

VIRGINIA:

At a recessed meeting of the Washington County Board of Supervisors held Wednesday, February 20, 2002, at 7:30 p.m., at the County Administration Building in Abingdon, Virginia, the following were present:

PRESENT:**Board of Supervisors:**

Joe W. Derting, Chairman
 John B. Roberts, Sr., Vice Chairman
 Jack H. Barker
 Bobby D. Ingle
 Phillip B. McCall
 Anthony S. Rector
 Dulcie M. Mumpower

Mark K. Reeter, County Administrator
 Lucy E. Phillips Bright, County Attorney
 Naoma A. Cook, Administrative Supervisor

Planning Commission:

Mickey E. Tyler, Chairman
 Walter F. Doss, Vice Chairman
 Bill S. Canter, Jr.
 J. Ruddy Duty
 Dr. Stephen L. Fisher
 Joe Hutton
 W. D. Young, Jr.

Cathie E. Freeman, County Zoning and Subdivision Official

1 Call to Order

Chairman Derting called the Board of Supervisors to order.

Chairman Tyler called the Planning Commission to order

2 Approval of Agenda

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

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

Mr. Derting Aye
Mr. Barker Aye

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

On motion of Mr. Hutton, second by Mr. Canter, it was resolved to approve the agenda as presented.

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

<i>Mickey E. Tyler</i>	<i>Aye</i>
<i>Walter F. Doss</i>	<i>Aye</i>
<i>Bill S. Canter, Jr.</i>	<i>Aye</i>
<i>J. Ruddy Duty</i>	<i>Aye</i>
<i>Dr. Stephen L. Fisher</i>	<i>Aye</i>
<i>Joe Hutton</i>	<i>Aye</i>
<i>W. D. Young, Jr.</i>	<i>Aye</i>

3 Purpose of Joint Meeting and Introduction of Meeting Invitees

Mr. Mark Reeter, County Administrator, addressed the Board and the Planning Commission explaining that the purpose of the meeting was to conduct an informative work session on the issue of private streets in Washington County and how they are regulated, and to discuss the short and long-term affects of such streets on County residents.

Mr. Reeter further explained that roundtable discussion would occur between the Board of Supervisors and the Planning Commission on the issue of possibly amending the language in the County Subdivision Ordinance that deals with private streets.

Mr. Reeter stated that he had invited representatives from the County's "development community", persons who have been involved regularly with the issue of private streets, to share their perspectives. He introduced the invitees and they were as follows:

Ken Johnson
Meade Realty

Mr. Jimmy Stewart
Clifton-Stewart Developers, Inc.

Shelly Griffith, Postmaster
Town of Abingdon

Bob Taylor, Engineer
R & D Designs

Ken Addison
Addison Surveyors

Steve Buston, Resident Engineer
Virginia Department of Transportation

John Bowling
Virginia Department of Transportation

Tony Holbrook
Holbrook Surveyors

Ronnie Walls, Director of Administration
Washington County School Board

Tom Williams
Washington County School Board

Fred Rowlett, Attorney at Law
Penn Stuart

Fred Newman
Sheriff

Danny Reynolds
Washington County Service Authority

Mary Fraysier
Washington County Emergency Services
Coordinator

Fred Crowell
Washington County Planning Director

4 Review of Current County Code Provisions Governing Private Streets

Ms. Lucy Bright, County Attorney, addressed the Board of Supervisors and Planning Commission explaining the reasons that Washington County gets involved with private streets.

Ms. Bright stated that County's current Subdivision Ordinance requirements regulating private streets are consistent with the Code of Virginia.

The County Subdivision Ordinance includes the provision for roads to be withheld from public dedication. She further commented that the Subdivision Ordinance requires that these roads have road frontage and each zoning district has different requirements for the size of the road frontage. Ms. Bright further explained that the Code of Virginia and County Subdivision Ordinance requires the owner of the approved road to make certain notations to the plat and the deed.

Responding to a question, Ms. Bright stated that if the owner of the approved road sales or transfer the property, the notations stay with the plat and deed for the new owner.

Mr. Mark Reeter, County Administrator, commented that the body of law is not extensive. He stated that an excerpt from the Code of Virginia, which was provided to the Board and Planning Commission, is all the law that addresses private or withheld streets. Mr. Reeter further stated that if an individual is building a private road it is assumed they are varying from state standards. The individual must prove to the Planning Commission that it is not possible to build the road to state standards. Mr. Reeter stated that economic conditions should not be considered.

Dr. Stephen Fisher addressed the Board of Supervisors and Planning Commission explaining that it had been his understanding that once the Planning Commission approves or denies an application for a private street to be withheld that the issue was final. He further explained that upon reading the excerpts provided from the Code of Virginia, that a landowner or their agent, whose application has been denied by the Planning Commission, could appeal this decision to the Board of Supervisors. Responding to Dr. Fisher's comments, Mr. Reeter stated that his understanding of the Code of Virginia is correct. Mr. Reeter further stated that there have been no appeals to the Board of Supervisors.

5 Presentation of Current Data Concerning Private Streets

Mr. Brandon Moore, Geographic Information Systems Manager, made a presentation on the status of streets and roads in Washington County. Mr. Moore distributed copies of his presentation to the Board of Supervisors and Planning Commission. He reviewed the report explaining that from 1995-2002 a total of 88 streets had been withheld from public dedication. Mr. Moore stated that from 1999 to present there has been a significant increase in private streets being withheld from public dedication.

Mr. Moore further explained the various road types as classified for tracking purposes within the County Geographic Information System database: public, private-unknown status, private-required, private-withheld, Virginia Department of Transportation-pending and town roads. The total number

of these roads is 1807 with the total number of mileage being 1292.9. In finalizing his report, Mr. Moore stated that a total of 89 right-of ways had been withheld which covered 20.7 miles.

Mr. Moore concluded his presentation by presenting a map that showed each of the streets and roads explained in his report.

Cathie Freeman, County Zoning and Subdivision Official stated that the Geographic Information System has greatly assisted her department in identifying problems with roads and divisions of parcels prior to issuing a building permit.

At this point, Mr. Derting deferred to Item 7 on the Agenda.

7 Comments from Meeting Invitees

Mr. Derting expressed his appreciation to those invitees that were in attendance and invited comments.

Mr. Bob Taylor with R & D Designs addressed the Board explaining that he would like to share his time with Ken Addison of Addison Surveyors. Mr. Addison recently assisted Russell County with developing a subdivision ordinance that addresses the problems that Washington County is now facing.

Mr. Ken Addison addressed the Board and Planning Commission explaining that Russell County had revised their subdivision ordinance to include the three types of private roads/streets approved by the Virginia Department of Transportation. He further explained that these roads are 1. Public maintained streets 2. Public dedicated but privately maintained streets 3. A true private street. Mr. Addison stated that Washington County does not currently have provisions for lots that do not touch a road or private driveway. He further stated this is why there are so many requests for withholdings of streets from public dedication.

Mr. Danny Reynolds of the Washington County Service Authority Board of Commissioners addressed the Board and Planning Commission explaining that the Service Authority is against all private roads. He further explained their reasons were because the Service Authority has trouble installing water lines along private roads due to the lack of right-of-way width and no provisions for utility easements within private street right-of-ways.

Ms. Shelly Griffith, Postmaster, U. S. Postal Service, addressed the Board and Planning Commission stating that the postal service has problems with private roads. She further stated that safety becomes an issue for the carriers if roads are not state maintained.

Ms. Griffith explained that carriers do not go down a private road which do not have three or more houses and the property owners must sign an agreement stating they will properly maintain the private road. She further explained that before the postal service will agree to serve private roads she or her supervisor must inspect for safety issues.

Responding to a question, Ms. Griffith stated that the postal services definition of properly maintaining a private road and/or street would be for example, during the winter to clear snow and ice from the road.

Mr. Ronnie Walls with Washington County Schools addressed the Board and Planning Commission explaining that the School Board policy does not allow school buses to run on private streets due to the issue of liability. Mr. Walls further explained that liability could be damage to the private road caused by the school bus, general maintenance of road and policies involving the investigation of

accidents on private roads. Over the last ten years, only three accidents on private roads have been identified as ones that would be investigated.

Mr. Walls stated that the only time a school bus travels on a private road is to pick up a handicapped child as may be required by state regulation and that these cases are carefully evaluated.

Mr. Fred Newman, Sheriff, addressed the Board and Planning Commission explaining that calls are answered from citizens that live on private roads. He further explained that his department gets requests to patrol private roads, but these requests are denied. Sheriff Newman also stated that speed enforcement is not possible on private roads.

Sheriff Newman commented that there are three types of accidents that can be investigated on private roads, they are driving under the influence, reckless driving and hit-and-run.

Mary Fraysier, Washington County Emergency Services Coordinator addressed the Board and Planning Commission regarding the issue of E-911 addressing. She stated on roads with three or more homes the residents are allowed to designate the E-911 address as long as it is not a duplicate. Her concerns are with naming of private driveways and the confusion created when a private street is created by the withholding action of the Planning Commission but where the street does not qualify to be given an E-911 name and street sign erected. She requested guidance on properly handling this issue.

Mr. Tony Holbrook with Holbrook Surveyors addressed the Board and Planning Commission explaining that he has been involved with the development of many subdivisions throughout the area and also involved with the issue of withholding of private streets. He stated that provisions should be allowed for developments such as The Virginian subdivision.

Mr. Steve Buston, Resident Engineer with the Virginia Department of Transportation (VDOT) addressed the Board and Planning Commission regarding the issue of private roads. Mr. Buston explained that VDOT does not have an official position on private roads. He further explained that Washington County should consider that in adjoining counties coal severance tax assists with bringing roads up to state standards.

Responding to a request, Mr. Buston explained that VDOT encounters problems with gravel leading to paved roads. When it rains this washes the sediment into the gravel and causes problems with drainage.

Mr. Patrick Mannix addressed the Board and Planning Commission explaining that he has concerns with the subdividing of lots and issuance of building permits.

6 Roundtable Discussion by Board of Supervisors and Planning Commission

Mr. Derting left the Board table at 9:00 PM.

Mr. Ingle thanked the invitees for participating in the meeting. He stated that over the last several years' concerns have arisen regarding private roads. One example used by Mr. Ingle was Buckhaven Subdivision. The residents of this development have appeared before the Board of Supervisors and the Washington County School Board requesting school bus service.

Mr. Derting returned to the Board table at 9:05 PM.

Mr. Hutton asked for comments from County Planner Fred Crowell regarding the issue of roads during the Comprehensive Plan Community Meetings. Mr. Crowell stated that public roads and accessibility issues come up regularly at the community meetings.

Mr. Tyler stated that once the Comprehensive Plan is revised and established it may address the issues of private roads without making changes to the subdivision ordinance. Mr. Tyler further stated the process of reviewing the application for the withholding of private streets should be looked at for possible revisions.

Mrs. Mumpower commented that the Board and Planning Commission were meeting for a good purpose to look at revisions to the subdivision ordinance on the way the County governs private streets. She further stated that when an individual buys land they do not always consider future development.

Mr. Roberts commented that it has been his observation that there is a lot of turnover in property in Washington County. He raised a question regarding property owners associations and what laws govern them. Mr. Fred Rowlett with Penn Stuart stated that such associations govern essentially themselves.

Dr. Fisher questioned the increase in public withholdings from 1998-1999. Mr. Reeter addressed this issue explaining that several factors had caused the increase. Mr. Reeter further explained that the Virginia Department of Transportation changed (upgraded) its standards for the secondary road program during this time. Also, there was a significant increase in the costs associated with building roads. Mr. Reeter stated that administratively the County began policing developments more than in the past due to an increase in human and technical resources.

Mr. Reeter further stated single biggest reason for the increase was the development of interior lots that do not currently have road frontage.

8 Further Roundtable Discussion by Board of Supervisors and Planning Commission and Development of Consensus

Much discussion ensued regarding the issue of private roads and streets.

Mr. Ingle suggested that Mark Reeter, Lucy Bright and Cathie Freeman draft revisions to the subdivision ordinance and submit to the Planning Commission and Board of Supervisors for their consideration.

On motion of Mr. Ingle, second by Mrs. Mumpower, it was resolved to direct the County Administrator, County Attorney and the County Zoning and Subdivision Official to prepare a draft of revisions to the subdivision ordinance relative to the issue of private streets to be considered by the Board of Supervisors and Planning Commission.

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

<i>Mr. Derting</i>	<i>Aye</i>
<i>Mr. Barker</i>	<i>Aye</i>
<i>Mr. Ingle</i>	<i>Aye</i>
<i>Mr. McCall</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Rector</i>	<i>Aye</i>
<i>Mr. Roberts</i>	<i>Aye</i>

9 Adjourn

On motion of Mr. Rector, second by Mr. Barker, it was resolved to adjourn the meeting of the Board of Supervisors.

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

<i>Mr. Derting</i>	<i>Aye</i>
<i>Mr. Barker</i>	<i>Aye</i>
<i>Mr. Ingle</i>	<i>Aye</i>
<i>Mr. McCall</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Rector</i>	<i>Aye</i>
<i>Mr. Roberts</i>	<i>Aye</i>

On motion of Mr. Hutton, second by Mr. Canter, it was resolved to adjourn the meeting of the Washington County Planning Commission

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

<i>Mickey E. Tyler</i>	<i>Aye</i>
<i>Walter F. Doss</i>	<i>Aye</i>
<i>Bill S. Canter, Jr.</i>	<i>Aye</i>
<i>J. Ruddy Duty</i>	<i>Aye</i>
<i>Dr. Stephen L. Fisher</i>	<i>Aye</i>
<i>Joe Hutton</i>	<i>Aye</i>
<i>W. D. Young, Jr.</i>	<i>Aye</i>

Prepared by:

Naoma A. Cook, Recording Clerk

Approved by the Washington County Board of Supervisors:

Joe W. Derting, Chairman