

At a regular meeting of the Cumberland County Board of Supervisors held at 7:00 p.m. on the 13th day of September 2005, at the Cumberland Courthouse:

Present: W.F. Osl, Jr., Chairman, District 1
Clifton C. White, District 2
Van Petty, District 3
Elbert Womack, District 4
Jeremiah Heaton, District 5
Darvin E. Satterwhite, County Attorney
Judy Ownby, County Administrator
Sandy Sullivan, Deputy Clerk

Absent: Sherry Swinson, Assistant County Administrator

Also Present: William Burger, Chairman Planning Commission
Parker Wheeler, At Large Planning Commission
Keith Oulie, Dist. 2 Planning Commission
David Brown, Dist. 4 Planning Commission
Patrick Smook, Dist. 1 Planning Commission
Roland Gilliam, Dist. 5 Planning Commission
Catherine Kahl, Planning & Zoning Director

The Chairman called the meeting to order and the Deputy Clerk called the roll.

The invocation was led by Pastor Cameron Cloud, Hatcher Baptist Church and the pledge of allegiance was led by the Chairman.

The Chairman then turned the meeting over to the Chairman of the Planning Commission, William Burger, who called the Planning Commission's meeting to order.

Resolution in Recognition of Heroic Efforts of Brian Baber and Seth Mayers

RESOLUTION OF COMMENDATION

WHEREAS, Brian Baber and Seth Mayers exhibited brave and selfless conduct in responding to a serious accident; and

WHEREAS, Mr. Baber and Mr. Mayers have distinguished themselves through an act of heroism in the midst of an emergency situation; and

WHEREAS, these two young men acted in a mature, clear-headed and responsive manner; and

WHEREAS, Mr. Baber and Mr. Mayers have earned the deep respect and esteem of all those with whom they interacted during the response to this tragic accident;

NOW, THEREFORE, BE IT RESOLVED that the Cumberland County Board of Supervisors, through this resolution, expresses their high regard and profound appreciation for the emergency services performed by Brian Baber and Seth Mayers on 28 August 2005.

WHEREAS, Brian Baber and Seth Mayers exhibited brave and selfless conduct in responding to a serious accident; and

WHEREAS, Mr. Baber and Mr. Mayers have distinguished themselves through an act of heroism in the midst of an emergency situation; and

WHEREAS, these two young men acted in a mature, clear-headed and responsive manner; and

WHEREAS, Mr. Baber and Mr. Mayers have earned the deep respect and esteem of all those with whom they interacted during the response to this tragic accident;

NOW, THEREFORE, BE IT RESOLVED that the Cumberland County Board of Supervisors, through this resolution, expresses their high regard and profound appreciation for the emergency services performed by Brian Baber and Seth Mayers on 28 August 2005.

1. Approval of Agenda

On a motion by Mr. Osl and carried, the Board approved an addendum to the agenda as follows:

- 3. Department/Agencies
 - b) Report from Emergency Services Coordinator
(Add approval of updated LEPC Membership list)
 - e) David Smith, Extension Agent
- 5. County Administrator's Report
 - c) ADDITIONAL INFO only re: Technology Advisory Comm.
 - l) Discuss RFP for 911 markers

- m) Request from CVHPA, Inc. to recommend a consumer representative to the Board of Directors
- n) Sheriff's Department request for appropriation - \$38,500 (\$24,666 will come from a grant from US Dept. of Justice)
- 6. County Attorney's report
 - a) ADDITIONAL INFO only concerning striped bass at Lake Chesdin
- 7. County Attorney's Report
 - a) ADDITIONAL INFO - tax exemptions

Vote: Mr. Osl - aye Mr. White - aye
 Mr. Petty - aye Mr. Womack - aye
 Mr. Heaton - aye

2. VDOT - Alan Leatherwood, Resident Engineer

Due to conflicting schedules, no representative from VDOT was present.

It was the consensus of the Board to schedule a work session with VDOT on October 3, 2005 at 3:00 p.m. regarding the six-year plan.

3. Public Hearings

- a) Joint hearing with the Planning Commission re: Amendments to subdivision ordinance to meet VDOT requirements

The County Attorney explained the purpose of the public hearing.

The Chairman opened the public hearing with there being two speakers with subdivision questions, however they were not directed to the proposed changes.

The Chairman closed the public hearing.

Following Board discussion Mr. Burger made a motion to accept the VDOT changes with the exception that the wording

be changed from "including" to "excluding" family subdivisions.

Vote: Mr. Burger- aye Mr. Oulie - aye
 Mr. Brown - aye Mr. Wheeler - aye
 Mr. Smook - aye Mr. Gilliam - aye

On a motion by Mr. Womack and carried, the Board adopted the following:

WHEREAS, the Board of Supervisors finds that the adoption or amendments to the following sections of the Cumberland County Subdivision Ordinance, as requested by the Virginia Department of Transportation, are required by public necessity, convenience, general welfare or good zoning practice, and that the Planning Commission, in a joint public hearing with the Board has recommended the same.

NOW THEREFORE, BE IT ORDAINED, that the Board of Supervisors adopts or makes the following amendments to the County Subdivision Ordinance, at the request of the Virginia Department of Transportation:

Chapter 54

SUBDIVISIONS*

* **Editors Note:** The effective date of the subdivision ordinance was April 5, 1991.

Cross References: Any ordinance dedicating or accepting any plats of subdivisions saved from repeal, § 1-11(8); buildings and building regulations, ch. 14; community development, ch. 22; environment, ch. 34; manufactured homes and trailers, ch. 42; utilities, ch. 66; special provisions for subdivisions, § 66-261 et seq.; vegetation, ch. 70; zoning, ch. 74; residential, manufactured housing, subdivision district R-MH, § 74-411 et seq.; floodplain zoning and subdivision, § 74-931 et seq.

State Law References: Planning, subdivision of land and zoning, Code of Virginia, § 15.2-2200 et seq.; land subdivision and development, Code of Virginia, § 15.2-2240 et seq.

Article I. In General

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Sec. 54-160. Lots.
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Article VI. Approval of Plats

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Sec. 54-195. Effective date for reapplying.
Secs. 54-196--54-230. Reserved.

Article VII. Vacation of Plats

Sec. 54-231. Method.
Sec. 54-232. Vacation of plat after sale of lot.
Sec. 54-233. Fee for processing application to vacate.
Sec. 54-234. Effect of vacation under section 54-232.
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Secs. 54-236--54-270. Reserved.

Article VIII. Flag Lots; Private Roads

Sec. 54-271. Flag lots permitted by planning commission.
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Sec. 54-301. Variations and exceptions.

Sec. 54-302. Amendments.

ARTICLE I.

IN GENERAL

Sec. 54-1. Purpose.

This chapter is adopted for the following purposes:

- (1) To promote public health, safety and general welfare.
- (2) To establish standards and procedures for the orderly division and subdivision of lots, tracts and parcels of land in the county, for residential purposes.
- (3) To ensure proper legal description and proper monumenting of subdivided land.
- (4) To ensure that purchasers of lots, tracts and parcels of land, purchase a commodity that is suitable for the intended use.
- (5) To provide for safe, legal, efficient and environmentally compatible ingress and egress to properties and neighborhoods.
- (6) To facilitate the provision of adequate public facilities, services and utilities in the safest, most efficient, economic and environmentally compatible manner possible.
- (7) To avoid undue congestion of land and streets.
- (8) To facilitate the implementation of the official comprehensive plan for the county.
- (9) To implement article 6 of the Virginia Planning Act, Code of Virginia, § 15.2-2240 et seq.

(Code 1990, § 12.2; Ord. of 4-5-1991)

Sec. 54-2. Intent.

The intent of this chapter is to apply to or provide:

- (1) For plat details which shall meet the standard for plats as adopted under Code of Virginia, § 42.1-82 of the Virginia Public Records Act (Code of Virginia, § 42.1-76 et seq.).
- (2) For the coordination of streets within and contiguous to the subdivision with other existing or planned streets within the general area as to location, widths, grades and drainage, including, for ordinances and amendments adopted on or after January 1, 1990, for the coordination of such streets with existing or planned streets in existing or future adjacent or contiguous to adjacent subdivisions.

- (3) For adequate provisions for drainage and flood control and other public purposes, and for light and air, and for identifying soil characteristics.
- (4) For the extent to which and the manner in which streets shall be graded, graveled or otherwise improved and water and storm and sanitary sewer and other public utilities or other community facilities are to be installed.
- (5) For the acceptance of dedication for public use of any right-of-way located within any subdivision or section, which has constructed or proposed to be constructed within the subdivision or section, any street, curb, gutter, sidewalk, bicycle trail, drainage or sewer system, waterline as part of a public system or other improvement dedicated for public use, and maintained by the county, the commonwealth, or other public agency, and for the provision of other site-related improvements required by local ordinances for vehicular ingress and egress, including traffic signalization and control, for public access streets, for structures necessary to ensure stability of critical slopes, and for stormwater management facilities, financed or to be financed in whole or in part by private funds only if the owner or developer:
 - a. Certifies to the board of supervisors that the construction costs have been paid to the person constructing such facilities;
 - b. Furnishes to the board of supervisors a certified check or cash escrow in the amount of the estimated costs of construction or a personal, corporate or property bond, with surety satisfactory to the board of supervisors or its designated administrative agency, in an amount sufficient for and conditioned upon the construction of such facilities, or a contract for the construction of such facilities and the contractor's bond, with like surety, in like amount and so conditioned; or
 - c. Furnishes to the board of supervisors a bank or savings institution's letter of credit on certain designated funds satisfactory to the board of supervisors or its designated administrative agency as to the bank or savings institution, the amount and the form.

The amount of such certified check, cash escrow, bond or letter of credit shall not exceed the total of the estimated cost of construction based on unit prices for new public or private sector construction in the locality and a reasonable allowance for estimated administrative costs, inflation, and potential damage to existing roads or utilities, which shall not exceed 25 percent of the estimated construction costs.

If a developer records a final plat which may be a section of a subdivision as shown on an approved preliminary plat and furnishes to the board of supervisors a certified check, cash

escrow, bond or letter of credit in the amount of the estimated cost of construction of the facilities to be dedicated within such section for public use and maintained by the county, the commonwealth, or other public agency, the developer shall have the right to record the remaining sections shown on the preliminary plat for a period of five years from the recordation date of the first section, or for such longer period as the planning commission or other agent may, at the approval, determine to be reasonable, taking into consideration the size and phasing of the proposed development, subject to the terms and conditions of this subsection and subject to engineering and construction standards and zoning requirements in effect at the time each remaining section is recorded. If the highway system in the county is maintained by the state department of transportation and the board of supervisors, has accepted the dedication of a road for public use and such road due to factors other than its quality of construction is not acceptable into the secondary system of state highways, the board of supervisors may, if so provided in this chapter, require the subdivider or developer to furnish the county with a maintenance and indemnifying bond, with surety satisfactory to the board of supervisors or its designated administrative agency, in an amount sufficient for and conditioned upon the maintenance of such road until such time as it is accepted into the secondary system of state highways. In lieu of such bond, the board of supervisors or its designated administrative agency may accept a bank or savings institution's letter of credit on certain designated funds satisfactory to the board of supervisors or its designated administrative agency as to the bank or savings institution, the amount and the form, or accept payment of a negotiated sum of money sufficient for and conditioned upon the maintenance of such road until such time as it is accepted into the secondary system of state highways and assume the subdivider's or developer's liability for maintenance of such road. "Maintenance of such road" as used in this section, means maintenance of the streets, curbs, gutters, drainage facilities, utilities or other street improvements, including the correction of defects or damages and the removal of snow, water or debris, so as to keep such road reasonably open for public usage.

- (6) For conveyance, in appropriate cases, of common or shared easements to franchised cable television operators furnishing cable television and public service corporations furnishing cable television, gas, telephone and electric service to the proposed subdivision. Such easements, the location of which shall be adequate for use by public service corporations and franchised cable television operators which may be expected to occupy them, may be conveyed by reference on the final plat to a declaration of the terms and conditions of such common easements and recorded in the land records of the county or city.
- (7) For monuments of specific types to be installed establishing street and property lines.
- (8) That unless a plat is filed for recordation within six months after final approval or such longer period as may be approved by

the board of supervisors, such approval shall be withdrawn and the plat marked void and returned to the approving official; however, in any case where construction of facilities to be dedicated for public use has commenced pursuant to an approved plan or permit with surety approved by the board of supervisors or its designated administrative agency, or where the developer has furnished surety to the board of supervisors or its designated administrative agency by certified check, cash escrow, bond, or letter of credit in the amount of the estimated cost of construction of such facilities, the time for plat recordation shall be extended to one year after final approval or to the time limit specified in the surety agreement approved by the board of supervisors or its designated administrative agency, whichever is greater.

- (9) For the administration and enforcement of this chapter, not inconsistent with provisions contained in Code of Virginia, § 15.2-2200 et seq., and specifically for the imposition of reasonable fees and charges for the review of plats and plans, and for the inspection of facilities required by any such ordinance to be installed; such fees and charges shall in no instance exceed an amount commensurate with the services rendered taking into consideration the time, skill and administrator's expense involved. All such charges heretofore made are validated.
- (10) For reasonable provisions permitting a single division of a lot or parcel for the purpose of sale or gift to a member of the immediate family of the property owner in accordance with the provisions of Code of Virginia, § 15.2-2244.
- (11) For the periodic partial and final complete release of any bond, escrow, letter of credit, or other performance guarantee required by the board of supervisors under this section in accordance with the provisions of Code of Virginia, § 15.2-2245.

(Code 1990, § 12.3; Ord. of 4-5-1991)

State Law References: Similar provisions, Code of Virginia, § 15.2-2241.

Sec. 54-3. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Agent means the county administrator, the zoning administrator, and the director of community development, who shall be deemed representatives of the board of supervisors to serve as agents of the board of supervisors in approving subdivision plats.

Agreement means a legal contract between two or more parties.

Alley means a permanent service way providing a secondary means of access to abutting properties.

Block means a tract of land bounded by streets, or by a combination of streets, public parks, cemeteries, shorelines of waterways or boundary lines

of the county.

Building means any structure built for the support, shelter or enclosure of persons, animals, chattels or movable property of any kind and which is permanently affixed to the land.

Building line means the distance which a building is from the front lot line or front boundary line.

Commission means the county planning commission.

Cul-de-sac means a street with only one outlet and having an appropriate turnaround for a safe and convenient reverse traffic movement.

Developer means any person, group of persons, corporation or other legal entity that owns or has interest, directly or indirectly in the property being subdivided.

Easement (right-of-way) means an interest in land owned by another that entitles its holder to a specific limited use. For the purposes of this chapter, any easement of right-of-way serving as a public subdivision street in a major or minor subdivision shall be dedicated for public use and its title shall be clear and unencumbered of any matters that would adversely affect its ability to be accepted by the state department of transportation for maintenance as part of the secondary system of state highways.

Engineer means an engineer licensed by the commonwealth.

Flag lot means any lot utilizing a 50-foot to 75-foot wide stem for access to a public road.

Health official means the health director or sanitarian for the county.

Highway engineer means the residency administrator employed by the Virginia Department of Transportation or his representative.

Jurisdiction means the area or territory subject to the legislative control of the board of supervisors.

Lot means a numbered and recorded portion of a subdivision intended for transfer of ownership or for building development for a single building and its accessory building.

Lot, corner, means a lot abutting upon two or more streets at their intersection, the shortest side fronting upon a street shall be considered the front of the lot, and the longest side fronting upon a street shall be considered the side of the lot.

Lot, depth of, means the mean horizontal distance between the front and rear lot lines.

Lot, double-frontage, means an interior lot having frontage on two streets.

Lot, interior, means a lot other than a corner lot.

Lot of record means a lot which has been recorded in the clerk's office of the circuit court of the county.

Lot, width of, means the mean horizontal distance between the side lot lines.

Parent tract means a separate lot, tract or parcel of land conveyed by deed, devised by will, or passing pursuant to the laws of descent and distribution, the boundaries of which are shown by plat or described by metes and bounds, and recorded in the clerk's office of the county, on or before the date of adoption of the ordinance from which this section derives. For purposes of this definition, the county tax map may be used to identify parent tracts. The subdivision ordinance was adopted and became effective on April 5, 1991, which is the effective date for determining parent tracts.

Plat includes the terms map, plan, plot, replat or replot; a map or plan of a tract or parcel of land which is to be or which has been subdivided. When used as a verb plat is synonymous with subdivide.

Private street/road means, for purposes of this chapter, a street/road that has not been dedicated or acquired by the county as a public road. A street/road which does not meet the design and construction specifications of the Virginia Department of Transportation and therefore is not eligible for inclusion in said department's secondary system, nor for public maintenance, expansion, or extension. The subdivider shall cause the following statement to be placed in the deed and on the survey plat of each recorded lot in the subdivision: Access from the state route to the land herein conveyed is partially or wholly provided by a private road which does not meet the standards of the Virginia Department of Transportation.

Neither said department or Cumberland County is responsible for maintenance, expansion, improvement, or extension of said access road. The lot owners, or the developer, or the owner or owners of the access road shall be responsible for all costs of upgrading said access road to meet the subdivision standards of the Virginia Department of Transportation. Covenants pertaining to the property shall spell out the status of the road as provided for by deed and survey plat.

Property means any tract, lot, parcel or several of the same collected together for the purpose of subdividing.

Roadway means the portion of the road/street right-of-way which contains the pavement, curbs, gutter, and is used primary as a channel for vehicular movement and secondarily as a drainage channel for stormwater. In these regulations where curbs are required, the pavement is measured from face to face of the curbs; without curbs, it is the measurement of the wearing surface. The roadway width for a road that serves a minor subdivision shall be a minimum of 18 feet in width.

Street means the principal means of access to abutting properties.

Street, major, means any existing or future street designated as a major street on an adopted plan of land use and major thoroughfares or any heavily traveled thoroughfare or highway that carries a large volume of through traffic.

Street, minor, means a street that is used primarily as a means of public access to the abutting properties.

Street, public, means a street or road or portion thereof, which is either dedicated to public use or the use of which by the public is not restricted. Or, the right-of-way which affords or is intended for the purpose of affording the principal means of vehicular access to abutting property.

Street, service drive, means a public right-of-way generally parallel and contiguous to a major highway, primarily designated to promote safety by eliminating promiscuous ingress and egress to the right-of-way by providing safe and orderly points of access to the major highway.

Street width means the total width of the strip of land dedicated or reserved for public travel, including roadway, curbs and gutters.

Subdivide means to divide, subdivide or resubdivide a lot, tract or parcel of land into two or more parts.

Subdivider means any person owning any tract, lot or parcel of land to be subdivided or a group of two or more persons acting in agreement, in planning, negotiating, representing or executing the legal requirements of this chapter.

Subdivision means the division of a parcel of land into two or more lots or parcels of land for the purpose of transfer of ownership or building development. The sale or exchange of parcels between adjoining lot owners, where such sale or exchange does not create additional building lots, shall be exempt from the provisions of this chapter.

- (1) *Subdivision, family,* means the division of a lot or parcel of land to a member of the immediate family of the property owner. Only one such subdivision shall be allowed per family member and shall not be for the purpose of circumventing this chapter. For the purpose of this section, a member of the immediate family is defined as any person who is a natural or legally defined offspring, sibling, spouse or parent of the owner.
- (2) *Subdivision, major,* means the division of a parent tract into four or more lots or parcels.
- (3) *Subdivision, minor,* means the division of a parent tract into not more than three lots or parcels, and family subdivisions which result in one lot per family member.

Surveyor means a certified land surveyor authorized to do business in the commonwealth.

Vicinity map and *location map* mean a map that shows the relationship of the proposed subdivision to existing community facilities which serve or influence it and includes the subdivision name, location, main traffic arteries, schools, parks and playgrounds, scale, north arrow and date.

(Code 1990, §§ 12.14(1)--(11), (13)--(35), 12.23, 12.26, 12.46; Ord. of 4-5-1991; Ord. of 11-13-1996; Ord. of 1-12-2000; Ord. of 1-10-2001; Ord. of 9-23-2002)

Cross References: Definitions generally, § 1-2.

Sec. 54-4. Interpretation.

For the purpose of this chapter, certain words and terms used in this chapter shall be interpreted or defined as follows:

- (1) Unless the natural construction of the word indicates otherwise, the term "lot" includes the terms "tract" and "parcel."
- (2) The term "approve" shall be considered to be followed by the term "or disapprove."
- (3) The term "developer" shall include "subdivider" and "owner," and the term "subdivider" shall include "developer" and "owner," and the term "owner" shall include "subdivider" and "developer" unless the natural construction of the word indicates otherwise.
- (4) Reference to this chapter includes all ordinances amending or supplementing this chapter. All distances and areas refer to measurement in a horizontal plane.

(Code 1990, § 12.12(5)--(8); Ord. of 4-5-1991)

Sec. 54-5. Fee schedule.

The following fees are levied:

Preliminary plat review	\$100.00
Plus, per lot	10.00
Final plat review	75.00
Plus, per lot	10.00
Vacation of plat (major subdivisions)	100.00
Plats officer review (minor subdivisions), per lot	10.00

(Code 1990, § 12.48; Ord. of 10-11-1995)

Sec. 54-6. Penalties.

(a) Any owner, developer or subdivider of any tract of land, who subdivides that tract of land, and who violated any provision of this chapter shall be guilty of a misdemeanor, punishable by a fine of not more than \$500.00 for each lot or parcel of land so subdivided, transferred or sold.

(b) The description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties or from the remedies provided in this chapter.

(Code 1990, § 12.10; Ord. of 4-5-1991)

State Law References: Similar provisions, Code of Virginia, § 15.2-2254.

Secs. 54-7--54-40. Reserved.

ARTICLE II.

ADMINISTRATION*

* **Cross References:** Administration, ch. 2.

Sec. 54-41. Administrator.

(a) The agent, appointed by the board of supervisors, is delegated to administer this chapter. In so doing, the agent shall be considered the agent of the board of supervisors, and approval or disapproval by the agent shall constitute approval or disapproval as though it were given by the board of supervisors.

(b) The planning commission shall approve or disapprove all major subdivisions. Minor subdivisions may be approved or disapproved by the agent. (Code 1990, § 12.4; Ord. of 4-5-1991)

Cross References: Officers and employees, § 2-61 et seq.

Sec. 54-42. Duties.

The agent shall perform his duties regarding subdivisions and land subdividing in accordance with this chapter and Code of Virginia, § 15.2-2240 et seq. (Land Subdivision and Development). (Code 1990, § 12.5; Ord. of 4-5-1991)

Sec. 54-43. To consult.

In the performance of his duties, the agent shall call for opinions from the highway engineer and the health official and may consult other departments and agencies in considering details of any submitted plat. The agent shall not approve any subdivision plat until he first obtains approval from the resident highway engineer and the health official. (Code 1990, § 12.6; Ord. of 4-5-1991)

State Law References: Employment of engineers, Code of Virginia, § 33.1-8.

Sec. 54-44. Additional authority.

In addition to the regulations contained in this chapter for the platting of subdivisions, the agent may, from time to time, establish any additional reasonable administrative procedures deemed necessary for the proper administration of this chapter. (Code 1990, § 12.7; Ord. of 4-5-1991)

Sec. 54-45. Enforcement.

(a) No person shall sell, convey or record a deed to a subdivision lot without making and recording a plat of such subdivision and without fully complying with the provisions of this chapter.

(b) No final subdivision plat shall be recorded unless and until it has been submitted to and approved by the agent appointed by the board of supervisors, and in the event of a major subdivision, the planning commission, the health official and the highway engineer.

(c) No person shall sell or transfer any such land by reference to or by other use of a plat of a subdivision before such plat has been duly recorded under this chapter or a previous subdivision ordinance.

(d) Upon the effective date of this chapter, the clerk of the circuit court of the county shall not file or record any plat of subdivision until such plat has been approved as required in this chapter. Certificate of approval signatures affixed to the plat shall be the agent appointed by the board of supervisors, the chairman of the planning commission, the health official and the highway engineer or their duly appointed assignees.

(e) Unless a plat is filed for recordation within six months after its final approval or such longer period as may be approved by the board of supervisors, such approval shall be withdrawn and the plat marked void and returned to the approving official.

(f) No change in the plat or division of a lot within any duly recorded subdivision with more than four lots shall be allowed.
(Code 1990, § 12.8; Ord. of 4-5-1991; Ord. of 5-3-1991)

Sec. 54-46. Bond or escrow.

The acceptance of or dedication of public use of any right-of-way located within any subdivision for any street, curb, gutter, sidewalk, bicycle trail, drainage, sewer system, water line or other improvement as part of a public system, financed in whole or part by private funds, shall be approved only after the owner or developer has:

- (1) Certified to the board of supervisors that the construction costs have been paid to the person constructing such facilities;
- (2) Furnishes to the board of supervisors a certified check or cash escrow in the amount of the estimated costs of construction;
- (3) Furnishes to the board of supervisors a personal, corporate or property bond, with surety satisfactory to the board of supervisors, in an amount sufficient for and conditioned upon the construction of such facilities;
- (4) Furnishes to the board of supervisors a contract for the construction of such facilities and the contractor's bond, with like surety, in like amount and so conditioned; or
- (5) Furnishes to the board of supervisors a bank or savings institution's letter of credit on certain designated funds satisfactory to the board of supervisors as to the bank or savings institution, the amount and the form.
- (6) The amount of such certified check, cash escrow, bond or letter of credit shall not exceed the total of the estimated cost of construction based on unit prices for new public or private sector construction in the locality and a reasonable allowance for estimated administrative costs, inflation and potential damage to existing roads or utilities.

- (7) No street will be considered by the board of supervisors for acceptance unless the road is intended to be maintained by the Virginia Department of Transportation or, if not to be maintained by said Department, the subdivider or developer furnishes the county with a maintenance and indemnifying bond, with surety satisfactory to the board of supervisors, in an amount sufficient for and conditioned upon the maintenance of such road until such time as it is accepted for maintenance by the Virginia Department of Transportation as part of the secondary system of state highways under its jurisdiction. For the purposes of this provision, the following terms have the meaning specified:
- a. "Maintenance and indemnifying bond or surety shall mean a bank or savings institution's letter of credit on certain designated funds, satisfactory to the board of supervisors as to the bank or savings institution, the amount and the form;
 - c. "Maintenance of such road" shall mean maintenance of the streets, curbs, gutters, drainage facilities, utilities or other street improvements, including the correction of defects or damages and the removal of snow, water or debris, so as to keep such road in reasonably good repair and open for travel.
- (8) Such bond, escrow or other guarantee shall be released within 30 days of written notice by the subdivider or developer to the board of supervisors of satisfactory completion of construction, unless such subdivider or developer is notified in writing of a delay in such release and the reasons.
- (9) The subdivider's or developer's bond shall only be released after the County is notified by the Virginia Department of Transportation that it has accepted maintenance responsibility of the street or, if the street is to be privately maintained, a formal organization of the landowners served provides a similar bond and surety to replace the one provided by the subdivider or developer, in which case the construction has been inspected and approved by appropriate engineers serving the county and the agent.

(Code 1990, § 12.9; Ord. of 4-5-1991)

Secs. 54-47--54-80. Reserved.

ARTICLE III.

GENERAL REGULATIONS

Sec. 54-81. Mutual responsibility.

(a) There is a mutual responsibility between the subdivider and the county to divide the land so as to improve the general use pattern of the land being subdivided.

(b) All major subdivisions and lots in such subdivisions shall be

located in a residential district in conformance with the zoning ordinance, chapter 74 of this Code, the official zoning map as amended and the comprehensive plan.
(Code 1990, § 12.15; Ord. of 4-5-1991)

Sec. 54-82. Land must be suitable.

The agent and/or planning commission shall not approve the subdivision of land if, from adequate investigations conducted by all public agencies concerned, it has been determined that in the best interest of public safety, health and welfare, the site is not suitable for platting and development purposes of the kind proposed.
(Code 1990, § 12.16; Ord. of 4-5-1991)

Sec. 54-83. Flooding.

(a) Land subject to flooding and land deemed to be topographically unsuitable shall not be platted for residential occupancy; nor for such other uses as may increase danger of health, life or property; or aggravate erosion or flood hazard.

(b) Such land within the subdivision shall be set aside on the plat for such uses as shall not be endangered by periodic or occasional flooding or shall not produce conditions contrary to public welfare.
(Code 1990, § 12.17; Ord. of 4-5-1991)

Sec. 54-84. Fees.

There shall be a fee for the examination and approval or disapproval of every plat filed. At the time of filing the preliminary plat, the subdivider shall deposit with the agent a check payable to the county treasurer for the required amount. The fee schedule shall be set by the board of supervisors and be commensurate with the services rendered, taking into consideration the time, skill and administrative expense involved. All such charges made before the effective date of the ordinance from which this section derives are validated.
(Code 1990, § 12.18; Ord. of 4-5-1991)

Sec. 54-85. No one exempt.

No person shall subdivide any tract of land that is located within the county except in conformity with the provisions of this chapter.
(Code 1990, § 12.19; Ord. of 4-5-1991)

Sec. 54-86. Private contracts.

(a) This chapter bears no relation to any private easement, covenant, agreement or restriction; nor is the responsibility of enforcing such private easement, covenant, agreement or restriction implied in this chapter to any public official.

(b) When this chapter calls for more restrictive standards than are required by private contracts, the provisions of this chapter shall control.
(Code 1990, § 12.20; Ord. of 4-5-1991)

Sec. 54-87. Pro rata share and bond.

A subdivider or developer of land shall provide for his pro rata share of the cost of providing reasonable and necessary sewer, water and drainage facilities, located outside the property limits of the land to be subdivided but necessitated or required by the construction of his subdivision; however:

- (1) That no such payment shall be required until such time as the board of supervisors or a designated department or agency shall establish a general sewer, water and drainage improvement program for an area within which the land to be subdivided is located.
- (2) Such regulations shall set forth and establish reasonable standards to determine the proportionate share of total estimated cost of sewer, water and drainage facilities required.
- (3) Such share shall be limited to the proportion of such total estimated cost which the increased sewage flow, water flow and/or increased volume and velocity of stormwater runoff to be actually caused by his subdivision, bears to the total estimated volume and velocity of such sewage, water and/or runoff from such area in its fully developed state.
- (4) Each such payment received shall be expended only for the construction of those facilities for which the payment was required and until expended shall be held in an interest-bearing account for the benefit of the subdivider or developer.
- (5) In lieu of such payment, the board of supervisors may provide for the posting of a personal, corporate or property bond, cash escrow or other method of performance guarantee satisfactory to it conditioned on payment at commencement of such construction.
- (6) Such bond, escrow or other guarantee shall be released within 30 days after receipt of written notice by the subdivider or developer of completion of part or all of any facilities required to be constructed, unless such subdivider or developer is notified in writing of a delay in such release and the reasons.
- (7) The subdivider's bond shall not be released until construction has been inspected and approved by the appropriate engineers and the agent.

(Code 1990, § 12.21; Ord. of 4-5-1991)

Sec. 54-88. Improvements.

All required improvements shall be installed by the subdivider at his cost. In cases where specifications have been established either by the state department of transportation or by local ordinances and/or state codes, for streets, curbs, etc., such specifications shall be followed.

(Code 1990, § 12.22; Ord. of 4-5-1991)

Secs. 54-89--54-120. Reserved.

ARTICLE IV.

MINOR SUBDIVISIONS

Sec. 54-121. Plat requirements.

(a) The owner of a minor subdivision shall file a copy of the plat with the agent. The minimum requirements for preparing the plat shall be:

- (1) Prepared by a surveyor licensed to do business in the state.
- (2) Date, scale and true north point shall be shown on the plat.
- (3) Location of the subdivision by magisterial district, assessor's parcel number(s), county and state.
- (4) Boundary lines of all existing and proposed lots which shall be in conformance with applicable zoning requirements.
- (5) All lots shall be served by a 50-foot deeded right-of-way.
- (6) All lots shall be consecutively numbered.
- (7) The setbacks (front, side, and rear) requirements must be shown on all survey plats submitted for approval.

(b) Except as otherwise provided, prior to the agent's approving any plat, all plats of minor subdivisions shall be stamped as approved by the state department of transportation and the county health department to ensure compliance with all applicable requirements of each state agency and state law. The costs of such approval shall be the responsibility of the subdivider.

(c) Notwithstanding the requirements of subsections (a) and (b) of this section, the following exemptions are provided:

- (1) Any plat for a minor subdivision in which the lots:
 - a. Are clearly and conspicuously stamped as being solely for nonresidential and noncommercial purposes; or
 - b. Are 20 acres or more in size;

shall not be required to have the approval of the county health department.

- (2) Any plat for a minor subdivision that does not involve the establishment of a new street serving three or more properties shall not be required to have the approval of the department of transportation. However, the subdivider, developer, or subsequent owner of the lots therein shall obtain an entrance permit from the Department of Transportation before beginning any construction thereon.

(d) No building permit shall be issued for the construction of any structure on any lot stamped as being solely for nonresidential and noncommercial purposes. For the purposes of this section, "solely for nonresidential and noncommercial purposes" shall mean only those land uses and structures that do not require the utilization of a septic system.

(Code 1990, § 12.24; Ord. of 4-5-1991; Ord. of 7-8-1998; Ord. of 9-23-2002)

Sec. 54-122. Review process.

Minor subdivisions shall be reviewed by the agent without further review by the planning commission.

(Code 1990, § 12.25; Ord. of 4-5-1991; Ord. of 5-3-1991; Ord. of 7-8-1998)

Sec. 54-123. Public roads/private roads.

(a) All streets that serve 3 or more properties, excluding family divisions of land, shall be designed and constructed in accordance with the Subdivision Street Requirements of the Virginia Department of Transportation, including combined, shared access established for pipe stem or flag type lots, without regard as whether they are intended to be private, intended to be privately maintained, or intended to be maintained by the Virginia Department of Transportation.

(b) The following note shall appear on all plats that include a private road or a publicly dedicated road that is to be maintained by the property owners served or an access serving a family division of land:

The maintenance and/or improvement of the streets in this subdivision shall be the responsibility of the property owners served and the cost of which shall be ineligible for financing with funds administered by either Cumberland County or the Virginia Department of Transportation. In the event the streets are subsequently proposed to become state maintained, the property owners served shall, at no cost to either the county or the Virginia Department of Transportation, cause the streets to meet the prevailing minimum standards governing the Virginia Department of Transportation's acceptance of the streets as part of the secondary system of state highways.

(Code 1990, § 12.25.1; Ord. of 5-3-1991; Ord. of 1-12-2000)

Sec. 54-124. Lots.

(a) *Origination.* All lots must be created from a parent tract which is defined in this chapter. Parent tracts are parcels lawfully platted and recorded prior to April 5, 1991.

(b) *Size.* All lots created as a result of a division of land for residential purposes shall require health department approval for an onsite septic system, and provide a 100 percent backup drainfield area on the lot. This area must be designated so as not to locate any structure or part thereof on the area. All lots shall have an approved well site location, and a backup or 2nd well site location on the lot. The class of wells shall be determined by the local or district health department. A copy of the approval must be submitted with the survey plat.

(c) *Location.* All lots shall front on a private road. This can be a 50-foot right-of-way or easement to serve a single lot or up to a total of three lots. A lot may front on a public/state road providing the frontage and

other applicable requirements are met.

* An access that serves up to three lots and/or three residences requires a commercial residential entrance approved and constructed subject to the Virginia Department of Transportation.

(d) *Road frontage.* The road frontage for lots on an interior road created as the result of a division shall be a minimum of 250 feet. Any lot that fronts on a public/state road shall have a minimum frontage of 500 feet.. All entrances to lots served by an existing state maintained roadway or new roadways proposed for state maintenance shall be approved by the Virginia Department of Transportation prior to the issuance of a building permit. Not more than one entrance shall be allowed any lot having less than 750 feet of continuous road frontage along existing state maintained roads. A second access to a lot will be allowed provided the access is placed not closer than 500 feet to the first provided the location is satisfactory to the highway engineer

(e) *Lot width.* The minimum lot width shall be 250 feet for lots fronting on private roads and 500 feet for lots fronting on state maintained roads. The lot width at the building setback line shall be no less than the minimum lot width.

(f) *Lot depth.* The minimum depth of a lot that fronts on a private road shall be no less than the minimum width requirement times (x) a measurement which equals a two acre minimum. The minimum depth of a lot that fronts on a public/state road shall be no less than the minimum width requirement times (x) a measurement which equals a two acre lot minimum.

(g) *Cul-de-sac lot.* The frontage at the street or road in a cul-de-sac shall be a minimum of 50 feet and the width of the lot at the building line shall be as provided for under section 54-124(e).

(h) *Subdivision entrance.* All entrances to a subdivision are subject to the Virginia Department of Transportation approval.

(i) *Road construction.* The following shall apply to all roads that serve lots within a minor subdivision.

- (1) The road shall be properly contoured to fit the lay of the land.
- (2) The road shall have adequate drainage.
- (3) The road shall be positioned in the center of a right-of-way that is clearly shown on the subdivision plat. Prior to the approval of the subdivision plat, the right-of-way shall be cleared of trees or other obstructions or a road construction bond or letter of credit in a form acceptable to the county attorney shall be provided to the county to assure the clearing of the proposed right-of-way within one year.
- (4) All streets shall be designed and constructed in accordance with the Subdivision Street Requirements of the Virginia Department of Transportation; however the minimum right-of-way shall be not less than 50 feet in width unless otherwise approved by the agent

and the highway engineer.

(j) *Setback.* No structures within a minor subdivision shall be located any closer to a public/state road right-of-way than 100 feet, or 75 feet from the right-of-way of a private road. The side and rear setback for main structures shall be a minimum of 50 feet.

(k) *Buffer area.* An area 25 feet in depth shall remain undisturbed across the frontage portion of a lot. Frontage refers to any lots that front on the public/state road, and lots that front on a private road, but have a portion of the lot that abuts the public/state road. All natural vegetation, including trees shall be undisturbed. The area is measured from the road right-of-way back onto the lot a distance of 25 feet. If the lot does not have any natural vegetation or trees, then trees and plantings shall be planted to provide the buffer area.
(Ord. of 9-23-2002)

Secs. 54-125--54-150. Reserved.

ARTICLE V.

MAJOR SUBDIVISIONS

Sec. 54-151. Platting required.

The submission of a preliminary plan shall not be required for boundary line adjustments, easements plats, agriculture, non-residential subdivisions, family subdivisions, and minor subdivisions. A preliminary plan is required for a major subdivision.

The applicant, or for good cause, the subdivision agent may at any time refer the application to the major subdivision approval process.

- (1) Any owner or developer of any tract of land situated within the county who subdivides the land shall cause a plat of such subdivision, with reference to known or permanent monuments, to be made and recorded in the office of the clerk of the county.
- (2) No such plat of a major subdivision shall be recorded unless and until it has been submitted, approved and certified by the agent, the planning commission, the health official and the highway engineer in accordance with the regulations set forth in this chapter.
- (3) No plot shall be sold in any major subdivision before the plat is recorded in the office of the clerk of the circuit court.
- (4) No building permit will be issued to any prospective developer of any lot, parcel or tract if the property was illegally subdivided after the effective date of the ordinance from which this section derives and its amendments nor shall a building permit be issued before appropriate permits required by the Virginia Department of Transportation have been issued.
- (5) No plat shall receive final approval until the property to be

subdivided is zoned "residential" as required in the zoning ordinance, chapter 74 of this Code.

(Code 1990, § 12.27; Ord. of 4-5-1991; Ord. of 3-23-2004(1))

Sec. 54-152. Requisites of plat.

Every subdivision plat which is intended for recording shall be prepared by a certified professional engineer or land surveyor, who shall endorse upon each plat a certificate signed by him setting forth the source of title of the owner of the land subdivided and the place of record of the last instrument in the chain of title. When the plat is of land acquired from more than one source of title, the outlines of the several tracts shall be indicated upon the plat, within an inset block, or by a means of a dotted boundary line upon the plat. However, nothing in this section shall be deemed to prohibit the preparation of preliminary studies plans or plats of a proposed subdivision by the owner of the land, city planners, land planners, architects, landscape architects or others having training or experience in subdivision planning or design.

(Code 1990, § 12.28; Ord. of 4-5-1991; Ord. of 3-23-2004(1))

State Law References: Similar provisions, Code of Virginia, § 15.2-2262.

Sec. 54-153. Statement of consent to subdivision; execution; acknowledgment and recordation.

Every plat, or deed of dedication to which the plat is attached, shall contain in addition to the professional engineer's or land surveyor's certificate a statement as follows: "The platting or dedication of the following described land (here insert a correct description of the land subdivided) is with the free consent and in accordance with the desire of the undersigned owners, proprietors, and trustees, if any." The statement shall be signed and duly acknowledged before an officer authorized to take acknowledgment of deeds.

(Code 1990, § 12.29; Ord. of 4-5-1991; Ord. of 3-23-2004(1))

State Law References: Similar provisions, Code of Virginia, § 15.2-2264.

Sec. 54-154. Necessary changes.

No changes, erasures or revision shall be made on any preliminary or final plat, nor on accompanying data sheets after approval of the agent has been endorsed in writing on the plat or sheets, unless authorization for such changes has been granted in writing by the agent.

(Code 1990, § 12.30; Ord. of 4-5-1991; Ord. of 3-23-2004(1))

Sec. 54-155. Streets.

All streets in the proposed subdivision shall be designed and constructed in accordance with the Subdivision Street Requirements of the Virginia Department of Transportation without regard as to whether the roads in the subdivision are to remain private streets or are to be maintained by an organization of land owners or proposed to be maintained by said Department. In addition, the following minimum requirements shall apply and be provided at no cost to the locality:

- (1) *Alignment and layout.*

- a. All subdivision streets shall have direct access to, and connect with an existing publicly dedicated street or road.
- b. The arrangement of streets in new subdivisions shall make provision for the continuation of existing streets in adjoining areas.
- c. The street arrangement must be such as to cause no unnecessary hardship to owners of adjoining property when they plat their own land and seek to provide for convenient access to it.
- d. Where in the opinion of the agent it is desirable to provide for street access to adjoining property, proposed streets shall be extended by dedication to the boundary line of such property. Half-streets along the boundary of land proposed for subdivision are not permitted.
- e. Wherever possible, streets should intersect at angles of not less than 80 degrees, unless approved by the agent upon recommendation of the highway engineer.

(2) *Service drives.*

- a. Wherever a proposed subdivision contains or is adjacent to a limited access highway or expressway, provision shall be made for a service drive or marginal street approximately parallel to such right-of-way at a distance suitable for an appropriate use of the land between such highway and the proposed subdivision.
- b. Such distances shall be determined with due consideration of the minimum distance required for ingress and egress to the main thoroughfare.
- c. The right-of-way of a major highway or street projected across any railroad, limited-access highway or expressway shall be of adequate width to provide for the cuts or fills required for any future separation of grades.

(3) *Approach angle.* Major streets shall approach major or minor streets at an angle of not less than 80 degrees, unless the agent, upon recommendation of the highway engineer, shall approve a lesser angle of approach for reasons of contour, terrain of matching or existing patterns.

(4) *Minimum Widths.* The minimum width of proposed streets shall conform to the state department of transportation specifications of street width as required for acceptance into the secondary system, but shall have not less than 50-foot right-of-way.

(5) *Construction requirements.* All subdivision streets or roads shall be designed and constructed in accordance with the current Subdivision Street Requirements of the Virginia Department of Transportation.

- (6) *Cul-de-sac.* Generally, minor terminal streets (cul-de-sac) designed to have one end permanently closed, shall be no longer than 400 feet to the beginning of the turnaround or the current Subdivision Street Requirements of the Virginia Department of Transportation.
- (7) *Alleys.* Alleys may be provided in subdivisions with lots of less than one-half acre to allow for access by fire, emergency and utility vehicles. No barriers of any type will be allowed in the alley right-of-way. Dead-end alleys, if unavoidable, shall be provided with adequate turnaround facilities as determined by the agent.
- (8) *Private street and reserve strips.* There shall be no private streets or roads platted in any major subdivision. Every major subdivision property shall be served from a publicly dedicated street designed and constructed to standards eligible for acceptance as part of the secondary system of state highways maintained by the Virginia Department of Transportation. There shall be no reserve strip controlling access to streets except as may be imposed by the County.
- (9) *Names.* Proposed streets, which are obviously in alignment with other already existing and named streets, shall bear the names of the existing streets. In no case shall the names of the proposed streets duplicate existing street names. Street names shall be indicated on the preliminary and final plats, and shall be approved by the agent. Names of existing streets shall not be changed except by approval of the board of supervisors.
- (10) *Identification signs.* Street identification signs shall meet state specifications for design and size, be approved by the agent and be installed at all intersections in conformance with state specifications.
- (11) *Monuments.* As required by this chapter, all monuments must be installed by the subdivider and shall meet the minimum specifications. Upon completion of subdivision streets, sewers and other improvements, the subdivider shall make certain that all monuments shall be inspected and approved by the agent.
- (12) *Location, concrete.* Concrete monuments four inches in diameter or square, three feet long, with a flat top, shall be set at all street corners, at all points where the street line intersects the exterior boundaries of the subdivision, and at right angle points, and points of curve in each street. The top of the monument shall have an appropriate mark to identify properly the location and shall be set six inches above finished grade.
- (13) *Locations, steel rod.* All other corners shall be marked with a steel rod one-half inch or greater in diameter and 24 inches long and driven so as to be flush with the finished grade. When rock is encountered, a hole shall be drilled four inches deep in the rock, into which should be cemented a steel rod one-half inch or greater in diameter, the top of which shall be flush with the

finished grade line.

(Code 1990, § 12.31; Ord. of 4-5-1991; Ord. of 5-3-1991; Ord. of 3-23-2004(1))

Sec. 54-156. Water and sewer facilities.

(a) *Public utilities.* Where public water and/or sewage are available, the services shall be extended to all lots within a major subdivision, including fire hydrants, by the subdivider. Design standards must meet all state and local regulations.

(b) *Less than one acre.* In the case of a subdivision in which the size of lots is one acre or less, a plan for public water and sewage disposal shall be submitted by the subdivider, subject to the approval of the health official and the agent. No subdivision of lots of one acre shall be approved without public water or public sewer and lots of less than one acre shall have both public water and public sewer.

(c) *Private water or sewer.* Nothing in this section shall prevent the installation of privately owned water and/or sewer facilities in areas where public water and/or sewer are not available; however, such installations must meet all the requirements of the state water control board, the state health department, and any state and local regulation having authority over such installation.

(d) *Individual water and/or sewer systems.* The agent shall require that data from soil studies be submitted as a basis for passing upon subdivisions dependent upon individual sewage disposal systems as a means of sewage disposal. Greater lot areas may be required where individual sewage disposal systems or individual wells are used if the health official determines that there are factors of drainage, soil conditions or other conditions to cause potential health problems.

(Code 1990, § 12.32; Ord. of 4-5-1991; Ord. of 3-23-2004(1))

Cross References: Utilities, ch. 66.

Sec. 54-157. Storm drainage facilities.

The subdivider shall provide plans for the improvements needed to properly develop the subdivided property, including drainage plan, soil erosion and sediment plan and flood control devices, with a qualified engineer's or surveyor's statement that such improvements, when property installed, will be adequate for the proposed development. The highway engineer shall review the plan. The subdivided [subdivider] shall also provide any other information required by the engineer or the agent.

(Code 1990, § 12.33; Ord. of 4-5-1991; Ord. of 3-23-2004(1))

Sec. 54-158. Utilities.

(a) *Requirements.* All utility services shall be so designed as to conform to the appropriate state and local and utility agency requirements.

(b) *Utilities below ground; less than two-acre lots.* All new distribution and customer service utility facilities such as electric power, telephone, cable television, petroleum and gas installed within the boundaries of any subdivision shall be placed below the surface of the ground for subdivisions which have lots of less than two acres.

- (1) Equipment such as electric distribution transformers, switchgear, meter pedestals, telephone pay stations and telephone pedestals which is normally installed above ground may be so installed.
- (2) Meters, service connections and similar equipment normally attached to the outside wall of the premises it serves may be so installed.
- (3) Sufficient lighting poles may be erected along abutting streets and dedicated public areas.
- (4) Overhead utility services existing as of the effective date of the ordinance from which this section derives may be repaired or replaced.

(Code 1990, § 12.34; Ord. of 4-5-1991; Ord. of 3-23-2004(1))

Cross References: Utilities, ch. 66.

Sec. 54-159. Mandatory dedication.

For all subdivisions containing ten lots or more with the average area of each lot being less than two acres, the subdivider shall plat and dedicate to the board of supervisors or to a homeowner's association, suitable and adequate open space for recreation.

- (1) Such land shall be suitable to serve the purpose of active or passive recreation by reason of its location, configuration and topography.
- (2) The amount of land necessary for such purposes shall vary in accordance with the densities of population permitted in small lot subdivision, multifamily and PUD districts.
- (3) The density of all one-family districts shall be as follows:

Four percent when net area of all lots is one acre or more, with a minimum of one-half acre.

Six percent when the net area of all lots is at least one-half acre but less than one acre, with a minimum of one-half acre.

Eight percent when the net area of all lots is less than one-half acre, with a minimum of three-fourths acre.

The percentage applies to total tract area of land being subdivided.

- (4) The density of all multifamily districts shall be 15 percent of the total tract area of the land being subdivided but not less than one acre.
- (5) The density of cluster developments/planned unit-development/subdivisions with 300 or more lots shall be in accordance with any planned unit development ordinance of the county and the comprehensive plan.

(Code 1990, § 12.35; Ord. of 4-5-1991; Ord. of 3-23-2004(1))

Sec. 54-160. Lots.

(a) *Size.* The following lot sizes shall be provided according to whether one or both public utilities are available. Lots having both public water and sewer available shall have a minimum area of 20,000 square feet. Lots having both public water available shall be at least one acre or such area sufficient to accommodate a 100 percent backup drain field area. Lots having public sewer available shall be at least one acre and provide for a second well site.

- (1) The subdivision of any lot that results in more than three lots being able to use the same roadway for the purpose of access to a public road shall require the entirety of such road to be constructed according to the Virginia Department of Transportation's Subdivision Street Requirements in effect at the time of the proposed subdivision. Prior to the approval of any such subdivision plat, a surety bond, letter of credit or other financial guaranty acceptable to the county plats officer shall be provided to the county in an amount sufficient to cover the cost of road construction to insure completion of all roadwork within a one year period.
- (2) A lot created not fronting an existing numbered primary and secondary road (i.e. Rt. 13, Rt. 60, Rt. 600, Rt. 638--All road numbers are not listed) shall provide the following:

200 foot frontage = One acre lot.

100 foot frontage = 20,000 square feet lot.

*Note: Frontage will be the same as building setback line. (No reduction to 80 percent as the present regulations provides for).

(b) *Shape.* The lot arrangement, design and shape shall provide satisfactory and desirable sites for building. Lots shall not contain peculiarly shaped elongations solely to provide necessary square footage of area which would be unusable for normal purposes.

(c) *Location.* Each lot shall front on a public street dedicated by the subdivision plat, or on an existing publicly dedicated street.

(d) *Corner lots.* Corner lots shall have width sufficient for setback lines on both streets, as determined by the agent, so that visibility will be adequate. In no case shall the setback be less than that required in the zoning ordinance.

(e) *Side lines.* Side lines of lots shall be approximately at right angles or radial to the street.

(f) *Remnants.* All remnants of lots below minimum size left over after subdividing a tract must be added to adjacent lots or otherwise disposed of rather than allowed to remain as unusable parcels.

(g) *Business use.* Lots intended for business use shall be designed

specifically for such purposes with adequate space set aside for off-street parking and delivery facilities.

(Code 1990, § 12.36; Ord. of 4-5-1991; Ord. of 3-23-2004(1))

Sec. 54-161. Blocks.

Where created by the subdivision of land, all new blocks shall be of compatible design and shall comply with the following general requirements:

- (1) *Length.* The maximum length of blocks shall be 1,200 feet, and the minimum length shall be 500 feet.
- (2) *Width.* Blocks shall be wide enough to allow two tiers of lots of minimum depth, except where fronting on major streets, unless prevented by topographical conditions or size of the property, in which case the agent may approve a single tier of lots of minimum depth.
- (3) *Orientation.* Where a subdivision adjoins a major road, the agent may require that the greater dimension of the block shall front or back upon such major thoroughfare to avoid unnecessary ingress or egress.

(Code 1990, § 12.37; Ord. of 4-5-1991)

Secs. 54-162--54-190. Reserved.

ARTICLE VI.

APPROVAL OF PLATS

Sec. 54-191. Preliminary plat.

The subdivider shall file an application with the agent for the approval of the major subdivision plat and submit six copies of a preliminary layout at a scale of not more than 100 feet to the inch. The preliminary plat shall include or have as an attachment the following:

- (1) *Name and location.*
 - a. Name of subdivision, surveyor, date of drawing, number of sheets, north point and scale. If true north is used, method of determination must be shown.
 - b. Location of proposed subdivision showing the assessors parcel number, adjoining roads, their names and numbers, towns, subdivisions, lakes, rivers or other large bodies of water, and other landmarks.
 - c. The boundary survey shall include total acreage, acreage of subdivided area, number and approximate area and frontage of all building sites, existing buildings within the boundaries of the tract, names of owners and their property lines within the boundaries of the tract.
 - d. Location and names of owners of adjoining parcels of unsubdivided land and name of abutting subdivisions.

- e. When the subdivision consists of land acquired from more than one source of title, the outlines of the various tracts shall be identified; and the name of the owners of the respective tracts shall be placed on the plat.

(2) *Lots and blocks.*

- a. The boundary lines of all existing and proposed blocks and lots located within the subdivision.
- b. Dimensions shall be shown along all boundaries of all lots under two acres. All lots over two acres shall have the acreage marked within the lot.
- c. All lots in each block shall be consecutively numbered.
- d. All blocks shall be consecutively lettered in alphabetical order. In additions to existing subdivisions, the blocks shall be lettered consecutively through the additions.

(3) *Streets and easements.*

- a. Shall include all streets and easements, existing or proposed, numbers and widths; existing utility or other easements; public areas and parking spaces; culverts, drains and watercourses, their names; and other pertinent data.
- b. A cross section showing the proposed street construction, depth, type of base, type of surface, etc.
- c. A profile or contour map showing the proposed grades for the streets and drainage facilities, including elevations of existing and proposed ground surface at all street intersections, and at points of major grade change along the centerline of streets, together with proposed connecting grade lines.
- d. Proposed connections with existing sanitary sewers and existing water supply or alternate means of sewage disposal and water supply.
- e. All parcels of land to be dedicated for public use and the condition of such dedication.

(Code 1990, § 12.38; Ord. of 4-5-1991)

Sec. 54-192. Procedure.

(a) The agent shall discuss the preliminary plat with the subdivider in order to determine whether the preliminary plat generally conforms to the requirements of this chapter and the zoning ordinance, chapter 74 of this Code. No preliminary plat of a minor subdivision need be filed by a subdivider.

(b) The agent shall transmit copies of the preliminary plat to the

planning commission and appropriate agencies.

(c) Every proposed major subdivision shall be submitted to the planning commission for tentative or conditional approval of the preliminary plat prior to the submission of the final plat.

(d) The planning commission shall, within 60 days of receipt of completed application and preliminary plat, approve, disapprove or approve with modifications, noting on the plat any changes that will be required. The time may be extended by 30 days provided the subdivider is notified in writing by the planning commission of the reason for the extension. The planning commission must find in each of the following instances that:

- (1) The establishment of a subdivision will not be detrimental to or endanger the public health, safety, comfort or general welfare.
- (2) The subdivision will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted nor substantially diminish and impair property values within the neighborhood.
- (3) The subdivision will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district.
- (4) Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
- (5) The availability of supportive public facilities and services or the county's fiscal capacity to provide additional facilities and services.

(e) Approval of a preliminary plat shall not constitute approval of the final plat. It shall be deemed as an expression of approval of the layout submitted on the preliminary plat and as a guide to the preparation of the final plat.

(f) The subdivider shall have not more than six months, after receiving official notification of approval of the preliminary plat, to file with the agent a final subdivision plat. Failure to do so shall make the preliminary plat null and void. The agent may, on written request by the subdivider, grant an extension for a period not to exceed six months.

(g) Upon granting approval of a preliminary subdivision plat, if the subdivision does not meet the district specification as required in the zoning ordinance, chapter 74 of this Code, the subdivider shall then apply for rezoning pursuant to the applicable zoning ordinance.

(h) Rezoning may be authorized by the board of supervisors through resolution after a public hearing.

(i) No application for rezoning which has been denied wholly or in part by the board of supervisors shall be resubmitted for a period of one year from the date of denial, except on the grounds of new evidence or proof of changed conditions found to be valid by the board of supervisors.

(Code 1990, § 12.39; Ord. of 4-5-1991)

Sec. 54-193. Final plat, major subdivision.

(a) After approval of the preliminary plat, the subdivider may prepare and submit to the agent a final plat which shall be clearly and legibly drawn in ink upon tracing cloth at a scale of 100 feet to the inch on sheets having a size of 17 1/2 inches by 24 inches. In addition to the requirements of the preliminary plat, the final plat shall include:

- (1) A blank oblong space three inches by five inches shall be reserved for the use of the approving authority.
- (2) Certificates signed by the surveyor setting forth the source of title of the owners of the land subdivided and the place of record of the last instrument in the chain of title.
- (3) A statement as follows: "The platting or dedication of the following described land (here insert a correct description of the land subdivided) is with the free consent and in accordance with the desire of the undersigned owners, proprietors, and trustees, if any." The statement shall be signed and duly acknowledged before an officer authorized to take acknowledgment of deeds.
- (4) When the plat is of land acquired from more than one source of title, the outlines of the several tracts shall be indicated upon the plat, within an inset block, or by means of a dotted boundary line upon the plat.
- (5) To entitle a final plat to be recorded, a certificate of approval shall be signed by the agent appointed by the board of supervisors, the chairman of the planning commission, the health official and the highway engineer or their duly appointed assignee.
- (6) A final plat must be recorded in the clerk's office within six months after final approval or such longer period as may be approved by the board of supervisors or such approval shall be withdrawn and the plat marked void.
- (7) Prior to granting final approval of the subdivision plat, the planning commission shall hold at least one public hearing on the proposed subdivision.
- (8) Before final approval of the subdivision plat, the planning commission may recommend and the board of supervisors may require a contract with safeguards guaranteeing completion of improvements in accordance with the provisions of this chapter, in a period specified by the board of supervisors, but which period shall not exceed five years unless extended by the board of supervisors in keeping with the phasing plan.

(b) Nothing in this section shall be deemed to prohibit the preparation of preliminary studies, plans or plats of a proposed subdivision by the owner of the land, city planners, land planners, architects, landscape

architects or others having training or experience in subdivision planning or design.

(Code 1990, § 12.40; Ord. of 4-5-1991)

State Law References: Similar provisions, Code of Virginia, §§ 15.2-2262, 15.2-2264.

Sec. 54-194. Appeal.

If a local commission or other agent disapproves a preliminary or final plat and the subdivider contends that such disapproval was not properly based on the applicable ordinance, or was arbitrary or capricious, he may appeal to the circuit court having jurisdiction of such land; and the court shall hear and determine the case as soon as may be, provided that his appeal is filed with the circuit court within 60 days of the written disapproval by such local commission or other agent.

(Code 1990, § 12.41; Ord. of 4-5-1991)

Sec. 54-195. Effective date for reapplying.

An applicant shall not reapply for subdividing until at least 360 days has elapsed since a determination was made concerning a previous application for substantially the same piece of property.

(Code 1990, § 12.11; Ord. of 4-5-1991)

Secs. 54-196--54-230. Reserved.

ARTICLE VII.

VACATION OF PLATS

Sec. 54-231. Method.

(a) Where no lot has been sold, the recorded plat or part of such plat, may be vacated according to either of the following methods:

- (1) With the consent of the board of supervisors or its authorized agent, by the owners, proprietors and trustees, if any, who signed the statement required by Code of Virginia, § 15.2-2264 at any time before the sale of any lot, by a written instrument, declaring the plat to be vacated, duly executed, acknowledged or proved and recorded in the same clerk's office wherein the plat to be vacated is recorded; and the execution and recordation of such writing shall operate to destroy the force and effect of the recording of the plat so vacated and to divest all public rights in, and to reinvest the owners, proprietors and trustees, if any, with the title to the streets, alleys, easements for public passage and other public areas laid out or described in the plat; or
- (2) By ordinance of the board of supervisors, provided that no facilities for which bonding is required pursuant to Code of Virginia, §§ 15.2-2241--15.2-2245 have been constructed on the property and no facilities have been constructed on any related section of the property located in the subdivision within five years of the date on which the plat was first recorded.

(b) The ordinance shall not be adopted until after notice has been given as required by Code of Virginia, § 15.2-2204. The notice shall clearly describe the plat or portion to be vacated and state the time and place of the meeting of the board of supervisors at which the adoption of the ordinance will be voted upon. Any person may appear at the meeting for the purpose of objecting to the adoption of the ordinance. An appeal from the adoption of the ordinance may be filed within 30 days of the adoption of the ordinance with the circuit court having jurisdiction of the land shown on the plat or part to be vacated. Upon appeal the court may nullify the ordinance if it finds that the owner of the property shown on the plat will be irreparably damaged. If no appeal from the adoption of the ordinance is filed within the time provided or if the ordinance is upheld on appeal, a certified copy of the ordinance of vacation may be recorded in the clerk's office of any court in which the plat is recorded.

(c) The execution and recordation of the ordinance of vacation shall operate to destroy the force and effect of the recording of the plat or any portion so vacated, and to divest all public rights in and to the property and reinvest the owners, proprietors and trustees, if any, with the title to the streets, alleys and easements for public passage and other public areas laid out or described in the plat.

(Code 1990, § 12.42(1); Ord. of 4-5-1991)

State Law References: Similar provisions, Code of Virginia, § 15.2-2271.

Sec. 54-232. Vacation of plat after sale of lot.

In cases where any lot has been sold, the plat or part may be vacated according to either of the following methods:

- (1) By instrument in writing agreeing to the vacation signed by all the owners of lots shown on the plat and also signed on behalf of the board of supervisors for the purpose of showing the approval of the vacation by the board of supervisors. In cases involving drainage easements or street rights-of-way where the vacation does not impede or alter drainage or access for any lot owners other than those lot owners immediately adjoining or contiguous to the vacated area, the board of supervisors shall only be required to obtain the signatures of the lot owners immediately adjoining or contiguous to the vacated area. The word "owners" shall not include lien creditors except those whose debts are secured by a recorded deed of trust or mortgage and shall not include any consort of an owner. The instrument of vacation shall be acknowledged in the manner of a deed and filed for record in the clerk's office of any court in which the plat is recorded.
- (2) By ordinance of the board of supervisors on motion of one of its members or on application of any interested person. The ordinance shall not be adopted until after notice has been given as required by Code of Virginia, § 15.2-2204. The notice shall clearly describe the plat or portion to be vacated and state the time and place of the meeting of the board of supervisors at which the adoption of the ordinance will be voted upon. Any person may appear at the meeting for the purpose of objecting to the adoption of the ordinance. An appeal from the adoption of the ordinance may be filed within 30 days with the circuit court

having jurisdiction of the land shown on the plat or part to be vacated. Upon appeal the court may nullify the ordinance if it finds that the owner of any lot shown on the plat will be irreparably damaged. If no appeal from the adoption of the ordinance is filed within the time provided in this section or if the ordinance is upheld on appeal, a certified copy of the ordinance of vacation may be recorded in the clerk's office of any court in which the plat is recorded.

(Code 1990, § 12.42(2); Ord. of 4-5-1991)

State Law References: Similar provisions, Code of Virginia, § 15.2-2272.

Sec. 54-233. Fee for processing application to vacate.

The fee for processing an application to vacate a plat or part of a plat shall be \$150.00. The applicant shall deposit with the agent a check payable to the county treasurer at the same time he files the application.

(Code 1990, § 12.42(3); Ord. of 4-5-1991)

State Law References: Authority for fee, Code of Virginia, § 15.2-2273.

Sec. 54-234. Effect of vacation under section 54-232.

The recordation of the instrument as provided under section 54-231(1) or of the ordinance as provided under section 54-231(2) shall operate to destroy the force and effect of the recording of the plat or part so vacated, and to vest fee simple title to the centerline of any streets, alleys or easements for public passage so vacated in the owners of abutting lots free and clear of any rights of the public or other owners of lots shown on the plat, but subject to the rights of the owners of any public utility installations which have been previously erected. If any street, alley or easement for public passage is located on the periphery of the plat, the title for the entire width shall vest in the abutting lot owners. The fee simple title to any portion of the plat so vacated as was set apart for other public use shall be revested in the owners, proprietors and trustees, if any, who signed the statement required by Code of Virginia, § 15.2-2264 free and clear of any rights of public use in the plat.

(Code 1990, § 12.42(4); Ord. of 4-5-1991)

State Law References: Similar provisions, Code of Virginia, § 15.2-2274.

Sec. 54-235. Duty of clerk when plat is vacated.

The clerk shall write in plain legible letters across such plat or the part so vacated, the word "vacated" and also make a reference on the plat to the volume and page in which the instrument of vacation is recorded.

(Code 1990, § 12.42(5); Ord. of 4-5-1991)

Secs. 54-236--54-270. Reserved.

ARTICLE VIII.

FLAG LOTS; PRIVATE ROADS

Sec. 54-271. Flag lots permitted by planning commission.

(a) The planning commission shall review each request for any minor

or major subdivision requesting an exception to utilize a flag lot configuration. No flag lot configuration shall be permitted unless the planning commission finds that, due to the topographic features or other unique physical characteristics of the land, the property cannot be reasonably utilized for a building site without resorting to a flag lot configuration. However, flag lots shall not be used to circumvent establishing and constructing a new road.

(b) No flag lot shall be permitted by the planning commission unless it finds that:

- (1) The refusal to allow a flag lot configuration would produce undue hardship.
- (2) Such hardship is not shared generally by other properties in the same zoning district and the same vicinity.
- (3) The flag lot will not be of substantial detriment to adjacent property or property located across any public roadway.
- (4) The character of the zoning district will not be changed by allowing the flag lot.
- (5) The flag lot will not unduly contribute to congestion of the public roadways or cause hazardous highway safety conditions with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access for fire, rescue and sheriff department vehicles.

(c) In permitting any flag lot, the planning commission may impose such conditions regarding the location, character and other features of the flag lot configuration as it may deem necessary in the public interest and may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be complied with.

(d) The elongated portion of a flag lot shall:

- (1) Not be used in computing necessary lot area needed for sanitation facilities;
- (2) Be a minimum width of 50 feet; and
- (3) Be no more than 300 feet in length.

Adjoining flag lots may use joint driveways provided that each lot shall front at least 50 feet on a public right-of-way providing an aggregate width of not less than 100 feet for both lots at the public road. No more than two such flag lot access points shall abut each other. No flag lots shall be allowed that are accessed by private roads. No more than two flag lots shall be created in any major subdivision. No more than one flag lot shall be created in any minor subdivision.

(Code 1990, § 12.46; Ord. of 10-11-1995)

Sec. 54-272. Private roads.

All private roads shall be constructed to the minimum standards of the Virginia Department of Transportation's Subdivision Street Requirements and the plat and deeds of the lots served shall include the following note:

The maintenance and/or improvement of the streets in this subdivision shall be the responsibility of the property owners served and the cost of which shall be ineligible for financing with funds administered by either Cumberland County or the Virginia Department of Transportation. In the event the streets are subsequently proposed to become state maintained, the property owners served shall, at no cost to either the county or the Virginia Department of Transportation, cause the streets to meet the prevailing minimum standards governing the Virginia Department of Transportation's acceptance of the streets as part of the secondary system of state highways.

(Code 1990, § 12.47; Ord. of 10-11-1995)

Secs. 54-273--54-300. Reserved.

ARTICLE IX.

VARIATIONS, EXCEPTIONS AND AMENDMENTS

Sec. 54-301. Variations and exceptions.

(a) Where the planning commission finds that extraordinary hardships or particular difficulties may result from strict compliance with this chapter, they may approve variations or exceptions to the regulations, provided that such variations or exceptions shall not have the effect of nullifying the intent and purpose of this chapter; and further provided the commission shall not approve variations or exceptions to the regulations of this chapter unless it shall make findings based upon the evidence presented to it in each specific case that:

- (1) The granting of the variation will not be detrimental to the public safety, health or welfare or injurious to other property or improvements in the neighborhood in which the property is located.
- (2) The conditions upon which the request for a variation is based are unique to the property for which the variation is sought and are not applicable generally to other property.
- (3) Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out.
- (4) Cost to the subdivider of strict or literal compliance with the regulations shall not be the sole reason for granting a variation or exception.
- (5) A petition for any such variation shall be submitted in writing

by the subdivider at the time when the tentative plat is filed for the consideration of the commission. The petition shall state fully the grounds for the variation and all of the facts taken into consideration by the petitioner.

(b) Such variations and exceptions as may be approved by the planning commission shall be in writing. Approval shall substantiate why the variations and/or exceptions were approved and reasons why approval will not adversely affect the intent and purpose of this chapter.

(c) However, no exception shall be to the standards for the design or construction of streets, either private or public, except as may be approved by the highway engineer.

(Code 1990, § 12.43; Ord. of 4-5-1991)

Sec. 54-302. Amendments.

For the purpose of promoting the public health, safety and general welfare, the board of supervisors may from time to time amend the regulations imposed by this chapter. Public hearings on all proposed amendments shall be held by both the planning commission and the board of supervisors in the manner prescribed by law.

(Code 1990, § 12.44; Ord. of 4-5-1991)

Vote: Mr. Osl - nay Mr. White - aye
 Mr. Petty - aye Mr. Womack - aye
 Mr. Heaton - nay

b) Joint hearing with the Planning Commission re:
Conditional use Permit for Mark and Cynthia Bowman

The County Attorney explained the proposed changes for the conditional use permit.

The Chairman opened the public hearing and with there being no speakers, the public hearing was closed.

On a motion by Mr. Burger and carried, the Planning Commission approved the following conditional use permit:

A JOINT RESOLUTION GRANTING
A CONDITIONAL USE PERMIT

The Board of Supervisors of
Cumberland County, Virginia

The Planning Commission
of Cumberland County, Virginia

At a joint meeting of the Planning Commission and Board of Supervisors of Cumberland County, Virginia, in the Cumberland County Circuit Court Building at the Cumberland Courthouse, Virginia commencing at 7:00 p.m., September 13, 2005, the following action was taken following a duly held public hearing:

On a motion by Mr. Burger, seconded by Mr. Oulie, the following action was taken according to the votes stated below:

Present:	Vote:
Mr. Burger	aye
Mr. Brown	aye
Mr. Smook	aye
Mr. Oulie	aye
Mr. Wheeler	aye
Mr. Gilliam	aye

WHEREAS, Mark Bowman and Cynthia Bowman have requested a conditional use permit to construct a new residential dwelling at 7 Lake Drive (Tax Map Parcel No. 16-A1-1-44) to replace their existing dwelling.

WHEREAS, the Bowman lot and the present dwelling existed prior to the effective date of the County Zoning Ordinance (July 9, 1990).

WHEREAS, the existing dwelling on the property has become uninhabitable due to severe mold problems that will necessitate the construction of a new residential dwelling.

WHEREAS, the proposed footprint of the new dwelling will fall within the seventy-five (75) foot setback requirement set forth in Sec. 74-145 of the Zoning Ordinance.

WHEREAS, due to the size and dimensions of the Bowmans' property, they are unable to construct any farther behind their present house due to the location of the existing drainage field and the lake.

WHEREAS, pursuant to Sec. 74-786(b) of the Zoning Ordinance, the Bowmans have applied for a conditional use to

address the aforesaid setback deficiency created by their preexisting nonconforming lot.

WHEREAS, the Planning Commission finds that granting the conditional use permit promotes good zoning practice and will not adversely affect the public health, safety and welfare and is required by public necessity, convenience, general welfare or good zoning practice.

WHEREAS, the Planning Commission has considered the standards and guidelines provided in Sec. 74-702 of the Zoning Ordinance.

NOW THEREFORE, BE IT RESOLVED, that the Planning Commission recommends that the Board of Supervisors grant the conditional use permit as requested by the Applicants for the construction of the new residential dwelling on the property located at 7 Lake Drive (TM 16-A1-1-44), subject to the following conditions that shall run with the land:

1. The existing dwelling shall be demolished and deposed of according to the requirements of Chapter 14 of the County Building Code.
2. The new proposed dwelling shall be constructed using a forty-six (46) foot setback.
3. The new proposed dwelling shall be constructed using side yard setbacks of nineteen (19) feet and twelve (12) feet, which side yards shall remain unobstructed of any additional structures, trees, shrubbery or other substantial obstructions.
4. In all other respects, the new dwelling shall be constructed to meet all existing requirements of the County Zoning Ordinance and Building Code.
5. The applicants shall execute and record a Memorandum of Conditional Use Permit, on a form approved by the County Attorney, in the land records of the Clerk's Office of the Circuit Court of Cumberland County, Virginia, referencing the terms and conditions of this Conditional Use Permit.

Upon consideration of the Planning Commission's recommendation, and on a motion by Mr. Osl, the following action was taken according to the votes stated below:

Present:

Vote:

William F. Osl, Jr.	aye
Clifton C. White	aye
Van H. Petty	aye
Elbert R. Womack	aye
Jeremiah D. Heaton	aye

WHEREAS, the Board of Supervisors finds that granting the conditional use permit promotes good zoning practice and will not adversely affect the public health, safety and welfare and is required by public necessity, convenience, general welfare or good zoning practice.

WHEREAS, the Board of Supervisors has considered the standards and guidelines provided in Sec. 74-702 of the Zoning Ordinance, and further finds:

- a. That the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare;
- b. That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;
- c. That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;
- d. That the exterior architectural appeal and functional plan of the proposed structure will not be so at variance with either the exterior architectural appeal and functional plan of the structures already constructed or in the course of construction in the immediate neighborhood or the character of the applicable district as to cause a substantial depreciation in the property values within the neighborhood;

- e. That adequate utilities, access roads, drainage or necessary facilities have been or are being provided;
- f. That ingress and egress to property structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access of fire or catastrophe are adequately provided for;
- g. That offstreet parking and loading areas are adequate and the noise, glare or odor effects of the permit on adjoining properties and properties generally in the district are adequately provided for;
- h. That appropriate screening and buffering with reference to type, dimensions, and character of the use are adequately provided for;
- i. That any signs and exterior lighting are compatible and in harmony with properties in the district with reference to aesthetics, glare, traffic safety and economic effect;
- j. That the proposed use is compatible with adjacent properties and other property in the district;
- k. That the conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Board of Supervisors.

NOW THEREFORE, BE IT RESOLVED, that the Board of Supervisors hereby grants the conditional use permit as requested by the Applicants for the construction of the new residential dwelling on the property located at 7 Lake Drive (TM 16-A1-1-44), subject to the following conditions that shall run with the land:

1. The existing dwelling shall be demolished and disposed of according to the requirements of Chapter 14 of the County Building Code.
2. The new proposed dwelling shall be constructed using a forty-six (46) foot setback.

3. The new proposed dwelling shall be constructed using side yard setbacks of nineteen (19) feet and twelve (12) feet, which side yards shall remain unobstructed of any additional structures, trees, shrubbery or other substantial obstructions.
4. In all other respects, the new dwelling shall be constructed to meet all existing requirements of the County Zoning Ordinance and Building Code.
5. The applicants shall execute and record a Memorandum of Conditional Use Permit, on a form approved by the County Attorney, in the land records of the Clerk's Office of the Circuit Court of Cumberland County, Virginia, referencing the terms and conditions of this Conditional Use Permit.

c) Subdivision and zoning fees

The County Attorney explained the purpose of the public hearing.

The Chairman opened the public hearing and with there being no speakers the public hearing was closed.

On a motion by Mr. Petty and carried, the Board adopted the following:

WHEREAS, the Board of Supervisors finds that the readoption or amendments to the following sections of the Cumberland County Zoning Ordinance, the Cumberland County Subdivision Ordinance and the Franchise Appendix "A" of the County Code are required by public necessity, convenience, general welfare or good zoning practice.

NOW THEREFORE, BE IT ORDAINED, that the Board of Supervisors readopts or makes the following amendments to the County Zoning Ordinance and the Subdivision Ordinance and to Appendix "A" Franchises:

[Zoning Ordinance]

Readopt Sec. 74-7(c):

(c) An applicant shall not reapply for a change of zoning, to add a use not specifically permitted, to rezone a specific

area of land, or a variance until at least one year has elapsed since a determination was made concerning a previous application for substantially the same piece of property. Withdrawal of the application by the applicant after advertising for public hearing shall constitute a determination. The fee set for application is \$550.00. (Code 1990, § 14-70)

Adopt new Sec. 2-3 Fees as follows (and delete Sec. 74-388):

The following fees shall be applicable to Chapter 54 "Subdivisions" and Chapter 74 "Zoning":

- (1) Preliminary plat review, \$100.00 plus \$10.00 per lot.
- (2) Final plat review, \$75.00 plus \$10.00 per lot.
- (3) Vacation of plat (major subdivisions), \$150.00.
- (4) Plats officer review (minor subdivisions), \$10.00 per lot.
- (5) Copy fees \$0.50 per page
- (6) Application for variance (BZA) \$300.00
- (7) Zoning Approval \$ 10.00
- (8) Rezoning/Conditional Use Permit \$550.00
- (9) Site Plan Review \$300.00

Readopt Sec. 74-747. Fees: (Communication Towers and Antennas)

The fee for a conditional use permit shall be imposed to cover the cost of any professional consultation required by the county not less than \$2,000.00 and shall be in addition to the \$550.00 regular conditional use permit fee.
(Code 1990, § 14-69(1)(b); Ord. of 1-12-2000)

[Subdivision Ordinance]

Readopt and amend Sec. 54-5:

Fee schedule.

The following fees are levied:

Preliminary plat review: \$100.00, Plus, per lot
\$10.00

Final plat review: \$ 75.00, Plus, per lot
\$10.00

Vacation of plat (major subdivisions): \$150.00

Plats officer review (minor subdivisions), per lot: \$10.00

(Code 1990, § 12.48; Ord. of 10-11-1995)

Amend: Sec. 54-84. Fees:

There shall be a fee for the examination and approval or disapproval of every plat filed as provided in this ordinance. At the time of filing the preliminary plat, the subdivider shall deposit with the agent a check payable to the county treasurer for the required amount. The fee schedule shall be set by the board of supervisors as provided in this ordinance and shall be commensurate with the services rendered, taking into consideration the time, skill and administrative expense involved. All such charges made before the effective date of the ordinance from which this section derives are validated. (Code 1990, § 12.18; Ord. of 4-5-1991)

Readopt Sec. 54-233. Fee for processing application to vacate:

The fee for processing an application to vacate a plat or part of a plat shall be \$150.00. The applicant shall deposit with the agent a check payable to the county treasurer at the same time he files the application. (Code 1990, § 12.42(3); Ord. of 4-5-1991)

Readopt:

APPENDIX "A" FRANCHISES

Section 22. Payment to the county.

Grantee shall pay to the county annually the amount equal to five percent of the annual gross operating revenues during the year for the right to use the public streets and other facilities of the county in operation of the CATV system and for municipal supervision thereof. Such fee shall be paid annually not later than May 15 of any year. Any late payments shall be

subject to a ten percent late charge on the amount due with interest thereon at the rate of 12 percent per annum.

Adopted 9-13-2005

Vote: Mr. Osl - aye Mr. White - aye
 Mr. Petty - aye Mr. Womack - aye
 Mr. Heaton - aye

d) Amendment to allow acceptance of cash proffers

The County Attorney explained the proposed amendments to allow the acceptance of cash proffers.

The Chairman opened the public hearing with there being one speaker who opposed the cash proffers and asked the Board not to approve the resolution.

The Chairman closed the public hearing.

On a motion by Mr. Osl and carried, the Board adopted the following resolution:

WHEREAS, the Board of Supervisors finds that the following amendment to Sec. 74-673 of Chapter 74 of the Cumberland County Zoning Ordinance to allow the acceptance of cash proffers in rezoning cases and to incorporate the provisions of Virginia Code §15.2-2298 relating to the acceptance of zoning proffers are required by public necessity, convenience, general welfare or good zoning practice.

NOW THEREFORE, BE IT ORDAINED, that the following amendments to Sec. 74-673 to the County Zoning Ordinance are hereby adopted to read as follows:

Sec. 74-673. Permitted conditions as part of a rezoning or amendment to zoning map.

(a) The Board of Supervisors may approve and accept reasonable proffered conditions provided the following standards and criteria are met:

(1) The rezoning itself gives rise to the need for the conditions;

(2) The conditions have a reasonable relation to the rezoning; and

(3) All conditions are in conformity with the comprehensive plan.

(b) Reasonable conditions shall not include, however, conditions that impose upon the applicant the requirement to create a property owners' association under Chapter 26 (§ 55-508 et seq.) of Title 55 of the Virginia Code which includes an express further condition that members of a property association pay an assessment for the maintenance of public facilities owned in fee by a public entity, including open space, parks, schools, fire departments, and other public facilities not otherwise provided for in Virginia Code §15.2-2241; however, such facilities shall not include sidewalks, special street signs or markers, or special street lighting in public rights-of-way not maintained by the Department of Transportation.

(c) Once proffered and accepted as part of an amendment to the zoning ordinance, the conditions shall continue in effect until a subsequent amendment changes the zoning on the property covered by the conditions; however, the conditions shall continue if the subsequent amendment is part of a comprehensive implementation of a new or substantially revised zoning ordinance.

(d) In the event proffered conditions include the dedication of real property or payment of cash, the property shall not transfer and the payment of cash shall not be made until the facilities for which the property is dedicated or cash is tendered are included in the capital improvement program, provided that nothing herein shall prevent the county from accepting proffered conditions which are not normally included in a capital improvement program. If proffered conditions include the dedication of real property or the payment of cash, the proffered conditions shall provide for the disposition of the property or cash payment in the event the property or cash payment is not used for the purpose for which proffered.

(e) In the event proffered conditions include a requirement for the dedication of real property of substantial value, or substantial cash payments for or construction of substantial public improvements, the need for which is not generated solely by the rezoning itself, then no amendment to the zoning map for the property subject to such conditions, nor

the conditions themselves, nor any amendments to the text of the zoning ordinance with respect to the zoning district applicable thereto initiated by the Board of Supervisors, which eliminate, or materially restrict, reduce, or modify the uses, the floor area ratio, or the density of use permitted in the zoning district applicable to the property, shall be effective with respect to the property unless there has been mistake, fraud, or a change in circumstances substantially affecting the public health, safety, or welfare.

(f) Nothing in this section shall be construed to affect or impair the authority of the Board of Supervisors to:

- (1) Accept proffered conditions which include provisions for timing or phasing of dedications, payments, or improvements; or
- (2) Accept or impose valid conditions pursuant to provision 3 of Virginia Code §15.2-2286 or other provision of law.

Given this 13th day of September 2005.

Vote: Mr. Osl - aye Mr. White - abstained
 Mr. Petty - aye Mr. Womack - aye
 Mr. Heaton - nay

4. Departments/Agencies

- a) Emergency Services Committee report

Kevin Ingle gave the current report for the Emergency Services Committee and stated that members of the Committee recently attended the Second Annual Virginia Safety Public Volunteer Seminar in Charlottesville. The County's first annual Emergency Services day will be held on September 24th at Bear Creek Lake State Park to honor fire departments, rescue squads and dispatchers.

- b) Emergency Services Coordinator - Jerry Giles
Adoption of National Incident Management System (NIMS)

Mr. Giles was not present. The County Administrator stated that a resolution needs to be adopted by

September 30, 2005. This is a requirement for federal funding.

On a motion by Mr. White and carried, the Board adopted the following resolution and approved the LEPC membership list:

WHEREAS, disasters and significant emergency events can at any time result from natural or man-made causes and disrupt community services, systems, our local infrastructure, and the environment in Cumberland County; and

WHEREAS, it is essential that all emergency responders and other supporting agencies and organizations coordinate and integrate their operations to effectively, efficiently, and safely perform their duties to protect and serve the public, and

Whereas, it is desirable to establish a standard and consistent framework for incident management functions to assure the best use of available local assets, and

WHEREAS, a standard incident management system can be established based on the fundamental principles of the Incident Command System, and

WHEREAS, Homeland Security Presidential Directive Five (HSPD-5) issued February 28, 2003 has mandated adoption of the National Incident Management System (NIMS) as the standard for integrated local, state, and federal emergency preparedness, response, and recovery operations based upon the following components: Command and management; Preparedness; Resource Management; Communications and Information Management; Supporting Technologies; and On-going Management and maintenance, and

WHEREAS, the Commonwealth of Virginia by proclamation of the Governor has adopted the National Incident Management System as the standard for state emergency preparedness, response and recovery operations, (not issued a/o 9-27-04)

NOW THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County of Cumberland hereby adopts the National Incident Management System as the standard by which our resources will be organized to prepare for, respond to, and recover to, and recover from any emergency or disaster event that occurs.

Given this 13th day of September 2005.

Vote: Mr. Osl - aye Mr. White - aye
 Mr. Petty - aye Mr. Womack - aye
 Mr. Heaton - aye

c) School - Request for Appropriation

Linda Staylor stated that the school had a fund balance of over \$40,000.00, which the school requests that the Board of Supervisors re-appropriate back to the school. These funds would be used for the increase in health insurance premiums, or fuel cost.

On a motion by Mr. White and carried by the following vote, the Board tabled this request until a more accurate figure is obtained for the cost of health insurance premiums and fuel costs.

Vote: Mr. Osl - aye Mr. White - aye
 Mr. Petty - aye Mr. Womack - aye
 Mr. Heaton - nay

Mrs. Staylor also requested an additional appropriation for the amount of \$250,000.00 for the Tobacco Commission Grant and \$50,000.00 for the Literary Foundation Grant that was not spent in the 2004-2005 budget. Both of these funds will be spent in September and October for the Luther P. Jackson Adult Education Center.

On a motion by Mr. Osl and carried the Board appropriated the above requested funds to the school to be used for the Luther P. Jackson Adult Education Center.

Vote: Mr. Osl - aye Mr. White - aye
 Mr. Petty - aye Mr. Womack - aye
 Mr. Heaton - aye

- d) School - Walk for Education (Linda Staylor)

Mrs. Staylor challenged the Board of Supervisors, staff and citizens to participate in the Walk for Education on October 7, 2005.

- e) Extension Office - David Smith

Mr. Smith stated that the Virginia Cooperative Extension will soon be offering water sample testing to Cumberland County residents. The cost is estimated at \$45.00 per test. Mr. Smith requested assistance from the County to help with the cost for the testing.

On a motion by Mr. Heaton and carried, the County agreed to pay \$5.00 per test, not to exceed \$1,500.00, for the first 300 citizens who wish to participate in the household water testing program.

Vote: Mr. Osl - aye Mr. White - aye
 Mr. Petty - aye Mr. Womack - aye
 Mr. Heaton - aye

5. **County Administrator's Report**

- a) Consent Agenda

The County Administrator explained each item in the consent agenda and on a motion by Mr. Petty and carried, the Board approved items 1, 2 and 4 as presented:

1. Approved minutes for August 2005.
2. Approved bills for September 2005 totaling \$161,415.50 and ratified bills for August 2005 of warrants totaling \$271,086.59 with check numbers ranging from 45535 to 45755. Direct Deposit totaling \$94,707.60.

Vote: Mr. Osl - aye Mr. White - aye
 Mr. Petty - aye Mr. Womack - aye
 Mr. Heaton - aye

3. Adopt annual agreement between VA Dept. of Health and Cumberland County

On a motion by Mr. Osl and carried, the Board adopted the annual agreement between the Virginia Department of Health and Cumberland County. (Copy in Official Board File)

Vote: Mr. Osl - aye Mr. White - aye
 Mr. Petty - aye Mr. Womack - aye
 Mr. Heaton - aye

4. Adopt tentative calendars for CIP and FY 2006-07 County Budget

*Note: Adopted as part of the consent agenda.

- b) Draft RFP for Communication towers in County

The County Administrator asked for the Board's assistance and input towards drafting an RFP for a communications tower and stated that a tower has been proposed to be built on the site of the Randolph Volunteer Fire Department Building, however, an RFP has not been developed.

It was the consensus of the Board to schedule a work session for this discussion.

- c) Proposed guidelines for establishment of Technology Advisory Committee

It was the consensus of the Board to schedule a work session for this discussion.

- d) Board recommendations to Circuit Court Judge for appointment to Equalization Board (District 5)

There was no recommendation for District 5 at this time.

- e) Appointment to Water & Sewer Advisory Committee - District 5

There was no recommendation for District 5 at this time.

- f) Appointment to Planning Commission
At-Large representative (District 4 appt.)

On a motion by Mr. Womack and carried, the Board appointed Irene Speas to serve as the at-large representative to the Planning Commission to complete an unexpired term ending January 2006.

Vote: Mr. Osl - aye Mr. White - aye
 Mr. Petty - aye Mr. Womack - aye
 Mr. Heaton - aye

- g) Appointment to Civil Rights Committee and other economic development appointments (if desired) for Commonwealth Regional Council

On a motion by Mr. Petty and carried, the Board appointed Lauraetta Yeatts to serve on the Civil Rights Committee for the Commonwealth Regional Council.

Vote: Mr. Osl - aye Mr. White - aye
 Mr. Petty - aye Mr. Womack - aye
 Mr. Heaton - aye

- h) Discuss Jamestown 2007 Celebration (Mr. Petty has information)

Mr. Petty suggested that the County contact the Jamestown 2007 celebration committee to have Cumberland County included on internet homepage links.

Mr. Petty also stated that Ms. Swinson, Assistant County Administrator, has suggested that it would be better to incorporate the Jamestown 2007 theme into all of the County's major events including Patriot's Day, Cartersville Fourth of July celebration and the Christmas Parade.

On a motion by Mr. Heaton and carried, the Board agreed to participate in the Jamestown 2007 celebration by incorporating the theme into the major events listed above.

Vote: Mr. Osl - aye Mr. White - aye
 Mr. Petty - aye Mr. Womack - aye
 Mr. Heaton - aye

Mr. Petty will chair the County's Committee.

- i) Consider agreement with Cumberland Fair Association to lease property for Cumberland Clothes Closet

On a motion by Mr. Petty and carried, the Board adopted the following lease agreement:

THIS LEASE AGREEMENT, entered into on this 13th day of September 2005, by and between the Cumberland Fair Association and the County of Cumberland, Virginia.

WITNESSETH:

The Cumberland Fair Association (the "Association") owns the real estate located at 20 Ingle Road, Farmville, VA 23901 and designated on the Cumberland County Tax Maps as Tap Map Parcel No. 65A3-A-50 (the "Property"); and,

NOW THEREFORE, in consideration of the covenants and promises contained herein, and other good and valuable consideration, the receipt of which is acknowledged by the parties hereto, the Association and the County agree as follows:

1. The Clothes Closet Building is hereby leased by the Association to the County commencing on July 1, 2005, and continuing thereafter on a month-to-month basis, until either party provides the other with a thirty-day notice of termination.
2. Rent shall be due and payable on the first day of each month in the amount of four hundred dollars (\$400) per month.
3. The Association shall be responsible for the public sewer bill and for all repairs and maintenance to the Clothes Closet Building.

4. The County shall be responsible for paying the electric bill and telephone bill for services to the Clothes Closet Building. The Association shall be responsible for the electric bill providing service by a separate meter to the trailer on the Property.
5. The County, its employees, agents, guests, invitees and members of the public shall have access to the Clothes Closet Building over the existing entrance and shall have use of the parking areas as presently serve the Clothes Closet Building.

Vote: Mr. Osl - aye Mr. White - aye
 Mr. Petty - aye Mr. Womack - aye
 Mr. Heaton - aye

- j) Consider e-mail from VACO re: Brunswick Challenge, or consider other efforts to assist victims of Hurricane Katrina.

The Board discussed whether this should be a County effort, or that of individuals, churches, and other groups.

On a motion by Mr. Heaton and carried, the Board agreed to table a decision at this time until an assessment can be made of the needs.

Vote: Mr. Osl - aye Mr. White - aye
 Mr. Petty - aye Mr. Womack - aye
 Mr. Heaton - aye

- k) Consider NACO prescription drug program

The County Administrator explained that this is a free program to all NACO participating counties, available to any citizen, and allows for discounts on drugs for those who may not have other prescription drug coverage. There is no cost to the County, but does require a resolution from the Board of Supervisors.

On a motion by Mr. Womack and carried, the Board approved the NACO prescription drug program. (Copy of resolution in Official Board File.)

Vote: Mr. Osl - aye Mr. White - aye
 Mr. Petty - aye Mr. Womack - aye
 Mr. Heaton - aye

This information will be available on the County website and distributed to Social Services, Health Department and Schools.

1) Discuss RFP for 911 markers

Mr. Heaton stated that we need to have 911 markers in the County, and that it is important for emergency services.

Mr. Heaton made a motion to issue an RFP for 911 markers. The motion was defeated.

Vote: Mr. Osl - nay Mr. White - aye
 Mr. Petty - nay Mr. Womack - nay
 Mr. Heaton - aye

On a motion by Mr. White and carried, the Board agreed to get an estimate of the cost for 911 markers through the EVa System.

Vote: Mr. Osl - aye Mr. White - aye
 Mr. Petty - aye Mr. Womack - aye
 Mr. Heaton - aye

m) Request from Central Virginia Health Planning Agency, Inc. to recommend a consumer representative to the Board of Directors

This item will be placed on the October agenda.

n) Sheriff's Department request for appropriation _ \$38,500 (\$24,666 will come from a grant from the US Dept. of Justice)

Mr. Heaton suggested that this request go through the Emergency Services Committee for a recommendation.

Mr. Heaton made a motion to disapprove the appropriation requested by the Sheriff's Department to purchase laptop computers. The motion was defeated.

Vote: Mr. Osl - nay Mr. White - nay
Mr. Petty - nay Mr. Womack - nay
Mr. Heaton - aye

On a motion by Mr. Womack and carried, the Board appropriated \$38,500.00 to the Sheriff's Department to purchase laptop computers (\$24,666.00 grant from the U.S. Department of Justice and \$13,834.00 local funds).

Vote: Mr. Osl - aye Mr. White - aye
Mr. Petty - aye Mr. Womack - aye
Mr. Heaton - nay

6. Assistant County Administrator's Report

- a) Draft letter to Game Commission, requesting that Lake Chesden be stocked with striped bass

The Assistant County Administrator was not present.

It was the consensus of the Board to have the Assistant County Administrator draft a letter to be sent to the Game Commission requesting that Lake Chesden be stocked with striped bass.

7. County Attorney's Report

- a) Information regarding tax exemption ordinance
Set public hearing for October

The County Attorney explained the proposed change would allow the County to exempt real or personal property belonging to non-profit organizations from taxation and that the property in question would be used for religious, charitable, patriotic, historical, benevolent, cultural and/or public park and playground reasons.

On a motion by Mr. White and carried, the Board agreed to set a public hearing to be held at the October Board meeting regarding the tax exemption ordinance.

Vote: Mr. Osl - aye Mr. White - aye
 Mr. Petty - aye Mr. Womack - aye
 Mr. Heaton - aye

- b) Draft policy requiring criminal background check on employees and appointees. Set public hearing for October

The County Attorney explained the proposed policy requiring criminal background checks on employees and appointees.

On a motion by Mr. Petty and carried, the Board agreed to hold a public hearing to discuss the proposed policy on criminal background checks of employees and appointees at the October 2005 Board meeting.

Vote: Mr. Osl - aye Mr. White - aye
 Mr. Petty - aye Mr. Womack - aye
 Mr. Heaton - aye

- c) Consider amendment to ordinance to designate State Fire Marshal to do inspections and investigations since we no longer have a County Fire Marshal. Set public hearing for October.

The County Attorney explained that this is required by State Code since the County does not have a Fire Marshal.

The Board agreed to find out if there is any interest in obtaining the necessary certifications to become County Fire Marshal, from the membership of the volunteer fire departments.

- d) 130 feet subdivision ordinance

The County Attorney explained that the proposed amendments need to be referred to the Planning Commission for a recommendation to the Board of Supervisors.

On a motion by Mr. Osl and carried, the Board agreed to refer this item to the Planning Commission.

Vote: Mr. Osl - aye Mr. White - aye
 Mr. Petty - aye Mr. Womack - aye
 Mr. Heaton - aye

8. Board Members

Mr. Osl stated that the work session held on August 30th between the Board of Supervisors and the Planning Commission was productive.

Mr. Heaton invited the public to review the 911 marker issue and stated that 911 markers save lives. Other projects that the County funds, are not more important than 911 markers.

Mr. Womack stated that Norfolk Southern agreed to donate the rail line that is being abandoned, to the State for use as a linear State park. The Town of Farmville had requested that a three mile stretch be donated to the Town, however, the Governor has agreed that it should be owned by the State Department of Conservation and Recreation.

Mr. Petty stated that the Clothes Closet is a great benefit to the citizens who are unable to afford clothes.

Mr. White stated that the articles for the newsletter need to be in by Monday, September 19th to Judy McReynolds.

9. Public Comments

Barbara Gamage stated that the Museum Board has their mission statement, by-laws and collection policy in place and stated that the Museum Board felt that the plaques from the courthouse should be placed in the museum.

A retired police officer from Henrico County stated that 911 markers save lives and would be a great benefit to law enforcement, fire and rescue.

Another former emergency services volunteer was of the opinion that 911 markers will save lives.

10. Additional Information

a) Crossroads Mental Health Services

On a motion by Mr. Osl and carried, the Board appointed Mr. Heaton to serve on the Crossroads Mental Health Services Board to replace Mr. White.

Vote: Mr. Osl - aye Mr. White - aye
 Mr. Petty - aye Mr. Womack - aye
 Mr. Heaton - aye

b) Appointment to School Board Selection Committee

On a motion by Mr. White and carried, the Board nominated Deborah Guyer to serve on the School Board Selection Committee. This nomination will be sent to the Circuit Court Judge for consideration.

Vote: Mr. Osl - aye Mr. White - aye
 Mr. Petty - aye Mr. Womack - aye
 Mr. Heaton - aye

11. Adjourned

The Chairman ordered the meeting recessed until October 3rd for a work session with VDOT, to be held in the Old Clerk's Office.

*Note: A special meeting of the Board of Supervisor's was called for Friday, September 30, 2005 at 10:00 a.m. in the Old Clerk's Office to discuss the RFP for communications tower and establishment of a Technology Advisory Committee.

Chairman

County Administrator

