approval of the application on a 4-1 vote. Mr. Rockecharlie voted against the recommendation for approval. No one from the public spoke at the meeting.

Draft Motions

- **Approve:** I move that the Board approve rezoning RZ-2021-00004 for 41.334 acres on Ashland Road, Johnson Road, and Aldeby Street from Agricultural, Limited (A-2) and Residential Planned Unit Development (RPUD) with proffered conditions, to Residential Planned Unit Development (RPUD), Business, General (B-1), and Industrial, General (M-2), with proffered conditions, as presented.
- **Approve as amended:** I move that the Board approve rezoning RZ-2021-00004 for 41.334 acres on Ashland Road, Johnson Road, and Aldeby Street from Agricultural, Limited (A-2) and Residential Planned Unit Development (RPUD) with proffered conditions, to Residential Planned Unit Development (RPUD), Business, General (B-1), and Industrial, General (M-2), with proffered conditions, with the following amendments; _____.
- **Defer:** I move that the Board defer consideration of rezoning RZ-2021-00004 for 41.334 acres on Ashland Road, Johnson Road, and Aldeby Street from Agricultural, Limited (A-2) and Residential Planned Unit Development (RPUD) with proffered conditions, to Residential Planned Unit Development (RPUD), Business, General (B-1), and Industrial, General (M-2), with proffered conditions, to: (date) .
- **Deny:** Based on the information in the staff report and from the public hearing, I move that the Board deny rezoning RZ-2021-00004 for 41.334 acres on Ashland Road, Johnson Road, and Aldeby Street from Agricultural, Limited (A-2) and Residential Planned Unit Development (RPUD) with proffered conditions, to Residential Planned Unit Development (RPUD), Business, General (B-1), and Industrial, General (M-2), with proffered conditions, on the grounds that:
 - it is not in keeping with public necessity, convenience, general welfare, and good zoning practice;
 - it is not in compliance with the Comprehensive Plan;
 - and _____.


 Jo Ann Hunter, Deputy County Administrator 5/14/2021

ATTACHMENTS:

- RZ-2021-00004 - Conceptual Plan - Exhibit A (PDF)
- RZ-2021-00004 - Road Improvements - Exhibit B (PDF)
- RZ-2021-00004 - PC Resolution (PDF)
- RZ-2021-00004 - Staff Report (DOCX)
- RZ-2021-00004 - Application (PDF)
- RZ-2021-00004 - Blackline M-2/B-1 Proffer changes (PDF)

HISTORY:**06/01/21****Board of Supervisors****DEFERRED****Next: 08/03/21**

The Board advised it was brought to their attention that due to technical difficulties some folks were unable to participate via Zoom at the Planning Commission meeting on this application and have requested this hearing be postponed and sent back to the Planning Commission.

The county attorney's office has advised there is no legal requirement to send this back to the Planning Commission, there has been no legal violation, this would be a policy decision by the Board. It was noted this case has been advertised appropriately for public hearing this evening, the Board could defer and readvertise if they wish. Folks were provided an opportunity to provide feedback to the Board on this application via Zoom, email, telephone, or in person this evening. Folks have full opportunity to participate this evening.

Jamie Sherry, Director of Community Development along with Tom Coleman, Principal Planner gave an overview of application RZ-2021-00004 filed by ME PV4 LLC requesting a rezoning of 41.334 acres from Agricultural, Limited (A-2) and Residential Planned Unit Development (RPUD) with proffered conditions, to Residential Planned Unit Development (RPUD) 20.185 acres; Business, General (B-1) 5.96 acres; and Industrial, General (M-2) 15.189 acres, with proffered conditions, on Ashland Road, Johnson Road, and Aldeby Street, on Tax Map Nos. 48-1-0-55-A, and portions of 48-5-0-1-0, 48-17-4-F-0, and 48-17-4-G-0. The Comprehensive Plan designates this area as Flexible.

There was discussion by the Board of Supervisors.

Applicant Natalie Croft of Eagle Construction spoke to the request for application and asked for rebuttal time.

Chair Lumpkins opened the hearing to public comment.

Linda Price, of Parkside Village spoke in opposition to the request, deny or defer.

Ben Johnson, 2151 Johnson Road, stated he basically supports the request, asked about the quarry in place, of road traffic from Johnson Road, turns into Quarry Hill Lane (private road), of a control gate on private property, wants to make sure traffic goes in the safe way, of looking at two entrances for industrial property.

Jonathan Lyle, 1521 Manakin Road sees a lot of good in the request, not knowing what will be built there is of some concern, puts faith in Board to make right decision as to what will benefit the county, getting industrial as well as additional homes all will go home happy, of folks buying there should know there is a quarry there.

Linda Moore, 2164 Proffitt Road called in via Zoom is trusting the Board on decision, of the Board having worked on proposals that were premature, many unanswered questions, folks will live with decision made.

Ordinance

Meeting of August 3, 2021

Seeing no one else wishing to speak, the public hearing was closed.

There was discussion from the Board of Supervisors.

Eric Strohacker, Traffic Consultant, President Green Light Solutions and Ricky Core, President of Markel|Eagle spoke on behalf of the applicant's application.

There was discussion from the Board of Supervisors.

On motion of Ms. Lascolette, and seconded by Mr. Peterson, which carried by a 4-1 vote, the Board of Supervisors moved to defer application RZ-2021-00004 filed by ME PV4 LLC requesting a rezoning of 41.334 acres from Agricultural, Limited (A-2) and Residential Planned Unit Development (RPUD) with proffered conditions, to Residential Planned Unit Development (RPUD) 20.185 acres; Business, General (B-1) 5.96 acres; and Industrial, General (M-2) 15.189 acres, with proffered conditions, on Ashland Road, Johnson Road, and Aldeby Street, on Tax Map Nos. 48-1-0-55-A, and portions of 48-5-0-1-0, 48-17-4-F-0, and 48-17-4-G-0 to August 3, 2021 for decision. Roll call vote:

Aye: Spoonhower, Lascolette, Peterson, Sharpe

Nay: Lumpkins

✓ Vote Record - Ordinance 4009						
<input type="checkbox"/> Adopted <input type="checkbox"/> Adopted as Amended <input type="checkbox"/> Defeated <input type="checkbox"/> Tabled <input type="checkbox"/> Withdrawn <input type="checkbox"/> Meeting Cancelled <input type="checkbox"/> Deferred <input type="checkbox"/> Denied <input type="checkbox"/> Approved <input type="checkbox"/> Consensus of the Board <input type="checkbox"/> Tabled by Consensus <input type="checkbox"/> Approved as Amended <input type="checkbox"/> Referred <input type="checkbox"/> Public Hearing Held			Yes/Aye	No/Nay	Abstain	Absent
	Susan Lascolette		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Ken Peterson		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	John Lumpkins		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Neil Spoonhower		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Don Sharpe		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AT A MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF GOOCHLAND, VIRGINIA, HELD ON AUGUST 3, 2021, IN THE GOOCHLAND COUNTY ADMINISTRATION BUILDING, 1800 SANDY HOOK RD., SUITE 250, GOOCHLAND, VIRGINIA, THE FOLLOWING ACTION WAS TAKEN:

Ordinance approving rezoning of 41.334 acres from Agricultural, Limited (A-2) and Residential Planned Unit Development (RPUD) with proffered conditions, to Residential Planned Unit Development (RPUD) 20.185 acres; Business, General (B-1) 5.96 acres; and Industrial, General (M-2) 15.189 acres, with proffered conditions, on Ashland Road, Johnson Road, and Aldeby Street, on Tax Map Nos. 48-5-0-1-A, and portions of 48-17-4-F-0 and 48-17-4-G-0

WHEREAS, Virginia Code §§ 15.2-2280 and 15.2-2285 enable the Goochland County Board of Supervisors to adopt and amend its zoning ordinance including both a map showing the division of land into districts and text setting forth the regulations applying to each district, and Virginia Code § 15.2-2303 allows the Board of Supervisors to accept reasonable conditions proffered by an applicant in a rezoning; and

WHEREAS, ME PV4 LLC filed an application requesting a rezoning of 41.334 acres from Agricultural, Limited (A-2) and Residential Planned Unit Development (RPUD) with proffered conditions, to Residential Planned Unit Development (RPUD) (20.185 acres); Business, General (B-1) (5.96 acres); and Industrial, General (M-2) (15.189 acres), with proffered conditions, for Tax Map Nos. 48-1-0-55-A, and portions of 48-5-0-1-0, 48-17-4-F-0, and 48-17-4-G-0 located on Ashland Road, Johnson Road, and Aldeby Street in Election District 4; and

WHEREAS, the Tax Map numbers of the property have recently changed because, on May 24, 2021, a plat was recorded in the Goochland Circuit Court as Instrument No. 210002798 subdividing Tax Map No. 48-5-0-1-0 into two parcels and vacating the property line between Tax Map Nos. 48-1-0-55-A and 48-5-0-1-0 combining a portion of 48-1-0-55-A and 48-5-0-1-0 to create one parcel identified as Tax Map No. 48-5-0-1-A; and

WHEREAS, on October 2, 2018, a portion of this property was rezoned through Case No. RZ-2018-00002 to RPUD, subject to 10 proffered conditions; however, the proffered conditions below supersede the prior proffered conditions for the portion of the property subject

Ordinance
to this application; and

Meeting of August 3, 2021

WHEREAS, applicant plans to develop 31 age-restricted, single-family detached homes as an extension of Parkside Village; approximately 35,000 sq. ft. of new retail construction; and approximately 109,000 sq. ft. of new industrial construction; and

WHEREAS, applicant has proffered 21 conditions governing the use of the property which are found to be reasonable modifications of or additions to the requirements applicable to the property pursuant to the Zoning Ordinance, and which specifically supersede the proffered conditions from Case No. RZ-2018-00002; and

WHEREAS, the county's Comprehensive Plan recommends this area for Flexible; and

WHEREAS, pursuant to Virginia Code § 15.2-2204, the Goochland County Planning Commission advertised as required by law and held a public hearing on this application on May 6, 2021, and voted 4-1 to recommend approval of this request; and

WHEREAS, pursuant to Virginia Code § 15.2-2204, the Goochland County Board of Supervisors advertised as required by law and held a public hearing on this application on June 1, 2021, but deferred decision on the application to August 3, 2021; and

WHEREAS, the applicant submitted revised proffers which it presented at the Board of Supervisors' August 3, 2021 meeting, and the Board of Supervisors allowed additional citizen comment on the revisions at its meeting.

NOW, THEREFORE, BE IT ORDAINED, that the Goochland County Board of Supervisors hereby finds that granting this request is a matter of public necessity, convenience, general welfare, or good zoning practice; and

BE IT FURTHER ORDAINED, this 3rd day of August, 2021, the Goochland County Board of Supervisors hereby grants the zoning classification to Residential Planned Unit Development (RPUD) (20.185 acres); Business, General (B-1) (5.96 acres); and Industrial, General (M-2) (15.189 acres), for 41.334 acres identified as Tax Map Nos. 48-5-0-1-A and portions of 48-17-4-F-0 and 48-17-4-G-0 located on Ashland Road, Johnson Road, and Aldeby Street in Election District 4, with the following proffered conditions submitted by the applicant, which are all of the proffers that apply to the property:

(RPUD District)

1. Conceptual Plan. Development of the Property shall generally conform with the exhibit entitled "Alvis Prop. Parcel Exhibit" prepared by Townes Site Engineering, dated April 27, 2021, and attached hereto.
2. Maximum Number of lots. No more than thirty-one (31) single-family detached dwelling units shall be constructed on the Property.
3. Age Restriction. Except as otherwise prohibited by the Virginia Fair Housing Law, Federal Fair Housing Law, and such other applicable Federal, State, or Local legal requirements, dwellings constructed on the Property shall be restricted to "housing for older persons" "intended for, and solely occupied by at least one person fifty-five years of age or older" as

Ordinance

Meeting of August 3, 2021

defined in the Virginia Fair Housing Law. The age restriction shall comply with the Virginia Fair Housing Act (Virginia Code 39- 96.7, as amended).

Homes shall be occupied in accordance with FHA Law. No home shall be occupied by a person under the age of nineteen (19) who is living in the home as a permanent resident as opposed to a guest as detailed herein. Guests of owners, occupants, and residents under the age of nineteen (19) will be permitted for restricted periods of time as detailed in the Protective Covenants. In no instance or circumstance shall any guest under the age of nineteen (19) be permitted to use the address as an address to establish residency that would establish Goochland citizenship or entitle the guest to any Goochland County services as a result of the residency.

4. Architecture and Exterior Building Materials. Any dwelling constructed on the Property shall have exposed exterior walls (above finished grade and exclusive of trim or molding) of brick, stone, cementitious siding, EIFS, or a combination thereof. This shall not prevent the use of vinyl for trim or molding.
5. Disclosures. Within marketing packages, contracts, and deeds, the applicant shall disclose the following:
 - a. The location of the adjacent rock quarries and their mining, crushing, and processing of rock;
 - b. The Property is located within the TCSD and subject to its ad valorem tax; and,
 - c. The zoning of adjacent parcels zoned M-2, Industrial, General and B-1, Business, General.
6. Sidewalks. Sidewalks shall be provided on at least one side of each street.
7. Landscape Plan. A landscape plan shall be submitted for review and approval with the Plan of Development and shall include at least one (1) ornamental tree planted in the front yard of each dwelling.
8. Roads. All new roads shall be public roads and constructed to VDOT standards.
9. Ashland Road Dedication. The applicant shall dedicate, free and unrestricted to the County or its designee, a forty-two foot (42') right of way measured from the centerline of Ashland Road along the entire frontage of the property for future road improvements. The right-of-way shall be dedicated with the recordation of the subdivision plat.
10. Vegetative Buffer. A 100-foot buffer shall be located along each side of any perennial stream, and a 50-foot buffer shall be located along each side of any intermittent stream on the property. These buffers shall remain undisturbed, except for the establishment of roadways, driveways, and public utilities to service the property and the implementation of appropriate drainage, sedimentation, and erosion measures which may pass through the buffer in a generally perpendicular manner. Existing trees shall not be disturbed along natural stream beds and drainage swales except to remove standing dead or diseased trees. Any removal of trees shall be conducted by non-invasive and low impact methods, such as the saw cutting of trees by an arborist and the leaving of the limbs within the buffer to decompose naturally.
11. Cash Proffer. Per the County's adopted Capital Impact Model, the Applicant, or its assignees, shall pay \$3,224 per residential lot to the County of Goochland for public facility improvements (\$0 for public school facilities, \$1,016 for transportation facilities, \$782 for park facilities, and \$1,426 for public safety facilities). Such payment shall be made prior to the time of the issuance of any Certificate of Occupancy for each dwelling built on each of the lots. The cumulative percentage increase or decrease in the Marshall & Swift Building Cost

Index for the most recently published twelve (12) months, shall be added to or, in the instance of a decrease, subtracted from the amount proffered, in the year following the rezoning, and added to or, in the case of a decrease, subtracted from the recalculated amount for each subsequent year. Cash proffer amounts, recalculated due to the index provided above, shall be effective the next year on the date of the Board's adoption of annual adjustments, or July 1, whichever comes first, for payments made through such date.

12. Construction Traffic. Earthmoving equipment and construction vehicles related to the clearing, grading, utility installation, and roadway construction on the Property shall access the Property from a temporary construction entrance located on Johnson Road, and shall not access the Property from Aldeby Street. This proffer shall not apply to vehicles used for homebuilding purposes.
13. Landscaped Berm. A series of landscaped earthen berms a minimum of four ft. (4') in height shall be provided in the area shown on the Conceptual Plan. This buffer shall be planted similar to the landscaped berm along the northern edge of Park Village Boulevard, with six (6) evergreen trees spaced ten ft. (10') on center and measuring a minimum of six ft. (6') in height at the time of planting and fifteen (15) evergreen shrubs planted in a staggered double row spaced six ft. (6') on center and measuring a minimum of two ft. (2') in height at the time of planting, per one hundred (100) linear ft.
14. Stormwater Management Pond. The stormwater management pond shall be designed and constructed as a wet pond. A fountain, a perimeter walking trail a minimum of four ft. (4') in width and paved with a hard surface, and a landscaped/hardscaped seating area shall be provided. The aforementioned trail shall start at the terminus of the proposed extension of Aldeby Street. The pond shall be designed and constructed to retain additional runoff from adjacent properties that naturally drains in that direction.

(B-1 District and M-2 District)

1. Prohibited Uses. The following principal uses and structures shall be prohibited:
 - a. Junk storage;
 - b. Manufacturing, assembly, or fabrication, heavy;
 - c. Monumental stone works;
 - d. Sale, service, or rental of trucks, trailers, tractors, machinery, heavy equipment and tools;
 - e. Sand and gravel pit; quarry; mining;
 - f. Sawmill, commercial;
 - g. Truck terminal;
 - h. Adult businesses;
 - i. Club/Lodge;
 - j. Gun club with indoor and/or outdoor shooting range;
 - k. Funeral home;
 - l. Hotel/motel;
 - m. Theatre;
 - n. Convention Center; and,
 - o. Kennel-commercial; kennel-private.
2. Buffers.
 - a. A 100-foot buffer shall be located along each side of any perennial stream, and a 50-foot buffer shall be located along each side of any intermittent stream on the property. These

Ordinance

Meeting of August 3, 2021

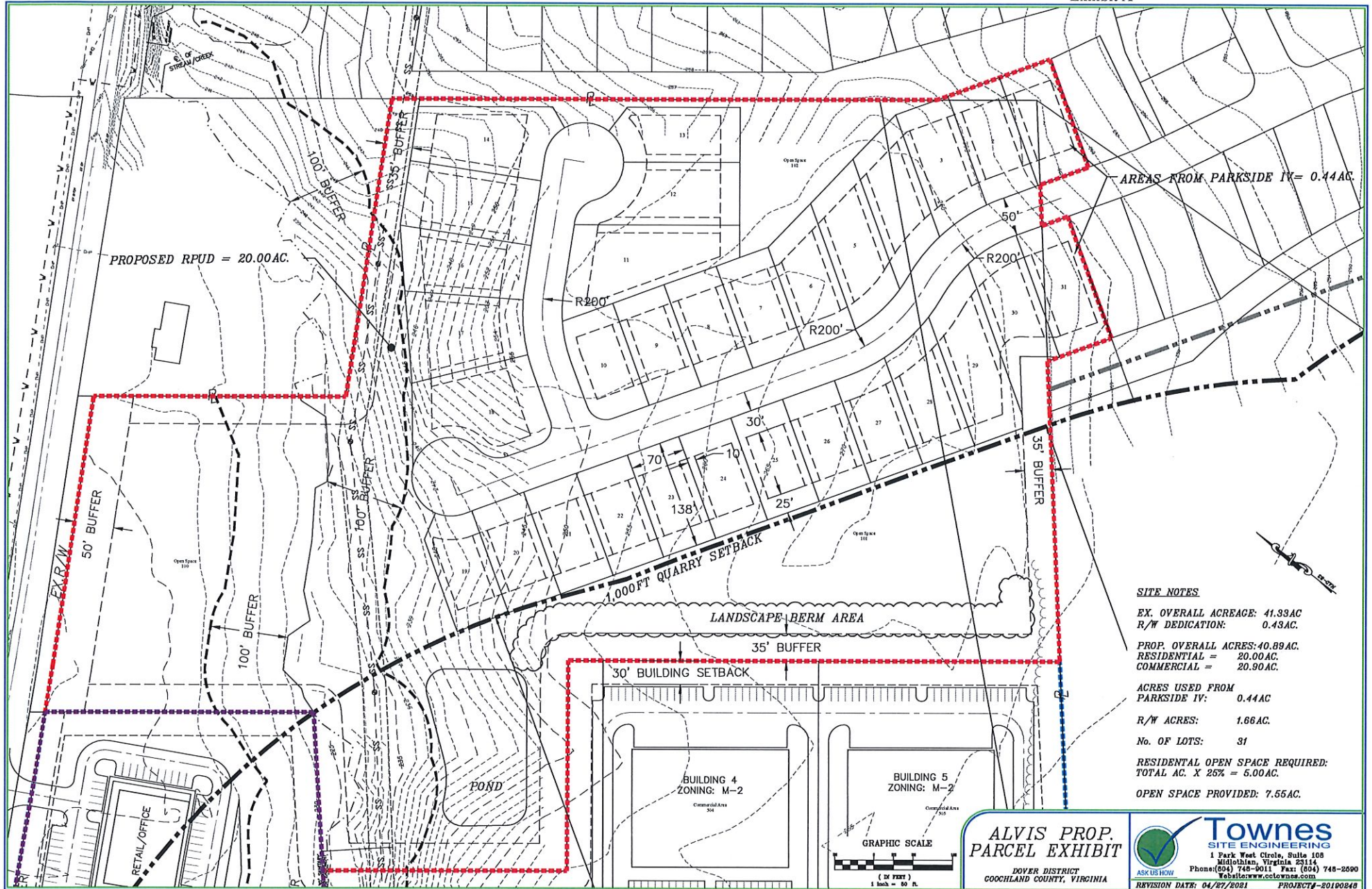
buffers shall remain undisturbed, except for the establishment of roadways, driveways, and public utilities to service the property and the implementation of appropriate drainage, sedimentation, and erosion measures which may pass through the buffer in a generally perpendicular manner. Existing trees shall not be disturbed along natural stream beds and drainage swales except to remove standing dead or diseased trees. Any removal of trees shall be conducted by non-invasive and low impact methods, such as the saw cutting of trees by an arborist and the leaving of the limbs within the buffer to decompose naturally.

- b. Adjacent to any residentially-zoned property, a thirty-foot (30') buffer shall be provided and planted with a staggered double row of evergreen trees a minimum of six ft. (6') in height at the time of planting and spaced fifteen ft. (15') on center.
3. Outdoor Storage. Any outdoor storage shall be obscured from all public roads and adjoining properties by dense evergreen vegetation, or by an opaque, solid fence, or wall of treated wood, brick, stone, masonry, or similar solid material and construction. The screening, fencing, or enclosure must meet all applicable zoning ordinance and building code requirements and be maintained to ensure that permanent screening is provided to hide the items from view. Any outdoor storage shall be oriented toward Johnson or Ashland Roads and shall not be located adjacent to any residentially-zoned property.
4. Traffic Improvements.
 - a. The following roadway improvements shall be constructed at the intersection of Ashland and Johnson Roads, as shown on the attached exhibit entitled "Overall Alvis Property Turnlane Exhibit", dated July 13, 2021, and prepared by Townes Site Engineering, attached hereto:
 - i. A 200' north-bound right turn lane;
 - ii. A 200' south-bound left turn lane; and,
 - iii. A 200' west-bound right turn lane.
 - b. The aforementioned turn lane(s) shall be installed prior to the issuance of the first certificate of occupancy for any new structure on the Property zoned B-1 or M-2.
 - c. Prior to issuance of the 1st building permit for any new structure built on the Property, the applicant shall dedicate, free and unrestricted to the County or its designee, a forty-two foot (42') right of way measured from the centerline of Ashland Road along the entire frontage of the property for future road improvements.
5. Maximum Building Height. No building on the Property shall exceed forty-five (45) feet in height.
6. Minimum Building Setback. On the property zoned M-2, there shall be a minimum building setback of ninety (90) feet adjacent to any residentially zoned Property.
7. Planning Commission Review. Prior to the issuance of any Plan of Development, a conceptual site plan shall be reviewed and approved by the Planning Commission. Prior to the issuance of any Building Permit for any newly constructed building on the Property, conceptual architectural elevations shall be reviewed and approved by the Planning Commission.

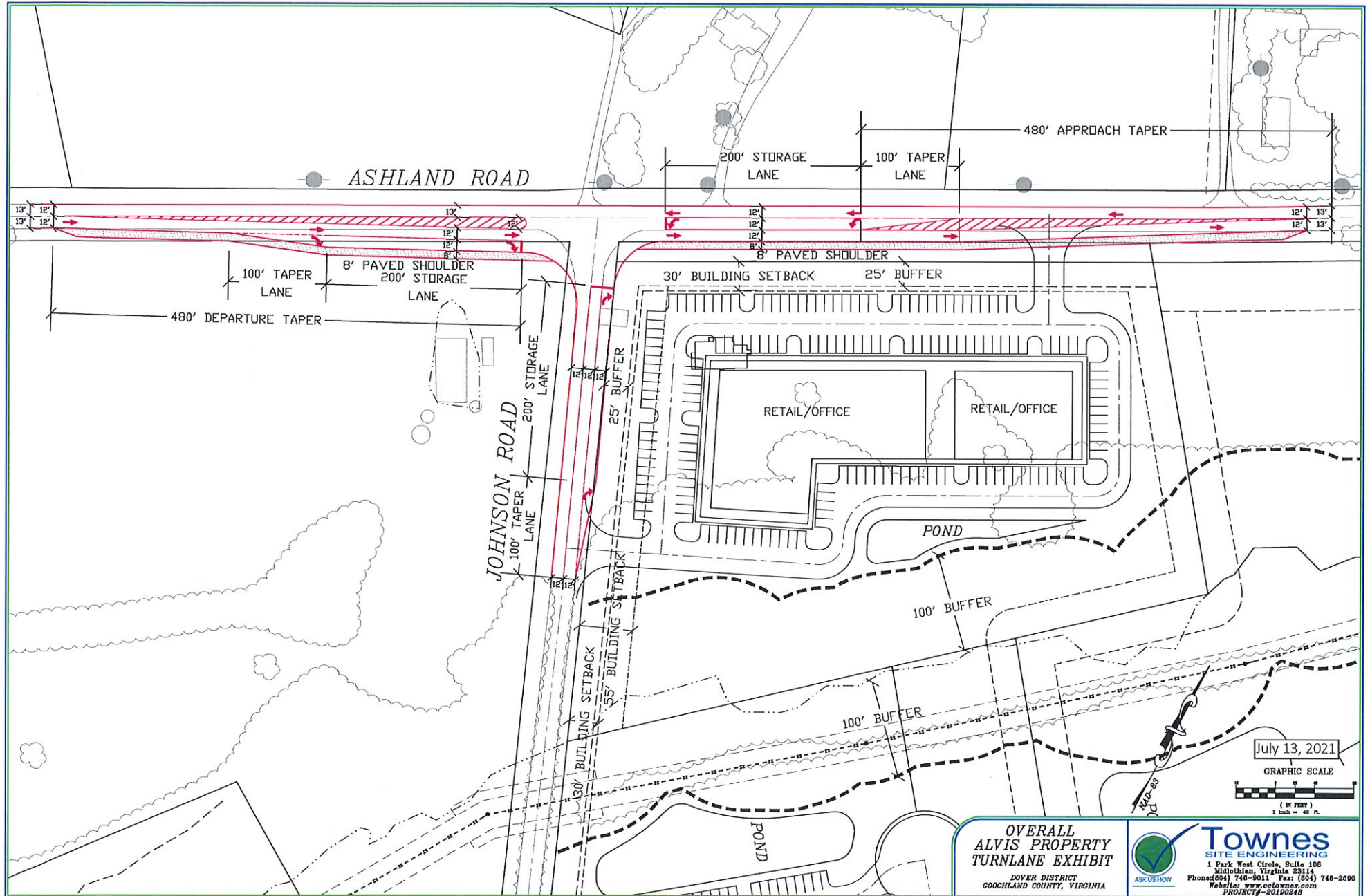
A COPY ATTEST:

County Administrator or Designee
Goochland County Board of Supervisors

Exhibit A



This drawing and the design shown is the property of Townes Site Engineering the reproduction, copying, or other use of this drawing without their written consent is prohibited and any infringement will be subject to legal action. © 2021 Townes Site Engineering



This drawing and the design shown is the property of Townes Site Engineering the reproduction, copying, or other use of this drawing without their written consent is prohibited and any infringement will be subject to legal action. © 2021 Townes Site Engineering

✓ Vote Record - Resolution 3993						
<input type="checkbox"/> Approved <input checked="" type="checkbox"/> Recommended for Approval <input type="checkbox"/> Recommended for Denial <input type="checkbox"/> Deferred <input type="checkbox"/> Denied <input type="checkbox"/> Withdrawn <input type="checkbox"/> Recommended for Approval as Am <input type="checkbox"/> Adopted <input type="checkbox"/> Adopted as Amended <input type="checkbox"/> Defeated <input type="checkbox"/> Consensus of the Board <input type="checkbox"/> Tabled by Consensus <input type="checkbox"/> Approved as Amended <input type="checkbox"/> Send to BOS with Report of Tie Vote						
			Yes/Aye	No/Nay	Abstain	Absent
	John Myers	Second	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Matt Brewer	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Tom Rockecharlie	Voter	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Curt Pituck	Mover	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Carter Duke	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AT A MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF GOOCHLAND, VIRGINIA, HELD ON MAY 6, 2021, IN THE GOOCHLAND COUNTY ADMINISTRATION BUILDING, 1800 SANDY HOOK RD., SUITE 250, GOOCHLAND, VIRGINIA, THE FOLLOWING ACTION WAS TAKEN:

Resolution recommending approval of RZ-2021-00004 - Application filed by ME PV4 LLC requesting a rezoning of 41.334 acres from Agricultural, Limited (A-2) and Residential Planned Unit Development (RPUD) with proffered conditions, to Residential Planned Unit Development (RPUD) 20.185 acres; Business, General (B-1) 5.96 acres; and Industrial, General (M-2) 15.189 acres, with proffered conditions, on Ashland Road, Johnson Road, and Aldeby Street, on Tax Map Nos. 48-1-0-55-A, and portions of 48-5-0-1-0, 48-17-4-F-0, and 48-17-4-G-0. The Comprehensive Plan designates this area as Flexible.

WHEREAS, Virginia Code §§ 15.2-2280 and 15.2-2285 enable the Goochland County Board of Supervisors to adopt and amend its zoning ordinance including both a map showing the division of land into districts and text setting forth the regulations applying to each district, and Virginia Code § 15.2-2303 allows the Board of Supervisors to accept reasonable conditions proffered by an applicant in a rezoning; and

WHEREAS, the Goochland County Planning Commission is authorized and required, by Virginia Code § 15.2-2285(A), to consider, hold a public hearing, and make a recommendation to the Board of Supervisors on all land use applications filed with the County; and

WHEREAS, ME PV4 LLC filed an application requesting a rezoning of 41.334 acres from Agricultural, Limited (A-2) and Residential Planned Unit Development (RPUD) with proffered conditions, to Residential Planned Unit Development (RPUD) (20.185 acres); Business, General (B-1) (5.96 acres); and Industrial, General (M-2) (15.189 acres), with proffered conditions, for Tax Map Nos. 48-1-0-55-A, and portions of 48-5-0-1-0, 48-17-4-F-0, and 48-17-4-G-0 located on Ashland Road, Johnson Road, and Aldeby Street in Election District 4; and

WHEREAS, on October 2, 2018, a portion of this property was rezoned through Case No. RZ-2018-00002 to RPUD, with proffers, subject to 10 proffered conditions; and

Attachment: RZ-2021-00004 - PC Resolution (4009 : District 4 - RZ-2021-00004 - ME PV4 LLC)

Resolution

Meeting of May 6, 2021

WHEREAS, applicant plans to develop 31 age-restricted, single-family detached homes as an extension of Parkside Village; approximately 35,000 sq. ft. of new retail construction; and approximately 109,000 sq. ft. of new industrial construction; and

WHEREAS, applicant has proffered 17 conditions governing the use of the property which are found to be reasonable modifications of or additions to the requirements applicable to the property pursuant to the County Zoning Ordinance, and which specifically supersede the proffered conditions from Case No. RZ-2018-00002;

WHEREAS, the county's Comprehensive Plan recommends this area for Flexible; and

WHEREAS, pursuant to Virginia Code § 15.2-2204, the Goochland County Planning Commission advertised as required by law and held a public hearing on this application on May 6, 2021.

NOW, THEREFORE, BE IT RESOLVED, that the Goochland County Planning Commission hereby finds that granting this request is a matter of public necessity, convenience, general welfare, or good zoning practice; and

BE IT FURTHER RESOLVED, this 6th day of May, 2021, that the Goochland County Planning Commission hereby recommends that the Goochland County Board of Supervisors grant the zoning classification to Residential Planned Unit Development (RPUD) (20.185 acres); Business, General (B-1) (5.96 acres); and Industrial, General (M-2) (15.189 acres), for 41.334 acres identified as Tax Map Nos. 48-1-0-55-A, and portions of 48-5-0-1-0, 48-17-4-F-0, and 48-17-4-G-0 located on Ashland Road, Johnson Road, and Aldeby Street in Election District 4, with the following proffered conditions submitted by the applicant, which are all of the proffers that apply to the property:

(RPUD District)

1. Conceptual Plan. Development of the Property shall generally conform with the exhibit entitled "Alvis Prop. Parcel Exhibit" prepared by Townes Site Engineering, dated April 27, 2021, and attached hereto.
2. Maximum Number of lots. No more than thirty-one (31) single-family detached dwelling units shall be constructed on the Property.
3. Age Restriction. Except as otherwise prohibited by the Virginia Fair Housing Law, Federal Fair Housing Law, and such other applicable Federal, State, or Local legal requirements, dwellings constructed on the Property shall be restricted to "housing for older persons" "intended for, and solely occupied by at least one person fifty-five years of age or older" as defined in the Virginia Fair Housing Law. The age restriction shall comply with the Virginia Fair Housing Act (Virginia Code 39- 96.7, as amended).

Homes shall be occupied in accordance with FHA Law. No home shall be occupied by a person under the age of nineteen (19) who is living in the home as a permanent resident as opposed to a guest as detailed herein. Guests of owners, occupants and residents under the age of nineteen (19) will be permitted for restricted periods of time as detailed in the Protective Covenants. In no instance or circumstance shall any guest under the age of nineteen (19) be permitted to use the address as an address to establish residency that would establish Goochland citizenship or entitle the guest to any Goochland County services as a result of the

Attachment: RZ-2021-00004 - PC Resolution (4009 : District 4 - RZ-2021-00004 - ME PV4 LLC)

Resolution
residency.

Meeting of May 6, 2021

4. Architecture and Exterior Building Materials. Any dwelling constructed on the Property shall have exposed exterior walls (above finished grade and exclusive of trim or molding) of brick, stone, cementitious siding, EIFS, or a combination thereof. This shall not prevent the use of vinyl for trim or molding.
5. Disclosures. Within marketing packages, contracts, and/or deeds, the applicant shall disclose the following:
 - a. The location of the adjacent rock quarries and their mining, crushing, and processing of rock;
 - b. The Property is located within the Tuckahoe Creek Service District and subject to its ad valorem tax; and
 - c. The zoning of adjacent parcels zoned M-2, Industrial, General, and B-1, Business General.
6. Sidewalks. Sidewalks shall be provided on at least one side of each street.
7. Landscape Plan. A landscape plan shall be submitted for review and approval with the Plan of Development and shall include at least one (1) ornamental tree planted in the front yard of each dwelling.
8. Roads. All new roads shall be public roads and constructed to VDOT standards.
9. Ashland Road Dedication. The applicant shall dedicate, free and unrestricted to the County or its designee, a forty-two foot (42') right of way measured from the centerline of Ashland Road along the entire frontage of the property for future road improvements. The right-of-way shall be dedicated with the recordation of the subdivision plat.
10. Vegetative Buffer. A 100-foot buffer shall be located along each side of any perennial stream, and a 50-foot buffer shall be located along each side of any intermittent stream on the property. These buffers shall remain undisturbed, except for the establishment of roadways, driveways, and public utilities to service the property and the implementation of appropriate drainage, sedimentation, and erosion measures which may pass through the buffer in a generally perpendicular manner. Existing trees shall not be disturbed along natural stream beds and drainage swales except to remove standing dead or diseased trees. Any removal of trees shall be conducted by non-invasive and low impact methods, such as the saw cutting of trees by an arborist and the leaving of the limbs within the buffer to decompose naturally.
11. Cash Proffer. Per the County's adopted Capital Impact Model, the Applicant, or its assignees, shall pay \$3,224 per residential lot to the County of Goochland for public facility improvements (\$0 for public school facilities, \$1,016 for transportation facilities, \$782 for park facilities, and \$1,426 for public safety facilities). Such payment shall be made prior to the time of the issuance of any Certificate of Occupancy for each dwelling built on each of the lots. The cumulative percentage increase or decrease in the Marshall & Swift Building Cost Index for the most recently published twelve (12) months, shall be added to or, in the instance of a decrease, subtracted from the amount proffered, in the year following the rezoning, and added to or, in the case of a decrease, subtracted from the recalculated amount for each subsequent year. Cash proffer amounts, recalculated due to the index provided above, shall be effective the next year on the date of the Board's adoption of annual adjustments, or July 1, whichever comes first, for payments made through such date.
12. Construction Traffic. Earthmoving equipment and construction vehicles related to the clearing, grading, utility installation, and roadway construction on the Property shall access the Property from a temporary construction entrance located on Johnson Road, and shall not

Attachment: RZ-2021-00004 - PC Resolution (4009 : District 4 - RZ-2021-00004 - ME PV4 LLC)

access the Property from Aldeby Street. This proffer shall not apply to vehicles used for homebuilding purposes.

13. Landscaped Berm. A series of landscaped earthen berms a minimum of four feet (4') in height shall be provided in the area shown on the Conceptual Plan. This buffer shall be planted similar to the landscaped berm along the northern edge of Park Village Boulevard, with six (6) evergreen trees spaced ten feet (10') on center and measuring a minimum of six feet (6') in height at the time of planting and fifteen (15) evergreen shrubs planted in a staggered double row spaced six feet (6') on center and measuring a minimum of two feet (2') in height at the time of planting, per one hundred (100) linear feet.
14. Stormwater Management Pond. The stormwater management pond shall be designed and constructed as a wet pond. A fountain, a perimeter walking trail a minimum of four feet (4') in width and paved with a hard surface, and a landscaped/hardscaped seating area shall be provided. The aforementioned trail shall start at the terminus of the proposed extension of Aldeby Street. The pond shall be designed and constructed to retain additional runoff from adjacent properties that naturally drains in that direction.

(B-1 District and M-2 District)

1. Prohibited Uses. The following principal uses and structures shall be prohibited:
 - a. Junk storage;
 - b. Manufacturing, assembly, or fabrication, heavy;
 - c. Monumental stone works;
 - d. Sale, service, or rental of trucks, trailers, tractors, machinery, heavy equipment and tools;
 - e. Sand and gravel pit; quarry; mining;
 - f. Sawmill, commercial; and,
 - g. Truck terminal.
 - h. Adult businesses;
 - i. Club/lodge; and
 - j. Gun club with indoor shooting range.
2. Buffers.
 - a. A 100-foot buffer shall be located along each side of any perennial stream, and a 50-foot buffer shall be located along each side of any intermittent stream on the property. These buffers shall remain undisturbed, except for the establishment of roadways, driveways, and public utilities to service the property and the implementation of appropriate drainage, sedimentation, and erosion measures which may pass through the buffer in a generally perpendicular manner. Existing trees shall not be disturbed along natural stream beds and drainage swales except to remove standing dead or diseased trees or unsightly growth. Any removal of trees shall be conducted by non-invasive and low impact methods, such as the saw cutting of trees by an arborist and the leaving of the limbs within the buffer to decompose naturally.
 - b. Adjacent to any residentially-zoned property, a thirty-foot (30') buffer shall be provided and planted with a staggered double row of evergreen trees a minimum of six feet (6') in height at the time of planting and spaced fifteen feet (15') on center.
3. Outdoor Storage. Any outdoor storage shall be obscured from all public roads and adjoining properties by dense evergreen vegetation, or by an opaque, solid fence, or wall of treated wood, brick, stone, masonry, or similar solid material and construction. The screening, fencing, or enclosure must meet all applicable zoning ordinance and building code requirements and be maintained to ensure that permanent screening is provided to hide the

Resolution

Meeting of May 6, 2021

items from view. Any outdoor storage shall be oriented toward Johnson or Ashland Roads and shall not be located adjacent to any residentially-zoned property.

4. Traffic Improvements.

a. The following roadway improvements shall be constructed at the intersection of Ashland and Johnson Roads:

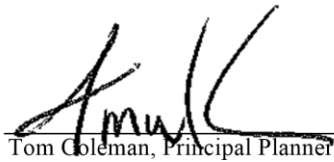
- i. A 200' north-bound right turn lane;
- ii. A 200' south-bound left turn lane; and,
- iii. A 200' west-bound right turn lane.

The aforementioned turn lane(s) shall be installed prior to the issuance of the first certificate of occupancy for any new structure on the Property zoned B-1 or M-2.

b. Prior to issuance of the 1st building permit for any new structure built on the Property, the applicant shall dedicate, free and unrestricted to the County or its designee, a forty-two foot (42') right of way measured from the centerline of Ashland Road along the entire frontage of the property for future road improvements.

5. Cash Proffer. A cash proffer of ten-thousand dollars (\$10,000) shall be paid to Goochland County prior to the approval of any Plan of Development for the Property zoned M-2, Industrial, General. This proffer shall be paid toward the future widening of Johnson Road or any other transportation-related improvement, at the sole discretion of Goochland County.

A COPY TESTE:

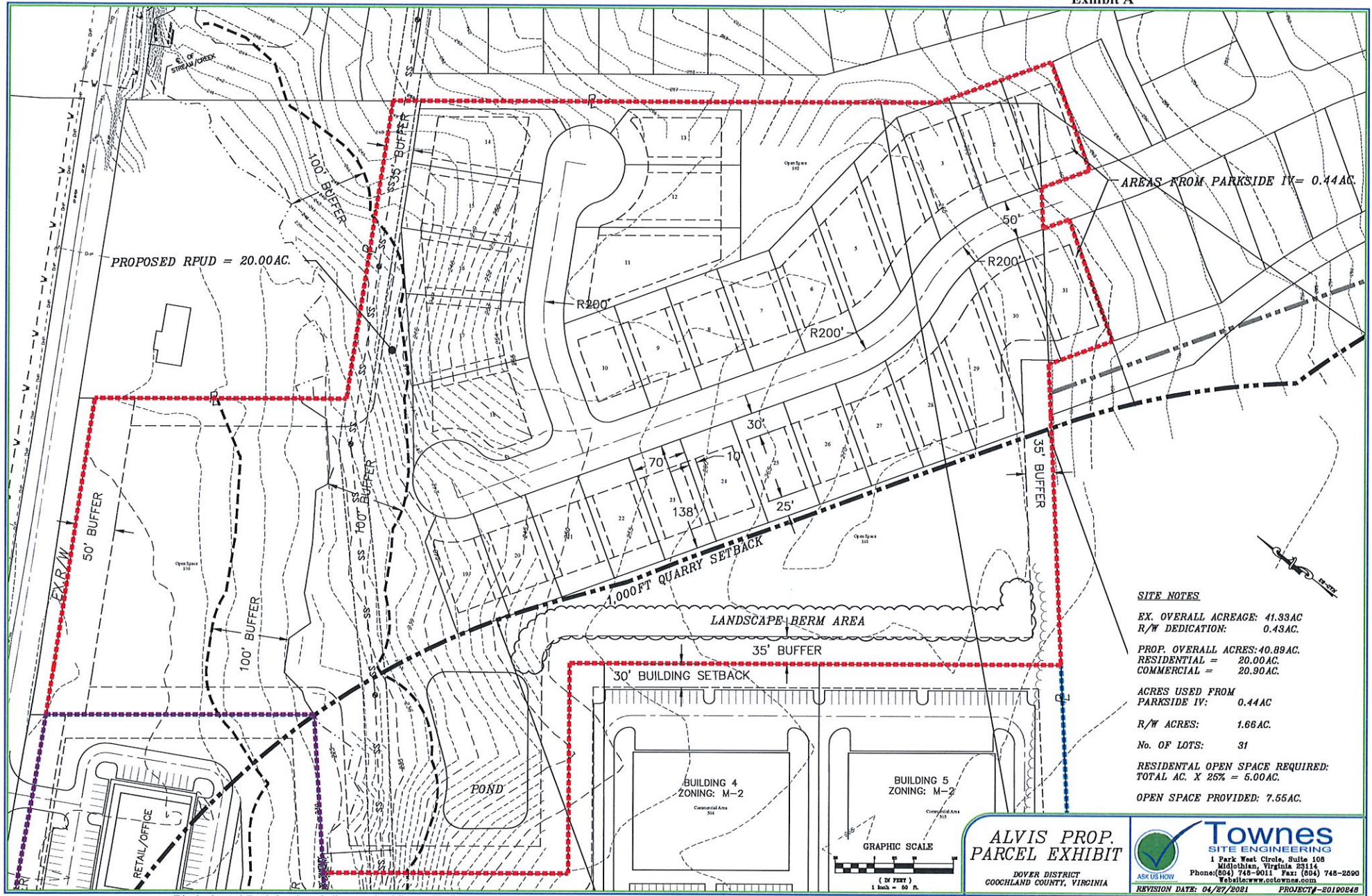


Tom Coleman, Principal Planner

5/11/2021

Attachment: RZ-2021-00004 - PC Resolution (4009 : District 4 - RZ-2021-00004 - ME PV4 LLC)

Exhibit A



This drawing and the design shown is the property of Townes Site Engineering the reproduction, copying, or other use of this drawing without their written consent is prohibited and any infringement will be subject to legal action. © 2021 Townes Site Engineering



GOOCHLAND COUNTY
Department of Community Development
 Staff Report for Board of Supervisors
 Prepared July 13, 2021

RZ-2021-00004 – ME PV4 LLC (Markel-Eagle)

Voting District:	3
Application Date:	3/21/2021
Community Meeting Date:	3/29/2021
Planning Commission Public Hearing:	5/6/2021 Recommend for Approval
Board of Supervisors Public Hearing:	6/1/2021 Deferred to August 8/3/2021 Pending

OVERVIEW:

Request	Rezoning to allow single-family residential, business, and industrial uses
Location	Northwest corner of Ashland Road and Johnson Road
Subdivision	Portion of Parkside Village (existing RPUD District)
Tax Map Nos.	48-5-0-1-A (formerly 48-1-0-55-A and portion of 48-5-0-1-0) and portions of 48-17-4-F-0 and 48-17-4-G-0
Acreage	41.334
Current Zoning	Agricultural, Limited (A-2) and Residential Planned Unit Development (RPUD) with proffers
Proposed Zoning	Residential Planned Unit Dev. (RPUD) with proffers: 20.185 ac. Business, General (B-1) with proffers: 5.960 ac. Industrial, General (M-2) with proffers: 15.189 ac.
Comprehensive Plan	Northeast Quadrant Land Use Map / Flexible
TCS	No
Overlay District/Village	N/A
Staff Contact	Tom Coleman (556-5865); tcoleman@goochlandva.us

APPLICATION SUMMARY

Application filed by ME PV4 LLC requesting rezoning of 41.334 acres from Agricultural, Limited (A-2) and Residential Planned Unit Development (RPUD) with proffered conditions, to Residential Planned Unit Development (RPUD) 20.185 acres; Business, General (B-1) 5.96 acres; and Industrial, General (M-2) 15.185 acres, all with proffered conditions, on Ashland Road, Johnson Road, and Aldeby Street, on Tax Map No. 48-5-0-1-A (formerly 48-1-0-55-A and portion of 48-5-0-1-0) and portions of 48-17-4-F-0 and 48-17-4-G-0. The Comprehensive Plan designates this area as Flexible.

There is one dwelling on the property, but the site is generally undeveloped. The property includes frontage on Ashland Road and Johnson Road and would access residential uses from existing Aldeby Street in Parkside Village subdivision. The residential zoning would allow construction of 31 age-restricted, single-family detached homes as an extension of Parkside Village. The business zoning would facilitate approximately 35,000 sq. ft. of new retail construction, and the industrial zoning would facilitate approximately 109,000 sq. ft. of new industrial construction.

The applicant is proposing to mitigate the development's residential impacts on capital facilities in accordance with State law by offering a cash proffer of \$3,224 per residential unit. Using the Capital Impact Model, staff has identified the cash proffer eligible impacts as \$3,224 per age-restricted residential unit in the Eastern Service Area.

The applicant has done an independent review and certified that the Study and Model have accurately identified a reasonable proffer amount to address the specifically attributable impacts from its proposed development in accordance with state law. Applicant is fully addressing the capital impacts of its proposed development.

At the May 6, 2021 public meeting, the Planning Commission recommended approval of the application on a 4-1 vote. Mr. Rockecharlie voted against the recommendation for approval. No one from the public spoke at the meeting.

It should be noted the link to the Planning Commission Zoom meeting on May 6 did not work. Staff received 3 emails from citizens stating they could not participate in the meeting.

At the June 1, public meeting, the Board of Supervisors deferred the application. There were questions/concerns about impacts to Johnson Road, height of industrial buildings, buffers for industrial uses, B-1 district uses, and proximity of dwellings to the quarry.

Changes to the application since the 6/1/21 Board of Supervisors meeting:

The applicant made the following changes to B-1/M-1 districts:

Added to proffers:

- Added to list of prohibited uses:
 - Gun club with indoor and/or outdoor shooting range
 - Funeral home;
 - Hotel/motel;
 - Theatre;
 - Convention Center; and,
 - Kennel-commercial; kennel-private.

Deleted from proffers:

- Cash proffer of ten-thousand dollars (\$10,000) to be paid to Goochland Co. prior to the approval of any POD for the Property zoned M-2, Industrial, General. This proffer shall be paid toward the future widening of Johnson Rd. or any other transportation-related improvement, at the sole discretion of Goochland Co.
- No building permit shall be issued until the Property is accepted into the Tuckahoe Creek Service District. (TCSD application is on August 3, 2021 Board agenda)

Added to proffers:

- Exhibit for proposed road improvements
- No building on the Property shall exceed forty-five (45) feet in height.
- On property zoned M-2, there shall be a minimum building setback of ninety (90) feet adjacent to any residentially zoned Property.
- Prior to the issuance of any PoD, a conceptual site plan shall be reviewed and approved by the Planning Commission. Prior to issuance of any Building Permit for any newly constructed building on the Property, conceptual architectural elevations shall be reviewed and approved by the Planning Commission.

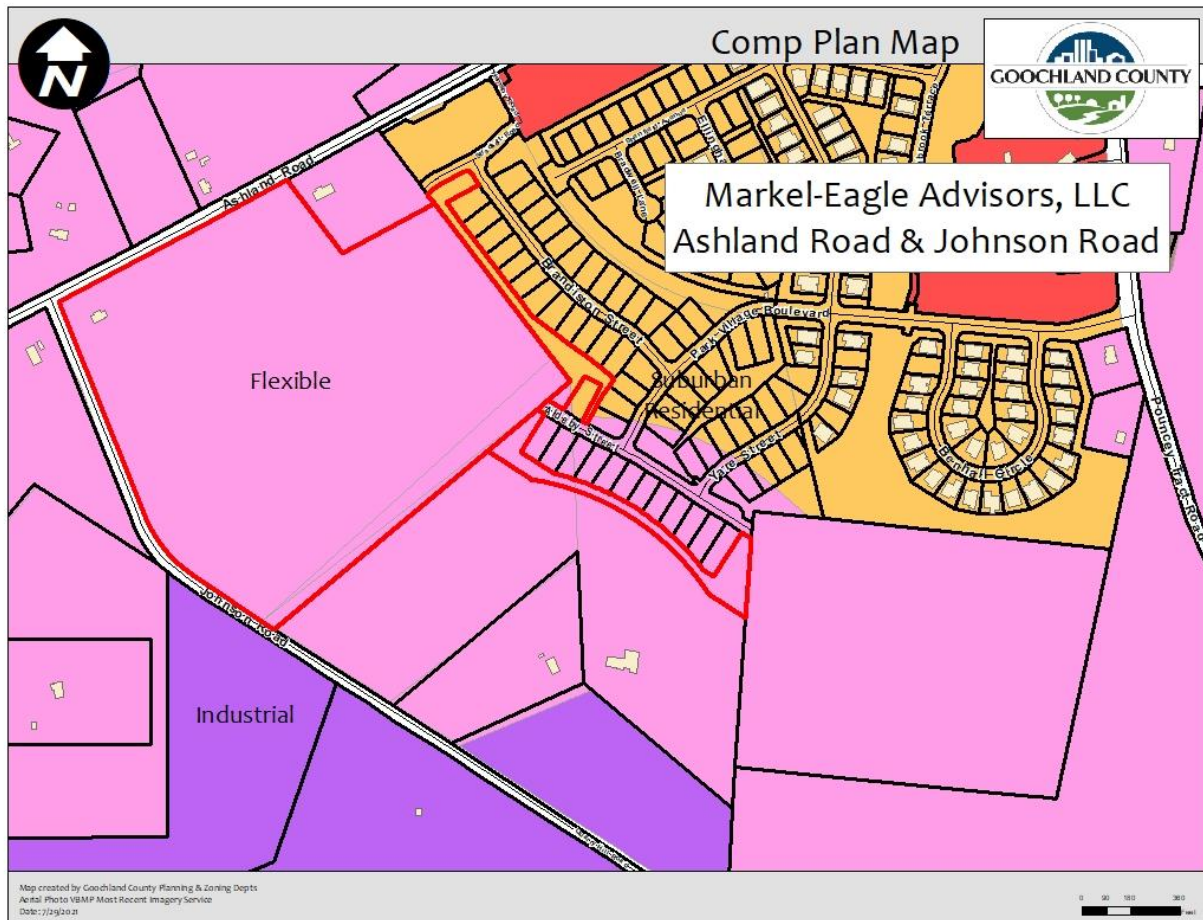
EVALUATION

- Residential zoning is not consistent with Comprehensive Plan.
- Limited road improvements for Johnson Road with significant commercial and industrial uses
- There is no conceptual plan for the business or industrial uses.
- There is no commitment to build the commercial or industrial uses in conjunction with the residential.

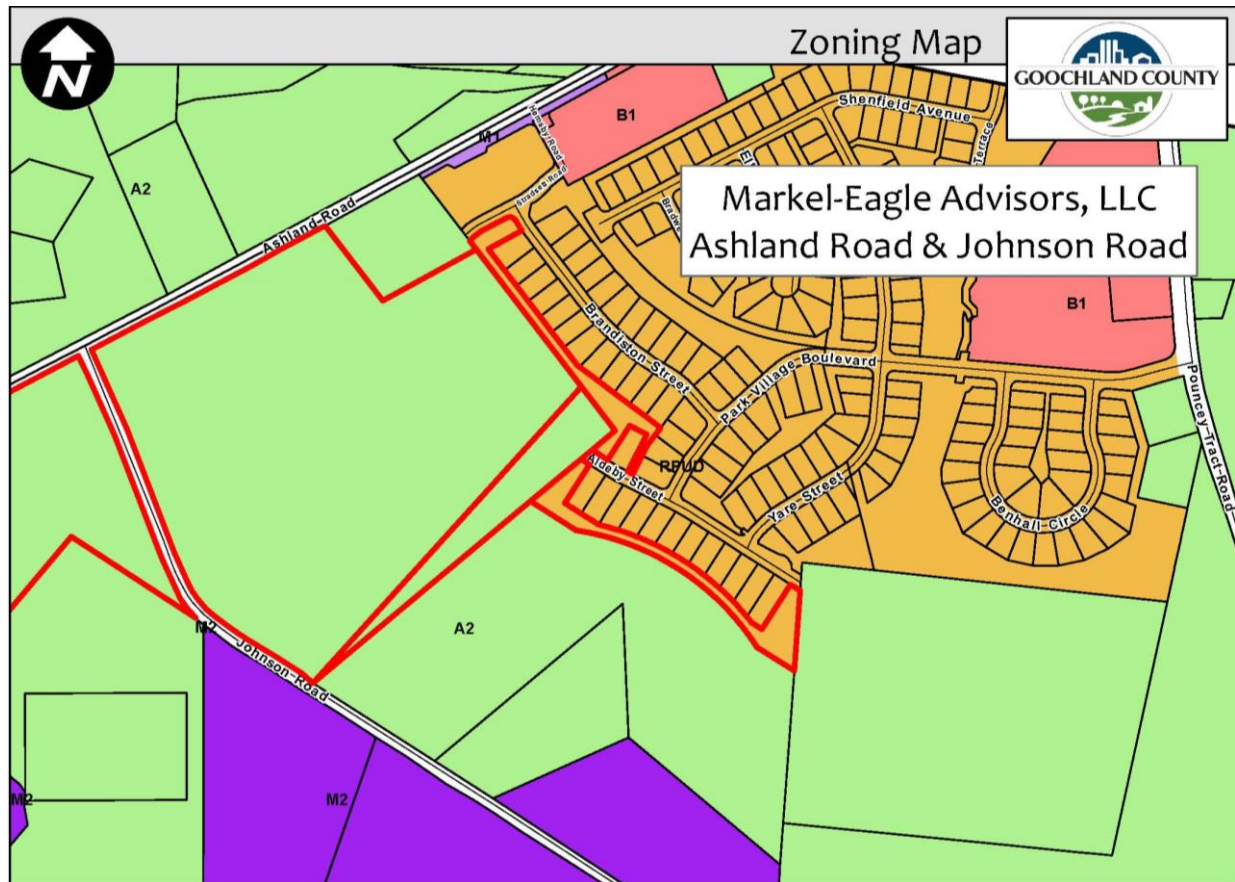
EXISTING LAND USE/COMPREHENSIVE PLAN	
Zoning	Agricultural, Limited (A-2) and Residential Planned Unit Development (RPUD) with proffers
Existing Land Use	Portion of Parkside Village open space and vacant
Comprehensive Plan	Flexible

The site is mostly undeveloped. There is one dwelling, and the property includes a combination of fields and large areas of mature trees.

ADJACENT PROPERTY INFORMATION				
	North	South	East	West
Adjacent Zoning	A-2/RPUD	A-2/M-2	A-2/RPUD	A-2
Adjacent Land Use	Residential	Vacant / Vacant	Residential	Vacant



ME PV4 LLC
RZ-2021-00004



Attachment: RZ-2021-00004 - Staff Report [Revision 1] (4009 : District 4 - RZ-2021-00004 - ME PV4 LLC)

PROPOSED USES

The applicant requests to rezone 41.334 acres from Agricultural, Limited (A-2) and Residential, Plan Unit Development (RPUD) to Residential, Plan Unit Development (RPUD); Business, General (B-1); and Industrial, General (M-2) with proffered conditions.

The applicant provided an unproffered exhibit to show an example of how the property could be developed.



Residential Use

The residential zoning of 20.185 acres would allow construction of 31 age-restricted, single-family detached dwellings (1.54 units/acre). The homes would be an extension of the existing Parkside Village subdivision and access would be provided from Aldeby Street, which is a roadway internal to Parkside Village. The proposed layout is consistent with the existing sections in Parkside Village, and the density of 1.54 units/acre is lower than Parkside Village (2.43 units/acre).



Parkside Village, Sections 1, 2, and 3; were rezoned to RPUD in 2013 and all lots are developed. Parkside Village, Section 4 was rezoned to RPUD in 2018 and is currently building out.

The requested RPUD zoning is for land remaining outside of the quarry buffer, which was established to separate quarry operations from residential uses. Proposed development meets the requirement of the 1,000 ft. quarry buffer and all of the proposed lots and dwellings are located outside of the quarry buffer. There is, however, open space associated with the residential development within the quarry buffer.

There are concerns with allowing residential uses in close proximity to quarries. Two quarries are located south of this site. In the past, residential uses have had damage due to quarry blasting.

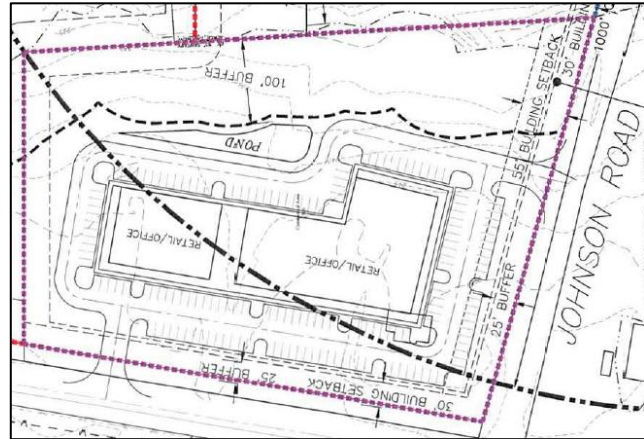
The applicant is proposing an "age restricted" community. The development would be regulated in accordance with State and Federal fair housing law as "housing for older persons" "intended for, and solely occupied by, at least one person fifty-five years of age or older per unit" as defined in Virginia Fair Housing Law. As regulated:

- a) At least 80 percent of the occupied units must be occupied by at least one person 55 years of age or older per unit, and
- b) The owner or management of the housing community must publish and adhere to policies and procedures that demonstrate an intent to provide housing for persons 55 years or older;

Business Use

The business zoning of approximately 5.7 acres would facilitate approximately 35,000 sq. ft. of new retail construction.

The business zoning includes the area bounded by Ashland Road to the west, Johnson Road to the south, and a drainage area to the east. There is a significant drainage area that runs east of and parallel to Ashland Road. The proposed industrial zoning abuts the drainage area on the other side.

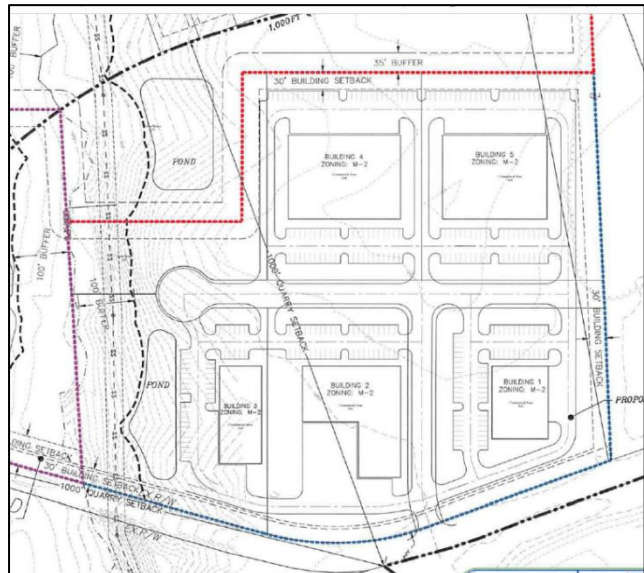


The business zoning includes frontage on both Ashland Road and Johnson Road and proposes one point of access on each.

Industrial Use

The industrial zoning of approximately 15.2 acres would facilitate approximately 109,000 sq. ft. of new industrial construction. The industrial zoning includes the area bounded by the drainage area to the east, Johnson Road to the south, and existing Parkside Village to the north.

The industrial development would abut an open space area within Parkside Village. The width of the open space varies but is a minimum of approximately 70 ft. The industrial zoning only includes frontage on Johnson Road and proposes one point of access from Johnson.



Business and Industrial Uses

No conceptual plan has been proffered and there is no commitment to construct or provide any commercial or industrial improvements prior to the residential development.

Comprehensive Plan

The 2035 Comprehensive Plan designates the subject property for Flexible use. Several adjoining properties share the Flexible designation. Generally, the Flexible designation supports office, commercial, office/service, and light industrial uses, and generally excludes single-family residential and heavy industrial uses. The B-1 district is consistent with the Flexible designation. The request for an RPUD district is not consistent with the comprehensive plan. The M-2 district may be consistent with sufficient buffers and appropriate uses.

There are quarries located south of the site, and the comprehensive plan discourages any residential development within 1000 ft. of the quarry boundaries. Locating lots and dwellings outside of the 1,000 ft. quarry buffer is consistent with the quarry buffer. Additionally, the applicant proffered disclosure of the quarries in marketing packages and contracts to notify that a quarry is located nearby.

Properly designed and regulated, business and industrial zoning districts would be consistent with the comprehensive plan and would be compatible with nearby uses along Ashland Road.

Zoning Proffers

The applicant offered a number zoning proffers to further regulate the RPUD district, including a conceptual plan for the RPUD, a maximum of 31 lots, age restrictions, a berm, a restriction on construction traffic thru Parkside Village, architecture and exterior building materials restrictions like Parkside Village, disclosures regarding proximity of the quarry and business uses, sidewalks on at least one side of each street, a landscape plan which includes at least one (1) ornamental tree planted in the front yard of each dwelling, dedication of right-of-way for Ashland Road, stream buffers, and a cash proffer to offset capital impacts.

The applicant offered a number zoning proffers to further regulate the B-1 and M-2 district development including a prohibition on selected objectionable uses, stream buffers, screening for outdoor storage, a commitment to turn lanes on Ashland and Johnson Roads, dedication of right-of-way for Ashland Road, height restrictions, a 90 foot building setback for the M-2 property, a buffer and Planning Commission review and approval of a conceptual plan and elevations for the M-2 and B-1 before the can be developed.

CAPITAL IMPACT MODEL

The applicant is proposing to mitigate the development's impacts on capital facilities in accordance with State law by offering a cash proffer of \$3,224 per residential unit. Using the CI Model, staff has identified the cash proffer eligible impacts as \$3,224 per age-restricted residential unit in the Eastern Service Area. The applicant has done an independent review and certified that the Study and Model have accurately identified a reasonable proffer amount to address the specifically attributable impacts from its proposed development in accordance with state law. Applicant is fully addressing the capital impacts of its proposed development.

TischlerBise
FISCAL | ECONOMIC | PLANNING

SUMMARY OF PROJECT OUTPUTS

Project Name	Eagle Market
---------------------	--------------

CAPITAL COST IMPACTS FOR DEVELOPMENT PROPOSAL

	RESIDENTIAL	NONRESIDENTIAL	TOTAL
Housing Units	31.00		31.00
Projected Population	52.08		52.08
Projected Students			
Projected Elem. School Students	0.000		0.000
Projected Mid. School Students	0.000		0.000
Projected High School Students	0.000		0.000
Projected Total Students	0.000		0.000
Nonresidential Sq. Ft.		0	0
Projected Jobs		0	0

Total for the Development Proposal

INFRASTRUCTURE CATEGORY	FULL CAPITAL IMPACT			CAPACITY TRIGGERED		
	RESIDENTIAL	NONRESIDENTIAL	TOTAL	RESIDENTIAL	NONRESIDENTIAL	TOTAL
* SCHOOLS	\$0	\$0	\$0	\$0	\$0	\$0
* PARKS AND RECREATION	\$39,645	\$0	\$39,645	\$24,254	\$0	\$24,254
* SHERIFF	\$22,117	\$0	\$22,117	\$0	\$0	\$0
* FIRE	\$44,213	\$0	\$44,213	\$44,213	\$0	\$44,213
* ANIMAL PROTECTION	\$4,806	\$0	\$4,806	\$0	\$0	\$0
* TRANSPORTATION	\$31,484	\$0	\$31,484	\$31,484	\$0	\$31,484
LIBRARIES	\$5,763	\$0	\$5,763	\$5,763	\$0	\$5,763
GEN. GOVT	\$11,214	\$0	\$11,214	\$11,214	\$0	\$11,214
COURTS	\$1,196	\$0	\$1,196	\$1,196	\$0	\$1,196
ENV. SRVCS.	\$691	\$0	\$691	\$691	\$0	\$691
GRAND TOTAL CAPITAL COSTS	\$161,129	\$0	\$161,129	\$118,815	\$0	\$118,815

*CASH PROFFER CATEGORIES	\$137,459	\$0	\$137,459	\$99,951	\$0	\$99,951
---------------------------------	------------------	------------	------------------	-----------------	------------	-----------------

* Cash proffer categories limited to public transportation facilities, public safety facilities, public school facilities, and public parks.

	FULL CAPITAL IMPACT		CAPACITY TRIGGERED	
	Residential, per unit	Nonresidential, per 1,000 sq. ft.	Residential, per unit	Nonresidential, per 1,000 sq. ft.
Average Cost Per Unit				
Grand Total Capital Costs	\$5,198	\$0	\$3,833	\$0
Cash Proffer Categories	\$4,434	\$0	\$3,224	\$0

Traffic Impact Analysis

The traffic impact study (TIA) submitted with the application noted turning movements in the study area currently not operating at an acceptable Level of Service:

- Ashland Road at Commerce Drive (Rockville Commerce Center)
- Ashland Road at Pouncey Tract Road (Hanover Co.)

In addition to the above, the TIA notes additional declines in Level of Service (LoS) for turning movements as a result of proposed traffic impacts. Several turning movements fall to LoS D, E, or F, which are not acceptable, at the following intersections.

- Ashland Road at Commerce Drive (Rockville Commerce Center)
 - Eastbound L E F a.m. (~~Old~~ LoS / New LoS)
- Ashland Road at Johnson Road
 - Westbound L C D a.m.
- Ashland Road at Pouncey Tract Road
 - Overall intersection D E p.m.

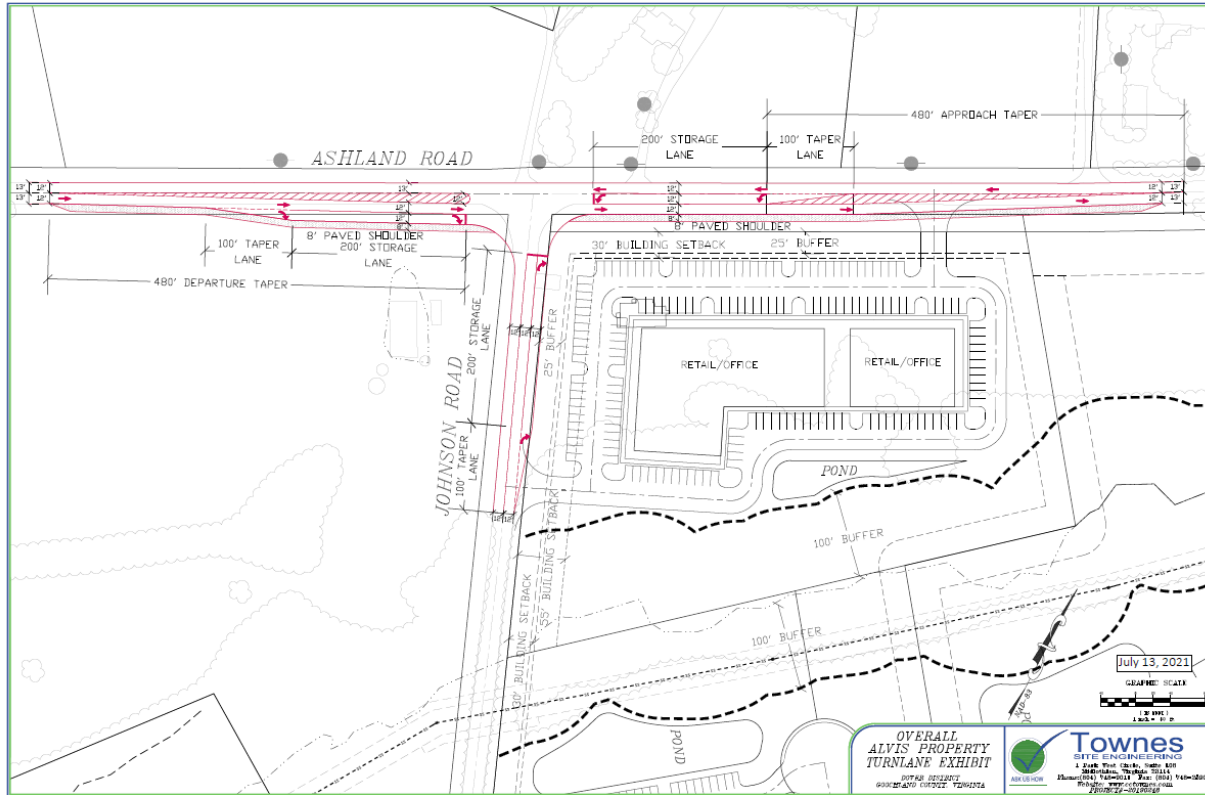
These Level of Service impacts represent increased delays for turning movements, especially left turn movements, during the a.m. and p.m. rush hours.

Proposed Traffic Improvements

- Turn lanes installed prior to first commercial /industrial certificate of occupancy:
 - Right and left turn lanes on Ashland Road at its intersection with Johnson Road.
 - Turn lane on Johnson at Ashland Rd.

- b. Dedicate forty-two foot (42') right-of-way measured from the centerline of Ashland Road along the entire frontage prior to issuance of the 1st building permit.
- c. RPUD - Cash proffer as determined by Capital Impacts Model.

Ashland Road/Johnson Road Exhibit



Planning Analysis

- Residential zoning is not consistent with Comprehensive Plan.
- Limited road improvements for Johnson Rd. with significant commercial and industrial uses
- There is no conceptual plan for the business or industrial uses.
- There is no commitment to build the commercial or industrial uses in conjunction with the residential.

REVIEW BY COUNTY AGENCIES/DEPARTMENTS	
Building	No comments received.
Fire/Rescue	Concern that Johnson Rd. cannot handle the traffic and may need to be upgraded.
Utilities	Inclusion in TCSD and connection to public utilities would be required to develop as proposed.
Schools	No comments received
Public Safety	No comments received
Environmental	Plan of development, land disturbance permit and stormwater permit will be required.
Historic / Cultural Resources	None identified
Economic Development	Supports proposal to add industrial space in the proposed area. The industrial vacancy rate in the County is 3.1%. There is only

REVIEW BY COUNTY AGENCIES/DEPARTMENTS

	<p>10,000 sq. ft. of industrial space on the market in the east end of the County, with the largest contiguous space totaling 3,500 sq. ft.</p> <p>Economic Development is actively working 28 projects, for both new and existing businesses, totaling a minimum of 68,000 sq. ft. of industrial space. Each of these active projects have unique needs in terms of their required square footage, ceiling heights, dock requirements, etc. The flexibility of the current proposal to be able to build different building types and sizes is essential to our current projects and industrial development in general.</p>
--	---

REVIEW BY STATE AGENCIES/DEPARTMENTS

Health	No comments received
VDOT	<p>Approval for SSAR Exception Request for Parkside Village Section 5 for a second connection.</p> <p>Please show that both entrances to commercial part meet access management spacing standards. It is unclear if some roads within industrial part are meant to be State maintained.</p>

TRANSPORTATION

The business zoning includes frontage on both Ashland Road and Johnson Road and proposes one point of access on each. Access to the dwellings would be provided from Aldeby Street which is within Parkside Village.

Transportation impacts are discussed in the *Traffic Impact Analysis* section of this report.

Traffic Counts

Roadway	From	To	Segment Length (Miles)	*AADT (2019)
Pouncey Tract Road	Henrico Co. line	Hanover County Line	0.53	6,600
Ashland Road	I-64	Hanover County Line	2.38	7,000
Johnson Road	Ashland Rd.	terminus	0.50	640

(VDOT Jurisdiction Report, Daily Traffic Volume Estimates, Goochland County - 2019)

Major Thoroughfare Plan (MTP)

Ashland Rd. has an existing right-of-way width of 50 ft. The Major Thoroughfare Plan identifies this portion of Ashland Road as a Minor Arterial and recommends an ultimate right-of-way width of 84 ft. Johnson Road is a Local Road with an existing right-of-way width of 50 ft.

CODE ENFORCEMENT/MAINTENANCE ISSUES

None identified by staff.

COMMUNITY MEETING

The applicant, Markel-Eagle, held an open house-style community meeting on March 29, 2021. In attendance were Board of Supervisor member Mr. Sharpe, Planning Commission members Mr. Myers and Mr. Pituck, staff, and 49 citizens. Attendees raised concerns about increased traffic, the types of industrial and commercial uses and wanting a berm in order to separate and protect the neighborhood from these uses. There were

also concerns about the neighborhood growing too large and needing amenities, such as a clubhouse.

FISCAL IMPACT

- This development, if entered in the TCSD, would represent a sizable private investment in this area and provides additional connections for the district.
- Additional fiscal information can be found in the Capital Impacts Section of this report.

ZONING PROFFERS

The applicant offers the following zoning proffers. (*Note: Proffers show blackline changes from June 1, 2021 Board meeting*):

(RPUD District)

1. Conceptual Plan. Development of the Property shall generally conform with the exhibit entitled "Alvis Prop. Parcel Exhibit" prepared by Townes Site Engineering, dated April 27, 2021, and attached hereto.

Staff Comment: Acceptable.

2. Maximum Number of lots. No more than thirty-one (31) single-family detached dwelling units shall be constructed on the Property.

Staff Comment: Acceptable.

3. Age Restriction. Except as otherwise prohibited by the Virginia Fair Housing Law, Federal Fair Housing Law, and such other applicable Federal, State, or Local legal requirements, dwellings constructed on the Property shall be restricted to "housing for older persons" "intended for, and solely occupied by at least one person fifty-five years of age or older" as defined in the Virginia Fair Housing Law. The age restriction shall comply with the Virginia Fair Housing Act (Virginia Code 39- 96.7, as amended).

Homes shall be occupied in accordance with FHA Law. No home shall be occupied by a person under the age of nineteen (19) who is living in the home as a permanent resident as opposed to a guest as detailed herein. Guests of owners, occupants, and residents under the age of nineteen {19} will be permitted for restricted periods of time as detailed in the Protective Covenants. In no instance or circumstance shall any guest under the age of nineteen {19} be permitted to use the address as an address to establish residency that would establish Goochland citizenship or entitle the guest to any Goochland County services as a result of the residency.

Staff Comment: Acceptable.

4. Architecture and Exterior Building Materials. Any dwelling constructed on the Property shall have exposed exterior walls (above finished grade and exclusive of trim or molding) of brick, stone, cementitious siding, EIFS, or a combination thereof. This shall not prevent the use of vinyl for trim or molding.

Staff Comment: Consistent with proffer for Parkside Village.

5. Disclosures. Within marketing packages, contracts, and deeds, the applicant shall disclose the following:
 - a. The location of the adjacent rock quarries and their mining, crushing, and processing of rock;
 - b. The Property is located within the TCSD and subject to its ad valorem tax; and,

- c. The zoning of adjacent parcels zoned M-2, Industrial, General and B-1, Business, General.

Staff Comment: Acceptable.

6. Sidewalks. Sidewalks shall be provided on at least one side of each street.

Staff Comment: Acceptable.

7. Landscape Plan. A landscape plan shall be submitted for review and approval with the Plan of Development and shall include at least one (1) ornamental tree planted in the front yard of each dwelling.

Staff Comment: There is no commitment to address landscaping in all open space areas.

8. Roads. All new roads shall be public roads and constructed to VDOT standards.

Staff Comment: Acceptable.

9. Ashland Road Dedication. The applicant shall dedicate, free and unrestricted to the County or its designee, a forty-two foot (42') right of way measured from the centerline of Ashland Road along the entire frontage of the property for future road improvements. The right-of-way shall be dedicated with the recordation of the subdivision plat.

Staff Comment: Acceptable.

10. Vegetative Buffer. A 100-foot buffer shall be located along each side of any perennial stream, and a 50-foot buffer shall be located along each side of any intermittent stream on the property. These buffers shall remain undisturbed, except for the establishment of roadways, driveways, and public utilities to service the property and the implementation of appropriate drainage, sedimentation, and erosion measures which may pass through the buffer in a generally perpendicular manner. Existing trees shall not be disturbed along natural stream beds and drainage swales except to remove standing dead or diseased trees. Any removal of trees shall be conducted by non-invasive and low impact methods, such as the saw cutting of trees by an arborist and the leaving of the limbs within the buffer to decompose naturally.

Staff Comment: Acceptable.

11. Cash Proffer. Per the County's adopted Capital Impact Model, the Applicant, or its assignees, shall pay \$3,224 per residential lot to the County of Goochland for public facility improvements (\$0 for public school facilities, \$1,016 for transportation facilities, \$782 for park facilities, and \$1,426 for public safety facilities). Such payment shall be made prior to the time of the issuance of any Certificate of Occupancy for each dwelling built on each of the lots. The cumulative percentage increase or decrease in the Marshall & Swift Building Cost Index for the most recently published twelve (12) months, shall be added to or, in the instance of a decrease, subtracted from the amount proffered, in the year following the rezoning, and added to or, in the case of a decrease, subtracted from the recalculated amount for each subsequent year. Cash proffer amounts, recalculated due to the index provided above, shall be effective the next year on the date of the Board's adoption of annual adjustments, or July 1, whichever comes first, for payments made through such date.

Staff Comment: Acceptable.

12. Construction Traffic. Earthmoving equipment and construction vehicles related to the clearing, grading, utility installation, and roadway construction on the Property shall access the Property from a temporary construction entrance located on Johnson Road, and shall not access the Property from Aldeby Street. This proffer shall not apply to vehicles used for homebuilding purposes.

Staff Comment: Acceptable.

13. Landscaped Berm. A series of landscaped earthen berms a minimum of four ft. (4') in height shall be provided in the area shown on the Conceptual Plan. This buffer shall be planted similar to the landscaped berm along the northern edge of Park Village Boulevard, with six (6) evergreen trees spaced ten ft. (10') on center and measuring a minimum of six ft. (6') in height at the time of planting and fifteen (15) evergreen shrubs planted in a staggered double row spaced six ft. (6') on center and measuring a minimum of two ft. (2') in height at the time of planting, per one hundred (100) linear ft.

Staff Comment: Acceptable.

14. Stormwater Management Pond. The stormwater management pond shall be designed and constructed as a wet pond. A fountain, a perimeter walking trail a minimum of four ft. (4') in width and paved with a hard surface, and a landscaped/hardscaped seating area shall be provided. The aforementioned trail shall start at the terminus of the proposed extension of Aldeby Street. The pond shall be designed and constructed to retain additional runoff from adjacent properties that naturally drains in that direction.

Staff Comment: Acceptable.

(B-1 District and M-2 District)

1. Prohibited Uses. The following principal uses and structures shall be prohibited:
- a. Junk storage;
 - b. Manufacturing, assembly, or fabrication, heavy;
 - c. Monumental stone works;
 - d. Sale, service, or rental of trucks, trailers, tractors, machinery, heavy equipment and tools;
 - e. Sand and gravel pit; quarry; mining;
 - f. Sawmill, commercial;
 - g. Truck terminal;
 - h. Adult businesses;
 - i. Club/Lodge; and,
 - j. Gun club with indoor and/or outdoor shooting range;
 - k. Funeral home;
 - l. Hotel/motel;
 - m. Theatre;
 - n. Convention Center; and,
 - o. Kenel-commercial; kennel-private.
2. Buffers.
- a. A 100-foot buffer shall be located along each side of any perennial stream, and a 50-foot buffer shall be located along each side of any intermittent stream on the property. These buffers shall remain undisturbed, except for the establishment of roadways, driveways, and public utilities to service the property and the implementation of appropriate drainage, sedimentation, and erosion measures

which may pass through the buffer in a generally perpendicular manner. Existing trees shall not be disturbed along natural stream beds and drainage swales except to remove standing dead or diseased trees. Any removal of trees shall be conducted by non-invasive and low impact methods, such as the saw cutting of trees by an arborist and the leaving of the limbs within the buffer to decompose naturally.

- b. Adjacent to any residentially-zoned property, a thirty-foot (30') buffer shall be provided and planted with a staggered double row of evergreen trees a minimum of six ft. (6') in height at the time of planting and spaced fifteen ft. (15') on center.

Staff Comment: Acceptable.

3. Outdoor Storage. Any outdoor storage shall be obscured from all public roads and adjoining properties by dense evergreen vegetation, or by an opaque, solid fence, or wall of treated wood, brick, stone, masonry, or similar solid material and construction. The screening, fencing, or enclosure must meet all applicable zoning ordinance and building code requirements and be maintained to ensure that permanent screening is provided to hide the items from view. Any outdoor storage shall be oriented toward Johnson or Ashland Roads and shall not be located adjacent to any residentially-zoned property.

Staff Comment: Acceptable.

4. Traffic Improvements.

- a. The following roadway improvements shall be constructed at the intersection of Ashland and Johnson Roads, as shown on the attached exhibit entitled "Overall Alvis Property Turnlane Exhibit", dated July 13, 2021, and prepared by Townes Site Engineering, attached hereto:
 - i. A 200' north-bound right turn lane;
 - ii. A 200' south-bound left turn lane; and,
 - iii. A 200' west-bound right turn lane.
- b. The aforementioned turn lane(s) shall be installed prior to the issuance of the first certificate of occupancy for any new structure on the Property zoned B-1 or M-2.
- c. Prior to issuance of the 1st building permit for any new structure built on the Property, the applicant shall dedicate, free and unrestricted to the County or its designee, a forty-two foot (42') right of way measured from the centerline of Ashland Road along the entire frontage of the property for future road improvements.

Staff Comment: Acceptable.

~~Cash Proffer. A cash proffer of ten thousand dollars (\$10,000) shall be paid to Goochland County prior to the approval of any Plan of Development for the Property zoned M-2, Industrial, General. This proffer shall be paid toward the future widening of Johnson Road or any other transportation-related improvement, at the sole discretion of Goochland County.~~

~~Tuckahoe Creek Service District. No building permit shall be issued until the Property is accepted into the Tuckahoe Creek Service District.~~

5. Maximum Building Height. No building on the Property shall exceed forty-five (45) feet in height.

Staff Comment: Acceptable.

6. Minimum Building Setback. On the property zoned M-2, there shall be a minimum building setback of ninety (90) feet adjacent to any residentially zoned Property.

Staff Comment: Acceptable.

7. Planning Commission Review. Prior to the issuance of any Plan of Development, a conceptual site plan shall be reviewed and approved by the Planning Commission. Prior to the issuance of any Building Permit for any newly constructed building on the Property, conceptual architectural elevations shall be reviewed and approved by the Planning Commission.

Staff Comment: Acceptable.

PLANNING COMMISSION RECOMMENDATION / VOTE:

At their May 6, 2021 public meeting, the Planning Commission recommended approval of the application on a 4-1 vote. Mr. voted against the recommendation for approval. No one from the public spoke at the meeting.

RECEIVED
MAY 24 2021

BY:

RECEIVED
JUL 14 2021BY: AB

APPLICATION

MARKel - Eagle Advisors

Attachment: RZ-2021-00004 - Application [Revision 1] (4009 : District 4 - RZ-2021-00004 - ME PV4 LLC)

APPLICATION FOR RECLASSIFICATION OF PROPERTY UNDER THE ZONING ORDINANCE COUNTY OF GOOCHLAND, VIRGINIA

Planning and Zoning Office
P.O. Box 103

Goochland, VA 23063

Phone: (804) 556-5863

Web: www.co.goochland.va.us

FAX: (804) 556-5654

Office Use Only		
Application File Date: <u>MARCH 31, 2021</u>	Fee paid: \$ <u>3600.00</u>	Application No.: RZ- <u>2021-00004</u>
Planning Commission: <u>5-6-2021</u> Board of Supervisors: _____	Receipt No.: <u>123812</u> <u>124240</u>	Pre-Application: <u>2021-00012</u>

Name of Applicant(s):

ME PV4 LLC

Address:

10618 Patterson Avenue

Henrico, VA 23238

Phone #: (804) 741-4663

Name of Representative:

Richard Core, Jr. / Nathalie Croft

Address:

10618 Patterson Avenue

Henrico, VA 23238

Phone #: (804) 741-4663

Property Owner: Alvis Properties LLC and ME PV4 LLC

Disclosure of Real Parties in Interest. Provide completed disclosure form(s)

Location:

See attached addendum

Parcel No.(s)

See attached addendum

GPIN # See attached addendum

Number of By-Right Cut _____

Account #: see attached addendum

District: Dover

Public Road Access: Ashland Rd, Johnson Rd,
and Aldeby St.

Deed Book Reference: _____

Plat Book Reference: _____

Property in Land Use: Yes / No ***Partial

Acreage: 41.334 acres

Attach Plat: _____

Owner/Lessee:

Alvis Properties LLC and ME PV4 LLC

Are there any deed restrictions? Yes / No If yes, attach copy of deed restrictions. ***Partial

Has a soil study been done for this property? Yes / No If yes, please attach copy of soil survey.

Are there any historical sites or structures on the property? Yes No If yes, provide details.

1. The applicant requests that the property described above, now classified RPUD and A-2, be reclassified to RPUD, M-2, and B-1. Relate here the reasons for requesting the reclassification.

To construct 31 age-restricted single-family detached homes, and commercial and industrial uses

2. Describe briefly the proposed use of the property.

Twenty acres would be constructed with 31 age-restricted, single-family detached homes as an extension of Parkside Village. Approximately 5.7 acres would be constructed with B-1 uses, and approximately 15.2 acres would be constructed with limited M-2 uses.

3. Describe briefly the improvements proposed. State whether new buildings or structures are to be constructed, existing buildings or structures are to be used or additions made to existing buildings or structures. Give dimensions of the buildings that are to be constructed and the dimensions of any existing buildings on the property. (Conceptual plan required)

The newly constructed detached homes would be consistent with the existing homes in Parkside Village.

The proposed B-1 district would contain approx 35,000 square feet of new construction, and the M-2 district would contain approx 109,000 square feet of new construction.

4. Describe the reason for the requested change.

The proposed B-1 and M-2 districts are proposed in order to align the properties' zoning districts with the recommendation of the County's Comprehensive Plan and to permit the development of those uses. The RPUD zoning district would allow for the extension of Aldeby Street and the construction of new dwellings within the remaining land outside of the quarry buffer. The concept plan provides for a wide buffer than would otherwise be required between the residential and non-residential uses, and the proffers restrict some of the more intense industrial uses that might otherwise be permitted against the existing neighborhood

5. Describe the effects of this reclassification on adjacent property and the surrounding neighborhood.

The proposed B-1 and M-2 uses are compatible with the surrounding uses along Johnson and Ashland Roads, and are consistent with the Comprehensive Plan. The RPUD district serves as an extension of the existing neighborhood, and is more compatible with the adjacent homes than industrial/commercial uses.

6. Why does the applicant believe that this requested change will be advantageous to the County? (Please substantiate with facts).

The proposal would protect the established neighborhood by creating a larger separation between the residential and non-residential uses. The proposal also would establish the necessary zoning districts (B-2 and M-2) for the uses recommended in the County's Comprehensive Plan.

7. Explain the present unavailability of land in the community or adjacent communities zoned to permit proper location of the proposed use.

The portion requested to be zoned RPUD is the only remaining land outside of the quarry buffer between Ashland and Johnson Roads and the existing Parkside Village neighborhood. Much of the remaining land in the northeast quadrant of the County is currently zoned A-2, which does not permit the uses recommended in the "Flexible" designation in the Comprehensive Plan.

PLEASE PROVIDE THE FOLLOWING INFORMATION:

1. The present zoning classification and use of the subject property. A-2 (existing single-family dwelling) and RPUD (common area within Parkside Village Section 4)
2. The planned use designation of the property and adjacent land as contained in the Comprehensive Plan : Flexible and Suburban Residential
3. Proposed open space area or proposed community and public facilities.
Within the proposed RPUD, 5.0 acres of open space are required, and 7.51 acres are proposed.
4. Planned Used for Development:
 - a) Single-Family Conventional Residential 20.185 acres
 Number of Lots: 31 Minimum Lot Size 8,750 sq. ft.
 Open Space/Common Area +/- 7.51 acres Floodplain on property none
 - b) Commercial 5.960 acres
 Square footage of building(s) Approx 35,000 sq. ft. Parking Required varies per use
 - c) Industrial 15.189 acres
 Number of Lots: TBD Minimum Lot Size TBD
 Square footage of building(s) Approx 109,000 sq. ft. Parking Required varies per use
 - d) Other _____
5. Proposed property within an Overlay District. _____
6. What type of screening/buffering along the Right-of-Way: per ordinance
 Submit landscape plan with application: Yes / No
7. Utilities: (a) Water: Public x Individual Well _____
 (b) Sewer: Public x Septic Tank _____
8. Has the property been timbered? Yes/No If yes, what year was it timbered? _____
9. Road Ownership and Maintenance: (a) Public x (b) Private _____
10. What public road access and access management category:
 Route 623 Access Classification: 1 2 3 4 5 6 Non Classified Roadway
11. Any community meetings held with adjoining property owners: Yes If so, date of meeting(s) 3/29/2021

Parkside Village / Alvis Property rezoning application

Address	GPIN	Parcel	Account Number
2237 Johnson Road	part of 7728-90-8739	part of 48-5-0-1-0	4457
0 Johnson Road	7738-00-3492	48-1-0-55-A	4456
Aldeby Street	part of 7738-10-0306	part of 48-17-4-F-0	20602
Aldeby Street	part of 7738-01-6047	part of 48-17-4-G-0	20603

**Requirement and Instructions for Filing Application
for Reclassification of Property**

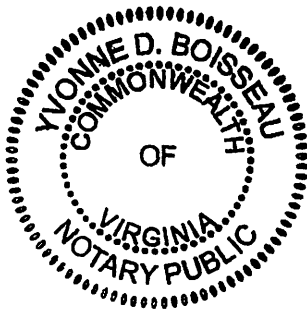
The following shall be filled out completely and submitted by the Applicant:

1. The **Application Form** must be filed out completely with full answers to every statement and question. The Application may be signed by an agent or attorney or by the lessee, owner, or owners before a Notary Public in the space provided on Page 7.
2. Furnish a complete Conceptual Plan for rezoning. This plan shall consist of the following checklist:
 - ◆ ☒ Plot plan or survey plat showing the dimensions of the property to be rezoned drawn to an appropriate scale.
 - ◆ ☒ Location and dimensions of existing structures, right-of-ways, easements boundaries, water courses and lakes.
 - ◆ ☒ Location and dimensions of proposed development including structures, types of uses, access drives, setbacks, easements, etc.
 - ◆ ☒ Location and dimensions of proposed recreational areas and buffer zones, if required.
 - ◆ ☒ Location and size of water, sewer and drainage facilities, if required. Soil information for those developments or septic tank drainfields.
 - ◆ ☒ In the case of residential developments – proposed number of dwelling units and net acres available for building.
 - ◆ ☒ In the case of commercial, industrial and institutional developments – proposed off street parking and loading areas, signage, outdoor lighting and buffers and screening.
 - ◆ ☒ Topographic maps for commercial and industrial and residential developments on lots less than two acres.
 - ◆ ☒ Traffic impact studies may be required based on Access Management Requirements.
3. The **Application Fee** required as per Section 15.2 - 2204 Code of Virginia (1950, as amended) is based on an adopted fee schedule which is attached to this application. This fee must be paid at the time of filing the Application. This fee only partially covers the extra cost to the County of investigating and processing the Application through its various stages. Make checks payable to **"County of Goochland"**.

STATE OF VIRGINIA) TO WIT
COUNTY OF GOOCHLAND)
Henrico

I, Richard E. Core, Jr., being duly sworn, depose and say that I am Lessee/Owner of the Property involved in the application. If I am not the Lessee/Owner, I will produce a copy of a contract to purchase the property or I will present written certification from the owner granting me the right to submit this application. I further declare that I have familiarized myself with the rules and regulations pertaining to preparing the filing this application and that the foregoing statements and answers provided herein are in all respects true and correct to the best of my knowledge and belief.

I have read this application, understand its intent, and freely consent to its filing. Furthermore, I have the power to authorize and hereby grant permission to Goochland County officials and other authorized government agents on official business to enter the property as necessary to process this application. I hereby agree to have a sign placed on my property, notifying the public of my application.



Richard E. Core, Jr. / 3-31-2021
Signature of Applicant Date

10618 Patterson Avenue
Henrico, VA 23238
Mailing Address of Applicant

Subscribed and sworn to before me this 31st day of March, 20 21.

My Commission Expires: 2/28/2023

Req. # 148498

Yvonne D. Boisseau
Notary Public

Richard E. Core, Jr. / 3-31-2021
Signature of Property Owner Date

Phone No. (804) 741-4663

10618 Patterson Avenue, Henrico, VA 23238
Mailing Address of Property Owner

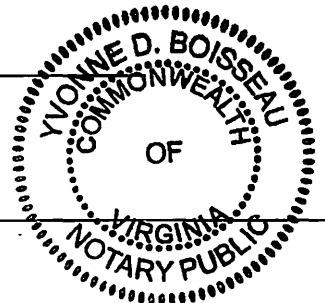
Subscribed and sworn to before me this 31st day of March, 20 21.

2/28/2023

My Commission Expires

Req. # 148498

Yvonne D. Boisseau
Notary Public



STATE OF VIRGINIA) TO WIT
COUNTY OF ~~GOOCHLAND~~)
Henrico

I, Richard E. Core, Jr., being duly sworn, depose and say that I am Lessee/Owner of the Property involved in the application. If I am not the Lessee/Owner, I will produce a copy of a contract to purchase the property or I will present written certification from the owner granting me the right to submit this application. I further declare that I have familiarized myself with the rules and regulations pertaining to preparing the filing this application and that the foregoing statements and answers provided herein are in all respects true and correct to the best of my knowledge and belief.

I have read this application, understand its intent, and freely consent to its filing. Furthermore, I have the power to authorize and hereby grant permission to Goochland County officials and other authorized government agents on official business to enter the property as necessary to process this application. I hereby agree to have a sign placed on my property, notifying the public of my application.



[Signature] / 3-31-2021
Signature of Applicant Date

10618 Patterson Avenue
Henrico, VA 23238
Mailing Address of Applicant

Subscribed and sworn to before me this 31st day of March 2021.

My Commission Expires: 2/28/2023
Reg. # 148498

[Signature]
Notary Public

George H. Alois, Jr. 3-31-2021
Signature of Property Owner Date

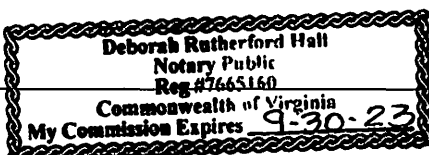
Phone No. 804-784-5839

1700 Alois Rd MANAKIA-SABOT
Mailing Address of Property Owner VA. 23103

Subscribed and sworn to before me this 31st day of March, 2021.

9-30-2023
My Commission Expires

[Signature]
Notary Public



STATEMENT OF PROFFER

CASE NO. _____

Alvis Properties, LLC, owner of Tax Map Parcel(s)
48-5-0-1-A (formerly 48-5-0-1-0 and 48-1-0-55-A), hereby voluntarily proffer that, in the event
 that the subject property is rezoned from A-2 to RPD, B-1, M-2, the development and
 use of the property will be subject to the following conditions:

These proffers are being submitted prior to the Board of Supervisors public hearing on this request. \

George Alvis, Jr. 7-13-2021
 Owner of Record – Signature Date

COMMONWEALTH OF VIRGINIA
 STATE AT-LEASE, to wit:

I, Deborah Ruthford Hall, a Notary Public for the State of Virginia, At –
 Large, do certify that George Alvis Jr whose name is
 signed to the above, bearing date on 13th day of July 20 21,
 Has acknowledged the same before me in my State aforesaid.

Given under my hand this 13th day of July, 20 21.

My Commission Expires: 9-30-2023

Deborah Ruthford Hall
 Notary Public (Seal)
 Deborah Ruthford Hall
 Notary Public
 Reg #7665160
 Commonwealth of Virginia
 My Commission Expires 9-30-2023

Proffers – RZ-2021-00004**May 4, 2021**

The following proffers shall be applicable to the property zoned RPUD, Residential Planned Unit Development.

1. **Conceptual Plan.** Development of the Property shall generally conform with the exhibit entitled “Alvis Prop. Parcel Exhibit” prepared by Townes Site Engineering, dated April 27, 2021, and attached hereto.
2. **Maximum Number of Lots.** No more than thirty-one (31) single-family detached dwelling units shall be constructed on the Property.
3. **Age Restriction.** Except as otherwise prohibited by the Virginia Fair Housing Law, Federal Fair Housing Law, and such other applicable Federal, State, or Local legal requirements, dwellings constructed on the Property shall be restricted to “housing for older persons” “intended for, and solely occupied by at least one person fifty-five years of age or older” as defined in the Virginia Fair Housing Law. The age restriction shall comply with the Virginia Fair Housing Act (Virginia Code 39-96.7, as amended).

Homes shall be occupied in accordance with FHA Law. No home shall be occupied by a person under the age of nineteen (19) who is living in the home as a permanent resident as opposed to a guest as detailed herein. Guests of owners, occupants and residents under the age of nineteen (19) will be permitted for restricted periods of time as detailed in the Protective Covenants. In no instance or circumstance shall any guest under the age of nineteen (19) be permitted to use the address as an address to establish residency that would establish Goochland citizenship or entitle the guest to any Goochland County services as a result of the residency.

4. **Architecture and Exterior Building Materials.** Any dwelling constructed on the Property shall have exposed exterior walls (above finished grade and exclusive of trim or molding) of brick, stone, cementitious siding, EIFS, or a combination thereof. This shall not prevent the use of vinyl for trim or molding.
5. **Disclosures.** Within marketing packages, contracts, and deeds, the applicant shall disclose the following:
 - a. The location of the adjacent rock quarries and their mining, crushing, and processing of rock;
 - b. The Property is located within the Tuckahoe Creek Service District and subject to its ad valorem tax; and,
 - c. The zoning of adjacent parcels zoned M-2, Industrial, General and B-1, Business, General.
6. **Sidewalks.** Sidewalks shall be provided on at least one side of each street.
7. **Landscape Plan.** A landscape plan shall be submitted for review and approval with the Plan of Development and shall include at least one (1) ornamental tree planted in the front yard of each dwelling.
8. **Roads.** All new roads shall be public roads and constructed to VDOT standards.

9. **Ashland Road Dedication.** The applicant shall dedicate, free and unrestricted to the County or its designee, a forty-two foot (42') right of way measured from the centerline of Ashland Road along the entire frontage of the property for future road improvements. The right-of-way shall be dedicated with the recordation of the subdivision plat.
10. **Vegetative Buffer.** A 100-foot buffer shall be located along each side of any perennial stream, and a 50-foot buffer shall be located along each side of any intermittent stream on the property. These buffers shall remain undisturbed, except for the establishment of roadways, driveways, and public utilities to service the property and the implementation of appropriate drainage, sedimentation, and erosion measures which may pass through the buffer in a generally perpendicular manner. Existing trees shall not be disturbed along natural stream beds and drainage swales except to remove standing dead or diseased trees. Any removal of trees shall be conducted by non-invasive and low impact methods, such as the saw cutting of trees by an arborist and the leaving of the limbs within the buffer to decompose naturally.
11. **Cash Proffer.** Per the County's adopted Capital Impact Model, the Applicant, or its assignees, shall pay \$3,224 per residential lot to the County of Goochland for public facility improvements (\$0 for public school facilities, \$1,016 for transportation facilities, \$782 for park facilities, and \$1,426 for public safety facilities). Such payment shall be made prior to the time of the issuance of any Certificate of Occupancy for each dwelling built on each of the lots. The cumulative percentage increase or decrease in the Marshall & Swift Building Cost Index for the most recently published twelve (12) months, shall be added to or, in the instance of a decrease, subtracted from the amount proffered, in the year following the rezoning, and added to or, in the case of a decrease, subtracted from the recalculated amount for each subsequent year. Cash proffer amounts, recalculated due to the index provided above, shall be effective the next year on the date of the Board's adoption of annual adjustments, or July 1, whichever comes first, for payments made through such date.
12. **Construction Traffic.** Earthmoving equipment and construction vehicles related to the clearing, grading, utility installation, and roadway construction on the Property shall access the Property from a temporary construction entrance located on Johnson Road, and shall not access the Property from Aldeby Street. This proffer shall not apply to vehicles used for homebuilding purposes.
13. **Landscaped Berm.** A series of landscaped earthen berms a minimum of four feet (4') in height shall be provided in the area shown on the Conceptual Plan. This buffer shall be planted similar to the landscaped berm along the northern edge of Park Village Boulevard, with six (6) evergreen trees spaced ten feet (10') on center and measuring a minimum of six feet (6') in height at the time of planting and fifteen (15) evergreen shrubs planted in a staggered double row spaced six feet (6') on center and measuring a minimum of two feet (2') in height at the time of planting, per one hundred (100) linear feet.
14. **Stormwater Management Pond.** The stormwater management pond shall be designed and constructed as a wet pond. A fountain, a perimeter walking trail a minimum of four feet (4') in width and paved with a hard surface, and a landscaped/hardscaped seating area shall be provided. The aforementioned trail shall start at the terminus of the proposed extension of Aldeby Street. The pond shall be designed and constructed to retain additional runoff from adjacent properties that naturally drains in that direction.

RECEIVED
JUL 14 2021

Proffers – RZ-2021-00004
July 14, 2021

BY:

The following proffers shall be applicable to the property zoned B-1, Business, General and M-2, Industrial, General.

1. **Prohibited Uses.** The following principal uses and structures shall be prohibited:
 - a. Junk storage;
 - b. Manufacturing, assembly, or fabrication, heavy;
 - c. Monumental stone works;
 - d. Sale, service, or rental of trucks, trailers, tractors, machinery, heavy equipment and tools;
 - e. Sand and gravel pit; quarry; mining;
 - f. Sawmill, commercial;
 - g. Truck terminal;
 - h. Adult businesses;
 - i. Club/Lodge;
 - j. Gun club with indoor and/or outdoor shooting range;
 - k. Funeral home;
 - l. Hotel/motel;
 - m. Theatre;
 - n. Convention Center; and,
 - o. Kennel-commercial; kennel-private.
2. **Buffers.**
 - a. A 100-foot buffer shall be located along each side of any perennial stream, and a 50-foot buffer shall be located along each side of any intermittent stream on the property. These buffers shall remain undisturbed, except for the establishment of roadways, driveways, and public utilities to service the property and the implementation of appropriate drainage, sedimentation, and erosion measures which may pass through the buffer in a generally perpendicular manner. Existing trees shall not be disturbed along natural stream beds and drainage swales except to remove standing dead or diseased trees. Any removal of trees shall be conducted by non-invasive and low impact methods, such as the saw cutting of trees by an arborist and the leaving of the limbs within the buffer to decompose naturally.
 - b. Adjacent to any residentially-zoned property, a thirty-foot (30') buffer shall be provided and planted with a staggered double row of evergreen trees a minimum of six feet (6') in height at the time of planting and spaced fifteen feet (15') on center.
3. **Outdoor Storage.** Any outdoor storage shall be obscured from all public roads and adjoining properties by dense evergreen vegetation, or by an opaque, solid fence, or wall of treated wood, brick, stone, masonry, or similar solid material and construction. The screening, fencing, or enclosure must meet all applicable zoning ordinance and building code requirements, and be maintained to ensure that permanent screening is provided to hide the items from view. Any outdoor storage shall be oriented toward Johnson or Ashland Roads and shall not be located adjacent to any residentially-zoned property.

Attachment: RZ-2021-00004 - Application [Revision 1] (4009 : District 4 - RZ-2021-00004 - ME PV4 LLC)

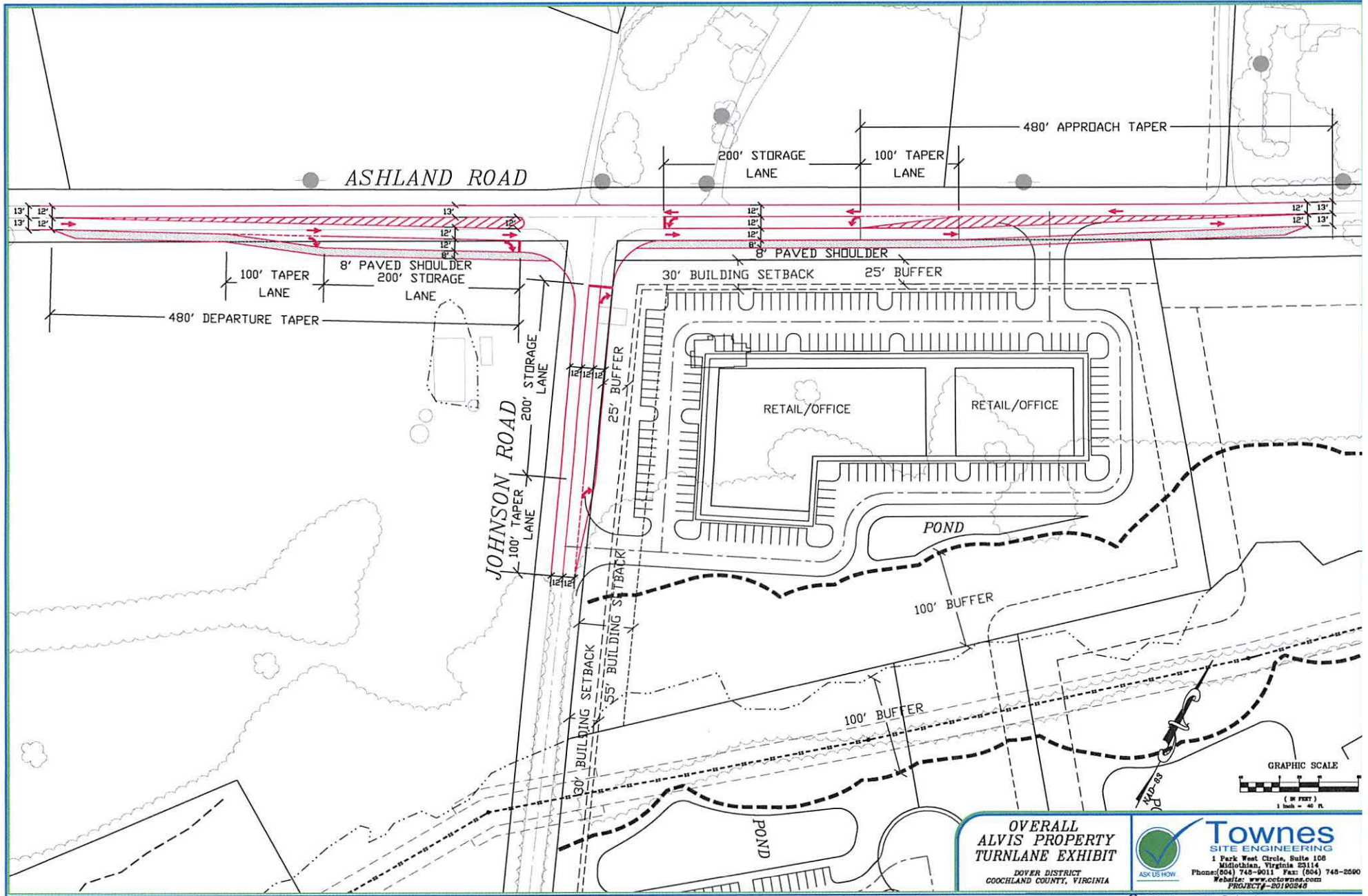
4. **Traffic Improvements.**

- a. The following roadway improvements shall be constructed at the intersection of Ashland and Johnson Roads, as shown on the attached exhibit entitled "Overall Alvis Property Turnlane Exhibit", dated July 13, 2021, and prepared by Townes Site Engineering, attached hereto.
 - i. A 200' north-bound right turn lane;
 - ii. A 200' south-bound left turn lane; and,
 - iii. A 200' west-bound right turn lane.
- b. The aforementioned turn lane(s) shall be installed prior to the issuance of the first certificate of occupancy for any new structure on the Property zoned B-1 or M-2.
- c. Prior to issuance of the 1st building permit for any new structure built on the Property, the applicant shall dedicate, free and unrestricted to the County or its designee, a forty-two foot (42') right of way measured from the centerline of Ashland Road along the entire frontage of the property for future road improvements.

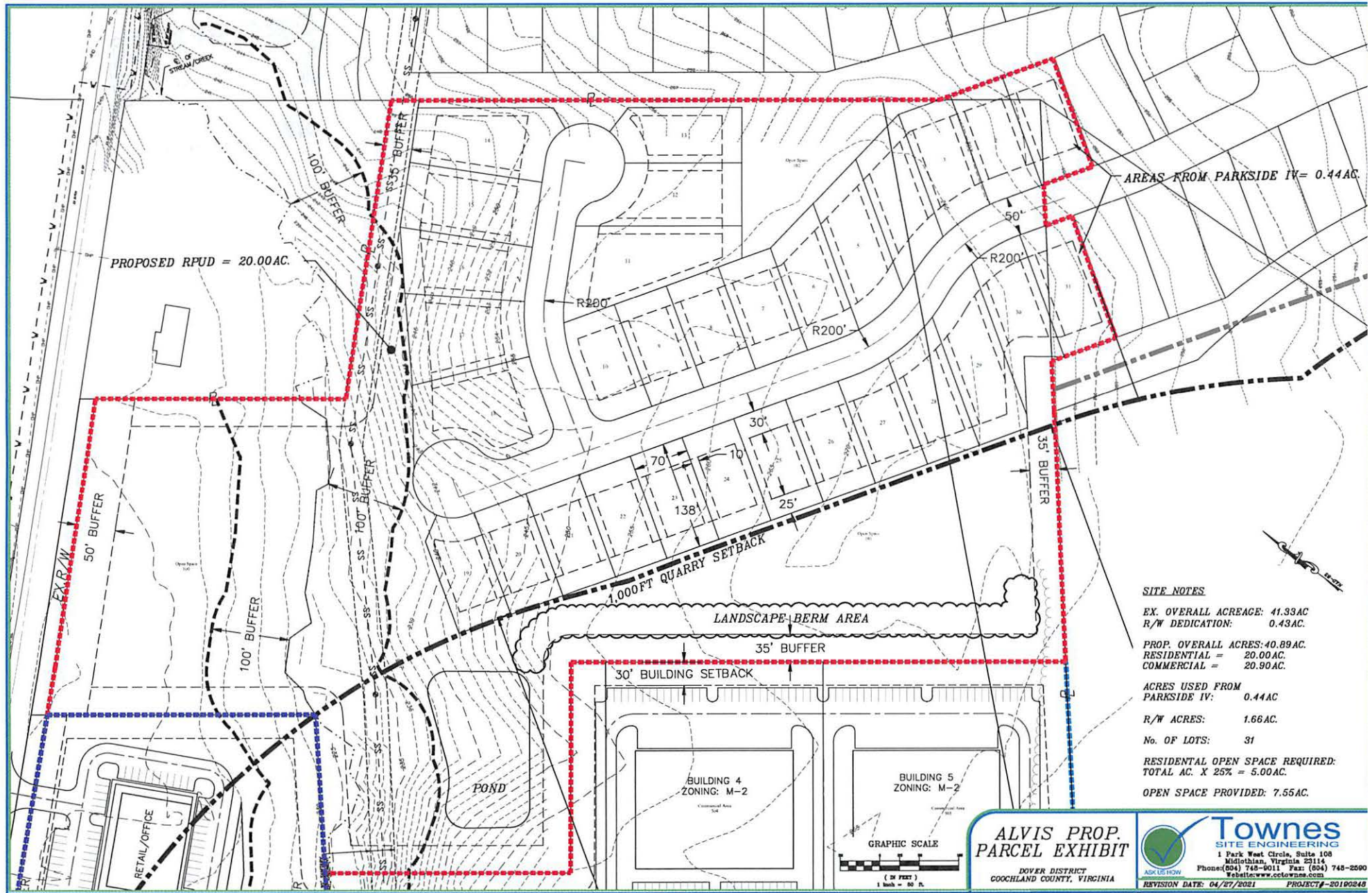
5. **Maximum Building Height.** No building on the Property shall exceed forty-five (45) feet in height.

6. **Minimum Building Setback.** On the property zoned M-2, there shall be a minimum building setback of ninety (90) feet adjacent to any residentially zoned Property.

7. **Planning Commission Review.** Prior to the issuance of any Plan of Development, a conceptual site plan shall be reviewed and approved by the Planning Commission. Prior to the issuance of any Building Permit for any newly constructed building on the Property, conceptual architectural elevations shall be reviewed and approved by the Planning Commission.



This drawing and the design shown is the property of Townes Site Engineering the reproduction, copying, or other use of this drawing without their written consent is prohibited and any infringement will be subject to legal action. © 2021 Townes Site Engineering



This drawing and the design shown is the property of Townes Site Engineering the reproduction, copying, or other use of this drawing without their written consent is prohibited and any infringement will be subject to legal action. © 2021 Townes Site Engineering

Proffers – RZ-2021-00004

July 14, 2021

The following proffers shall be applicable to the property zoned B-1, Business, General and M-2, Industrial, General.

1. **Prohibited Uses.** The following principal uses and structures shall be prohibited:
 - a. Junk storage;
 - b. Manufacturing, assembly, or fabrication, heavy;
 - c. Monumental stone works;
 - d. Sale, service, or rental of trucks, trailers, tractors, machinery, heavy equipment and tools;
 - e. Sand and gravel pit; quarry; mining;
 - f. Sawmill, commercial;
 - g. Truck terminal;
 - h. Adult businesses;
 - i. Club/Lodge; ~~and,~~
 - j. Gun club with indoor and/or outdoor shooting range;
 - k. Funeral home;
 - l. Hotel/motel;
 - m. Theatre;
 - n. Convention Center; and,
 - o. Kennel-commercial; kennel-private.
2. **Buffers.**
 - a. A 100-foot buffer shall be located along each side of any perennial stream, and a 50-foot buffer shall be located along each side of any intermittent stream on the property. These buffers shall remain undisturbed, except for the establishment of roadways, driveways, and public utilities to service the property and the implementation of appropriate drainage, sedimentation, and erosion measures which may pass through the buffer in a generally perpendicular manner. Existing trees shall not be disturbed along natural stream beds and drainage swales except to remove standing dead or diseased trees. Any removal of trees shall be conducted by non-invasive and low impact methods, such as the saw cutting of trees by an arborist and the leaving of the limbs within the buffer to decompose naturally.
 - b. Adjacent to any residentially-zoned property, a thirty-foot (30') buffer shall be provided and planted with a staggered double row of evergreen trees a minimum of six feet (6') in height at the time of planting and spaced fifteen feet (15') on center.
3. **Outdoor Storage.** Any outdoor storage shall be obscured from all public roads and adjoining properties by dense evergreen vegetation, or by an opaque, solid fence, or wall of treated wood, brick, stone, masonry, or similar solid material and construction. The screening, fencing, or enclosure must meet all applicable zoning ordinance and building code requirements, and be maintained to ensure that permanent screening is provided to hide the items from view. Any outdoor storage shall be oriented toward Johnson or Ashland Roads and shall not be located adjacent to any residentially-zoned property.

4. **Traffic Improvements.**

- a. The following roadway improvements shall be constructed at the intersection of Ashland and Johnson Roads, as shown on the attached exhibit entitled "Overall Alvis Property Turnlane Exhibit", dated July 13, 2021, and prepared by Townes Site Engineering, attached hereto.
 - i. A 200' north-bound right turn lane;
 - ii. A 200' south-bound left turn lane; and,
 - iii. A 200' west-bound right turn lane.
- b. The aforementioned turn lane(s) shall be installed prior to the issuance of the first certificate of occupancy for any new structure on the Property zoned B-1 or M-2.
- c. Prior to issuance of the 1st building permit for any new structure built on the Property, the applicant shall dedicate, free and unrestricted to the County or its designee, a forty-two foot (42') right of way measured from the centerline of Ashland Road along the entire frontage of the property for future road improvements.

5. ~~**Cash Proffer.** A cash proffer of ten thousand dollars (\$10,000) shall be paid to Goochland County prior to the approval of any Plan of Development for the Property zoned M-2, Industrial, General. This proffer shall be paid toward the future widening of Johnson Road or any other transportation-related improvement, at the sole discretion of Goochland County.~~

6. ~~**Tuckahoe Creek Service District.** No building permit shall be issued until the Property is accepted into the Tuckahoe Creek Service District.~~

5. **Maximum Building Height.** No building on the Property shall exceed forty-five (45) feet in height.

6. **Minimum Building Setback.** On the property zoned M-2, there shall be a minimum building setback of ninety (90) feet adjacent to any residentially zoned Property.

7. **Planning Commission Review.** Prior to the issuance of any Plan of Development, a conceptual site plan shall be reviewed and approved by the Planning Commission. Prior to the issuance of any Building Permit for any newly constructed building on the Property, conceptual architectural elevations shall be reviewed and approved by the Planning Commission.

Proffers – RZ-2021-00004
July 14, 2021

The following proffers shall be applicable to the property zoned B-1, Business, General and M-2, Industrial, General.

1. **Prohibited Uses.** The following principal uses and structures shall be prohibited:
 - a. Junk storage;
 - b. Manufacturing, assembly, or fabrication, heavy;
 - c. Monumental stone works;
 - d. Sale, service, or rental of trucks, trailers, tractors, machinery, heavy equipment and tools;
 - e. Sand and gravel pit; quarry; mining;
 - f. Sawmill, commercial;
 - g. Truck terminal;
 - h. Adult businesses;
 - i. Club/Lodge;
 - j. Gun club with indoor and/or outdoor shooting range;
 - k. Funeral home;
 - l. Hotel/motel;
 - m. Theatre;
 - n. Convention Center; and,
 - o. Kennel-commercial; kennel-private.
2. **Buffers.**
 - a. A 100-foot buffer shall be located along each side of any perennial stream, and a 50-foot buffer shall be located along each side of any intermittent stream on the property. These buffers shall remain undisturbed, except for the establishment of roadways, driveways, and public utilities to service the property and the implementation of appropriate drainage, sedimentation, and erosion measures which may pass through the buffer in a generally perpendicular manner. Existing trees shall not be disturbed along natural stream beds and drainage swales except to remove standing dead or diseased trees. Any removal of trees shall be conducted by non-invasive and low impact methods, such as the saw cutting of trees by an arborist and the leaving of the limbs within the buffer to decompose naturally.
 - b. Adjacent to any residentially-zoned property, a thirty-foot (30') buffer shall be provided and planted with a staggered double row of evergreen trees a minimum of six feet (6') in height at the time of planting and spaced fifteen feet (15') on center.
3. **Outdoor Storage.** Any outdoor storage shall be obscured from all public roads and adjoining properties by dense evergreen vegetation, or by an opaque, solid fence, or wall of treated wood, brick, stone, masonry, or similar solid material and construction. The screening, fencing, or enclosure must meet all applicable zoning ordinance and building code requirements, and be maintained to ensure that permanent screening is provided to hide the items from view. Any outdoor storage shall be oriented toward Johnson or Ashland Roads and shall not be located adjacent to any residentially-zoned property.

4. **Traffic Improvements.**

- a. The following roadway improvements shall be constructed at the intersection of Ashland and Johnson Roads, as shown on the attached exhibit entitled "Overall Alvis Property Turnlane Exhibit", dated July 13, 2021, and prepared by Townes Site Engineering, attached hereto.
 - i. A 200' north-bound right turn lane;
 - ii. A 200' south-bound left turn lane; and,
 - iii. A 200' west-bound right turn lane.
- b. The aforementioned turn lane(s) shall be installed prior to the issuance of the first certificate of occupancy for any new structure on the Property zoned B-1 or M-2.
- c. Prior to issuance of the 1st building permit for any new structure built on the Property, the applicant shall dedicate, free and unrestricted to the County or its designee, a forty-two foot (42') right of way measured from the centerline of Ashland Road along the entire frontage of the property for future road improvements.

5. **Maximum Building Height.** No building on the Property shall exceed forty-five (45) feet in height.

6. **Minimum Building Setback.** On the property zoned M-2, there shall be a minimum building setback of ninety (90) feet adjacent to any residentially zoned Property.

7. **Planning Commission Review.** Prior to the issuance of any Plan of Development, a conceptual site plan shall be reviewed and approved by the Planning Commission. Prior to the issuance of any Building Permit for any newly constructed building on the Property, conceptual architectural elevations shall be reviewed and approved by the Planning Commission.



Board of Supervisors

1800 Sandy Hook Road
Goochland, VA 23063

Category: Ordinance Amendment NOT Appendix A or B

Meeting: 08/03/21 02:00 PM

Department: Public Utilities

Prepared By: Matt Longshore

Department Head: Matt Longshore

SCHEDULED ORDINANCE

(ID # 4072)

14.7

**ORDINANCE AMENDING COUNTY CODE SECTION 14-251
(TUCKAHOE CREEK SERVICE DISTRICT) TO INCLUDE WITHIN
THE SERVICE DISTRICT A PARCEL LOCATED AT THE
INTERSECTION OF JOHNSON ROAD AND ASHLAND ROAD
IDENTIFIED AS TAX MAP NO. 48-5-0-1-A**

Strat Goal 1	Efficient, effective, and transparent government; emphasis on customer service excellence	X
Strat Goal 2	Balanced development that contributes to the welfare of the community and preserves its rural character	X
Strat Goal 3	Excellence in Financial Management	X
Strat Goal 4	High Quality Core Services including Education, Public Safety, and Community Health	
Strat Goal 5	Positive Work Environment with a Highly Qualified, Diverse Workforce	

Board Action Requested

The Board is requested to hold a public hearing to consider an ordinance amending Goochland County Code Section 14-251 to add Tax Map No. 48-5-0-1-A into the Tuckahoe Creek Service District.

Summary of Information

The County received an application from ME PV4, LLC requesting that Tax Map No. 48-5-0-1-A, consisting of 40.897 acres of land at the intersection of Johnson Road and Ashland Road, be included in the Tuckahoe Creek Service District in order to obtain access to public water and sewer infrastructure. This parcel is located within the existing boundaries of the Tuckahoe Creek Service District. This property is currently zoned A-2 (Agricultural, Limited); however, the applicant proposes to rezone the property with the intention of extending the Parkside Village subdivision with 31 additional residential lots along with a commercial/industrial use for a portion of the property.

Attached is the Application to enter the TCSD as well as a map depicting the parcel location.

Draft Motion

I move that the Board (adopt / adopt as amended/ deny /defer to *date*) this ordinance amending Goochland County Code Section 14-251 to add this parcel into the Tuckahoe Creek Service District.


Jo Ann Hunter, Deputy County Administrator 7/14/2021

Ordinance

ATTACHMENTS:

- Parcel Location Map (PDF)
- Application for Addition to TCSD_48-5-0-1-A (PDF)

Meeting of August 3, 2021

✓ Vote Record - Ordinance 4072						
<input type="checkbox"/> Adopted <input type="checkbox"/> Adopted as Amended <input type="checkbox"/> Defeated <input type="checkbox"/> Tabled <input type="checkbox"/> Withdrawn <input type="checkbox"/> Meeting Cancelled <input type="checkbox"/> Deferred <input type="checkbox"/> Denied <input type="checkbox"/> Approved <input type="checkbox"/> Consensus of the Board <input type="checkbox"/> Tabled by Consensus <input type="checkbox"/> Approved as Amended <input type="checkbox"/> Referred <input type="checkbox"/> Public Hearing Held			Yes/Aye	No/Nay	Abstain	Absent
	Susan Lascolette		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Ken Peterson		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	John Lumpkins		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Neil Spoonhower		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Don Sharpe		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AT A MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF GOOCHLAND, VIRGINIA, HELD ON AUGUST 3, 2021, IN THE GOOCHLAND COUNTY ADMINISTRATION BUILDING, 1800 SANDY HOOK RD., SUITE 250, GOOCHLAND, VIRGINIA, THE FOLLOWING ACTION WAS TAKEN:

Ordinance amending County Code Section 14-251 (Tuckahoe Creek Service District) to include within the Service District a parcel located at the intersection of Johnson Road and Ashland Road identified as Tax Map No. 48-5-0-1-A

WHEREAS, Virginia Code §§ 15.2-1427 and 15.2-1433 enable a local governing body to adopt, amend, and codify ordinances or portions thereof; and

WHEREAS, in 2002, the Board of Supervisors created the Tuckahoe Creek Service District (TCSD), pursuant to Virginia Code § 15.2-2400 et seq., to build infrastructure for water and sewer services in a designated area in the eastern portion of the County; and

WHEREAS, the County has received an application seeking to admit to the TCSD a parcel located at the intersection of Johnson Road and Ashland Road, identified as Tax Map No. 48-5-0-1-A; and

WHEREAS, the parcel is eligible to be considered for addition pursuant to the eligibility standards in County Code § 14-251; and

WHEREAS, the Board of Supervisors wishes to amend and update the County Code for the foregoing reasons; and

WHEREAS, the proper advertisement and public hearing was conducted as required by law and the full text of this proposed ordinance amendment was available for public inspection in the Goochland County Administrator's Office, County Administration Building, 1800 Sandy Hook Road, Goochland, Virginia 23063.

NOW, THEREFORE, BE IT ORDAINED, that the Goochland County Code is hereby amended and this ordinance is hereby enacted as follows:

1. Goochland County Code Section 14-251 (Tuckahoe Creek Service District) is hereby

Sec. 14-251. - Tuckahoe Creek Service District.

(a) *Establishment; boundaries; changes to the district.*

- (1) There is hereby established the Tuckahoe Creek Service District, which shall be referred to in this section as "the district." The district is generally bounded on the east by the Henrico County line, on the north by the Hanover County line, on the west by portions of Route 623 (Hockett Road), portions of Route 676 (Hermitage Road), and portions of Route 622 (Rockville Road) and on the south by State Route 6 (Patterson Avenue), and includes the following tax map parcels:

47-1-28, 47-1-31C, 47-1-33, 47-1-34, 47-1-35, 47-1-35A, 47-1-35B, 47-1-35C, 47-1-35D, 47-1-36, 47-1-39, 47-1-39A, 47-1-41, 47-1-41A, 47-1-41A1, 47-1-41B, 47-1-41C, 47-1-42, 47-1-43, 47-1-43A, 47-1-43B, 47-1-43C, 47-1-43C1, 47-1-43C2, 47-1-43D, 47-1-43F, 47-1-43G, 47-1-43H, 47-1-43J1, 47-1-43K, 47-1-43L, 47-1-43M, 47-1-43M1, 47-1-43M2, 47-1-43N, 47-1-43P, 47-1-43P1, 47-1-43P2, 47-1-43P3, 47-1-43Q, 47-1-44, 47-1-44B, 47-1-45, 47-1-46A, 47-1-47, 47-1-71, 47-1-73, 47-1-74, 47-1-74A, 47-1-78, 47-1-80, 47-1-80A, 47-1-80B, 47-1-80E, 47-1-80G, 47-1-80H, 47-1-81A1, 47-1-82, 47-1-83, 47-1-87, 47-1-91, 47-1-91A, 47-1-91B, 47-1-91C, 47-1-91D, 47-1-91E, 47-1-92B, 47-1-92C, 47-1-92D, 47-1-93, 47-1-0-93-A, 47-1-97, 47-1-98, 47-1-98B, 47-1-98B1, 47-1-99, 47-1-100, 47-1-101, 47-1-104, 47-1-110, 47-1-112A, 47-3-A, 47-3-B, 47-3-B1, 47-3-C, 47-3-D, 47-3-D1, 47-3-E, 47-4-1A, 47-4-2, 47-4-3, 47-5-B, 47-13-D1, 47-19-1, 47-19-6, 47-21-1, 47-21-2, 47-21-3, 47-21-4, 47-21-5, 47-21-6, 47-21-7, 47-21-8, 47-21-9, 47-21-9A, 47-21-10, 47-21-11, 47-21-12, 47-21-13, 47-21-14, 47-21-15, 47-27-8, 47-27-8A, 47-27-8B, 47-27-9, 47-27-10, 47-31-7, 47-31-8, 47-32-14, 47-32-15, 47-32-17, 47-32-18, 47-32-19, 47-32-20, 47-32-21, 47-32-22, 47-32-23, 47-32-A, 48-1-7, 48-1-8D, 48-1-10, 48-1-10A, 48-1-11, 48-1-13, 48-1-13A, 48-1-13B, 48-1-13C, 48-1-13D, 48-1-13E, 48-1-13F, 48-1-13G, 48-1-13K, 48-1-13L, 48-1-13M, 48-1-15, 48-1-19, 48-1-20, 48-1-21, 48-1-21A, 48-1-21C, 48-1-22, 48-1-22A, 48-1-22B, 48-1-23, 48-1-24, 48-1-24A, 48-1-32, 48-1-32A, 48-1-33, 48-1-34, 48-1-35, 48-1-35A, 48-1-35A1, 48-1-35A2, 48-1-36, 48-1-37, 48-1-37A, 48-1-37B, 48-1-38, 48-1-39, 48-1-39A, 48-1-40, 48-1-40A, 48-1-41, 48-1-46, 48-1-47, 48-1-47B, 48-1-48, 48-1-49B, 48-1-50, 48-1-0-52-0, 48-1-55, 48-1-55B, 48-1-56, 48-1-58, 48-1-58A, 48-1-58B, 48-1-59, 48-1-59A, 48-1-60, 48-1-62, 48-1-66, 48-1-67, 48-1-67B, 48-1-67C, 48-1-68, 48-1-69A, 48-1-71, 48-1-72, 48-1-73, 48-1-73B, 48-1-73C, 48-1-73D, 48-1-74, 48-2-A-2, 48-2-A-3, 48-2-A-4, 48-2-A-6, 48-2-B-1, 48-2-B-2, 48-2-B-3, 48-2-B-4, 48-2-B-5, 48-2-B-6, 48-2-C-1, 48-2-C-2, 48-2-C-3, 48-2-C-4, 48-2-C-5, 48-2-C-6, 48-2-C-7, 48-2-C-8, 48-2-C-9, 48-2-C-10, 48-2-E-1, 48-2-E-2, 48-2-E-3, 48-2-F-4, 48-2-F-5, 48-3-D-1, 48-3-D-2, 48-3-D-3, 48-3-D-4, 48-3-G-1, 48-3-H-4, 48-3-H-5, 48-4-A, 48-4-A1, 48-4-B, 48-4-C, 48-5-1C, 48-5-2, 48-6-1, 48-6-2, 48-7-A, 48-8-1, 48-8-2, 48-8-3, 48-8-4, 48-8-4A, 48-8-5, 48-8-6, 48-10-A, 48-10-B, 48-10-B1, 48-10-C, 48-10-C1, 48-13-B, 48-13-C, 48-13-D1, 48-13-F, 48-14-A, 48-14-1, 48-14-2, 48-14-3, 48-14-4, 48-14-5, 48-14-6, 48-14-9, 48-14-10, 48-14-11, 48-14-12, 48-14-13, 48-14-16, 58-1-0-60, 58-1-30A, 58-1-78-0, 58-1-87, 58-1-89, 58-1-90, 58-1-91, 58-1-93, 58-1-94, 58-1-100, 58-1-101, 58-1-102, 58-1-103, 58-1-109, 58-1-110, 58-1-112A, 58-2-1, 58-2-2, 58-2-3, 58-2-4, 58-2-5, 58-2-6, 58-2-8, 58-2-9, 58-2-10, 58-2-11, 58-2-12, 58-2-12A, 58-2-13, 58-2-14, 58-2-15, 58-2-17, 58-2-18, 58-2-19, 58-2-20, 58-2-21, 58-2-22, 58-2-23, 58-2-24, 58-2-25, 58-2-27, 58-2-28, 58-2-29, 58-2-32, 58-2-33, 58-2-34, 58-2-35, 58-2-36, 58-2-

Ordinance

Meeting of August 3, 2021

37, 58-3-A-2, 58-3-A-4, 58-3-A-5, 58-3-A-6, 58-3-A-7, 58-3-A-8, 58-3-A-9, 58-3-A-10, 58-3-A-11, 58-3-A-12, 58-3-A-13, 58-3-A-14, 58-3-A-15, 58-3-A-16, 58-3-A-17, 58-3-A-18, 58-3-A-19, 58-3-A-20, 58-3-A-21, 58-3-A-22, 58-3-A-23, 58-3-A-24, 58-3-A-25, 58-3-A-25A, 58-3-A-26, 58-3-A-27, 58-3-B-1, 58-3-B-2, 58-3-B-3, 58-3-B-4, 58-3-B-5, 58-3-B-6, 58-3-B-7, 58-3-B-8, 58-3-C-1, 58-3-C-2, 58-3-C-3, 58-3-C-4, 58-3-C-5, 58-3-C-6, 58-3-C-7, 58-3-D-1, 58-3-D-2, 58-3-D-3, 58-3-D-4, 58-5-1, 58-5-1A, 58-5-1B, 58-5-2, 58-6-1, 58-12-A, 58-12-B, 58-12-C, 58-16-A-0, 58-31-1, 58-31-4, 58-32-3-31, 58-32-3-32, 58-32-3-33, 58-32-3-43, 58-32-3-44-0, 58-32-3-45-0, 58-32-3-46-0, 58-32-3-47-0, 58-32-3-48, 58-32-3-49, 58-32-3-50, 58-32-3-52, 58-32-3-53, 58-32-3-B-B1, 58-32-3-R-6, 58-32-3-R-7, 58-32-3-R-8, 58-32-3-R-P2, 58-33-2-W1, 58-33-2-W2, 58-33-2-54, 58-33-2-55, 58-33-2-56, 58-33-2-57, 58-33-2-58, 58-33-2-59, 58-33-2-60, 58-33-2-61, 58-33-2-62, 58-33-2-63, 58-33-2-64, 58-33-2-65, 58-33-3-66, 59-1-1, 59-1-3, 59-1-4, 59-1-5, 59-1-6, 59-1-8, 59-1-8A, 59-1-9, 59-1-10, 59-1-11, 59-1-14, 59-1-15, 59-1-17, 59-1-17A, 59-1-18, 59-1-19, 59-1-19A, 59-1-20, 59-1-21, 59-1-21A, 59-1-22, 59-1-23, 59-1-23A, 59-1-23B, 59-1-23C, 59-1-23D, 59-1-29, 59-1-31, 59-1-32, 59-1-33, 59-1-35, 59-1-38A, 59-1-39, 59-1-41, 59-2-H-1, 59-2-H-2, 59-2-H-3, 59-3-2-FP7, 59-3-2-R-21, 59-3-2-W6, 59-3-2-W7, 59-3-2-W8, 59-3-2-75, 59-3-2-76, 59-3-2-77, 59-3-2-78, 59-3-2-79, 59-3-2-80, 59-3-2-81, 59-3-2-82, 59-3-2-83, 59-3-2-84, 59-3-2-85, 59-3-2-86, 59-3-2-87, 59-3-2-88, 59-3-2-89, 59-3-2-90, 59-3-2-91, 59-3-2-92, 59-3-2-93, 59-3-2-R17, 59-3-2-R18, 59-3-2-R19, 59-3-3-W3, 59-3-3-W4, 59-3-3-W5, 59-3-3-67, 59-3-3-68, 59-3-3-69, 59-3-3-70, 59-3-3-71, 59-3-3-72, 59-3-3-73, 59-3-3-74, 63-1-146, 63-1-147, 63-1-153, 63-1-154, 63-1-155, 63-1-156, 63-1-160, 63-1-160A, 63-1-161A, 63-1-174, 63-1-175, 63-1-180, 63-1-180B, 63-4-7, 63-4-8, 63-8-1, 63-11-A, 63-14-A, 63-14-A4, 63-14-B, 63-14-B1, 63-29-A1, 63-37-1-2, 63-37-1-3, 63-37-1-4, 63-37-1-5, 63-37-1-5A, 63-37-1-8, 63-37-1-9, 63-37-1-9G, 63-37-1-10, 63-37-3-27, 63-37-3-28, 63-37-3-29, 63-37-3-30, 63-37-3-B-B2, 63-37-3-B-B3, 63-37-3-R-4, 64-1-41, 64-1-44, 64-1-44A, 64-1-74A, 64-1-74B, 64-1-78, 64-1-78A, 64-1-78B, 64-3-3-1, 64-3-3-2, 64-3-3-3, 64-3-3-4, 64-3-3-5, 64-3-3-6, 64-3-3-7, 64-3-3-8, 64-3-3-9, 64-3-3-10, 64-3-3-11, 64-3-3-12, 64-3-3-13, 64-3-3-14, 64-3-3-15, 64-3-3-16, 64-3-3-17, 64-3-3-17A, 64-3-3-17B, 64-3-3-18, 64-3-3-19, 64-3-3-20, 64-3-3-21, 64-3-3-22, 64-3-3-23, 64-3-3-24, 64-3-3-25, 64-3-3-26, 64-3-3-27, 64-3-3-28, 64-3-3-29, 64-3-3-30, 64-3-3-31, 64-3-3-32, 64-3-3-33, 64-3-3-34, 64-3-3-35, 64-3-3-36, 64-3-3-37, 64-3-3-38, 64-3-3-39, 64-3-3-40, 64-3-3-41, 64-3-3-42, 64-3-3-43, 64-3-3-44, 64-3-3-45, 64-3-3-46, 64-3-3-47, 64-3-3-48, 64-3-3-49, 64-3-3-50, 64-3-3-51, 64-3-3-52, 64-3-3-52A, 64-3-3-53, 64-3-3-53A, 64-3-3-54, 64-3-3-55, 64-4-1-1, 64-4-1-2, 64-4-1-3, 64-4-1-3A, 64-4-1-4, 64-4-1-5, 64-4-1-6, 64-4-1-7, 64-4-1-8, 64-4-1-9, 64-4-1-10, 64-4-1-10A, 64-4-1-11, 64-4-1-12, 64-4-1-13, 64-4-1-14, 64-4-1-15, 64-4-1-16, 64-4-1-17, 64-4-1-18, 64-4-1-19, 64-4-1-20, 64-4-1-21, 64-4-1-22, 64-4-1-23, 64-4-1-24, 64-4-1-25, 64-4-1-26, 64-4-1-27, 64-4-1-28, 64-4-1-29, 64-4-1-30, 64-4-1-31, 64-4-1-32, 64-4-1-33, 64-4-1-34, 64-4-2-1, 64-4-2-2, 64-4-2-3, 64-4-2-4, 64-4-2-5, 64-4-2-6, 64-4-2-7, 64-4-2-8, 64-4-2-9, 64-4-2-10, 64-4-2-11, 64-4-2-12, 64-4-2-13, 64-4-2-14, 64-4-2-15, 64-4-2-16, 64-4-2-16A, 64-4-2-17, 64-4-2-18, 64-4-2-19, 64-4-2-20, 64-4-2-21, 64-4-2-22, 64-4-2-23, 64-4-2-24, 64-4-2-25, 64-4-2-26, 64-4-2-27, 64-4-2-28, 64-4-2-29, 64-4-2-30, 64-4-2-31, 64-4-2-31A, 64-4-2-32, 64-4-2-33, 64-4-2-34, 64-4-2-35, 64-4-2-36, 64-4-2-37, 64-4-2-37A, 64-4-2-38, 64-5-4-1, 64-5-4-2, 64-5-4-3, 64-5-4-4, 64-5-4-5, 64-5-4-6, 64-5-4-7, 64-5-4-8, 64-5-4-9, 64-5-4-10, 64-5-4-11, 64-5-4-12, 64-5-4-13, 64-5-4-14, 64-5-4-15, 64-5-4-16, 64-5-4-23, 64-5-4-26, 64-5-4-27, 64-5-4-28, 64-5-4-29, 64-5-4-30, 64-5-4-31, 64-5-4-32, 64-5-4-33, 64-5-4-34, 64-20-4, 64-20-6, 64-20-7, 64-20-8, 64-25-1-9F, 64-25-1-11, 64-25-1-12, 64-25-1-14, 64-25-1-15, 64-25-3-21, 64-25-3-22, and 64-25-3-

23.

Tax map parcels not identified above, but included in the district are #48-1-69B and #48-1-69C, which were created on April 12, 2002, #47-1-42B, which was created on December 31, 2002, and #58-28-1A, which was created on December 26, 2002, #63-1-161A, which was reconfigured on November 8, 2006, #47-1-42A1 and #47-1-42A2, which were created on November 7, 2006, #59-3-3-26, as configured on August 8, 2006, and 64-1-85, which was acquired from VDOT as described in a deed and plat recorded on December 20, 2006, and #48-1-0-75-0, which was created on March 28, 2006, and #48-5-0-1-A, which was created on May 24, 2021.

Tax map parcels not identified above are excluded from the district. Also excluded are Tax Map Parcel #48-1-67D, which was created on April 3, 2002, Tax Map Parcel #48-1-47D, which was created on December 19, 2003, Tax Map Parcel #48-1-7B, which was created on October 21, 2005, and reconfigured on March 20, 2006, and Tax Map Parcel #47-1-0-45-C, which was created on June 6, 2017.

...






2. **Except as amended herein, all County Code provisions remain in effect.**
3. **This ordinance shall be effective immediately.**

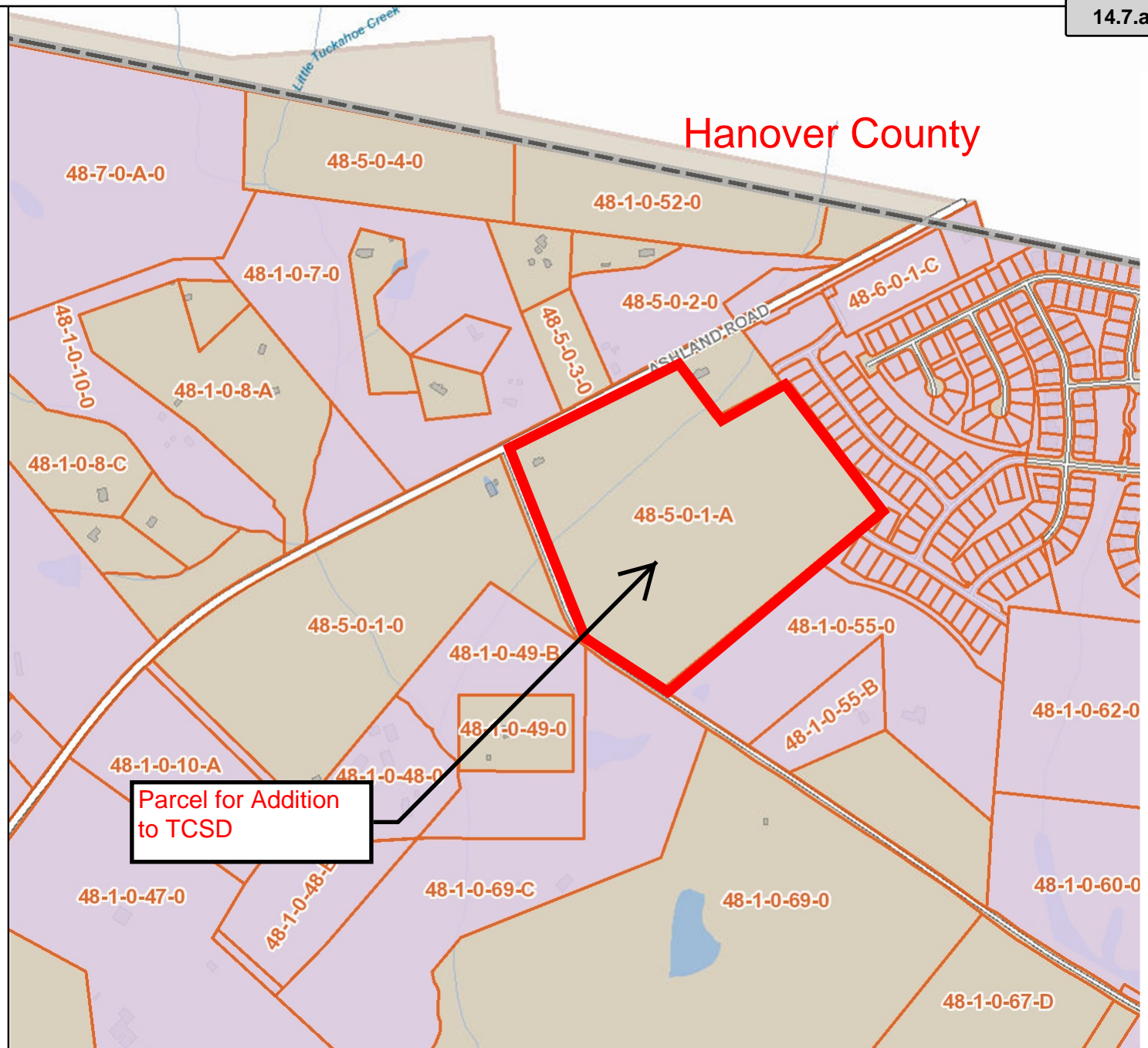
A COPY ATTEST:

County Administrator or Designee
Goochland County Board of Supervisors

County of Goochland, Virginia

Legend

-  Census Boundary - 2019
-  Parcel Tax Map Labels
-  Parcels
-  Tuckahoe Creek Service District
-  Road Labels



Title: TCSD Parcel Location Map

Date: 7/14/202

DISCLAIMER: This map depicts data derived from public records and presented "as is." It is not a legal representation of any feature depicted. Determinations of topography or contours, and depictions of physical improvements and property lines are for general information only and cannot be used for the design, modification, or construction of improvements to real property or for flood plain determinations. Goochland County disclaims all warranties, express or implied, including implied warranties of merchantability and fitness for a particular purpose. Goochland County assumes no responsibility or liability for any errors, omissions, or inaccuracies. Contact (804) 556-5832 with questions.

Attachment: Parcel Location Map (4072 : Public Hearing for Addition of Tax Map No. 48-5-0-1-A into the





Application for Addition to Tuckahoe Creek Service District (TCSD)

Goochland County
Department of Community Development
P.O. Box 103
Goochland, VA 23063
www.goochlandva.us

Phone: (804) 556-5860

FAX: (804) 556-5654

Office Use Only

Application File Date:

Approval:	Yes _____	No _____	Date of BOS Action: _____
------------------	------------------	-----------------	----------------------------------

Owner/Applicant InformationName of Property Owner: Alvis Properties LLC Telephone: 804-784-5839Address: 1700 Alvis Road Cell phone: _____Manakin Sabot, VA 23103 FAX: _____

E-mail: _____

Name of Applicant: ME PV4 LLC Telephone: 804-741-4663Address: 10618 Patterson Avenue Cell phone: _____Henrico, VA 23238 FAX: _____E-mail: rcore@markel-eagle.com**Property Information – List Each Parcel Included in the Application (Use separate page if necessary)**Street Address: 2237 Johnson Road Zoning: A-2Tax Map Number: 48-5-0-1-A Acreage: 40.897Existing Use: Single-family dwelling**General description of existing & intended use(s) of the parcel(s):**

The current property houses a single-family dwelling. The proposed use would be twenty acres of 31 newly constructed,

single-family detached homes as an extension of Parkside Village. Approximately 5.9 acres would be constructed with

B-1 uses, and approximately 15.2 acres would be constructed with limited M-1 uses.

Attachment: Application for Addition to TCSD_48-5-0-1-A (4072 : Public Hearing for Addition of Tax Map No. 48-5-0-1-A into the TCSD)

OWNER AGREEMENT & SIGNATURES**** Property Owner must read and sign ****

1. The undersigned property Owner acknowledges that a 20% additional connection fee would apply at the time of connection to public water and/or sewer (Ex. If a parcel in the district typically pays \$10K/house connection fee, you would have to pay 20% more, or, \$12K/house connection fee);
2. The undersigned property owner acknowledges that if the Board of Supervisors approves this request, the property will be subject to the ad valorem tax, which is in addition to the real property tax.
3. The undersigned Owner authorizes entry onto the property by Goochland County employees during normal discharge of their duties in regard to this request.

I hereby state that the information provided in this application, and all accompanying information, is accurate, true, and correct to the best of my knowledge.

George Alvis Jr

Authorized Signature
(Property Owner)

5-24-2021

Date

GEORGE ALVIS, JR

Printed Name

County Code - Sec. 14-251. – Tuckahoe Creek Service District

- (a) Establishment; boundaries; changes to the district.
- (3) Addition of parcels. Upon receiving a complete written application from a landowner seeking to add a parcel of land to the service district, the parcel may be added to the service district by the board of supervisors following a public hearing which can be scheduled for any of the board's regular meetings.



Board of Supervisors

1800 Sandy Hook Road
Goochland, VA 23063

TABLED ORDINANCE

Meeting: 08/03/21 02:00 PM
Department: Planning & Zoning
Category: BOS Rezoning Ordinance
Prepared By: Tom Coleman
Department Head: MinuteTraq Admin

14.8

(ID # 4054)

DISTRICT 3 - RZ-2021-00006 APPLICATION BY YELLOWSTONE COMMUNITIES, LLC REQUESTING A REZONING OF 265.612 ACRES FROM AGRICULTURAL, LIMITED (A-2) TO RESIDENTIAL, GENERAL (R-3), WITH PROFFERED CONDITIONS, AT SCOTT ROAD, RURAL HILL LANE, CEDAR POINT ROAD, AND GATHRIGHT DRIVE ON TAX MAP NOS. 42-1-0-14-0, 42-7-0-B-1, 42-7-0-B-0, 42-7-0-E-0, 42-7-0-D-0, 42-7-0-A-0, 42-7-0-B-2, AND 42-1-0-59-A2. THE COMPREHENSIVE PLAN DESIGNATES THIS AREA AS SINGLE FAMILY RESIDENTIAL, LOW DENSITY.

Strat Goal 1	Efficient, effective, and transparent government; emphasis on customer service excellence	
Strat Goal 2	Balanced development that contributes to the welfare of the community and preserves its rural character	<u>X</u>
Strat Goal 3	Excellence in Financial Management	
Strat Goal 4	High Quality Core Services including Education, Public Safety, and Community Health	
Strat Goal 5	Positive Work Environment with a Highly Qualified, Diverse Workforce	

Board Action Requested

The Board is requested to hold a public hearing and consider rezoning application RZ-2021-00006 by Yellowstone Communities, LLC.

Summary of Information

District 3 - RZ-2021-00006 Application by Yellowstone Communities, LLC requesting rezoning of 265.612 acres from Agricultural, Limited (A-2) to Residential, General (R-3), with proffered conditions, along Scott Road, Rural Hill Lane, Cedar Point Road, and Gathright Drive on Tax Map Nos. 42-1-0-14-0, 42-7-0-B-1, 42-7-0-B-0, 42-7-0-E-0, 42-7-0-D-0, 42-7-0-A-0, 42-7-0-B-2, and 42-1-0-59-A2. The Comprehensive Plan designates this area as Single Family Residential, Low Density.

At the July 6, 2021 public meeting, the Board of Supervisors deferred consideration of this application for one month. The Board of Supervisors will hear further public comment at the August 3, 2021 meeting.

The property includes frontage on Reed Marsh Lane (under construction), Scott Road, Cedar Point Road, Gathright Drive, Rural Hill Lane (private) and River Valley Lane (private). Rural Hill Lane and River Valley Lane are private access easements that traverse portions of the site and provide access to nearby residences and properties. The applicant proposes to construct up to 170 single-family detached homes.

The following concerns remain with this application:

- Comprehensive Plan. The average lot size is not consistent with the comprehensive plan designation for Single Family Residential, Low Density,

Ordinance

Meeting of August 3, 2021

which is an average lot size of one home per 2 acres. This project has an average lot size of one home per 1.5 acres.

- Traffic. Application will increase traffic on public roads, especially Scott and Gathright Roads.
- Rural Hill Lane. The relocation and improvement of the access easement impacts abutting property owners which utilize and will continue to utilize the access.

Since the Board of Supervisors meeting, the applicant made changes to the application including:

- Revised text for a stronger commitment to conceptual plan
- Identified specific locations to provide supplemental landscaping to improve buffers
- Committed to a timeline for Rte. 6 striping and trails
- Further restricted construction traffic from Scott Rd.
- Deleted severance proffer

At their June 3, 2021 public meeting, the Planning Commission recommended denial on 4-1 vote. Mr. Duke voted against the motion. Twelve people spoke at the public meeting, and eleven of the speakers expressed opposition.

Community meeting

Youngblood, Tyler, & Associates hosted a community meeting on April 15. Attending the meeting were Board of Supervisor members Mr. Spoonhower and Mr. Lumpkins, Planning Commission member Mr. Myers, approximately 50 people, and staff. There were a number of concerns discussed regarding roads and traffic including the width of Scott Road, curb cuts, safety and increased traffic on Scott, rerouting River View Lane, distribution of traffic and traffic analysis, and impacts to Fairground Road and other nearby roadways. A number of other matters were discussed including density, impact to schools, internet service, open space and buffers, providing useable green space, stormwater management and sediment in ponds, wetlands, construction hours and construction traffic, notification to prospective residents in Reed Marsh, public water and sewer, and project phasing.

Draft Motions

- **Approve:** I move that the Board approve rezoning case RZ-2021-00006 for 265.612 acres on Scott Road, Rural Hill Lane, Cedar Point Road, and Gathright Drive from Agricultural, Limited (A-2) to Residential, General (R-3), with proffered conditions, as presented.
- **Approve as amended:** I move that the Board approve rezoning case RZ-2021-00006 for 265.612 acres on Scott Road, Rural Hill Lane, Cedar Point Road, and Gathright Drive from Agricultural, Limited (A-2) to Residential, General (R-3), with proffered conditions, as amended;
_____.
- **Defer:** I move that the Board defer consideration of rezoning case RZ-2021-00006 for 265.612 acres on Scott Road, Rural Hill Lane, Cedar Point Road, and Gathright Drive

Ordinance

Meeting of August 3, 2021

from Agricultural, Limited (A-2) to Residential, General (R-3), with proffered conditions, to _____ (date) _____.

- **Deny:** Based on the information in the staff report and from the public hearing, I move that the Board deny rezoning case RZ-2021-00006 for 265.612 acres on Scott Road, Rural Hill Lane, Cedar Point Road, and Gathright Drive from Agricultural, Limited (A-2) to Residential, General (R-3), with proffered conditions, on the grounds that:
 - it is not in keeping with public necessity, convenience, general welfare, and good zoning practice;
 - it is not in compliance with the Comprehensive Plan;
 - and _____.

ATTACHMENTS:

- RZ-2021-00006 - Conceptual Plan (Exhibit A) (PDF)
- RZ-2021-00006 - Elevations (Exhibit B) (PDF)
- RZ-2021-00006 - Scott Road Buffer (Exhibit C) (PDF)
- RZ-2021-00006 - Entrance Feature (Exhibit D) (PDF)
- RZ-2021-00006 - Route 6 Striping (Exhibit E) (PDF)
- RZ-2021-00006 - PC Resolution (PDF)
- RZ-2021-00006 - Staff Report (DOCX)
- RZ-2021-00006 - Application (PDF)
- RZ-2021-00006 - Proffers (Blackline changes) (PDF)

HISTORY:

07/06/21

Board of Supervisors

DEFERRED

Next: 08/03/21

Jamie Sherry, Director of Community Development gave an overview of application RZ-2021-00006 filed by Yellowstone Communities, LLC requesting a rezoning of 265.612 acres from Agricultural, Limited (A-2) to Residential, General (R-3), with proffered conditions, at Scott Road, Rural Hill Lane, Cedar Point Road, and Gathright Drive on Tax Map Nos. 42-1-0-14-0, 42-7-0-B-1, 42-7-0-B-0, 42-7-0-E-0, 42-7-0-D-0, 42-7-0-A-0, 42-7-0-B-2, and 42-1-0-59-A2. The Comprehensive Plan designates this area as Single Family Residential, Low Density.

Andrew Browning of Youngblood, Tyler & Associates, representative for applicant gave an overview of Yellowstone Communities “Rural Hill on The James.”

Board discussion ensued on construction traffic coming through Reed Marsh - proffer 20, conceptual plan, language illustrative and may change - proffer 1, staff comments regarding comp plan, goes to planning commission for plat review only, topographical challenges, traffic concern, need something that addresses materiality differences, need for stronger proffers, timeline for Scott Road, price range of houses (\$600,000 - \$2 Million), proffer 21 - severance - applicant will withdraw, proffer 9 - exceptions require approval of Director of Community Development - will withdraw, reference to exhibit provided to the Board and what is in the Board packet, reference to proffer 1 - applicant Kerry Hutcherson, Esquire w/Rudy, Coyner & Associates, PLLC will work on condition 1 if a break is needed, of the commitment to trails and sidewalk network.

Chair Lumpkins opened the hearing to public comment.

Ordinance

Meeting of August 3, 2021

Michael McDermott, 1879 Spruce Lane, thought this was a public hearing and vote, not a negotiation, deny or defer.

Phillip Kuhn, 5370 Martin Road, supports development, lack of inventory crisis.

Marie Owen, 621 Fed Lane, requested developer leave large mature trees.

Mitchell Bodie, President Boone Homes, 62 Broad St. Rd. is building all homes in Reed Marsh, supports this development.

Tyler Minnix, spoke in opposition.

Courtney Hyer, 2450 High Ridge Lane, spoke in opposition.

Claudia Lawton, 3115 Rural Hill Lane, spoke to three personal issues, delay vote.

Bruce Black, 2430 Dorothea Lane, yielded time to Scott Road resident.

Diana Gordon, 2901 Pitts Drive yielded time to Kathy Haskins

Kathy Haskins, 3285 Scott Road, deny as is.

William Haskins, 3285 Scotts Road, spoke in opposition.

Tommy Towers, 3052 Rural Hill Lane, supports development.

Ken Hyer, 2450 High Ridge Lane, spoke in opposition, reject it.

David Hagen, 2900 Pitts Drive, not supportive of development.

Rev. Emily Dunnevant, Rectorate, Grace Church, 3095 Scott Road, not supportive of development.

Fred Jenkins, 3040 Gathright Drive, not supportive of development.

John Humphrey, supports development.

Dwayne Dunnevant, 3095 Scott Road, not supportive of development.

Lois Costillo, 3245 River Road West spoke in opposition.

Terry Pitts, 3013 Pitts Drive, there is abundance of wildlife in this area, we need the wildlife.

Maria Jenkins, 3245 River Road West, spoke in opposition.

Seeing no one else wishing to speak, the public hearing was closed.

Rebuttal by Kerry Hutcherson, applicant, spoke to some proposed revisions to proffer conditions which have been passed along to the County Attorney and summarized his comments on concerns expressed.

Proffer 1 - Conceptual Plan - at end of second sentence, insert a comma and insert the phrase provided that no substantial changes are made to the concept plan.

Proffer 5 - Amenities - include language that says provided with issuance of the 100th certificate of occupancy the pavilion and docks would be constructed. Trails would be provided with construction of each section.

Proffer 6 - Sidewalks - add a sentence a connection shall be provided from sidewalks within the property to Reed Marsh and the county's pedestrian system.

Proffer 9 - Hours of Construction - realized we inadvertently left in a sentence allowing exceptions provided by Director of Community Development - happy to strike that

Ordinance

Meeting of August 3, 2021

Proffer 15 - Road improvements - add a sentence that says road improvements shall be provided upon issuance of the 50th certificate of occupancy.

Proffer 20 - Construction traffic - strike the sentence that allows for an exception for vehicles using Scott Road for construction.

Proffer 21 - Severance - strike this proffer in its entirety.

Mr. Lumpkins asked about the 50' buffer and who maintains?

Mr. Hutcherson stated a sentence can be added in proffer 2 to clarify that all buffers shall be owned and maintained by the HOA for the property.

County Attorney McGee stated the proffers in the county packet are not the most recent proffers that the applicant has provided and expressed concern about the language as things are being discussed back and forth. County Attorney McGee stated she has the current language but realized the current language was not in the packet (applicant submitted changes late Thursday evening).

Ms. Lascolette stated the Board of Supervisors does not have a clean copy to make decisions on this evening.

On motion of Mr. Spoonhower, and seconded by Ms. Lascolette, which carried by a 5-0 vote, the Board of Supervisors moved to defer this application for public hearing/comment (depending on changes) and vote consideration of rezoning case RZ-2021-00006 for 265.612 acres on Scott Road, Rural Hill Lane, Cedar Point Road, and Gathright Drive from Agricultural, Limited (A-2) to Residential, General (R-3), with proffered conditions, to its August 3, 2021 meeting. Roll call vote:

Aye: Peterson, Lumpkins, Spoonhower, Sharpe, Lascolette

Nay: None

✓ Vote Record - Ordinance 4054						
<input type="checkbox"/> Adopted <input type="checkbox"/> Adopted as Amended <input type="checkbox"/> Defeated <input type="checkbox"/> Tabled <input type="checkbox"/> Withdrawn <input type="checkbox"/> Meeting Cancelled <input type="checkbox"/> Deferred <input type="checkbox"/> Denied <input type="checkbox"/> Approved <input type="checkbox"/> Consensus of the Board <input type="checkbox"/> Tabled by Consensus <input type="checkbox"/> Approved as Amended <input type="checkbox"/> Referred <input type="checkbox"/> Public Hearing Held			Yes/Aye	No/Nay	Abstain	Absent
	Susan Lascolette		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Ken Peterson		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	John Lumpkins		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Neil Spoonhower		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Don Sharpe		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AT A MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF GOOCHLAND, VIRGINIA, HELD ON AUGUST 3, 2021, IN THE GOOCHLAND COUNTY ADMINISTRATION BUILDING, 1800 SANDY HOOK RD., SUITE 250, GOOCHLAND, VIRGINIA, THE FOLLOWING ACTION WAS TAKEN:

Ordinance approving rezoning 265.612 acres from Agricultural, Limited (A-2) to Residential, General (R-3), with proffered conditions, on Scott Road, Rural Hill Lane, Cedar Point Road, and Gathright Drive for Tax Map Nos. 42-1-0-14-0, 42-7-0-B-1, 42-7-0-B-0, 42-7-0-E-0, 42-7-0-D-0, 42-7-0-A-0, 42-7-0-B-2, and 42-1-0-59-A2

WHEREAS, Virginia Code §§ 15.2-2280 and 15.2-2285 enable the Goochland County Board of Supervisors to adopt and amend its zoning ordinance including both a map showing the division of land into districts and text setting forth the regulations applying to each district, and Virginia Code § 15.2-2303 allows the Board of Supervisors to accept reasonable conditions proffered by an applicant in a rezoning; and

WHEREAS, Yellowstone Communities, LLC filed an application requesting a rezoning of 265.612 acres from Agricultural, Limited (A-2) to Residential, General (R-3) with proffered conditions, for Tax Map Nos. 42-1-0-14-0, 42-7-0-B-1, 42-7-0-B-0, 42-7-0-E-0, 42-7-0-D-0, 42-7-0-A-0, 42-7-0-B-2, and 42-1-0-59-A2 located on Scott Road, Rural Hill Lane, Cedar Point Road, and Gathright Drive in Election District 3; and

WHEREAS, applicant plans to develop a subdivision with up to 170 lots; and

WHEREAS, applicant has proffered 20 conditions governing the use of the property which are found to be reasonable modifications of or additions to the requirements applicable to the property pursuant to the County Zoning Ordinance; and

WHEREAS, the county's Comprehensive Plan recommends this area for Single Family Residential, Low Density and

WHEREAS, pursuant to Virginia Code § 15.2-2204, the Goochland County Planning Commission advertised as required by law and held a public hearing on this application on June 3, 2021 and voted 4-1 to recommend denial of this request; and

WHEREAS, pursuant to Virginia Code § 15.2-2204, the Goochland County Board of Supervisors advertised as required by law and held public hearings on this application on July 6 and August 3, 2021.

NOW, THEREFORE, BE IT ORDAINED, that the Goochland County Board of Supervisors hereby finds that granting this request is a matter of public necessity, convenience, general welfare, or good zoning practice; and

BE IT FURTHER ORDAINED, this 3rd day of August, 2021, that Goochland County Board of Supervisors hereby approves the zoning classification to Residential, General (R-3) for 265.612 acres identified as Tax Map Nos. 42-1-0-14-0, 42-7-0-B-1, 42-7-0-B-0, 42-7-0-E-0, 42-7-0-D-0, 42-7-0-A-0, 42-7-0-B-2, and 42-1-0-59-A2 located on Scott Road, Rural Hill Lane, Cedar Point Road, and Gathright Drive in Election District 3, subject to the following proffered conditions:

1. Conceptual Plan. The Property under consideration in this case (the “Property”) shall be developed in general conformance with the exhibit titled “Rural Hill on the James Conceptual Plan” by Youngblood, Tyler & Associates dated July 13, 2021, attached hereto as Exhibit A. The exact locations, footprints, configurations, size, and details of the lots, drives, roads, and other improvements shown on the Conceptual Plan are illustrative and may be modified as required for final engineering design, compliance with governmental regulations, or as otherwise approved at the time of subdivision review of the Property, but any such modifications shall be in substantial conformance with the Conceptual Plan.

2. Buffer Requirements.

- a. Gathright Drive. A natural and landscaped buffer a minimum of seventy-five (75) feet in width shall be provided along the boundary of the Property adjoining Gathright Drive. Utilities may cross the buffer perpendicularly and signage may be placed within the buffer.
- b. Scott Road. A natural and landscaped buffer a minimum of seventy-five (75) feet in width shall be provided along the boundary of the Property adjoining the existing portion of Scott Road that borders lot 135 and lots 137-140 as shown on Exhibit A. A natural and landscaped buffer a minimum of fifty (50) feet in width shall be provided adjacent to lots 130-131 and 134 as shown on Exhibit A. The buffer shall be planted in accordance with the “Scott Road Buffer Landscape Plan” by Youngblood, Tyler & Associates dated June 25, 2021, attached hereto as Exhibit C. Utilities may cross the buffer perpendicularly and signage may be placed within the buffer.
- c. A natural and landscaped buffer a minimum of fifty (50) feet in width shall be provided along the rear of lots 22, and 24-27, as shown on the conceptual plan, adjacent to parcels 6757-76-2707, 6757-66-7564, and 6757-67-2038. In areas shown on the Conceptual Plan as “SUPPLEMENTAL EVERGREEN LANDSCAPING TO BE PLANTED,” a double row of supplemental evergreen plantings shall be installed at a minimum of ten (10) feet on center. Utilities may cross the buffer perpendicularly.
- d. A natural and landscaped buffer a minimum of fifty (50) feet in width shall be provided along the rear of lots 35-38, as shown on the conceptual plan, adjacent to parcel 6757-46-8337. In areas shown on the Conceptual Plan as “SUPPLEMENTAL EVERGREEN LANDSCAPING TO BE PLANTED,” a double row of supplemental

- evergreen plantings shall be installed at a minimum of ten (10) feet on center. Utilities may cross the buffer perpendicularly.
- e. A natural and landscaped buffer a minimum of fifty (50) feet in width shall be provided along the rear and/or sides of lots 37-39, 42, and 73, as shown on the conceptual plan, adjacent to parcels 6757-45-1465, 6757-45-3595, and 6757-45-6411. In areas shown on the Conceptual Plan as "SUPPLEMENTAL EVERGREEN LANDSCAPING TO BE PLANTED," a double row of supplemental evergreen plantings shall be installed at a minimum of ten (10) feet on center. Utilities may cross the buffer perpendicularly.
 - f. A natural and landscaped buffer a minimum of fifty (50) feet in width shall be provided along the rear and/or sides of lots 114 and 119-121, as shown on the conceptual plan, adjacent to parcels 6757-52-9572 and 6757-62-5418. In areas shown on the Conceptual Plan as "SUPPLEMENTAL EVERGREEN LANDSCAPING TO BE PLANTED," a double row of supplemental evergreen plantings shall be installed at a minimum of ten (10) feet on center. Utilities may cross the buffer perpendicularly.
 - g. Landscaping in the buffers described above shall be installed prior to the issuance of the first certificate of occupancy for any of the lots adjoining said buffer.
3. **Density.** No more than one hundred and seventy (170) single family residential units shall be constructed on the Property.
 4. **Elevations.** Homes constructed on the Property shall be similar in architectural treatment with the elevations attached hereto entitled "Rural Hill on the James Elevations" attached hereto as Exhibit B. Various design elements shall be incorporated to provide variety amongst individual dwelling units, including but not limited to, varying colors of siding, brick, or stone, accent materials, varying colors of exterior elevations, varying window designs, and varying doorway designs. No two dwellings adjoining each other side by side shall be identical in exterior architectural features and colors. Any new single-story home shall have a minimum of 1,800 square feet of floor area and any new two-story home shall have a minimum of 2,500 square feet of floor area. Floor area includes the area of the garage.
 5. **Amenities.** The Property shall contain recreational areas in general conformance with the conceptual plan. The property shall contain at least a 2,000 square foot pavilion, pedestrian trails, and a dock in the approximate locations depicted on the conceptual plan. The pedestrian trails shall be constructed of asphalt a minimum of four (4) feet in width. Construction of pedestrian trails shall occur in phases timed in conjunction with initial development of platted sections of the Property, so that those portions of pedestrian trails shown on the Conceptual Plan that are located within a platted section of the Property shall be constructed during initial development of the corresponding section. The pavilion and dock shall be provided upon issuance of the 100th certificate of occupancy.
 6. **Sidewalks.** A minimum four (4) feet wide concrete sidewalk shall be located along Reed Marsh Lane, Road A, Road B, Road K, and Rural Hill Lane in the approximate locations shown on the conceptual plan. The exact locations may be modified as required for final engineering design, compliance with governmental regulations, or as otherwise approved at the time of subdivision review of the Property, but any such modifications shall be in substantial conformance with the Conceptual Plan and there shall be a pedestrian connection (either by sidewalk or trail) from the Property to the sidewalk in the Reed Marsh subdivision.

7. **River Valley Lane.** River Valley Lane is to remain in its current state and shall remain in its current location. A VDOT approved entrance shall be constructed at its intersection with the improved Scott Road.
8. **Protective Covenants.** A document setting forth covenants shall be recorded in the Clerk's Office of the Circuit Court of Goochland County, setting forth controls on the development and the maintenance of property and establishing an owner's association ("Association"). The covenants shall describe standards of uniform maintenance of individual lots, common areas, open space, and landscaping. The Association shall establish uniform rules relating to the standards for approval by the Association of any improvements within the property, including but not limited to, construction of buildings, other structures, and signage.
9. **Hours of Construction.** During the construction of the development on the property, the hours of exterior construction shall be limited to 7:00 a.m. to 8:00 p.m., Monday through Saturday, except in emergencies or where unusual circumstances require extending the specific hours to complete such work as concrete pours or utility connections. Construction signs shall be posted stating the hours of construction.
10. **Cash Proffer.** The applicant, or its assignees, shall pay thirteen thousand, seven hundred and eighty-one dollars (\$13,781.00) for each residential lot to the County of Goochland. Such payments shall be due and payable only after completion of the final inspection by the County and prior to the time of the issuance of the certificate of occupancy for each residential home. The cumulative percentage increase or decrease in the Marshall & Swift Building Cost Index for the most recently published (12) months, shall be added to or, in the instance of a decrease, subtracted from the amount proffered, in the year following the rezoning, and added to or, in the case of decrease, subtracted from the recalculated amount for each subsequent year. Cash proffer amounts, recalculated, due the index provided above, shall be effective the next year on the date of the Board's adoption of annual adjustments, or July 1, whichever comes first, for payments made through such date. Any cash proffer shall be increased or decreased automatically in accordance with this method.
11. **Exterior Facades.** Exterior façade materials shall be brick, stone, horizontal or vertical siding, or any combination thereof. Siding materials shall be manufactured from cement fiber board (such as Hardie-Plank, Hardie-Shingle, or Hardie-Trim), vinyl siding or other material comparable in quality. Where vinyl siding is used it shall have a minimum wall thickness of 0.044 inches. Metal, PVC, Fypon, or other similar materials may be used for trim and accent features only.
12. **Street Trees.** A minimum of two trees measuring a minimum of two (2) inch caliper shall be retained or planted in the front yard of all proposed lots. The exact location of planting may be field adjusted based on the location of utilities, driveways, etc. The trees required for each lot shall be installed prior to the certificate of occupancy for that lot.
13. **Entrance Feature.** Each public entrance into the property shall contain an entrance monument similar to the monuments shown on the exhibit titled "Rural Hill on the James Entrance Monument" attached hereto as Exhibit D.
14. **Landscape Plan.** A landscape plan shall be submitted with the Plan of Development detailing the landscaping requirements for the buffers and street trees. Details of the entrance features will also be included within the landscape plan.
15. **Road Improvements.** Upon issuance of the 50th certificate of occupancy, road improvements shall be provided as listed below and as shown on the attached exhibit by

Youngblood, Tyler & Associates titled "Scott Road Intersection Striping Plan," dated June 25, 2021, attached hereto as Exhibit E.

a. River Road West @ Scott Road Intersection

- i. Restripe westbound River Road West to create a left turn lane with a minimum of seventy-five (75) feet of storage.
- ii. Restripe eastbound River Road West to create a left turn lane with a minimum of seventy-five (75) feet of storage.

16. Underground Utility Lines. All utility lines on the Property shall be underground, except for existing utilities, junction boxes, meters, utility lines in wetland areas, and utility lines required to be above ground by the utility company.

17. Foundations. All finished floor areas, except basements, shall be constructed above grade or give the appearance of being constructed above grade. The exterior portions of all residential foundations, including the exterior portion of foundations below the first-floor level which is visible above grade, shall be constructed of brick, stone, or stone veneer.

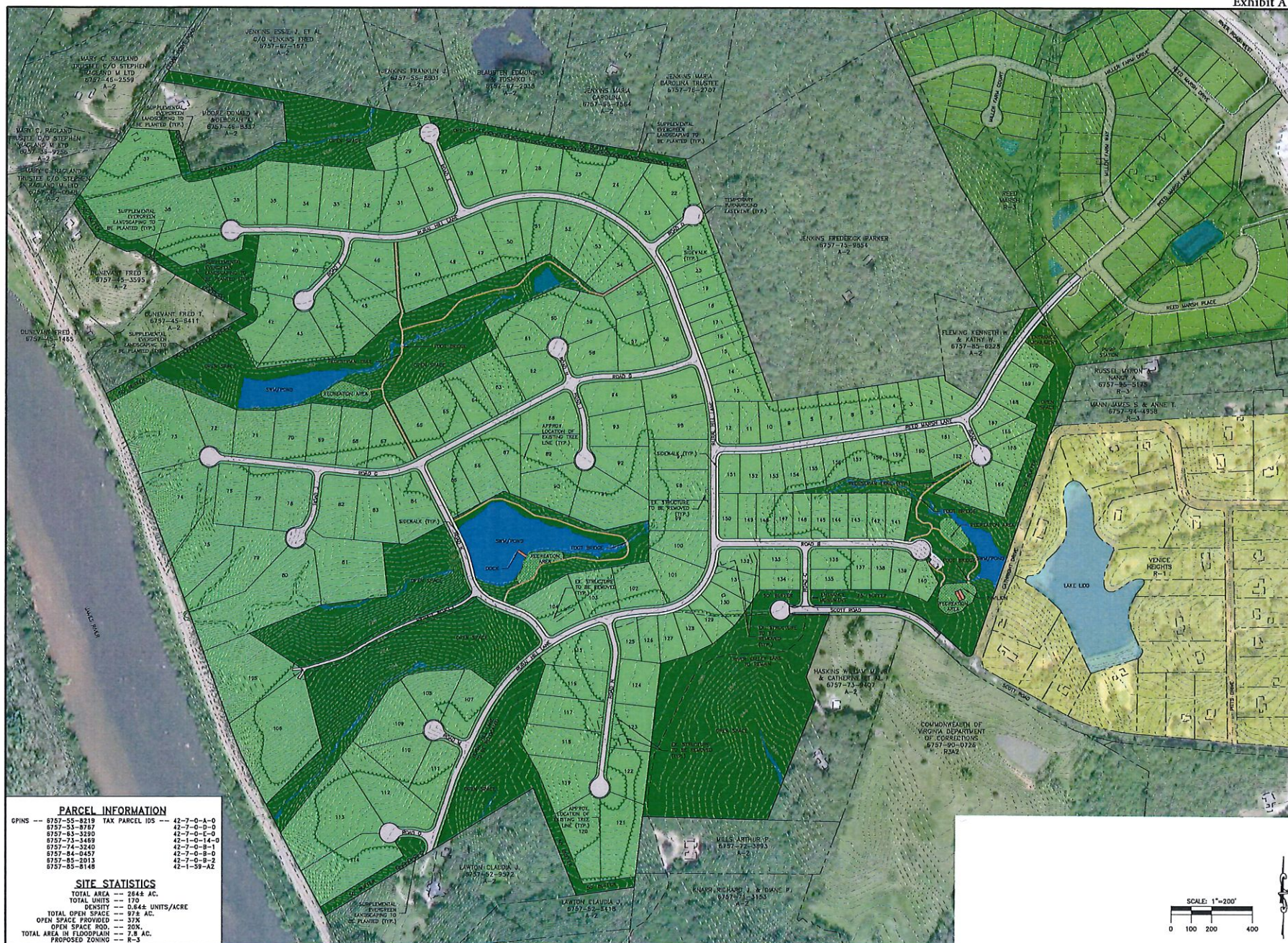
18. Roof Materials. All homes shall be constructed with a roof that has a minimum twenty-five (25) year certified warranty.

19. Driveways. All driveways shall be constructed of cobblestone, brick, precast pavers, concrete, asphalt, or other similar material.

20. Construction Traffic. Earthmoving equipment and construction vehicles related to clearing, grading, utility installation, homebuilding, and roadway construction on the Property shall access the Property from Reed Marsh Lane and shall not access the Property from Scott Road. This proffer shall not apply to vehicles and construction equipment needed for required construction improvements within or related to Scott Road.

A COPY ATTEST:

County Administrator or Designee
Goochland County Board of Supervisors



**YOUNGBLOOD, TYLER
& ASSOCIATES P.C.**
CONSULTING ENGINEERS, PLANNERS & SURVEYORS
7200 HANCOCK CREEK DRIVE P.O. BOX 37 MECHANICSVILLE, VIRGINIA 23111
(804) 746-3353 FAX: (804) 720-7924 EMAIL: TYLER@YOUNGBLOOD-TYLER.COM

**RURAL HILL
ON THE JAMES**

GOCHLAND COUNTY VIRGINIA

CONCEPT PLAN
EXHIBIT A

DATE: JULY 13, 2021

[illegible]

DESIGNED BY: WAB
DRAWN BY: GKA
CHECKED BY: WAB

J. N.: 289-12-100
CAD FILE: Layer 11

SHEET 1 OF 1

Exhibit B



YOUNGBLOOD, TYLER
& ASSOCIATES P.C.
CONSULTING ENGINEERS, PLANNERS & SURVEYORS

RURAL HILL ON
THE JAMES
ELEVATIONS

EXHIBIT B

DATE: JUNE 25, 202

REVISIONS

NO.	DATE	DESCRIPTION

DESIGNED BY:
DRAWN BY: GKA
CHECKED BY: WAB
JUN: 280-12-100
CAD FILE: RH ELEVATION

SHEET 1 OF 1

Attachment: RZ-2021-00006 - Elevations (Exhibit B) (4054 : District 3 - RZ-2021-00006 Yellowstone

Exhibit C

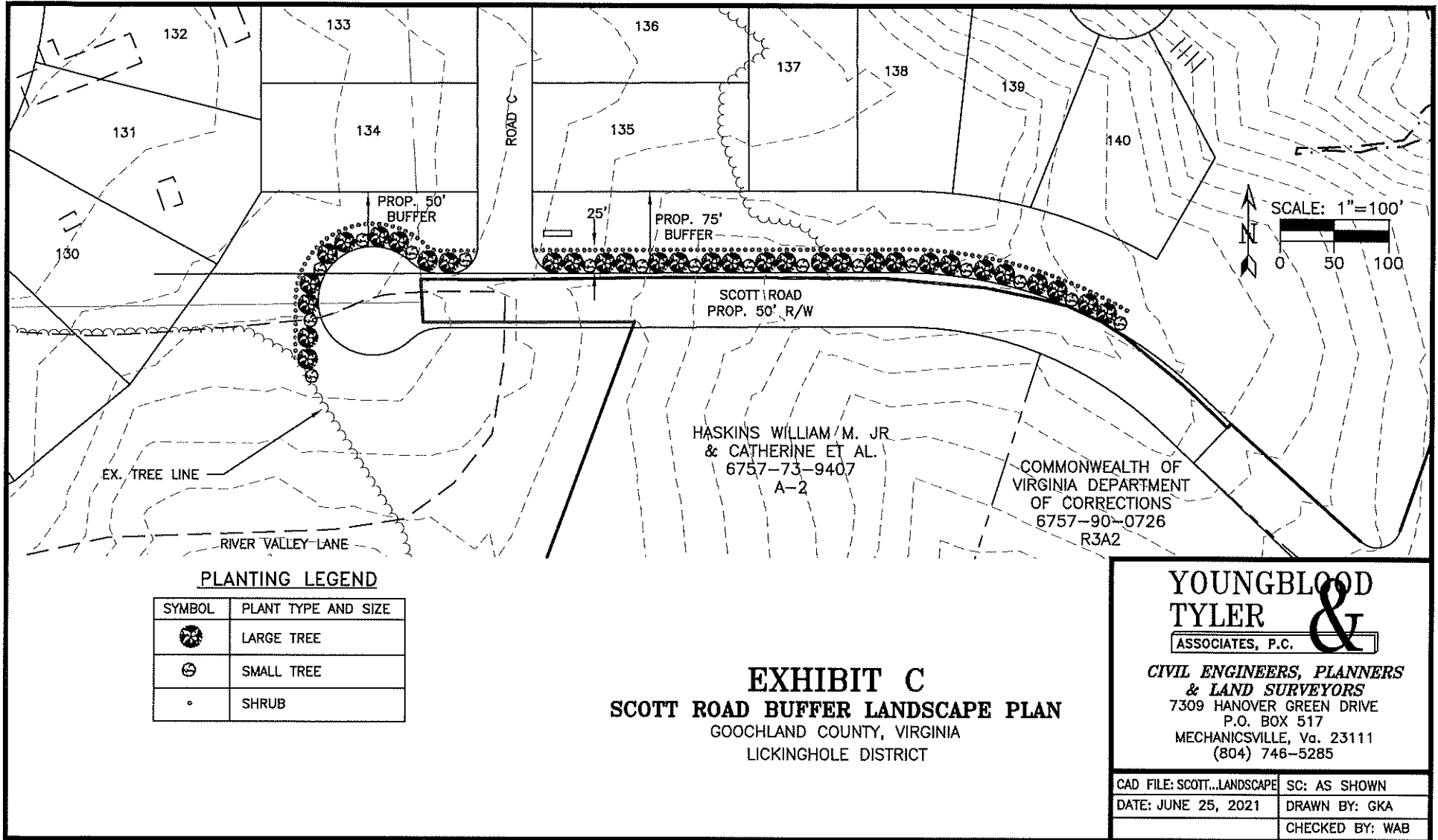




Exhibit D

**YOUNGBLOOD, TYLER
& ASSOCIATES P.C.**
CONSULTING ENGINEERS, PLANNERS & SURVEYORS
7205 HANOVER GREEN DRIVE, P.O. BOX 317 MEDFORD, VIRGINIA 23111
PHONE : (804) 739-7824 FAX : (804) 739-7824
E-MAIL : YOUNGBLOOD@TYLER-ASSOCIATES.COM

**RURAL HILL ON
THE JAMES
ENTRANCE MONUMENT**

EXHIBIT D

DATE: JUNE 25, 2021

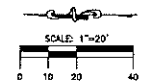
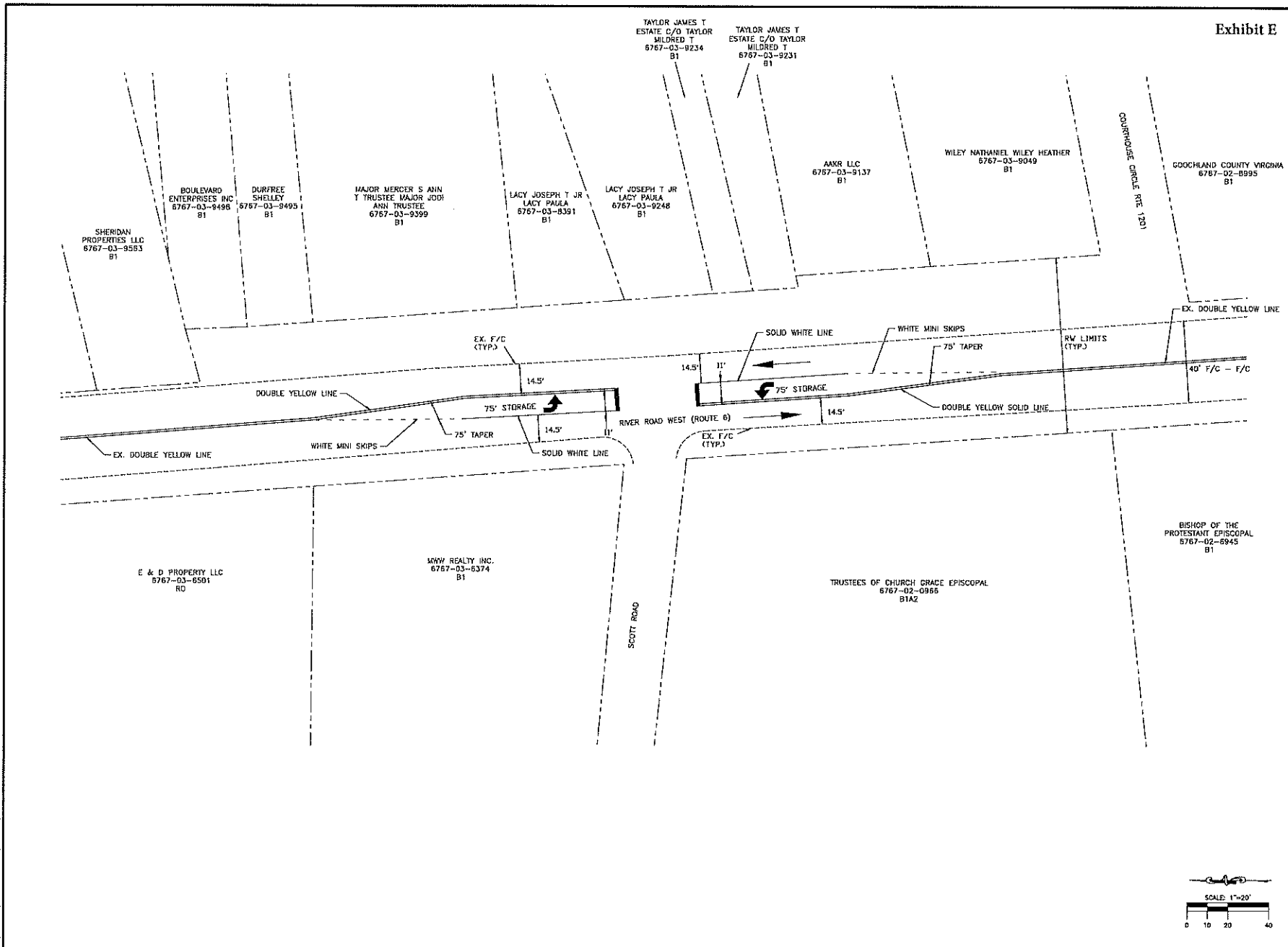
[illegible]

DESIGNED BY:
DRAWN BY: GKA
CHECKED BY: WAB

J.N.: 289-12-100
CAD FILE: PH MOUNTE

SHEET 1 OF 1

AS PREPARED BY: JAMES L. DOWLING, L.L.C.



YOUNGBLOOD, TYLER & ASSOCIATES P.C.
CONSULTING ENGINEERS, PLANNERS & SURVEYORS
7000 JEFFERSON AVENUE, SUITE 300, FALLS CHURCH, VIRGINIA 22041
PHONE: (703) 748-3388 FAX: (703) 748-3388 EMAIL: TYLER@YOUNGBLOOD-PC.COM

SCOTT ROAD INTERSECTION STRIPING PLAN

LICKINGHOLE DISTRICT GOOCHLAND COUNTY, VIRGINIA

EXHIBIT E

DATE: JUNE 25, 2021

REVISIONS

DESIGNED BY: WAB
DRAWN BY: GKA
CHECKED BY: WAB

DATE: 2/28/22
CAD FILE: TUNNANTENHART

SHEET 1 OF 1

✓ Vote Record - Resolution 4025						
<input type="checkbox"/> Approved <input type="checkbox"/> Recommended for Approval <input checked="" type="checkbox"/> Recommended for Denial <input type="checkbox"/> Deferred <input type="checkbox"/> Denied <input type="checkbox"/> Withdrawn <input type="checkbox"/> Recommended for Approval as Am <input type="checkbox"/> Adopted <input type="checkbox"/> Adopted as Amended <input type="checkbox"/> Defeated <input type="checkbox"/> Consensus of the Board <input type="checkbox"/> Tabled by Consensus <input type="checkbox"/> Approved as Amended <input type="checkbox"/> Send to BOS with Report of Tie Vote						
			Yes/Aye	No/Nay	Abstain	Absent
	John Myers	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Matt Brewer	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Tom Rockecharlie	Mover	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Curt Pituck	Seconder	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Carter Duke	Voter	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AT A MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF GOOCHLAND, VIRGINIA, HELD ON JUNE 3, 2021, IN THE GOOCHLAND COUNTY ADMINISTRATION BUILDING, 1800 SANDY HOOK RD., SUITE 250, GOOCHLAND, VIRGINIA, THE FOLLOWING ACTION WAS TAKEN:

Resolution recommending denial of RZ-2021-00006 - Application by Yellowstone Communities, LLC requesting a rezoning of 265.612 acres from Agricultural, Limited (A-2) to Residential, General (R-3), with proffered conditions, on Scott Road, Rural Hill Lane, Cedar Point Road, and Gathright Drive on Tax Map Nos. 42-1-0-14-0, 42-7-0-B-1, 42-7-0-B-0, 42-7-0-E-0, 42-7-0-D-0, 42-7-0-A-0, 42-7-0-B-2, and 42-1-0-59-A2

WHEREAS, Virginia Code §§ 15.2-2280 and 15.2-2285 enable the Goochland County Board of Supervisors to adopt and amend its zoning ordinance including both a map showing the division of land into districts and text setting forth the regulations applying to each district, and Virginia Code § 15.2-2303 allows the Board of Supervisors to accept reasonable conditions proffered by an applicant in a rezoning; and

WHEREAS, the Goochland County Planning Commission is authorized and required, by Virginia Code § 15.2-2285(A), to consider, hold a public hearing, and make a recommendation to the Board of Supervisors on all land use applications filed with the County; and

WHEREAS, Yellowstone Communities, LLC filed an application requesting a rezoning of 265.612 acres from Agricultural, Limited (A-2) to Residential, General (R-3) with proffered conditions, for Tax Map Nos. 42-1-0-14-0, 42-7-0-B-1, 42-7-0-B-0, 42-7-0-E-0, 42-7-0-D-0, 42-7-0-A-0, 42-7-0-B-2, and 42-1-0-59-A2 located on Scott Road, Rural Hill Lane, Cedar Point Road, and Gathright Drive in Election District 3; and

WHEREAS, applicant plans to develop a subdivision with up to 190 lots; and

WHEREAS, applicant has proffered 10 conditions governing the use of the property which are found to be reasonable modifications of or additions to the requirements applicable to the property pursuant to the County Zoning Ordinance; and

WHEREAS, the county's Comprehensive Plan recommends this area for Single Family

WHEREAS, pursuant to Virginia Code § 15.2-2204, the Goochland County Planning Commission advertised as required by law and held a public hearing on this application on June 3, 2021.

NOW, THEREFORE, BE IT RESOLVED, that the Goochland County Planning Commission hereby finds that granting this request is not a matter of public necessity, convenience, general welfare, or good zoning practice; and

BE IT FURTHER RESOLVED, this 3rd day of June, 2021, that the Goochland County Planning Commission hereby recommends that the Goochland County Board of Supervisors deny the zoning classification to Residential, General (R-3) for 265.612 acres identified as Tax Map Nos. 42-1-0-14-0, 42-7-0-B-1, 42-7-0-B-0, 42-7-0-E-0, 42-7-0-D-0, 42-7-0-A-0, 42-7-0-B-2, and 42-1-0-59-A2 located on Scott Road, Rural Hill Lane, Cedar Point Road, and Gathright Drive in Election District 3, subject to the following proffered conditions:

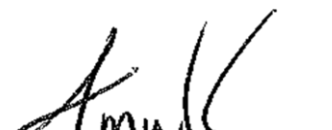
1. Conceptual Plan. The Property shall be developed in general conformance with the exhibit titled "Rural Hill on the James Conceptual Plan" by Youngblood, Tyler & Associates dated May 17, 2021 attached hereto as Exhibit A. The exact locations, footprints, configurations, size, and details of the lots, drives, roads, and other improvements shown on the Conceptual Plan are illustrative and may be subject to change and may be updated from time to time as required for final engineering design, compliance with governmental regulations, or as otherwise approved at the time of subdivision review of the Property.
2. Buffer Requirements.
 - a. Gathright Drive. A natural and landscaped buffer a min. of fifty (50) feet in width shall be provided along the boundary of the Property adjoining Gathright Drive. Utilities may cross the buffer perpendicularly and signage may be placed within the buffer.
 - b. Scott Road. A natural and landscaped buffer a min. of fifty (50) feet in width shall be provided along the boundary of the Property adjoining the existing portion of Scott Road that borders the Property. Utilities may cross the buffer perpendicularly and signage may be placed within the buffer.
 - c. A natural buffer a minimum of twenty-five (25) feet in width shall be provided along the rear of lots 21, and 23-26, as shown on the conceptual plan, adjacent to parcels 6757-76-2707, 6757-66-7564, and 5757-67-2038. Utilities may cross the buffer perpendicularly.
3. Density. No more than one hundred and ninety (190) single family residential units shall be constructed on the Property.
4. Elevations. Homes constructed on the Property shall be similar in architectural treatment with the elevations attached hereto entitled "Rural Hill on the James Elevations" attached hereto as Exhibit B. Any new single-story home shall have a minimum of 1,800 square feet of floor area and any new two-story home shall have a minimum of 2,500 square feet of floor area. Floor area includes the area of the garage.
5. Amenities. The Property shall contain recreational areas in general conformance with the conceptual plan. The property shall contain at least a 2,000 square foot pavilion, pedestrian trails, and a dock in the approximate locations depicted on the conceptual plan.

Resolution

Meeting of June 3, 2021

6. Sidewalks. A minimum four (4) feet wide concrete sidewalk shall be located along Reed Marsh Lane, Road A, Road B, Road C, Road K, Road L, and Scott Road in the approximate locations shown on the conceptual plan. The exact location may be subject to change and may be updated from time to time as required for final engineering design, compliance with governmental regulations, or as otherwise approved at the time of subdivision review of the Property.
7. River Valley Lane. River Valley Lane is to remain in its current state and shall remain in its current location. A VDOT approved entrance shall be constructed at its intersection with the improved Scott Road.
8. Protective Covenants. A document setting forth covenants shall be recorded in the Clerk's Office of the Circuit Court of Goochland County, setting forth controls on the development and the maintenance of property and establishing an owner's association ("Association"). The covenants shall describe standards of uniform maintenance of individual lots, common areas, open space, and landscaping. The Association shall establish uniform rules relating to the standards for approval by the Association of any improvements within the property, including but not limited to, construction of buildings, other structures, and signage.
9. Hours of Construction. During the construction of the development on the property, the hours of exterior construction shall be limited to 7:00 a.m. to 8:00 p.m., Monday through Saturday, except in emergencies or where unusual circumstances require extending the specific hours to complete such work as concrete pours or utility connections. Exceptions shall require the approval of the Director of Community Development. Construction signs shall be posted stating the hours of construction.
10. Cash Proffer. The applicant, or its assignees, shall pay thirteen thousand, seven hundred and eighty-one dollars (\$13,781.00) for each residential lot to the County of Goochland. Such payments shall be due and payable only after completion of the final inspection by the County and prior to the time of the issuance of the certificate of occupancy for each residential home. The cumulative percentage increase or decrease in the Marshall & Swift Building Cost Index for the most recently published (12) months, shall be added to or, in the instance of a decrease, subtracted from the amount proffered, in the year following the rezoning, and added to or, in the case of decrease, subtracted from the recalculated amount for each subsequent year. Cash proffer amounts, recalculated, due the index provided above, shall be effective the next year on the date of the Board's adoption of annual adjustments, or July 1, whichever comes first, for payments made through such date. Any cash proffer shall be increased or decreased automatically in accordance with this method.⁴ Open Space. The open space shall be dedicated to the homeowners' association for the subdivision and shall be maintained by the applicant or its successors in title until it is conveyed to the homeowners' association, and thereafter the open space shall be maintained by the homeowners' association.

A COPY ATTEST:



Tom Coleman, Principal Planner

6/10/2021

Attachment: RZ-2021-00006 - PC Resolution (4054 : District 3 - RZ-2021-00006 Yellowstone Communities, LLC)

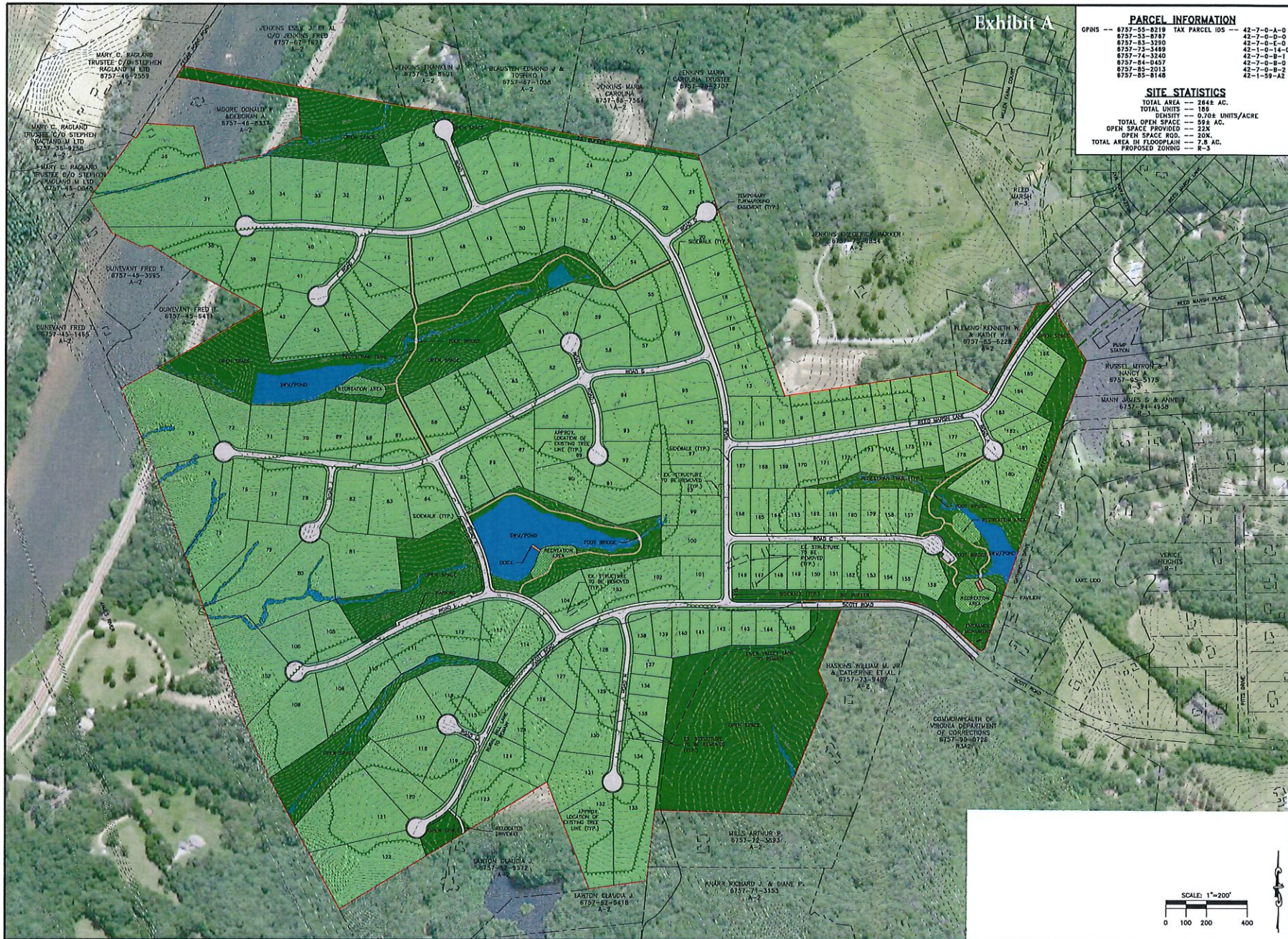


Exhibit A

PARCEL INFORMATION		
OPNS -- 8757-35-8218	TAX PARCEL IDS --	42-7-0-A-0
8757-35-8787		42-7-0-0-0
8757-35-3280		42-7-0-0-0
8757-75-3469		42-1-0-14-0
8757-74-3240		42-7-0-0-1
8757-84-0487		42-7-0-0-0
8757-83-2013		42-7-0-0-2
8757-83-8148		42-1-59-A2

SITE STATISTICS		
TOTAL AREA --	264E AC.	
TOTAL UNITS --	185	
DENSITY --	0.70E UNITS/ACRE	
TOTAL OPEN SPACE --	59E AC.	
OPEN SPACE PROVIDED --	22E	
OPEN SPACE REQD. --	20E	
TOTAL AREA IN FLOODPLAIN --	7.8 AC.	
PROPOSED ZONING --	R-3	

YOUNGBLOOD, TYLER & ASSOCIATES, P.C.
CONSULTING ENGINEERS, PLANNERS & SURVEYORS
7339 HANOVER STREET DRIVE, P.O. BOX 517, MECHANICSVILLE, VIRGINIA 23111
PHONE: (804) 744-3388 FAX: (804) 750-1614 EMAIL: TYLER@YOUNGBLOOD-TYLER.COM

RURAL HILL ON THE JAMES

LICKINGHOLE DISTRICT GOCHLAND COUNTY, VIRGINIA

CONCEPT PLAN
EXHIBIT A

DATE: MAY 17, 2021

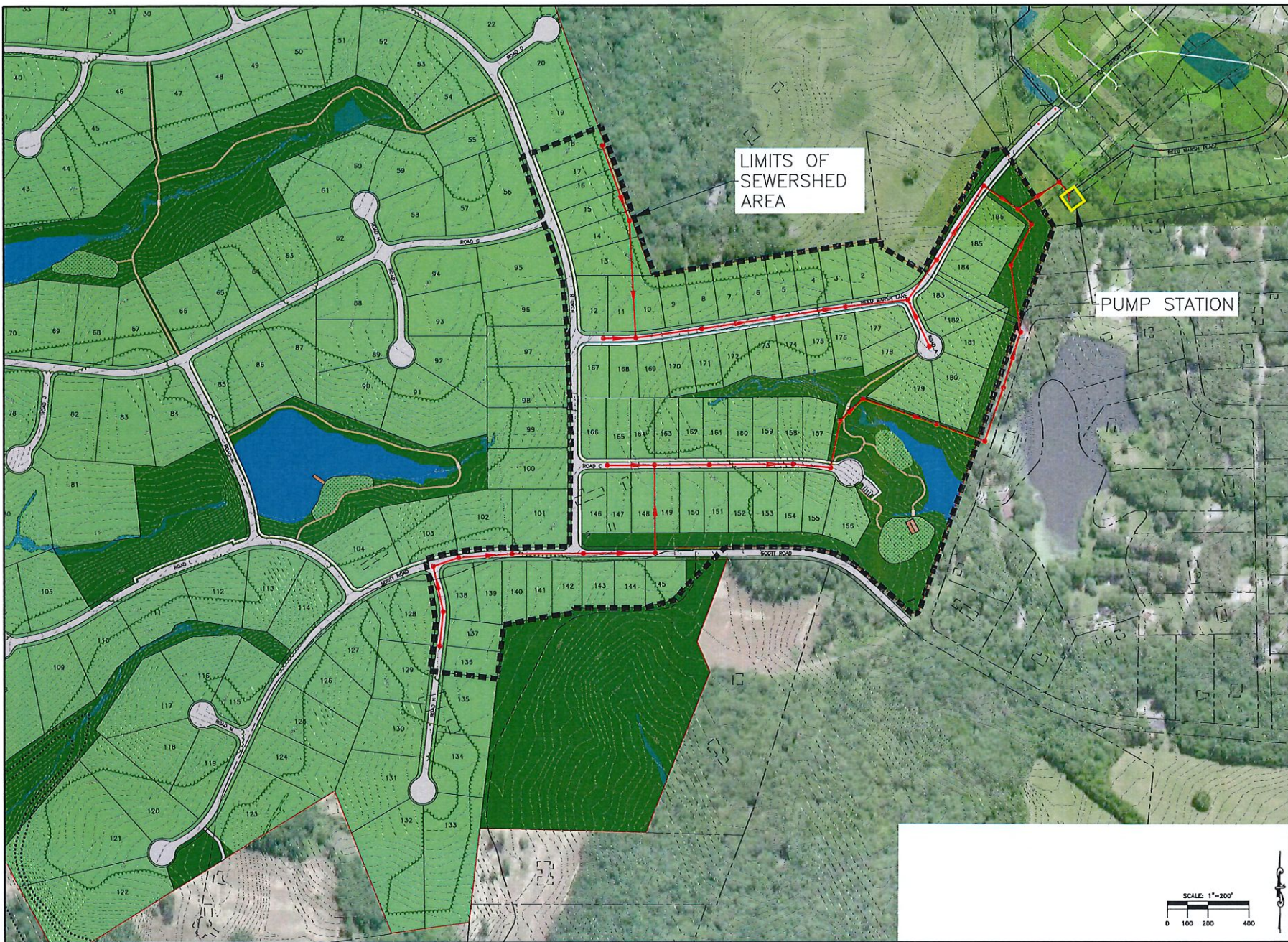
REVISIONS	
NO.	DATE

DESIGNED BY: WAB
DRAWN BY: GKA
CHECKED BY: WAB

J. N. 289-12-100
LEAD FILE/RECORD ID#

SHEET 1 OF 1

ALL DIMENSIONS SHOWN, HILL VARIATIONS (NOT) INCLUDING EXISTING CONTOURS



**YOUNGBLOOD, TYLER
& ASSOCIATES P.C.**
CONSULTING ENGINEERS, PLANNERS & SURVEYORS
7209 HANOVER GREEN DRIVE P.O. BOX 517 REIMSCHUESSEL, VIRGINIA 23111
(804) 726-7874 FAX: (804) 726-7874 BULK: (804) 726-7874
TELEPHONE: (804) 714-3353 FAX: (804) 726-7874 BULK: (804) 726-7874
WWW.YOUNGBLOOD-TYLER.COM

RURAL HILL ON THE JAMES

LUCKINGHOLE DISTRICT GOOCHLAND COUNTY, VIRGINIA

SEWER MAP
EXHIBIT C

DATE: MAY 17, 2021

[illegible]

DESIGNED BY: WAB
DRAWN BY: GKA
CHECKED BY: WAB

J. N.: 289-12-100
CAD FILE: REZONING EXHIBIT

SHEET 1 OF 1



GOOCHLAND COUNTY
Department of Community Development
 Staff Report for Board of Supervisors
 Prepared July 14, 2021

RZ-2021-00006 – Yellowstone Communities, LLC

Voting District:	3
Application Date:	5/5/2021
Community Meeting Date:	4/15/2021
Planning Commission Public Hearing:	6/3/2021 Recommend for Denial
Board of Supervisors Public Hearing:	7/6/2021 Defer to August 8/3/2021 Pending

OVERVIEW:

Request	Rezoning to allow single-family residential for up to 170 lots
Location	Scott Road, Rural Hill Lane, Cedar Point Road, Gathright Dr.
Subdivision	n/a
Tax Map Nos.	42-1-0-14-0, 42-7-0-B-1, 42-7-0-B-0, 42-7-0-E-0, 42-7-0-D-0, 42-7-0-A-0, 42-7-0-B-2, and 42-1-0-59-A2
Acreage	265.6
Current Zoning	Agricultural, Limited (A-2)
Proposed Zoning	Residential, General (R-3) with proffers
Comprehensive Plan	Single Family Residential, Low Density
TCSD	No
Overlay District/ Village	Goochland Courthouse Village
Staff Contact	Tom Coleman (556-5865); tcoleman@goochlandva.us

APPLICATION SUMMARY

District 3 - RZ-2021-00006 Application by Yellowstone Communities, LLC requesting rezoning of 265.612 acres from Agricultural, Limited (A-2) to Residential, General (R-3), with proffered conditions, along Scott Road, Rural Hill Lane, Cedar Point Road, and Gathright Drive on Tax Map Nos. 42-1-0-14-0, 42-7-0-B-1, 42-7-0-B-0, 42-7-0-E-0, 42-7-0-D-0, 42-7-0-A-0, 42-7-0-B-2, and 42-1-0-59-A2. The Comprehensive Plan designates this area as Single Family Residential, Low Density.

The site is mostly undeveloped. The property includes frontage on Reed Marsh Lane (under construction), Scott Road, Cedar Point Road, Gathright Drive, Rural Hill Lane (private) and River Valley Lane (private). Rural Hill Lane and River Valley Lane are private access easements that traverse portions of the site and provide access to nearby residences and properties. The applicant proposes to construct up to 170 single-family detached homes.

The applicant is proposing to mitigate the development's impacts on capital facilities in accordance with State law by offering a cash proffer of \$13,781 per residential unit. Using the Capital Impact Model, staff has identified the cash proffer eligible impacts as \$13,781 per residential unit in the Central Service Area.

The applicant has done an independent review and certified that the Study and Model have accurately identified a reasonable proffer amount to address the specifically

attributable impacts from its proposed development in accordance with state law. Applicant is fully addressing the capital impacts of its proposed development.

At their June 3, 2021 public meeting, the Planning Commission recommended denial on 4-1 vote. Twelve people spoke at the public meeting, and eleven of the speakers expressed opposition.

After the Planning Commission meeting, the applicant made a number of changes to the application including: reducing the number of lots from 190 to 170; increasing the commitment to street trees, buffers, and open space; adding turn lane striping to Route 6; increasing the quality of dwelling building materials and dwelling facades; altering the interior road layout; and limiting construction traffic on Scott Rd.

At the July 6, 2021 public meeting, the Board of Supervisors deferred consideration of the application for one month. The Board of Supervisors will hear further public comment at the August 3, 2021 meeting.

Since the Board meeting, the applicant made changes to the application including:

- Revised text for a stronger commitment to conceptual plan
- Identified specific locations to provide supplemental landscaping to improve buffers
- Committed to a timeline for Rte. 6 striping and trails
- Further restricted construction traffic from Scott Rd.
- Deleted severance proffer

EVALUATION

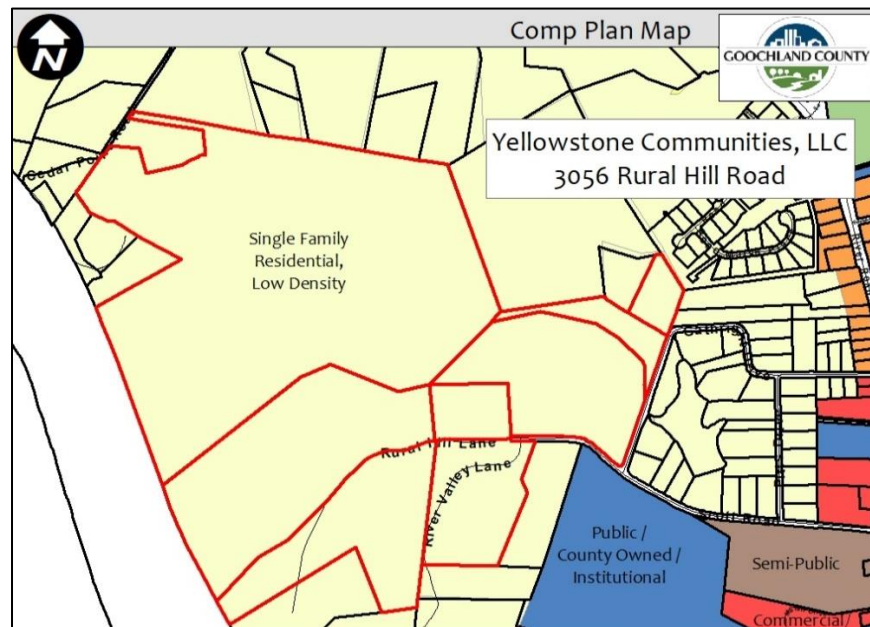
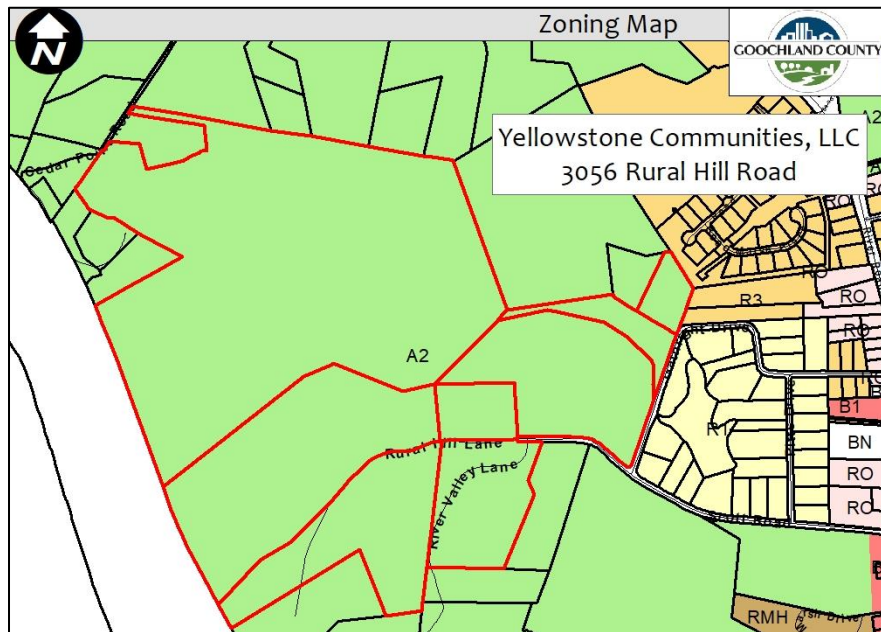
- Comprehensive Plan. The average lot size is not consistent with the comprehensive plan designation for Single Family Residential, Low Density, which is an average lot size of one home per 2 acres. This project has a gross density of 1.5.
- Traffic. Application will increase traffic on public roads, especially Scott Road, Gathright Drive, and Reed Marsh Lane.
- Rural Hill Lane. The relocation and improvement of the access easement impacts abutting property owners which utilize and will continue to utilize the access.

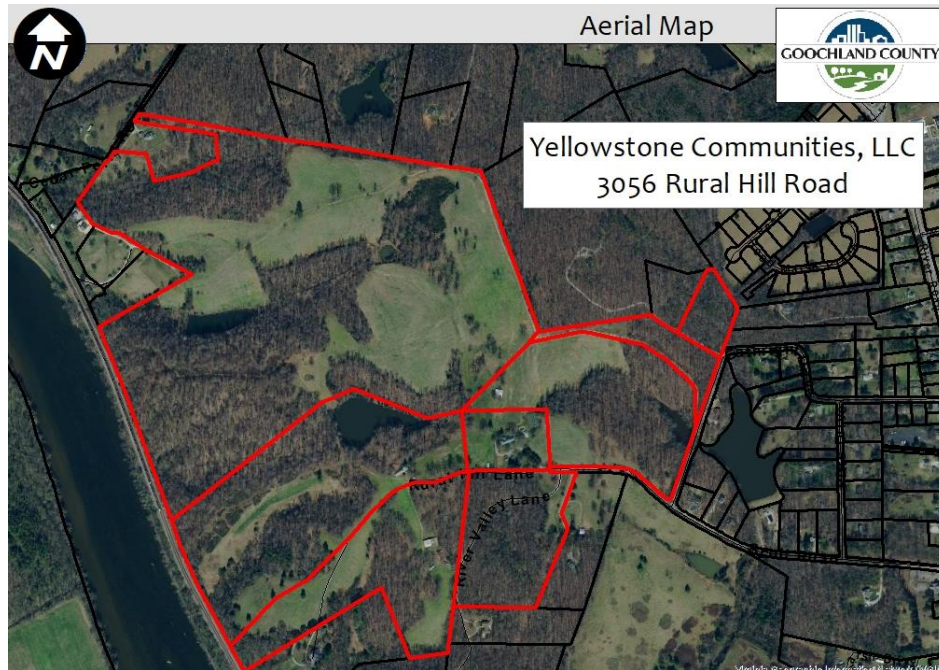
EXISTING LAND USE/COMPREHENSIVE PLAN	
Zoning	Agricultural, Limited (A-2)
Existing Land Use	Undeveloped
Comprehensive Plan	Single Family Residential, Low Density

The site is largely undeveloped. There is one dwelling and several outbuildings on the property. The site features steep grades, a riverfront viewshed, and a combination of fields and large stands of mature trees. Rural Hill and River Valley Lanes are private access easements that traverse portions of the site and provide access to other residences and property.

ADJACENT PROPERTY INFORMATION				
	North	South	East	West
Adjacent Zoning	A-2	A-2	R-1/R-3	A-2
Adjacent Land Use	Residential/ Undeveloped	Residential/ Undeveloped	Residential	James River

Abutting land uses to the north and south feature low density residential and undeveloped land. The Reed Marsh and Venice Heights neighborhoods abut the property to east, and their residential lots range from approximately 0.46 to 1.0 acre in size. The James River forms the western boundary.





PROPOSED USE

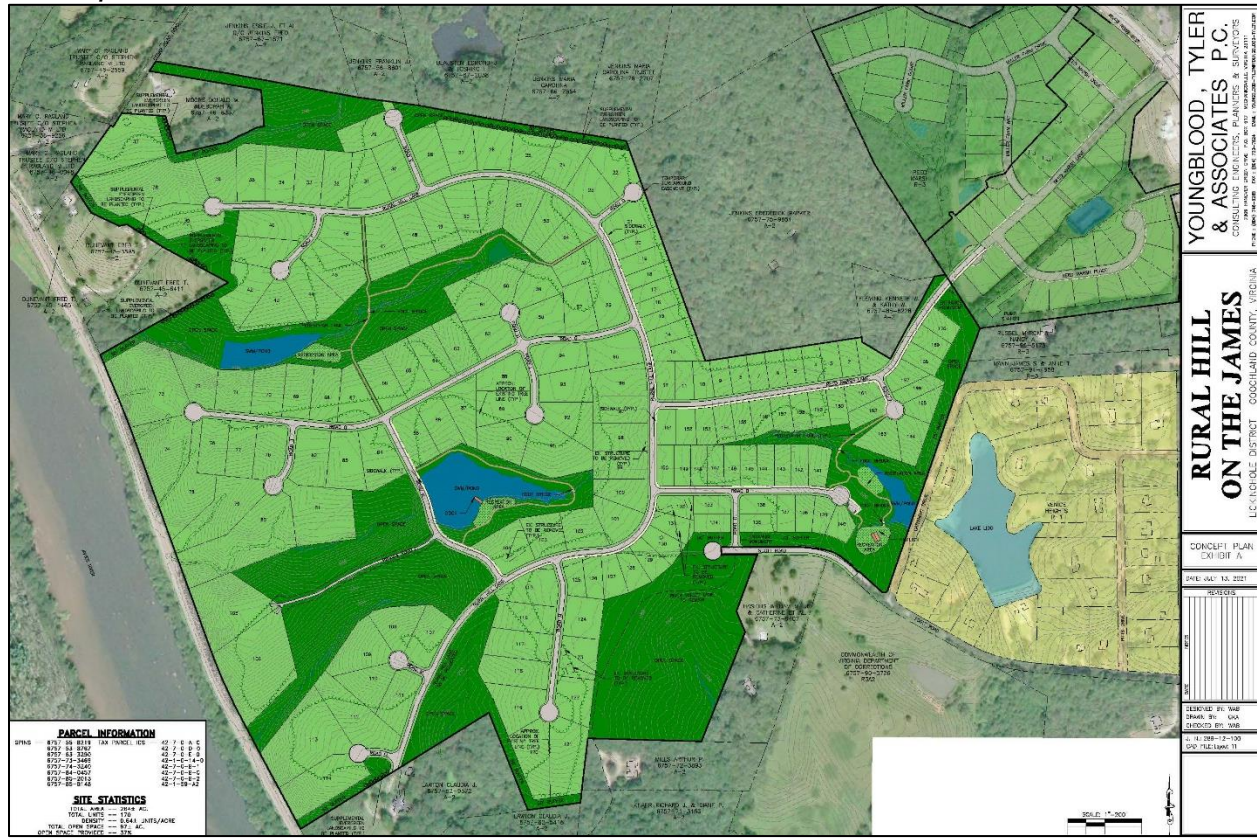
The applicant is requesting R-3 zoning. The requested zoning of 265.612 acres would allow construction of up to 170 single-family detached dwellings. The entire subdivision would be served by public water. Due largely to topography, part of the site will be served by public sewer, and the roughly western half of the development will have private sewer. R-3 district standards require a minimum of 20% of the subdivision be included open space, and the applicant is proposing approximately 37% (97 acres).

There is one dwelling and several outbuildings that would be demolished. The James River forms the western boundary of the site, and westernmost lots would provide river viewsheds. The property features steep grades associated with the creeks and drainage ways leading to the river.

The property includes frontage on Reed Marsh Lane (under construction), Scott Road, Cedar Point Road, Gathright Drive, Rural Hill Lane (private), and River Valley Lane (private). Reed Marsh Lane is under construction and would provide a new subdivision street constructed to current VDOT standards with access to a signalized intersection. Scott Road, Cedar Point Road, and Gathright Drive are residential streets with minimal pavements widths. Scott Road varies from approximately 16-18 ft. One lot would have access to Cedar Pont Road.

Rural Hill and River Valley Lanes are private access easements that traverse portions of the site and provide access to thirteen other residences and properties. Most of Rural Hill Lane would be reconfigured to become part of improved subdivision streets. River Valley Lane would remain substantially unchanged after connecting to the new subdivision roadway.

Conceptual Plan



Zoning Proffers

The applicant offered a number of zoning proffers to further regulate the R-3 district development including a conceptual plan, a maximum of 170 lots, sidewalks on selected roads, buffers and open space in selected areas, supplemental evergreen plantings within selected buffer areas, street trees, neighborhood trails and other amenities, entrance features, turn lane striping on Route 6, dwelling building materials and elevations, limiting construction traffic on Scott Rd., and a cash proffer to offset capital impacts.

Comprehensive Plan

The 2035 Comprehensive Plan designates the subject property Single Family Residential, Low Density. Adjoining properties primarily share the same except for a parcel recommended for Public/County-owned/Institutional associated with the corrections facility. The residential density is not consistent with the comprehensive plan recommendation for an average lot size of two-acres.

Subtracting the open space (~97 acres) from the total acreage (~265.6 acres) provides an average lot size of approximately 1.0 acre. The average lot size of approximately 1.0 acre is not consistent with the comprehensive plan recommendation.

When the Comprehensive plan was updated in 2015, there were limits/restraints on sewer capacity that strictly limited development in the Goochland Courthouse Village. Since the comprehensive plan approval, the County and Department of Corrections have increased sewer capacity to serve the Goochland Courthouse Village area.

Utility Master Plan

The entire proposed project area is located in the service area for the Goochland Courthouse public sewer system and projected sewer flows from those parcels are included in the county's 2020 Utility Master Plan.

Lots with Public Sewer

- All lots served by public water
- 66 lots served by public sewer

The R-3 district provides the following lot area / lot width standards for single-family lots:

- Served by both public water and sewer: 20,000 sq. ft. / 75 ft.
- Served by only one public utility: 1.0 ac. / 150 ft.
- Served by both private water and sewer: 1.5 ac. / 200 ft.

CAPITAL IMPACT MODEL

The applicant is proposing to mitigate the development's impacts on capital facilities in accordance with State law by offering a cash proffer of \$13,781 per residential unit. Using the CI Model, staff has identified the cash proffer eligible impacts as \$13,781 per residential unit in the Central Service Area. The applicant has done an independent review and certified that the Study and Model have accurately identified a reasonable proffer amount to address the specifically attributable impacts from its proposed development in accordance with state law. Applicant is fully addressing the capital impacts of its proposed development.


CASH PROFFER ELIGIBLE SUMMARY PAGE
Capital Impacts Model
Goochland County, Virginia

TischlerBise
FISCAL | ECONOMIC | PLANNING

CASH PROFFER ELEGIBLE INFRASTRUCTURE CATEGORIES, RESIDENTIAL

	Total Housing Units	Capital Impact	Capital Impact per Housing Unit
Schools	170	\$1,691,565	\$9,950
Parks and Recreation	170	\$109,707	\$645
Public Safety [^]	170	\$400,041	\$2,353
Transportation	170	\$141,525	\$833
Total	170	\$2,342,838	\$13,781

	Total Housing Units	Capital Impact	Capital Impact per Housing Unit
[^] Public Safety			
Sheriff	170	\$0	\$0
Fire	170	\$400,041	\$2,353
Animal Protection	170	\$0	\$0



FISCAL | ECONOMIC | PLANNING

SUMMARY OF PROJECT OUTPUTS

Project Name	Rural Hil - Yellowstone
--------------	-------------------------

CAPITAL COST IMPACTS FOR DEVELOPMENT PROPOSAL

	RESIDENTIAL	NONRESIDENTIAL	TOTAL
Housing Units	170.00		170.00
Projected Population	380.80		380.80
Projected Students			
Projected Elem. School Students	37.400		37.400
Projected Mid. School Students	25.500		25.500
Projected High School Students	27.200		27.200
Projected Total Students	90.100		90.100
Nonresidential Sq. Ft.		0	0
Projected Jobs		0	0

Total for the Development Proposal						
INFRASTRUCTURE CATEGORY	FULL CAPITAL IMPACT			CAPACITY TRIGGERED		
	RESIDENTIAL	NONRESIDENTIAL	TOTAL	RESIDENTIAL	NONRESIDENTIAL	TOTAL
* SCHOOLS	\$3,333,053	\$0	\$3,333,053	\$1,691,565	\$0	\$1,691,565
* PARKS AND RECREATION	\$289,900	\$0	\$289,900	\$109,707	\$0	\$109,707
* SHERIFF	\$161,718	\$0	\$161,718	\$0	\$0	\$0
* FIRE	\$400,041	\$0	\$400,041	\$400,041	\$0	\$400,041
* ANIMAL PROTECTION	\$35,144	\$0	\$35,144	\$0	\$0	\$0
* TRANSPORTATION	\$141,525	\$0	\$141,525	\$141,525	\$0	\$141,525
LIBRARIES	\$42,139	\$0	\$42,139	\$42,139	\$0	\$42,139
GEN. GOVT	\$82,001	\$0	\$82,001	\$82,001	\$0	\$82,001
COURTS	\$8,746	\$0	\$8,746	\$8,746	\$0	\$8,746
ENV. SRVCS.	\$5,057	\$0	\$5,057	\$5,057	\$0	\$5,057
GRAND TOTAL CAPITAL COSTS	\$4,499,324	\$0	\$4,499,324	\$2,480,781	\$0	\$2,480,781
*CASH PROFFER CATEGORIES	\$4,326,237	\$0	\$4,326,237	\$2,342,838	\$0	\$2,342,838

* Cash proffer categories limited to public transportation facilities, public safety facilities, public school facilities, and public parks.

	FULL CAPITAL IMPACT		CAPACITY TRIGGERED	
	Residential, per unit	Nonresidential, per 1,000 sq. ft.	Residential, per unit	Nonresidential, per 1,000 sq. ft.
Average Cost Per Unit				
Grand Total Capital Costs	\$26,467	\$0	\$14,593	\$0
Cash Proffer Categories	\$25,448	\$0	\$13,781	\$0

Traffic Impact Analysis (TIA)

The applicant submitted a TIA (June 2021) that analyzed the following intersections:

- River Road at Future Fairground Road Extension
- River Road at Sandy Hook Road / Reed Marsh Lane (signalized)
- River Road at Dickinson Road / Library Driveway
- River Road at Gathright Drive / Wells Fargo Driveway
- River Road at Scott Road / Commercial Driveway

The TIA reviewed existing turning movements in the study area and noted turning movements currently not operating at an acceptable Level of Service (LoS A, B, C):

- River Road at Dickinson Road / Library Driveway
 - Westbound L/T/R D p.m.

The TIA then added projected traffic from two underway/potential projects to establish a baseline for future traffic conditions:

1. Reed Marsh subdivision (under construction): 70 homes
2. Knarr Property (100 ac. on River Valley Ln.) 75 homes

The TIA then added projected traffic from this proposal (analyzed at 187 homes). The TIA identified declines in Level of Service (LoS) for turning movements as a result of proposed traffic from this proposal. Several turning are impacted, including movements that fall to LoS D, E, or F, which are not acceptable:

- River Road at Sandy Hook Road / Reed Marsh Lane (signalized)
 - Eastbound L/T C D p.m. (~~Old~~ LoS / New LoS)
 - Westbound T/R B C a.m.
 - Northbound T B C p.m.
 - Overall Intersection B C

Based on VDOT standards, projected traffic volumes warrant a northbound left-turn lane and a southbound right turn-lane taper on River Road West.

Proposed Traffic Improvements

- Cash proffer as determined by Capital Impacts Model
- River Road West at Scott Road/Commercial Driveway Intersection
 - Restripe northbound River Road West to create a left turn lane with a minimum of seventy-five (75) feet of storage.
 - Restripe southbound River Road West to create a left turn lane with a minimum of seventy-five (75) feet of storage. (Provided in lieu of southbound right taper.)
 - With restriping, all turning movements projected to operate at LoS C or better

Planning Analysis

Remaining staff concerns with this application:

- Comprehensive Plan. The average lot size is not consistent with the comprehensive plan designation, which is an average lot size of one home per 2 acres. This project has a density of 1.5.
- Traffic. Application will increase traffic on public roads, especially Scott Rd., Gathright Dr., and Reed Marsh Ln.
- Rural Hill Lane. The relocation and improvement of the access easement impacts abutting property owners which utilize and will continue to utilize the access.

REVIEW BY COUNTY AGENCIES/DEPARTMENTS	
Building	Concur with Fire/Rescue Comments.
Fire/Rescue	The applicant is meeting all fire code standards in the new section under their control; however, existing Scott Road (Rt. 631) which is a VDOT maintained roadway does not meet this standard. The concern is the condition and the width of the roadway and the size of the fire apparatus.
Utilities	<ul style="list-style-type: none"> • Provide conceptual layout for gravity sewer in portions of subdivision proposed to be served by sewer. • DPU has no major concerns with the larger, more remote, parcels in the proposed Yellowstone, LLC project utilizing private drainfields instead of connecting to public sewer. There are pros and cons to both public sewer and private drainfields as methods of sewage disposal for the area, and the DPU can and will accommodate either method. Some items for consideration include the following: <ol style="list-style-type: none"> 1) No DPU requirement that the project connect to public sewer. 2) The entire proposed project area is located in the service area for the Goochland Courthouse public sewer system and projected sewer flows from those parcels are included in the county's 2020 Utility Master Plan.

REVIEW BY COUNTY AGENCIES/DEPARTMENTS

	<p>3) Updating flow projections and system modeling in the Master Plan to accommodate a reduction in the size of the service area will not be difficult, although it should be noted that large reductions in service area size may affect future economies of scale for the costs of maintenance and operations in the overall Goochland Courthouse sewage system.</p> <p>4) Once a particular subdivision/project has utilized drainfields for sewage disposal, the provision of public sewer in the future would be complex and costly.</p> <p>5) Terrain and proposed lot sizes in the area in question may provide some challenges to utilizing conventional gravity sewer lines to serve the area.</p> <p>6) One possible solution to the issues noted in #5, above, is for the portions in question to utilize a low pressure force main collection system with a grinder pump on each lot. This will provide public sewer service without the necessity for exceptionally deep gravity sewer lines and/or additional publicly owned sewage pumping station(s).</p>
Schools	No comments received
Public Safety	No comments received
Environmental	Plan of development, land disturbance permit, and stormwater permit will be required.
Historic/Cultural Resources	None identified

REVIEW BY STATE AGENCIES/DEPARTMENTS

Health	No comments received
VDoT	Build conditions warrant a left turn lane on Rt5. 6 at Scott Rd. VDoT recommends construction of a left turn lane at this location.

TRANSPORTATION

The property includes frontage on Reed Marsh Lane (under construction), Scott Road, Cedar Point Road, Gathright Drive, Rural Hill Lane (private) and River Valley Lane (private). Reed Marsh Lane is under construction and would provide a new subdivision street constructed to current VDoT standards with access to a signalized intersection at Rte. 6. Scott Road, Cedar Point Road, and Gathright Drive are residential streets with minimal pavements widths varying from approximately 16-18 ft. One lot would have access to Cedar Pont Road.

Transportation impacts are discussed in Traffic Impact Analysis (TIA) section of this report.

Traffic Counts

Roadway	From	To	Segment Length (Miles)	*AADT (2019)
River Road West	Sandy Hook Rd.	Maidens Rd.	1.74	7,100
Scott Rd.	River Road West	Pitts Rd.	0.15	170
Gathright Rd.	Scott Rd.	River Road West	0.60	130

(VDoT Jurisdiction Report, Daily Traffic Volume Estimates, Goochland County - 2019)

Major Thoroughfare Plan

The Major Thoroughfare Plan (MTP) identifies Scott Road, Cedar Point Road, and Gathright Drive as Local roads with an ultimate right-of-way width of up to 50 ft. ,and each has a posted speed limit of 25 mph. River Road West is designated a Minor Arterial roadway in the MTP and has a posted speed limit of 35 mph.

CODE ENFORCEMENT/MAINTENANCE ISSUES

None identified by staff.

COMMUNITY MEETING

The applicant hosted a community meeting on April 15, 2021 to review the proposed request. Attending the meeting were Board of Supervisor members Mr. Spoonhower and Mr. Lumpkins, Planning Commission member Mr. Myers, approximately 50 people, and staff. There were concerns regarding roads and traffic including the width of Scott Road, curb cuts, safety and increased traffic on Scott, rerouting River View Lane, distribution of traffic and traffic analysis, and impacts to Fairground Road and other nearby roadways. Other matters were discussed including density, impact to schools, internet service, open space and buffers, providing useable green space, stormwater management and sediment in ponds, wetlands, construction hours and construction traffic, notification to prospective residents in Reed Marsh, public water and sewer, and project phasing.

FISCAL IMPACT

- This development would represent a sizable private investment in this area.
- Subject property is in the land use taxation program. Removal and roll back provisions may apply.
- Additional fiscal information can be found in the Capital Impacts Section of this report.

ZONING PROFFERS

The applicant offers the following zoning proffers. (Note: Proffers are blacklined to show changes from proffers submitted July 1, 2021.)

1. **Conceptual Plan.** The Property under consideration in this case (the "Property") shall be developed in general conformance with the exhibit titled "Rural Hill on the James Conceptual Plan" by Youngblood, Tyler & Associates dated ~~June 25~~ July 13, 2021, attached hereto as Exhibit A. The exact locations, footprints, configurations, size, and details of the lots, drives, roads, and other improvements shown on the Conceptual Plan are illustrative and ~~may be subject to change~~ and may be ~~updated from time to time~~ modified as required for final engineering design, compliance with governmental regulations, or as otherwise approved at the time of subdivision review of the Property, but any such modifications shall be in substantial conformance with the Conceptual Plan.

Staff Comment: Acceptable.

2. **Buffer Requirements.**

- a. Gathright Drive. A natural and landscaped buffer a minimum of seventy-five (75) feet in width shall be provided along the boundary of the Property adjoining Gathright Drive. ~~In areas where insufficient vegetation currently exists, a double row of supplemental evergreen plantings shall be installed at a minimum of ten (10) feet on center.~~ Utilities may cross the buffer perpendicularly and signage may be placed within the buffer.

- b. Scott Road. A natural and landscaped buffer a minimum of seventy-five (75) feet in width shall be provided along the boundary of the Property adjoining the existing portion of Scott Road that borders lots 135 and lots 137-140 as shown on Exhibit A. A natural and landscaped buffer a minimum of fifty (50) feet in width shall be provided adjacent to lots 130-131 and 134 as shown on Exhibit A. The buffer shall be planted in accordance with the "Scott Road Buffer Landscape Plan" by Youngblood, Tyler & Associates dated June 25, 2021, attached hereto as Exhibit C. Utilities may cross the buffer perpendicularly and signage may be placed within the buffer.
- c. A natural and landscaped buffer a minimum of fifty (50) feet in width shall be provided along the rear of lots 22, and 24-27, as shown on the conceptual plan, adjacent to parcels 6757-76-2707, 6757-66-7564, and 6757-67-2038. In areas shown on the Conceptual Plan as "SUPPLEMENTAL EVERGREEN LANDSCAPING TO BE PLANTED" ~~where insufficient vegetation currently exists~~, a double row of supplemental evergreen plantings shall be installed at a minimum of ten (10) feet on center. Utilities may cross the buffer perpendicularly.
- d. A natural and landscaped buffer a minimum of fifty (50) feet in width shall be provided along the rear of lots 35-38, as shown on the conceptual plan adjacent to parcel 6757-46-8337. In areas shown on the Conceptual Plan as "SUPPLEMENTAL EVERGREEN LANDSCAPING TO BE PLANTED" ~~where insufficient vegetation currently exists~~, a double row of supplemental evergreen plantings shall be installed at a minimum of ten (10) feet on center. Utilities may cross the buffer perpendicularly.
- e. A natural and landscaped buffer a minimum of fifty (50) feet in width shall be provided along the rear and/or sides of lots 37-39, 42, and 73, as shown on the conceptual plan, adjacent to parcels 6757-45-1465, 6757-45-3595, and 6757-45-6411. In areas shown on the Conceptual Plan as "SUPPLEMENTAL EVERGREEN LANDSCAPING TO BE PLANTED" ~~where insufficient vegetation currently exists~~, a double row of supplemental evergreen plantings shall be installed at a minimum of ten (10) feet on center. Utilities may cross the buffer perpendicularly.
- f. A natural and landscaped buffer a minimum of fifty (50) feet in width shall be provided along the rear and/or sides of lots 114 and 119-121, as shown on the conceptual plan, adjacent to parcels 6757-52-9572 and 6757-62-5418. In areas shown on the Conceptual Plan as "SUPPLEMENTAL EVERGREEN LANDSCAPING TO BE PLANTED" ~~where insufficient vegetation currently exists~~, a double row of supplemental evergreen plantings shall be installed at a minimum of ten (10) feet on center. Utilities may cross the buffer perpendicularly.
- g. Landscaping in the buffers described above shall be installed prior to the issuance of the first certificate of occupancy for any of the lots adjoining said buffer.

Staff Comment: Acceptable.

- 3. **Density.** No more than one hundred and seventy (170) single family residential units shall be constructed on the Property.

Staff Comment: Not consistent with Comprehensive Plan.

4. **Elevations.** Homes constructed on the Property shall be similar in architectural treatment with the elevations attached hereto entitled "Rural Hill on the James Elevations" attached hereto as Exhibit B. Various design elements shall be incorporated to provide variety amongst individual dwelling units, including but not limited to; varying colors of siding, brick, or stone, accent materials, varying colors of exterior elevations, varying window designs, and varying doorway designs. No two dwellings adjoining each other side by side shall be identical in exterior architectural features and colors. Any new single-story home shall have a minimum of 1,800 square feet of floor area and any new two-story home shall have a minimum of 2,500 square feet of floor area. Floor area includes the area of the garage.

Staff Comment: Acceptable.

5. **Amenities.** The Property shall contain recreational areas in general conformance with the conceptual plan. The property shall contain at least a 2,000 square foot pavilion, pedestrian trails, and a dock in the approximate locations depicted on the conceptual plan. The pedestrian trails shall be constructed of asphalt a minimum of four (4) feet in width. Construction of pedestrian trails shall occur in phases timed in conjunction with initial development of platted sections of the Property, so that those portions of pedestrian trails shown on the Conceptual Plan that are located within a platted section of the Property shall be constructed during initial development of the corresponding section. The pavilion and dock shall be provided upon issuance of the 100th certificate of occupancy.

Staff Comment: Acceptable.

6. **Sidewalks.** A minimum four (4) feet wide concrete sidewalk shall be located along Reed Marsh Lane, Road A, Road B, Road K, and Rural Hill Lane in the approximate locations shown on the conceptual plan. The exact locations ~~may be subject to change and may be updated from time to time~~ modified as required for final engineering design, compliance with governmental regulations, or as otherwise approved at the time of subdivision review of the Property, but any such modifications shall be in substantial conformance with the Conceptual Plan and there shall be a pedestrian connection (either by sidewalk or trail) from the Property to the sidewalk in the Reed Marsh subdivision.

Staff Comment: Acceptable.

7. River Valley Lane. River Valley Lane is to remain in its current state and shall remain in its current location. A VDOT approved entrance shall be constructed at its intersection with the improved Scott Road.

Staff Comment: Acceptable.

8. Protective Covenants. A document setting forth covenants shall be recorded in the Clerk's Office of the Circuit Court of Goochland County, setting forth controls on the development and the maintenance of property and establishing an owner's association ("Association"). The covenants shall describe standards of uniform maintenance of individual lots, common areas, open space, and landscaping. The Association shall establish uniform rules relating to the standards for approval by the Association of any improvements within the property, including but not limited to, construction of buildings, other structures, and signage.

Staff Comment: Acceptable.

9. **Hours of Construction.** During the construction of the development on the property, the hours of exterior construction shall be limited to 7:00 a.m. to 8:00 p.m., Monday through Saturday, except in emergencies or where unusual circumstances require extending the specific hours to complete such work as concrete pours or utility connections. Construction signs shall be posted stating the hours of construction.

Staff Comment: Acceptable.

10. **Cash Proffer.** The applicant, or its assignees, shall pay thirteen thousand, seven hundred and eighty-one dollars (\$13,781.00) for each residential lot to the County of Goochland. Such payments shall be due and payable only after completion of the final inspection by the County and prior to the time of the issuance of the certificate of occupancy for each residential home. The cumulative percentage increase or decrease in the Marshall & Swift Building Cost Index for the most recently published (12) months, shall be added to or, in the instance of a decrease, subtracted from the amount proffered, in the year following the rezoning, and added to or, in the case of decrease, subtracted from the recalculated amount for each subsequent year. Cash proffer amounts, recalculated, due the index provided above, shall be effective the next year on the date of the Board's adoption of annual adjustments, or July 1, whichever comes first, for payments made through such date. Any cash proffer shall be increased or decreased automatically in accordance with this method.

Staff Comment: Acceptable.

11. **Exterior Facades.** Exterior façade materials shall be brick, stone, horizontal or vertical siding, or any combination thereof. Siding materials shall be manufactured from cement fiber board (such as Hardie-Plank, Hardie-Shingle, or Hardie-Trim) or may be vinyl siding or other material comparable in quality. Where vinyl siding is used it shall have a minimum wall thickness of 0.044 inches. Metal, PVC, Fypon, or other similar materials may be used for trim and accent features only.

Staff Comment Provides significant flexibility.

12. **Street Trees.** A minimum of two trees measuring a minimum of two (2) inch caliper shall be retained or planted in the front yard of all proposed lots. The exact location of planting may be field adjusted based on the location of utilities, driveways, etc. The trees required for each lot shall be installed prior to the certificate of occupancy for that lot.

Staff Comment: Acceptable.

13. **Entrance Feature.** Each public entrance into the property shall contain an entrance monument similar to the monuments shown on the exhibit titled "Rural Hill on the James Entrance Monument" attached hereto as Exhibit D.

Staff Comment: Acceptable.

14. **Landscape Plan.** A landscape plan shall be submitted with the Plan of Development detailing the landscaping requirements for the buffers and street trees. Details of the entrance features will also be included within the landscape plan.

Staff Comment: Acceptable.

15. **Road Improvements.** Upon issuance of the 50th certificate of occupancy, road improvements shall be provided as listed below and as shown on the attached exhibit

by Youngblood, Tyler & Associates titled "Scott Road Intersection Striping Plan," dated June 25, 2021, attached hereto as Exhibit E.

a. River Road West @ Scott Road Intersection

- i. Restripe westbound River Road West to create a left turn lane with a minimum of seventy-five (75) feet of storage.
- ii. Restripe eastbound River Road West to create a left turn lane with a minimum of seventy-five (75) feet of storage.

Staff Comment: Acceptable.

16. **Underground Utility Lines.** All utility lines on the Property shall be underground, except for existing utilities, junction boxes, meters, utility lines in wetland areas, and utility lines required to be above ground by the utility company.

Staff Comment: Acceptable.

17. **Foundations.** All finished floor areas, except basements, shall be constructed above grade or give the appearance of being constructed above grade. The exterior portions of all residential foundations, including the exterior portion of foundations below the first-floor level which is visible above grade, shall be constructed of brick, stone, or stone veneer.

Staff Comment: Acceptable.

18. **Roof Materials.** All homes shall be constructed with a roof that has a minimum twenty-five (25) year certified warranty.

Staff Comment: Acceptable.

19. **Driveways.** All driveways shall be constructed of cobblestone, brick, precast pavers, concrete, asphalt, or other similar material.

Staff Comment: Acceptable.

20. **Construction Traffic.** Earthmoving equipment and construction vehicles related to clearing, grading, utility installation, homebuilding, and roadway construction on the Property shall access the Property from Reed Marsh Lane and shall not access the Property from Scott Road. This proffer shall not apply to ~~vehicles used for homebuilding purposes or for~~ vehicles and construction equipment needed for required construction improvements within or related to Scott Road.

Staff Comment: Acceptable.

21. **Severance.** ~~The unenforceability, elimination, revision, or amendment of any proffer set forth herein, in whole or in part, shall not affect the validity or enforceability of the other proffers or the unaffected part of any such proffer.~~

Staff Comment: Acceptable.

PLANNING COMMISSION RECOMMENDATION / VOTE:

At the June 3, 2021 Planning Commission Meeting, the Commission recommended the application for denial on 4-1 vote. Mr. Duke voted against the motion. Twelve people spoke at the public meeting, and eleven of the speakers expressed opposition.

APPLICATION

Yellowstone Communities LLC

APPLICATION FOR RECLASSIFICATION OF PROPERTY UNDER THE ZONING ORDINANCE COUNTY OF GOOCHLAND, VIRGINIA

Planning and Zoning Office
P.O. Box 103

Goochland, VA 23063

Phone: (804) 556-5863

Web: www.co.goochland.va.us

FAX: (804) 556-5654

Office Use Only		
Application File Date: MAY 5, 2021	Fee paid: \$ 14,800.00	Application No.: RZ- 2021-00006
Planning Commission: _____ Board of Supervisors: _____	Receipt No.: _____	Pre-Application: 2021-00015

Name of Applicant(s):

YELLOWSTONE COMMUNITIES, LLC

Address:

7701 WHITEPINE ROAD
RICHMOND, VA 23237

Phone #: **804-332-2087**

Name of Representative:

YOUNGBLOOD, TYLER & ASSOCIATES, P.C.

Address:

7309 HANOVER GREEN DRIVE
MECHANICSVILLE, VA 23111

Phone #: **804-746-5285**

Property Owner:

*Multiple
See attached List*

Disclosure of Real Parties in Interest. Provide completed disclosure form(s)

ATTACHED

Location:

3056 RURAL HILL LANE

Parcel No.(s)

42-7-0-B-1, 42-1-0-59-A2, 42-7-0-B-2, 42-7-0-B-0, 42-7-0-A-0, 42-7-0-D-0, 42-7-0-E-0, 42-1-0-14-0

GPIN #

*Multiple
See attached List*

Number of By-Right Cut 26

Account #: _____

District: LICKINGHOLE

Public Road Access: SCOTT ROAD

Deed Book Reference: 20060000105

Plat Book Reference: PCA 147

Property in Land Use: Yes / No

Acreage: +/- 264 acres

Attach Plat: _____

Owner/Lessee: TOWERS FAMILY LIMITED PARTNERSHIP II
TOWERS LAND COMPANY, KENNETH W & KATHY W FLEMING

Are there any deed restrictions? Yes / No If yes, attach copy of deed restrictions.

Has a soil study been done for this property? Yes / No If yes, please attach copy of soil survey.

Are there any historical sites or structures on the property? Yes / No If yes, provide details.

NO

1. The applicant requests that the property described above, now classified A2, be reclassified to R3 W/PROFFERS. Relate here the reasons for requesting the reclassification.

REZONING REQUEST TO ALLOW FOR SINGLE FAMILY RESIDENTIAL DEVELOPMENT

RURAL HILL EXISTING PARCEL NUMBERS / OWNERS

<u>TAX PARCEL</u>	<u>GPIN</u>	<u>OWNER</u>
42-1-0-59-A2	6757-85-8148	KENNETH W. FLEMING KATHY W. FLEMING
42-7-0-B-2	6757-85-2013	TOWERS LAND COMPANY
42-7-0-B-0	6757-84-0457	TOWERS FAMILY LIMITED PARTNERSHIP II
42-7-0-B-1	6757-74-3240	TOWERS FAMILY LIMITED PARTNERSHIP II
42-7-0-A-0	6757-55-8219	TOWERS LAND COMPANY
42-7-0-D-0	6757-53-8767	TOWERS LAND COMPANY
42-7-0-E-0	6757-63-3290	TOWERS LAND COMPANY
42-1-0-14-0	6757-73-3469	TOWERS FAMILY LIMITED PARTNERSHIP II

2. Describe briefly the proposed use of the property.

PROPOSED 190 LOT SINGLE FAMILY RESIDENTIAL SUBDIVISION

3. Describe briefly the improvements proposed. State whether new buildings or structures are to be constructed, existing buildings or structures are to be used or additions made to existing buildings or structures. Give dimensions of the buildings that are to be constructed and the dimensions of any existing buildings on the property. (Conceptual plan required)

190 NEW ONE AND TWO STORY SINGLE FAMILY RESIDENCES WITH SIZES RANGING IN SIZE FROM 2,500-6,500 SF. ALL EXISTING STRUCTURES ONSITE WILL BE DEMOLISHED.

4. Describe the reason for the requested change.

TO CHANGE THE ZONING DESIGNATION FROM AGRICULTURAL TO RESIDENTIAL TO ALLOW FOR A SINGLE FAMILY RESIDENTIAL SUBDIVISION WITH PUBLIC UTILITIES.

5. Describe the effects of this reclassification on adjacent property and the surrounding neighborhood.

THE PROPOSED REZONING IS CONSISTENT WITH THE COMPREHENSIVE PLAN AND FITS IN WITH THE VILLAGE CONCEPT. PROFFERED CONDITIONS WILL ENSURE THAT RURAL HILL IS DEVELOPED IN A MANNER THAT IS COMPATIBLE WITH THE REED MARSH AND VENICE HEIGHTS NEIGHBORHOODS.

6. Why does the applicant believe that this requested change will be advantageous to the County? (Please substantiate with facts).

THE LAND USE CHANGE IS CONSISTENT WITH THE COMPREHENSIVE PLAN. THE PROJECT LIES WITHIN THE COURTHOUSE VILLAGE IN AN AREA DESIGNATED FOR RESIDENTIAL GROWTH. THE PROJECT WILL UTILIZE PUBLIC WATER AND SEWER WITH CONNECTION FEES OF APPROX. \$1,270,700. ASSUMING 190 NEW HOMES WITH AN AVERAGE ASSESSED VALUE OF \$650,000, THE PROJECT WILL GENERATE ANNUAL REAL ESTATE TAXES OF \$654,550. THE APPLICANT WILL PAY CASH PROFFERS OF \$13,781/LOT TO CONTRIBUTE TO CAPITAL IMPROVEMENTS WITHIN THE COUNTY WHICH TOTAL \$2,618,390. THE PROJECT WILL GENERATE NEW RESIDENTS TO FREQUENT THE LOCAL BUSINESSES IN THE COURTHOUSE VILLAGE.

7. Explain the present unavailability of land in the community or adjacent communities zoned to permit proper location of the proposed use.

BESIDES SWANS INN AND REED MARSH, THERE ARE NO OTHER PROPERTIES WITHIN THE COURTHOUSE VILLAGE ZONED TO ALLOW FOR A RESIDENTIAL NEIGHBORHOOD THAT CAN CONNECT TO PUBLIC WATER AND SEWER.

PLEASE PROVIDE THE FOLLOWING INFORMATION:

1. The present zoning classification and use of the subject property. A2. SINGLE FAMILY RESIDENTIAL AND AGRICULTURAL
2. The planned use designation of the property and adjacent land as contained in the Comprehensive Plan : SINGE FAMILY RESIDENTIAL, LOW DENSITY
3. Proposed open space area or proposed community and public facilities.
A MINIMUM OF 20% OF THE GROSS SITE AREA IS REQUIRED. THE CONCEPTUAL PLAN PROVIDES APPROX. 59 ACRES OR 22%.
4. Planned Used for Development:
 - a) Single-Family Conventional Residential ENTIRE PARCEL
 Number of Lots: 190 Minimum Lot Size 20,000 SF
 Open Space/Common Area APPROX. 59 ACRES Floodplain on property YES, APPROX. 7.8 AC.
 - b) Commercial _____
 Square footage of building(s) _____ Parking Required _____
 - c) Industrial _____
 Number of Lots: _____ Minimum Lot Size _____
 Square footage of building(s) _____ Parking Required _____
 - d) Other _____
5. Proposed property within an Overlay District. NO
6. What type of screening/buffering along the Right-of-Way: LANDSCAPED AND NATURAL
 Submit landscape plan with application: Yes / No
7. Utilities: (a) Water: Public YES Individual Well NO
 (b) Sewer: Public PARTIAL Septic Tank PARTIAL
8. Has the property been timbered? Yes/No If yes, what year was it timbered? NO
9. Road Ownership and Maintenance: (a) Public YES (b) Private _____
10. What public road access and access management category:
 Route 631, 666, AND 630 Access Classification: 1 2 3 4 5 6 7 Non Classified Roadway
11. Any community meetings held with adjoining property owners: YES _____ If so, date of meeting(s) UNOFFICIAL COMMUNITY MEETING AT COMMUNITY POOL ON JANUARY 6, 2021. COMMUNITY MEETING THURSDAY APRIL 15, 2021.

**Requirement and Instructions for Filing Application
for Reclassification of Property**

The following shall be filled out completely and submitted by the Applicant:

1. The **Application Form** must be filed out completely with full answers to every statement and question. The Application may be signed by an agent or attorney or by the lessee, owner, or owners before a Notary Public in the space provided on Page 7.
2. Furnish a complete Conceptual Plan for rezoning. This plan shall consist of the following checklist:
 - ◆ ☒ Plot plan or survey plat showing the dimensions of the property to be rezoned drawn to an appropriate scale.
 - ◆ ☒ Location and dimensions of existing structures, right-of-ways, easements boundaries, water courses and lakes.
 - ◆ ☒ Location of dimensions of proposed development including structures, types of uses, access drives, setbacks, easements, etc.
 - ◆ ☒ Location and dimensions of proposed recreational areas and buffer zones, if required.
 - ◆ ☒ Location and size of water, sewer and drainage facilities, if required. Soil information for those developments or septic tank drainfields.
 - ◆ ☒ In the case of residential developments – proposed number of dwelling units and net acres available for building.
 - ◆ ☐ In the case of commercial, industrial and institutional developments – proposed off street parking and loading areas, signage, outdoor lighting and buffers and screening.
 - ◆ ☒ Topographic maps for commercial and industrial and residential developments on lots less than two acres.
 - ◆ ☒ Traffic impact studies may be required based on Access Management Requirements.
3. The **Application Fee** required as per Section 15.2 - 2204 Code of Virginia (1950, as amended) is based on an adopted fee schedule which is attached to this application. This fee must be paid at the time of filing the Application. This fee only partially covers the extra cost to the County of investigating and processing the Application through its various stages. Make checks payable to **"County of Goochland"**.

STATE OF VIRGINIA) TO WIT
COUNTY OF GOOCHLAND)

I, ADAM V. GREGOIRE, being duly sworn, depose and say that I am Lessee/Owner of the Property involved in the application. If I am not the Lessee/Owner, I will produce a copy of a contract to purchase the property or I will present written certification from the owner granting me the right to submit this application. I further declare that I have familiarized myself with the rules and regulations pertaining to preparing the filing this application and that the foregoing statements and answers provided herein are in all respects true and correct to the best of my knowledge and belief.

I have read this application, understand its intent, and freely consent to its filing. Furthermore, I have the power to authorize and hereby grant permission to Goochland County officials and other authorized government agents on official business to enter the property as necessary to process this application. I hereby agree to have a sign placed on my property, notifying the public of my application.



Adam V. Gregoire
Signature of Applicant

4/30/21
Date

7701 WHITEPINE RD.
Richmond, VA 23237
Mailing Address of Applicant

Subscribed and sworn to before me this 30th day of April, 20 21.

My Commission Expires: 06/30/2023

Dawn R. Johnson
Notary Public

Phone No. 804-332-2087

Adam V. Gregoire
Signature of Property Owner

4/30/21
Date

7701 WHITEPINE RD. RICHMOND VA 23237
Mailing Address of Property Owner

Subscribed and sworn to before me this 30th day of April, 20 21.

06/30/2023
My Commission Expires

Dawn R. Johnson
Notary Public

STATEMENT OF PROFFER

CASE NO. _____

Yellowstone Communities, LLC (POA), owner of Tax Map Parcel(s)
See Attached, hereby voluntarily proffer that, in the event
 that the subject property is rezoned from A2 to R3, the development and
 use of the property will be subject to the following conditions:

Proffers Attached



These proffers are being submitted prior to the Board of Supervisors public hearing on this request. \

TOWNE OF ATHERTON

Adam V. Gregoire
 Owner of Record – Signature

4/30/21
 Date

COMMONWEALTH OF VIRGINIA

STATE AT-LEASE, to wit:

I, Dawn R. Johnson, a Notary Public for the State of Virginia, At –
 Large, do certify that Adam V. Gregoire whose name is
 signed to the above, bearing date on 30th day of April, 20 21,
 Has acknowledged the same before me in my State aforesaid.

Given under my hand this 30th day of April, 20 21.

My Commission Expires: 06/30/2023

Dawn R. Johnson
 Notary Public (Seal)

RURAL HILL ON THE JAMES PROPOSED PROFFERS

BY: 

July 13, 2021

1. **Conceptual Plan.** The Property under consideration in this case (the "Property") shall be developed in general conformance with the exhibit titled "Rural Hill on the James Conceptual Plan" by Youngblood, Tyler & Associates dated July 13, 2021, attached hereto as Exhibit A. The exact locations, footprints, configurations, size, and details of the lots, drives, roads, and other improvements shown on the Conceptual Plan are illustrative and may be modified as required for final engineering design, compliance with governmental regulations, or as otherwise approved at the time of subdivision review of the Property, but any such modifications shall be in substantial conformance with the Conceptual Plan.

2. **Buffer Requirements.**

- a. **Gathright Drive.** A natural and landscaped buffer a minimum of seventy-five (75) feet in width shall be provided along the boundary of the Property adjoining Gathright Drive. Utilities may cross the buffer perpendicularly and signage may be placed within the buffer.
- b. **Scott Road.** A natural and landscaped buffer a minimum of seventy-five (75) feet in width shall be provided along the boundary of the Property adjoining the existing portion of Scott Road that borders lot 135 and lots 137-140 as shown on Exhibit A. A natural and landscaped buffer a minimum of fifty (50) feet in width shall be provided adjacent to lots 130-131 and 134 as shown on Exhibit A. The buffer shall be planted in accordance with the "Scott Road Buffer Landscape Plan" by Youngblood, Tyler & Associates dated June 25, 2021, attached hereto as Exhibit C. Utilities may cross the buffer perpendicularly and signage may be placed within the buffer.
- c. A natural and landscaped buffer a minimum of fifty (50) feet in width shall be provided along the rear of lots 22, and 24-27, as shown on the conceptual plan, adjacent to parcels 6757-76-2707, 6757-66-7564, and 6757-67-2038. In areas shown on the Conceptual Plan as "SUPPLEMENTAL EVERGREEN LANDSCAPING TO BE PLANTED," a double row of supplemental evergreen plantings shall be installed at a minimum of ten (10) feet on center. Utilities may cross the buffer perpendicularly.
- d. A natural and landscaped buffer a minimum of fifty (50) feet in width shall be provided along the rear of lots 35-38, as shown on the conceptual plan, adjacent to parcel 6757-46-8337. In areas shown on the Conceptual Plan as "SUPPLEMENTAL EVERGREEN LANDSCAPING TO BE PLANTED," a double row of supplemental evergreen plantings shall be

installed at a minimum of ten (10) feet on center. Utilities may cross the buffer perpendicularly.

- e. A natural and landscaped buffer a minimum of fifty (50) feet in width shall be provided along the rear and/or sides of lots 37-39, 42, and 73, as shown on the conceptual plan, adjacent to parcels 6757-45-1465, 6757-45-3595, and 6757-45-6411. In areas shown on the Conceptual Plan as "SUPPLEMENTAL EVERGREEN LANDSCAPING TO BE PLANTED," a double row of supplemental evergreen plantings shall be installed at a minimum of ten (10) feet on center. Utilities may cross the buffer perpendicularly.
 - f. A natural and landscaped buffer a minimum of fifty (50) feet in width shall be provided along the rear and/or sides of lots 114 and 119-121, as shown on the conceptual plan, adjacent to parcels 6757-52-9572 and 6757-62-5418. In areas shown on the Conceptual Plan as "SUPPLEMENTAL EVERGREEN LANDSCAPING TO BE PLANTED," a double row of supplemental evergreen plantings shall be installed at a minimum of ten (10) feet on center. Utilities may cross the buffer perpendicularly.
 - g. Landscaping in the buffers described above shall be installed prior to the issuance of the first certificate of occupancy for any of the lots adjoining said buffer.
3. **Density.** No more than one hundred and seventy (170) single family residential units shall be constructed on the Property.
 4. **Elevations.** Homes constructed on the Property shall be similar in architectural treatment with the elevations attached hereto entitled "Rural Hill on the James Elevations" attached hereto as Exhibit B. Various design elements shall be incorporated to provide variety amongst individual dwelling units, including but not limited to, varying colors of siding, brick, or stone, accent materials, varying colors of exterior elevations, varying window designs, and varying doorway designs. No two dwellings adjoining each other side by side shall be identical in exterior architectural features and colors. Any new single-story home shall have a minimum of 1,800 square feet of floor area and any new two-story home shall have a minimum of 2,500 square feet of floor area. Floor area includes the area of the garage.
 5. **Amenities.** The Property shall contain recreational areas in general conformance with the conceptual plan. The property shall contain at least a 2,000 square foot pavilion, pedestrian trails, and a dock in the approximate locations depicted on the conceptual plan. The pedestrian trails shall be constructed of asphalt a minimum of four (4) feet in width. Construction of pedestrian trails shall occur in phases timed in conjunction with initial development of platted sections of the Property, so that those portions of pedestrian trails shown on the Conceptual

Plan that are located within a platted section of the Property shall be constructed during initial development of the corresponding section. The pavilion and dock shall be provided upon issuance of the 100th certificate of occupancy.

Sidewalks. A minimum four (4) feet wide concrete sidewalk shall be located along Reed Marsh Lane, Road A, Road B, Road K, and Rural Hill Lane in the approximate locations shown on the conceptual plan. The exact locations may be modified as required for final engineering design, compliance with governmental regulations, or as otherwise approved at the time of subdivision review of the Property, but any such modifications shall be in substantial conformance with the Conceptual Plan and there shall be a pedestrian connection (either by sidewalk or trail) from the Property to the sidewalk in the Reed Marsh subdivision.

6. **River Valley Lane.** River Valley Lane is to remain in its current state and shall remain in its current location. A VDOT approved entrance shall be constructed at its intersection with the improved Scott Road.
7. **Protective Covenants.** A document setting forth covenants shall be recorded in the Clerk's Office of the Circuit Court of Goochland County, setting forth controls on the development and the maintenance of property and establishing an owner's association ("Association"). The covenants shall describe standards of uniform maintenance of individual lots, common areas, open space, and landscaping. The Association shall establish uniform rules relating to the standards for approval by the Association of any improvements within the property, including but not limited to, construction of buildings, other structures, and signage.
8. **Hours of Construction.** During the construction of the development on the property, the hours of exterior construction shall be limited to 7:00 a.m. to 8:00 p.m., Monday through Saturday, except in emergencies or where unusual circumstances require extending the specific hours to complete such work as concrete pours or utility connections. Construction signs shall be posted stating the hours of construction.
9. **Cash Proffer.** The applicant, or its assignees, shall pay thirteen thousand, seven hundred and eighty-one dollars (\$13,781.00) for each residential lot to the County of Goochland. Such payments shall be due and payable only after completion of the final inspection by the County and prior to the time of the issuance of the certificate of occupancy for each residential home. The cumulative percentage increase or decrease in the Marshall & Swift Building Cost Index for the most recently published (12) months, shall be added to or, in the instance of a decrease, subtracted from the amount proffered, in the year following the rezoning, and added to or, in the case of decrease, subtracted from the recalculated amount for each subsequent year. Cash proffer amounts, recalculated, due the index provided above, shall be effective the next year on the date of the Board's adoption of annual adjustments, or July 1, whichever comes first, for payments made through such date. Any cash proffer shall be increased or decreased automatically in accordance with this method.

10. **Exterior Facades.** Exterior façade materials shall be brick, stone, horizontal or vertical siding, or any combination thereof. Siding materials shall be manufactured from cement fiber board (such as Hardie-Plank, Hardie-Shingle, or Hardie-Trim), vinyl siding, or other material comparable in quality. Where vinyl siding is used it shall have a minimum wall thickness of 0.044 inches. Metal, PVC, Fypon, or other similar materials may be used for trim and accent features only.
11. **Street Trees.** A minimum of two trees measuring a minimum of two (2) inch caliper shall be retained or planted in the front yard of all proposed lots. The exact location of planting may be field adjusted based on the location of utilities, driveways, etc. The trees required for each lot shall be installed prior to the certificate of occupancy for that lot.
12. **Entrance Feature.** Each public entrance into the property shall contain an entrance monument similar to the monuments shown on the exhibit titled "Rural Hill on the James Entrance Monument" attached hereto as Exhibit D.
13. **Landscape Plan.** A landscape plan shall be submitted with the Plan of Development detailing the landscaping requirements for the buffers and street trees. Details of the entrance features will also be included within the landscape plan.
14. **Road Improvements.** Upon issuance of the 50th certificate of occupancy, road improvements shall be provided as listed below and as shown on the attached exhibit by Youngblood, Tyler & Associates titled "Scott Road Intersection Striping Plan," dated June 25, 2021, attached hereto as Exhibit E.
 - a. River Road West @ Scott Road Intersection
 - i. Restripe westbound River Road West to create a left turn lane with a minimum of seventy-five (75) feet of storage.
 - ii. Restripe eastbound River Road West to create a left turn lane with a minimum of seventy-five (75) feet of storage.
15. **Underground Utility Lines.** All utility lines on the Property shall be underground, except for existing utilities, junction boxes, meters, utility lines in wetland areas, and utility lines required to be above ground by the utility company.
16. **Foundations.** All finished floor areas, except basements, shall be constructed above grade or give the appearance of being constructed above grade. The exterior portions of all residential foundations, including the exterior portion of foundations below the first-floor level which is visible above grade, shall be constructed of brick, stone, or stone veneer.

17. **Roof Materials.** All homes shall be constructed with a roof that has a minimum twenty-five (25) year certified warranty.
18. **Driveways.** All driveways shall be constructed of cobblestone, brick, precast pavers, concrete, asphalt, or other similar material.
19. **Construction Traffic.** Earthmoving equipment and construction vehicles related to clearing, grading, utility installation, homebuilding, and roadway construction on the Property shall access the Property from Reed Marsh Lane and shall not access the Property from Scott Road. This proffer shall not apply to vehicles and construction equipment needed for required construction improvements within or related to Scott Road.

\\PROJECTS\WORKING_HILL_LAYOUTS [RZ] \MOST CURRENT LAYOUT\13.DWG



RURAL HILL ON THE JAMES PROPOSED PROFFERS

July 13, 2021

1. **Conceptual Plan.** The Property under consideration in this case (the "Property") shall be developed in general conformance with the exhibit titled "Rural Hill on the James Conceptual Plan" by Youngblood, Tyler & Associates dated ~~June 25~~July 13, 2021, attached hereto as Exhibit A. The exact locations, footprints, configurations, size, and details of the lots, drives, roads, and other improvements shown on the Conceptual Plan are illustrative ~~and may be subject to change~~ and may be ~~updated from time to time~~modified as required for final engineering design, compliance with governmental regulations, or as otherwise approved at the time of subdivision review of the Property, but any such modifications shall be in substantial conformance with the Conceptual Plan.

2. **Buffer Requirements.**
 - a. **Gathright Drive.** A natural and landscaped buffer a minimum of seventy-five (75) feet in width shall be provided along the boundary of the Property adjoining Gathright Drive. ~~In areas where insufficient vegetation currently exists, a double row of supplemental evergreen plantings shall be installed at a minimum of ten (10) feet on center.~~ Utilities may cross the buffer perpendicularly and signage may be placed within the buffer.

 - b. **Scott Road.** A natural and landscaped buffer a minimum of seventy-five (75) feet in width shall be provided along the boundary of the Property adjoining the existing portion of Scott Road that borders lot 135 and lots 137-140 as shown on Exhibit A. A natural and landscaped buffer a minimum of fifty (50) feet in width shall be provided adjacent to lots 130-131 and 134 as shown on Exhibit A. The buffer shall be planted in accordance with the "Scott Road Buffer Landscape Plan" by Youngblood, Tyler & Associates dated June 25, 2021, attached hereto as Exhibit C. Utilities may cross the buffer perpendicularly and signage may be placed within the buffer.

 - c. A natural and landscaped buffer a minimum of fifty (50) feet in width shall be provided along the rear of lots 22, and 24-27, as shown on the conceptual plan, adjacent to parcels 6757-76-2707, 6757-66-7564, and 6757-67-2038. In areas shown on the Conceptual Plan as "SUPPLEMENTAL EVERGREEN LANDSCAPING TO BE PLANTED,"~~where insufficient vegetation currently exists,~~ a double row of supplemental evergreen plantings shall be installed at a minimum of ten (10) feet on center. Utilities may cross the buffer perpendicularly.

 - d. A natural and landscaped buffer a minimum of fifty (50) feet in width shall be provided along the rear of lots 35-38, as shown on the conceptual plan,

- adjacent to parcel 6757-46-8337. In areas shown on the Conceptual Plan as “SUPPLEMENTAL EVERGREEN LANDSCAPING TO BE PLANTED.”~~where insufficient vegetation currently exists~~, a double row of supplemental evergreen plantings shall be installed at a minimum of ten (10) feet on center. Utilities may cross the buffer perpendicularly.
- e. A natural and landscaped buffer a minimum of fifty (50) feet in width shall be provided along the rear and/or sides of lots 37-39, 42, and 73, as shown on the conceptual plan, adjacent to parcels 6757-45-1465, 6757-45-3595, and 6757-45-6411. In areas shown on the Conceptual Plan as “SUPPLEMENTAL EVERGREEN LANDSCAPING TO BE PLANTED.”~~where insufficient vegetation currently exists~~, a double row of supplemental evergreen plantings shall be installed at a minimum of ten (10) feet on center. Utilities may cross the buffer perpendicularly.
 - f. A natural and landscaped buffer a minimum of fifty (50) feet in width shall be provided along the rear and/or sides of lots 114 and 119-121, as shown on the conceptual plan, adjacent to parcels 6757-52-9572 and 6757-62-5418. In areas shown on the Conceptual Plan as “SUPPLEMENTAL EVERGREEN LANDSCAPING TO BE PLANTED.”~~where insufficient vegetation currently exists~~, a double row of supplemental evergreen plantings shall be installed at a minimum of ten (10) feet on center. Utilities may cross the buffer perpendicularly.
 - g. Landscaping in the buffers described above shall be installed prior to the issuance of the first certificate of occupancy for any of the lots adjoining said buffer.
3. **Density.** No more than one hundred and seventy (170) single family residential units shall be constructed on the Property.
 4. **Elevations.** Homes constructed on the Property shall be similar in architectural treatment with the elevations attached hereto entitled “Rural Hill on the James Elevations” attached hereto as Exhibit B. Various design elements shall be incorporated to provide variety amongst individual dwelling units, including but not limited to, varying colors of siding, brick, or stone, accent materials, varying colors of exterior elevations, varying window designs, and varying doorway designs. No two dwellings adjoining each other side by side shall be identical in exterior architectural features and colors. Any new single-story home shall have a minimum of 1,800 square feet of floor area and any new two-story home shall have a minimum of 2,500 square feet of floor area. Floor area includes the area of the garage.
 5. **Amenities.** The Property shall contain recreational areas in general conformance with the conceptual plan. The property shall contain at least a 2,000 square foot pavilion, pedestrian trails, and a dock in the approximate locations

depicted on the conceptual plan. The pedestrian trails shall be constructed of asphalt a minimum of four (4) feet in width. Construction of pedestrian trails shall occur in phases timed in conjunction with initial development of platted sections of the Property, so that those portions of pedestrian trails shown on the Conceptual Plan that are located within a platted section of the Property shall be constructed during initial development of the corresponding section. The pavilion and dock shall be provided upon issuance of the 100th certificate of occupancy.

Formatted: Superscript

~~6.~~ **Sidewalks.** A minimum four (4) feet wide concrete sidewalk shall be located along Reed Marsh Lane, Road A, Road B, Road K, and Rural Hill Lane in the approximate locations shown on the conceptual plan. The exact locations ~~may be subject to change and~~ may be ~~updated from time to time~~ modified as required for final engineering design, compliance with governmental regulations, or as otherwise approved at the time of subdivision review of the Property, but any such modifications shall be in substantial conformance with the Conceptual Plan and there shall be a pedestrian connection (either by sidewalk or trail) from the Property to the sidewalk in the Reed Marsh subdivision.

~~7.6.~~ **River Valley Lane.** River Valley Lane is to remain in its current state and shall remain in its current location. A VDOT approved entrance shall be constructed at its intersection with the improved Scott Road.

~~8.7.~~ **Protective Covenants.** A document setting forth covenants shall be recorded in the Clerk's Office of the Circuit Court of Goochland County, setting forth controls on the development and the maintenance of property and establishing an owner's association ("Association"). The covenants shall describe standards of uniform maintenance of individual lots, common areas, open space, and landscaping. The Association shall establish uniform rules relating to the standards for approval by the Association of any improvements within the property, including but not limited to, construction of buildings, other structures, and signage.

~~9.8.~~ **Hours of Construction.** During the construction of the development on the property, the hours of exterior construction shall be limited to 7:00 a.m. to 8:00 p.m., Monday through Saturday, except in emergencies or where unusual circumstances require extending the specific hours to complete such work as concrete pours or utility connections. Construction signs shall be posted stating the hours of construction.

~~10.9.~~ **Cash Proffer.** The applicant, or its assignees, shall pay thirteen thousand, seven hundred and eighty-one dollars (\$13,781.00) for each residential lot to the County of Goochland. Such payments shall be due and payable only after completion of the final inspection by the County and prior to the time of the issuance of the certificate of occupancy for each residential home. The cumulative percentage increase or decrease in the Marshall & Swift Building Cost Index for the most recently published (12) months, shall be added to or, in the instance of a decrease, subtracted from the amount proffered, in the year following the rezoning,

and added to or, in the case of decrease, subtracted from the recalculated amount for each subsequent year. Cash proffer amounts, recalculated, due the index provided above, shall be effective the next year on the date of the Board's adoption of annual adjustments, or July 1, whichever comes first, for payments made through such date. Any cash proffer shall be increased or decreased automatically in accordance with this method.

~~44.10.~~ **Exterior Facades.** Exterior façade materials shall be brick, stone, horizontal or vertical siding, or any combination thereof. Siding materials shall be manufactured from cement fiber board (such as Hardie-Plank, Hardie-Shingle, or Hardie-Trim), vinyl siding, or other material comparable in quality. Where vinyl siding is used it shall have a minimum wall thickness of 0.044 inches. Metal, PVC, Fypon, or other similar materials may be used for trim and accent features only.

~~42.11.~~ **Street Trees.** A minimum of two trees measuring a minimum of two (2) inch caliper shall be retained or planted in the front yard of all proposed lots. The exact location of planting may be field adjusted based on the location of utilities, driveways, etc. The trees required for each lot shall be installed prior to the certificate of occupancy for that lot.

~~43.12.~~ **Entrance Feature.** Each public entrance into the property shall contain an entrance monument similar to the monuments shown on the exhibit titled "Rural Hill on the James Entrance Monument" attached hereto as Exhibit D.

~~44.13.~~ **Landscape Plan.** A landscape plan shall be submitted with the Plan of Development detailing the landscaping requirements for the buffers and street trees. Details of the entrance features will also be included within the landscape plan.

~~45.14.~~ **Road Improvements.** Upon issuance of the 50th certificate of occupancy, road improvements shall be provided as listed below and as shown on the attached exhibit by Youngblood, Tyler & Associates titled "Scott Road Intersection Striping Plan," dated June 25, 2021, attached hereto as Exhibit E.

Formatted: Superscript

a. River Road West @ Scott Road Intersection

- i. Restripe westbound River Road West to create a left turn lane with a minimum of seventy-five (75) feet of storage.
- ii. Restripe eastbound River Road West to create a left turn lane with a minimum of seventy-five (75) feet of storage.

~~46.15.~~ **Underground Utility Lines.** All utility lines on the Property shall be underground, except for existing utilities, junction boxes, meters, utility lines in wetland areas, and utility lines required to be above ground by the utility company.

~~17.16.~~ **Foundations.** All finished floor areas, except basements, shall be constructed above grade or give the appearance of being constructed above grade. The exterior portions of all residential foundations, including the exterior portion of foundations below the first-floor level which is visible above grade, shall be constructed of brick, stone, or stone veneer.

~~18.17.~~ **Roof Materials.** All homes shall be constructed with a roof that has a minimum twenty-five (25) year certified warranty.

~~19.18.~~ **Driveways.** All driveways shall be constructed of cobblestone, brick, precast pavers, concrete, asphalt, or other similar material.

~~20.19.~~ **Construction Traffic.** Earthmoving equipment and construction vehicles related to clearing, grading, utility installation, homebuilding, and roadway construction on the Property shall access the Property from Reed Marsh Lane and shall not access the Property from Scott Road. This proffer shall not apply to ~~vehicles used for homebuilding purposes or for~~ vehicles and construction equipment needed for required construction improvements within or related to Scott Road.

~~21. Severance.~~ The unenforceability, elimination, revision, or amendment of any proffer set forth herein, in whole or in part, shall not affect the validity or enforceability of the other proffers or the unaffected part of any such proffer.



Board of Supervisors

1800 Sandy Hook Road
Goochland, VA 23063

Meeting: 08/03/21 02:00 PM

Department: Community Development

Category: Reports

Prepared By: Ashley Parker

Department Head: Jo Ann Hunter

SCHEDULED INFORMATION ITEM

(ID # 4094)

PLANNING COMMISSION AUGUST ACTIVITY REPORT

Strat Goal 1	Efficient, effective, and transparent government; emphasis on customer service excellence	X
Strat Goal 2	Balanced development that contributes to the welfare of the community and preserves its rural character	X
Strat Goal 3	Excellence in Financial Management	
Strat Goal 4	High Quality Core Services including Education, Public Safety, and Community Health	
Strat Goal 5	Positive Work Environment with a Highly Qualified, Diverse Workforce	

Board Action Requested

None - Information Only

Summary of Information

The Planning Commission will hear the following items at its meeting on August 5, 2021. These items could be scheduled for public hearing by the Board on Tuesday, September 7, 2021.

District 1

CU-2021-00006 Application by Big Dawg Resources, LLC requesting a Conditional Use Permit for mining operation on approximately one acre out of 638.2 acres off Shannon Hill Road on Tax Map Nos. 3-1-0-4-0, 3-1-0-6-0, 4-1-0-18-0, and 3-4-0-A-0. The properties are zoned Agricultural, General (A-1). The Conditional Use Permit is required by Goochland County Zoning Ordinance Section 15-102, in accordance with Section 15-283.F. The Comprehensive Plan designates this area as Rural Enhancement.

District 4

CU-2021-00005 Application by Kimberly C. Nuckols requesting a Conditional Use Permit for short term rental, unhosted, on 2.15 acres at 849 Broad Street Road on Tax Map No. 46-1-0-25-0. The property is zoned Agricultural, Limited (A-2). The Conditional Use Permit is required by Goochland County Zoning Ordinance Section 15-112, in accordance with Section 15-285.G. The Comprehensive Plan designates this area as Rural Enhancement.

District 4

RZ-1996-00006A Application by Allan Myers VA, Inc. requesting a proffer amendment to rezoning case RZ-1996-00006 to allow changes to the buffer in accordance with an approved conditional use permit and conceptual plan on 20.276 acres at 2187 Ashland Road on Tax Map Nos. 48-1-0-48-0 and 48-1-0-48-B1. The property is zoned Industrial, General (M-2). The Comprehensive Plan designates this as Industrial.

District 4

CU-2013-000004A Application by Allan Myers VA, Inc. requesting amendment to Conditional Use Permit CU-2013-00004 for asphalt mixing plant to increase the permit activity area to include the adjacent parcel and to remove the 30' buffer between the two parcels on 20.276 acres at 2187 Ashland Road on Tax Map Nos. 48-1-0-48-0 and 48-1-0-48-B1. The property is zoned Industrial, General (M-2). The Conditional Use Permit is required by Goochland County Zoning Ordinance Section 15-272. The Comprehensive Plan designates this as Industrial.

District 5

CU-2016-00009A Application by Barbara D. Hughes and J. David Hughes requesting renewal of Conditional Use Permit CU-2016-00009 for accessory family housing unit, detached, on 10.66 acres at 1018 Manakin Road on Tax Map No. 57-1-0-41-D. The property is zoned Agricultural, Limited (A-2). The Conditional Use Permit is required by Goochland County Zoning Ordinance Section 15-112, in accordance with Section 15-285.A. The Comprehensive Plan designates this area as Rural Enhancement.

Countywide Ordinance Amendment

ZOA-2021-00001 - Proposed amendment to Zoning Ordinance Sections 15-262 and 15-272 (Uses and structures permitted by right or by conditional use permit (CUP)) to allow distribution centers with a road access category based on Section 15-344 (Classified roads) of 5 or 6 as a by-right use and all other road access categories with a conditional use permit in the Industrial, Limited (M-1) District, and as a by-right use in the Industrial, General (M-2) District.
