

**VIRGINIA:**

At a recessed meeting of the Washington County Board of Supervisors held Wednesday, September 7, 2005, at 7:00 p.m., at the County Administration Building in Abingdon, Virginia the following were present:

**PRESENT:**

John B. Roberts, Sr. Chairman  
Phillip B. McCall, Vice Chairman  
Bobby D. Ingle  
Dulcie M. Mumpower  
Odell Owens  
Anthony S. Rector  
Kenneth O. Reynolds

Mark K. Reeter, County Administrator  
Lucy E. Phillips, County Attorney  
Naoma A. Mullins, Recording Clerk

**ABSENT:**

Mark W. Seamon, Accounting Manager

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**1. Call to Order**

The meeting was called to order by Mr. John Roberts, Chairman of the Board, who welcomed everyone in attendance.

**2. Invocation and Pledge of Allegiance**

Supervisor Dulcie Mumpower gave the Invocation and led the Pledge of Allegiance.

**3. Approval of Agenda**

*On motion of Mr. Rector, second by Mr. Owens, it was resolved to approve the agenda as presented.*

*The vote on this motion was as follows: (7-0)*

*Mr. Ingle                    Aye*  
*Mr. McCall                Aye*  
*Mrs. Mumpower          Aye*  
*Mr. Owens                Aye*  
*Mr. Rector                Aye*  
*Mr. Reynolds            Aye*

*Mr. Roberts*                      *Aye*

**4.        Opening Remarks and Purpose of Recessed Meeting**

County Administrator Mark Reeter addressed the Board stating the purpose of the recessed meeting. Mr. Reeter explained that Board members have heard concerns from property owners regarding the new subdivision ordinance language that deals with family divisions/subdivisions. He stated that County Planner Wally Horton would present the Board with possible options in amending the County Subdivision Ordinance.

Mr. Reeter introduced John Bolling and Rachel Brown with the Virginia Department of Transportation who were in attendance.

**5.        Review of County Subdivision Ordinance's Provisions Regarding Family Divisions and Family Subdivisions**

County Planner Wally Horton provided the Board with an overview of work that had been completed during the last 18 months on the new County Subdivision Ordinance. Mr. Horton explained that one of the primary issues to address in the new Subdivision Ordinance was that of streets (including substandard roads, and issues with gated subdivisions). He stated there had been much discussion devoted to what to do with the many miles of substandard roads already in existence in Washington County. Mentioning that, during the meetings of the Joint Land Use Steering Committee, there was much discussion devoted to street issues related to family provisions. It was generally agreed that lots created for family will not stay in the family and that not every lot will be able to be divided or subdivided. The Steering Committee discussed the accelerated growth of the County and felt that long range planning was essential if the County was to be ready for future growth.

Mr. Horton explained that during the process of creating the new Subdivision Ordinance, the County learned that the Virginia Department of Transportation (VDOT) was reviewing subdivision ordinances of all localities across the state to determine if those localities were eligible for Rural Additions funding. Mr. Horton explained that the Board discussed this issue at previous Board meetings and directed that the new County Subdivision Ordinance comply with VDOT requirements for Rural Additions.

Mr. Horton reviewed with the Board a plat that was brought to the County for a family subdivision of three lots. Under the new County Subdivision Ordinance, the plat could not be approved because the right-of-way for the road accessing this property was only 17' in width. The new County Subdivision Ordinance states that all streets that access new family subdivisions that are otherwise landlocked must have an existing right-of-way of 20' in width or be able to add a new family withheld street off of an existing right of way of twenty (20) feet or greater. Also, under the new ordinance the property owner would not be allowed to enlarge the existing right-of-way because of the understanding that it would be in violation with the VDOT Rural Additions funding.

At this time a question and answer period ensued.

## 6. Board Discussion and Action

The Board devoted considerable discussion to the County Subdivision Ordinance's provisions regarding family divisions and family subdivisions.

Responding to an inquiry from the Board, Mr. John Bolling with VDOT, explained that a family division of property has no affect on the County's Rural Addition authority because they enjoy special consideration under the Code of Virginia and are not considered to be a normal subdivision. Mr. Bolling further explained that if the lots in a family division are sold outside the family then they lose their family division status. All plats recorded for family divisions must include a disclaimer. He stated that the Code of Virginia Section 15.2-2244 states that right-of-ways for family subdivisions must be between 10 and 20 feet in width. VDOT considers any right-of-way platted to a width greater than 20 feet to be a normal subdivision street.

Further discussions ensued among the Board.

Responding to some inquiries, Mr. Horton explained that the 20' right-of-way language set forth in the new County Subdivision Ordinance concerning family divisions/subdivisions was established to provide for two-way traffic.

County Administrator Mark Reeter addressed the Board explaining that 20' of right-of-way is a minimum width to provide safe conditions for two cars to pass. Mr. Reeter stated that the primary focus in establishing the 20' right-of-way requirement was to avoid conditions where it would be unsafe for two cars to pass one another. Mr. Reeter further stated that 18' of right-of-way is the minimum standard that VDOT allows for public streets.

At this time, discussions ensued among the Board concerning the guidelines for Rural Addition funds.

Mr. Bolling distributed to the Board VDOT guidelines concerning family subdivisions, normal subdivisions, existing rights-of-ways, and rural additions funding.

Further discussions ensued among the Board.

County Attorney Lucy Phillips addressed the Board. Ms. Phillips provided a recap of the discussions concerning family divisions/subdivisions and requested that the Board provide staff with direction as to how they would like the County Subdivision Ordinance amended.

Mr. Horton proposed the following options for amending the County Subdivision Ordinance:

- a. Accept the work and compromise agreed upon by the Land Use Steering Committee over 18 months ago.
- b. Amend the ordinance to allow for right-of-ways to be widened (currently the ordinance requires that they had to be widened before 7/1/05) to meet the twenty (20) foot width requirements for vehicular access easements.
- c. Amend to allow for a Family Division, Family Subdivision, and/or a Family Withheld Street to access off of an existing right-of-way of ten (10) or greater in width.
  - i. Already ten (10) feet or greater as of 7/1/05.
  - ii. Specified and recorded with a Deed Book and Page.

- d. Amend to allow for a Family Division, Family Subdivision, and/or a Family Withheld Street to access off of a right-of-way of ten feet (10') or greater in width.
  - i. If the right-of-way is less than ten (10) feet, the additional right-of-way can be acquired.
  - ii. Specified and recorded with a Deed Book and Page.

The Board discussed the options presented by Mr. Horton. Most Board members felt that the Subdivision Ordinance should be amended to comply with the State Code set for right-of-way widths for the existing access roads for family divisions/subdivisions.

The Board took the following action:

***On motion of Mr. Owens, second by Mrs. Mumpower, it was resolved to amend the County Subdivision Ordinance as follows:***

***Allow for a Family Division, Family Subdivision, and/or a Family Withheld Street to access off of a right-of-way of ten feet (10') or greater in width.***

- i. If the right-of-way is less than ten (10) feet, the additional right-of-way can be acquired.***
- ii. Specified and recorded with a Deed Book and Page.***

***It was further resolved to direct staff to provide the Board with a draft of the amendment to the Subdivision Ordinance prior to it going before the Washington County Planning Commission.***

***The vote on this motion was as follows: (4-3)***

<b><i>Mr. Ingle</i></b>	<b><i>Nay</i></b>
<b><i>Mr. McCall</i></b>	<b><i>Nay</i></b>
<b><i>Mrs. Mumpower</i></b>	<b><i>Aye</i></b>
<b><i>Mr. Owens</i></b>	<b><i>Aye</i></b>
<b><i>Mr. Rector</i></b>	<b><i>Aye</i></b>
<b><i>Mr. Reynolds</i></b>	<b><i>Aye</i></b>
<b><i>Mr. Roberts</i></b>	<b><i>Nay</i></b>

**7. Adjourn**

***On motion of Mr. Rector, second by Mr. Owens, it was resolved to adjourn the meeting.***

***The vote on this motion was as follows: (7-0)***

<b><i>Mr. Ingle</i></b>	<b><i>Aye</i></b>
<b><i>Mr. McCall</i></b>	<b><i>Aye</i></b>
<b><i>Mrs. Mumpower</i></b>	<b><i>Aye</i></b>
<b><i>Mr. Owens</i></b>	<b><i>Aye</i></b>
<b><i>Mr. Rector</i></b>	<b><i>Aye</i></b>
<b><i>Mr. Reynolds</i></b>	<b><i>Aye</i></b>
<b><i>Mr. Roberts</i></b>	<b><i>Aye</i></b>

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**Prepared by:**

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Naoma A. Mullins, Recording Clerk

**Approved by the Washington County Board of Supervisors:**

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John B. Roberts, Sr., Chairman