

**MINUTES**  
Board of Supervisors  
County of Prince George, Virginia

January 23, 2018

County Administration Bldg. Boardroom, Third Floor  
6602 Courts Drive, Prince George, Virginia

**MEETING CONVENED.** A regular meeting of the Board of Supervisors of the County of Prince George, Virginia, was called to order at 7:00 p.m. on Tuesday, January 23, 2018 in the Boardroom, County Administration Building, 6602 Courts Drive, Prince George, Virginia by Alan R. Carmichael, Chairman.

**ATTENDANCE.** The following members responded to Roll Call:

Alan R. Carmichael, Chairman	Present
Donald R. Hunter, Vice-Chairman	Present
Floyd M. Brown, Jr.	Present
Marlene J. Waymack	Present
T. J. Webb	Present

Also present was: Percy C. Ashcraft, County Administrator; Jeff Stoke, Deputy County Administrator; and Andrea Erard, County Attorney.

**Invocation.** Mr. Hunter gave an invocation.

**Pledge of Allegiance to U.S. Flag.** Mr. Webb led the Pledge of Allegiance to the United States Flag.

**PUBLIC COMMENTS.** Chairman Carmichael announced that anyone wishing to come before the Board may do so at this time. He noted that this was the time for unscheduled general public comments. He opened the public comments at 7:02 p.m. There was no one to speak and the public comments period was closed.

**APPROVAL OF AGENDA.** Mr. Webb requested that Item A-7 be added at a discussion of the fund balance. Mr. Hunter made a motion, seconded by Mr. Brown, to adopt the agenda as amended. Roll was called on the motion.

On roll call the vote was:

In favor: (5) Hunter, Brown, Waymack, Webb, Carmichael

Opposed: (0)

Absent: (0)

**ORDER OF CONSENSUS.** Mr. Webb made a motion, seconded by Mrs. Waymack, that the consensus agenda be approved as presented. Roll was called on the motion.

C-1. Draft Minutes – January 3, 2018 Organizational Meeting, January 9, 2018 Regular Meeting, and January 16 Pre-Budget Work Session were approved as presented.

R-18-012

C-2.

**RESOLUTION; COMMENDATION; PRINCE GEORGE COUNTY ROYALS PARKS AND RECREATION SENIOR TRAVEL FOOTBALL TEAM; CHESTERFIELD QUARTERBACK LEAGUE SUPER BOWL CHAMPIONS**

WHEREAS, The 2017 Prince George County Royals Parks, and Recreation Senior Travel Football Team for ages 12 to 14 defeated Robious, 30-0 in the Chesterfield Quarterback League Super Bowl; and

WHEREAS, The shutout was held on Saturday, Dec. 2, at Thomas Dale High School in Chesterfield County; and

WHEREAS, The CQL is a highly competitive league. It is comprised of 25 teams and has been in existence since 1960. Several teams in Chesterfield County, as well as Prince George, Dinwiddie, and Colonial Heights participate in the league; and

WHEREAS, This is only the second year for the Prince George Travel Team in the Chesterfield Quarterback League; and

WHEREAS, The Prince George Senior team went undefeated the entire season only allowing one touchdown to be scored by their opponents for the year. During their march to the championship, they amassed 316 points, generated 1,838 yards of offense, gathered 27 takeaways, and converted 16 two-point conversions by kicking points after touchdowns; and

WHEREAS, Although offensive stats are impressive, this team was known primarily for its defensive strength. Defensively, they gave up only one touchdown the entire season and allowed only 166 yards. In addition, they gave up only 22 first-downs of the season. Last, but not least, the team was penalized 21-times this season, for an average of less than twice per game—an example of this teams' sportsmanship.

NOW, THEREFORE, BE IT RESOLVED, that the Prince George County Board of Supervisors this 23<sup>rd</sup> day of January, 2018, does hereby salute the Prince George County Royals Parks And Recreation Senior Travel Football Team for demonstrating hard work, teamwork, and great sportsmanship over the course of this season; and

BE IT FURTHER RESOLVED that they are congratulated for winning the Super Bowl Championship in a shutout game.

On roll call the vote was:

In favor: (5) Brown, Waymack, Webb, Carmichael, Hunter  
Opposed: (0)  
Absent: (0)

### **PRESENTATIONS**

**S-1. Resolution; Commendation; Prince George County Royals Parks and Recreation Senior Travel Football Team; Chesterfield Quarterback League Super Bowl Champions.**  
Mr. Hunter and the rest of the Board presented the Commendation to the team and the coaches.

### **SUPERVISORS' COMMENTS**

Mr. Webb stated that it is unbelievable what the Prince George County Parks and Recreation Senior Travel Football Team has accomplished.

Mr. Brown echoed Mr. Webb's comments and stated that they needed to continue to support them as they move forward. He also extended his condolences to the Coghill family.

Mrs. Waymack stated that her thoughts and prayers are with everyone that has been hit with the flu.

Mr. Hunter echoed Mrs. Waymack's comments regarding the flu.

Mr. Carmichael also extended his condolences to Bonnie Coghill's family.

### **COUNTY ADMINISTRATOR'S COMMENTS**

Mr. Ashcraft recognized his Staff that have been working outside, especially during the cold and flu season. The Chamber of Commerce Reception will be on January 25 at 5 p.m. at the Baymont Inn & Suites. The Prince George Planning Commission will meet on January 25 at 6:30 p.m. in the Boardroom. The Burrowsville Volunteer Fire Department Annual Banquet will be on January 27 at 5:30 p.m. at the Hopewell Moose Lodge. 4-H Camp Registration begins on February 1 at 8:30 p.m. at the Extension Office. The Polar Plunge will be on February 2 and February 3 in Virginia Beach. The Industrial Development Authority (IDA) Meeting will be on February 7 at 12:00 Noon in the Community Room. VACo Legislative Day will be on February 8 at 11:30 a.m. at the Richmond Marriott. The Hopewell News has closed its doors. A new publication called the Prince George Post is scheduled to be delivered to County residents this week. New lighting has been installed in the gymnasium at the Central Wellness Center. The Board of Zoning Appeals elected Erma Brown, Chairperson and Charles Leonard, Vice Chair at its Organizational Meeting on January 22.

Chairman Carmichael asked Ms. Adrienne Wallace for a brief update on the status of the new publication. Ms. Wallace stated that the publisher of The Progress-Index reached out to their staff and asked if they were interested in continuing to put out a paper to cover Prince George and Hopewell. She presented to them The Hopewell Herald and the Prince George Post.

### **PUBLIC HEARINGS**

**P-1. Public Hearing; Ordinance to Amend The Code Of The County Of Prince George, Virginia, 2005, as Amended, Chapter 90 "Zoning", by Amending § § 90-824, Site Plan**

**Required.** Ms. Andrea Erard, County Attorney, confirmed for the Board that P-1, P-2, and P-3 can be heard together but must be voted on separately.

Mr. Douglas Miles, Zoning Administrator, stated that the County is working with the Virginia Department of Environmental Quality on our Chesapeake Bay Preservation Program for compliance purposes. Prince George County must amend the Zoning Ordinance and Subdivision Ordinance as a result of their recent on-site inspections of our program. Planning Staff has identified three sections of the Prince George County Code that would require ordinance amendments. The Planning Commission back on December 21st Recommended Approval of these 3 DEQ related Ordinance Amendments with no public comments being provided to them during the Public Hearing. By adopting these Ordinance Amendments: Prince George County will remain in compliance with the State DEQ requirements in the Chesapeake Bay Act.

For Item P-1, after DEQ staff evaluation, it was noted that the itemized requirements for a site plan were not included in the Zoning Ordinance. Staff has been utilizing a checklist attached to the site plan application and added this itemized checklist to the ordinance for better implementation purposes. In addition, Planning staff has been utilizing as a policy the Minor Site Plan requirements. The Minor Site Plan section has been added as a part of the Zoning Ordinance instead of a policy for better implementation purposes by County staff.

After a few Board questions and the determination that this will in no way have a fiscal impact on the citizens of Prince George County, Chairman Carmichael opened the public hearing for all three matters at 7:42 p.m. There was no one to speak and the public hearing was closed. Mr. Webb made a motion, seconded by Mr. Brown, to approve the ordinance amendment as presented. Roll was called on the motion.

O-18-01

P-1.

ORDINANCE TO AMEND THE CODE OF THE COUNTY OF PRINCE GEORGE, VIRGINIA, 2005, AS AMENDED, CHAPTER 90 "ZONING", BY AMENDING § § 90-824, SITE PLAN REQUIRED.

BE IT ORDAINED by the Board of Supervisors of Prince George County:

*(1) That § 90-824 of The Code Of The County Of Prince George, Virginia, 2005, as amended, are amended and re-codified to read as follows:*

**CHAPTER 90 ZONING**

...

## Sec. 90-824 Site Plan Required

- (a) A site plan shall be required for all structures which contain more than four residential units or are for other than agricultural purposes. No building permit shall be issued to erect or to alter any building until a site plan is approved under the provisions of this article.
- (b) Site plans shall be prepared by a licensed architect, landscape architect, engineer, or land surveyor; signed, sealed and dated and shall include but not be limited to:
1. Name and location of the proposed development
  2. The boundary of the entire tract showing distances and bearings
  3. The name and address of the property owner and/or developer of the site, if different than the owner and the name and address of the person or firm preparing the site plan.
  4. Area and present zoning of the site proposed for development
  5. Adjacent and abutting properties with information on ownership, zoning and current use.
  6. Location of the lot or parcel by vicinity map. Site plans shall also contain a north arrow, original date, revision dates and graphical scale.
  7. The names and locations of existing and proposed public or private streets, alleys and easements on or adjacent to the site. The center lines or boundary of adjacent rights-of-way shall be known.
  8. The exact location of buildings or structures existing on or proposed for the site, including their setbacks from property lines, and the distance between buildings or structures.
  9. The existing topography of the parcel prior to grading and the proposed finished contours of the site with a maximum of two foot contour intervals.
  10. Property lines of the parcel(s) proposed for development, including the distances and bearings of these lines. If only a portion of a parcel is proposed for development, a limit of development line shall also be shown.
  11. The tax parcel number(s) of parcels proposed for development depicted on the site plan.
  12. The name of adjacent property owners and owners of any property on which any utility or drainage easement may be required in conjunction with the development. Tax parcel numbers for each of these properties shall also be provided.
  13. The nature of the land use(s) proposed for the site
  14. The location, type, and size of site access points such as driveways, curb openings, and crossovers. Sight distances at these access points shall be provided. If existing

median cuts will serve the site they shall be shown. If new median cuts are proposed, their location shall also be shown.

15. All proffers accepted pursuant to Section 90-622 shall be shown on the plan.
16. Off-street parking areas and parking spaces including handicapped spaces, loading spaces, and walkways indicating type of surfacing, size, angle of stalls, width of aisles, and a specific schedule showing the number of spaces provided and the number required by this ordinance.
17. The number of stories, floor area, building height, and elevations of each building proposed. If more than one land use is proposed, the floor area of each land use shall be provided. Floor area shall be calculated on the basis of parking required for the use(s).
18. For residential developments, the type of dwelling unit shall be stated along with the number of units proposed. Where necessary for determining the number of required parking spaces, the number of bedrooms in each unit shall also be provided.
19. The location of proposed or required fire lanes and signs.
20. Detailed utility plans and calculations shall be submitted for sites for which public water or sewer will be provided or for sites on which existing utilities will be modified. The County Engineer shall have the authority to set the standards for such plans.
21. An erosion and sedimentation control plan and detail sheet shall be submitted for site developments involving the grading disturbance of greater than 2500 square feet of area or 1,000 cubic yards of material.
22. A detailed storm water management plan and calculations shall be submitted. The County Engineer shall determine the requirements for such plans.
23. The location of existing and proposed freestanding signs on the parcel.
24. The location and type of proposed exterior site lighting, including height of poles and type of fixtures.
25. The location of any 100-year floodplain and floodway on the site and the relationship of buildings and structures to the floodplain and floodway.
26. The location of required or proposed buffer yards, screening, fencing, and site landscaping and irrigation. The type and size of the plant materials and screening to be used shall be provided. In addition, the relationship of these materials to physical site improvements and easements shall be provided.
27. Chesapeake Bay Preservation Areas
28. Notation of requirement of pump-out of on-site sewage treatment systems in Chesapeake Bay Preservation Areas.
29. Notation of requirement for 100% reserve drainfield site for on-site sewage treatment systems in Chesapeake Bay Preservation Areas.
30. Prince George Planning Area or Rural Conservation Area.

- (c) The county shall review and provide comments for any site plan that is submitted for review within 60 days of the filing of the plan with the county. Approval of a final site plan pursuant to the provisions of this article shall expire five years from the date of approval in accordance with Code of Virginia, § 15.2-2261, as amended, unless a building permit and/or a zoning permit has been obtained for the development. No building or zoning permit shall be issued by any county official for any building, structure or use depicted on a required site plan, until such time as the site plan is approved by the county.

1. Minor Site Plan Approval Process: Site Land Disturbance or a Building Addition of 2,500 – 10,000 square feet which meets the following qualifications:

- a. No public water or public sewer mainline extensions are required for the proposed use.
- b. No significant site draining improvements and uses existing on site retention structures.
- c. No significant site access or any internal site circulation changes or road improvements.
- d. No subdivision and conveyance of a portion of the property is needed for the expansion
- e. No change of use of the building is permitted. Only interior and/or exterior renovations.

On roll call the vote was:

In favor: (5) Waymack, Webb, Carmichael, Hunter, Brown

Opposed: (0)

Absent: (0)

**P-2. Public Hearing; Ordinance to Amend The Code Of The County Of Prince George, Virginia, 2005, as Amended, Chapter 90 “Zoning”, by Amending § § 90-666; 90-667; 90-668, and 90-671 Chesapeake Bay Protection.** This ordinance is to amend the previous group responsible for overseeing the Chesapeake Bay Program for the state of Virginia from the Chesapeake Bay Local Assistance Department to the Virginia Department of Environmental Quality. Code of Virginia requires on-site sewage treatment systems located in the Chesapeake Bay Preservation Area to be pumped-out every five(5) years another alternative as prescribed in the state code. The on-site sewage treatment system pump-out requirement was a process that the county and health department were undertaking, but DEQ and the Code of Virginia require the County to include this section as a local ordinance. Mr. Hunter made a motion, seconded by Mrs. Waymack, to approve the ordinance amendment as presented. Roll was called on the motion.

O-18-02

P-2.

ORDINANCE TO AMEND THE CODE OF THE COUNTY OF  
PRINCE GEORGE, VIRGINIA, 2005, AS AMENDED,  
CHAPTER 90 "ZONING", BY AMENDING § § 90-666; 90-667;  
90-668, AND 90-671 CHESAPEAKE BAY PROTECTION.

BE IT ORDAINED by the Board of Supervisors of Prince George County:

*(1) That § 90-666, 90-667, 90-668, and 90-671 of The Code Of The County Of Prince George, Virginia, 2005, as amended, are amended and re-codified to read as follows:*

*CHAPTER 90 ZONING*

...

ARTICLE XIVA. - CHESAPEAKE BAY PROTECTION

Sec. 90-661. - Findings of fact.

- (a) The Chesapeake Bay and its tributaries are one of the most important and productive estuarine systems in the world, providing economic and social benefits to the citizens of the county and the commonwealth. The health of the bay is vital to maintaining the county's economy and the welfare of its citizens.
- (b) The Chesapeake Bay waters have been degraded significantly by many sources of pollution, including nonpoint source pollution from land uses and development. Existing high quality waters are worthy of protection from degradation to guard against further pollution. Certain lands that are proximate to the shoreline have intrinsic water quality value due to the ecological and biological processes they perform. Other lands have severe development constraints from flooding, erosion, and soil limitations. Protected from disturbance, they offer significant ecological benefits by providing water quality maintenance and pollution control as well as flood and shoreline erosion control. These lands together, designated by the county as Chesapeake Bay Preservation Areas (hereinafter "CBPAs"), need to be protected from destruction and damage in order to protect the quality of water in the bay and consequently the quality of life in the county and the commonwealth.

(Ord. of 8-10-2004, § 17-531)

Sec. 90-662. - Purpose and intent.

- (a) This article is enacted to implement the requirements of Code of Virginia, § 10.1-2100 et seq., the Chesapeake Bay Preservation Act, and amends The Code of the County of Prince George, Virginia. The intent of the board of supervisors and the purpose of the overlay district is to:

- (1) Protect existing high quality state waters;
  - (2) Restore all other state waters to a condition or quality that will permit all reasonable public uses and will support the propagation and growth of all aquatic life which might reasonably be expected to inhabit them;
  - (3) Safeguard the clear waters of the commonwealth from pollution;
  - (4) Prevent any increase in pollution; and
  - (5) Promote water resource conservation in order to provide for the health, safety, and welfare of the present and future citizens of the county.
- (b) This district shall be in addition to and shall overlay all other zoning districts where they are applied so that any parcel of land lying in the Chesapeake Bay Preservation Area Overlay District shall also lie in one or more of the other zoning districts provided for by this chapter. Unless otherwise stated in these regulations, the review and approval procedures provided for in sections 90-821—90-824 shall be followed in reviewing and approving development and uses governed by this article.
- (c) This article is enacted under the authority of Code of Virginia, § 10.1-2100 et seq. (the Chesapeake Bay Preservation Act) and Code of Virginia, § 15.2-2283. Code of Virginia, § 15.2-2283, states that zoning ordinances may "also include reasonable provisions, not inconsistent with applicable state water quality standards, to protect surface water and groundwater as defined in Code of Virginia § 62.1-255."

(Ord. of 8-10-2004, § 17-532)

Sec. 90-663. - Definitions.

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

Agricultural lands means those lands that are currently (i.e., natural or native vegetation has been removed) used and managed primarily for the commercial sale of crops and livestock and consist of a minimum of five acres.

Best management practices (BMPs) means a practice, or combination of practices, that are determined by a state or designated area wide planning agency to be the most effective, practical means of preventing or reducing the amount of pollution generated by nonpoint sources to a level compatible with water quality goals.

Buffer area means an area of natural or established vegetation managed to protect other components of a resource protection area and state waters from significant degradation due to land disturbances.

Chesapeake Bay Preservation Area means any land designated by the board of supervisors pursuant to part III of the Chesapeake Bay Preservation Area Designation and Management Regulations, 9 VAC 10-20-et seq., and Code of Virginia, § 10.1-2107. A Chesapeake Bay Preservation Area shall consist of a resource protection area and a resource management area.

Construction footprint means the area of all impervious surface, including but not limited to buildings, roads and drives, parking areas, sidewalks and the area necessary for construction of such improvements.

Development means the construction or substantial alteration of residential, commercial, industrial, institutional, recreational, transportation, or utility facilities or structures.

Diameter at breast height (DBH) means the diameter of a tree measured outside the bark at a point 4.5 feet above the ground.

Drip-line means a vertical projection to the ground surface from the furthest lateral extent of a tree's leaf canopy.

Floodplain means all lands that would be inundated by floodwater as a result of a storm event of a 100-year return interval.

Highly erodible soils means soils (excluding vegetation) with an erodibility index (EI) from sheet and rill erosion equal to or greater than eight. The erodibility index for soils is defined as the product of the formula  $RKLS/T$ , where K is the soil susceptibility to water erosion in the surface layer; R is the rainfall and runoff; LS is the combined effects of slope length and steepness; and T is the soil loss tolerance.

Highly permeable soil means soils with a given potential to transmit water through the soil profile. Highly permeable soils are identified as any soil having a permeability equal to or greater than six inches of water movement per hour in any part of the soil profile to a depth of 72 inches (permeability groups "rapid" and "very rapid") as found in the "National Soil Survey Handbook" of November 1996 in the "Field Office Technical Guide" of the U. S. Department Of Agriculture Natural Resources Conservation Service.

Impervious cover means a surface composed of any material that significantly impedes or prevents natural infiltration of water into the soil. Impervious surfaces include, but are not limited to: roofs, buildings, streets, parking areas, and any concrete, asphalt, or compacted gravel surface.

Intensely Developed Area (IDA) means a portion of a resource protection area or resource management area designated by the board of supervisors where little of the natural environment remains and where development is currently concentrated.

Land disturbance means any activity upon land which causes, contributes to, or results in the removal or covering of the vegetation upon such land, including, but not limited to, clearing, grading, filling, dredging, or excavating. This term shall not include minor activities such as home gardening, planting of trees and shrubs, and home maintenance.

Lot coverage means the impervious area of any lot or parcel including, but not limited to buildings, drives, parking areas, sidewalks, patios, decks, etc.

Nonpoint source pollution means pollution consisting of constituents such as sediment, nutrients, and organic and toxic substances from diffuse sources, such as runoff from agricultural and urban land development and use.

Nontidal wetlands means those wetlands other than tidal wetlands that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, as defined by the U.S. Environmental Protection Agency pursuant to Section 404 of the federal Clean Water Act, in 33 CFR 328.3b, as now or hereafter amended.

Noxious weeds means weeds that are difficult to control effectively, such as Johnson grass, kudzu, and multiflora rose.

Plan of development means the process for site plan or subdivision plat review to ensure compliance with Code of Virginia, § 10.1-2109 and this article, prior to any clearing and grading of a site and the issuance of a building permit.

Public road means a publicly owned road designed and constructed in accordance with water quality protection criteria at least as stringent as requirements applicable to the state department of transportation, including regulations promulgated pursuant to the Erosion and Sediment Control Law (Code of Virginia, § 10.1-603.1 et seq.). This definition includes those roads where the state department of transportation exercises direct supervision over the design or construction activities, or both, and cases where roads are constructed and maintained, or both, by the county in accordance with the standards of the county.

Redevelopment means the process of developing land that is or has been previously developed.

Resource management area (RMA) means that component of the Chesapeake Bay Preservation Area that is not classified as the resource protection area. RMAs include land types that, if improperly used or developed, have the potential for causing significant water quality degradation or for diminishing the functional value of the resource protection area.

Resource protection area (RPA) means that component of the Chesapeake Bay Preservation Area comprised of lands adjacent to water bodies with perennial flow that have an intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to impacts which may result in significant degradation to the quality of state waters.

Silvicultural activities means forest management activities, including but not limited to the harvesting of timber, the construction of roads and trails for forest management purposes, and the preparation of property for reforestation that are conducted in accordance with the silvicultural best management practices developed and enforced by the state forester pursuant to Code of Virginia, § 10.1-1105, and are located on property defined as real estate devoted to forest use under Code of Virginia, § 58.1-3230.

Substantial alteration means expansion or modification of a building or development that would result in a disturbance of land exceeding an area of 2,500 square feet in the resource management area only.

Tidal shore or shore means land contiguous to a tidal body of water between the mean low water level and the mean high water level.

Tidal wetlands means vegetated and nonvegetated wetlands as defined in Code of Virginia, § 28.2-1300.

Water-dependent facility means a development of land that cannot exist outside of the resource protection area and must be located on the shoreline by reason of the intrinsic nature of its operation. These facilities include, but are not limited to (i) ports; (ii) the intake and outfall structures of power plants, water treatment plants, sewage treatment plants, and storm sewers; (iii) marinas and other boat docking structures; (iv) beaches and other public water-oriented recreation areas; and (v) fisheries or other marine resources facilities.

Wetlands means tidal and nontidal wetlands.

(Ord. of 8-10-2004, § 17-533)

**Cross reference**— Definitions generally, § 1-2.

Sec. 90-664. - Areas of applicability.

(a) The Chesapeake Bay Preservation Area (CBPA) Overlay District shall apply to all lands identified as a CBPA as designated by the county and as shown on the Official Preservation Area District Map prepared as a part of the county's Chesapeake Bay Preservation Area Program. The CBPA Map together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this article.

(1) The resource protection areas shall consist of lands adjacent to water bodies with perennial flow that have an intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to impacts which may cause significant degradation to the quality of state waters. In their natural condition, these lands provide for the removal, reduction or assimilation of sediments, nutrients and potentially harmful or toxic substances in runoff entering the bay and its tributaries, and minimize the adverse effects of human activities on state waters and aquatic resources. The resource protection area includes:

- a. Tidal wetlands;
- b. Nontidal wetlands connected by surface flow and contiguous to tidal wetlands or water bodies with perennial flow;
- c. Tidal shores;
- d. A vegetated buffer area not less than 100 feet in width located adjacent to and landward of the components listed in subsections (a) through (d) above, and along both sides of any water body with perennial flow.

(2) Resource management areas shall include land types that, if improperly used or developed, have potential for causing significant water quality degradation or for diminishing the functional value of the resource protection area. The resource management area shall be provided contiguous to the entire inland boundary of the resource protection area, and shall consist of an area 150 feet in width, or an area composed of any of the following land categories, whichever is larger:

- a. Floodplains;
- b. Highly erodible soils, including steep slopes defined as those greater than 15 percent;
- c. Highly permeable soils;
- d. Nontidal wetlands not included in the resource protection area

(b) The CBPA Overlay District Map shows only the general location of CBPA and should be consulted by persons contemplating activities within the county prior to engaging in a regulated activity. The specific location of RPAs on a lot or parcel shall be delineated on each site or parcel as required under section 90-669 through the review and approval of the plan of development process or as required under section 90-671 through the review and approval of a water quality impact assessment.

- (c) Portions of resource protection areas and resource management areas designated by the county as intensely developed areas shall serve as redevelopment areas. Areas so designated shall comply with all erosion and sediment control requirements and the performance standards for redevelopment in section 90-667 (Performance standards).
- (d) If the boundaries of a Chesapeake Bay Preservation Area include only a portion of a lot, parcel, or development project, the entire lot, parcel, or development project shall comply with the requirements of the overlay district. The division of property shall not constitute an exemption from this requirement.

(Ord. of 8-10-2004, § 17-534)

Sec. 90-665. - Conflict with other regulations.

In any case where the requirements of this article conflict with any other provisions of The Code of Prince George County, Virginia, or existing state and federal regulations, whichever imposes the more stringent restrictions shall apply.

(Ord. of 8-10-2004, § 17-535)

Sec. 90-666. - Site specific delineation of RPA limits.

- (a) Delineation by applicant. The site-specific boundaries of the resource protection area shall be determined by the applicant through the performance of an environmental site assessment, subject to approval by the planning director or his designee and in accordance with section 90-669 (Plan of development process) or section 90-668 (Water quality impact assessment). The Official Preservation Area District Map may be used as a guide to the general location of resource protection areas.
- (b) Delineation by planning director or his designee. The planning director or his designee, when requested by the applicant wishing to construct a single-family residence, may waive the requirement for an environmental site assessment and perform the delineation. The planning director or his designee may use hydrology, soils, plant species, and other data, and consult with other appropriate resources as needed to perform the delineation.
- (c) Where conflict arises over delineation. Where the applicant has provided a determination of the resource protection area, the boundaries of this district shall be as shown on the overlay district boundary map unless a field survey conducted by the U.S. Army Corps of Engineers, an applicable agency of the state or federal government, a licensed engineer, licensed soil scientist or other professional designated by the Virginia Department of Environmental Quality, finds such boundary to be in error. If the adjusted boundary delineation is contested by the applicant, the applicant may seek relief.

(Ord. of 8-10-2004, § 17-536)

Sec. 90-667. - Performance standards.

- (a) Purpose and intent. The performance standards establish the means to minimize erosion and sedimentation potential, reduce land application of nutrients and toxics, and maximize rainwater infiltration. Natural ground cover, especially woody vegetation, is most effective in holding soil in place and preventing site erosion. Indigenous vegetation, with its

adaptability to local conditions without the use of harmful fertilizers or pesticides, filters stormwater runoff. Keeping impervious cover to a minimum enhances rainwater infiltration and effectively reduces stormwater runoff potential.

The purpose and intent of these requirements is also to implement the following objectives: prevent a net increase in nonpoint source pollution from new development; achieve a ten-percent reduction in nonpoint source pollution from redevelopment; and achieve a 40-percent reduction in nonpoint source pollution from agricultural uses.

(b) General performance standards for development and redevelopment.

(1) Land disturbance shall be limited to the area necessary to provide for the proposed use or development.

- a. In accordance with an approved site plan, the limits of clearing or grading shall be strictly defined by the construction footprint. These limits shall be clearly shown on submitted plans and physically marked in the development site.
- b. Ingress and egress during construction shall be limited to one access point, unless otherwise approved by the planning director or his designee and authorized by an approved site plan.

(2) Indigenous vegetation shall be preserved to the maximum extent practicable consistent with the proposed use or development permitted and in accordance with the Virginia Erosion and Sediment Control Handbook.

- a. Existing trees over six inches in diameter at breast height (DBH) shall be preserved outside the approved construction footprint. However, trees may be pruned or removed as necessary to provide for sight lines and vistas, provided that where removed, they shall be replaced with other vegetation that is equally effective in retarding runoff, preventing erosion, and filtering nonpoint source pollution from runoff. Diseased trees or trees weakened by age, storm, fire, or other injury may be removed, when approved by the planning director or his designee for the county. Other woody vegetation on site shall also be preserved outside the approved construction footprint.
- b. Site clearing for construction activities shall be allowed as approved by the planning director or his designee for the county through the plan of development review process.
- c. Prior to clearing, grading and/or filling, suitable protective barriers, like safety fencing, shall be erected five feet outside the drip-line of any around [sic] any tree or stand of trees to be preserved. Protective barriers shall remain so erected throughout all phases of construction. The storage of equipment, materials, debris, or fill shall not be allowed within the area protected by the barrier.

(3) Land development shall minimize impervious cover consistent with the proposed use or development.

- a. Pervious surfaces, such as grid and modular pavements, shall be used for any required parking area, alley or other low traffic driveway, unless otherwise approved by the planning director or his designee.

- b. Parking space size shall be 162 square feet. Parking space width shall be nine feet; parking space length shall be 18 feet. Two-way aisles shall be a minimum of 22 feet in width.
- (4) Notwithstanding any other provisions of this article pertaining thereto, any land disturbing activity exceeding 2,500 square feet, including construction of all single-family houses, shall comply with the requirements of the erosion and sediment control ordinance (section 38-31 et seq.).
- (5) All development and redevelopment within RMAs and RPAs that exceeds 2,500 square feet of land disturbance shall be subject to a plan of development process, including the approval of a site plan in accordance with the provisions of this chapter; or a subdivision plan in accordance with the subdivision ordinance (chapter 70); or a water quality impact assessment in accordance with section 90-668.
- (6) On-site sewage treatment systems in the Chesapeake Bay Preservation Area not requiring a Virginia Discharge Elimination System permit shall comply with the following:
- a. Systems shall be pumped out at least once every five (5) years, unless the owner submits documentation every five (5) years, certified by an operator or on-site soil evaluator licensed or certified under Chapter 23( Section 54.1-2300 et seq) of Title 54.1 of the Code of Virginia as being qualified to operate, maintain or design on-site sewage systems, that the septic system has been inspected, is functioning properly, and the tank does not need to have the effluent pumped out of it. As an alternative to the mandatory pump-out or documentation, a plastic filter approved by the health department may be installed and maintained in the outflow pipe from the septic tank to filter solid material from the effluent.
  - b. A reserve sewage disposal site with a capacity at least equal to that of the primary sewage disposal site shall be provided on each lot or parcel proposed for new construction. This reserve sewage disposal site requirement shall not apply to any lot or parcel recorded prior to October 1, 1989, if the lot or parcel is not sufficient in capacity to accommodate a reserve disposal site, as determined by the local health department.
  - c. Building or construction of any impervious surface shall be prohibited on the area of all sewage disposal sites until the development is served by the public sewer or an on-site sewage treatment system which operates under a permit issued by the state water control board.
- (76) For any use or development, stormwater runoff shall be controlled by the use of best management practices consistent with the water quality protection provisions of the Virginia Stormwater Management Regulations (4 VAC 3-20-10 et seq.) that achieve the following:
- a. For development, the post-development nonpoint source pollution runoff load shall not exceed the pre-development load, based on the average total phosphorus loading of 0.45 pounds per acre per year.
  - b. For sites within intensely developed areas or other isolated redevelopment sites, the nonpoint source pollution load shall be reduced by at least ten percent. The

planning director or his designee for the county may waive or modify this requirement for redevelopment sites that originally incorporated best management practices for stormwater runoff quality control, provided the following provisions are satisfied:

1. In no case may the post-development nonpoint source pollution runoff load exceed the pre-development load;
2. Runoff pollution loads must have been calculated and the BMPs selected for the expressed purpose of controlling nonpoint source pollution;
3. If the best management practices (BMPs) are structural, evidence shall be provided by the owner of record that facilities are currently in good working order and performing at the design levels of service through routine maintenance of the facilities.

(87) Prior to initiating grading or other on-site activities on any portion of a lot or parcel, all wetlands permits required by federal, state, and local laws and regulations shall be obtained and evidence of such submitted to the planning director or his designee of the county.

(98) Land upon which agricultural activities are being conducted shall undergo a soil and water quality conservation assessment. Such assessment shall evaluate the effectiveness of existing practices pertaining to soil erosion and sediment control, nutrient management and management of pesticides, and where necessary, results in a plan that outlines additional practices needed to ensure that water quality protection is accomplished consistent with this article and conducted by the James River Soil and Water Conservation District.

- (c) Buffer area requirements. To minimize the adverse effects of human activities on the other components of resource protection areas (RPA), state waters, and aquatic life, a 100-foot wide buffer area of vegetation that is effective in retarding runoff, preventing erosion, and filtering nonpoint source pollution from runoff shall be retained if present and established where it does not exist.

The buffer area shall be located adjacent to and landward of other RPA components and along both sides of any water body with perennial flow. The 100-foot full buffer area shall be designated as the landward component of the resource protection area notwithstanding permitted use encroachment and vegetation clearing and the buffer area is not reduced.

The 100-foot buffer area shall be deemed to achieve a 75-percent reduction of sediments and a 40 -percent reduction of nutrients.

- (1) The buffer area shall be maintained to meet the following additional performance standards:

- a. In order to maintain the functional value of the buffer area, indigenous vegetation may be removed only, subject to approval by the planning director or his designee for the county, to provide for reasonable sight lines, access paths, general woodlot management, and best management practices including those that prevent upland erosion and concentrated flows of stormwater, as follows:

1. Trees may be pruned or removed as necessary to provide for sight lines and vistas, provided that where removed, they shall be replaced with other vegetation that is equally effective in retarding runoff, preventing erosion, and filtering nonpoint source pollution from runoff.
2. Any path shall be constructed and surfaced so as to effectively control erosion.
3. Dead, diseased, or dying trees or shrubbery and noxious weeds (such as Johnson grass, kudzu and multiflora rose) may be removed and thinning of trees allowed as permitted by the planning director or his designee of the county pursuant to sound horticultural practices.
4. For shoreline erosion control projects, trees and woody vegetation may be removed, necessary control techniques employed, and appropriate vegetation established to protect or stabilize the shoreline in accordance with the best available technical advice and applicable permit conditions or requirements.

(2) Permitted encroachments into the buffer area.

- a. When the application of the buffer areas would result in the loss of a buildable area on a lot or parcel recorded prior to October 1, 1989, the planning director, or his designee, may permit encroachments into the buffer area.
  1. Encroachments into the buffer areas shall be the minimum amount necessary to achieve a reasonable buildable area for a principal structure and necessary utilities;
  2. Where practicable, a vegetated area that will maximize water quality protection, mitigate the effects of the buffer encroachment, and is equal to the area of encroachment into the buffer area shall be established elsewhere on the lot or parcel; and
  3. The encroachment may not extend into the seaward 50 feet of the buffer area.
- b. When the application of the buffer area would result in the loss of a buildable area on a lot or parcel recorded between October 1, 1989 and March 1, 2002, the planning director, or his designee, may permit encroachments into the buffer area in accordance with section 90-669 (Plan of development process) and the following criteria:
  1. The lot or parcel was created as a result of a legal process conducted in conformity with the county's subdivision regulations (chapter 70);
  2. Any specific conditions, mitigation measures or other such legally binding conditions or covenants imposed through a previously approved zoning case shall be binding and shall be met;
  3. If the use of a best management practice (BMP) was previously required, the BMP shall be evaluated by a certified engineer (retained by the applicant) to determine if it continues to function effectively and, if necessary, the BMP shall be reestablished or repaired and maintained by the owner of record as required; and
  4. The criteria in subsection (c)(2)a. of this section shall be met.

- (3) The planning director, or his designee, may waive the requirements for the reestablishment of vegetation within the RPA buffer on redevelopment sites within intensely developed areas (IDA) in accordance with section 90-669, Plan of development process.
- (4) On agricultural lands the agricultural buffer area shall be managed to prevent concentrated flows of surface water from breaching the buffer area and noxious weeds from invading the buffer area. The agricultural activities may encroach into the buffer area as follows:
  - a. Agricultural activities may encroach into the landward 50 feet of the 100-foot wide buffer area when at least one agricultural best management practice, which, in the opinion of the James River Soil And Water Conservation District Board, addresses the more predominant water quality issue on the adjacent land—erosion control or nutrient management—is being implemented on the adjacent land, provided that the combination of the undisturbed buffer area and the best management practice achieves water quality protection, pollutant removal, and water resource conservation at least the equivalent of the 100-foot wide buffer area. If nutrient management is identified as the predominant water quality issue, a nutrient management plan, including soil test, must be developed consistent with the Virginia Nutrient Management Training and Certification Regulations (4 VAC 5-15 et seq.) administered by the state department of conservation and recreation (DCR).
  - b. Agricultural activities may encroach within the landward 75 feet of the 100-foot wide buffer area when agricultural best management practices which address erosion control, nutrient management, and pest chemical control, are being implemented on the adjacent land. The erosion control practices must prevent erosion from exceeding the soil loss tolerance level, referred to as "T", as defined in the "National Soil Survey Handbook" of November 1996 in the "Field Office Technical Guide" of the U.S. Department of Agriculture Natural Resources Conservation Service. A nutrient management plan, including soil test, must be developed consistent with the "Virginia Nutrient Management Training and Certification Regulations (4 VAC 5-15 et seq.) administered by the state department of conservation and recreation. In conjunction with the remaining buffer area, this collection of best management practices shall be presumed to achieve water quality protection at least the equivalent as provided by the 100-foot wide buffer area.
  - c. The buffer area is not required to be designated adjacent to agricultural drainage ditches if the adjacent agricultural land has in place at least one best management practice as considered by the James River Soil and Water Conservation District to address the more predominant water quality issue on the adjacent land—either erosion control or nutrient management—is being implemented on the adjacent land.
- (5) When agricultural or silvicultural uses within the buffer area cease and the lands are proposed to be converted to other uses, the full 100-foot wide buffer shall be reestablished. In reestablishing the buffer, management measures shall be undertaken to

provide woody vegetation that assures the buffer functions are maintained or established.

(d) Development criteria for resource protection areas.

- (1) Land development in resource protection areas may be allowed only when permitted by the planning director, or his designee, for the county and if it (i) is water-dependent; (ii) constitutes redevelopment; (iii) is a new use subject to the provisions of subsection (c)(2) of this section; or (iv) is a road or driveway crossing satisfying the conditions set forth in subsection (d)(1)c of this section.
  - a. A new or expanded water dependent facility may be allowed provided that the following criteria are met:
    1. It does not conflict with the comprehensive plan;
    2. It complies with the performance criteria set forth in this section 90-667(b);
    3. Any nonwater-dependent component is located outside of the RPA; and
    4. Access to the water-dependent facility will be provided with the minimum disturbance necessary. Where practicable, a single point of access will be provided
  - b. Redevelopment on isolated redevelopment sites outside of locally designated intensely developed areas sites shall be permitted only if there is no increase in the amount of impervious cover and no further encroachment within the RPA and it shall conform to the stormwater management requirements outlined under subsection (b)(6) of this section and the erosion and sediment control requirements outlined in subsection (b)(4) of this section.
  - c. Roads and driveways not exempt under section 90-671 and which, therefore, must comply with the provisions of this article, may be constructed in or across RPAs if all of the following conditions are met:
    1. The planning director, or his designee, for the county makes a finding that there are no reasonable alternatives to aligning the road or drive in or across the RPA;
    2. The alignment and design of the road or driveway are optimized, consistent with other applicable requirements, to minimize encroachment in the RPA and minimize adverse effects on water quality;
    3. The design and construction of the road or driveway satisfy all applicable criteria of this article, including submission of a water quality impact assessment;
    4. The planning director, or his designee, for the county reviews the plan for the road or driveway proposed in or across the RPA in coordination with the plan of development requirements as required under section 90-669 or subdivision plan.
- (2) A water quality impact assessment as outlined in section 90-668 shall be required for any proposed land disturbance, development or redevelopment within resource

protection areas and for any other development within resource management areas when required by the planning director, or his designee, for the county because of the unique characteristics of the site or intensity of development, in accordance with the provisions of section 90-668.

Sec. 90-668. - Water quality impact assessment.

- (a) Purpose and Intent. The purpose of the water quality impact assessment is to: (i) identify the impacts of proposed land disturbance, development or redevelopment on water quality and lands in RPAs and other environmentally sensitive lands; (ii) ensure that, where land disturbance, development or redevelopment does take place within RPAs and other sensitive lands, it will occur on those portions of a site and in a manner that will be least disruptive to the natural functions of RPAs and other sensitive lands; (iii) protect individuals from investing funds for improvements proposed for location on lands unsuited for such development because of high groundwater, erosion, or vulnerability to flood and storm damage; (iv) provide for administrative relief from terms of this article when warranted and in accordance with the requirements contained herein; and (v) specify mitigation which will address water quality protection.
- (b) Applicability. A water quality impact assessment shall be required (i) for any proposed land disturbance, development or redevelopment activity within a Resource Protection Area and (ii) for any other development in resource management areas as deemed necessary by the planning director or his designee for the county due to the unique site characteristics or intensity of the proposed use or development. There shall be two levels of water quality impact assessments: a minor assessment and a major assessment.
- (c) Minor water quality impact assessment. A minor water quality impact assessment pertains only to land disturbance, development or redevelopment activity within a CBPA which causes no more than 5,000 square feet of land disturbance and/or which proposes to encroach into the landward 50 feet of the 100-foot buffer area. A minor assessment must demonstrate that the undisturbed buffer area, enhanced vegetative plantings and any required best management practices will result in the removal of no less than 75 percent of sediments and 40 percent of nutrients from post-development stormwater runoff and that will retard runoff, prevent erosion, and filter nonpoint source pollution the equivalent of the full undisturbed 100-foot buffer area. A minor assessment shall include a site drawing drawn at 1"=100' or the same scale as the preliminary site plan or subdivision plat, and shall be certified as complete and accurate by a professional engineer or a certified land surveyor, which shows the following:
  - (1) Location of the components of the resource protection area, including the 100-foot buffer area; and the location of any water body with perennial flow;
  - (2) Location and nature of the proposed encroachment into the buffer area, including, type of paving material; areas of clearing or grading; location of any structures, drives, or other impervious cover; and sewage disposal systems or reserve drainfield sites;
  - (3) Type and location of proposed best management practices to mitigate the proposed encroachment;

- (4) Location of existing vegetation on site, including the number and type of trees and other vegetation to be removed in the buffer to accommodate the encroachment or modification;
  - (5) Revegetation plan that supplements the existing buffer vegetation in a manner that provides for pollutant removal, erosion and runoff control.
- (d) Major water quality impact assessment. A major water quality impact assessment shall be required for any development which (i) exceeds 5,000 square feet of land disturbance within CBPAs and proposes to encroach into the landward 50 feet of the 100-foot buffer area; (ii) proposes to disturb any portion of the seaward 50 feet of the 100-foot buffer area or any other component of an RPA; or (iii) is located solely in a RMA when deemed necessary by the planning director or his designee for the county. The information required in this section shall be considered a minimum, unless the planning director or his designee determines that some of the elements are unnecessary due to the scope and nature of the proposed use and development of land.

The following elements shall be included in the preparation and submission of a major water quality impact assessment:

- (1) All of the information required in a minor water quality impact assessment, as specified in subsection (c) of this section;
- (2) A hydrogeological element that:
  - a. Describes the existing topography, soils, and hydrology of the site and adjacent lands.
  - b. Describes the impacts of the proposed development on topography, soils, hydrology and geology on the site and adjacent lands.
  - c. Indicates the disturbance or removal of wetlands and justification for such action;
  - d. Indicates the disruptions or reductions in the supply of water to wetlands, streams, lakes, rivers or other water bodies;
  - e. Indicates the disruptions to existing hydrology including wetland and stream circulation patterns;
  - f. Indicates the source location of and description of proposed fill material;
  - g. Indicates the location of dredging and location of dumping area for such dredged materials;
  - h. Indicates the estimation of pre- and post-development pollutant loads in runoff;
  - i. Indicates the estimation of percent increase in impervious surface on site, type(s) of surfacing material used;
  - j. Indicates the percent of site to be cleared for project;
  - k. Indicates the anticipated duration and phasing schedule of construction project;
  - l. Indicates the listing of all requisite permits from all applicable agencies necessary to develop project.

- m. Describes the proposed mitigation measures for the potential hydrogeological impacts. Potential mitigation measures include:
  - 1. Additional proposed erosion and sediment control concepts beyond those normally required. These additional concepts may include the following: minimizing the extent of cleared area; perimeter controls; reduction of runoff velocities; measures to stabilize disturbed areas; schedule and personnel for site inspection;
  - 2. Proposed stormwater management system for nonpoint source quality and quantity control;
  - 3. Creation of wetlands to replace those lost.
  - 4. Minimizing cut and fill.

(3) A vegetative element that:

- a. Identifies and delineates the location of all woody plant material on site, including all trees on site with six inches or greater diameter at breast height or, where there are groups of trees, said stands may be outlined.
- b. Describes the impacts the development or use will have on the existing vegetation. Information should include:
  - 1. General limits of clearing, based on all anticipated improvements, including buildings, drives, and utilities;
  - 2. Clear delineation of all trees and other woody vegetation which will be removed;
  - 3. Description of all plant species to be disturbed or removed.
- c. Describes the proposed measures for mitigation. Possible mitigation measures include:
  - 1. Proposed design plan and replanting schedule for trees and other woody vegetation removed for construction, including a list of proposed plants and trees to be used;
  - 2. Demonstration that the revegetation plan supplements the existing buffer vegetation in a manner that provides for pollutant removal, erosion and runoff control;
  - 3. Demonstration that the design of the plan will preserve to the greatest extent possible any significant trees and vegetation on the site and will provide maximum erosion control and overload flow benefits from such vegetation.
  - 4. Demonstration that indigenous plants are to be used to the greatest extent possible.

(e) Submission and review requirements.

- (1) Five copies of all site drawings and other applicable information as required by subsections (c) and (d) of this section shall be submitted to the planning director or his designee for the county for review.

- (2) All information required in this section shall be certified as complete and accurate by a professional engineer or certified land surveyor.
- (3) A minor water quality impact assessment shall be prepared and submitted to and reviewed by the planning director or his designee for the county.
- (4) A major water quality impact assessment shall be prepared and submitted to and reviewed by the planning director or his designee for the county in conjunction with a request for rezoning or a special exception permit, as deemed necessary by the planning director or his designee for the county.
- (5) As part of any major water quality impact assessment submittal, the planning director or his designee for the county may require review by the ~~Chesapeake Bay Local Assistance Department (CBLAD)~~ Virginia Department of Environmental Quality. Upon receipt of a major water quality impact assessment, the planning director or his designee will determine if such review is warranted and may request CBLAD to review the assessment and respond with written comments. Any comments by CBLAD will be incorporated into the final review by the planning director or his designee, provided that such comments are provided by CBLAD within 90 days of the request.

(f) Evaluation procedure.

- (1) Upon the completed review of a minor water quality impact assessment, the planning director or his designee for the county will determine that any proposed encroachment into the RMA is consistent with the provisions of this article and make a finding based upon the following criteria:
  - a. The necessity of the proposed encroachment and the ability to place improvements elsewhere on the site to avoid disturbance of the buffer area;
  - b. Impervious surface is minimized;
  - c. Proposed mitigation measures, in the RMA, including the revegetation plan and site design, result in minimal disturbance to all components of the RPA, including the 100-foot buffer area;
  - d. Proposed mitigation measures will work to retain all buffer area functions: pollutant removal, erosion and runoff control;
  - e. Proposed best management practices, where required, achieve the requisite reductions in pollutant loadings;
  - f. The development, as proposed, is consistent with the purpose and intent of this article;
  - g. The cumulative impact of the proposed development, when considered in relation to other development in the vicinity, both existing and proposed, will not result in a significant degradation of water quality.
- (2) Upon the completed review of a major water quality impact assessment, the planning director or his designee for the county will determine whether or not the proposed development is consistent with the purpose and intent of this article and make a finding based upon the following criteria:

- a. Within any RPA, the proposed development is water-dependent or a redevelopment;
  - b. The percentage of existing wetlands disturbed by the development. The number of square feet or acres to be disturbed;
  - c. The development will not result in significant disruption of the hydrology of the site;
  - d. The development will not result in unnecessary destruction of plant materials on site;
  - e. Proposed erosion and sediment control concepts are adequate to achieve the reductions in runoff and prevent off-site sedimentation;
  - f. Proposed stormwater management concepts are adequate to control the stormwater runoff to achieve "no net increase" in pollutant loadings;
  - g. Proposed revegetation of disturbed areas will provide optimum erosion and sediment control benefits, as well as runoff control and pollutant removal equivalent of the full 100-foot undisturbed buffer area;
  - h. The development is consistent with the purpose and intent of the overlay district.
- (3) The planning director or his designee for the county shall require additional mitigation where potential impacts have not been adequately addressed. Evaluation of mitigation measures will be made by the planning director or his designee based on the criteria listed above and in subsections (1) and (2).
- (4) The Planning Director or his designee for the county shall find the proposal to be inconsistent with the purpose and intent of this article when the impacts created by the proposal cannot be mitigated. Evaluation of the impacts will be made by the planning director or his designee based on the criteria listed in subsection (f)(1) and (2) of this section.

(Ord. of 8-10-2004, § 17-538)

**Sec. 90-669. - Plan of development process.**

Any development or redevelopment exceeding 2,500 square feet of land disturbance shall be accomplished through a plan of development process prior to any development preparation activities on site, such as clearing or grading of the site and the issuance of any building permit, to assure compliance of all applicable requirements of this article.

- (1) Required information. In addition to the requirements of section 90-824, Site plan required, the plan of development process shall consist of the plans and studies identified in this section. These required plans and studies may be coordinated or combined, as deemed appropriate by the planning director or his designee for the county. The following plans or studies shall be submitted, unless otherwise provided for:
  - a. A site plan in accordance with section 90-824;
  - b. An environmental site assessment;

- c. A landscaping plan;
  - d. A stormwater management plan;
  - e. An erosion and sediment control plan in accordance with the provisions of sections 38-31—38-65, the erosion and sediment control ordinance of the county.
- (2) Environmental site assessment. An environmental site assessment shall be submitted in conjunction with preliminary site plan or preliminary subdivision plan approval.
- a. The environmental site assessment shall be drawn to scale at 1" = 100' or the same scale as the preliminary site plan or subdivision plat and shall clearly delineate the following environmental features:
    - 1. Tidal wetlands;
    - 2. Tidal shores;
    - 3. Nontidal wetlands connected by surface flow and contiguous to tidal wetlands, or water bodies with perennial flow;
    - 4. A 100-foot buffer located adjacent to and landward of the components listed in subsections a. through d. above, and along both sides of any water body with perennial flow;
    - 5. Other sensitive environmental features as determined by the planning director or his designee for the county.
  - b. Wetlands delineations shall be performed consistent with the procedures specified in the Federal Manual for Identifying and Delineating Jurisdictional Wetlands, 1986.
  - c. The environmental site assessment shall delineate the geographic extent of the resource protection area on the specific site or parcel.
  - d. The environmental site assessment shall be drawn at 1"=100' or the same scale as the preliminary site plan or subdivision plat, and shall be certified as complete and accurate by a professional engineer or a certified land surveyor. This requirement for certification by an engineer or surveyor may be waived by the planning director or his designee for the county, when the proposed use or development would result in less than 5,000 square feet of disturbed area.
- (3) Landscaping plan. A landscaping plan shall be submitted in conjunction with site plan review and approval or as part of subdivision plat approval. No clearing or grading of any lot or parcel will be permitted without an approved landscaping plan. Landscaping plans shall be prepared and/or certified by a design professional practicing within his areas of competence as prescribed by the Code of Virginia.
- a. Contents of the plan.
    - 1. The landscaping plan shall be drawn to scale at 1"=100' or the same scale as the preliminary site plan or subdivision plat, and shall clearly delineate the location, size, and description of existing and proposed plant materials. All existing trees on the site six inches or greater in diameter at breast height (DBH) shall be shown on the landscaping plan, or where there are groups of

trees, such stands may be outlined instead. The specific number of trees six inches or greater DBH to be preserved outside of the building envelope shall be indicated on the plan. Trees and other woody vegetation proposed to be removed to create the desired construction footprint shall be clearly delineated on the landscaping plan.

2. Any required RPA buffer area shall be clearly delineated and any plant material to be added to establish or supplement the buffer area, as required by this article, shall be shown on the landscaping plan.
  3. Within the buffer area, trees and other woody vegetation to be removed for sight lines, vistas, access paths, and best management practices, as provided for in subsection (c)(1)a of this section, shall be shown on the plan. Vegetation required by this article to replace any existing trees within the buffer area shall also be depicted on the landscaping plan.
  4. Trees and other woody vegetation to be removed for shoreline stabilization projects and any replacement vegetation required by this article shall be shown on the landscaping plan.
  5. The plan shall depict grade changes or other work adjacent to trees that would adversely affect them. Specifications shall be provided as to how grade, drainage, and aeration would be maintained around trees to be preserved.
  6. The landscaping plan will include specifications for the protection of existing trees and other vegetation during clearing, grading, and all phases of construction.
  7. If the proposed development is a change in use from agricultural or silvicultural to some other use, the plan must demonstrate the reestablishment of vegetation in the buffer area.
- b. Plant specifications.
1. All plant materials necessary to supplement the buffer area or vegetated areas outside the construction footprint shall be installed according to standard planting practices and procedures.
  2. All supplementary or replacement plant materials shall be living and in a healthy condition. Plant materials shall conform to the standards of the most recent edition of the American Standard for Nursery Stock, published by the American Association of Nurserymen.
  3. Where areas to be preserved, as designated on an approved landscaping plan, are encroached, replacement of existing trees and other vegetation will be achieved at a three planted trees to one removed. Replacement trees shall be a minimum one and one-half inches DBH at the time of planting.
  4. Use of native or indigenous species.
- c. Maintenance.
1. The applicant shall be responsible for the maintenance and replacement of all vegetation as may be required by the provisions of this article.

2. In buffer areas and areas outside the construction footprint, plant material shall be tended and maintained in a healthy growing condition and free from refuse and debris. Unhealthy, dying, or dead plant materials shall be replaced during the next planting season, as required by the provisions of this article.
- (4) Stormwater management plan. A stormwater management plan shall be submitted as part of the plan of development process required by this article and in conjunction with site plan or subdivision plan approval.
  - a. Contents of the plan. The stormwater management plan shall contain maps, charts, graphs, tables, photographs, narrative descriptions, explanations, and citations to supporting references as appropriate to communicate the information required by this article. At a minimum, the stormwater management plan must contain the following:
    1. Location and design of all planned stormwater control devices;
    2. Procedures for implementing nonstructural stormwater control practices and techniques;
    3. Pre- and post-development nonpoint source pollutant loadings with supporting documentation of all utilized coefficients and calculations;
    4. For facilities, verification of structural soundness, and certification by a professional engineer.
  - b. Designed site facilities. Site specific facilities shall be designed for the ultimate development of the contributing watershed based on zoning, comprehensive plans, local public facility master plans, or other similar planning documents.
  - c. Calculations. All engineering calculations must be performed in accordance with the procedures outlined in the current edition of the Virginia Stormwater Management Handbook.
  - d. Schedule established. The plan shall establish a schedule for inspection and maintenance of stormwater management facilities that includes all maintenance requirements and persons responsible for performing maintenance. If the designated maintenance responsibility is with a party other than the county, then a maintenance agreement shall be executed between the responsible party and the county.
- (5) Erosion and sediment control plan. An erosion and sediment control plan shall be submitted that satisfies the requirements of this article and is in accordance with sections 38-31—38-65, the county's erosion and sediment control ordinance, in conjunction with site plan or subdivision plan approval.
- (6) Final plan. Final plans for property within CBPAs shall be final plats for land to be subdivided or site plans for land not to be subdivided as required in section 90-824.
  - a. Generally. Final plans for all lands within CBPAs shall include the following additional information:
    1. The delineation of the resource protection area boundary, including the 100-foot buffer component;

2. Plat or plan note stating that no land disturbance is allowed in the buffer area without review and approval by the planning director or his designee for the county;
  3. All wetlands permits required by law;
  4. A maintenance agreement as deemed necessary and appropriate by the planning director or his designee for the county to ensure proper maintenance by the owner of record of best management practices in order to continue their functions.
- b. Installation and bonding requirements.
1. Where buffer areas, landscaping, stormwater management facilities or other specifications of an approved plan are required, no final certificate of occupancy shall be issued until the installation of the required plant materials or facilities is completed in accordance with the approved site plan.
  2. When the occupancy of a structure is desired prior to the completion of the required landscaping, stormwater management facilities, or other specifications of an approved plan, a certificate of occupancy may be issued only if the applicant provides to the county a form of surety satisfactory to the planning director or his designee for the county in an amount equal to the remaining plant materials, related materials, or installation costs of the required landscaping or facilities and/or maintenance costs for any required stormwater management facilities.
  3. All required landscaping shall be installed and approved by the first planting season following issuance of a certificate of occupancy, or the surety may be forfeited to the county.
  4. All required stormwater management facilities or other specifications shall be installed and approved within 18 months of project commencement. Should the applicant fail, after proper notice, to initiate, complete or maintain appropriate actions required by the approved plan, the surety may be forfeited to the county. The county may collect from the applicant the amount by which the reasonable cost of required actions exceeds the amount of the surety held.
  5. After all required action of the approved site plan has been completed, the applicant must submit a written request for final inspection. If the requirements of the approved plan have been completed to the satisfaction of the planning director or his designee for the county, such unexpended or un-obligated portion of the surety held shall be refunded to the applicant or terminated within 60 days following receipt of the applicant's request for final inspection. The planning director or his designee may require a certificate of substantial completion from a professional engineer or class III B surveyor before making a final inspection.
- (7) Administrative responsibility. Administration of the plan of development process shall be in accordance with section 90-824. The county shall approve, approve subject to conditions, or disapprove the plans in accordance with the reviewing authorities' recommendations. The planning director or his designee shall return notification of plan

review results to the applicant, including recommended conditions or modifications. If the results and/or recommended conditions or modifications are acceptable to the applicant, the plan shall be so modified, if required, and approved.

- (8) Denial of plan, appeal of conditions or modifications. If the final plan or any component of the plan of development process is disapproved or recommended conditions or modifications are unacceptable to the applicant, the applicant may appeal such administrative decision to the county planning commission. In granting or denying an appeal, the planning commission must find such plan to be in accordance with all applicable ordinances and include necessary elements to mitigate any detrimental impact on water quality and upon adjacent property and the surrounding area, or such plan meets the purpose and intent of the performance standards in this article. If the planning commission finds that the applicant's plan does not meet the above stated criteria, it shall deny approval of the plan.

(Ord. of 8-10-2004, § 17-539)

Sec. 90-670. - Nonconforming uses and noncomplying structures.

The lawful use of a building or structure which existed on November 19, 1991, or which exists at the time of any amendments to this article, and which is not in conformity with the provisions of the overlay district may be continued in accordance with sections 90-741—90-747. No change or expansion of use shall be allowed with the exceptions that:

- (1) The planning director or his designee for the county may grant a nonconforming use and/or waiver for structures on legal nonconforming lots or parcels to provide for remodeling and alterations to such nonconforming structures provided that:
  - a. There will be no net increase in nonpoint source pollution load;
  - b. Any development or land disturbance exceeding an area of 2,500 square feet complies with all erosion and sediment control requirements of this article.
- (2) An application for a nonconforming use and/or waiver shall be made to and upon forms furnished by the planning director or his designee for the county and shall include for the purpose of proper enforcement of this article, the following information:
  - a. Name and address of applicant and property owner;
  - b. Legal description of the property and type of proposed use and development;
  - c. A sketch of the dimensions of the lot or parcel, location of buildings and proposed additions relative to the lot lines, and boundary of the resource protection area;
  - d. Location and description of any existing private water supply or sewage system.
- (3) A nonconforming use and development waiver shall become null and void 12 months from the date issued if no substantial work has commenced.
- (4) An application for the expansion of a nonconforming structure may be approved by the planning director or his designee, provided that the following findings are demonstrated by the applicant:
  - a. The request for the waiver is the minimum necessary to afford relief;
  - b. Granting the waiver will not confer upon the applicant any specific privileges that are denied by this article to other property owners in similar situations;
  - c. The waiver is in harmony with the purpose and intent of this article and does not result in water quality degradation;
  - d. The waiver is not based on conditions or circumstances that are self-created or self-imposed;

- e. Reasonable and appropriate conditions are imposed, as warranted, that will prevent the waiver from causing a degradation of water quality;
- f. Other findings, as appropriate and required by county are met; and
- g. In no case shall this provision apply to accessory structures.

(Ord. of 8-10-2004, § 17-540)

Sec. 90-671. - Exemptions.

- (a) Public utilities, railroads, public roads, and facilities. Construction, installation, operation, and maintenance of electric, natural gas, fiber-optic, and telephone transmission lines, railroads, and public roads and their appurtenant structures in accordance with (i) regulations promulgated pursuant to the Erosion and Sediment Control Law (Code of Virginia, § 10.1-560 et seq.) and the Stormwater Management Act (Code of Virginia, § 10.1-603.1 et seq.), (ii) an erosion and sediment control plan and a stormwater management plan approved by the ~~state department of conservation and recreation~~ Virginia Department of Environmental Quality, or (iii) local water quality protection criteria at least as stringent as the above state requirements, are deemed to comply with this article.
- (b) Local utilities and other service lines. Construction, installation, and maintenance of water, sewer, natural gas, underground telecommunications and cable television lines owned, permitted or both, by a local government or regional service authority shall be exempt from the overlay district, provided that:
  - (1) To the degree possible, the location of such utilities and facilities should be outside resource protection areas;
  - (2) No more land shall be disturbed than is necessary to provide for the proposed utility installation;
  - (3) All such construction, installation, and maintenance of such utilities and facilities shall be in compliance with all applicable state and federal requirements and permits, and designed and conducted in a manner that protects water quality; and
  - (4) Any land disturbance exceeding an area of 2,500 square feet complies with all erosion and sediment control requirements of the county.
- (c) Silvicultural activities. Silvicultural activities are exempt from the requirements of this article, provided that silvicultural operations adhere to water quality protection procedures prescribed by the state department of forestry in the 1997 edition of "Forestry Best Management Practices for Water Quality in Virginia."
- (d) Resource protection areas. The following land disturbances in resource protection areas may be exempt from the overlay district, provided that they comply with the requirements listed below in subdivisions 1 through 3:
  - (1) Water wells;
  - (2) Passive recreation facilities such as boardwalks, trails, and pathways; and

(3) Historic preservation and archaeological activities:

- a. Any required permits, except those to which this exemption specifically applies, shall have been issued; and
- (b. Sufficient and reasonable proof is submitted that the intended use will not deteriorate water quality; and
- c. The intended use does not conflict with nearby planned or approved uses.
- d. Any land disturbance exceeding an area of 2,500 square feet shall comply with all erosion and sediment control requirements of the county.

(Ord. of 8-10-2004, § 17-541)

Sec. 90-672. - Exceptions.

- (a) A request for an exception to the requirements of section 90-667(c) shall be made in writing to the county board of zoning appeals. It shall identify the impacts of the proposed exception on water quality and on lands within the resource protection area through the performance of a water quality impact assessment which complies with the provisions of section 90-668.
- (b) The County of Prince George shall notify the affected public of any such exception requests and shall consider these requests in a public hearing in accordance with Code of Virginia, 15.2-2204, except that only one hearing shall be required.
- (c) The county board of zoning appeals shall review the request for an exception and the water quality impact assessment and may grant the exception with such conditions and safeguards as deemed necessary to further the purpose and intent of this article if the board of zoning appeals finds:
  - (1) Granting the exception will not confer upon the applicant any special privileges denied by this article to other property owners in the CBPA Overlay District;
  - (2) The exception request is not based on conditions or circumstances that are self-created or self-imposed, nor does the request arise from conditions or circumstances either permitted or nonconforming that are related to adjacent parcels;
  - (3) The exception request is the minimum necessary to afford relief;
  - (4) The exception request will be in harmony with the purpose and intent of the CBPA Overlay District, not injurious to the neighborhood or otherwise detrimental to the public welfare, and is not of substantial detriment to water quality; and
  - (5) Reasonable and appropriate conditions are imposed which will prevent the exception request from causing a degradation of water quality.
- (d) If the county board of zoning appeals cannot make the required findings or refuses to grant the exception, the board of zoning appeals shall return the request for an

exception together with the water quality impact assessment and the written findings and rationale for the decision to the applicant.

A request for an exception to the requirements of provisions of this article other than section 90-667(c) shall be made in writing to the county board of zoning appeals. The board of zoning appeals may grant these exceptions provided that:

- (1) Exceptions to the requirements are the minimum necessary to afford relief; and
- (2) Reasonable and appropriate conditions are placed upon any exception that is granted, as necessary, so that the purposes and intent of this article are preserved.
- (3) Exceptions to section 90-667(b) may be made, provided that the findings noted in section 90-672(c) are made by the applicant.

Secs. 90-673—90-690. - Reserved.

On roll call the vote was:

In favor: (5) Webb, Carmichael, Hunter, Brown, Waymack

Opposed: (0)

Absent: (0)

**P-3. Public Hearing; Ordinance to Amend The Code Of The County Of Prince George, Virginia, 2005, as Amended, Chapter 70 "Subdivisions", by Amending § § 70-512.2(C)(29)&(30), Size and Information Required on a Preliminary Plat; 70-514.4(C)(10)(C)&(D), Engineering Plan Specifications; and 70-516.2(B)(3)(T)&(U), Elements of Final Plats.** As a result of the DEQ evaluation, the county must add two (2) additional elements under theses headings of: (1) notation of requirement of pump-out of on-site sewage treatment systems in the Chesapeake Bay Preservation Areas, and (2) notation of requirement for 100% reserve drainfield for on-site sewage treatment systems in Chesapeake Bay Preservation Areas. Mr. Brown made a motion, seconded by Mrs. Waymack, to approve the ordinance amendment as presented. Roll was called on the motion.

O-18-03

P-3.

**ORDINANCE TO AMEND THE CODE OF THE  
COUNTY OF PRINCE GEORGE, VIRGINIA, 2005, AS  
AMENDED, CHAPTER 70 "SUBDIVISIONS", BY  
AMENDING § § 70-512.2(c)(29)&(30), SIZE AND  
INFORMATION REQUIRED ON A PRELIMINARY  
PLAT; 70-514.4(c)(10)(c)&(d), ENGINEERING PLAN  
SPECIFICATIONS; AND 70-516.2(b)(3)(t)&(u),  
ELEMENTS OF FINAL PLATS.**

BE IT ORDAINED by the Board of Supervisors of Prince George County:

*(1) That § 70-512.2(c)(29)&(30); 70-514.4(c)(10)(c)&(d); and 70-516.2(b)(3)(t)&(u) of The Code Of The County Of Prince George, Virginia, 2005, as amended, are amended and re-codified to read as follows:*

*CHAPTER 90 SUBDIVISIONS*

*...*

Sec. 70-512.2. - Size and information required on a preliminary plat.

- (a) All preliminary plats shall be either 11 by 17 inches or 24 by 36 inches in size. The agent shall specify the number of copies of each plat to be submitted.
- (b) Prior to final approval by the agent, the preliminary plat shall be signed by the owner of the land proposed for subdivision. The signature shall certify that the owner is aware of the requirements imposed by the plat and applicable county codes, and shall further certify that the owner agrees to comply with these requirements, unless modified in accordance with the County Code.
- (c) The preliminary plat shall demonstrate compliance with the requirements of the county zoning ordinance and this ordinance. The plat or plan shall show all of the following elements:
  - (1) Name of the subdivision, with the notation, "preliminary plat".
  - (2) Name(s) of owner(s) of subdivision.
  - (3) Name of surveyor or engineer.
  - (4) Location of proposed subdivision by vicinity map showing adjoining roads, and names of roads.
  - (5) Adjoining subdivisions.
  - (6) Tax map number.
  - (7) Deed references.
  - (8) True, record or grid north.
  - (9) Identification of any graves, objects, or structures marking a place of human burial.
  - (10) Scale of drawing.
  - (11) Boundary survey.
  - (12) Total acreage in overall parcel or parcels involved.
  - (13) Total acreage of subdivided area.
  - (14) Number of lots.
  - (15) Area of each lot.
  - (16) Frontage of each lot.
  - (17) Purpose of dedication of land for public use, if any.

- (18) Area, if any, in common open space, park or public lands.
- (19) Names of all existing, platted and proposed streets.
- (20) Width of existing, platted and proposed streets.
- (21) Location of existing buildings within the boundaries of the tract.
- (22) Existing and proposed utility and other easements.
- (23) Any sidewalks or bikeways proposed.
- (24) Location and names of water courses.
- (25) The location of all wetlands, resource protection and resource management areas in accordance with chapter 38, article II of the County Code (Erosion and Sedimentation Control) and chapter 90 (Zoning).
- (26) Ownership of contiguous land owned or controlled by the subdivider.
- (27) Soil categories.
- (28) Underlying zoning.
- (29) Notation of requirement of pump-out of on-site sewage treatment systems in Chesapeake Bay Preservation Areas
- (30) Notation of requirement for 100% reserve drainfield site for on-site sewage treatment systems in Chesapeake Bay Preservation Areas.

- (d) A traffic impact analysis (TIA) shall be submitted with the preliminary plat if the TIA is determined to be necessary after consultation with the agent. All TIAs shall be prepared in accordance with VDOT standards.

(Ord. No. O-09-02, 1-27-2009; O-09-05, 4-28-2009)

Sec. 70-514.4. - Engineering plan specifications.

- (a) Every engineering plan shall be either 17 by 22 inches or 24 by 36 inches in size and at a scale of not smaller than 50 feet to the inch (1" = 50'), except in cases where the agent has approved an alternate scale.
- (b) Prior to final approval by the county, engineering plans shall be signed by the owner of the land proposed for subdivision. The signature shall certify that the owner is aware of the design requirements imposed by the plan and other applicable county or state codes, and shall further certify that the owner agrees to comply with these requirements, unless modified in accordance with the County Code.
- (c) The engineering plan shall include the following:
  - (1) General information:
    - a. Name of subdivision.
    - b. True, record, or grid north (identified as such).
    - c. Scale of drawing.
    - d. Number of sheets.

- e. Name and address of person and firm preparing the plan.
- f. Approval block providing for signature and date.
- g. Vicinity map indicating adjoining roads and road names, and at a scale not smaller than 1" = 2,000'.
- h. Date drawing prepared, and revision dates.

(2) General notes:

- a. Name and address of owner and developer.
- b. Address and tax map number of property to be subdivided.
- c. Zoning district.
- d. Number of lots.
- e. Total acreage of subdivision.
- f. Means of providing potable water and sewage disposal to each lot.

(3) Street information:

- a. Plan and profile of all streets.
- b. Vertical and horizontal curve data for all streets.
- c. Sight distances.
- d. Typical section of all streets including pavement structure proposed and typical grading.
- e. Traffic projections and analysis where necessary to estimate warrants for signalization, turn lanes, and other related features.
- f. VDOT road classification, speed limit and access road geometric standards.
- g. Other information as determined by VDOT.

(4) Stormwater management information:

- a. Engineering calculations establishing pre- and post-development runoff for the subdivision.
- b. Detention facility calculations establishing the adequacy of proposed measures and downstream channels.
- c. Erosion and sediment control plan and narrative.
- d. Plan and profile and grading of a typical section of any proposed detention facilities.

(5) Drainage information:

- a. Plan and profile of all proposed stormwater collection drain pipes and channels identifying all inlets, specifying material type and size, with design of invert and top elevation.
- b. All existing and proposed drainage easements.

- c. Watercourses, springs and other natural drainage features.
- (6) Public water supply information (if applicable):
  - a. Plan and profile, including material, size, cover and utility crossings, of existing and proposed water mains.
  - b. Existing and proposed hydrants, valves and other associated features.
  - c. Existing and proposed service laterals and meter locations.
  - d. Existing and proposed easements.
  - e. Fire flow and water pressure calculations.
- (7) Public sanitary sewer information (if applicable):
  - a. Plan and profile, including material, size, cover, grade, structures, invert, top elevation and utility crossings.
  - b. Existing and proposed service laterals and clean out locations.
  - c. Existing and proposed easements.
  - d. Downstream sewer capacity analysis.
  - e. Lowest floor elevation sewerable by gravity on each lot.
- (8) Landscaping plan and management program.
- (9) Street lighting plan.
- (10) Other information:
  - a. Information, details or design as necessary to demonstrate or achieve compliance with the standards of this ordinance.
  - b. Existing and proposed topographic lines at two-inch intervals.
  - c. Notation of requirement of pump-out of on-site sewage treatment systems in Chesapeake Bay Preservation Areas.
  - d. Notation of requirement for 100% reserve drainfield site for on-site sewage treatment systems in Chesapeake Bay Preservation Areas.

(Ord. No. O-09-02, 1-27-2009)

Sec. 70-516.2. - Elements of final plats.

- (a) All final subdivision plats shall be clearly and legibly drawn in ink, at a scale of not smaller than 50 feet to the inch (1" = 50'), except in cases where the agent has approved an alternate scale, on sheets being 11 by 17, up to 24 by 36.
- (b) The final plat shall show the following information:
  - (1) General information:

- a. Name of subdivision.
- b. True, record, or grid north.
- c. Scale of drawing, which shall be not smaller than 1" = 50', without approval of the agent.
- d. Number of sheets.
- e. Name and address of person and firm preparing plat.
- f. Vicinity map indicating adjoining roads and road names, and at a scale not smaller than 1" = 2,000'.
- g. Date drawing prepared, and revision dates.
- h. Acreage schedule.

(2) General notes:

- a. Name and address of owner and developer.
- b. Address and tax parcel number of property to be subdivided.
- c. Zoning district.
- d. Number of lots.
- e. Total acreage of subdivision.
- f. Means of providing water and sewer service to each lot.

(3) Plat information:

- a. Metes and bounds of the perimeter of the subdivision.
- b. Interior tract lines.
- c. Departing lot lines for adjacent parcels.
- d. Property owner names for adjacent parcels.
- e. Area of each proposed lot.
- f. Proposed lot numbers, listed sequentially.
- g. Boundaries of proposed and existing rights-of-way with metes and bounds description, stated in one consistent direction.
- h. Right-of-way widths of each existing and proposed, interior and adjacent, right-of-way.
- i. Names (and state route numbers where applicable) of all existing and proposed streets and alleys.
- j. Boundaries of any proposed common area or open space or public dedicated area, with metes and bounds.
- k. Intended use of any common area, open space, or public dedicated area.
- l. Boundaries of proposed and existing easements, with bearings and distances where necessary to establish location.

- m. Curve data table including curve number, arc length, tangent length and bearing, and radius.
- n. Major watercourses.
- o. Floodplain boundaries.
- p. Identification of graves, objects or structures marking a place of burial.
- q. All conditional zoning proffers, special exception conditions, or board of zoning appeals actions applicable to the site.
- r. RPAs and RMAs shall be shown on final plat.
- s. Approved on-site sewage sites, if required. If not shown on the final plat, these sites shall be shown on the engineering plan.

t. Notation of requirement of pump-out of on-site sewage treatment systems in Chesapeake Bay Preservation Areas.

u. Notation of requirement for 100% reserve drainfield site for on-site sewage treatment systems in Chesapeake Bay Preservation Areas.

(4) Statements and certifications:

- a. Owner's consent and dedication statement (notarized).
- b. Surveyors source of title statement (signed and dated by a Virginia licensed surveyor).
- c. Land surveyor's conforming statement.
- d. Approval block providing for signature and date. Said block to be no smaller than four inches by four inches.
- e. The following health department notes (if applicable) shall be shown:
  - i. "This subdivision is approved for individual onsite systems in accordance with the provisions of the Code of Virginia, and the Sewage Handling and Disposal Regulations (12 VAC 5-610-10 et seq., the "regulations"), and local ordinances."
  - ii. "This subdivision was submitted to the Health Department for review pursuant to Code of Virginia, § 31.2-163.5, which requires the Health Department to accept private soil evaluations and designs from an Authorized Onsite Soil Evaluator (AOSE) or a Professional Engineer working in consultation with an AOSE for residential development. The Health Department is not required to perform a field check of such evaluations. The subdivision was certified as being in compliance with the Board of Health's regulations by (AOSE/PE name, certification or license # phone #). This subdivision approval is issued in reliance upon that certification."
  - iii. "Pursuant to Section 360 of the Regulations this approval is not an assurance that Sewage Disposal System Construction Permits will be

issued for any lot in the subdivision unless that lot is specifically identified as having an approved site for an onsite sewage disposal system, and unless all conditions and circumstances are present at the time of application for a permit as are present at the time of this approval. This subdivision may contain lots that do not have approved sites for onsite sewage systems."

- iv. "This subdivision approval is issued in reliance upon the certification that the approved lots are suitable for "traditional systems", however actual system designs may be different at the time construction permits are issued."

(Ord. No. O-09-02, 1-27-2009)

On roll call the vote was:

In favor: (5) Webb, Carmichael, Hunter, Brown, Waymack

Opposed: (0)

Absent: (0)

## **REPORTS**

**Quarterly Financial Report** – Ms. Betsy Drewry, Finance Director, presented the Board with the Quarterly Financial Report for the quarter ending December 31, 2017. General Fund Revenues are at 38.54% collected. General Fund Expenditures are at 47.38% and very much on target. This figure is lower than 2015 and 2016. Ms. Drewry talked about the Utilities Fund, which is right on target compared to this time last year. She went over some Capital Projects, including Exit 45 Improvements, Broadband Initiatives, Parks & Recreation Community Center Parking Lot, Central Wellness Center Parking Lot, Courthouse Renovations, New Fire Station, two School projects, Canoe Launch, Public Safety Radio Consultant and Project, Fuel Tank and Canopy Replacement, Central Wellness Building Improvements, Burn Building, Bleachers and Gym Repair, Southpointe Utility Study, Police Vehicles, and Fire/EMS Apparatus. In addition, Ms. Drewry gave an update on the Tourism Fund, the Economic Development Fund, and Cash Proffers. The Health Insurance Fund balance was \$1.7 million at December 31, 2016. This is a slight decrease from the previous year. FY2016 was an unusually good year for claims. FY2017 overall claims were \$304,000 higher than premiums collected. FY2018 overall premiums exceed claims paid to date. The County currently has an RFP outstanding for health insurance alternatives. Responses are due January 31. They will update the Board at the pre-budget work session. Looking ahead, the FY2019 budget preparation is underway and as we enter the third quarter, the County will begin preparing projections to determine estimated financial position at year-end.

**Public Safety Radio Project** – Police Chief Keith Early introduced Mr. Wayne Stack, Managing Consultant with Altairis Technology Partners. Mr. Stack gave a brief update on the status of the public radio safety project. The RFP was released on January 18. The process requires that any potential interested vendors sign a nondisclosure agreement and provide that to the County. At that time, the County will issue them a

pre-qualifications package where the County looks at its requirements for capability and past performance by these vendors. After the County's evaluation of that package, it is determined who will be qualified to receive the full RFP package. There have been five nondisclosure agreements received. Pre-qualifications are due by February 7. Final proposals are due on May 17. They are currently in Phase Two of the project, which is the procurement phase. The review of Phase One work and the specifications are 100% complete. The RFP development, the vendor selection, and the completion of a contract are only 6% complete. Once Phase Two is complete, Phase Three will follow that. Phase Three is the final phase of the project and will include the final design of the system, the actual construction, testing and cutover from the current system to the new system. The remaining Phase Two schedule will include receipt of proposals, review and evaluation of proposals, selection of two or more finalists, negotiations, and award, finalization, and execution of contract. Worst case scenario, Phase Two should be completed by December 28, 2018. The Board followed up with questions. Mr. Stack verified for Mr. Webb that they will cover 95% of the geographic area of the County 95% of the time. It is impossible to have 100% coverage 100% of time, no matter how much money the County spends. Mr. Brown asked for a comparison in the timeline with Prince George County and Powhatan County for this project. Mr. Stack confirmed for the Board that they are looking at 2020 for the system to be complete and working.

#### **ORDER OF BUSINESS**

**A-1. Resolution; Budget Transfer from Contingency (\$26,625.00 Sheriff's Department Replacement Vehicle).** Mr. Percy Ashcraft, County Administrator, stated that in November of 2017 a 2001 Oldsmobile Bravada assigned to the Prince George County Sheriff's Department was sent to the garage for repairs. The Fleet Manager indicated that the vehicle has severe drive line issues and repairs were expected to total around \$1,300. They did not feel that the cost of the repairs was warranted in comparison to the value and potential continued life/use of the vehicle. This vehicle was scheduled for replacement during the FY2019 budget cycle. Sheriff Allin has requested that this vehicle be replaced during FY2018 in light of the costly repairs required to repair the existing 2001 Bravada. Staff recommends vehicle replacement using a transfer from the General Fund Contingency. Currently, \$247,022 in General Fund Contingency is available prior to any January 23, 2018 Board action. The cost of the replacement vehicle is \$26,625. Mr. Hunter made a motion, seconded by Mr. Webb, that the resolution be approved as presented. Roll was called on the motion.

R-18-013

A-1.

RESOLUTION; BUDGET TRANSFER FROM CONTINGENCY  
(\$26,625.00 SHERIFF'S DEPARTMENT REPLACEMENT VEHICLE)

BE IT RESOLVED That the Board of Supervisors of the County of Prince George this 23<sup>rd</sup> day of January, 2018, does hereby authorize and appropriate the following increase of funds within the 2017-2018 Budget, the following increase of funds within the 2017-2018 Budget, such line items increased as follows, which monies shall be expended for purposes authorized and approved by the Board of Supervisors of the County of Prince George:

<u>FUND/ORGANIZATION</u>	<u>AMOUNT</u>
<u>Expenditure:</u>	
0100-02-010-0203-48105 Sheriff – Vehicle Replacement	\$26,625.00
0100-09-401-0917-49199 General Fund Contingency	(\$26,625.00)*
*Decrease	

On roll call the vote was:

In favor: (5) Waymack, Brown, Hunter, Carmichael, Webb

Opposed: (0)

Absent: (0)

**A-2. Resolution; Appropriation and Budget Transfer from Contingency (\$17,250.00 Department of Social Services Laserfiche Upgrade).** Ms. Shel Douglas, Director of Social Services, stated that as part of the adopted FY2018 budget, a Laserfiche document storage upgrade was planned and budgeted for the Department of Social Services. The amount budgeted for this upgrade is \$48,342. When the vendor (UnityECM) provided their pricing, the County had planned to do a County-wide Laserfiche upgrade. The County-wide upgrade was delayed to FY2019 due to timing and funding of other County IT projects. Pricing for “**Quick Fields**,” a component of the project that reads bar codes and tells the system where to file the document, was included as part of the overall County-wide Laserfiche upgrade, and was not included in the DSS upgrade pricing. Quick Fields must be completed to make the DSS upgrade functional. **The cost for the Quick Fields component is \$17,250 and is not budgeted for FY2018.** By completing the Quick Fields component as a required part of the DSS project, the County will recover approximately 80% through state/federal reimbursement (approximately \$13,800). There would be no state/federal recovery if completed as part of the County-wide upgrade. When the County-wide Laserfiche upgrade is ultimately completed, there will be cost sharing of the Quick Fields annual maintenance costs. To fund the Quick Fields component, staff is recommending a budget amendment to increase the total budgeted expenditures by \$17,250; an increase in budgeted revenues of \$13,800 (Federal Welfare Administration) and a transfer from the general fund contingency of \$3,450. Mr. Hunter made a motion, seconded by Mrs. Waymack, to approve the resolution as presented. Roll was called on the motion.

R-18-014

A-2.

RESOLUTION; APPROPRIATION AND BUDGET TRANSFER FROM  
CONTINGENCY (\$17,250.00 DEPARTMENT OF SOCIAL SERVICES  
LASERFICHE UPGRADE)

BE IT RESOLVED That the Board of Supervisors of the County of Prince George this 23<sup>rd</sup> day of January, 2018, does hereby authorize and appropriate the following increase of funds within the 2017-2018 Budget, the following increase of funds within the 2017-2018 Budget, such line items increased as follows, which monies shall be expended for purposes authorized and approved by the Board of Supervisors of the County of Prince George:

<u>FUND/ORGANIZATION</u>	<u>AMOUNT</u>
<u>Expenditure:</u>	
0100-05-113-0701-48107     DSS Info Technology Equipment	\$17,250.00
0100-09-401-0917-49199     General Fund Contingency	(\$3,450.00)*
*Decrease	
 <u>Revenue:</u>	
0100-30-601-8302-333504     Welfare Administration	\$13,800.00

On roll call the vote was:

In favor: (5) Brown, Hunter, Carmichael, Webb, Waymack

Opposed: (0)

Absent: (0)

**A-3. Authorize the Fire & EMS Department to Complete and Submit a Grant Application to Virginia Office of EMS for Replacement for Ambulance Fleet Number 110.** Mr. Brad Owens, Director of Fire and EMS, stated that the work “remount” in the resolution should be replaced with the word “replacement.” Prince George Fire and EMS request permission to apply for the 2018 spring cycle of the Rescue Squad Assistance Fund grant through the Office of EMS. The unit is a 2003 Ford van style with over 150,000 miles. The unit lacks modern safety features that enhance protection of patients as well as the personnel on board. The total cost of a new ambulance is \$246,230.00. The RSAF Grant requires a 50% local match. Therefore, if awarded, Prince George County will be required to contribute \$123,115.00 as the local match. Chairman Carmichael stated that anytime you can get a grant to pay for half of an ambulance, you should take advantage of it. Mr. Webb stated that it would be good if we get it, but he hopes they have a backup plan because the tab is steadily rolling. Mrs. Waymack made a motion, seconded by Mr. Brown, to approve the resolution with the word “replacement.” Roll was called on the motion.

R-18-015

A-3.

AUTHORIZE THE FIRE & EMS DEPARTMENT TO COMPLETE AND SUBMIT A GRANT APPLICATION TO VIRGINIA OFFICE OF EMS FOR REMOUNT FOR AMBULANCE FLEET NUMBER 110.

WHEREAS, the Fire & EMS Department is requesting approval of the Prince George County Board of Supervisors to apply for a grant of \$123,115.00 through The Virginia Office of EMS, due March 15, 2017; and

WHEREAS, the total award of \$123,115.00 and 50% local match of \$123,115.00 (total \$246,230.00) will be utilized to purchase an ambulance to replace ambulance fleet number 110; and

WHEREAS, the grant requires a fifty percent (50%) cash match of \$123,115.00, which requires a local general fund appropriation.

NOW, THEREFORE, BE IT RESOLVED That the Board of Supervisors of the County of Prince George this 23<sup>th</sup> day of January, 2018, does hereby authorize the submission of a grant application for \$123,115.00, which requires a 50% local cash match of \$123,115.00 which will require a local general fund appropriation, for remount for ambulance fleet number 110.

BE IT FURTHER RESOLVED, That a copy of this Resolution shall be retained as support authorizing the grant application to The Virginia Office of EMS.

On roll call the vote was:

In favor: (5) Hunter, Carmichael, Webb, Waymack, Brown

Opposed: (0)

Absent: (0)

**A-4. Authorize the Fire & EMS Department to Complete and Submit a Grant Application to the Federal Emergency Management Agency for a Total Replacement of (SCBA) Self Contained Breathing Apparatus.** Mr. Owens stated that Prince George Fire and EMS request permission to apply for the 2018 Assistance to Firefighter Grant through the Federal Emergency Management Agency. Prince George Fire and EMS conducted an SCBA overhaul in 2004. Several packs were replaced and brought up to the 2002 standards. Since then, several changes have taken place making our current cache obsolete. The current low pressure systems are no longer acceptable. The current standard calls for high pressure systems. Therefore, recently purchased SCBA's are now mixing with obsolete SCBA's creating the potential for mix parts and accessories which could lead to a potential catastrophic failure of SCBA's resulting in firefighter deaths or injuries. Additionally, a failure could result in the inability to perform lifesaving rescues, save citizens property and protect the environment. Fire and EMS is in need of replacing the out dated SCBA's that our firefighters are utilizing to enter hazardous environment when protecting our citizens. The current SCBA's are 4 standards out dated. The project calls for SCBA's that meet current standards and incorporate new technology to ensure the safety of our first responders is protected. The total estimated cost of the project is \$1.4 Million. The AFG Grant requires a 10% cost match for jurisdictions of our size. Therefore, if awarded, the County will be

required to contribute \$140,000.00 towards the project. Mr. Brown asked Mr. Owens what the backup plan is if the grant is not awarded. Mr. Ashcraft stated that it may fall within the Capital Improvement Projects during the budget season as this is a health and safety issue. Mr. Webb expressed concern for a catastrophic failure with the current equipment and a safeguard put in the place in the meantime. There was a discussion between Mr. Owens and the Board on plans they have in place. Mr. Webb made a motion, seconded by Mr. Brown, to approve the resolution as presented. Roll was called on the motion.

R-18-016

A-4.

AUTHORIZE THE FIRE & EMS DEPARTMENT TO COMPLETE AND SUBMIT A GRANT APPLICATION TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY FOR A TOTAL REPLACEMENT OF (SCBA) SELF CONTAINED BREATHING APPARATUS

WHEREAS, the Fire & EMS Department is requesting approval of the Prince George County Board of Supervisors to apply for a grant of \$1,260,000.00 through The Federal Emergency Management Agency, due February 2, 2018; and

WHEREAS, the total award of \$1,260,000.00 and 10% local match of \$140,000.00 (total \$1,400,000.00) will be utilized to replace all self-contained breathing apparatus (SCBA's) and components; and

WHEREAS, the grant requires a ten percent (10%) cash match of \$140,000.00, which requires a local general fund appropriation.

NOW, THEREFORE, BE IT RESOLVED That the Board of Supervisors of the County of Prince George this 23<sup>th</sup> day of January, 2018, does hereby authorize the submission of a grant application for \$1,260,000.00, which requires a 10% local cash match of \$140,000.00 which will require a local general fund appropriation, for the replacement of self-contained breathing apparatuses.

BE IT FURTHER RESOLVED, That a copy of this Resolution shall be retained as support authorizing the grant application to The Federal Emergency Management Agency.

On roll call the vote was:

In favor: (5) Carmichael, Webb, Waymack, Brown, Hunter

Opposed: (0)

Absent: (0)

**A-5. Resolution; Award of Contract and Budget Transfer 9\$17,500 Fire & EMS Strategic Plan – Fitch & Associates).** Mr. Owens stated Prince George Fire and EMS

is seeking authorization and funding to conduct a strategic planning process with all stakeholders in the Fire and EMS System. In 2012, PGFEMS conducted the first strategic plan for the department. The process consisted of numerous meetings with volunteers, employees and government officials. The plan has been updated twice by an internal process. It is the recommendation from the Director and supported by the Advisory Board that a third party be brought in and conducted the entire process again. This will ensure that current goals and objectives are still relevant as well as help formulate new goals and objectives for the department to begin reaching for over the next five years. Prince George Fire and EMS recently sent out an RFP (#18-0829-1) for strategic planning services with nine firms responding. A panel of volunteer and career personnel was assembled to review, rank and recommend the top four proposals. The panel interviewed the top four proposals and recommends Fitch and Associates to conduct the process. The proposed fees for the process are \$17,500. This plan is currently not budgeted and would require a General Fund appropriation. The recommended source is General Fund contingency. Staff is requesting authorization for the County Administrator to authorize a contract with Fitch & Associates and a transfer from General Fund contingency to cover the cost of strategic plan completion. Mr. Webb asked Mr. Owens what the downfall would be if this were put off until they do the new budget. Mr. Owens stated that the more they delay, the less opportunity they would have to provide Fire and EMS Services to the citizens of Prince George County in a timely manner. Chairman Carmichael stated that the bid has already been put out and if the contract is not awarded, they would have to start the process all over again. Mr. Brown made a motion, seconded by Mrs. Waymack, to approve the resolution as presented. Roll was called on the motion.

R-18-017

A-5

**RESOLUTION; AWARD OF CONTRACT AND BUDGET TRANSFER  
(\$17,500 FIRE & EMS STRATEGIC PLAN – FITCH & ASSOCIATES)**

WHEREAS, Prince George Fire & EMS along with the Prince George County Finance Department issued RFP #18-0829-1 requesting proposals for the development of a Fire & EMS Strategic Plan; and

WHEREAS, Nine (9) proposals were received and evaluated by panel of volunteers and career personnel with the selection of Fitch & Associates as the most qualified respondent; and

WHEREAS, Fitch & Associates proposes a price of \$17,500 for plan completion and this project is currently not budgeted as part of the adopted FY2018 budget; and

WHEREAS, \$17,500 is currently available in the General Fund Contingency; and

WHEREAS, Staff is requesting authorization for the County Administrator to enter into a contract with Fitch & Associates in the amount of \$17,500 to move forward

with the strategic plan and staff is requesting a transfer from the General Fund Contingency as the funding source.

NOW, THEREFORE, BE IT RESOLVED That the Board of the Supervisors of the County of Prince George this 23<sup>rd</sup> day of January, 2018, hereby authorizes the County Administrator to execute a contract with Fitch & Associates in the amount of \$17,500;

AND BE IT RESOLVED That the Board of Supervisors of the County of Prince George this 23<sup>rd</sup> day of January, 2018, does hereby authorize and appropriate the following transfer of funds within the 2017-2018 Budget, such line items modified as follows, which monies shall be expended for purposes authorized and approved by the Board of Supervisors of the County of Prince George:

<u>FUND/ORGANIZATION</u>		<u>AMOUNT</u>
<b><u>General Fund (0100) - Expenditures</u></b>		
Decrease:		
0100-09-401-0917-49199	General Fund Contingency	\$17,500
Increase:		
0100-03-200-0610-43101	Fire/EMS Professional Services	\$17,500

On roll call the vote was:

In favor: (5) Carmichael, Hunter, Brown, Waymack, Webb

Opposed: (0)

Absent: (0)

**A-6. Resolution; Award of Contract and Budget Amendment and Appropriation (\$219,863 CDCC Energov Software).** Ms. Kirsten Cherry, IT Director, stated that Replacement of INKForce software in Community Development & Code Compliance was a Capital Improvement Project (CIP) targeted for completion during FY2018 through our FY2018 CIP and budget process. New software will replace INKForce which has been in place for approximately 7 years. Currently INKForce is not meeting all of the needs of the Community Development & Code Compliance, especially in the Planning area. Our existing contract with Tyler Technologies allows for expansion and purchase of additional modules without formal procurement / RFP issuance. CDCC and IT staff participated in a demonstration of Energov Software by Tyler Technologies and recommends the purchase of this software as an addition to our existing suite of Tyler products. The Energov software cost is \$179,095.00. The total estimated budget for software and needed equipment and server upgrades is \$219,862.42. The total cost does make provisions for unanticipated costs and additional training as needed. Implementation will save the County approximately \$7,500 per year in software maintenance fees and provide more services for the department and the public. Some of the plan review will be able to be done online which is a benefit to outside groups like the Health Department who are part of the review. The recommended source of funding is borrowing / bond issuance in the Spring / Summer of 2018. Staff is requesting the

board to authorize the County Administrator to sign a contract with Tyler Technologies, appropriation of funds through bond issuance in the Spring/Summer of 2018, and a reimbursement resolution for future debt issuance. Ms. Cherry confirmed for Mr. Webb that this would require no extra heat. Ms. Julie Walton, Director of Community Development stated this would allow them to offer efficiency and ease of use for their customers. This would be a great benefit. Mr. Webb made a motion, seconded by Mr. Hunter, to approve the award of contract and appropriation resolution as presented. Roll was called on the motion.

R-18-018

A-6

**RESOLUTION; AWARD OF CONTRACT AND BUDGET  
AMENDMENT AND APPROPRIATION (\$219,863 CDCC ENERGOV  
SOFTWARE)**

WHEREAS, Community Development and Code Compliance (CDCC) and the Information Technology Department reviewed options for replacing the existing INKFORCE software and determined that expansion of the County's existing suite of software with Tyler Technologies and use of Energov software was the best option with a proposed price of \$179,095; and

WHEREAS, The total estimated cost for CDCC software replacement and related equipment and supplies is \$219,863 (Software \$179,095; related and equipment and supplies \$40,768); and

WHEREAS, The amount of \$219,863 will be available with the spring 2018 bond issuance for CDCC Software replacement; and

WHEREAS, Staff is requesting authorization for the County Administrator to enter into a contract with Tyler Technologies in the amount of \$179,095 to move forward with the software purchase and to expend another \$40,768 for related equipment and supplies.

NOW, THEREFORE, BE IT RESOLVED That the Board of the Supervisors of the County of Prince George this 23<sup>rd</sup> day of January, 2018, hereby authorizes the County Administrator to execute a contract with Tyler Technologies to purchase Energov software for CDCC in the amount of \$179,095;

AND BE IT RESOLVED That the Board of Supervisors of the County of Prince George this 23<sup>rd</sup> day of January, 2018, does hereby authorize and appropriate the following increase of funds within the 2017-2018 Budget, such line items increased as follows, which monies shall be expended for purposes authorized and approved by the Board of Supervisors of the County of Prince George:

FUND/ORGANIZATION

AMOUNT

Capital Improvement Fund (0311)

Revenues:

0311-40-900-8115-341401	Debt Proceeds	\$219,863
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Expenditures:

0311-03-400-3173-48204	CIP – CDCC Software Replacement	\$219,863
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On roll call the vote was:

In favor: (5) Hunter, Brown, Waymack, Webb, Carmichael

Opposed: (0)

Absent: (0)

Mr. Hunter made a motion, seconded by Mr. Webb, to approve the reimbursement resolution as presented. Roll was called on the motion

R-18-019

RESOLUTION OF OFFICIAL INTENT TO REIMBURSE  
EXPENDITURES WITH PROCEEDS OF BONDS  
OR OTHER INDEBTEDNESS

WHEREAS, the Board of Supervisors (the "Board") of the County of Prince George, Virginia (the "County") has determined to undertake a capital improvement project to replace software for Community Development and Code Compliance (the "Purchase");

WHEREAS, the Board currently expects that the cost of the Purchase, excluding the costs of the financing thereof, will be approximately \$219,863;

WHEREAS, the Board currently expects to incur long-term indebtedness in an amount now estimated at \$219,863 to pay a portion of the costs of the Purchase, which indebtedness may take the form of tax-exempt bonds or other types of debt; the proceeds of such indebtedness may be used either for paying costs of the Purchase directly or for repaying other indebtedness previously incurred for the Purchase or for a combination of such purposes; and

WHEREAS, the County may also advance its own funds to pay expenditures relating to the Purchase (collectively, the "Expenditures") prior to receiving reimbursement for such Expenditures from the proceeds of tax-exempt bonds or taxable debt, or both;

THEREFORE, BE IT RESOLVED, by the Board of Supervisors of the County as follows:

1. The County intends to utilize the proceeds of tax-exempt bonds or notes (the “Bonds”) or to incur other debt to pay Purchase costs in an amount not currently expected to exceed \$219,863.

2. The County intends that the proceeds of the Bonds be used to pay or reimburse the County for the payment of Expenditures made after the date of this Resolution or made within 60 days prior to the date of this Resolution or Expenditures which are incurred for certain preliminary costs such as architectural, engineering, surveying, soil testing, bond issuance expenses and the like. The County reasonably expects on the date hereof that it will pay or reimburse the Expenditures with the proceeds of the Bonds or other debt.

3. Each Expenditure will be, unless otherwise approved by bond counsel, either (a) of a type properly chargeable to a capital account under general federal income tax principles (determined in each case as of the date of the Expenditure), (b) a cost of issuance with respect to the Bonds, or (c) a nonrecurring item that is not customarily payable from current revenues.

4. The County intends to make a reimbursement allocation, which is a written allocation by the County that evidences the County’s use of proceeds of the Bonds to reimburse an Expenditure, no later than 18 months after the later of the date on which the Expenditure is paid or the Purchase is placed in service or abandoned, but in no event more than three years after the date on which the Expenditure is paid. The County recognizes that exceptions are available for certain “preliminary expenditures,” costs of issuance, and certain de minimis amounts.

5. The Board intends that the adoption of this Resolution confirms the “official intent” of the County within the meaning of Treasury Regulations Section 1.150-2 promulgated under the Internal Revenue Code of 1986, as amended.

6. The County Administrator and other officers of the County are hereby authorized and directed to take such actions, in consultation with the County’s counsel, as may be necessary or desirable to implement the planning and structuring of the Bonds, including but not limited to negotiations with lenders or investment bankers for the Bonds, the selection of bond counsel to supervise the issuance of such Bonds and the engagement of such other professionals as may be necessary or desirable to assist the County in this process, but such officers shall not obligate the County on such Bonds without further approval by the Board.

7. This Resolution shall take effect immediately upon its passage.

On roll call the vote was:

In favor: (5) Brown, Waymack, Webb, Carmichael, Hunter

Opposed: (0)

Absent: (0)

**A-7. Discussion of Fund Balance.** Mr. Webb requested that this item be added to the agenda. He stated that he is of the opinion that the previous Board made a commitment and he believes they should follow through with raising the percentage of the Fund Balance back to 15% since it was lowered to 12.5%. He wanted to give the two new Board members a chance to weigh in on this matter. Mr. Brown stated that he likes where they are at the moment, however he is not opposed to bringing it back for discussion on a later date. Mr. Hunter stated that he thought it would be a good discussion item in a budget work session. Mrs. Waymack stated that she does not understand why it was reduced in the beginning. She also stated that it would be most appropriate to discuss it in a budget work session. The Board agreed by consensus.

**ADJOURNMENT.** Mr. Hunter moved, seconded by Mr. Brown, that the meeting adjourn. Roll was called on the motion.

On roll call the vote was:

In favor: (5) Webb, Waymack, Brown, Hunter, Carmichael

Opposed: (0)

Absent: (0)

The meeting adjourned at 9:07 p.m.

[Draft Minutes prepared February 6, 2018, for consideration on February 13, 2018; adopted by unanimous vote.]

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Alan R. Carmichael  
Chairman, Board of Supervisors

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Percy C. Ashcraft  
County Administrator