

Agenda
Board of Supervisors
Isle of Wight County
November 18, 2021

1. Call to Order (5:00 P.M.)
2. Approval of Agenda
3. Closed Meeting
4. Reconvene Open Meeting at 6:00 P.M.
5. Invocation – Vice-Chairman Rosie
6. Citizens' Comments
7. Consent Agenda
 - A. Nike Park Road Extended
Resolution of Commitment to the Nike Park Road Extended Project
 - B. Budget Amendment – One-Time Hazard Pay Bonus for Sworn Sheriff's Deputies
Resolution to Amend the Budget and Appropriate Funding for a One-Time Hazard Pay Bonus for Sworn Sheriffs and Sheriffs' Deputies
 - C. Fund Balance Commitment
Resolution to Commit Fund Balance for Future Debt Service
 - D. Street Acceptance – Batiste Court
Request for the Virginia Department of Transportation to Accept Certain Streets of the Batiste Estates Subdivision into the Secondary System of State Highways
 - E. Minutes

- . September 16, 2021 Regular Meeting Minutes
- . September 21, 2021 Special Called Meeting Minutes

8. Regional and Inter-Governmental Reports

- A. Regional Reports

9. Appointments

- A. Appointments List

10. Special Presentations / Appearances

- A. Capital Project Financing Options

Discussion of Options for Financing Capital Projects

- B. COVID-19 Vaccine Update

Staff Update on COVID-19 Vaccine Rollout in Western Tidewater

- C. County Fair Update

Special Presentation - County Fair Committee Report on the 2021 County Fair

- D. Recruitment and Retention Update

Special Presentation Regarding Recruitment and Retention Challenges in Law Enforcement

11. County Attorney's Report

- A. By-Laws and Rules of Procedure

Review of Isle of Wight County Board of Supervisors' By-Laws and Rules of Procedure

12. Public Hearings

- A. Proposed Redistricting Map

Public Hearing on the Proposed Redistricting Map

- B. Budget Amendment - Hardy Elementary School

Resolution to Appropriate Additional Funding for the Hardy Elementary School Project

C. Accelerated Properties Conditional Zoning Amendment

Application of Accelerated Properties, LLC, Property Owner, for an Amendment to a Conditional Rezoning to Change the Permitted Uses to Allow a Laboratory on Property Zoned Conditional Limited Industrial (C-LI) Located at 1 Monette Parkway

D. Proposed Ordinance Revisions

Proposed Revisions to the Isle of Wight County Zoning, Subdivision, and Chesapeake Bay Preservation Area (CBPA) Ordinances

13. County Administrator's Report

A. Matters for the Board's Information

14. Unfinished / Old Business

A. COVID-19 Testing Policy

Update on the OSHA/VOSH COVID-19 Policy

15. New Business

A. Budget Amendment - Schools

Resolution to Amend the Budget and Appropriate Funding from the American Rescue Plan Act to the Isle of Wight County Schools (\$1,101,158)

16. Adjournment

ISSUE:

Resolution of Commitment to the Nike Park Road Extended Project

BACKGROUND:

Staff previously provided information regarding the challenges VDOT is having relative to the costs associated with construction of the Nike Park Extended Smart-Scale Project.

At its work session on November 4, 2021, the Board requested that staff prepare a resolution to commitment for the Nike Park Road extension project..

BUDGETARY IMPACT:

TBD

RECOMMENDATION:

Adopt a resolution of commitment to the Nike Park Road Extended Project.

ATTACHMENTS:

Description	Type	Upload Date
Resolution	Resolution	11/16/2021

RESOLUTION TO COST SHARE AND PARTICIPATE IN THE DESIGN AND CONSTRUCTION OF UPC 109314 NIKE PARK ROAD EXTENSION PROJECT

WHEREAS, the Virginia Department of Transportation (VDOT) and Isle of Wight County have received \$11.6 million in SMARTSCALE grant funding for design and construction of the Nike Park Road Extension project; and,

WHEREAS, said project is currently estimated to cost approximately \$17.1 million, and Isle of Wight County has been requested to participate in a cost sharing agreement to bring the project to fruition for the community; and,

WHEREAS, this project will provide crucial congestion mitigation for the regionally significant Route 17 corridor and the Isle of Wight community; and,

WHEREAS, this project will provide critical safety and efficiency improvements in the secondary transportation network for Isle of Wight citizens; and,

WHEREAS, this project is a key component in proactively accommodating managed growth in the County's Newport Development Service District as outlined by the County's Comprehensive Plan;

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED that the Board of Supervisors of the County of Isle of Wight, Virginia agrees to a 50% cost share with the Commonwealth Transportation Board (CTB) in the final shortfall amount, up to, but not to exceed, \$2.2 million.

BE IT FURTHER RESOLVED that the County Administrator of Isle of Wight County, Virginia is authorized to make the appropriate account adjustments in the budget, to execute all project documents and programmatic agreements, work orders, contracts, and other documents as necessary to give this resolution effect.

Adopted this 18th day of November 2021.

Richard L. Grice, Chairman

Carey Mills Storm, Clerk

Approved as to form:

Robert W. Jones, Jr., County Attorney

ISSUE:

Resolution to Amend the Budget and Appropriate Funding for a One-Time Hazard Pay Bonus for Sworn Sheriffs and Sheriffs' Deputies

BACKGROUND:

The budget adopted by the Virginia General Assembly included funding for the State Compensation Board to provide a one-time hazard pay bonus of \$3,000 for state-supported sworn officers of Sheriff's Departments and Regional Jails. The bonus payments are being provided in response to the impacts of the ongoing coronavirus pandemic on Sheriff's Offices throughout the Commonwealth.

At its regular meeting on October 21, 2021, the Board of Supervisors authorized a one-time hazard pay bonus for the Sheriff and sworn Sheriff's Deputies in the amount of \$3,000.

BUDGETARY IMPACT:

TBD

RECOMMENDATION:

Adopt a resolution to amend the budget and appropriate funding for a one-time hazard pay bonus for the Sheriff and sworn Sheriff's Deputies.

ATTACHMENTS:

Description	Type	Upload Date
Resolution	Resolution	11/15/2021

**RESOLUTION TO AMEND THE FY 2021-2022 OPERATING
BUDGET AND APPROPRIATE FUNDING FOR
SUPPLEMENTAL PAY FOR PUBLIC SAFETY PERSONNEL**

WHEREAS, the General Assembly has provided a one-time \$3,000 bonus payment for full-time Compensation Board funded sworn positions in sheriffs' offices and regional jails, including sheriffs, sheriffs' deputies, regional jail superintendents and corrections officers in regional jails; and,

WHEREAS, the Board of Supervisors intends to provide the one-time \$3,000 bonus payment for all full-time sworn positions in the Sheriffs' Office, and a \$1,500 bonus payment to the part-time sworn positions in the Sheriff's Office to ensure equitable application of the mandated bonus payment to the sworn positions in the Isle of Wight County Sheriff's Office; and,

WHEREAS, the Board of Supervisors desires to amend the FY 2021-2022 Budget in the amount of \$185,696 using \$87,000 from the Virginia Compensation Board and \$98,696 from other revenue for the one-time bonus payment for sworn positions in the Sheriff's Office; and,

WHEREAS, the Board of Supervisors needs to appropriate \$185,696 for the one-time bonus payment.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Isle of Wight County, Virginia, that the FY 2021-2022 budget is hereby amended and funds appropriated in the amount of \$185,696 for the one-time bonus payment to the sworn positions in the Sheriff's Office.

BE IT FURTHER RESOLVED that the County Administrator of Isle of Wight County, Virginia is authorized to make the appropriate accounting adjustments and to do all things necessary to give this resolution effect.

Adopted this 18th day of November, 2021.

Richard L. Grice, Chairman

Carey Mills Storm, Clerk

Approved as to Form:

Robert W. Jones Jr., County Attorney

ISSUE:

Resolution to Commit Fund Balance for Future Debt Service

BACKGROUND:

In an effort to mitigate a tax increase for debt service related to Hardy Elementary School replacement funding will be needed to pay for future debt service.

BUDGETARY IMPACT:

The Committed Fund Balance will increase by \$2,645,925.

RECOMMENDATION:

Adopt a resolution to commit funds for future debt service.

ATTACHMENTS:

Description	Type	Upload Date
Resolution	Resolution	11/17/2021

**RESOLUTION TO COMMIT FUND BALANCE
FOR FUTURE DEBT SERVICE**

WHEREAS, the Board of Supervisors desires to commit funds for future debt service; and,

WHEREAS, the Isle of Wight County Schools reverted \$2,645,925 to Isle of Wight County from the FY2020-2021 School Operating Budget appropriation.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Board of Supervisors of the County of Isle of Wight, Virginia that funds in the amount of \$2,645,925 be committed to the Debt Service Reserve Fund for future debt service payments.

BE IT FURTHER RESOLVED that the County Administrator of Isle of Wight County, Virginia is authorized to make the appropriate accounting adjustments and to do all things necessary to give this resolution effect.

Adopted this 18th day of November, 2021.

Richard L. Grice, Chairman

Carey Mills Storm, Clerk

Approved as to Form:

Robert W. Jones Jr., County Attorney

ISSUE:

Request for the Virginia Department of Transportation to Accept Certain Streets of the Batiste Estates Subdivision into the Secondary System of State Highways

BACKGROUND:

The following new streets have met the public service criteria of the Subdivision Street Requirements and are ready to be accepted into the Secondary System of Highway:

- **Batiste Court** (Route 1000) from cul-de-sac to Sugar Hill Road (Rt. 661), a distance of 0.1 miles.

BUDGETARY IMPACT:

None. Streets will be maintained by VDOT once accepted. VDOT's one year performance guarantee will be executed thru the County's one year warranty with the project contractor.

RECOMMENDATION:

Adopt a resolution to request the Virginia Department of Transportation to add and maintain the new segment(s) identified on the attached AM 4.3 Form as part of the Secondary System of State Highway.

ATTACHMENTS:

Description	Type	Upload Date
Street Acceptance- Batiste Court	Cover Memo	11/8/2021

ISSUE:

Request for the Virginia Department of Transportation to accept certain streets of the Batiste Estates Subdivision, into the Secondary System of State Highways.

BACKGROUND:

The following new streets have met the public service criteria of the Subdivision Street Requirements and are ready to be accepted into the Secondary System of State Highways:

- **Batiste Court** (Route 1000) from cul-de-sac to Sugar Hill Road (Rt. 661), a distance of 0.1 miles.

BUGETARY IMPACT:

None. Streets will be maintained by VDOT once accepted. VDOT's one year performance guarantee will be executed thru the County's one year warranty with the project contractor.

RECOMMENDATION:

Adopt the Resolution to request the Virginia Department of Transportation to add and maintain the new segment(s) identified on the attached AM 4.3 Form as part of the Secondary System of State Highway.

ATTACHMENTS:

- Resolution requesting acceptance into the State Secondary System of Highways
- VDOT Form AM-4.3 for execution
- Subdivision Development Sketch



SEGMENT	ROUTE	FROM	TO	LENGTH	ACTION
A-B	1000	Cul-de-sac	Route 661 (Sugar Hill Rd.)	0.10 miles	§33.2-705 – Addition

**RESOLUTION OF THE BOARD OF SUPERVISORS OF ISLE OF
WIGHT COUNTY VIRGINIA, REQUESTING THE VIRGINIA
DEPARTMENT OF TRANSPORTATION TO INCLUDE CERTAIN
STREETS IN THE SYSTEM OF STATE HIGHWAYS**

WHEREAS, street construction in the **Batiste Estates subdivision**, has been completed; and

WHEREAS, the streets of **Batiste Estates**, meet the public service criteria of the Subdivision Street Requirements; and

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

WHEREAS, certain segments identified on the incorporated Form AM 4.3 are ready to be accepted into the Secondary System of State Highways.

NOW THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Isle of Wight County requests the Virginia Department of Transportation to add the segments identified on the incorporated Form AM 4.3 to the Secondary System of State Highways, pursuant to 33.2-705 of the *Code of Virginia*, for which segments the Board hereby guarantees the right of way to be clear and unrestricted, including any necessary easements for cuts, fills, and drainage, and

BE IT FURTHER RESOLVED this Board guarantees the performance of the street(s) requested herein to become part of the Secondary System of State Highways for a period of one year from the date of the acceptance of the referenced street(s) by VDOT and the Secondary System of State Highways. This Board will completely reimburse all costs incurred by VDOT, up to \$4,000.00, to repair any faults in the workmanship or materials of the referenced street(s) and related drainage facilities as determined exclusively by VDOT.

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

Adopted this 18th day of November 2021.

Richard L. Grice, Chairman

Carey Mills Storm, Clerk

Approved as to Form:

Robert W. Jones, Jr., County Attorney

In Isle of Wight County

37914367

by Resolution of the governing body adopted November 18, 2021

The following VDOT Form AM-4.3 is hereby attached and incorporated as part of the governing body's resolution for changes to the secondary system of state highways.

A Copy Testee Signed (County Official): _____

Report of Changes in the Secondary System of State Highways

Project/Subdivision: 046 Batiste Estates

Addition - New subdivision street §33.2-705

Rte Numb er	Street Name	From Termini	To Termini	Length	Num ber Of Lan es	Recordation Reference	Row Widt h
1000	Batiste Court	cul-de-sac	Sugar Hill Rd. (Rt. 661)	0.1	2	2-128-2	50

ISSUE:

- . September 16, 2021 Regular Meeting Minutes
- . September 21, 2021 Special Called Meeting Minutes

BACKGROUND:

The above-noted minutes are offered for review and adoption by the Board.

BUDGETARY IMPACT:

None

RECOMMENDATION:

Adopt the following sets of minutes:

- September 16, 2021 Regular Meeting Minutes
- September 21, 2021 Special Called Meeting Minutes

ATTACHMENTS:

Description	Type	Upload Date
September 16, 2021 Regular Meeting Minutes	Cover Memo	11/1/2021
September 21, 2021 Special Called Meeting Minutes	Cover Memo	11/12/2021

REGULAR MEETING OF THE ISLE OF WIGHT COUNTY BOARD OF SUPERVISORS HELD IN THE ROBERT C. CLAUD, SR. BOARD ROOM OF THE ISLE OF WIGHT COUNTY COURTHOUSE LOCATED AT 17090 MONUMENT CIRCLE, ISLE OF WIGHT, VIRGINIA ON THURSDAY, THE SIXTEENTH DAY OF SEPTEMBER IN THE YEAR TWO THOUSAND AND TWENTY-ONE

PRESENT:

Richard L. Grice, Smithfield District, Chairman
Don G. Rosie, II, Carrsville District, Vice-Chairman
Rudolph Jefferson, Hardy District
William M. McCarty, Newport District
Joel C. Acree, Windsor District

ALSO IN ATTENDANCE:

Robert W. Jones, Jr., County Attorney
Randy R. Keaton, County Administrator
Donald T. Robertson, Assistant County Administrator
Carey Mills Storm, Clerk

CALL TO ORDER

Chairman Grice called the regular meeting to order at 5:00 p.m.

APPROVAL OF AGENDA

Supervisor Rosie moved that the agenda be adopted with the removal of the item entitled "Nike Park Road Extended" under (11) Unfinished/Old Business. The motion was adopted unanimously (5-0) with Supervisors Grice, Rosie, Acree, McCarty and Jefferson voting in favor and no Supervisors voting against the motion.

CLOSED MEETING

The following matters were identified for discussion in closed meeting by County Attorney Jones: A discussion regarding the sale or leasing of publicly held property, namely, tax map parcel or portion of tax map parcel 21A-01-184, where discussion

in an open meeting would adversely affect the bargaining position or negotiating strategy of the Board, pursuant to subsection 3; a discussion regarding the appointment of specific appointees to County boards, committee or authorities pursuant to subsection 1, to include those listed in the agenda; and a discussion regarding the performance of specific County employees with regards to interactions between staff and citizens, pursuant to subsection 1.

Upon motion of Supervisor McCarty and all voting in favor (5-0), the Board entered the closed meeting for the reasons stated by County Attorney Jones.

Upon motion of Supervisor McCarty and all voting in favor (5-0), the Board reconvened into open meeting.

County Attorney Jones reminded the Board that in accordance with Section 2-10(G) of the Board's Rules & Procedure, all those who participated in the closed meeting are reminded that all matters discussed in closed meeting are to remain confidential, as provided under the Virginia Freedom of Information Act, and that such matters as were discussed in closed meeting should not be acted upon or discussed in public by any participant unless and until a public, formal action of the Board of Supervisors is taken on that particular subject matter.

Upon motion of Supervisor McCarty and all voting in favor (5-0), the following Resolution was adopted:

CERTIFICATION OF CLOSED MEETING

WHEREAS, the Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and,

WHEREAS, Section 2.2-3712(D) of the Code of Virginia requires a certification by this Board of Supervisors that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed

in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board of Supervisors.

VOTE

AYES: Acree, Grice, Jefferson, McCarty. Rosie

NAYS: 0

ABSENT DURING VOTE: 0

ABSENT DURING MEETING: 0

INVOCATION

Supervisor McCarty delivered the invocation and led the Pledge of Allegiance to the flag.

CITIZENS' COMMENTS

Herb DeGroft of Mill Swamp Road spoke on the violation of Isle of Wight County Schools' policies with respect to participation at School Board meetings by School Board Chairperson Carr during the August 12, 2021 Isle of Wight County School Board meeting and the negative effect on building public trust of officials.

CONSENT AGENDA

- A. Resolution to Amend the Budget and Appropriate Funding for the Virginia Tourism Corporation Drive 2.0 Grant (\$10,000)
- B. Resolution to Amend the Budget and Appropriate Carryover for Operating Project as of June 30, 2021 (Emergency Services Vehicle) (\$4,995)
- C. Resolution to Execute a Master Lease Purchase Agreement for the Purchase of New Vehicles (\$1,023,000)

- D. Recognize and Congratulate Mr. Wadger Williams, Sr. on the Occasion of His 99th Birthday
- E. Minutes of July 15, 2021 Work Session and July 15, 2021 Regular Meeting

Supervisor Acree moved that the Consent Agenda be adopted as presented. The motion was adopted unanimously (5-0) with Supervisors Grice, Rosie, Acree, McCarty and Jefferson voting in favor and no Supervisors voting

REGIONAL AND INTER-GOVERNMENTAL REPORTS

Supervisor Rosie reported the Hampton Roads Military Federal Facilities Alliance is working on a healthcare clinic with four other proposed clinics in the area that will administer to veterans. Approval has been received for a 196,000 square foot facility to be built off Battlefield Boulevard and another facility in the Suffolk area. Over 60,000 veterans have been served by the Alliance this year of which 25% were related to mental health.

Chairman Grice shared that Assistant County Administrator Robertson and himself visited with a regional senior group on transportation followed by a tour of a facility in the City of Franklin.

APPOINTMENTS

Supervisor McCarty asked that staff request the Virginia Alcohol Safety Action Program to update its records to reflect the current County Administrator.

SPECIAL PRESENTATIONS

Jim Henderson, Treasurer of the Isle of Wight Historical Society, reported on the following: Who/what is the Society; key activities; future archives; and the old Circuit Court Clerk's office. He recommended that the Historical Society be able to lease that building.

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Jeff Harris, Assistant Director of K-12, RRMM Architects, provided a recap of the

proposed current design plan of the new Hardy Elementary School.

Bill Cram, Executive Vice President, M. B. Kahn Construction Company, Inc. addressed the market volatility in respect to the proposed new Hardy Elementary School project. He stated his firm presented an estimate in April of 2021 of just over \$34,000,000, however, that price has increased due to an increase in steel in the amount of \$2.7 million. He addressed a Guaranteed Maximum Price and advised that any savings will be returned to the County.

Chairman Grice shared comments from Tom Duerig, a member of the Construction Manager At-Risk Selection Committee, regarding long term areas that will save money while producing good performance and contributions to the health and environment of the County's children and teachers. He stated the Board needs to act on the contract before the cost increases again.

Supervisor Jefferson asked if the Guaranteed Maximum Price would prevent any change orders. Mr. Cram responded that with the Guaranteed Maximum Price contract there is a contingency which should cover any change orders and there should be no change orders coming back to the Board.

Supervisor Jefferson inquired if the soil has been tested at the existing school facility. Mr. Cram replied a geotechnical investigation was conducted and that the engineers had recommended including allowances to run suitable soil tests. There is adequate cost in the estimate to cover those things.

Supervisor Jefferson asked Mr. Cram to comment on the electrical cost savings. Mr. Cram responded that the quality of the electrical systems had not been diminished. It was just looking at more efficient ways of doing things.

Supervisor Acree asked Mr. Cram to confirm that the Guaranteed Maximum Price is in place so that the County does not end up with litigation in the future. Mr. Cram confirmed that his firm would provide performance and payment bonds to protect the County.

Supervisor McCarty inquired if any efficiency studies have been conducted to determine what the new facility will save in energy costs over the first ten years of

its use. Mr. Cram replied no but offered to investigate what the operating costs are for the facility in Suffolk which is similar in design and mechanical systems.

Supervisor McCarty inquired if there is a possibility that the costs are so inflated because the County is a government agency. Mr. Cram replied no because his firm is seeing the same thing in both the private and public sector. He added that Covid-19 drove the shutdown of the supply side while the demand side remained strong.

Supervisor McCarty inquired how much was in the contingency fund. Mr. Cram replied 2.5%.

Supervisor Rosie inquired if solar energy had been taken into consideration. Mr. Cram advised that there is no solar included in the project at this time, but that it could be considered.

Dr. James Thornton, School Superintendent, advised that the schools currently have an agreement with a solar panel company for the majority of County schools. Hardy Elementary and Westside Elementary schools were purposely left out because of them being potentially new projects. Solar can be added on to the Hardy Elementary School. Supervisor Rosie remarked that he would like to see the solar agreement.

Because of rising steel prices, Chairman Grice recommended that the Board conduct a special meeting and not wait for its October 7, 2021 meeting to lock in a maximum guaranteed price. He asked Mr. Cram to contact County Administrator Keaton and Dr. Thornton should the price of steel be reduced prior to him returning to the Board on October 7th so that a special meeting can be called.

Responsive to Supervisor McCarty, Mr. Cram expressed his opinion that the market is not going to moderate for at least the next year.

Chairman Grice noted that at one time, the County was considering building a new Hardy Elementary School and a Westside Elementary School. He asked what part of the plan can be deferred in light of the economy.

Superintendent Thornton remarked that when the prices started to escalate, he contacted Mr. Cram with the request that a study be conducted on what the

increased costs are going to be for Hardy Elementary School and Westside Elementary School. He advised that should Westside Elementary School not be built right away, there will still be more capacity at the elementary level by building Hardy Elementary School.

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The Board took a break and returned to open session.

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County Administrator Keaton provided an update relative to the remaining CARES Act funds and deadlines for the American Rescue Plan Act funding.

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COUNTY ATTORNEY'S REPORT

County Attorney Jones advised that the County has received an offer to purchase approximately two acres of land situated between Cary Street and James Street in Smithfield.

Supervisor McCarty moved to authorize County Administrator Keaton to execute the finalized contract and any other documents necessary to move this transaction to a point where a public hearing can be held on the matter. The motion was adopted unanimously (5-0) with Supervisors Grice, Rosie, Acree, McCarty and Jefferson voting in favor and no Supervisors voting against the motion

County Attorney Jones advised that it is unlawful in the County to use a rifle to hunt bear and deer and that he will continue to research this matter for discussion at a future work session.

PUBLIC HEARINGS

- A. Application of Cobb Land Limited Partnership, Alpha M. Cobb, Steven F. Cobb and Timothy I. Cobb, Property Owners, for a Change in Zoning Classification

from Rural Agricultural Conservation (RAC) to Rural Residential (RR) to Create Three Single Family Residential Lots.

Sandy Robinson, Planning & Zoning, briefed the Board on the Tax Map ID #, the location, its current zoning, its proposed zoning, the election district and the purpose of the application.

Chairman Grice opened the public hearing and called for persons to speak in favor of or in opposition to the proposed application.

Brian Cobb, representing the applicants, offered to answer any questions the Board might have in regard to the proposed application.

Chairman Grice closed the public hearing and called for comments by the Board.

Supervisor Rosie moved to approve the rezoning request. The motion was adopted unanimously (5-0) with Supervisors Grice, Rosie, Acree, McCarty and Jefferson voting in favor and no Supervisors voting against the motion

B. Ordinance to Amend and Reenact the Isle of Wight County Code by Amending and Reenacting Appendix D, Agricultural Districts, Section D1, District Establishment

County Attorney Jones provided an outline of the Ordinance amendments.

Chairman Grice opened the public hearing and called for persons to speak in favor of or in opposition to the proposed ordinance amendment.

Chairman Grice closed the public hearing and called for comments by the Board.

Supervisor Rosie moved to adopt the following Ordinance:

AN ORDINANCE TO AMEND AND REENACT
THE ISLE OF WIGHT COUNTY CODE
BY AMENDING AND REENACTING
APPENDIX D. AGRICULTURAL DISTRICTS.
SECTION D-1. DISTRICT ESTABLISHMENT.

WHEREAS, the Board of Supervisors of Isle of Wight County, Virginia, has deemed it to be in the best interest of Isle of Wight County to continue its support for the conservation and protection of its agricultural and forestal lands; and

WHEREAS Section 15.2-4300 *et seq.* of the Code of Virginia (1950, as amended) provides localities with the legal authority to establish and maintain agricultural and forestal districts under which Isle of Wight County has enacted Appendix D of the Isle of Wight County Code; and

WHEREAS Section 15.2-4311 of the Code of Virginia (1950, as amended) requires that a review of said district(s) be made every four to ten years; and

WHEREAS, a review of the Knoxville agricultural district has determined that the owners of four (4) parcels, namely: Tax Map Parcel 52-01-028, 52-01-039A, 53-01-073 and 53-01-074 have asked to be removed from the district and no other changes need to be made to said district at this time;

NOW, THEREFORE, BE IT ORDAINED by the Isle of Wight County Board of Supervisors that Appendix D, Agricultural Districts, Section D-1 of the Isle of Wight County Code be amended and reenacted as follows:

APPENDIX D.

AGRICULTURAL DISTRICTS.

Sec. D-1. District establishment.

The County of Isle of Wight, Virginia, finds that the conservation and protection of
Its agricultural and forestal lands for the production of food and agricultural
and
forestal products is vital to the public interest and upon the advice of the
agricultural and forestal districts advisory committee and the planning
commission,
and after the conduct of a public hearing, and with the concurrence of the
landowners, the board of supervisors of Isle of Wight County does hereby
promulgate the existence of the Longview agricultural district, the Knoxville

agricultural district and the Courthouse agricultural district initially created and established by separate ordinances in accordance with the provisions of the Code of Virginia (1950, as amended), as follows:

- A. Longview agricultural district established on June 21, 1979 for a period of eight (8) years, and subsequently renewed, effective June 21, 1987 for a period of eight (8) years, renewed effective June 21, 1995 for a period of ten (10) years, renewed effective June 21, 2005 for a period of ten (10) years, and renewed June 21, 2015 for a ten (10) year period to expire on June 21, 2025; and
- B. Knoxville agricultural district established on April 21, 1983 for a period of eight (8) years, and subsequently renewed, effective April 21, 1991 for a period of ten (10) years, renewed effective April 21, 2001 for a period of ten (10) years, and renewed effective April 21, 2011 for a period of ten (10) years, and renewed September 16, 2021 (effective April 21, 2021) to expire on April 21, 2031; and
- C. Courthouse agricultural district established on September 15, 1988 for a period of eight (8) years, and subsequently renewed, effective October 17, 1996 for a period of ten (10) years, renewed effective October 17, 2006 for a period of ten (10) years, and renewed September 15, 2016 for a period of ten (10) years to expire on September 15, 2026.
- D. Moonlight agricultural/forestal district established on September 20, 2012 for a period of ten (10) years to expire on September 20, 2022. (Ord. No. 2011-17-C, 9-1-11; Ord. No. 2012-9-C, 9-20-12; 6-18-15; 9-15-16.)

IT IS FURTHER ORDAINED that the Official Agricultural and Forestal District Map of Isle of Wight County and more specifically the boundaries of the Knoxville agricultural district be amended to reflect the removal of the above referenced parcels.

The motion was adopted unanimously (5-0) with Supervisors Grice, Rosie, Acree, McCarty and Jefferson voting in favor and no Supervisors voting against the motion.

C. Proposed Revisions to the Tax on Consumers of Utility Services and Transient Occupancy Tax

County Attorney Jones advised that the County Attorney's office has conducted a review of the County's taxation ordinance and proposed a comprehensive amendment to bring the then existing Ordinance into compliance with the law which was adopted on May 17, 2018. Prior to the amendments, the Electric Utility Consumer Tax and the local Natural Gas Utility Consumer Tax provided for a maximum tax of \$200 per month on non-residential customers. Following the amendments, the caps on non-residential users were deleted. During the discussion of the amendments, it was stated that none of the amendments would result in an increase in taxes. No action was taken on the amendments to the Utility Consumer Tax until June 2021 when the Commissioner of the Revenue was conducting a review of current tax rates and notified the appropriate utility providers of the amendment. In August, a commercial manufacturer located in the County provided notification that they had received an exponentially large, near catastrophic, local utility tax increase as a result of the implementation of the Ordinance amendment. He stated if the deletion of the maximum tax levy was the result of a scrivener's error during the drafting process and not the Board's intention, the Board could conduct a public hearing to amend the Ordinance and correct the error. Further, if the amendment was in error, the Board could authorize a refund to the taxpayer which has paid a tax in excess of the intended maximum amount of \$200, subject to verification by the Commissioner of the Revenue and himself.

Chairman Grice opened the public hearing and called for persons to speak in favor of or in opposition to the proposed revisions.

No one appeared and spoke.

Chairman Grice closed the public hearing and called for comments by the Board.

Supervisor McCarty moved to adopt the following Ordinance to amend the County's current Ordinance:

AN ORDINANCE TO AMEND AND REENACT
THE ISLE OF WIGHT COUNTY CODE
BY AMENDING AND REENACTING

WHEREAS, the Board of Supervisors of Isle of Wight County, Virginia, has deemed it necessary and appropriate to update its current ordinances in order to more clearly set forth local ordinances for the benefit of the public, in order to accurately reflect current practices, to correct inaccuracies, and to conform to those provisions set forth in the Code of Virginia (1950, as amended).

NOW, THEREFORE, BE IT ORDAINED by the Isle of Wight County Board of Supervisors that Chapter 15.-Taxation of the Isle of Wight County Code be amended and reenacted as follows:

Sec. 15-15. Duty of treasurer.

The treasurer shall have the power and the duty of collecting the taxes imposed and levied hereunder and shall cause the same to be paid into the general treasury for the county. (9-16-21.)

Secs. 15-16—15-19. Reserved.

Sec. 15-61. Electric utility consumer tax.

(a) In accordance with Virginia Code section 58.1-3814 it is hereby imposed and levied a monthly tax on each purchase of electricity delivered to consumers by a service provider, classified as determined by such provider, as follows:

- (1) Residential consumers: Such tax shall be twenty percent times the minimum monthly charge imposed by the service provider plus the rate of \$.015626 on each kWh delivered monthly to residential consumers by the service provider, not to exceed three dollars monthly.
- (2) Nonresidential consumers: Such tax on nonresidential consumers shall be at the rates per month for the classes of nonresidential consumers as set forth below:
 - (i) Commercial/industrial consumers: Such tax shall be twenty percent times the minimum monthly charge imposed by the service provider plus the rate of \$.014766 on each kWh delivered monthly, not to exceed two hundred dollars per month.

- (3) Conversion of tax: The conversion of tax, pursuant to this division, to monthly kWh delivered shall not be effective before the first meter reading after December 31, 2000; prior to which time the tax previously imposed by this jurisdiction shall be in effect. (5-17-18, 9-16-21.)

Sec. 15-62. Local natural gas utility consumer tax.

- (a) In accordance with Virginia Code section 58.1-3814, there is hereby imposed and levied a monthly tax on each purchase of natural gas delivered to consumers by pipeline distribution companies and gas utilities classified by "class of consumers" as such term is defined in Virginia Code section 58.1-3814(j), as follows:

- (1) Residential consumers: Such tax on residential consumers of natural gas shall be twenty percent times the minimum monthly charge imposed by the service provider plus the rate of \$0.1867 per CCF delivered monthly to residential consumers, not to exceed three dollars per month.
- (2) Nonresidential consumers: Such tax on nonresidential consumers shall be at the rates per month shown on each CCF delivered by a pipeline distribution company or a gas utility for the classes as set forth below:
 - (i) Commercial/industrial consumers: Such tax shall be twenty percent times the minimum monthly charge imposed by the service provider plus the rate of \$0.15716 on each CCF delivered monthly to commercial/industrial consumers, not to exceed two hundred dollars per month.
- (3) Conversion of tax: The conversion of tax, pursuant to this section, to monthly CCF delivered shall not be effective before the first meter reading after December 31, 2000; prior to which time the tax previously imposed by this jurisdiction shall be in effect. (5-17-18, 9-16-21.)

Sec. 15-91. Levy; amount.

Pursuant to Virginia Code section 58.1-3819, a transient occupancy tax is hereby levied and imposed on all hotels, motels, boardinghouses, travel campgrounds, and other facilities offering guest rooms in the amount of five percent on the total price paid by or on behalf of a transient for the use or possession of the room or space occupied in a retail sale. Any excess over two

percent shall be designated and spent solely for tourism and travel, marketing of tourism or initiatives that, as determined after consultation with local tourism industry organizations, including representatives of lodging properties located in the county, attract travelers to the locality, increase occupancy at lodging properties, and generate tourism revenues in the locality. (5-17-18, 9-16-21.)

Sec. 15-92. Procedure as to collection.

Every person receiving any payment for lodging with respect to which a tax is levied under this article shall collect the amount of such tax so imposed from the transient on whom such tax is levied or from the person paying for such lodging at the time payment for such lodging is made. The taxes required to be collected under this section shall be deemed to be held in trust by the person required to collect such taxes until remitted as required in this article. (5-17-18, 9-16-21.)

Sec. 15-93. Reports and remittances; preservation of records.

- (a) The person collecting any tax, as provided in section 15-92, shall make out a report upon such forms and setting forth such information as the commissioner of the revenue may prescribe and require, showing the total price paid by or on behalf of a transient for the use or possession of the room or space occupied and the tax required to be collected and shall sign and deliver such report to the commissioner of the revenue with a remittance of such tax made payable to the county treasurer. Such reports and remittances shall be made on or before the twentieth day of each month covering the amount of tax collected during the preceding month.
- (b) It shall be the duty of the person collecting such tax imposed by this article to keep and preserve for a period of three years records, showing the amount of lodging charges collected, the date thereof, the taxes collected thereon and the amount of tax required to be collected by this article. The commissioner of the revenue shall have the power to examine such records at reasonable times and without unreasonable interference with the business of the person collecting the tax, for the purpose of administering and enforcing the provisions of this article and to make copies of all or any parts thereon. (5-17-18, 9-16-21.)

Sec. 15-94. Penalty of late remittance or false return.

If any person collecting such tax shall fail or refuse to file any report required by this article or to remit to the county treasurer the tax required to be collected and paid under this article within the time and in the amount specified in this article, there shall be added to such tax by the county treasurer a penalty in the amount of ten percent thereof and interest thereon at the rate of ten percent per annum, which shall be computed upon the taxes and penalty from the date such taxes are due and payable. (5-17-18, 9-16-21.)

IT IS FURTHER ORDAINED, that any monthly assessment of non-residential electric utility consumer tax pursuant to Sec. 15-61 or non-residential local natural gas utility consumer tax pursuant to Sec. 15.62, assessed between July 1, 2021 and September 30, 2021, in excess of \$200 per month shall be eligible for exoneration or refund of such amount, as provided in Sec. 15-2 of the Isle of Wight Code.

The motion was adopted unanimously (5-0) with Supervisors Grice, Rosie, Acree, McCarty and Jefferson voting in favor and no Supervisors voting against the motion.

Chairman Grice asked County Administrator Keaton to place this item for further discussion during the next budgeting process.

D. Resolution to Amend the Budget and Appropriate Funding from the American Rescue Plan Act to the Isle of Wight County Schools (\$3,708,300)

Steven Kepnes, Finance Director, Isle of Wight County Schools, appeared before the Board regarding consideration to amend the Isle of Wight County School's budget and appropriate funding from the American Rescue Plan Act to the Isle of Wight County Schools in the amount of \$3,708,300.

Chairman Grice opened the public hearing and called for persons to speak in favor of or in opposition to the proposed resolution.

Herb DeGroft of the Hardy District asked the Board take whatever measures it can to control how the funds are spent.

Jennifer Boykin of Walters Highway spoke in opposition of the funds being released at this time. She implored the Board to hold the Superintendent and School Board accountable for how the funds are expended.

Jason Marsh of Windsor stated the School Board has no control over Superintendent Thornton and there is little oversight. Transparency is nonexistent. An Equity Inclusion Coordinator was hired at a salary twice that of a schoolteacher. Funds have been spent on books that he believes are inappropriate and unacceptable for children. He requested the Board's continued watch over School funds.

Chairman Grice closed the public hearing and called for comments by the Board.

County Attorney Jones affirmed that these funds are Federal funding to the schools to be appropriated by the County which has no authority to require how those funds are spent by the Schools as the Federal Government dictates how those funds are spent. He advised that in addition to the Federal auditing of these funds, all public funds that go to a school system are audited annually by the State or an outside auditing firm.

Supervisor Rosie spoke in favor of tabling action on the Resolution to allow the Board additional time to read over the information received tonight.

Supervisor Jefferson moved that the following Resolution be adopted:

**RESOLUTION TO AMEND THE FY 2021-22 BUDGET
AND APPROPRIATE FUNDS TO THE SCHOOLS BUDGET**

WHEREAS the Isle of Wight County School Board will receive federal funding via the American Rescue Plan Act (ARPA); and,

WHEREAS, the School Board has requested that the Board of Supervisors appropriate ARPA to the functional categories in the School Division's FY 2021-22 budget as provided below:

- \$2,172,000 – Instructional Services
- \$400,000 – Operations & Maintenance

- \$1,136,300 – Technology

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Isle of Wight County, Virginia, that the FY 2021-22 budget is hereby amended and ARPA funds in the amount of \$3,708,300 are appropriated to the School Division's FY 2021-22 budget in the functional categories listed above.

BE IT FURTHER RESOLVED that the County Administrator of Isle of Wight County, Virginia is authorized to make the appropriate accounting adjustments and to do all things necessary to give this resolution effect.

The motion was adopted (4-1) with Supervisors McCarty, Jefferson, Acree and Grice voting in favor of the motion and Supervisor Rosie voting against the motion.

Chairman Grice asked Superintendent Thornton to return with cost of folding tables and chairs. Supervisor Rosie requested the number of teaching positions.

COUNTY ADMINISTRATOR'S REPORT

A COVID-19 Vaccine and testing update was provided by Assistant County Administrator Robertson.

Jamie Oliver, Transportation Planner, provided an update on unpaved County roads. County Administrator Keaton recommended that whether private roads should continue to be allowed in the County should be further discussed at a future work session or at the Board's upcoming retreat.

//

Supervisor McCarty moved that the meeting be extended past 11:00 p.m. The motion was adopted unanimously (5-0) with Supervisors Grice, Rosie, Acree, McCarty and Jefferson voting in favor and no Supervisors voting against the motion.

NEW BUSINESS

Application of Isle of Wight County Public Works Department, applicant, for an exception to Section 6-1010.A.11 of the Highway Corridor Overlay (HCO) District

regulations to allow a six-foot tall vinyl coated chain-link fence around the Wrenn's Mill Refuse and recycling center located at 8196 Old Stage Highway.

Amy Ring, Director of Community Development, provided background information on the application.

Supervisor McCarty moved to approve the exception request. The motion was adopted unanimously (5-0) with Supervisors Grice, Rosie, Acree, McCarty and Jefferson voting in favor and no Supervisors voting against the motion.

ADJOURNMENT

At 11:10 p.m., Chairman Grice declared the meeting adjourned.

Richard L. Grice, Chairman

Carey Mills Storm, Clerk

SPECIAL CALLED MEETING OF THE ISLE OF WIGHT COUNTY BOARD OF SUPERVISORS HELD IN THE ROBERT C. CLAUD, SR. BOARD ROOM OF THE ISLE OF WIGHT COUNTY COURTHOUSE LOCATED AT 17090 MONUMENT CIRCLE, ISLE OF WIGHT, VIRGINIA ON THURSDAY, THE TWENTY-FIRST DAY OF SEPTEMBER IN THE YEAR TWO THOUSAND AND TWENTY-ONE

PRESENT:

Don G. Rosie, II, Carrsville District, Vice-Chairman
Rudolph Jefferson, Hardy District
William M. McCarty, Newport District
Joel C. Acree, Windsor District

ABSENT

Richard L. Grice, Smithfield District, Chairman

ALSO IN ATTENDANCE:

Robert W. Jones, Jr., County Attorney
Randy R. Keaton, County Administrator
Donald T. Robertson, Assistant County Administrator
Carey Mills Storm, Clerk

CALL TO ORDER

Vice-Chairman Rosie called the special meeting to order at 7:00 p.m. for the purpose of discussing the Guaranteed Maximum Price for the Windsor Elementary School.

INVOCATION

Assistant County Administrator Robertson delivered the invocation and led the Pledge of Allegiance to the flag.

County Administrator Keaton provided up-to-date numbers related to financing of the new Hardy Elementary School. A slide related to the estimated tax increase for new debt was reviewed.

Administrator Keaton reviewed the three options available to the County once the bonds have been issued. They were that the bonds can be paid off; however, these bonds have a non-callable provision for ten years which would require that the County pay the interest cost for the ten years regardless of whether the bonds are paid off or not. Secondly, the bonds can be repurposed for another project; however, the County does not have \$27 million worth of projects to pay for in its Capital Improvements Project. Lastly, the project can be delayed. None of these are good options for the County.

Bill Cram, Executive Vice President, M. B. Kahn Construction Company, Inc., advised that his firm has again reviewed the price of steel and added that cost back into the previous price presented to the Board. He stated there are three steel suppliers that have promised bids by the end of the week and his firm is also reviewing design alternatives which could save in the low six figures. He recalled the number he presented to the Board at its last meeting was approximately \$3 million additional dollars.

Dr. Thornton advised that building Hardy Elementary School would provide some relief to both Westside and Carrollton elementary schools and rezoning will be necessary and occur following a careful look at the growth in the northern end of the County.

In order to move forward, Supervisor Jefferson moved to approve the Maximum Guaranteed Price for Hardy Elementary School in the amount of \$36,869,639. The motion was adopted unanimously (4-0) with Supervisors Rosie, Acree, McCarty and Jefferson voting in favor and Supervisor Grice absent from the meeting.

ADJOURNMENT

At 8:05 p.m., Chairman Grice declared the special called meeting adjourned.

Don Rosie, Vice-Chairman

Carey Mills Storm, Clerk

BACKGROUND:

The Board of Supervisors has previously directed that an opportunity be provided for monthly status briefings from Board members who serve as representatives on various regional committees and authorities on behalf of the County.

BUDGETARY IMPACT:

None

RECOMMENDATION:

Receive the report.

ATTACHMENTS:

Description	Type	Upload Date
Regional Reports	Cover Memo	1/24/2020

2020 BOARD MEMBER REGIONAL REPRESENTATIVE		
(Appointed by Board Vote)		
Organization	Member	Term Expires
Hampton Roads Military Federal Facilities Alliance	Rosie	No Set Term
Hampton Roads Planning District Commission	McCarty	No Set Term
	Keaton	No Set Term
Hampton Roads Transportation Accountability Commission	McCarty	No Set Term
Hampton Roads Transportation Planning Organization	McCarty	No Set Term
	Keaton	No Set Term
Southeastern Public Service Authority	Keaton	December 2021
	Etheridge/Alternate	December 2021
Western Tidewater Regional Jail Authority	Jefferson	No Set Term
	McCarty	No Set Term
	Keaton	No Set Term
Western Tidewater Water Authority	Grice	June 2022
	Acree	June 2022
	Jones/Alternate	June 2022

Regional Reports
Updated/January 2020

BACKGROUND:

Board members will consider and make appointments of individuals to various local and region organizations as noted on the Appointments Page.

BUDGETARY IMPACT:

None

RECOMMENDATION:

Appoint individuals to various local and region organizations as noted on the Appointments Page.

ATTACHMENTS:

Description	Type	Upload Date
Appointments Page	Backup Material	11/18/2021

BOARDS/COMMISSIONS/COMMITTEES

Boards/Commissions/Committee	Appointees	Contact	District	Expiration	
Commission on Aging	Maggie Richards - Resigned	371-9010	Windsor	December	2023
Commission on Aging	Shirley McGee - Resigned	356-0342	Smithfield	January	2022
Commission on Aging	Thomas Finderson - Resigned	298-8978	Newport	March	2022
Commission on Aging	Brenda Reynolds	357-3300	Newport	January	2022
Commission on Aging	Jane March - Resigned	242-3807	Carrsville	November	2021
Planning Commission	William Hulick - Resigned	503-0046	Newport	February	2025
Senior Services of Southeastern Virginia	Replacement for Evelyn C. McCullough			October	2021
Southeastern Public Service Authority	Randy Keaton			December	2021
Southeastern Public Service Authority	Michael Etheridge			December	2021

ISSUE:

Discussion of Options for Financing Capital Projects

BACKGROUND:

Davenport will provide information regarding the financing options including the potential issuance of general obligation bonds for construction of the new Hardy Elementary School and other upcoming capital projects.

BUDGETARY IMPACT:

TBD

RECOMMENDATION:

For the Board's information.

ISSUE:

Staff Update on COVID-19 Vaccine Rollout in Western Tidewater

BACKGROUND:

The Western Tidewater Health District and other healthcare providers are administering the COVID-19 vaccine to Isle of Wight County employees and residents. Staff is working to address vaccine hesitancy.

Staff will provide information regarding current vaccination efforts/challenges.

BUDGETARY IMPACT:

None.

RECOMMENDATION:

For the Board's information.

ISSUE:

Special Presentation - County Fair Committee Report on the 2021 County Fair

BACKGROUND:

The Isle of Wight County Fair is a tremendous undertaking and could not be accomplished without the tireless work of the Isle of Wight County Fair Committee, their volunteers, and the support of various County Departments. The Fair Committee Chairman will provide a follow-up report on the Fair and future plans.

BUDGETARY IMPACT:

None.

RECOMMENDATION:

For the Board's information.

ISSUE:

Special Presentation Regarding Recruitment and Retention Challenges in Law Enforcement

BACKGROUND:

Sheriff Clarke will provide an update to the Board relative to recruitment and retention challenges currently facing the County's law enforcement operations.

BUDGETARY IMPACT:

TBD

RECOMMENDATION:

For the Board's information.

ISSUE:

Review of Isle of Wight County Board of Supervisors' By-Laws and Rules of Procedure

BACKGROUND:

As required by the Board of Supervisors' By-Laws and Rules of Procedure, the Board is to begin considering any proposed changes or revisions to its by-laws and rules at this time. The Board is asked to provide any comments or suggestions they deem appropriate so that the County Attorney may revise the by-laws and rules accordingly in preparation for the Board's annual by-laws and rules of procedure adoption at its organizational meeting in January 2022.

BUDGETARY IMPACT:

None.

RECOMMENDATION:

Review and provide any suggested revisions to the By-Laws and Rules of Procedure the Board deems appropriate for consideration and final adoption at the Board's Organizational Meeting in January 2022.

ATTACHMENTS:

Description	Type	Upload Date
By-Laws and Rules of Procedure	Backup Material	11/17/2021



ISLE OF WIGHT COUNTY BOARD OF SUPERVISORS BY-LAWS AND RULES OF PROCEDURE

Revised and Adopted January 7, 2021

ARTICLE 1 – PURPOSE AND BASIC PRINCIPLES

SEC. 1-1. PURPOSE OF BY-LAWS AND RULES OF PROCEDURE

- A. To enable County government to transact business expeditiously, transparently and efficiently affording every opportunity for the citizens to witness and participate in the operation of government;
- B. To protect the rights of each individual Board Member;
- C. To preserve the spirit of cooperation among Board members; and
- D. To determine the will of the Board on all matters.

SEC. 1-2. FIVE BASIC PRINCIPLES UNDERLYING BY-LAWS AND RULES OF PROCEDURE

- A. Only one subject may claim the attention of the Board at one time;
- B. Each item presented for consideration is entitled to full and free discussion;
- C. Every member has rights equal to every other member;
- D. The will of the majority must be carried out, and the rights and opinions of the minority must be preserved and respected; and
- E. Each member shall remain respectful of fellow board members, even in times of disagreement, in speech and in behavior.

ARTICLE 2 – MEETINGS

SEC. 2-1. WHEN AND WHERE REGULAR AND WORK SESSION MEETINGS HELD

- A. The time and place of regular meetings and work sessions of the Board of Supervisors (hereinafter referred to as “the Board”) shall be established at each annual organizational meeting. Such regular meetings shall be held in the Robert C. Claud, Sr. Board Room on the third (3rd) Thursday of the month unless otherwise set by the Board. Such meetings shall begin at 5:00 p.m. for closed session purposes only, with all other matters to be heard and considered at 6:00 p.m. Should the Board subsequently change the date, time or place of a regular meeting, it shall comply with the requirements of Section 15.2-1416 of the Code of Virginia (1950, as amended).
- B. Work session meetings shall be held on the first (1st) Thursday of every month, at the same place as regular meetings, and shall begin at 6:00 p.m. unless otherwise set by the Board. The purpose of such work sessions shall be to allow the Board an opportunity to further review items either held over by the Board from a regular meeting or such other items as may come before

the Board at a regular meeting in the future. The Board shall not take any action to approve or deny any item before it during a work session, reserving such action solely to its regular meetings.

SEC. 2-2. CONTINUED MEETINGS

A regular or work session meeting shall be continued to the immediately following regular meeting date, time and place, unless otherwise set, if the Chair, or Vice Chair if the Chair is unable to act, finds and declares that weather or other conditions are such that it is hazardous for members to attend the regular meeting. Such finding shall be communicated to the members and the press as promptly as possible. All hearings and other matters previously advertised shall be conducted at the continued meeting and no further advertisement is required.

SEC. 2-3. MEETING ADJOURNMENT

Meetings of the Board shall adjourn when all business, or the agenda, before the body is complete, however it is not the Board's intent to begin a new agenda item after 11:00 p.m. unless and until a motion to extend the time has been offered and passed by a majority vote of the members present and voting. Any agenda item not conducted may be carried over to another meeting date. Any public hearing advertised for a regular meeting but not conducted may be rescheduled to another earliest possible convenient date, without further advertising when the date and time of the reconvened meeting is publicly announced at the preceding meeting.

SEC. 2-4. SPECIAL OR EMERGENCY MEETINGS

A. The Board may hold such special or emergency meetings, as deemed necessary, at such date, time and place as it may find convenient; and it may adjourn from time to time. A special or emergency meeting of the Board shall be called pursuant to Sections 15.2-1417 and 15.2-1418 of the Code of Virginia (1950, as amended).

B. Special or emergency meetings may be called by the Chair or any two (2) members in writing to the County Administrator for any purpose stated in the notice of the special or emergency meeting pursuant to Section 15.2-1418 of the Code of Virginia (1950, as amended). Only matters specified in the notice shall be considered unless all of the members of the Board are present.

C. Notice, reasonable under the circumstances, to the public and press of any special or emergency meeting shall be given contemporaneously with the notice provided the members of the Board and the County Attorney.

SEC. 2-5. LEGAL HOLIDAY

When a regularly scheduled meeting falls on a legal holiday, the meeting shall be held on the preceding business day unless the meeting is cancelled by a majority of the Board.

SEC. 2-6. ANNUAL ORGANIZATIONAL MEETING

A. The Board shall meet on the first (1st) Thursday of January of each year which shall be known as the annual organizational meeting. The County Administrator shall preside during the annual organizational meeting pending the election of the Chair of the Board.

B. The Chair shall be elected at the annual meeting for a term of one year, ending at the commencement of the organizational meeting the following year.

C. Following the election of the Chair, he or she shall assume the Chair and conduct the election of the Vice Chair for the same term.

D. Following the election of the Vice Chair, the Board shall:

1. Appoint the Clerk of the Board (as set forth herein);
2. Establish dates, times and places for its regular meetings;
3. Adopt its By-Laws and Rules of Procedure; and
4. Appoint Board members to standing and ad hoc committee; and
5. Conduct any other necessary business as determined by a majority vote of the Board.

SEC. 2-7. PROCEDURE FOR ELECTION OF OFFICERS

A. The following procedures shall be followed to elect the Chair and Vice Chair:

1. The presiding officer shall call for nominations from the membership.
2. Any member, after being recognized by the presiding officer, may place one or more names in nomination and discuss his or her opinions on the qualifications of the nominee(s).
3. When all nominations have been made, the presiding officer shall close the nominating process and call for the vote.
4. Each member may cast one vote for any one nominee.
5. A majority of those voting shall be required to elect the officer.

B. Officers shall serve until replaced.

SEC. 2-8. SEATING ARRANGEMENT

The Board Chair shall occupy the center seat on the dais with the Vice Chair occupying the seat at his or her immediate left. The remaining members of the Board shall determine their seating arrangement by seniority with the most senior member selecting his or her seat first and the remaining members selecting their respective seats in seniority order based on years served on the Board. In the event that two or more Board members have equal seniority, the selection of seating for those members shall be by alphabetical order.

SEC. 2-9. QUORUM AND METHOD OF VOTING

- A. At any meeting, a majority of the Board shall constitute a quorum.
- B. All actions authorized by the Board shall be pursuant to a roll call vote which shall be taken by the Clerk or Deputy Clerk of the Board. The Clerk or Deputy Clerk shall call the name of each member and receive in reply the vote of such member as either "Yes" or "No" on the measure being considered. At the beginning of any meeting, the Clerk shall conduct a silent roll call of members present and absent.
- C. The order of voting shall be as called by the Clerk of the Board, with the Chair voting last.
- D. If there is an abstention, it shall be the responsibility of the Chair to note the abstention for the record and to request that the member abstaining state his or her reason for abstaining for the record.
- E. A tie vote fails.
- F. A motion to approve which fails shall be deemed a denial of the question on the floor.

SEC. 2-10. CLOSED MEETING

- A. Closed meetings shall only be used when the matter to be discussed is exempt from open meeting requirements pursuant to the Virginia Freedom of Information Act.
- B. No meeting shall become a closed meeting until the Board takes an affirmative recorded vote in open session. Any member dissenting in such vote shall state the reason for the dissent.
 - 1. The motion to move to closed session shall state specifically the purpose or purposes which are the subject of the closed meeting and reasonably identify the substance of the matters to be discussed. The motion shall make specific reference to the applicable exemption(s) under the Freedom of Information Act, which authorizes the closed meeting.

2. The County Attorney shall assist the members in formulating the proper motion to move to closed session in accordance with the requirements of the Freedom of Information Act.

C. No resolution(s), ordinance(s), rule(s), contract(s), regulation(s) or motion(s) considered in a closed meeting shall become effective until the Board reconvenes in an open meeting and takes a vote of the membership on such resolution(s), ordinance(s), rule(s), contract(s), regulation(s) or motion(s) which shall have its substance reasonably identified in the open meeting.

D. At the conclusion of a closed meeting, the Board shall reconvene in open session immediately thereafter and shall cast a vote certifying that to the best of each member's knowledge:

1. Only public business matters lawfully exempted from open meeting requirements were discussed; and

2. Only public business matters identified in the motion convening the closed meeting were heard, discussed or considered.

Any member who believes that there was a departure from the above requirements shall so state prior to the Chair's call for the vote, indicating the substance of the departure that, in his or her judgment, has taken place.

E. The failure of the certification to receive the affirmative vote of the majority of the members present during the closed meeting shall not affect the validity or confidentiality of the closed meeting with respect to matters considered therein in compliance with the Freedom of Information Act.

F. The Board may permit non-members to attend a closed meeting if their presence will reasonably aid the Board in its consideration of an issue.

G. Prior to the certification of a closed meeting pursuant to the Virginia Freedom of Information Act, the County Attorney shall be responsible for remind all closed meeting participants of the intent that such closed meeting discussions remain confidential, as provided for under the Virginia Freedom of Information Act, and that such matters as discussed in closed meeting should not be acted upon or discussed in public by any participant unless and until a formal action is taken by the Board in accordance with Section 2-10(C) above.

SEC. 2-11. ELECTRONIC MEETINGS

Except as provided for in this Section 2-11, the Board shall not conduct any meeting wherein the public business is discussed or transacted through telephonic, video, electronic or other communication means where the members are not physically assembled.

A. Quorum Physically Assembled – a Board member may participate in a meeting through electronic communication means from a remote location that is not open to the public if:

1. on or before the day of a meeting, the Board member notifies the Chair of the Board that he or she is unable to attend the meeting due to an emergency or personal matter and identifies with specificity the nature of the emergency or personal matter, and the Board (a) approves the member's participation by a majority vote of the members present at a meeting and (b) the Board records in its minutes the specific nature of the emergency or personal matter and the remote location from which the member participated. In deciding whether or not to approve a Board member's request to participate from a remote location, the Board shall not consider the identity of the member making the request or the matters that will be considered or voted on at the meeting. If a Board member's participation from a remote location is disapproved, such disapproval will be recorded in the minutes with specificity. Such participation by a Board member shall be limited each calendar year to two meetings or twenty-five percent (25%) of the meetings of the Board, whichever is fewer; or

2. a Board member notifies the Chair that he or she is unable to attend a meeting due to a temporary or permanent disability or other medical condition that prevents the member's physical attendance and the Board records this fact and the remote location from which the member participated in the minutes.

A Board member may participate in a meeting by electronic means pursuant to this subsection A only when a quorum of the Board is physically assembled at the primary or central meeting location and the Board makes arrangements for the voice of the remote participant to be heard by all persons at the primary or central meeting location.

B. Quorum Not Physically Assembled – the Board may meet by electronic communication means without a quorum physically assembled at one location when the Governor of the Commonwealth of Virginia has declared a state of emergency in accordance with Section 44-146.17 of the Code of Virginia (1950, as amended), *provided that*:

1. the catastrophic nature of the declared emergency makes it impracticable or unsafe to assemble a quorum in a single location, and

2. the purpose of the meeting is to address the emergency.

If it holds a meeting pursuant to this subsection B, the Board shall:

1. give public notice using the best available method given the nature of the emergency contemporaneously with the notice provided members of the Board;

2. make arrangements for public access to the meeting;

3. make available to the public, at the time of the meeting, agenda packets and all materials, unless exempt, that will be distributed to members of the Board in sufficient time for

duplication and forwarding, as best as practicable given the emergency, to all locations at which public access will be provided;

4. record minutes of the meeting; and
5. record in the minutes votes taken by name in roll-call fashion.

The nature of the emergency, the fact that the meeting was held by electronic communication means and the type of electronic communication means by which the meeting was held shall be stated in the minutes of the meeting.

C. Reporting – if a Board meeting is held by electronic communication means, the Board shall:

1. make a written report of the following to the Virginia Freedom of Information Advisory Council and the Joint Commission on Technology and Science by December 1 of each calendar year:

- a. the total number of electronic communication meetings held that year;
- b. the dates and purposes of the meetings;
- c. a copy of the agenda for each meeting;
- d. the number of sites for each meeting;
- e. the types of electronic communication means by which the meetings were held;
- f. the number of participants, including members of the public, at each meeting location;
- g. the identity of the members of the Board recorded as absent and those recorded as present at each meeting location;
- h. a summary of any public comment received about the electronic communication meetings; and
- i. a summary of the Board's experience using electronic communication meetings, including its logistical and technical experience.

2. make copies of the public comment form prepared by the Virginia Freedom of Information Advisory Council available to the public.

ARTICLE 3 – OFFICERS

SEC. 3-1. CHAIR AND VICE CHAIR

The Chair shall preside over all meetings of the Board. The Vice Chair serves in the absence of the Chair. In the absence from any meeting of both the Chair and Vice Chair, the members present shall choose one of their members as temporary chair. The Chair shall recommend all appointments to standing or ad hoc Board Committees to be approved by majority vote of the Board.

SEC. 3-2. CLERK

The Clerk of the Board shall be appointed by the Board at its annual organizational meeting, and the duties and responsibilities of the Clerk shall be as set out in Sections 15.2-1538 and 15.2-1539 of the Code of Virginia (1950, as amended). The Board may also designate a Deputy Clerk, and at the discretion of the Board, any County employee can be designated as Temporary Clerk.

SEC. 3-3. PARLIAMENTARIAN

The County Attorney, or his or her designee, shall serve as the Parliamentarian for the purpose of interpreting these By-Laws and Rules of Procedure, *Robert's Rules of Order* and the Code of Virginia, as may be directed by the Chair, or as required as a result of a point of order raised by any one or more Board member. If the County Attorney, or his or her designee, is unavailable, the County Administrator shall serve as the Parliamentarian.

SEC. 3-4. PRESERVATION OF ORDER

- A. At meetings of the Board, the Chair shall preserve order and decorum.
- B. Board members shall not speak until recognized by the Chair. Board members shall address the Chair or address other members through the Chair. After being recognized by the Chair, a Board member shall not be interrupted, except when a point of order is called or when requested to yield the floor by another member.

ARTICLE 4 – CONDUCT OF BUSINESS

SEC. 4-1. ORDER OF BUSINESS

- A. At regular meetings of the Board on the third (3rd) Thursday of the month, the order of business shall generally be as follows:
 - 1. Call to Order – Silent Roll Call of Members (commencing at 5 p.m.)
 - 2. Approval of Agenda
 - 3. Closed Meeting (if necessary)
 - 4. Return to Open Session/Public Meeting (commencing at 6 p.m.)
 - 5. Invocation - Pledge of Allegiance
 - 6. Citizens' Comments
 - 7. Consent Agenda

8. Regional & Inter-Governmental Reports
9. Appointments (if necessary)
10. Special Presentations
11. Public Hearings (if necessary)
12. County Attorney's Report (if necessary)
13. County Administrator's Report
14. Unfinished/Old Business
15. New Business
16. Adjournment

B. The above order of business may be modified by the County Administrator, after the Chair has been notified, to facilitate the business of the Board.

C. Regional reports and special presentations are limited to five (5) minutes per speaker. This time may be extended at the discretion of the Chair.

D. Citizens' Comments shall be governed by the following rules:

1. Citizens' Comments shall be for the limited purpose of allowing members of the public to present any matter, which, in their opinion, deserves the attention of the Board. They shall not serve as a forum for debate with the Board or individual members of the Board.

2. Board members shall not discuss issues raised or questions raised by the public, within the same meeting, except by consent of a majority of the Board members present.

3. Citizens wishing to speak during the Citizens' Comments portion of the agenda shall sign the registration form, identifying, with reasonable certainty, the subject matter of his or her comments prior to the commencement of the Citizens' Comments portion of the agenda. Citizens who do not sign the registration form prior to the commencement of Citizens' Comments may address the Board after all others who had signed the registration form have had an opportunity to speak.

4. Remarks shall be addressed directly to the Board and not to staff, the audience or the media.

5. The Chair shall open Citizens' Comments.

6. The Chair will explain the Citizens' Comments policy prior to the commencement of the first citizen's comment(s) being received by the Board.

7. The Chair will call on each speaker who has signed the registration form in the order upon which their name shall appear on the registration form.

Each speaker shall clearly state their name and address and/or election district of residence and shall be subject to a four (4) minute time limitation. A timer with a lighting system shall be used for keeping track of a Speaker's time. Speakers will receive a yellow light warning one (1) minute prior to the expiration of their presentation time. Speakers will receive a red light at the expiration of their time and shall be asked to end their comments. The Parliamentarian shall be responsible for noting the expiration of time limits, and the Chair shall be responsible for enforcing it. If the speaker represents a group of individuals in attendance at a particular meeting, there shall be a time limit of six (6) minutes. Members of a group in attendance shall forfeit their right to speak on the same topic. For purposes of this section, a "group" shall constitute ten (10) or more individuals. No speaker shall address the Board more than once during Citizens' Comments at any single Board meeting and citizens shall not donate their unused speaking time to another speaker. Notwithstanding the time limitations stated herein, the Chair may, at his or her discretion, allow any citizen to speak beyond the designated time limitation for a reasonable period of time in order to conclude his or her remarks.

8. There shall be no comment during Citizens' Comments on a matter for which a public hearing is scheduled during the same meeting.

9. There shall be no comment during Citizens' Comments on a matter which has already been the subject of a previous public hearing where no final vote has been taken by the Board.

10. Any issue raised by the public which the Board wishes to consider may be put on the agenda for the next Board meeting by a majority vote.

11. Public comment shall be germane to policies, affairs and services of the county government.

12. The above rules notwithstanding, members of the public may present written comments to the Board or to individual Board members at any time during the meeting. Such written comments shall be submitted through the Clerk and shall become a part of the record.

SEC. 4-2. CONSENT AGENDA

A. The Consent Agenda shall be introduced by a motion "to approve", and shall be considered by the Board as a single item.

B. Upon the request of any Board member, an item may be removed from the Consent Agenda for consideration after approval of the remaining items on the consent agenda.

SEC. 4-3. SPECIAL PRESENTATIONS

Special presentations shall be for the purpose of informing the Board of matters of public interest, as well as to provide the Board an opportunity to properly recognize individuals and organizations, either public or private, for the outstanding service or work they perform for or in Isle of Wight County. Any governmental agencies or entity, organization or individual wishing to present an item to the Board shall contact the County Administrator fourteen (14) days prior to the Board's regularly scheduled meeting to seek inclusion in the Board's agenda.

SEC. 4-4. CONDUCT OF MEETINGS

When two or more members of the Board wish to speak at the same time, the Chair shall name the one to speak. The Chair may call a brief recess at any time. The Chair may order the expulsion of a disorderly member of the public, subject to appeal to the full Board. The Chair may automatically adjourn, without benefit of any motion or debate, any meeting of the Board. All Board members shall maintain proper decorum when addressing any citizens and applicants that appear before the Board.

SEC. 4-5. FORM OF PETITIONS, ETC.

Every petition, communication or address to the Board shall be in respectful language and is encouraged to be in writing.

SEC. 4-6. MOTIONS

A. Members are required to obtain the floor before making motions or speaking, which they can do while seated.

B. Motions need not be seconded.

C. Informal discussion of a subject is permitted while no motion is pending.

D. An amended or substitute motion shall be allowed to any motion properly on the floor; it shall have precedence over an existing motion and may be discussed prior to being voted on. If the amended or substitute motion fails, the former motion can then be voted upon. If the amended or substitute motion passes, the amended or substitute motion shall be deemed the main motion and shall stand as having been passed by such vote. If an amended or substitute motion fails, a second amended or substitute motion may be made. No more than two (2) amended or substitute motions may be made.

E. When a motion is under debate, no motion shall be received unless it be one to amend, substitute, commit or refer for study, postpone, call for the previous question, lay on the table, or to adjourn.

F. The Chair can speak in all discussion and can make motions and vote in the same fashion as all other members.

G. A motion to call for the question is in order and the right of every Board member to call when they feel discussion has been exhausted and or repeated, thus belaboring the business before the governing body. A motion to call for the question requires a two-thirds majority vote of those present. The Chair shall not recognize a motion to call for the question until every Board member desiring to speak on the main motion has had such an opportunity.

H. When a vote upon any motion has been announced, it may be reconsidered on the motion of any member who voted with the prevailing side provided that such motion shall be made at the session of the Board at which it was decided. Such motion for reconsideration shall be decided by a majority of the votes of the members present. A member present at the meeting but temporarily absent during a vote may move for reconsideration.

I. Subject to applicable law, the Board may consider a motion to rescind at any time to address a matter or issue upon which a vote has been taken, following such notice as may be required.

J. Should a decision be made to reconsider or rescind a land use decision, subject to notice and public hearings, as may be required by law, the Board may choose to act on such request without referring the matter to the Planning Commission for its consideration.

K. A motion to adjourn shall always be in order and supersedes all business before the Board.

SEC. 4-7. DECISIONS ON POINTS OF ORDER

The Chair, when presiding at a meeting of the Board, without vacating the chair, shall refer any point of order to the Parliamentarian. The Parliamentarian shall advise the Chair who shall then make a ruling on the point of order. A Board member may appeal the ruling of the Chair to the full Board which shall decide the matter by majority decision.

SEC. 4-8. SUSPENDING RULES

One or more of these By-Laws and Rules of Procedure may be temporarily suspended by a majority vote of the members present, or by unanimous consent.

SEC. 4-9. ROBERT'S RULES OF ORDER

The proceedings of the Board, except as otherwise provided in these By-Laws and Rules of Procedure and by applicable state law, shall be governed by *Robert's Rules of Order*.

ARTICLE V – PUBLIC HEARINGS

SEC. 5-1. PUBLIC HEARING AUTHORIZATION

The County Administrator, or his/her designee, shall be authorized to set public hearings for such regular meetings as are appropriate in order to effectuate the timely consideration of matters requiring Board consideration.

SEC. 5-2. FORMAT FOR PUBLIC HEARINGS

A. The following format shall be followed for all Public Hearings conducted before the Board:

1. The Chair will make a brief statement identifying the matter to be heard and verify that all legal notification requirements have been met.

2. The Chair will call upon the appropriate county staff member to present the item to be heard. Staff presentations should be concise.

3. The applicant may appear on his own behalf, or be represented by counsel or an agent. The applicant, or his counsel or agents, shall have a combined total of ten (10) minutes to speak to the application.

4. The Chair will open the floor to public comment, if any, after the applicant, or his counsel or agent, has spoken. Any private citizen may speak for or against the issue. The Clerk shall prepare a registration form for citizens to sign their name, address and/or election district of residence. The Chair shall call each speaker in the order that their name appears on the registration form. Each speaker shall clearly state his or her name, address and/or election district of residence for the record. Citizen comments are limited to four (4) minutes per citizen speaker. If the speaker represents a group of individuals in attendance at a particular meeting, there shall be a time limit of six (6) minutes. Members of a group shall forfeit their right to speak on the same topic. For purposes of this section, a “group” shall constitute ten (10) or more individuals. The applicant, or his counsel or agent, shall be given the opportunity for rebuttal, which shall last for no more than five (5) minutes. Notwithstanding the time limitations stated herein, the Chair may, at his or her discretion, allow any citizen to speak beyond the designated time limitation for a reasonable period of time in order to conclude his or her remarks.

5. A timer with a lighting system shall be used for keeping track of a Speaker’s time. Speakers will receive a yellow light warning one (1) minute prior to the expiration of their presentation time. Speakers will receive a red light at the expiration of their time and will be asked to end their comments.

6. The Parliamentarian shall be responsible for noting the expiration of time limits, and the Chair shall be responsible for enforcing it.

7. Upon the conclusion of public comments or the applicant's rebuttal, the Chair shall close the public hearing.

B. When a public hearing shall have been closed by order of the Chair, no further public comments shall be received by the Board. However, any Board member may ask a question of any person who spoke during the public hearing after being recognized by the Chair to do so.

C. Following the close of the public hearing, the Chair may entertain a motion to dispose of the issue and the Board may debate the merits of the issue.

ARTICLE 6 – AGENDA

SEC. 6-1. PREPARATION

A. The Clerk shall prepare an agenda, at the direction of the County Administrator, for the regularly scheduled meetings conforming to the order of business specified in Section 4-1 entitled "Order of Business".

B. All items which are requested to be placed on the agenda which have not been submitted within the prescribed deadline, as set by the County Administrator, shall be placed on the next regular agenda for consideration.

C. Nothing herein shall prohibit the Board from adding or removing items to the agenda, provided that such a request is in the form of a motion, voted upon by a majority of the Board. Members must use discretion in requesting the addition of items to the agenda. It is considered desirable to have items listed on the published agenda.

SEC. 6-2. DELIVERY OF AGENDA

The Board agenda and related materials shall be received by each member of the Board and the County Attorney on the Friday before the scheduled regular meeting. The Clerk of the Board may request an adjustment to the delivery schedule due to special circumstances.

SEC. 6-3. COPIES

The Clerk shall prepare or cause to be prepared extra copies of the agenda and shall make the same available to the public and the press in the Office of the County Administrator and on the County website. The Clerk shall also have at least one hard copy available at each regular meeting.

SEC. 6-4. COMMENTS, QUERIES OF BOARD MEMBERS

Board members are to observe the following rules during the discussion of agenda items:

1. The Chair shall ensure that Board comments are constructive and contain no personal attacks of staff or other Board members.

2. The Chair shall keep discussion germane to the subject. Points of clarification shall be limited to questions only. The Chair shall rule other comments out of order.

3. Board members may address questions to the County Administrator or staff member presenting at the meeting. Staff members should be at the podium when addressing Board members' questions. All legal questions should be addressed to the County Attorney.

ARTICLE 7 – BOARD, AUTHORITIES, COMMISSIONS AND COMMITTEES

SEC. 7-1. APPOINTMENTS TO BOARDS, AUTHORITIES, COMMISSIONS & COMMITTEES

Members of all boards, authorities, commissions and committees shall be appointed by a majority of the Board after review of qualifications and discussion in Closed Meeting. Proposed appointments shall be voted upon under the Appointments section of the Agenda. Appointees' terms shall run in accordance with the applicable by-laws of such boards, authorities, commission or committees to which the appointee is appointed, unless a shorter term is specified by the Board. Subject to any state law provisions to the contrary, all appointees to boards, commissions and committees serve and may be removed, with or without cause, at the pleasure of the Board.

SEC. 7-2. ATTENDANCE

Members of any standing or ad hoc board, authority, committee or commission of the Board, or of any committee to which the Board appoints a member, shall be expected to attend every scheduled meeting of the body to which they have been appointed. It shall be the duty of the chair of any Board of Supervisors' appointed committee to annually report to the Board, but in no event later than the Board's regular meeting in March, the level of attendance of members for that particular body for the prior calendar year. Any member of an appointed body who fails to attend a minimum of seventy-five percent (75%) of the scheduled meetings of that particular body in any given calendar year may, at the discretion of the Board, be deemed to have forfeited his or her membership on that body. In the event that the Board determines that an appointee has forfeited his or her appointment pursuant to this section, the Clerk of the Board shall notify, in writing, the appointee of his or her removal from that body based upon his or her failure to attend there required percentage of scheduled meetings and shall thank the appointee for his or her service to the community. Upon the appointment of any appointee, the Clerk of the Board shall forward to the member a copy of this section.

SEC. 7-3. PLANNING COMMISSION MEMBERS ATTENDANCE

Notwithstanding the foregoing provision, a member of the Planning Commission may be removed from office by the Board without limitation in the event that the commission member is absent from any three (3) consecutive meetings of the commission, or is absent from any four (4) meetings of the commission within any twelve (12) month period. In either such event, a successor shall be appointed by the Board for the unexpired portion of the term of the member who has been removed.

SEC. 7-4. BY-LAWS AND RULES OF PROCEDURE OF BOARDS, AUTHORITIES, COMMISSIONS AND COMMITTEES

The By-Laws and Rules of Procedure of any board, authority, commission or committee not established by state law shall be submitted to the Board for approval prior to becoming effective.

SEC. 7-5. ROLE OF STANDING OR AD HOC BOARD COMMITTEES; DESIGNATED STANDING COMMITTEES; MEETING REQUIREMENTS

A. The role of any standing or ad hoc committee(s) of the Board, as they may be created from time to time, shall be to review and consider all matters properly placed before them by motion of the Board. After review and consideration of such matters, the standing or ad hoc committee shall provide the Board with its formal recommendation for action through such report as may be determined appropriate by the County Administrator in the Board's regular agenda as set forth herein.

B. The following standing committees are hereby created by the Board for the purposes stated:

1. Public Works – responsible for the review and recommendation of matters related trash/refuse, public buildings and fleet issues;

2. Community Development – responsible for the review and recommendation of matters related to economic development, planning and zoning, inspections and public utilities;

3. Parks, Recreation and Cultural – responsible for the review and recommendation of matters related to parks and recreation and cultural development;

4. Personnel – responsible for the review and recommendation of matters related to personnel policies and procedures, wages and benefits for public employees, oversight of the timely coordination of the County Administrator and County Attorney's performance reviews, participation in periodic review of recommendations related to the organizational structure of County departments, and participation in the review of recommendations regarding contracted services for the County;

5. Public Safety – responsible for the review and recommendation of matters related to law enforcement, fire and rescue and all support services related thereto;

6. Franklin Intergovernmental Relations – responsible for the review and recommendation of matters related to intergovernmental operations between Isle of Wight County the City of Franklin;

7. Smithfield Intergovernmental Relations – responsible for the review and recommendation of matters related to intergovernmental operations between Isle of Wight County and the Town of Smithfield;

8. Windsor Intergovernmental Relations – responsible for the review and recommendation of matters related to intergovernmental operations between Isle of Wight County and the Town of Windsor; and

9. Joint Tourism – responsible for the review and recommendation of matters related to the efforts of the jointly funded tourism office by Isle of Wight County and the Town of Smithfield.

ARTICLE 8 – GENERAL OPERATING POLICY

SEC. 8-1. ACTIONS BY INDIVIDUAL MEMBERS OF THE BOARD

It shall be the policy of the Board that no member(s) shall exert individual action or direct any county employee or initiate any action or assert their individual preference(s) in a manner that would require a county employee to perform any action contrary to the laws, ordinances or policies of Isle of Wight County or which would require the expenditure of public funds in any amount without the approval of the Board. Further, no member of the Board shall seek nor accept more favorable treatment from county officers or employees than would be given to other members of the Board, nor attempt to influence the decisions or recommendations of county appointees, officers or employees. Notwithstanding the foregoing, each Board member may, and is encouraged, to share information with county appointees, officers and employees and to promote a positive working environment for all employees.

SEC. 8-2. NUMBERING AND INDEXING OF RESOLUTIONS, ORDINANCES AND PROCLAMATIONS

It shall be the responsibility of the Clerk to number and index all resolutions, ordinances and proclamations of the Board. Resolutions and proclamations shall be numbered consecutively and use the last two digits of the calendar year. For example, for the first resolution in January, 2014, the resolution number would be shown as: Resolution No. 14-01.

SEC. 8-3. MINUTES OF THE BOARD

The minutes of the Board meeting shall reflect the official acts of the Board and names of the public commenting during public hearings and citizen comments, as well as a summary of the Board's proceedings at each meeting. They shall reflect the issues discussed and Board comments in summary form.

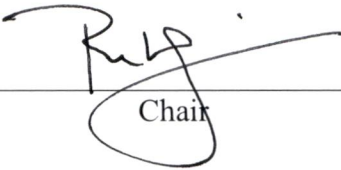
SEC. 8-4. AMENDING BY-LAWS

These by-laws may be amended with the concurrence of two-thirds (2/3) of the members present at any meeting subsequent to the introduction of a suggested by-laws amendment.

SEC. 8-6. ENACTMENT OF BY-LAWS AND RULES OF PROCEDURE

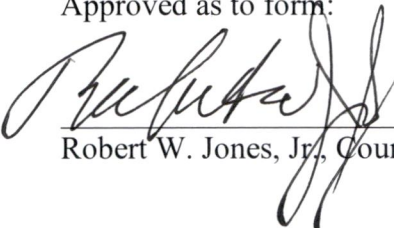
No later than December 1st of each year, the County Attorney shall deliver a copy of the most recently enacted By-Laws and Rules of Procedure to each member and member-elect of the Board, soliciting any proposed changes to the same. The County Attorney shall prepare proposed amendments based on any such Board comments as directed by passage of a motion and include them in the Agenda for consideration at the Organizational Meeting.

Adopted this 7th day of January, 2021.


Chair


Carey Mills-Storm, Clerk

Approved as to form:


Robert W. Jones, Jr., County Attorney

ISSUE:

Public Hearing on the Proposed Redistricting Map

BACKGROUND:

At its regular meeting on October 21, 2021, the Board authorized a public hearing recommended by the Redistricting Task Force consideration relative to the reapportionment of the County's five election districts.

At its meeting on October 6, 2021, the Redistricting Task Force adopted a map for presentation to the Board of Supervisors in an effort to propose election districts that, as nearly as is practicable, provide fair and effective representation for all citizens of the County, including racial, ethnic, and language minorities, in a transparent process, in conformance with the requirements of the Constitutions of the United States and Virginia, as well as State and Federal law.

BUDGETARY IMPACT:

None.

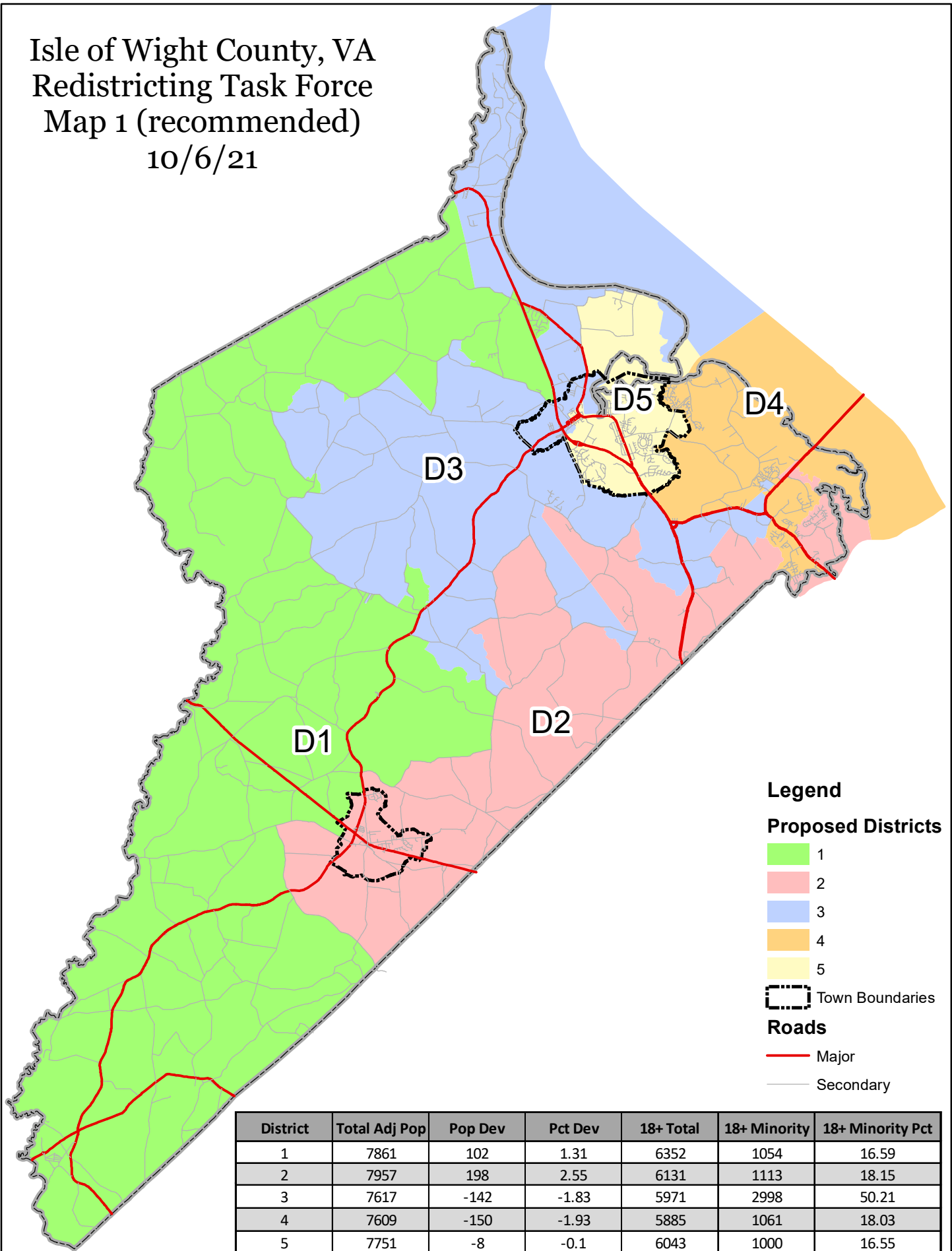
RECOMMENDATION:

Hold a public hearing relative to a proposed map for the redrawn election districts for Isle of Wight County.

ATTACHMENTS:

Description	Type	Upload Date
Proposed Redistricting Map	Backup Material	11/12/2021

Isle of Wight County, VA
 Redistricting Task Force
 Map 1 (recommended)
 10/6/21



ISSUE:

Resolution to Appropriate Additional Funding for the Hardy Elementary School Project

BACKGROUND:

At its Special Meeting on September 21, 2021, the Board adopted a motion to approve the maximum guaranteed price for the Hardy Elementary School project in the amount of \$36,868,639.

The approved amount is \$9,868,639 above the anticipated budget for the Hardy Elementary School project. Additional fund will need to be appropriated to cover the costs of the project.

BUDGETARY IMPACT:

The budget for the Hardy Elementary School replacement will increase by \$9,868,639.

RECOMMENDATION:

Adopt a resolution to amend the budget and appropriate additional funding for the Hardy Elementary School project.

Adopt a resolution of the Board's intention to reimburse the County with proceeds from the issuance of bonds.

ATTACHMENTS:

Description	Type	Upload Date
Resolution - Additional Funding for Hardy Elementary	Resolution	11/1/2021
Resolution - Reimbursement from Bond Proceeds	Resolution	11/1/2021

**RESOLUTION TO AMEND THE FY2021-2022 BUDGET
AND APPROPRIATE ADDITIONAL FUNDING FOR
HARDY ELEMENTARY SCHOOL REPLACEMENT**

WHEREAS, the Isle of Wight County Board of Supervisors has approved construction of the Hardy Elementary School replacement; and,

WHEREAS, the Construction Manager at Risk firm MB Kahn has submitted a Guaranteed Maximum Price which exceeds the Hardy Elementary School replacement budget by \$9,868,639; and,

WHEREAS, the Isle of Wight County Board of Supervisors and the Isle of Wight County Schools have accepted the Guaranteed Maximum Price; and,

WHEREAS, the Isle of Wight County Board of Supervisors needs to budget and appropriate the additional \$9,868,639 cost using estimated bond funding.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Board of Supervisors of Isle of Wight County, Virginia that the FY 2021-2022 Budget is hereby amended, and funds appropriated in the amount of \$9,868,639 for the Hardy Elementary School replacement project.

BE IT FURTHER RESOLVED that the County Administrator of Isle of Wight County, Virginia is authorized to make the appropriate accounting adjustments and to do all things necessary to give this resolution effect.

Adopted this 18th day of November, 2021.

Richard L. Grice, Chairman

Carey Mills Storm, Clerk

Approved as to Form:

Robert W. Jones Jr., County Attorney

RESOLUTION OF OFFICIAL INTENT TO REIMBURSE EXPENDITURES WITH PROCEEDS OF A BORROWING

WHEREAS, Isle of Wight County, Virginia (the “County”), has undertaken the acquisition, construction, improvement and equipping of capital improvement projects for school purposes, including (without limitation) the Hardy Elementary School replacement (the “Project”); and,

WHEREAS, the County has incurred or reasonably expects to incur additional costs related to the Project; and,

WHEREAS, the County expects to advance its own funds to pay such additional costs related to the project (the “Expenditures”) prior to incurring any additional indebtedness and to receive reimbursement for such Expenditures from proceeds of tax-exempt bonds or taxable debt, or both.

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF ISLE OF WIGHT COUNTY, VIRGINIA:

1. The County intends to utilize the proceeds of tax-exempt bonds (the “Bonds”) or to incur other debt in an amount not currently expected to exceed \$9,868,639 to pay costs related to the Project.

2. The County intends that the proceeds of the Bonds be used to reimburse the County for Expenditures with respect to the Project made on or after the date that is no more than 60 days prior to the date of this Resolution. The County reasonably expects on the date hereof that it will reimburse the Expenditures with the proceeds of the Bonds or other debt.

3. Each Expenditure was or 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, (c) a nonrecurring item that is not customarily payable from current revenues, or (d) a grant to a party that is not related to or an agent of the County so long as such grant does not impose any obligation or condition (directly or indirectly) to repay any amount to or for the benefit of the County.

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 Project 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, certain de minimis amounts, expenditures by “small issuers” (based on the year of issuance and not the year of expenditure) and expenditures for construction of at least five years.

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

6. This resolution shall take effect immediately upon its passage.

Adopted this 18th day of November, 2021.

Richard L. Grice, Chairman

Carey Mills Storm, Clerk

Approved as to Form:

Robert W. Jones Jr., County Attorney

ISSUE:

Application of Accelerated Properties, LLC, Property Owner, for an Amendment to a Conditional Rezoning to Change the Permitted Uses to Allow a Laboratory on Property Zoned Conditional Limited Industrial (C-LI) Located at 1 Monette Parkway

BACKGROUND:

The subject property is part of a parcel that was conditionally rezoned for commercial use and developed as additional office space for Smithfield Foods in the early 1980s. The property was subsequently rezoned to Conditional Limited Industrial (C-LI) in 1999 for development of a data processing facility. As a part of the 1999 rezoning, the property specifically allows for data processing and servicing of computer hardware which is classified as Business Support Services in the current Zoning Ordinance.

In June 2021, an amendment to the zoning conditions to add a garden center use without retail sales on parcel 14-02-037C was approved. A full staff analysis of the proposed use is included in the attached Planning Commission staff report.

BUDGETARY IMPACT:

None.

RECOMMENDATION:

Planning Commission recommended approval of the proposed amendment to conditional zoning by a vote of six in favor of the recommendation and zero against at their October 26, 2021, regular meeting.

Due to the low impact nature of the proposed use and the utilization of an existing building for a use otherwise permitted in the zoning district, staff recommends approval of the application.

ATTACHMENTS:

Description	Type	Upload Date
Rezoning Application	Backup Material	10/20/2021
Location Map	Backup Material	10/14/2021
Location Closeup Map	Backup Material	10/14/2021

Land Use Map	Backup Material	10/18/2021
Zoning Map	Backup Material	10/14/2021
Site Images	Backup Material	10/14/2021
Proffer Statement	Backup Material	10/14/2021
PC Resolution	Resolution	10/18/2021
Accelerated BOS Ordinance 111821	Ordinance	11/10/2021



Local Roots, Global Reach

ISLE OF WIGHT COUNTY, VIRGINIA

DEPARTMENT OF PLANNING AND ZONING

SUBMITTAL CHECKLIST FOR REZONING/CONDITIONAL ZONING AMENDMENT APPLICATIONS

In conjunction with Section 1-1015, *Amendments*, of the Isle of Wight County Zoning Ordinance, as amended, the following information shall be submitted for a Rezoning/Conditional Zoning Amendment Application. Please note that it is the applicant's responsibility to ensure that the application is in compliance with all Federal, State and County regulations.

No application for a rezoning shall be certified as complete unless the following information is provided; unless the required number of copies has been reduced by the Zoning Administrator.

- ☒ 1. Fifteen (15) copies of the original, executed application and one (1) original executed application. Both the applicant(s) and the property owner(s) must have their signature(s) notarized on page No. 2 of the application.
- ☐ 2. The appropriate fees have been submitted with the application. Checks should be made payable to: Treasurer, Isle of Wight County.
- ☒ 3. Fifteen (15) copies of a statement of the reasons for seeking such amendment, and if applicable, a statement of proffered conditions.
 - o Any applicant proposing a conditional rezoning under the provisions of Section 1-1016, *Conditional Zoning*, of the Isle of Wight County Zoning Ordinance shall submit fifteen (15) copies of the signed proffer statement and one (1) original signed proffer statement. Proffered conditions shall be signed by the owner(s) of the property.
- ☒ 4. Fifteen (15) copies) of a narrative description of the property which shall include the Tax Parcel Identification Number.
- ☒ 5. One (1) copy of the most recent deed of the property to be rezoned.
- ☐ 6. For residential subdivisions of five (5) or more lots, planned development, commercial, industrial, or miscellaneous rezoning/conditional zoning amendment applications, a concept plan of the property to be rezoned shall be submitted by the applicant. Such document shall be drawn to scale and shall include the following information:
 - o A vicinity map at a scale of no less than one (1) inch equals two thousand (2,000) feet
 - o Title of drawing
 - o Date of drawing
 - o Existing wood line
 - o North arrow
 - o Scale bar
 - o Current zoning of parcel(s) to be rezoned, including tax map number(s) and owner(s)
 - o Current zoning of adjacent parcel(s), including tax map number(s) and owner(s)
 - o Street names including route number and width(s) of the right-of-way(s)
 - o Fifteen (15) full size copies, with one (1) reduced 11-inch X 17 inch copy shall be submitted
 - o Please note that additional information on the site layout may be requested by the Zoning Administrator during the review process in order to more effectively review the application and prepare the staff reports for the Planning Commission and Board of Supervisors.

- ☐ 7. Fifteen (15) copies of such supplemental material as may be necessitated by the proposal itself or the district in which located or proposed to be located, and in accordance with Section 5-5000, *Supplementary Use Regulations*, of the Isle of Wight County Zoning Ordinance.
- ☐ 8. For residential subdivisions of five (5) or more lots, planned development, commercial, industrial, or miscellaneous rezoning/conditional zoning amendment applications, a Community Impact Statement is required in accordance with Section 1-1015.F, *Community Impact Statement*, of the Isle of Wight County Zoning Ordinance as amended on January 6, 2011. Please refer to Section 1-1015.F for detailed requirements of the Community Impact Statement. Fifteen (15) copies of the Community Impact Statement are required and shall include the following:
- ☐ Adequacy of Existing Public Facilities and Services
 - ☐ Additional On-site and Off-site Public Facilities and Services
 - ☐ Traffic Impact Analysis for projects exceeding 200 ADT, or when requested by the Zoning Administrator
 - ☐ Fiscal Impact Analysis, if the project includes residential dwellings (optional for projects without a residential component)
- ☐ 9. Fifteen (15) copies of a Water Quality Impact Assessment shall be required for any rezoning in the Chesapeake Bay Preservation Area which:
- ☐ will disturb any portion of the 100-foot buffer area of a Resource Protection Area (RPA), or any component identified in Section 3000.B.1 of the Chesapeake Bay Preservation Area Ordinance;
 - ☐ contains ten (10) acres or more for any use, other than a development of single family detached residential lots;
 - ☐ contains twenty-five (25) acres or more for the development of single family detached residential lots; or,
 - ☐ any other development that may warrant such assessment due to the unique characteristics of the site or intensity of the proposed use or development, as may be required by the Zoning Administrator.
- ☐ 10. For Planned Development, fifteen (15) copies of the required supplemental information shall be submitted in accordance with Section 4-14005, *Submission Requirements*, of the Isle of Wight County Zoning Ordinance. Please refer to Section 4-14005 for a detailed list of the submission requirements.
- ☒ 11. All real estate taxes must be paid and current at the time of submittal; otherwise, the submittal will be refused at the counter. Proof of the most recent tax payment to the County must accompany the application.
- ☒ 12. Voluntary Proffer Statement
- ☐ 13. Estoppel Certifications

I, the undersigned, certify that this application is complete, accurate and contains all required and requested information, documents and other submittals, and that all statements made herein are, to the best of my knowledge, true and correct. I further certify that I have exercised due diligence to obtain the most recent, complete and correct information available. I understand that any section not completed in its entirety may delay processing of this application and the date of the Planning Commission public hearing and that the submittal of a complete application does not guarantee the application will be placed on the next available Planning Commission agenda.

Signature

Date

7-22-21



APPLICATION FOR REZONING/CONDITIONAL ZONING AMENDMENT

This application should be used to petition for a change to the Official Zoning Map or for an amendment of zoning conditions. The following application requirements are consistent with the procedures set forth in Section 1-1015, *Amendments*, of the Isle of Wight County Zoning Ordinance, as amended.

A. APPLICATION FOR (CHECK ALL THAT APPLY):

☐ Rezoning

☐ Conditional Rezoning (Are voluntary proffered conditions attached?): ☐ Yes ☐ No

Request to change the subject property(s) from the _____ to the _____ zoning district.

Proposed Use or Activity: _____

☒ Amendment to Conditional Zoning

Request to change conditional zoning as follows (Attach current and proposed conditions): _____

Add Laboratory to the list of approved uses

B. PROJECT DESCRIPTION:

Project Name: Laboratory Rental Client

Property Address (if any): 4 Monetta Pkwy, Smithfield, VA 23430

Election District: Smithfield

Comprehensive Plan Designation: Rural Agriculture Conservation

The rezoning will apply to 5.85 acres out of 5.85 total acres

Tax Parcel Identification # 14-02-0378 Number of Acres to be Rezoned: 5.85

Requesting Zoning District Change from: _____ to _____

Tax Parcel Identification # _____ Number of Acres to be Rezoned: _____

Requesting Zoning District Change from: _____ to _____

Tax Parcel Identification # _____ Number of Acres to be Rezoned: _____

Requesting Zoning District Change from: _____ to _____

Proposed Utilities (check all that apply): Public Water ☐ Private Well ☐

Public Sewer ☐ Private Septic ☐

C. **APPLICATION INFORMATION:**

Applicant(s) Name(s): Accelerated Properties LLC

Address: 39 Monette Pkwy

City, State, Zip Code: Smithfield, VA 23430

Phone No.: 757 675-7955 Email: josh@4aats.net Fax No.: _____

Property Owner(s) Name(s): Same

Address: _____

City, State, Zip Code: _____

Phone No.: _____ Email: _____ Fax No.: _____

Applicants/Owners Affidavit (including compliance with all deed restrictions and covenants)

This application must be signed by the owner(s) of the subject property or must have attached written evidence of the owner's consent, which may be in the form of a binding contract of sale with the owner's signature or a letter signed by the owner(s), containing written authorization to act with full authority on the owner(s) behalf in filing this rezoning application. Signing this application shall certify the owner's compliance with all deed restrictions and covenants, and shall constitute the granting of authority of the County to enter onto the property for the purpose of conducting site analyses and compliance with Federal, State and County regulations.

Applicant: Joshua Tawes
Printed or Typed Name

Applicant: [Signature] Date: 7-22-21
Signature

County of Isle of Wight, Commonwealth of Virginia

Subscribed and sworn to before me Cynthia Lynn Holbrooks,
A Notary Public in and for the County of Isle of Wight,
Commonwealth of Virginia, this 22 day of July, 2021

[Signature]
NOTARY PUBLIC
Commonwealth of Virginia
Reg. #7721474
My Commission Expires
November 30, 2021

Owner: Anthony Stile
Printed or Typed Name

Owner: [Signature] Date: 7-21-21
Signature

County of Isle of Wight, Commonwealth of Virginia

Subscribed and sworn to before me Cynthia Lynn Holbrooks,
A Notary Public in and for the County of Isle of Wight,
Commonwealth of Virginia, this 22 day of July, 2021

[Signature]
NOTARY PUBLIC
Commonwealth of Virginia
Reg. #7721474
My Commission Expires
November 30, 2021

Owner: _____
Printed or Typed Name

Owner: _____ Date: _____
Signature

County of Isle of Wight, Commonwealth of Virginia

Subscribed and sworn to before me _____,
A Notary Public in and for the County of Isle of Wight,
Commonwealth of Virginia, this ____ day of _____, 20____

Notary Public

My Commission Expires _____

Owner: _____
Printed or Typed Name

Owner: _____ Date: _____
Signature

County of Isle of Wight, Commonwealth of Virginia

Subscribed and sworn to before me _____,
A Notary Public in and for the County of Isle of Wight,
Commonwealth of Virginia, this ____ day of _____, 20____

Notary Public

My Commission Expires _____

NOTICE: THE ATTACHED CHECKLIST MUST BE COMPLETED, CERTIFIED, AND SUBMITTED OR THE APPLICATION WILL BE CONSIDERED INCOMPLETE.

Remit Application to: Isle of Wight County Central Permitting, 17140 Monument Circle, Suite 100
P. O. Box 80, Isle of Wight, Virginia 23397

FOR OFFICE USE ONLY:

Complete Application Received On: _____ Fees Paid: _____
Tax Query: ☐ Current ☐ Delinquent Distribution Date: _____
Posted/Date to Post: _____

AGENCIES REFERRALS:

____ Department of Conservation & Recreation
____ Economic Development
____ Emergency Services
____ General Services
____ Environmental Planner
____ Health Department
____ Transportation Manager
____ Commission of Revenue
____ Other _____

____ Inspections
____ Sheriff's Office
____ Town of Smithfield
____ Town of Windsor
____ VDOT
____ Schools
____ Budget & Finance
____ County Attorney

Verified By: _____ Date: _____

COUNTY OF ISLE OF WIGHT DISCLOSURE OF REAL ESTATE HOLDINGS

Applicant Accelerated Properties LLC
 Address 39 Monette Pkwy
Smithfield Street VA 23430
 City State Zip

REAL ESTATE HOLDINGS TO BE AFFECTED

Location or Address	Description
1 Monette Pkwy	Office Building on 5.85 acres

OTHER OWNERS OF AFFECTED REAL ESTATE

(Not Required for Corporation whose stock is traded on a national or local stock exchange or having more than 500 shareholders.)

Name of Individuals Corporation/Partnership Business Association	Address
Anthony Stile	419 Muirfield Smithfield
Joshua Towers	1511 James River way Smithfield

Does any member of the Isle of Wight County Planning Commission or governing body have any interest in such property, either individually, by ownership of stock in a corporation owning such land, partnership, as the beneficiary of a trust, or the settlor of a revocable trust, or whether a member of the immediate household of any member of the Planning Commission or governing body has any such interest? Yes ☐ No ☒

If yes, names of members:

I do solemnly swear that the foregoing statement(s) and attachments(s), if any, are complete, correct and true.

Applicant: Joshua Towers Applicant: [Signature] Date: 7-22-21
 Printed or Typed Name Signature

Commonwealth of Virginia
 County of Isle of Wight

Subscribed and sworn to before me Cynthia Lynn Holbrooks
 A Notary Public in and for the County of Isle of Wight, Commonwealth
 of Virginia, this 22 day of July, 2021.

[Signature]
 Notary Public
 My Commission Expires November 30, 2021



Cynthia Lynn Holbrooks
 NOTARY PUBLIC
 Commonwealth of Virginia
 Reg. #7721474
 My Commission Expires
 November 30, 2021

Statement of Reason

Accelerated Properties LLC
39 Monette Parkway
Smithfield, VA 23430

July 27, 2021

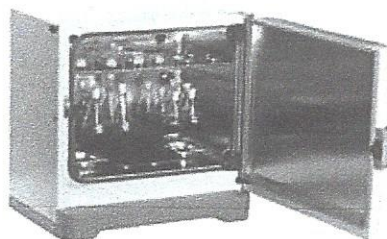
To Whom It May Concern,

Accelerated Properties LLC has submitted an application with a request to amend the conditional zoning for our commercial property building located at 1 Monette Parkway Smithfield, VA 23430, parcel number 14-02-037B. The property is currently zoned Conditional Limited Industrial with use permits for general office data processing and servicing computer hardware per the 1999 rezoning. We would like to add the use "Laboratory" which is a permitted use under Limited Industrial. This amendment will allow us to secure a tenant for this building. The potential tenant will provide testing for a variety of human consumption items. Most of the products tested are not "conventional foods" therefore are not as strictly regulated by the FDA. These items would be considered nutraceutical and are regulated by the Dietary Supplement Health and Education Act of 1994 (DSHEA) and the Office of Dietary Supplement Programs (ODSP). These products are found in places like GNC and other Health Food Stores and Markets. The Lab will provide clients with analysis to ensure the absence of prohibited/regulated material, the Lab can also provide the client a list for labeling if required. Some of the customers they will provide testing for are producers of vitamins, protein bars, protein shakes, pre-workout pills/drinks, and human consumption items for sale from independent small farms ect. The testing equipment they use **does not** use or emit any harmful or regulated substances. Laboratories that use regulated/combustible substances require additional permits from the State. Below is an example of the types of equipment the Lab will use:

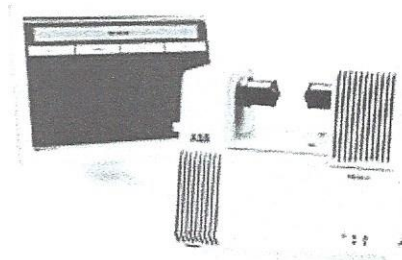
Centrifuge



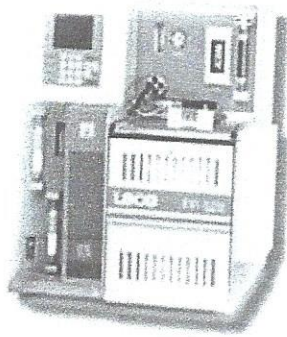
Incubator Shakers



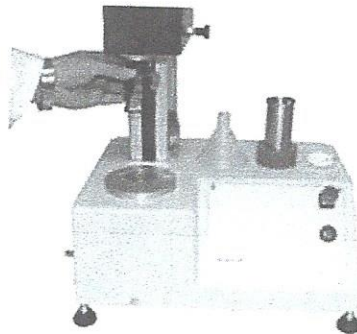
NIR Analyzer



Protein Determinator



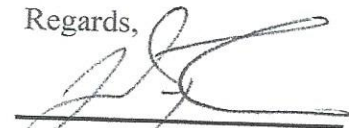
Gluten Characterization System



The Lab plans to have four full time employees and anticipates six to seven hundred thousand dollars in gross revenue receipts the first year. There are currently 60 parking spots designated to that building which is more than sufficient for the tenants proposed 4 full time employees. A private well and septic system service the building and is more than adequate for the number of employees.

Thank you for your time and consideration in this matter.

Regards,


Joshua Tawes - CEO

COUNTY OF ISLE OF WIGHT PROFFER STATEMENT

Applicant's name(s): Accelerated Properties LLC

Owner's name(s): Accelerated Properties LLC

Project name: Date: Laboratory

Parcel-Tax Map Numbers and deed book reference: 14-02-37B

These proffers are made as of the 27th of July 2021 by Accelerated Properties LLC, of Tax Map Number 14-02-37B, containing approximately 3.8 acres of land which is referred to herein as the "Property". Owner has filed a rezoning application with the Isle of Wight County Planning and Zoning Department requesting to add allowable uses of the Property all of which are contained in the permitted uses under Limited Industrial, we request to add the use Laboratory to the existing general office and data processing proffers. Owner voluntarily proffers that the development of the Property proposed for rezoning under this application shall be in strict accordance with the conditions set forth below.

These proffered conditions ("Proffers") are the only conditions offered on this rezoning. All improvements, land, easements, dedications, gifts, proffers, and other conveyances to the County shall be in fee simple, without cloud of title or encumbrance of any kind. I.

Land Use

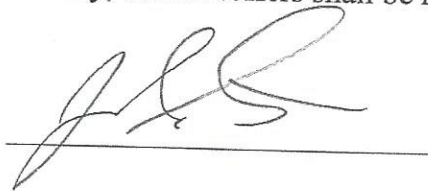
The property shall be used as permitted under the Conditional Limited Industrial Zoning and more specifically for general office, data processing and Laboratory.
Any use not listed shall be expressly prohibited on the property.

General

Successors and Assigns - This Proffer Agreement shall be binding upon and shall inure to the benefit of the parties hereto, and their respective heirs, successors and/or assigns. Any obligation(s) of Owner hereunder shall be binding upon and enforceable against any subsequent owner or owners of the Property or any portion thereof.

Severability - In the event that any clause, sentence, paragraph, subparagraph, section or subsection of these Proffers shall be judged by any court of competent jurisdiction to be invalid or unenforceable for any reason, including a declaration that it is contrary to the Constitution of the Commonwealth of Virginia or of the United States, or if the application thereof to any owner of any portion of the Property or to any government agency is he is invalid, such judgment or holding shall be confined in its operation to the clause, sentence, paragraph, subparagraph, section or subsection hereof, or the specific application thereof directly involved in the controversy in which the judgment or holding shall have been rendered or made, and shall not in any way affect the validity of any other clause, sentence, paragraph, subparagraph, section or provision hereof.

Void if Application is not approved - In the event that the Application is not approved by the County, these Proffers shall be null and void.



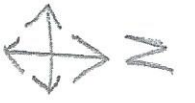
Name Applicant: Accelerated Properties LLC
by Joshua Tawes

Commonwealth of Virginia County of Isle of Wight
Subscribed and sworn to before me Cynthia Holbrooks, A Notary Public in and for the County of
Isle of Wight Commonwealth of Virginia, this 22 day of July 2021.

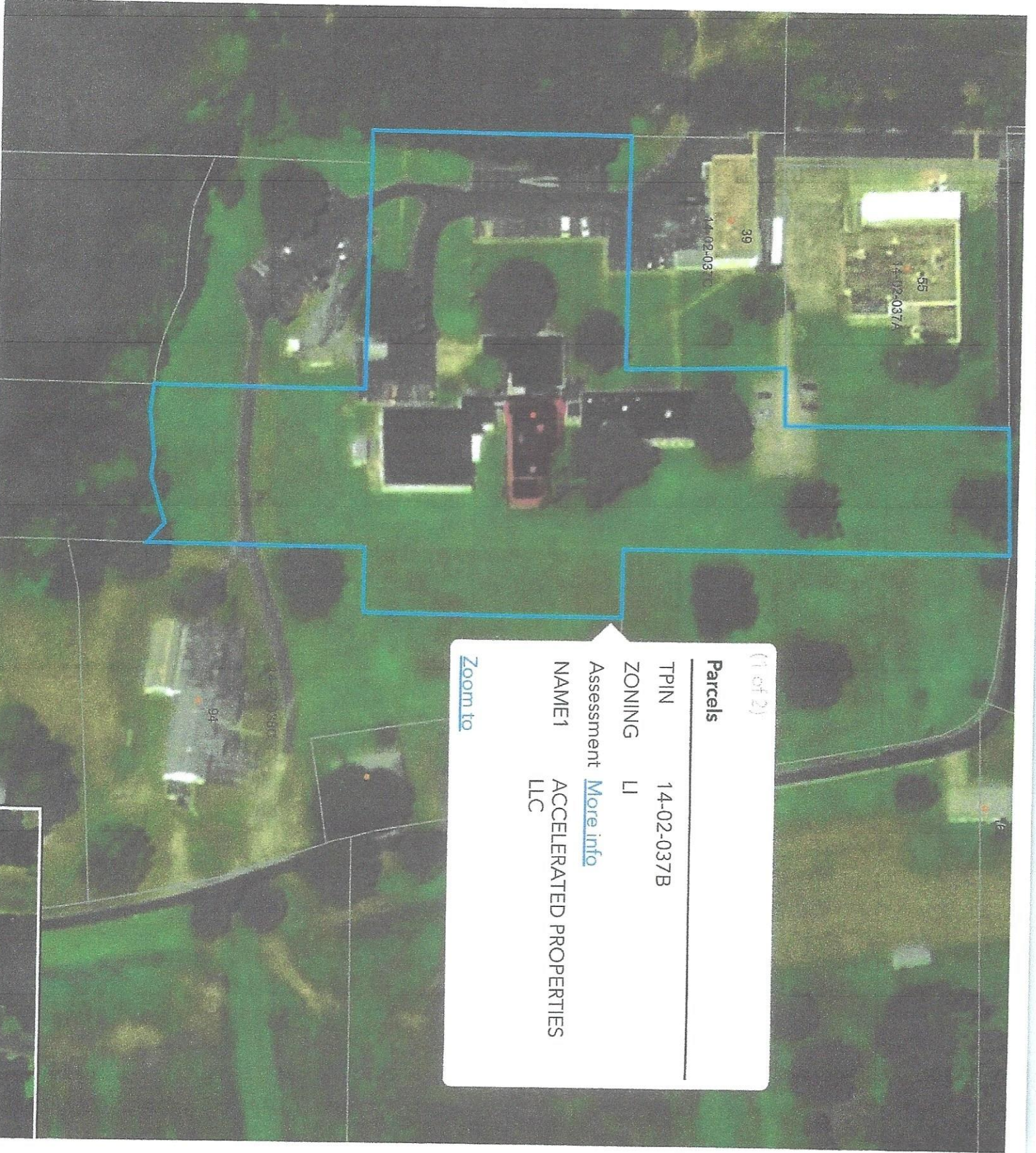
My Commission Expires November 30, 2021



Cynthia Lynn Holbrooks
NOTARY PUBLIC
Commonwealth of Virginia
Reg. #7721474
My Commission Expires
November 30, 2021



The area highlighted in red is the space the tenant would like to rent, approximately 5000 sqft



(1 of 2)

Parcels

TPIN	14-02-037B
ZONING	LI
Assessment	More info
NAME1	ACCELERATED PROPERTIES LLC

[Zoom to](#)

mc Isle of Wight County, VA

Isle of Wight County, Virginia - Code of Ordinances / APPENDIX B. - ZONING.* / Article IV. - Zoning Districts and Boundaries

VERSION: FEB 24, 2021 (CURRENT) ▼

District.

> Part 8. - Urban Residential (UR) District.

> Part 9. - Limited Commercial (LC) District.

> Part 10. - General Commercial (GC) District.

> Part 11. - Limited Industrial (LI) District.

Sec. 4-11001. - General descriptions.

Sec. 4-11002. - Permitted uses.

Sec. 4-11003. - Conditional uses.

Sec. 4-11004. - Lot size requirements.

Park and ride facility

Public sport/events facility

* Public maintenance and service facility

Public safety service

Transit station

* Utility service/minor

C. Office uses:

General office

Laboratory

D. Commercial uses:

Auction establishment

Business or trade school

Car wash

Commercial indoor amusement

PG187 JUN.29.2012

EXHIBIT A

Property Description

PARCEL I - Tax Parcel 14-02-037A

ALL THAT certain lot, piece or parcel of land, with the buildings and improvements thereon, and the privileges and rights thereunto appertaining, situate, lying, and being in the County of Isle of Wight, Virginia, and being numbered and designated as "Now Or Formerly Monette Information Systems, Zoned Conditional Limited Industrial (C-LI), Tax Map 14(2), Parcel 37A" on that certain subdivision plat (the "Subdivision Plat") entitled "Subdivision of Property of Monette Information Systems Corporation and ATG Investments, Hardy Magisterial District, Isle of Wight County, Virginia, Scale: 1" = 60'", dated August 9, 1999, and prepared by Ernest C. Hawkins, Jr., and Associates, Surveyors and Planners, and recorded in the Clerk's Office (the "Clerk's Office") of the Circuit Court of Isle of Wight County, Virginia, in Plat Cabinet 2, Slide 68, Page 13, and being more particularly described as follows:

BEGINNING at a point on the southern right of way of State Route 673 (Day's Point Road), thence S 12° 3' 15" W 2127.31' to a point; thence S 79° 24' 43" E 30.00' to a point, said point being the southwest corner of such lot and the Point of Beginning; thence from the Point of Beginning, N 12° 3' 15" E 208.53' to a point; thence S 79° 24' 43" E 247.61' to a point thence S 12° 3' 15" W 208.53' to a point; thence N 79° 24' 43" W 247.61' to the Point of Beginning.

TOGETHER WITH a non-exclusive right and easement of ingress/egress to and from State Route 673 upon, over, across and through that certain area depicted and shown on the Subdivision Plat as "30' Ingress/Egress Easement", which constitutes a portion of that certain road commonly known and designated by the County of Isle of Wight as "Monette Parkway".

IT BEING a portion of the same property conveyed to ATG Investments, LLP by deed from Monette Information Systems Corporation dated December 31, 2003 and recorded December 31, 2003 in the Clerk's Office of the Circuit Court of Isle of Wight County, Virginia in Instrument Number 0310365.

PARCEL II - Tax Parcel 14-02-037B

First:

ALL THAT certain lot, piece or parcel of land, with the buildings and improvements thereon, and the privileges and rights thereunto appertaining, situate, lying, and being in the County of Isle of Wight, Virginia, and being numbered and designated as "Now Or Formerly Monette

Information Systems Corporation, Zoned Conditional Limited Industrial (C-LI), Tax Map 14(2), Parcel 37B" on the Subdivision Plat, and being more particularly described as follows:

BEGINNING at a point on the southern right of way of State Route 673 (Day's Point Road), thence S 12° 3' 15" W 2127.31' to a point; thence S 79° 24' 43" E 30.00' to a point; thence S 79° 24' 43" 247.61' to a point; thence N 12° 3' 15" E 208.53' to a point, said point being the northwest corner of such lot and the Point of Beginning; thence from the Point of Beginning, S 79° 24' 43" E 120.06' to a point; thence S 12° 3' 12" W 361.55' to a point; thence S 77° 56' 45" E 63.74' to a point; thence S 12° 3' 15" W 241.15' to a point; thence N 77° 56' 45" W 455.28' to a point; thence N 12° 3' 15" E 241.15' to a point; thence S 77° 56' 45" E 216.54' to a point; thence N 12° 3' 15" E 148.54' to a point; thence S 79° 24' 43" E 55.00' to a point; thence N 12° 3' 15" E 208.53' to the Point of Beginning.

TOGETHER WITH a non-exclusive right and easement of ingress/egress to and from State Route 673 upon, over, across and through that certain area depicted and shown on the Subdivision Plat as "30' Ingress/Egress Easement", which constitutes a portion of that certain road commonly known and designated by the County of Isle of Wight as "Monette Parkway".

LESS SAVE AND EXCEPT that parcel of land described as "Parcel 'A'" on that plat entitled "Plat Showing Property Exchange Between Alan V. Monette and ATG Investment L.L.P., Isle of Wight County, Virginia", dated May 25, 2004 by Ernest C. Hawkins, Jr. and Associates, and recorded in the Clerk's Office of the Circuit Court of Isle of Wight County in Plat Cabinet 2, Slide 135, page 2.

IT BEING a portion of the same property conveyed to ATG Investments, LLP by deed from Monette Information Systems Corporation dated December 31, 2003 and recorded December 31, 2003 in the Clerk's Office of the Circuit Court of Isle of Wight County, Virginia in Instrument Number 0310365.

Second:

ALL THOSE certain lots, pieces or parcels of land situate, lying and being in Hardy Magisterial District, Isle of Wight County, Virginia shown and identified as "PARCEL B-1" and "PARCEL B-2" on that certain plat of survey entitled "Plat Showing Property Exchange Between Alan V. Monette and ATG Investment L.L.P., Scale: 1" = 100' May 25, 2004", made by Ernest C. Hawkins, Jr., Land Surveyor, a copy of which plat is recorded in Plat Cabinet 2, Slide 135, page 2 in the Clerk's Office of the Circuit Court of Isle of Wight County, Virginia, reference to which plat is here made for a more complete metes and bounds description.

IT BEING the same property conveyed to ATG Investments by deed from Alan V. Monette dated December 31, 2004 and recorded May 13, 2005 in the Clerk's Office of the Circuit Court of Isle

PG169 JUN.29.2012

of Wight County, Virginia in Instrument Number 053291, and further by deed from Alan V. Monette, Thomas E. Joyner, and Gary A. Surma dated December 31, 2004 and recorded May 13, 2005 in the aforesaid Clerk's Office in Instrument Number 053296.

PARCEL III - Tax Parcel 14-02-037C

ALL THAT certain lot, piece or parcel of land, with the buildings and improvements thereon, and the privileges and rights thereunto appertaining, situate, lying, and being in the County of Isle of Wight, Virginia, and being numbered and designated as "Parcel A ATG Investments, Zoned Conditional Limited Industrial (C-LI), Tax Map 14(2), Parcel 37C" on the Subdivision Plat recorded in Plat Cabinet 2, Slide 68, Page 13.

TOGETHER WITH a non-exclusive right and easement of ingress/egress to and from State Route 673 upon, over, across and through that certain area depicted and shown on the Subdivision Plat as "30' Ingress/Egress Easement", which constitutes a portion of that certain road commonly known and designated by the County of Isle of Wight as "Monette Parkway".

IT BEING a portion of the same property conveyed to ATG Investments by Deed from Monette Investment Associates dated January 31, 1994 and recorded February 3, 1994 in the Clerk's Office of the Circuit Court of Isle of Wight County, Virginia in Deed Book 430 at page 284.

PARCEL IV - Tax Parcel 14-02-038A

ALL THAT certain lot, piece or parcel of land, with the buildings and improvements thereon, and the privileges and rights thereunto appertaining, situate, lying, and being in the County of Isle of Wight, Virginia, and being numbered and designated as "Parcel B, 4.891 AC." on that certain plat entitled "Plat Showing Property of ATG Investments, Hardy Magisterial District, Isle of Wight County, Virginia, Scale: 1" = 100 FT, August 19, 1991, Earnest C. Hawkins, Jr., & Associates, Surveyors and Planners, Suffolk, Virginia", and recorded in the Clerk's Office in Plat Cabinet 2, Slide 12, Page 8.

TOGETHER WITH a non-exclusive right and easement of ingress/egress to and from State Route 673 upon, over, across and through that certain area depicted and shown on the Subdivision Plat as "30' Ingress/Egress Easement", which constitutes a portion of that certain road commonly known and designated by the County of Isle of Wight as "Monette Parkway".

IT BEING a portion of the same property conveyed to ATG Investments by Deed from Monette Investment Associates dated January 31, 1994 and recorded February 3, 1994 in the Clerk's Office of the Circuit Court of Isle of Wight County, Virginia in Deed Book 430 at page 284.

[Handwritten signature]

INSTRUMENT #120003090
RECORDED IN THE CLERK'S OFFICE OF
ISLE OF WIGHT COUNTY ON
JUNE 29, 2012 AT 03:24PM
\$1,500.00 GRANTOR TAX WAS PAID AS
REQUIRED BY SEC 58.1-402 OF THE VA. CODE
STATE: \$750.00, LOCAL: \$750.00

COMMONWEALTH OF VIRGINIA

IN SENATE,
January 11, 1961.

REPORT OF THE COMMISSIONER OF THE
DEPARTMENT OF SOCIAL SERVICES
ON THE PROGRESS OF THE
DEPARTMENT DURING THE YEAR
1960.

Submitted by
JAMES H. HARRIS,
Commissioner.

20-10-10

127930

PG 180 JUN 29 2012

(Y)

Tax Parcels: 14-02-037A; 14-02-037B; 14-02-037C; 14-02-038A
Consideration: \$1,395,000
Title Underwriter: Fidelity National Title Insurance Company

Return Instrument to:
BridgeTrust Title Group
Virginia Beach, VA

This instrument prepared by:
Willcox & Savage, P.C.
440 Monticello Ave., Ste. 2200
Norfolk, Virginia 23510
Attn: Gregory D. Lydon, Esq.

DEED OF BARGAIN & SALE

THIS DEED OF BARGAIN & SALE (this "*Deed*") is made as of the 29th day of June, 2012, by and between ATG INVESTMENTS, LLP, a Virginia limited liability partnership ("*Grantor*"), a grantor for indexing purposes; and ACCELERATED PROPERTIES LLC, a Virginia limited liability company, as grantee for indexing purposes ("*Grantee*"), whose address is 4016 Raintree Road, Suite 140A, Chesapeake, VA 23321.

WITNESSETH:

THAT for and in consideration of the sum of Ten Dollars (\$10.00), cash in hand paid, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor hereby grants, bargains, sells and conveys with Special Warranty unto Grantee, in fee simple, the following described tract or parcel of land located in Isle of Wight County, Virginia, with the improvements thereon (the "*Property*"), to-wit:

SEE EXHIBIT A ATTACHED HERETO AND
INCORPORATED BY REFERENCE HEREIN.

Without limiting the foregoing, this conveyance is also made expressly subject to all covenants, conditions, restrictions, easements and reservations contained in duly recorded deeds, plats and other instruments constituting constructive notice in the chain of title to the property hereby conveyed that have not expired by time limitation contained therein or otherwise become ineffective.

[Counterpart signature pages begin on the following page.]

IN WITNESS WHEREOF, the undersigned has executed this Deed under seal.

ATG INVESTMENTS, LLP, a
Virginia limited liability partnership

By: Alan V. Monette (SEAL)
Alan V. Monette
Managing General Partner

COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF Richmond, to wit:

I, the undersigned Notary Public, in and for the jurisdiction aforesaid, do hereby certify that Alan V. Monette, as Managing General Partner of ATG Investments, LLP, whose name is signed to the foregoing document, appeared before me and personally acknowledged the same in my jurisdiction aforesaid, for the purposes therein stated.

GIVEN under my hand and seal this 25 day of June, 2012.

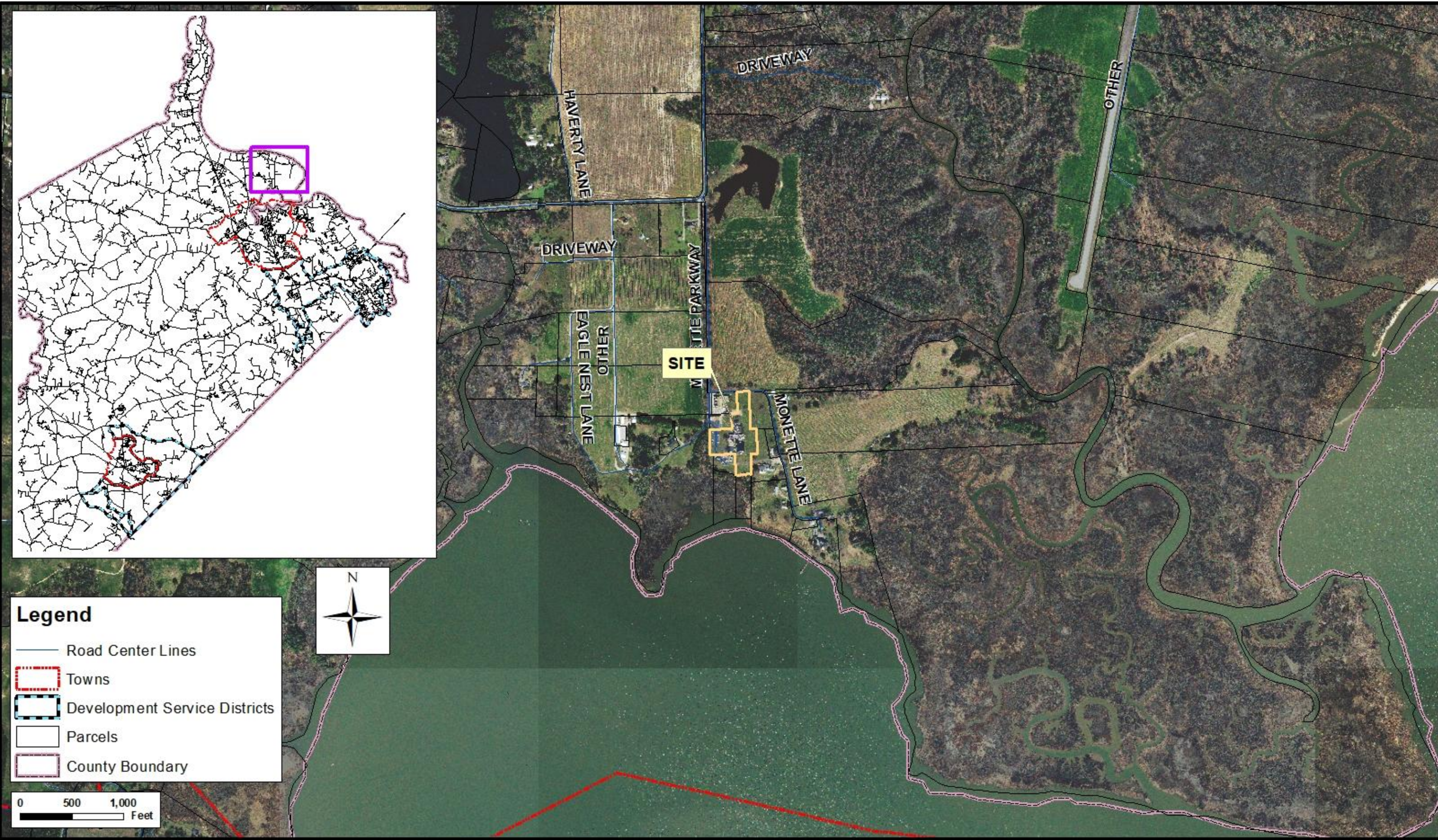
My commission expires: 11/15/13
Alan V. Monette
Notary Public

Notary Registration Number: 200000

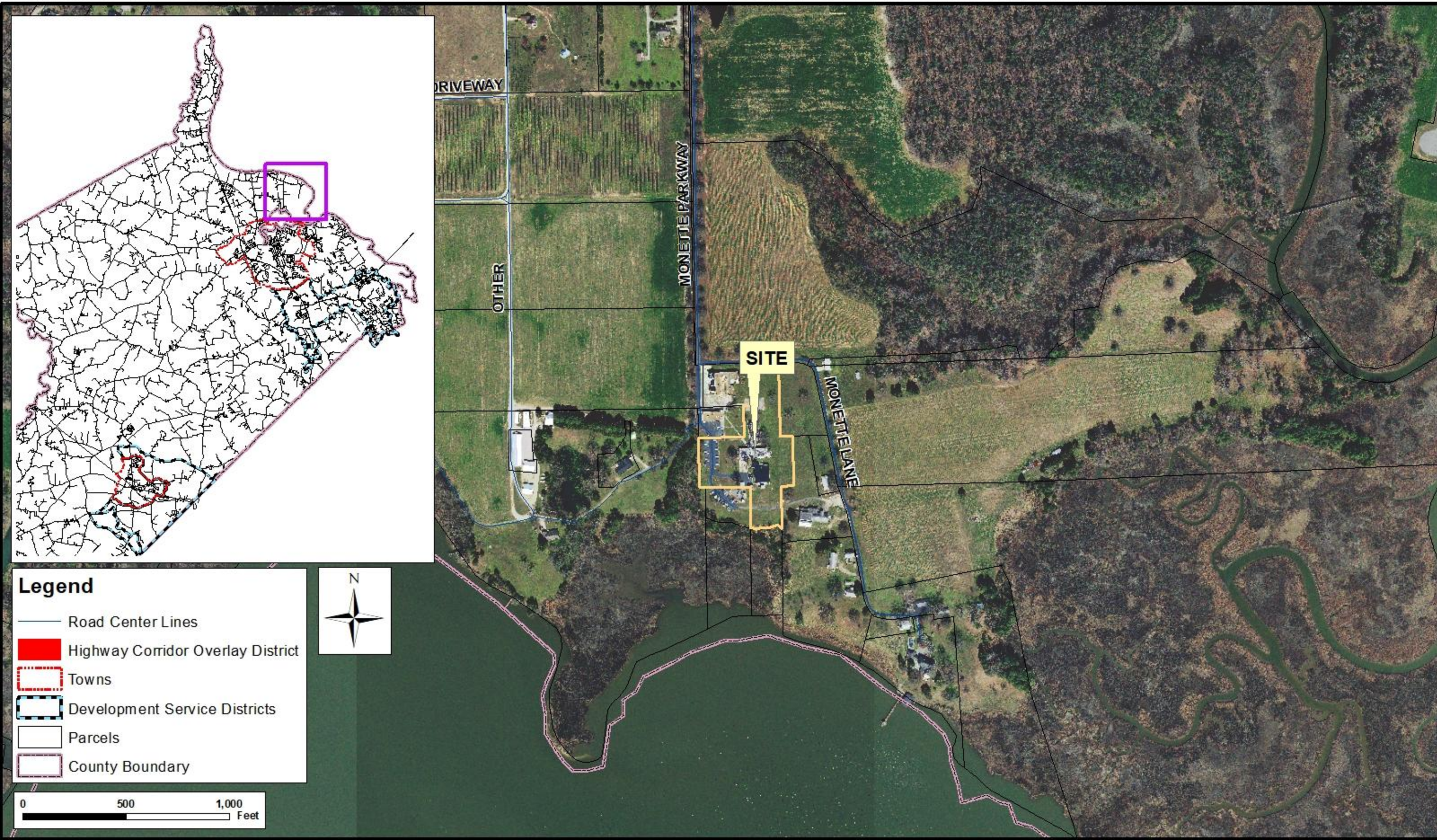
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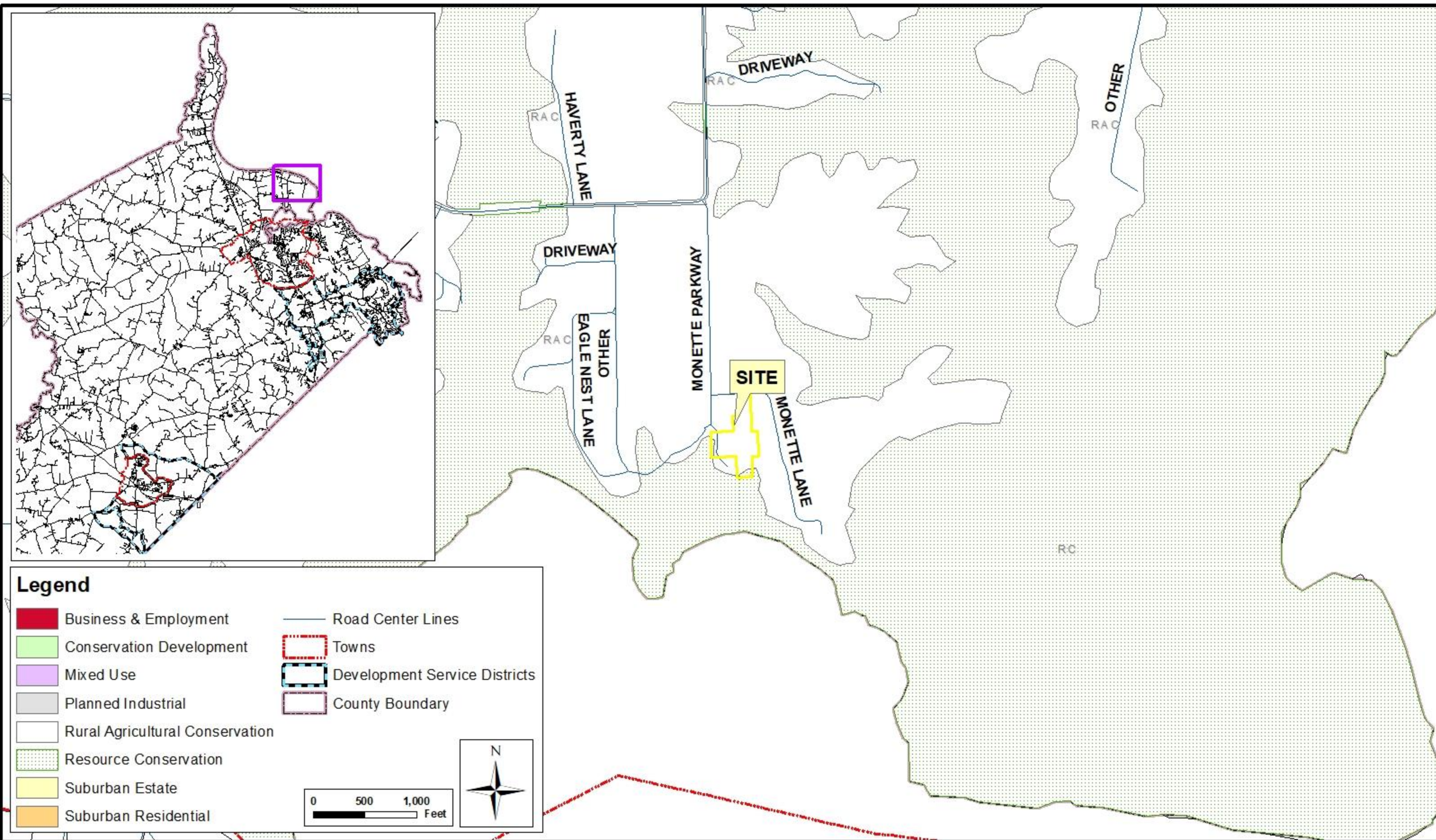
ZA-07-21 Amendment to Conditional Zoning - Location Map



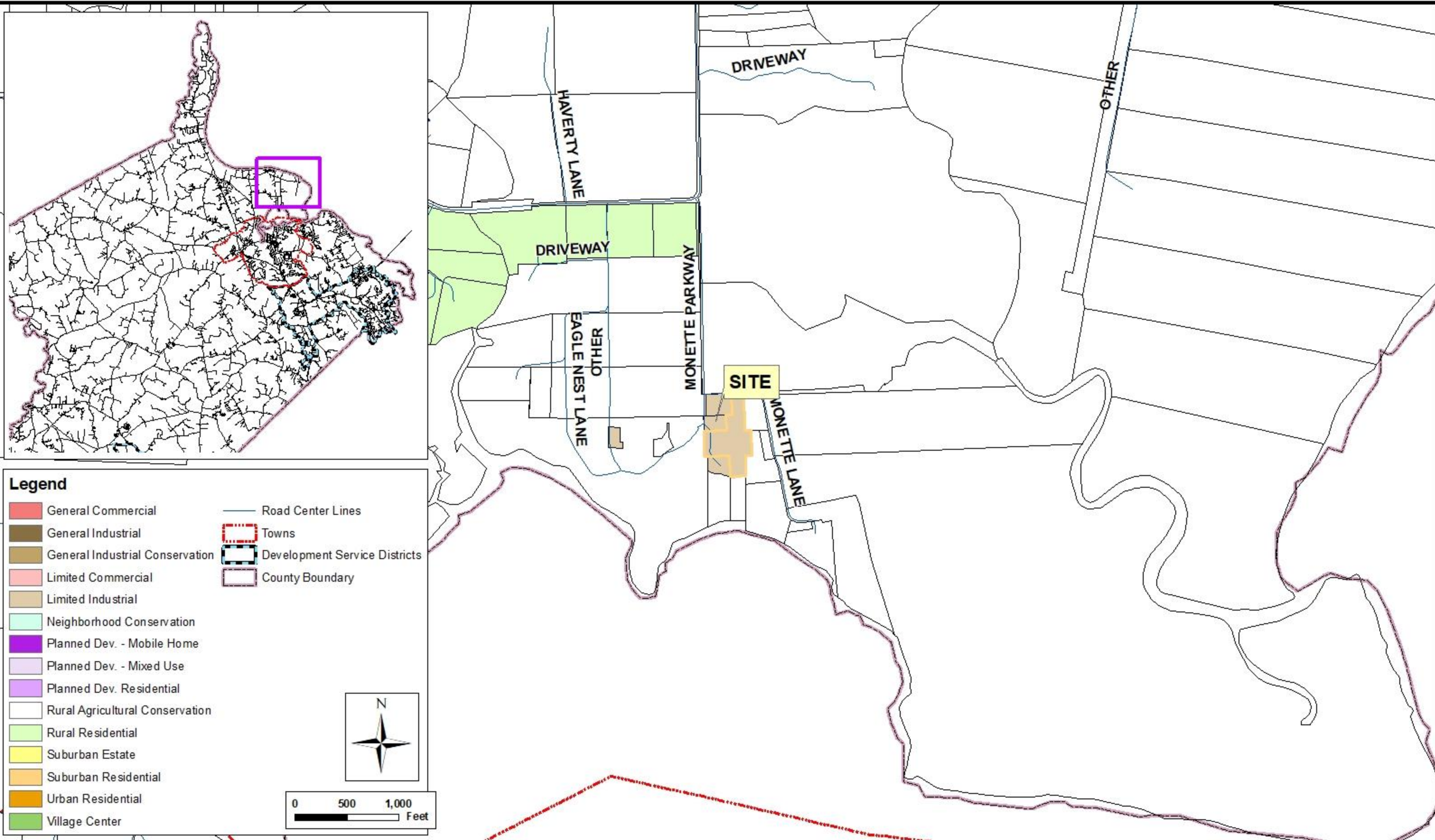
ZA-07-21 Amendment to Conditional Zoning - Location Closeup



ZA-07-21 Amendment to Conditional Zoning - Land Use Map



ZA-07-21 Amendment to Conditional Zoning- Zoning Map





Monette Parkway 30' private lane



A portion of the existing parking



Northern portion of the existing building



Center portion of the existing building



Southern portion of the existing building



Looking south from the site towards the Pagan River

COUNTY OF ISLE OF WIGHT PROFFER STATEMENT

Applicant's name(s): Accelerated Properties LLC

Owner's name(s): Accelerated Properties LLC

Project name: Date: Laboratory

Parcel-Tax Map Numbers and deed book reference: 14-02-37B

These proffers are made as of the 27th of July 2021 by Accelerated Properties LLC, of Tax Map Number 14-02-37B, containing approximately 3.8 acres of land which is referred to herein as the "Property". Owner has filed a rezoning application with the Isle of Wight County Planning and Zoning Department requesting to add allowable uses of the Property all of which are contained in the permitted uses under Limited Industrial, we request to add the use Laboratory to the existing general office and data processing proffers. Owner voluntarily proffers that the development of the Property proposed for rezoning under this application shall be in strict accordance with the conditions set forth below.

These proffered conditions ("Proffers") are the only conditions offered on this rezoning. All improvements, land, easements, dedications, gifts, proffers, and other conveyances to the County shall be in fee simple, without cloud of title or encumbrance of any kind. I.

Land Use

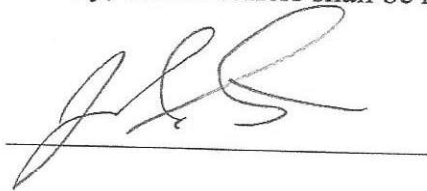
The property shall be used as permitted under the Conditional Limited Industrial Zoning and more specifically for general office, data processing and Laboratory.
Any use not listed shall be expressly prohibited on the property.

General

Successors and Assigns - This Proffer Agreement shall be binding upon and shall inure to the benefit of the parties hereto, and their respective heirs, successors and/or assigns. Any obligation(s) of Owner hereunder shall be binding upon and enforceable against any subsequent owner or owners of the Property or any portion thereof.

Severability - In the event that any clause, sentence, paragraph, subparagraph, section or subsection of these Proffers shall be judged by any court of competent jurisdiction to be invalid or unenforceable for any reason, including a declaration that it is contrary to the Constitution of the Commonwealth of Virginia or of the United States, or if the application thereof to any owner of any portion of the Property or to any government agency is he is invalid, such judgment or holding shall be confined in its operation to the clause, sentence, paragraph, subparagraph, section or subsection hereof, or the specific application thereof directly involved in the controversy in which the judgment or holding shall have been rendered or made, and shall not in any way affect the validity of any other clause, sentence, paragraph, subparagraph, section or provision hereof.

Void if Application is not approved - In the event that the Application is not approved by the County, these Proffers shall be null and void.



Name Applicant: Accelerated Properties LLC
by Joshua Tawes

Commonwealth of Virginia County of Isle of Wight
Subscribed and sworn to before me Cynthia Holbrooks, A Notary Public in and for the County of
Isle of Wight Commonwealth of Virginia, this 22 day of July 2021.

My Commission Expires November 30, 2021



Cynthia Lynn Holbrooks
NOTARY PUBLIC
Commonwealth of Virginia
Reg. #7721474
My Commission Expires
November 30, 2021

RESOLUTION NUMBER PC-21-08

**ISLE OF WIGHT COUNTY PLANNING COMMISSION
A RESOLUTION TO PRESENT A REPORT AND RECOMMENDATION
TO THE BOARD OF SUPERVISORS RELATING TO REQUEST ZA-07-21 FOR AN
AMENDMENT TO CONDITIONAL ZONING TO ALLOW FOR A LABORATORY ON 3.8
ACRES OF PROPERTY WITH TAX PARCEL NUMBER 14-02-037B**

WHEREAS, Accelerated Properties, LLC, owners, has requested an amendment to Conditional Limited Industrial zoning on property with tax map number 14-02-037B in order to allow for a laboratory in addition to the other permitted uses; and

WHEREAS the procedural requirements for the consideration of this request by the Planning Commission have been met.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of Isle of Wight County, that:

Section 1. Findings.

- _____ A. The Isle of Wight County Planning Commission finds that the proposed amendment to conditional zoning is reasonable and warranted due to a change in circumstances affecting the property and has considered the following factors and finds that the proposed rezoning does not conflict with:
1. the existing use and character of property within the County;
 2. the Comprehensive Plan;
 3. the suitability of the property for various uses;
 4. the trends of growth or change;
 5. the current or future requirements of the community as to land for various purposes as determined by population and economic studies and other studies;
 6. the transportation requirements of the community;
 7. the requirements for airports, housing, schools, parks, playgrounds, recreation areas and other public services;
 8. the conservation of natural resources;
 9. the preservation of floodplains;
 10. the preservation of agricultural and forestal land;
 11. the conservation of properties and their values; and

12. the encouragement of the most appropriate use of land throughout the County.

_____ B. The Isle of Wight County Planning Commission does not find that the proposed zoning map amendment is reasonable based on the consideration of the factors listed herein.

Section 2. Recommendation to Board of Supervisors.

The Planning Commission recommends to the Board of Supervisors that the request, ZA-07-21, be:

- ___ a. Granted as submitted, and that the Board of Supervisors adopt the proposed Ordinance without modification.
- ___ b. Denied, and that Board of Supervisors not adopt the proposed Ordinance.
- ___ c. Granted with the modifications set forth on the attached listing of specific recommendations, and that the Board of Supervisors adopt the proposed Ordinance with such modifications.

DATE: _____

READ AND PASSED: _____
Chairman, Isle of Wight County Planning Commission

TESTE: _____
Secretary, Isle of Wight County Planning Commission

Approved as to Form:

Robert W. Jones, Jr., County Attorney

ORDINANCE NUMBER: _____

AN ORDINANCE TO AMEND CONDITIONS OF APPROXIMATELY 3.7 ACRES IDENTIFIED AS TAX MAP PARCEL NUMBER 14-02-037B, ZONED CONDITIONAL LIMITED INDUSTRIAL C-LI, TO PERMIT A LABORATORY USE LOCATED AT 1 MONETTE PARKEAY

WHEREAS, Accelerated Properties, LLC, owner, has requested an amendment to the conditions of zoning for 3.7 acres located at 1 Monette Parkway in the Conditional Limited Industrial (C-LI) zoning district which is part of tax parcel identification number 14-02-037B depicted on Exhibit "B" to allow a laboratory use; and,

WHEREAS, the proposed amendment to zoning conditions has been advertised and reviewed by the Planning Commission in compliance with the requirements of state law; and,

WHEREAS, the Planning Commission has made a recommendation as stated in the adopted resolution included in Exhibit "A"; and,

WHEREAS, a public hearing before the Isle of Wight County Board of Supervisors was duly advertised as required by law and held on, at which public hearing the public was presented with the opportunity to comment on the proposed rezoning.

NOW, THEREFORE, BE IT ORDAINED by the Isle of Wight County Board of Supervisors of Isle of Wight County, Virginia, that:

Section 1. Exhibits.

Exhibit "A", "Planning Commission Resolution" and Exhibit "B", "Property Map," which are attached hereto, are hereby incorporated as part of this ordinance.

Section 2. Findings.

The Board of Supervisors finds that the amendment to conditional zoning application, ZA-07-21, as submitted or modified with conditions herein, for the expressed purpose to establish a laboratory is in harmony with the standards of the Isle of Wight County Zoning Ordinance, and that it will have no more adverse effects on the health, safety or comfort of persons living or working in or driving through the neighborhood, and will be no more injurious to property or improvements in the neighborhood than would any other use generally permitted in the same district, taking into consideration the location, type and height of buildings or structures, the type and extent of landscaping and screening on site and whether the use is consistent with any theme, action, policy or map of the Comprehensive Plan with the conditions set forth below.

These findings are based upon the consideration for the existing use and character of the property, the Comprehensive Plan, the suitability of the property for various uses, the trends of growth or change, the current and future requirements of the community as to land for various purposes as determined by population and economic studies and other studies, the transportation requirements of the community, the requirements of airports, housing, schools, parks, playgrounds, recreation areas and other public services, the conservation of natural resources, the preservation floodplains, the preservation of agricultural and forestal land, the conservation of properties and their values, and the encouragement of the most appropriate use of land throughout the County.

Section 3. Rezoning.

- A. The property as shown on the attached Exhibit "B" is hereby rezoned and the official zoning map be, and is hereby, amended to allow a garden center.
- B. The foregoing rezoning and amendment to the official zoning map shall remain in effect until a subsequent amendment changes the zoning of the property.

Section 4. Severability.

It is the intention of the Board of Supervisors that the provisions, sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable; and if any phrase, clause, sentence, paragraph, section, and provision of this ordinance hereby adopted shall be declared unconstitutional or otherwise invalid by the valid judgement or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrase, clauses, sentences, paragraphs, sections, and provisions of this ordinance, to the extent that they can be enforced notwithstanding such determination

Section 5. Effective Date

This ordinance shall be effective upon passage and shall not be published or codified.

DATE: _____

READ AND PASSED: _____
Chairman, Board of Supervisors

TESTE: _____
Clerk, Board of Supervisors

Approved as to Form:

Robert W. Jones Jr, County Attorney

APPENDIX A

RESOLUTION NUMBER PC-21-08

**ISLE OF WIGHT COUNTY PLANNING COMMISSION
A RESOLUTION TO PRESENT A REPORT AND RECOMMENDATION
TO THE BOARD OF SUPERVISORS RELATING TO REQUEST ZA-07-21 FOR AN
AMENDMENT TO CONDITIONAL ZONING TO ALLOW FOR A LABORATORY ON 3.8
ACRES OF PROPERTY WITH TAX PARCEL NUMBER 14-02-037B**

WHEREAS, Accelerated Properties, LLC, owners, has requested an amendment to Conditional Limited Industrial zoning on property with tax map number 14-02-037B in order to allow for a laboratory in addition to the other permitted uses; and

WHEREAS the procedural requirements for the consideration of this request by the Planning Commission have been met.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of Isle of Wight County, that:

Section 1. Findings.

✓

A. The Isle of Wight County Planning Commission finds that the proposed amendment to conditional zoning is reasonable and warranted due to a change in circumstances affecting the property and has considered the following factors and finds that the proposed rezoning does not conflict with:

1. the existing use and character of property within the County;
2. the Comprehensive Plan;
3. the suitability of the property for various uses;
4. the trends of growth or change;
5. the current or future requirements of the community as to land for various purposes as determined by population and economic studies and other studies;
6. the transportation requirements of the community;
7. the requirements for airports, housing, schools, parks, playgrounds, recreation areas and other public services;
8. the conservation of natural resources;
9. the preservation of floodplains;
10. the preservation of agricultural and forestal land;
11. the conservation of properties and their values; and

12. the encouragement of the most appropriate use of land throughout the County.

____ B. The Isle of Wight County Planning Commission does not find that the proposed zoning map amendment is reasonable based on the consideration of the factors listed herein.

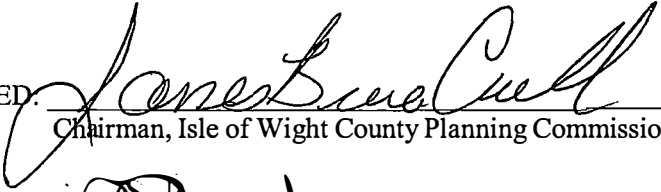
Section 2. Recommendation to Board of Supervisors.

The Planning Commission recommends to the Board of Supervisors that the request, ZA-07-21, be:

- ☒ a. Granted as submitted, and that the Board of Supervisors adopt the proposed Ordinance without modification.
- ____ b. Denied, and that Board of Supervisors not adopt the proposed Ordinance.
- ____ c. Granted with the modifications set forth on the attached listing of specific recommendations, and that the Board of Supervisors adopt the proposed Ordinance with such modifications.

DATE: October 26 2021

READ AND PASSED:


Chairman, Isle of Wight County Planning Commission

TESTE:


Secretary, Isle of Wight County Planning Commission

Approved as to Form:

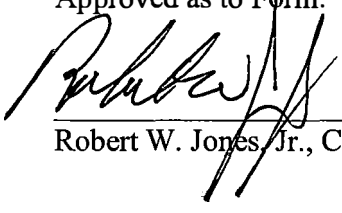
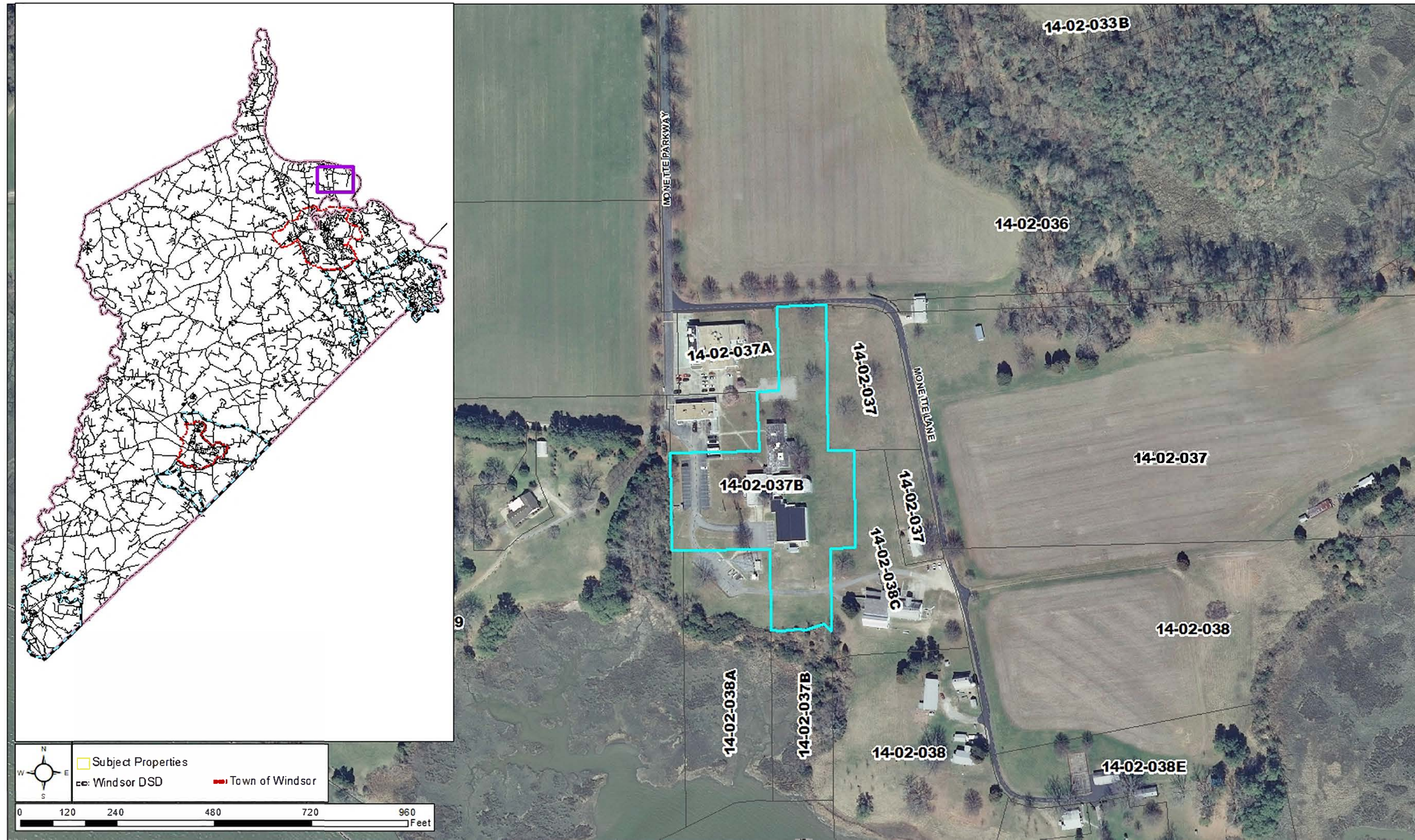

Robert W. Jones, Jr., County Attorney

Exhibit B



ISSUE:

Proposed Revisions to the Isle of Wight County Zoning, Subdivision, and Chesapeake Bay Preservation Area (CBPA) Ordinances

BACKGROUND:

The proposed ordinance changes are suggested by Planning and Zoning staff as a result of their annual review and daily administration of County ordinances.

Following discussion of the proposed ordinance amendments at their September 28, 2021, regular meeting, the Planning Commission directed staff to advertise all of the proposed ordinance changes for public hearing at their next regular meeting except the proposed Short Term Rental ordinance changes, in order to further discuss them.

The Planning Commission held a public hearing on the proposed ordinance amendments at their October 26, 2021, regular meeting and voted to recommend approval of the ordinance changes to include that utility scale solar facilities should be located partially or wholly within a two mile radius of a major transmission line or substation by a vote of six in favor and zero against the recommendation.

A redline copy of the ordinance changes and draft Ordinances for the Board's consideration and adoption are attached to the staff report.

BUDGETARY IMPACT:

None.

RECOMMENDATION:

The Planning Commission held a public hearing on the proposed ordinance amendments at their October 26, 2021, regular meeting and voted to recommend approval of the ordinance changes to include that utility scale solar facilities should be located partially or wholly within a two mile radius of a major transmission line or substation by a vote of six in favor and zero against the recommendation.

Staff also recommends approval of the draft changes.

ATTACHMENTS:

Description	Type	Upload Date
Proposed Subdivision Ord Revision Redline	Backup Material	10/20/2021
CBPA Ordinance Draft Rev 092821	Backup Material	9/21/2021
Subdivision Ord Amend BOS Ordinance	Ordinance	10/20/2021
CBPA Ord Rev BOS Ord 102021	Ordinance	10/20/2021
Zoning Ordinance Changes Redline	Backup Material	11/10/2021
BOS Zoning Ordinance	Ordinance	11/10/2021

Proposed Subdivision Ordinance Revisions

Revised October 20, 2021

The draft revisions are listed by section below. New, proposed language is in red underlined text. Language proposed to be deleted is shown in ~~red text with strikethrough~~ markings.

Article 2. Definitions

2.2. Defined terms.

Driveway, shared:\ A collectively owned and maintained driveway within an unobstructed access easement or right-of-way of not less than twenty (20) feet in width and constructed of a compacted surface a minimum depth of three (3) inches and minimum width of twelve (12) feet. The right-of-way and driveway shall be maintained by adjacent property owners and guaranteed in writing with a shared driveway maintenance agreement. This agreement shall be revised upon any change in ownership and prior to any additional subdivision approval on lots served by the shared driveway. An erosion and sediment control plan may be required depending on square footage of the driveway. No shared driveway may serve more than two (2) ~~four (4)~~ lots.

Street:\ A public or private thoroughfare used, or intended to be used, for passage or travel by motor vehicles. A street serves three (3) or more lots. The word "street" shall include the words "road," and "highway."

Street, public:\ A street (or portion of a street) that has been improved to comply with the requirements of this ordinance and the VDOT Subdivision Street Design Guide and has been accepted or is proposed to be accepted into the state primary or secondary road system.

Street, private:\ A street (or portion of a street) that has not been accepted into the state primary or secondary road system.

~~Street or alley, public use of:\ The unrestricted use of a specified area or right-of-way for ingress and egress to three (3) or more abutting properties.~~

Subdivision:\ The division or redivision of a lot, tract, or parcel of land by any means into two (2) or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, transfer of ownership or building or lot development. The term "subdivision" includes the following:

1. Any development of a parcel of land which involves installation of sanitary sewers, storm sewers, water mains, gas mains or pipes, or other appropriate facilities for the use, whether immediate or future, of the owners or occupants of the land.
2. Any development of a parcel of land involving two (2) or more principal structures or involving shopping centers, multiple dwelling projects and the like which require the installation of public ~~or private streets~~ and/or alleys, even though the parcel may not be divided for purposes of conveyance, transfer or sale.

Article 3. Administration and Procedures

3.2.4. Subdivision, family member.

- A. The subdivision agent may approve a family member subdivision subject to the provisions of this section, and any express requirement contained in the Code of Virginia (see specifically Section 15.2-2244, et seq. of the Code of Virginia). The purpose of a family member subdivision may not be to circumvent this ordinance or other county regulations. To approve an application for family member subdivision, the subdivision agent must find the following:
1. The property owner requesting the family member subdivision shall hold fee simple title to the subject property.
 2. No person who has previously received land within the county via family member subdivision is eligible to receive additional land through family member subdivision.
 3. The approval shall include the proposed deed(s) of sale or transfer from the property owner to the receiving family member.
 4. No more than one (1) lot ~~four (4) lots~~ resulting from a single tract may be accessed from a single easement of right-of-way unless approved by the board of supervisors upon recommendation from the planning commission. ~~These lots shall be served by an unobstructed easement of right-of-way of not less than twenty (20) feet, providing ingress and egress to an improved public street, and shall be constructed of a compact surface with a minimum depth of four (4) inches. It is recommended that an additional ten (10) feet of easement be dedicated for emergency management access to bring the easement width to thirty (30) feet. The easement of right-of-way shall be maintained by the owner or owners of the property which is to be served by said easement of right-of-way. A road maintenance agreement providing for perpetual maintenance of said easement of right-of-way shall be executed by the parties to whom the lot(s) created pursuant to this ordinance shall be conveyed. The road maintenance agreement shall be approved by the county attorney and shall be recorded in the clerk's office of the circuit court of Isle of Wight County at the time of recordation of the plat approved pursuant to the ordinance. An erosion and sediment control plan may be required depending on the square footage of land disturbance.~~
 5. ~~Shared driveways shall be required for two (2) or more contiguous lots resulting from a family member subdivision which shares frontage on a public road. A shared driveway with a minimum width of twelve (12) feet must be provided within an unobstructed access easement.~~

Article 4. Plat Requirements

4.2. Plat requirements.

4.2.1. General.

- A. Plats must be prepared in conformance with 18VAC10-20-370, "Minimum standards and procedures for land boundary surveying practice."
- B. In addition to the paper copies of the plat, the applicant shall submit a digital copy of the plat in a format established by the subdivision agent. In cases where the applicant is not able to submit a digital copy, the applicant shall pay any costs incurred by the county to have said plat converted into digital form.

4.2.2. Preliminary plat requirements.

- A. [Approval needed.] Whenever any subdivision of land is proposed, and before any permits for the erection of a structure shall be granted, the applicant or his agent shall apply in writing to the subdivision agent for the approval of the subdivision plat and submit eight (8) ~~ten (10)~~ paper copies and one digital copy of the preliminary plat including lot and street layout, stormwater management facilities, and utility easements.

- 4.2.4. Final plat. The subdivision plat submitted for final approval to the subdivision agent and subsequent recording shall be clearly and legibly drawn at a scale no smaller than two hundred (200) feet to the inch, and there shall be at least eight (8) ~~ten (10)~~ paper copies and one digital copy. In addition to the requirements of the preliminary plat, the final plat shall include the following:

Article 5. Development Standards

5.9. Streets.

5.9.1. General standards.

- A. All streets in the proposed subdivision shall be designed and constructed in accordance with the minimum requirements found in this section at no cost to the county.
- B. Road widening and right-of-way dedication must meet or exceed VDOT standards.
- C. Unless specifically modified in this ordinance, all new streets (~~public and private~~) must be public and be improved to comply with the VDOT road and bridge standards.

5.9.2. Description of public and private streets.

- A. Public street. A street (or portion of a street) that has been improved to comply with the requirements of this ordinance and the VDOT subdivision street design guide and has been accepted or is proposed to be accepted into the state primary or secondary road system.

- B. Private street. A street (or portion of a street) that has not been accepted into the state primary or secondary road system.

~~5.9.3. Private street standards.~~

~~A. Design, construction, and maintenance.~~

- ~~1. Private streets proposed for acceptance into the state secondary road system at a later date must be designed and constructed in accordance with VDOT construction standards.~~
- ~~2. A common access easement must be provided allowing unencumbered access from the public street to all lots that will be served by the private street.~~
- ~~3. Sufficient easements must be provided for installation and maintenance of all utility facilities including, but not limited to, water and sewer, electricity, telecommunications, cable television, and drainage.~~
- ~~4. A written road maintenance agreement with provisions for maintenance of the street until it is accepted into the state system shall be included in the final plat. The county will not maintain any private street or roadway. This agreement must be in a form acceptable to the county attorney.~~

~~B. Use of private streets. Private streets designed and constructed in accordance with the requirements for public streets may be used in lieu of a public street for access to the following types of development lots:~~

- ~~1. Single family developments: Family member subdivisions up to a maximum of four (4) lots. This subsection shall apply to parcels created after the adoption date of this ordinance; rural subdivisions up to a maximum of two (2) lots (see section 5.4, subdivision types);~~
- ~~2. Multifamily and townhouse developments;~~
- ~~3. Commercial shopping centers; and~~
- ~~4. Commercial lots which do not front on a public road in accordance with section 3.2.3 of this ordinance.~~

Proposed Revisions
DRAFT 09/16/2021

~~Deleted text~~

New proposed text

APPENDIX B-1. - CHESAPEAKE BAY PRESERVATION AREA ORDINANCE.

Editor's note—An ordinance adopted August 21, 2006, amended Appendix B-1 in its entirety to read as herein set out.

Prior Ordinance History: Ords. dated 11-15-90; 9-21-00; 11-16-00; and 12-18-03.

Article 1. - Title, Purpose, and Authority.

Sec. 1000. - Title.

This ordinance shall be known and referenced as the "Chesapeake Bay Preservation Area Ordinance" of Isle of Wight County, Virginia. This Ordinance is also commonly referred to as the "CBPA" Ordinance. (8-21-06.)

Sec. 1001. - Findings of fact.

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 Isle of Wight County and the Commonwealth of Virginia. The health of the Bay is vital to maintaining Isle of Wight County's economy and the welfare of its citizens.

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 adjacent 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 board of supervisors 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 Isle of Wight County and the Commonwealth of Virginia. (8-21-06.)

Sec. 1002. - Purpose and intent.

This ordinance is enacted to implement the requirements of Section 62.1-44.15:67 et seq., of the Code of Virginia, the Chesapeake Bay Preservation Act, and amends Appendix B-1 of the Isle of Wight County Code, known also as the Chesapeake Bay Preservation Area Ordinance. The purpose and intent of this ordinance is to:

- a. Protect existing high quality state waters;

- b. 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 aquatic life, which might reasonably be expected to inhabit them;
- c. Safeguard the clear waters of the Commonwealth from pollution;
- d. Prevent any increase in pollution;
- e. Promote water resource conservation in order to provide for the health, safety, and welfare of the present and future citizens of Isle of Wight County. (8-21-06; 4-16-15.)

Sec. 1003. - Relationship to referenced laws, other county ordinances and guidance documents.

- (a) The requirements of this ordinance supplement the county's land development ordinances, including existing zoning and subdivision ordinances and regulations. It imposes specific regulations for development and other land uses within the Isle of Wight County preservation area. In the event of inconsistency between the provisions of this ordinance and the provisions established in other applicable ordinances, the more restrictive or stringent provisions shall apply.
- (b) Permitted uses, special permit uses, accessory uses and special requirements shall be as established by the zoning ordinance and the underlying zoning district, unless specifically modified by the requirements of this ordinance.
- (c) Lot size shall also comply with requirements of the underlying zoning district in the zoning ordinance, provided that all lots shall have sufficient area outside the Resource Protection Area to accommodate an intended development, in accordance with the performance standards in section 4002, when such development is not otherwise allowed in the Resource Protection Area.
- (d) References in this ordinance to any law statute, ordinance, rule or regulation in force on the date of adoption of this ordinance shall include any subsequent amendments or revisions.
- (e) Guidance documents prepared by the Virginia Department of Environmental Quality (DEQ) shall be used as references in the administration and interpretation of this ordinance. Where there appears to be a conflict between this ordinance and the guidance documents, the ordinance shall take precedence. (8-21-06; 4-16-15.)

Sec. 1004. - Applicability.

- (a) No person shall develop, alter, or use any land for residential, commercial, industrial, or civic uses, nor conduct agricultural, fishery or forestry activities in the Isle of Wight County preservation area except in compliance with the provisions of this ordinance.
- (b) No development or resource utilization activity shall be permitted until all applicable approving authorities shall determine that the proposed development or activity is consistent with the goals and objectives of the Isle of Wight County preservation area program. (8-21-06.)

Sec. 1005. - Severability.

If any section, paragraph, subdivision, clause, phrase, or provision of this ordinance shall be adjudged invalid or held unconstitutional, such a ruling shall not affect the validity of the remainder of this ordinance. (8-21-06.)

Article 2. - Definitions.

Sec. 2000. - Purpose.

It is the purpose of this article to define words, terms and phrases contained within this ordinance and other applicable terms. (8-21-06.)

Sec. 2001. - Word usage.

In the interpretation of this ordinance, the provisions and rules of this section shall be observed and applied, except when the context clearly requires otherwise:

- a. Words used or defined in one tense or form shall include other tenses and derivative forms.
- b. Words in the singular number shall include the plural number and words in the plural number shall include the singular number.
- c. The specific shall control the general.
- d. The word "person" includes a "firm, association, organization, partnership, trust, company," as well as an "individual."
- e. Any words pertaining to gender shall be interchangeable. The word "he" shall also mean "she", and "she" shall also mean "he".
- f. The words "used" or "occupied" include the words "intended, designed, or arranged to be used or occupied."
- g. The word "lot" includes the words "plot" or "parcel."
- h. The word "shall" is mandatory; the words "may" and "should" are permissive.
- i. In case of any difference of meaning or implication between the text of this ordinance and any caption, illustration, or table, the text shall control.
- j. All public officials, bodies, and agencies referred to in this ordinance are those of Isle of Wight County, Virginia, unless otherwise specifically indicated. (8-21-06.)

Sec. 2002. - Definitions.

The following words and terms used in these regulations shall have the following meanings, unless the context clearly indicates otherwise.

- a. Act means the Chesapeake Bay Preservation Act, Article 2.5 (Section 62.1-44.15.67 et seq.) of Chapter 3.1 of Title 62.1 of the Code of Virginia.
- b. Agricultural lands mean those lands used for the tilling of the soil; the growing of crops or plant growth of any kind in the open, including forestry; pasturage; horticulture; dairying; floriculture; or raising of poultry and/or livestock.
- c. Best management practices (BMPs) means a practice, or combination of practices, that are defined by a state agency or the Hampton Roads Planning District Commission

guidelines 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.

- d. 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.
- e. Chesapeake Bay Preservation Area (CBPA) means any land designated by the board of supervisors pursuant to Part III of the Chesapeake Bay Preservation Area Designation and Management Regulations, 9VAC25-830-70 et seq., and Section 62.1-44.15:72 of the Code of Virginia. A Chesapeake Bay Preservation Area shall consist of a resource protection area and a resource management area.
- f. Construction footprint means the area of all impervious surfaces, including, but not limited to, buildings, roads and drives, parking areas, sidewalks and the area necessary for construction of such improvements.
- g. Development means the construction, or substantial alteration of residential, commercial, industrial, institutional, recreational, transportation, or utility facilities or structures. This shall include any construction, modification, extension or expansion of buildings or structures; placement of fill or dumping; storage of materials; land excavation; land clearing; land improvement; or any combination of these activities, including the subdivision of land.
- h. Diameter at breast height (DBH) means the diameter of a tree measured outside the bark at a point four and one-half (4.5) feet above the ground.
- i. Dripline means a vertical projection to the ground surface from the furthest lateral extent of a tree's leaf canopy.
- j. Erosion and Sediment Control Law means Article 2.4 (Section 62.1-44.15:51 et seq.) of Chapter 3.1 of Title 62.1 of the Code of Virginia.
- k. 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.
- l. Land-disturbing permit means a permit issued by the county for clearing, filling, excavating, grading or transporting, or any combination thereof.
- m. Limits of clearing means the extent to which vegetation can be removed from a property as shown on a plan approved by the county.
- n. Lot coverage means the impervious area of any lot or parcel including, but not limited to, buildings, drives, parking areas, sidewalks, patios, decks, etc.
- o. Mitigation means measures taken to eliminate or minimize damage to environmentally sensitive areas from land disturbing or development activities. Such measures may include, but are not limited to, avoiding the impact altogether, limiting the degree or magnitude of the action, repairing or restoring the affected environmental

area, reducing the impact over time by preservation and maintenance, or replacing or providing a substitute environmental area.

- p. 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.
- q. Nontidal wetlands mean those wetlands other than tidal wetlands that are inundated or saturated by surface or ground water 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 C.F.R. 328.3b.
- r. Noxious weeds means weeds such as Johnson grass, kudzu, and multiflora rose, including those identified by the Virginia Department of Conservation and Recreation as Invasive Alien Plant Species.
- s. Plan of development means any process for site plan review in Isle of Wight County zoning and land development regulations designed to ensure compliance with Section 62.1-44.15:74 of the Act and this chapter, prior to issuance of building permit.
- t. Point source pollution means pollution of state waters resulting from any discernible, defined or discrete conveyances.
- u. 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 Virginia Department of Transportation, including regulations promulgated pursuant to i) the Erosion and Sediment Control Law and ii) the Virginia Stormwater Management Act. This definition includes roads where the Virginia Department of Transportation exercises direct supervision over the design or construction activities, or both, and cases where secondary roads are constructed or maintained, or both, by local government in accordance with the standards of that local government.
- v. Redevelopment means the process of developing land that is or has been previously developed.
- w. Resource Management Area (RMA) means that component of the Chesapeake Bay Preservation Area that is not classified as the resource protection area.
- x. 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.
- y. 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 § 10.1-1105 of the Code of Virginia and

are located on property defined as real estate devoted to forest use under § 58.1-3230 of the Code of Virginia.

- z. Substantial alteration means expansion or modification of a building or development that would result in a disturbance of land exceeding two thousand five hundred (2,500) square feet in the resource management area only.
- aa. Substantial work means that improvements have proceeded to where vertical construction of the basic structure or walls has begun on a building or other structure or for other land improvements, that significant progress has been made towards accomplishing the approved project.
- ab. 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.
- ac. Tidal wetlands means vegetated and nonvegetated wetlands as defined in § 28.2-1300 of the Code of Virginia.
- ad. 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) piers, marinas, and other boat docking structures; (iv) beaches and other public water-oriented recreation areas; (v) fisheries or other marine resources facilities; and (vi) shoreline and bank stabilization projects, where deemed necessary.
- ae. Water body with perennial flow means a body of water that flows in a natural or manmade channel year-round during a year of normal precipitation. This includes, but is not limited to, streams, estuaries, and tidal embayments and may include drainage ditches or channels constructed in wetlands or from former natural drainageways, which convey perennial flow. Lakes and ponds, into which a perennial stream flows and perennial flow exits, are part of a perennial stream. Generally, the water table is located above the streambed for most of the year and groundwater is the primary source for stream flow. Perennial flow can be inferred by the presence of biological indicators, benthic macroinvertebrates that require water for entire life cycles, or by using an approved stream determination protocol.
- af. Wetlands means both tidal and nontidal wetlands.
- ag. Zoning administrator means the person designated as the official responsible for enforcing and administering all requirements of the county zoning ordinance, or a duly authorized designee. (8-21-06; 4-16-15.)

Article 3. - Areas of Applicability, Delineations of Boundaries, and Exemptions.

Sec. 3000. - Areas of applicability.

- (a) The Chesapeake Bay Preservation Area (CBPA) Ordinance shall apply to all lands within the Chesapeake Bay drainage basin. The limits of this area are generally shown on the Chesapeake Bay Preservation Area maps adopted by the board of supervisors, which together with all explanatory matter thereon, are adopted as a part of this ordinance. This

information may be supplemented by digital mapping resources in the course of administering the provisions of this ordinance.

- (b) The Chesapeake Bay Preservation Area shall be divided into two areas consisting of the following:
1. The Resource Protection Area (RPA).which shall include:
 - 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. Water bodies with perennial flow, including streams, rivers, lakes and ponds;
 - e. Other lands as may be designated by the Board of Supervisors and shown on the CBPA maps; and
 - f. A vegetated buffer area not less than 100 feet in width located adjacent to, landward of, and on both sides of the resources listed in subsections a. through e. above.
 2. The Resource Management Area (RMA) shall consist of all areas within the Chesapeake Bay watershed. (8-21-06.)

Sec. 3001. - Delineation and interpretation of boundaries.

- (a) The site-specific boundaries of the ~~Resource Protection Area~~ RPA shall be provided by the applicant. The applicant shall delineate specific boundaries of the RPA through the performance of an environmental site assessment to be approved by the Zoning Administrator in accordance with section 5000(b) of this ordinance.
1. Delineation of the RPA shall include the designation of perennial water bodies by use of a scientifically valid system of in-field indicators of perennial flow or other means approved by the zoning administrator. The site-specific delineation of the RPA shall be undertaken by the applicant and approved by the zoning administrator.
 2. All components included in the ~~RPA Resource Protection Area~~ (subsection 3000(b)1. above) shall be delineated separately, and shall be prepared by a person trained, qualified and experienced in performing wetland delineation work, such as an environmental engineer, environmental scientist, soil scientist, biologist or geologist.
 3. Wetlands delineations shall be performed consistent with the procedures specified in the Federal Manual for Identifying and Delineating Jurisdictional Wetlands, 1987, and shall be verified by the U. S. Army Corps of Engineers, where it determines it has jurisdiction.
 4. The Chesapeake Bay Preservation Area Maps may be used as a guide to the general location of RPAs ~~Resource Protection Areas~~ but shall not be a substitute for an on-site delineation.

5. This requirement may be waived by the zoning administrator when the proposed use or development and all associated land disturbing activities will clearly be located outside of a Resource Protection Area, based on an evaluation by the Zoning Administrator and after referral to the board of supervisors.
 6. Delineations shall be valid for a period of five (5) years.
- (b) ~~B-~~ Where the applicant has provided a ~~determination of the Resource Protection Area RPA delineation~~, the zoning administrator shall inspect the site and verify the accuracy of the boundary delineation. In determining the site-specific RPA boundary, the zoning administrator may consider previously submitted delineations, County mapping resources and materials and consult with qualified specialists, including any private, state or federal resources available to the county. In the event the adjusted boundary delineation is contested by the applicant, the applicant may seek relief, in accordance with the provisions of subsection 5000(h) (Denial/appeal of plan).
- (c) If the boundaries of the ~~RMA Resource Management 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 this ordinance. The division of property shall not constitute an exemption from this requirement. (8-21-06.)

Sec. 3002. - Exemptions.

The following uses and activities are exempt from the provisions of this ordinance provided that all of the requirements listed below are met.

- (a) Exemptions for 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 (§ 62.1-44.15:51 et seq. of the Code of Virginia) and the Stormwater Management Act (§ 62.1-44.15:24 et seq. of the Code of Virginia), (ii) an erosion and sediment control plan and a stormwater management plan approved by DEQ, or (iii) local water quality protection criteria at least as stringent as the above state requirements are deemed to comply with this ordinance. The exemption of public roads is further conditioned on the following:
 1. The road alignment and design has been optimized, consistent with all applicable requirements, to prevent or otherwise minimize the encroachment in the ~~Resource Protection Area RPA~~ and to minimize the adverse effects on water quality.
- (b) Exemptions for 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 this ordinance 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 two thousand five hundred (2,500) square feet complies with Isle of Wight County erosion and sediment control requirements (Chapter 6) and stormwater management requirements (Chapter 14A).
- (c) Exemptions for silvicultural activities: Silvicultural activities are exempt from the requirements of this ordinance provided that silvicultural operations adhere to water quality protection procedures prescribed by the Virginia Department of Forestry in the March 2011 edition of "Virginia's Forestry Best Management Practices for Water Quality Technical Manual, Fifth Edition." The Virginia Department of Forestry will oversee and document installation of best management practices and will monitor in-stream impacts of forestry practices in Chesapeake Bay Preservation Areas.
- (d) Exemptions in ~~resource protection areas~~ RPAs: The following land disturbances in ~~resource protection areas~~ RPAs may be exempt from this ordinance provided that they comply with the requirements listed in subsections 1. through 5. below and obtain a zoning permit from the zoning administrator: (i) water wells; (ii) passive recreation facilities such as boardwalks, walking trails, and pathways; and (iii) historic preservation and archaeological activities.
1. Any required permits, except those to which this exemption specifically applies, shall have been issued; ~~and~~
 2. Sufficient and reasonable proof is submitted that the intended use will not deteriorate water quality; ~~and~~
 3. The intended use does not conflict with nearby planned or approved uses;
 4. Any land disturbance exceeding an area of two thousand five hundred (2,500) square feet shall comply with Isle of Wight County erosion and sediment control requirements (Chapter 6) and stormwater management requirements (Chapter 14A); ~~and~~
 5. Boardwalks, walking trails and pathways shall not exceed five (5) feet in width and shall be paved with a permeable material. For purposes of this section, boardwalks shall consist of an elevated public pedestrian walkway constructed along a shoreline or beach. (8-21-06; 4-16-15.)

Article 4. - Performance Standards and Development Criteria.

Sec. 4000. - General 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:

1. Prevent a net increase in nonpoint source pollution from new development;
 2. Achieve a ten-percent reduction in nonpoint source pollution from redevelopment; and
 3. Achieve a forty-percent reduction in nonpoint source pollution from agricultural uses.
- (b) General performance standards for development and redevelopment in the Chesapeake Bay Preservation Area.
1. Land disturbance shall be limited to the area necessary to provide for the proposed use or development.
 - a. In accordance with an approved plan of development, the limits of clearing or grading shall be strictly defined by the construction footprint. The zoning administrator shall review and approve the construction footprint through the plan of development process. 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 (1) access point, unless otherwise approved by the zoning administrator.
 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 eight (8) inches diameter at breast height (DBH) shall be preserved outside the approved construction footprint in accordance with the same standards established in subsection 4002(b)1.
 - b. Site clearing for construction activities shall be allowed as approved by the zoning administrator through the plan of development review process outlined under section 5000 of this ordinance.
 - c. Prior to clearing and grading, suitable protective barriers, like safety fencing, shall be erected five (5) feet outside the dripline of any tree or stand of trees to be preserved. Protective barriers shall remain 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. Development on slopes greater than fifteen (15) percent shall be prohibited unless such development is demonstrated to be the only effective way to maintain or improve slope stability.
 4. Land development shall minimize impervious cover consistent with the proposed use or development. Impervious coverage on any lot or parcel shall be limited to the lot coverage permitted under the zoning district requirements of said lot or parcel, but in no case shall exceed sixty percent (60%) of the total site.

5. Notwithstanding any other provisions of this ordinance or exceptions or exemptions thereto, any land disturbing activity exceeding two thousand five hundred (2,500) square feet, including construction of all single-family houses, septic tanks and drainfields, but otherwise as defined in Section 62.1-44.15:51 of the Code of Virginia, shall comply with the requirements of the erosion and sediment control ordinance, Chapter 6 of the County Code. Enforcement for noncompliance with the erosion and sediment control requirements referenced in this criterion shall be conducted under the provisions of the Erosion and Sediment Control Law and attendant regulations.
6. All development and redevelopment within RMAs and RPAs that exceeds two thousand five hundred (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 section 5000 of this ordinance; or a subdivision plan in accordance with the subdivision ordinance; or a water quality impact assessment in accordance with section 4003 of this ordinance.
7. All on-site sewage disposal systems not requiring a Virginia Pollution Discharge Elimination System (VPDES) permit shall be pumped out at least once every five (5) years. As an alternative to the pump-out every five (5) years, there shall be the option of having a septic effluent filter installed and maintained in the outflow pipe from the septic tank to filter solid material from the effluent while sustaining adequate flow to the drainfield to permit normal use of the septic system. Such a filter should satisfy standards established in the Sewage Handling and Disposal Regulations (12 VAC 5-610) administered by the Department of Health. Furthermore, in lieu of requiring proof of septic tank pump-out every five (5) years, there shall be the option to submit 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 as being qualified to operate, maintain or design on-site sewage systems, that the septic system has been inspected, is functioning properly, and that the tank does not need to have the effluent pumped out.
8. A reserve sewage disposal site with a capacity at least equal to that of the primary sewage disposal site shall be provided, in accordance with the Isle of Wight County Health Code. This requirement shall not apply to any lot or parcel recorded prior to October 1, 1989, when a reserve sewage disposal site is not available, as determined by the local health department. Building or the construction of any impervious surface shall be prohibited on the area of all sewage disposal sites or on an on-site sewage treatment system which operates under a permit issued by the state water control board, until the structure is served by public sewer.
9. For any use or development exceeding two thousand five hundred (2,500) square feet of development within Isle of Wight County's Chesapeake Bay Preservation Area, stormwater runoff shall be controlled by the use of best management practices consistent with requirements of Section 9 VAC 25-870-51 and 9 VAC 25-870-103 of the Virginia Stormwater Management Regulations and Chapter 14A of Isle of Wight County's Stormwater Management Ordinance.
10. 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 zoning administrator, in accordance with section 5000, of this ordinance.

11. Land upon which agricultural activities are being conducted shall undergo a soil and water quality conservation assessment. Such assessments 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 ordinance. (8-21-06; 5-15-08; 3-20-14; 4-16-15; 6-15-17.)

Sec. 4001. - Development criteria for resource protection areas.

- (a) Land development in ~~resource-protection-areas~~ RPAs may be allowed in accordance with other county ordinances only when permitted by the zoning administrator and if it:

- i. Is water-dependent; ~~or~~
- ii. Constitutes redevelopment;
- iii. Is a new use subject to the provisions of subsection 4002(b)2. of this ordinance;
- iv. Is a road or driveway crossing satisfying the conditions set forth in subsection 4001.a.3. below; or
- v. Is a flood control or stormwater management facility that drains or treats water from multiple development projects or from a significant portion of a watershed provided such facilities are allowed and constructed in accordance with the Virginia Stormwater Management Act and its attendant regulations, and provided that i) the local government has conclusively established that the location of the facility within the ~~resource-protection-area~~ RPA is the optimum location; ii) the size of the facility is the minimum necessary to provide for flood control, stormwater management, or both; iii) the facility must be consistent with a stormwater management program that has been approved by the board as a phase 1 modification to the local government's program; iv) all applicable permits for construction in state or federal waters must be obtained from the appropriate state or federal agencies; v) approval must be received from the local government prior to construction; and vi) routine maintenance is allowed to be performed on such facilities to assure that they continue to function as designed. It is not the intent of this subsection to allow a best management practice that collects and treats runoff from only an individual lot or some portion of the lot to be located within a ~~resource-protection-area~~ RPA.

- ~~(b)1.~~ A new or expanded water-dependent facility may be allowed provided that the following criteria are met:

- i. It does not conflict with the comprehensive plan;
- ii. It complies with the performance criteria set forth in sections 4001 and 4002 of this ordinance;
- iii. Any non-water-dependent component is located outside of the RPA; and

- iv. Access to the water-dependent facility will be provided with the minimum disturbance necessary. Where practicable, a single point of access will be provided.
- ~~(c)2.~~ Redevelopment on isolated redevelopment sites shall be permitted only if there is not an increase in the amount of impervious cover, and no further encroachment occurs within the RPA, and it shall conform to applicable erosion and sediment control requirements of Chapter 6 of the County Code and the stormwater management requirements of Chapter 14A of the County Code. For purposes of this section, in redeveloping a site, the encroachment of a proposed building or structure shall be based on the location of existing buildings or structures, or the locations of legally established historical buildings or structures, or parking and other impervious cover located on the site.
- ~~(d)3.~~ Roads and driveways not exempt under section 3002 and which, therefore, must comply with the provisions of this ordinance, may be constructed in or across RPAs if each of the following conditions are met:
 - i. The zoning administrator makes a finding that there are no reasonable alternatives to aligning the road or drive in or across the RPA;
 - ii. 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;
 - iii. The design and construction of the road or driveway satisfies all applicable criteria of this ordinance;
 - iv. The zoning administrator 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 5000 or subdivision plan.
- ~~(e) b.~~ A water quality impact assessment as outlined in section 4003 of this ordinance shall be required for any proposed land disturbance, development or redevelopment within ~~resource protection areas~~ RPAs. (8-21-06; Ord. No. 2012-12-C, 10-18-12; 4-16-15; 6-15-17.)

Sec. 4002. - Performance standards in resource protection areas.

- (a) Purpose and intent. To minimize the adverse effects of human activities on the other components of ~~Resource Protection Areas (RPAs)~~, state waters, and aquatic life, a one hundred-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 one hundred-foot full buffer area shall be designated as the landward component of the ~~Resource Protection Area RPA~~, in accordance with section 3000 and section 5000 of this ordinance. Notwithstanding permitted uses, encroachments, and vegetation clearing, as set forth in section 4001 and this section, the one hundred-foot buffer area is not reduced in width.

The one hundred-foot buffer area shall be deemed to achieve a seventy-five-percent reduction of sediments and a forty-percent reduction of nutrients.

- (b) General performance standards for development and redevelopment.

1. Permitted modifications to the buffer area.

Note: Please refer to the Riparian Buffer Guidance Manual prepared by the Virginia Chesapeake Bay Local Assistance Board for additional information and guidance on the modifications to the buffer area permitted below.

- a. In order to maintain the functional value of the buffer area, indigenous vegetation may be removed only, subject to approval by the zoning administrator who may require a plan of development in accordance with section 5000, to provide for reasonable sight lines, access paths, and general woodlot management, and best management practices, including those that prevent upland erosion and concentrated flows of stormwater, as follows:
 - i. Trees may be pruned or removed as necessary to provide for reasonable 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.
 - ii. Any path shall be constructed and surfaced so as to effectively control erosion.
 - iii. 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 zoning administrator pursuant to sound horticultural practices.
 - iv. 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 area would result in the loss of a buildable area on a lot or parcel recorded prior to October 1, 1989, encroachments into the buffer area may be allowed through an administrative process, in accordance with sections 4003 and 5000 and the following criteria:
 - i. Encroachments into the buffer area shall be the minimum necessary to achieve a reasonable buildable area for a principal structure and necessary utilities;
 - ii. 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
 - iii. The encroachment may not extend into the seaward fifty (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, encroachments into the buffer area may be allowed through an administrative process in accordance with sections 4003 and 5000 and the following criteria:

- i. The lot or parcel was created as a result of a legal process conducted in conformity with the local government's subdivision regulations;
 - ii. Conditions or mitigation measures imposed through a previously approved exception shall be met;
 - iii. If the use of a best management practice (BMP) was previously required, the BMP shall be evaluated at the expense of the owner to determine if it continues to function effectively and, if necessary, the BMP shall be reestablished or repaired and maintained as required; and
 - iv. The criteria in subsection 2.a. above for lots recorded prior to October 1, 1989 shall be met.
- 3. Establishment of the required buffer.
 - a. Where a buffer has been reduced or does not exist, a landscaping plan pursuant to subsection 5000(c) shall be submitted and approved prior to issuance of any zoning or building permit. The landscaping plan shall be implemented in full or surety provided to the county pursuant to subsection 5000(f)2. prior to issuance of a certificate of occupancy.
 - b. In determining and approving an appropriate buffer, the zoning administrator shall take into consideration adequate space around existing structures and other factors unique to the site.
 - c. In determining the need for establishing the required buffer, staff may rely on the latest aerial photographs, actual site visits, and other appropriate resources available.
 - d. This subsection shall not apply to the conversion from agricultural or silvicultural uses, which shall be governed by subsection 4002(b)5.
- 4. On agricultural lands the agricultural buffer area shall be managed to prevent concentrated flows of surface water from breaching the buffer area and appropriate measures may be taken to prevent noxious weeds from invading the buffer area agricultural activities may encroach into the buffer area as follows:
 - a. Agricultural activities may encroach into the landward fifty (50) feet of the one hundred-foot wide buffer area when at least one (1) agricultural best management practice, which, in the opinion of the Peanut Soil and Water Conservation District, 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 one hundred-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 Virginia Department of Conservation and Recreation.

- b. Agricultural activities may encroach within the landward seventy-five (75) feet of the one hundred-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 Resource 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 Virginia 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 of that provided by the one hundred-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 (1) best management practice as considered by the Peanut Soil and Water Conservation District to address the more predominant water quality issue on the adjacent land — either erosion control or nutrient management.
 - d. If specific problems are identified pertaining to agricultural activities which are causing pollution of the nearby water body with perennial flow or violate performance standards pertaining to the vegetated buffer area, the zoning administrator, in cooperation with soil and water conservation district, shall recommend a compliance schedule to the landowner and require the problems to be corrected consistent with that schedule. This schedule shall expedite environmental protection while taking into account the seasons and other temporal conditions so that the probability for successfully implementing the corrective measures is greatest.
 - e. In cases where the landowner or his agent or operator has refused assistance from the soils and water conservation district in complying with or documenting compliance with the agricultural requirements of this ordinance, the district shall report the noncompliance to the zoning administrator. The zoning administrator shall require the landowner to correct the problems within a specified period of time not to exceed eighteen (18) months from the initial notification of the deficiencies to the landowner. The zoning administrator, in cooperation with the district, shall recommend a compliance schedule to the landowner and require the problems to be corrected consistent with that schedule. This schedule shall expedite environmental protection while taking into account the seasons and other temporal conditions so that the probability for successfully implementing the corrective measures is greatest.
3. When agricultural or silvicultural uses within the buffer area cease, and the lands are proposed to be converted to other uses, the full one hundred-foot wide buffer area 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.

4. Prior to any land disturbing activities or any development of a lot or parcel, a permanent sign shall be installed by the owner or developer identifying the landward limits of the RPA. Such signs shall conform to general guidelines established by the zoning administrator and approved by the board of supervisors as to size, design, color, material, location and content and shall be installed and maintained at the expense of the owner or developer in accordance with those guidelines. Signs may be obtained from the county, at cost, or may be provided by the developer. (8-21-06; 4-16-15; 6-15-17.)

Sec. 4003. - 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 ordinance when warranted and in accordance with the requirements contained herein; and v) specify mitigation which will address water quality protection. There shall be two levels of water quality impact assessments: a minor assessment and a major assessment.
- (b) Applicability. A water quality impact assessment shall be required for any development or rezoning in the Chesapeake Bay Preservation Area which:
 - i. Will disturb any portion of the one-hundred-foot buffer area of an RPA, or any component identified in subsection 3000(b)1.;
 - ii. Contains ten (10) acres or more for any use, other than development of single-family detached residential lots;
 - iii. Contains twenty-five (25) acres or more for the development of single-family detached residential lots; or
 - iv. Any other development that may warrant such assessment due to unique characteristics of the site or intensity of the proposed use or development, as may be required by the zoning administrator.
- (c) Contents of the minor water quality impact assessment. A minor assessment shall be required for circumstances described under section 4002(b)(2.a) and (2.b): The information required below shall be considered a minimum, unless the zoning administrator determines that some of the elements are unnecessary due to the scope and nature of the proposed use and development of land: The minor water quality impact assessment shall be provided on forms available through the zoning administrator, consistent with the requirements of this ordinance, and may be approved by the zoning administrator. The assessment shall include a site drawing to scale which shows the following:
 - (1) Location of the components of the RPA, including the one hundred-foot buffer areas;

- (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, other impervious cover; and sewage disposal systems or reserve drain field sites;
 - (3) Type and location of proposed best management practices to mitigate the proposed encroachment, if required;
 - (4) Location of existing vegetation and re-vegetation areas as shown on the site drawing.
- (d) Contents of the major water quality impact assessment. The information required below shall be considered a minimum, unless the zoning administrator determines that some of the elements are unnecessary due to the scope and nature of the proposed use and development of land:
1. A site plan, which shall at minimum, contain the following:
 - a. Location of the components of the resource protection area, including the one-hundred-foot buffer area delineated in accordance with section 3001;
 - b. 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;
 - c. Type and location of proposed best management practices to mitigate the proposed encroachment;
 - d. 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;
 - e. Re-vegetation plan that supplements the existing buffer vegetation in a manner that provides for pollutant removal, erosion and runoff control.
 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 following:
 - i. Disturbance or removal of wetlands and justification for such action;
 - ii. Disruptions or reductions in the supply of water to wetland, streams, lakes, rivers, or other water bodies;
 - iii. Disruptions to existing hydrology including wetland and stream circulation patterns;
 - iv. Source location of description of proposed fill material;
 - v. Location of dredging and location of dumping area for such dredged material;
 - vi. Estimation of pre- and post-development pollutant loads in runoff;

- vii. Estimation of percent increase in impervious surface on site, type(s) of surfacing material used;
 - viii. Percent of site to be cleared for project;
 - ix. Anticipated duration and phasing schedule of construction project;
 - x. Listing of all requisite permits from all applicable agencies necessary to develop project.
- d. Describes the proposed mitigation measures for the potential hydrogeological impacts. Potential mitigative measures include:
- i. Additional proposed erosion and sediment control concepts beyond those normally required under subsection 4000(b)5. of this ordinance; 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.
 - ii. When required, proposed stormwater management system for nonpoint source quality and quantity control in compliance with Chapter 14A of Isle of Wight County's Stormwater Management Ordinance.
3. A vegetative element that:
- a. Identifies and delineates the location of all woody plant material on site, including all trees on site eight (8) 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:
 - i. General limits of clearing, based on all anticipated improvements, including buildings, drives, and utilities;
 - ii. Clear delineation of all trees and other woody vegetation which will be removed;
 - iii. Description of all plant species to be disturbed or removed.
 - c. Describes the proposed measures for mitigation. Possible mitigation measures include:
 - i. 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;
 - ii. Demonstration that the re-vegetation plan supplements the existing buffer vegetation in a manner that provides for pollutant removal, erosion and runoff control;
 - iii. 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;

- iv. Demonstration that indigenous plants are to be used to greatest extent possible.
 - 4. In the case of a WQIA for shoreline and bank stabilization projects, the following items shall be required:
 - a. Completion of the shoreline erosion control water quality impact assessment form, as provided by the zoning administrator and kept on file with the department of planning and zoning;
 - b. An environmental assessment as follows:
 - i. The environmental site assessment shall be drawn to scale and clearly delineate the environmental components identified in subsection 3000(b) of this ordinance;
 - ii. Wetlands delineations shall be performed consistent with the procedures specified in the "Federal Manual for Identifying and Delineating Jurisdictional Wetlands, 1987," and updates as they become available;
 - iii. The environmental assessment shall delineate the geographic extent of the resource protection area on the specific site or parcel as required under section 3001 of this ordinance;
 - iv. The environmental assessment shall be drawn at the same scale as the preliminary site plan or subdivision plat;
 - c. A landscaping plan in accordance with subsection 5000(c), except that the plans may be submitted by any qualified professional, including shoreline contractors and nursery professionals;
 - d. A stormwater management plan in accordance with Chapter 14A of the Isle of Wight County Code, as required by state code Section 62.1-44.15:55;
 - e. An erosion and sediment control plan in accordance with Chapter 6 of the Isle of Wight County Code;
 - f. Project construction plans shall be certified as complete and accurate by a professional shoreline engineer or other qualified professional, as determined by the zoning administrator, as well as a determination as to the necessity of the project.
 - 5. For phased projects, an updated WQIA shall be provided for each phase to the county planning and zoning department demonstrating the project's compliance with the criteria of the original WQIA. An updated WQIA shall be required until all phases of the project are complete.
- (e) Submission, review requirements, and evaluation procedure.
- 1. Ten (10) copies of all site drawings and other applicable information as required by subsection c. above shall be submitted to the zoning administrator for review.
 - 2. All information required in ~~this~~ section 4003 (d) shall be certified as complete and accurate by a professional engineer or certified land surveyor qualified to prepare such information.

3. Upon receipt of a water quality impact assessment, the zoning administrator will determine if review by DEQ or any other state agency is warranted. The zoning administrator will incorporate any comments received from such a review into the final report, provided that such comments are received within ninety (90) days of the request.
4. Upon receipt of a completed major water quality impact assessment and receipt of all appropriate comments, the zoning administrator shall forward the information to the planning commission for consideration. For shoreline and bank stabilization projects and piers consistent with the provisions of this ordinance, the zoning administrator may grant administrative approval of the water quality impact assessment.
5. The planning commission will determine whether or not the proposed development is consistent with the spirit and intent of this ordinance and make a recommendation to the board of supervisors based upon the following criteria:
 - a. Within any RPA, the proposed development is water-dependent or 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 for compliance with Chapter 14A of the Isle of Wight County Code;
 - g. Proposed re-vegetation of disturbed areas will provide optimum erosion and sediment control benefits, as well as runoff control and pollutant removal equivalent of the full one-hundred-foot undisturbed buffer area;
 - h. The design and location of any proposed drain field will be in accordance with the requirements of section 4000.
6. The planning commission shall recommend additional mitigation where potential impacts have not been adequately addressed, subject to final approval or modification by the board of supervisors. Evaluation of mitigation measures will be made by the planning commission based on the criteria listed above and in subsection 5.
7. The planning commission shall find the proposal to be inconsistent with the purpose and intent of this ordinance when the impacts created by the proposal cannot be mitigated, subject to final approval by the board of supervisors. Evaluation of the impacts will be made by the planning commission based on the criteria listed in subsection 5. (8-21-06; Ord. No. 2012-12-C, 10-18-12; 4-16-15; 6-15-17.)

Article 5. - Administrative Procedures and Enforcement.

Sec. 5000. - Plan of development process.

Any development, or any redevelopment exceeding two thousand five hundred (2,500) square feet of land disturbance shall be accomplished through a plan of development process prior to any development preparation activities onsite, such as clearing or grading of the site and the issuance of any building permit, to assure compliance of all applicable requirements of this ordinance. Modifications to the required buffer may require a plan of development, as determined by the zoning administrator.

- (a) Required information. In addition to the requirements of County Zoning Ordinance or the requirements of the County Subdivision Ordinance, the plan of development process shall consist of the plans and studies identified below. These required plans and studies may be coordinated or combined, as deemed appropriate by the zoning administrator. The zoning administrator may determine that some of the following information is unnecessary due to the scope and nature of the proposed development.

The following plans or studies shall be submitted, unless otherwise provided for:

1. A plot plan or site plan in accordance with the provisions of County Zoning Ordinance or subdivision plat in accordance with the provisions of the County Subdivision Ordinance;
 2. An environmental site assessment;
 3. A landscaping plan;
 4. A stormwater management plan in accordance with Chapter 14A of the County Code;
 5. An erosion and sediment control plan in accordance with the provisions of Chapter 6 of the County Code.
- (b) Environmental site assessment. An environmental site assessment shall be submitted in conjunction with preliminary site plan or preliminary subdivision plan approval.
1. The environmental site assessment shall be drawn to scale and clearly delineate the environmental components identified in subsection 3000(b) of this ordinance.
 2. Wetlands delineations shall be performed consistent with the procedures specified in the Federal Manual for Identifying and Delineating Jurisdictional Wetlands, 1987, as may be amended.
 3. The environmental site assessment shall delineate the geographic extent of the Resource Protection Area on the specific site or parcel as required under section 3001 of this ordinance;
 4. The environmental site assessment shall be drawn at 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 may be waived by the zoning administrator when the proposed use or development will be clearly located outside of an RPA, based upon an evaluation of the zoning administrator.

- (c) Landscape plan. A landscape 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 landscape plan.

Landscape plans shall be prepared and/or certified by a design professional practicing within their areas of competence as prescribed by the Code of Virginia.

1. Contents of the plan.

- a. The landscape plan shall be drawn to scale and clearly delineate the location, size, and description of existing and proposed plant material. All existing trees on the site eight (8) inches or greater diameter at breast height (DBH) shall be shown on the landscaping plan, or where there are groups of trees, said stands may be outlined instead. The specific number of trees eight (8) 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.
- b. 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 ordinance, shall be shown on the landscaping plan.
- c. Within the buffer area, trees and other woody vegetation to be removed for reasonable sight lines, vistas, access paths, and best management practices, as provided for in subsection 4002(b)1.a., shall be shown on the plan. Vegetation required by this ordinance to replace any existing trees within the buffer area shall be also be depicted on the landscape plan.
- d. Trees and other woody vegetation to be removed for shoreline stabilization projects and any replacement vegetation required by this ordinance shall be shown on the landscape plan.
- e. The plan shall depict grade changes or other work adjacent to trees that would affect them adversely. Specifications shall be provided as to how grade, drainage, and aeration would be maintained around trees to be preserved.
- f. The landscape plan will include specifications for the protection of existing trees and other vegetation during clearing, grading, and all phases of construction.
- g. If the proposed development is a change in use from agricultural or silvicultural to some other use, the plan must demonstrate the re-establishment of vegetation in the buffer area.

2. Plant specifications.

- a. 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.
- b. 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.

- c. Where areas to be preserved, as designated on an approved landscaping plan, are encroached, replacement of existing trees and other vegetation shall be achieved with a ratio of three (3) planted trees to each tree removed in accordance with good woodlot management. Replacement trees shall be two (2) inches DBH at the time of planting.
 - d. Use of native or indigenous species is strongly encouraged.
- 3. Maintenance.
 - a. The applicant shall be responsible for the maintenance and replacement of all vegetation as may be required by the provisions of this ordinance.
 - b. 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 ordinance.
- (d) Stormwater management plan. A stormwater management plan shall be submitted as part of the plan of development process required by this ordinance and in conjunction with site plan or subdivision plan approval in accordance with the provisions of Chapter 14A of the County Code.
 - 1. For phased projects, an updated stormwater management plan shall be provided for each phase to the county planning and zoning department demonstrating the project's stormwater management facilities are still meeting the pollutant removal standards of the original WQIA. Updated stormwater management plans shall be required until all phases of the project are complete.
- (e) Erosion and sediment control plan. An erosion and sediment control plan shall be submitted that satisfies the requirements of this ordinance and in accordance with Chapter 6 of the County Code, in conjunction with plot plan, site plan or subdivision plan approval.
- (f) 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 the County Zoning Ordinance.
 - 1. Final plans for all lands within CBPAs shall include the following additional information:
 - a. The delineation of the Resource Protection Area boundary, including the one hundred-foot buffer component;
 - b. Plat or plan note stating that no land disturbance is allowed in the buffer area without review and approval by the zoning administrator;
 - c. All wetlands permits required by law;

- d. A maintenance agreement as deemed necessary and appropriate by the zoning administrator and/or the stormwater division to ensure proper maintenance of best management practices in order to continue their functions.
- 2. Installation and bonding requirements.
 - a. Where buffer areas, landscaping, stormwater management facilities or other specifications of an approved plan are required, no certificate of occupancy shall be issued until the installation of required plant material or facilities is completed in accordance with the approved site plan.
 - b. Installation and bonding requirements for landscaping shall be in accordance with the County Zoning Ordinance.
 - ~~b. 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 county attorney 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 as determined by the zoning administrator.~~
 - ~~c. 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.~~
 - ~~d. After all required actions of the approved site plan have 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 zoning administrator, such unexpended or unobligated portion of the surety held shall be refunded to the applicant or terminated within sixty (60) days following receipt of the applicant's request for final inspection. The zoning administrator may require a certificate of substantial completion from a professional engineer or Class III B surveyor before making a final inspection.~~
- (g) Administrative responsibility. Administration of the plan of development process shall be in accordance with the County Zoning Ordinance or the County Subdivision Ordinance. The zoning administrator shall approve, approve subject to conditions, or disapprove the plans in accordance with the reviewing authorities' recommendations. The zoning administrator shall return notification of plan review results to the applicant, including recommended conditions or modifications. In the event that the results and/or recommended conditions or modifications are acceptable to the applicant, the plan shall be so modified, if required, and approved.
- (h) Denial of plan, appeal of conditions or modifications. In the event 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 planning commission within sixty (60) days of the administrative decision to be appealed. The planning commission shall make a

recommendation to the board of supervisors. The final decision on an appeal shall be made by the board of supervisors.

In preparing to recommend to grant or deny 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 ordinance. If the planning commission finds that the applicant's plan does not meet the above stated criteria, they shall recommend denial of the plan. (8-21-06; 4-16-15; 6-15-17.)

Sec. 5001. - Nonconforming uses and nonconforming structures.

- a. The lawful use of a building or structure which existed on October 1, 1989, or which lawfully exists at the time of any amendment to the performance standards and criteria of this ordinance and which became not in compliance, may continue subject to the provisions of the county zoning ordinance and the provisions below:

No change or expansion of use shall be allowed with the exception that:

1. The zoning administrator 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 increase in nonpoint source pollution load;
 - b. Any development or land disturbance exceeding an area of two thousand five hundred (2,500) square feet complies with all erosion and sediment control requirements in accordance with the provisions of Chapter 6 of the County Code and stormwater management requirements in accordance with Chapter 14A of the County Code;
 - c. In the case of a structure that has become nonconforming due to encroachment into the RPA, the structure may be moved out of the RPA to reduce the amount of nonconformity, and a water quality impact assessment shall not be required.
2. An application for a nonconforming use and/or waiver shall be made to and upon forms furnished by the zoning administrator and shall include for the purpose of proper enforcement of this ordinance, 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 twenty-four (24) 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 zoning administrator through an administrative review process provided that the following findings are made:
 - 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 ordinance to other property owners in similar situations;
 - c. The waiver is in harmony with the purpose and intent of this ordinance 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 the county are met; and
 - g. In no case shall this provision apply to accessory structures. (8-21-06; Ord. No. 2012-12-C, 10-18-12; 4-16-15.)

Sec. 5002. - Exceptions.

- (a) A request for an exception to the requirements of sections 4000 and 4002 of this ordinance or any other exception requested from the provisions of this ordinance shall be made in writing to the planning commission, who shall make a recommendation to the board of supervisors. It shall identify the impacts of the proposed exception on water quality and on lands within the Resource Protection Area through the preparation of a water quality impact assessment, which complies with the provisions of section 4003, and accompanied with a processing fee as shall be set forth in the Isle of Wight County Uniform Fee Schedule, as adopted by the board of supervisors, as it may be amended.
- (b) The planning commission and board of supervisors shall notify the affected public of any such exception requests and shall consider these requests in a public hearing in accordance with § 15.2-2204 of the Code of Virginia.
- (c) The planning commission shall review the request for an exception and the water quality impact assessment and may recommend the exception with such conditions and safeguards as deemed necessary to further the purpose and intent of this ordinance. In rendering its decision, the planning commission shall not recommend in favor of the applicant unless it finds:
 1. That the strict application of the ordinance would produce an undue hardship and will not confer upon the applicant any special privileges denied by this ordinance to other property owners in the CBPA areas;
 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 non-conforming 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 this ordinance, 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, after applying the criteria set forth above, the board of supervisors refuses to grant the exception, the zoning administrator 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.
- (e) Any person or persons jointly or severally aggrieved by a decision of the board of supervisors may present to the circuit court of the County of Isle of Wight a petition specifying the grounds on which aggrieved within thirty (30) days after the final decision of the board of supervisors. Costs shall not be allowed against the board of supervisors, unless it shall appear to the court that it acted in bad faith or with malice in making the decision appealed therefrom. (8-21-06; 5-1-14; 4-16-15.)

Sec. 5003. - Enforcement, violation and penalties.

- (a) The primary responsibility for administering and enforcing this ordinance shall be assigned to the zoning administrator or a duly authorized designee. The zoning administrator or his duly authorized designee, planning commission members and board of supervisors' members including other persons designated by the board of supervisors, shall have authority to conduct inspections and surveys upon the property affected by this ordinance to determine compliance with this ordinance. The zoning administrator shall seek criminal or civil enforcement for any provision of this ordinance and take any action on behalf of the county to prevent or abate any violation or potential violation of this ordinance. The zoning administrator, upon written request of an interested person whose property may be affected, shall render an opinion as to the applicability of this ordinance to particular uses in its application to the factual circumstances presented. The zoning administrator shall design and distribute applications and forms required for this ordinance and request information that is pertinent to the request of the approval and shall perform such other duties as are necessary for the proper enforcement and administration of this ordinance.
- (b) In addition to any other remedies in subsection (a) of this section, the following penalties are incorporated in this ordinance as follows:
1. Any person who: (i) violates any provision of the ordinance or (ii) violates or fails, neglects, or refuses to obey any board of supervisors' or the zoning administrator's final notice, order, rule, regulation, or variance or permit condition authorized under this ordinance shall, upon such finding by an appropriate circuit court, be assessed a penalty not to exceed five thousand dollars (\$5,000.00) for each day of violation.
 2. With the consent of any person who: (i) violates any provision of this ordinance or (ii) violates or fails, neglects, or refuses to obey any board of supervisors' or zoning administrator's, notice, order, rule, regulation, or variance or permit condition authorized under this ordinance, the board of supervisors' may provide for the issuance of an order against such person for the one (1) time payment of civil charges for each violation in specific sums, not to exceed ten thousand dollars (\$10,000.00) for each

violation. Such civil charges shall be paid into the treasury of Isle of Wight County for the purpose of abating environmental damage to or restoring Chesapeake Bay Preservation Areas in the county except that where the violator is the county or its agent, the civil charges shall be paid into the state treasury. The civil charges shall be in lieu of any appropriate civil penalty imposed under subdivision 1. of this subsection. Civil charges may be in addition to the cost of any restoration required or ordered by the board of supervisors or zoning administrator. (8-21-06.)

Sec. 5004. - Appeals.

(a) Any person or persons jointly or severally subject to an administrative decision, order or requirement under this chapter may appeal by submitting a written application for review to Board of Zoning Appeals no later than thirty (30) days from the rendering of such decision, order or requirement. The fee shall be as set forth in the Isle of Wight County Fee Schedule for such appeals. The Board of Zoning Appeals shall hear the appeal as soon as practical after receipt of the application.

i. In rendering its decision, the Board of Zoning Appeals shall balance the hardship to the property owner with the purpose, intent, and objectives of this chapter.

ii. Decisions by the Board of Zoning Appeals shall be subject to review by the Circuit Court of Isle of Wight County provided an appeal is filed within thirty (30) days from the date of the decision of the board.

(b) Any person or persons jointly or severally aggrieved by a decision of the Board of Supervisors may present to the Circuit Court of County of Isle of Wight a petition specifying the grounds on which aggrieved within thirty (30) days after the final decision of the Board of Supervisors. Costs shall not be allowed against the Board of Supervisors, unless it shall appear to the court that it acted in bad faith or with malice in making the decision appealed therefrom. (4-15-21.)

Article 6. - Septic Pump-Out Program.

Sec. 6000. - Purpose and findings.

The purpose of the septic pump-out program is to protect public health, safety, and welfare through ensuring the proper functioning of on-site sewage disposal systems. The septic pump-out program also is intended to protect water quality within the Chesapeake Bay watershed, and is required to meet state and local Chesapeake Bay Preservation Area regulations.

Findings made by Isle of Wight County include the following:

1. Individual and group on-site sewage treatment systems continue to be heavily relied upon throughout most parts of the county, including properties located within the Chesapeake Bay Watershed.
2. Septic systems require proper management and maintenance in order to continue working as intended. Solids will accumulate over time and require pumping out.
3. Septic systems that are improperly installed or maintained are subject to clogging and/or overflow. A malfunctioning system may cause contaminants to rise to the surface, pollute ground or surface water, create foul odors, and otherwise threaten public health, safety, and welfare.
4. Most experts recommend that on-site sewage treatment systems be inspected and pumped out as necessary every three (3) to five (5) years, according to the U.S. Environmental Protection Agency.
5. Septic systems that are properly maintained are less likely to cause pollution. Routine maintenance can help avoid the costs of emergency replacement and/or major repairs caused by neglect. (5-15-08.)

Sec. 6001. - Authority.

This program is authorized by the Commonwealth of Virginia, pursuant to 9 VAC 25-830-130 and Section 4000(B)(7) of the Isle of Wight County Chesapeake Bay Preservation Area Ordinance. (5-15-08; 4-16-15.)

Sec. 6002. - Severability.

If any section, paragraph, subdivision, clause, phrase, or provision of this article shall be held as invalid or unconstitutional, such a ruling shall not affect the validity of the remainder of this article. (5-15-08.)

Sec. 6003. - Effective date.

This program shall go into effect on August 1, 2008. (5-15-08.)

Sec. 6004. - Applicability.

The purpose of the septic pump-out program is to encourage proper maintenance and increase the functional life of on-site septic systems through regular pump-outs at least once every five (5) years. The program applies to those properties located in the Chesapeake Bay watershed in Isle of Wight County, Virginia that are served by private, on-site sewage treatment and disposal systems. Please see special language located elsewhere in this document regarding septic systems equipped with septic tank effluent filters.

- A. No property owner located within the Chesapeake Bay watershed of Isle of Wight County, Virginia shall operate an on-site sewage treatment system unless such construction, installation, alteration, maintenance or operation is in compliance with all applicable sanitary regulations and this program.
- B. Septic tank pump-outs as prescribed in this article shall take place at least once every five (5) years, other than as noted in Item C. Furthermore, in lieu of requiring proof of septic tank pump-out every five (5) years, owners may submit 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 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.

- C. If deemed appropriate by the local health department and subject to conditions the local health department may set, as an alternative to the mandatory pump-out, owners have the option of having a plastic filter installed and maintained in the outflow pipe from the septic tank to filter solid material from the effluent while sustaining adequate flow to the drainfield to permit normal use of the septic system. (5-15-08; 3-20-14; 4-16-15.)

Sec. 6005. - Exemptions.

Situations exempt from the septic pump-out requirement include any inactive or abandoned on-site septic system.

To qualify for exemption, property owners must provide the county with appropriate, written verification. This could include a statement or other evidence acceptable to the county. The statement or evidence must show the old septic system has been pumped out and destroyed, either with the tank being crushed in and backfilled in place or the tank filled with clean sand. There is no permit required to abandon a septic tank system. (5-15-08.)

Sec. 6006. - Definitions.

AOSE:\ An abbreviation for "authorized on-site soil evaluator", an individual certified by the Virginia Department of Health. An AOSE is someone who has demonstrated knowledge, skills, and abilities in the practice of siting and designing on-site septic systems. An AOSE may be from the private sector or be employed by the Virginia Department of Health.

Authorized inspector:\ This may include a licensed professional engineer, an authorized on-site soil evaluator, or a person hired or contracted by the county or state to inspect on-site septic systems.

Chesapeake Bay Preservation Area (CBPA):\ Any land designated by the board of supervisors pursuant to Part III of the Chesapeake Bay Preservation Area Designation and Management Regulations, 9 VAC 25-830-10 et seq., and Section 62.1-44.15:72 of the Code of Virginia (1950, as amended). The Chesapeake Bay Watershed covers half of Isle of Wight County, Virginia and generally includes all parcels to the east of Route 258. A map that precisely shows the extent of the watershed is available in the department of planning and zoning.

County:\ Isle of Wight County, Virginia.

Malfunctioning system:\ Any septic system that is overflowing, clogged, or otherwise creating a threat to the public health, safety and general welfare, as regulated by the Virginia Department of Health. Includes any on-site system that is not performing as specified, as determined by an authorized inspector.

Septic effluent filter:\ A plastic device installed on the outflow pipe from the septic tank. The device filters solid material from the effluent while sustaining adequate flow to the drainfield. The outflow filter must meet standards set by the Sewage Handling and Disposal Regulations (12 VAC 5-610-10 et seq.) administered by the Virginia Department of Health.

Septic system:\ Any private on-site sewage treatment and disposal system not requiring a VPDES permit.

Septic system, active:\ Any on-site septic system contained within the Chesapeake Bay Watershed that is currently in use for any affected property.

Septic system, inactive:\ Any on-site septic system that has been abandoned or is no longer in service. The functional status of any given system must be documented by the Virginia Department of Health or any licensed sewage handler.

Sewage handler:\ Any person, contractor or corporation allowed to operate under a permit issued by the Virginia Department of Health to pump out sewage treatment systems.

Violator:\ Any person who:

- (1) Violates any provision of this program; or
- (2) Violates or fails, neglects, or refuses to obey any board of supervisors' or the zoning administrator's final notice, order, rule, regulation, or variance or permit condition authorized under this program.

Zoning administrator:\ The person, or authorized designee, responsible for administering and enforcing the septic pump-out program. (5-15-08; 4-16-15.)

Sec. 6007. - Administration.

- A. General procedures: Septic systems located within the Chesapeake Bay watershed must be pumped out at least once every five (5) years, except as noted under Item F. for systems equipped with a septic tank effluent filter. Property owners are responsible for the costs of pump-outs. The zoning administrator is responsible for the general administration and enforcement of the septic pump-out program.

To support the septic pump-out program, the county will create and maintain a database to document all affected septic systems and to serve as a tracking mechanism. The database will be organized according to Tax Parcel ID number. The database will contain the following information: name of property owner, mailing address, physical address, and last date of septic system pump-out.

Affected property owners will be required to register their septic systems with the department of planning and zoning. This includes both existing and new septic systems. The county will notify property owners and provide the forms that need to be filled out to comply with the septic pump-out program.

The department of planning and zoning will administer the program through a combination of public education, mailings, and information posted on the Isle of Wight County Internet web site. Activities to be undertaken by the county will include the following:

- Notification to affected property owners.
- Mailings of the program verification and compliance forms (once every five (5) years).
- Other homeowner education and outreach as deemed appropriate.

- B. Program phase-in: The septic pump-out program will be phased in over a period of five (5) years. The phasing in will be done by election district, with one (1) election district

added per year. The county's five (5) election districts include the Carrsville, Hardy, Newport, Smithfield, and Windsor districts.

The phase-in will start with the Smithfield Election District and then continue by alphabetical order to the Windsor Election District, Carrsville Election District, Hardy Election District, and the Newport Election District. The program starts first with the Smithfield Election District to coordinate with the Town of Smithfield, which also is implementing a septic pump-out program. The Smithfield Election District includes the Town of Smithfield and parts of the county outside of town limits.

- C. Right of entry: The zoning administrator, or authorized designee, shall have the right to enter property where an individual or group septic system is located for the purpose of observation, inspection, monitoring and/or sampling the septic system, its drainfield and the surrounding land area.
- D. Role of property owner with septic system: Property owners with septic systems located within the Chesapeake Bay watershed must participate in the septic pump-out program. This includes filling out, signing and submitting forms as required by the county. Property owners are in compliance with the septic pump-out program when:
 - 1) They have filled out, signed and submitted the septic system verification forms as required by the county; and
 - 2) They have had septic system pump-outs as required by the county.

This program will be carried out in stages, by election district, with the affected property owners notified each year by the county. In any given year, those property owners who have been notified by the county will have twenty-four (24) months from the date of notification to have pump-outs completed or to demonstrate why they are exempt from the program.

Property owners who fail to provide information to the county when requested may be subject to civil penalties and/or court-ordered fines.

- E. Complaints and appeals: Written complaints about the septic pump-out program should first be directed to the zoning administrator, who can investigate and determine whether a complaint is valid. Any person or persons who continue to feel aggrieved by this program, or any decisions made by the zoning administrator, may appeal those decisions, in writing, to the board of supervisors. Appeals to the board of supervisors must be made within thirty (30) days of the date of the written decision by the zoning administrator, or such decision shall be final.

Any decision by the board of supervisors regarding the septic pump-out program may be appealed by petitioning the Circuit Court of Isle of Wight County within thirty (30) days after the final decision of the board of supervisors, or such decision shall be final.

- F. Septic tank effluent filters: The septic pump-out program allows the installation of septic tank effluent filters on all new on-site septic systems and as a retrofit on all existing septic systems, where appropriate. The Virginia Department of Health has advised that some types of septic treatment systems do not have septic tanks and are not designed to include septic effluent filters (some aerobic sewage treatment units, for example, are not appropriate for installation of these effluent filters).

Under the septic pump-out program, if deemed appropriate by the local health department and subject to conditions the local health department may set, owners have the option, in lieu of pump-out, to install and maintain a plastic filter in the outflow pipe from the septic tank to filter solid material from the effluent while sustaining adequate flow to the drainfield to permit normal use of the septic system. Please be aware of manufacturer specifications for effluent filters and any maintenance requirements associated with these filters.

The county strongly recommends that septic tank effluent filters be installed by septic tank contractors and in accordance with standards set by the Virginia Department of Health. (5-15-08; 3-20-14; 4-16-15.)

~~Sec. 6007. -- Administration.~~

~~A. -- General procedures: Septic systems located within the Chesapeake Bay watershed must be pumped out at least once every five (5) years, except as noted under Item F. for systems equipped with a septic tank effluent filter. Property owners are responsible for the costs of pump outs. The zoning administrator is responsible for the general administration and enforcement of the septic pump-out program.~~

~~To support the septic pump-out program, the county will create and maintain a database to document all affected septic systems and to serve as a tracking mechanism. The database will be organized according to Tax Parcel ID number. The database will contain the following information: name of property owner, mailing address, physical address, and last date of septic system pump-out.~~

~~Affected property owners will be required to register their septic systems with the department of planning and zoning. This includes both existing and new septic systems. The county will notify property owners and provide the forms that need to be filled out to comply with the septic pump-out program.~~

~~The department of planning and zoning will administer the program through a combination of public education, mailings, and information posted on the Isle of Wight County Internet web site. Activities to be undertaken by the county will include the following:~~

- ~~• Notification to affected property owners.~~
- ~~• Mailings of the program verification and compliance forms (once every five (5) years).~~
- ~~• Other homeowner education and outreach as deemed appropriate.~~

~~B. -- Program phase in: The septic pump-out program will be phased in over a period of five (5) years. The phasing in will be done by election district, with one (1) election district added per year. The county's five (5) election districts include the Carrsville, Hardy, Newport, Smithfield, and Windsor districts.~~

~~The phase in will start with the Smithfield Election District and then continue by alphabetical order to the Windsor Election District, Carrsville Election District, Hardy Election District, and the Newport Election District. The program starts first with the Smithfield Election District to coordinate with the Town of Smithfield, which also is implementing a septic pump-out program. The Smithfield Election District includes the Town of Smithfield and parts of the county outside of town limits.~~

~~C. Right of entry: The zoning administrator, or authorized designee, shall have the right to enter property where an individual or group septic system is located for the purpose of observation, inspection, monitoring and/or sampling the septic system, its drainfield and the surrounding land area.~~

~~D. Role of property owner with septic system: Property owners with septic systems located within the Chesapeake Bay watershed must participate in the septic pump-out program. This includes filling out, signing and submitting forms as required by the county.~~

~~Property owners are in compliance with the septic pump-out program when:~~

~~1) They have filled out, signed and submitted the septic system verification forms as required by the county; and~~

~~2) They have had septic system pump-outs as required by the county.~~

~~This program will be carried out in stages, by election district, with the affected property owners notified each year by the county. In any given year, those property owners who have been notified by the county will have twenty four (24) months from the date of notification to have pump-outs completed or to demonstrate why they are exempt from the program.~~

~~Property owners who fail to provide information to the county when requested may be subject to civil penalties and/or court-ordered fines.~~

~~E. Complaints and appeals: Written complaints about the septic pump-out program should first be directed to the zoning administrator, who can investigate and determine whether a complaint is valid. Any person or persons who continue to feel aggrieved by this program, or any decisions made by the zoning administrator, may appeal those decisions, in writing, to the board of supervisors. Appeals to the board of supervisors must be made within thirty (30) days of the date of the written decision by the zoning administrator, or such decision shall be final.~~

~~Any decision by the board of supervisors regarding the septic pump-out program may be appealed by petitioning the Circuit Court of Isle of Wight County within thirty (30) days after the final decision of the board of supervisors, or such decision shall be final.~~

~~F. Septic tank effluent filters: The septic pump-out program allows the installation of septic tank effluent filters on all new on-site septic systems and as a retrofit on all existing septic systems, where appropriate. The Virginia Department of Health has advised that some types of septic treatment systems do not have septic tanks and are not designed to include septic effluent filters (some aerobic sewage treatment units, for example, are not appropriate for installation of these effluent filters).~~

~~Under the septic pump-out program, if deemed appropriate by the local health department and subject to conditions the local health department may set, owners have the option, in lieu of pump-out, to install and maintain a plastic filter in the outflow pipe from the septic tank to filter solid material from the effluent while sustaining adequate flow to the drainfield to permit normal use of the septic system. Please be of aware manufacturer specifications for effluent filters and any maintenance requirements associated with these filters.~~

~~The county strongly recommends that septic tank effluent filters be installed by septic tank contractors and in accordance with standards set by the Virginia Department of Health. (5-15-08; 3-20-14.)~~

Sec. 6008. - Enforcement, violations and penalties.

- A. Enforcement. The zoning administrator, or authorized designee, holds the primary responsibility for administering the septic pump-out program. The zoning administrator shall seek criminal or civil enforcement for any provision of this program and take any action on behalf of the county to prevent or abate any violation or potential violation of this program.

The zoning administrator, upon written request of an interested person whose property may be affected, shall render a decision, based on the facts presented, as to the applicability of this ordinance to particular situations that may arise under the septic pump-out program. See subsection 6007.E. regarding complaints and appeals.

- B. Penalties. Violators shall, upon finding by an appropriate circuit court, be assessed a penalty up to five thousand dollars (\$5,000.00) for each day of violation.

As an alternative to a court-ordered penalty, violators may be offered the option of a onetime payment of civil charges for each violation in specific sums, not to exceed ten thousand dollars (\$10,000.00) for each violation, as determined by the Isle of Wight County Board of Supervisors. (5-15-08.)

**AN ORDINANCE
TO AMEND AND REENACT THE FOLLOWING SECTIONS OF
APPENDIX A. SUBDIVISIONS: ARTICLE 2 (DEFINITIONS), ARTICLE
3 (ADMINISTRATION AND PROCEDURES), ARTICLE 4 (PLAT
REQUIREMENTS), AND ARTICLE 5 (DEVELOPMENT STANDARDS)**

WHEREAS, the Board of Supervisors of Isle of Wight County, Virginia, has the legislative authority to make reasonable changes to the ordinances that govern the orderly growth and development of Isle of Wight County; and

WHEREAS, the Isle of Wight County Board of Supervisors is also concerned about the compatibility of uses on public and private lands within Isle of Wight County and seeks to allow flexibility in the administration of the ordinance regulations while protecting the health, safety, and general welfare of present and future residents and businesses of the County.

NOW, THEREFORE, BE IT ORDAINED by the Isle of Wight County Board of Supervisors that the following specific sections of the Articles of Appendix A, Subdivisions, of the Isle of Wight County Code be amended and reenacted as follows:

Article 2. - Definitions

2.2. - Defined terms.

Agent, subdivision:\ The person or persons appointed by the board of supervisors of Isle of Wight County to serve as the agent of said board of supervisors with respect to the subdivision of land and the plat thereof pursuant to this ordinance and to perform such other duties and functions with respect to this ordinance as said board of supervisors may require.

Alley:\ A service easement which affords only a secondary means of access to abutting property for utilities, sanitation, garages, backyards and any accessory units and are not intended for general traffic circulation.

Board of supervisors:\ The board of supervisors of Isle of Wight County, Virginia.

Building line:\ A line parallel to the front property line of a yard beyond which the foundation wall and/or any enclosed porch, vestibule, or other enclosed portion of a building shall not project, except as provided in the zoning ordinance.

Commission:\ The planning commission of Isle of Wight County, Virginia.

Cul-de-sac:\ A street with only one (1) outlet and having an appropriate turnaround for a safe and convenient reverse traffic movement.

Developer:\ An owner of property being subdivided, whether or not represented by an agent.

Driveway, shared:\ A collectively owned and maintained driveway within an unobstructed access easement or right-of-way of not less than twenty (20) feet in width and constructed of a compacted surface a minimum depth of three (3) inches and minimum width of twelve (12) feet. The right-of-way and driveway shall be maintained by adjacent property owners and guaranteed in writing with a shared driveway maintenance agreement. This agreement shall be revised upon any change in ownership and prior to any additional subdivision approval on lots served by the shared driveway. An erosion and sediment control plan may be required depending on square footage of the driveway. No shared driveway may serve more than two (2) lots.

Easement:\ A grant by a property owner of the use of land for a specific purpose or purposes.

Engineer:\ An engineer licensed by the Commonwealth of Virginia.

Family burial plot:\ A burial place for up to fifteen (15) persons related by blood or marriage. This definition does not include cemeteries associated with a place of worship or cemeteries owned and operated as a business. Family burial plots shall conform with the requirements of the zoning ordinance.

Health official:\ The health director or sanitarian for the County of Isle of Wight, Virginia.

Highway engineer:\ The resident engineer employed by the Virginia Department of Transportation.

Improvements:\ All public and quasi-public utilities and facilities including, but not limited to:

- 1.Any street (public or private), curb, gutter, sidewalk, bicycle trail, drainage or sewerage system, waterline as part of a public system, or other improvement dedicated for public use and maintained by the county, the commonwealth, or other public agency;
- 2.Other site-related improvements voluntarily agreed to by the owner or a predecessor in title to be considered a "subdivision improvement";
3. Required landscaping, which shall be installed prior to acceptance of any roads into the state system of highways for maintenance; and
- 4.Other site-related improvements required by the Isle of Wight County Code for vehicular ingress and egress, including traffic signalization and control, for public access streets, for structures necessary to ensure stability of critical slopes, and for storm water management facilities.

Jurisdiction:\ The area or territory subject to the legislative control of the board of supervisors.

Land surveying:\ Also known as the "practice of land surveying," as defined in Section 54.1-400 of the Code of Virginia, includes surveying of areas for a determination or correction, a description, the establishment or reestablishment of internal and external land boundaries, or the determination of topography, contours or location of physical improvements, and also includes the planning of land and subdivisions thereof. The term "planning of land and subdivisions thereof" shall include, but not be limited to, the preparation of incidental plans and profiles for roads, streets and sidewalks, grading, drainage on the surface, culverts and erosion control measures, with reference to existing state or local standards.

Lot:\ A parcel of land intended to be separately owned, developed, or otherwise used as a unit, established by plat, subdivision or as otherwise permitted by law.

Lot, corner:\ A lot abutting upon two (2) or more streets at their intersection.

Lot, depth:\ The mean linear distance between the front and rear lot lines.

Lot, double frontage:\ An interior lot having frontage on two (2) streets.

Lot, interior:\ A lot other than a corner lot.

Lot of record:\ A lot which has been recorded in the office of the clerk of the circuit court.

Lot, well:\ An individual lot created for the sole purpose of providing a groundwater source. The lot and groundwater source shall satisfy the requirements of 12VAC5-590-840, Groundwater Sources.

Lot, width:\ The mean linear distance between the side lot lines measured at the front setback line.

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

Property:\ Any tract, lot, parcel or several of the same collected together for the purpose of subdividing.

Pump station:\ A mechanical device that lifts (pumps) liquid sewage from a lower gravity plane to a higher gravity plane. The station shall satisfy the requirements of 9VAC25-790-380, Sewage Pumping.

Street:\ A public or private thoroughfare used, or intended to be used, for passage or travel by motor vehicles. A street serves three (3) or more lots. The word "street" shall include the words "road," and "highway."

Street, public:\ A street (or portion of a street) that has been improved to comply with the requirements of this ordinance and the VDOT Subdivision Street Design Guide and has been accepted or is proposed to be accepted into the state primary or secondary road system.

Street, private:\ A street (or portion of a street) that has not been accepted into the state primary or secondary road system.

Street, width:\ The total width of the strip of land dedicated or reserved for public travel, including roadway, curbs, gutters, sidewalks and planting strips.

Stub out:\ A portion of a street or cross access drive used as an extension to an abutting property that may be developed in the future.

Subdivider:\ An individual, corporation or registered partnership, owning any tract, lot or parcel of land to be subdivided, or a group of two (2) or more persons owning any tract, lot or parcel of land to be subdivided, who have given their power of attorney to one (1) of their group or to another individual to act on their behalf in planning, negotiating for in representing or executing the legal requirements of the subdivision.

Subdivision:\ The division or redivision of a lot, tract, or parcel of land by any means into two (2) or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, transfer of ownership or building or lot development. The term "subdivision" includes the following:

1. Any development of a parcel of land which involves installation of sanitary sewers, storm sewers, water mains, gas mains or pipes, or other appropriate facilities for the use, whether immediate or future, of the owners or occupants of the land.
2. Any development of a parcel of land involving two (2) or more principal structures or involving shopping centers, multiple dwelling projects and the like which require the installation of public and/or alleys, even though the parcel may not be divided for purposes of conveyance, transfer or sale.

Subdivision agent:\ See Agent, subdivision.

Subdivision, major:\ The division or redivision of a lot, tract, or parcel of land by any means into ten (10) or more lots, tracts, or parcels or other divisions of land for the purpose, whether immediate or future, of lease, transfer of ownership or building or lot development. Major subdivisions shall include any development proposing a public road(s) or major utility service (as defined in the zoning ordinance), and any proposal for ten (10) or more total lots regardless of any intention to phase development in sections of less than ten (10) lots at a time.

Subdivision, minor:\ The division or redivision of a lot, tract, or parcel of land by any means into less than ten (10) lots, tracts, or parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease,

transfer of ownership or building or lot development.

Waiver:\ See section 3.2.10, waiver.

Article 3. Administration and Procedures

3.2.4. Subdivision, family member.

- A. The subdivision agent may approve a family member subdivision subject to the provisions of this section, and any express requirement contained in the Code of Virginia (see specifically Section 15.2-2244, et seq. of the Code of Virginia). The purpose of a family member subdivision may not be to circumvent this ordinance or other county regulations. To approve an application for family member subdivision, the subdivision agent must find the following:
 - 1. The property owner requesting the family member subdivision shall hold fee simple title to the subject property.
 - 2. No person who has previously received land within the county via family member subdivision is eligible to receive additional land through family member subdivision.
 - 3. The approval shall include the proposed deed(s) of sale or transfer from the property owner to the receiving family member.
 - 4. No more than one (1) lot resulting from a single tract may be accessed from a single easement of right-of-way unless approved by the board of supervisors upon recommendation from the planning commission.

Article 4. Plat Requirements

4.2. Plat requirements.

4.2.2. Preliminary plat requirements.

- A. [Approval needed.] Whenever any subdivision of land is proposed, and before any permits for the erection of a structure shall be granted, the applicant or his agent shall apply in writing to the subdivision agent for the approval of the subdivision plat and submit eight (8) paper copies and one digital copy of the preliminary plat including lot and street layout, stormwater management facilities, and utility easements.

4.2.4. Final plat. The subdivision plat submitted for final approval to the subdivision agent and subsequent recording shall be clearly and legibly drawn at a scale no smaller than two hundred (200) feet to the inch, and there shall be at least eight (8) paper copies and one digital copy. In addition to the requirements of the preliminary plat, the final plat shall include the following:

- A. General requirements.

1. A blank oblong space three (3) inches by five (5) inches shall be reserved with signature and date lines for the subdivision agent and VDOT resident engineer.
2. Certificates signed by surveyor or engineer setting forth the source of title of the owners of the land subdivided and the place of record of the last instrument in the chain of title.
3. A statement to the effect that the subdivision as it appears on this plat is with the free consent and in accordance with the desires of the owners, proprietors and trustees, if any, which shall be signed by the owners, proprietors and trustees, if any, and shall be duly acknowledged before some officer authorized to take acknowledgements of deeds.
4. When the subdivision consists of land acquired from more than one (1) source of title the outlines of the various tracts shall be indicated by dash lines, and identification of the respective tracts shall be placed on the plat.

B. Specific requirements.

1. The accurate location and dimensions by bearings and distances with all curve data on all lots and street lines and centerlines of streets, boundaries of all proposed or existing easements, parks, school sites, all existing public and private streets, their names, numbers and widths, existing utility easements, and proposed utility, sidewalk, drainage, landscape, access, and open space easements, watercourses and their names, names of owners and their property lines, both within the boundary of the subdivision and adjoining said boundaries.
2. Distances and bearings must balance and close with an accuracy of not less than one (1) in ten thousand (10,000).
3. The data of all curves along the street frontage shall be shown in detail in the curve data table containing the following: Delta, radius, arc, tangent, chord and chord bearings.
4. Location of vegetation to be retained including approximate sizes and protection measures to be used; a depiction of contours at two-foot intervals, supplemented with spot elevations when necessary, including location, description, and size of any retaining walls; dimensions of stream buffers.
5. Location and description of dedicated or reserved properties under public or private ownership including the boundaries, size, purpose, future ownership and maintenance provisions for the property. This category includes but is not limited to thoroughfares, rail corridors, greenways, recreation facilities, open space and common areas.
6. Development schedule for phased development.
7. A list of any conditions applied to the property as part of any previous approvals.

C. Additional recordation requirements.

1. If any community amenities exist, such as sidewalks, planter islands, median strips, common open space, pocket parks, best management practices, community

wastewater/well facilities, etc., a homeowners' association must be created. Mandatory membership of all buyers is required and upon composition of the deed, a condition must be added that all buyers agree to membership terms as a condition of acquisition.

Article 5. Development Standards

5.9. Streets.

5.9.1. General standards.

- A. All streets in the proposed subdivision shall be designed and constructed in accordance with the minimum requirements found in this section at no cost to the county.
- B. Road widening and right-of-way dedication must meet or exceed VDOT standards.
- C. Unless specifically modified in this ordinance, all new streets must be public and improved to comply with the VDOT road and bridge standards.

5.9.2. Description of public and private streets.

- A. Public street. A street (or portion of a street) that has been improved to comply with the requirements of this ordinance and the VDOT subdivision street design guide and has been accepted or is proposed to be accepted into the state primary or secondary road system.
- B. Private street. A street (or portion of a street) that has not been accepted into the state primary or secondary road system.

DATE: _____

READ AND PASSED: _____
Chairman

TESTE: _____
Clerk

Approved as to Form:

Robert W. Jones, Jr., County Attorney

**AN ORDINANCE
TO AMEND AND REENACT APPENDIX B-1. CHESAPEAKE BAY
PRESERVATION AREA ORDINANCE**

WHEREAS, the Board of Supervisors of Isle of Wight County, Virginia, has the legislative authority to make reasonable changes to the ordinances that govern the orderly growth and development of Isle of Wight County; and

WHEREAS, the Isle of Wight County Board of Supervisors is also concerned about the compatibility of uses on public and private lands within Isle of Wight County and seeks to allow flexibility in the administration of the ordinance regulations while protecting the health, safety, and general welfare of present and future residents and businesses of the County.

NOW, THEREFORE, BE IT ORDAINED by the Isle of Wight County Board of Supervisors that the following specific sections of the Articles of Appendix B-1, Chesapeake Bay Preservation Area Ordinance, of the Isle of Wight County Code be amended and reenacted as follows:

Article 1. - Title, Purpose, and Authority.

Sec. 1000. - Title.

This ordinance shall be known and referenced as the "Chesapeake Bay Preservation Area Ordinance" of Isle of Wight County, Virginia. This Ordinance is also commonly referred to as the "CBPA" Ordinance. (8-21-06.)

Sec. 1001. - Findings of fact.

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 Isle of Wight County and the Commonwealth of Virginia. The health of the Bay is vital to maintaining Isle of Wight County's economy and the welfare of its citizens.

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 adjacent 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 board of supervisors 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 Isle of Wight County and the Commonwealth of Virginia. (8-21-06.)

Sec. 1002. - Purpose and intent.

This ordinance is enacted to implement the requirements of Section 62.1-44.15:67 et seq., of the Code of Virginia, the Chesapeake Bay Preservation Act, and amends Appendix B-1 of the Isle of Wight County Code, known also as the Chesapeake Bay Preservation Area Ordinance. The purpose and intent of this ordinance is to:

- a. Protect existing high quality state waters;
- b. 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 aquatic life, which might reasonably be expected to inhabit them;
- c. Safeguard the clear waters of the Commonwealth from pollution;
- d. Prevent any increase in pollution;
- e. Promote water resource conservation in order to provide for the health, safety, and welfare of the present and future citizens of Isle of Wight County.

Sec. 1003. - Relationship to referenced laws, other county ordinances and guidance documents.

- a. The requirements of this ordinance supplement the county's land development ordinances, including existing zoning and subdivision ordinances and regulations. It imposes specific regulations for development and other land uses within the Isle of Wight County preservation area. In the event of inconsistency between the provisions of this ordinance and the provisions established in other applicable ordinances, the more restrictive or stringent provisions shall apply.
- b. Permitted uses, special permit uses, accessory uses and special requirements shall be as established by the zoning ordinance and the underlying zoning district, unless specifically modified by the requirements of this ordinance.
- c. Lot size shall also comply with requirements of the underlying zoning district in the zoning ordinance, provided that all lots shall have sufficient area outside the Resource Protection Area to accommodate an intended development, in accordance with the performance standards in section 4002, when such development is not otherwise allowed in the Resource Protection Area.
- d. References in this ordinance to any law statute, ordinance, rule or regulation in force on the date of adoption of this ordinance shall include any subsequent amendments or revisions.
- e. Guidance documents prepared by the Virginia Department of Environmental Quality (DEQ) shall be used as references in the administration and interpretation of this ordinance. Where there appears to be a conflict between this ordinance and the guidance documents, the ordinance shall take precedence.

Sec. 1004. - Applicability.

- a. No person shall develop, alter, or use any land for residential, commercial, industrial, or civic uses, nor conduct agricultural, fishery or forestry activities in the Isle of Wight County preservation area except in compliance with the provisions of this ordinance.

- b. No development or resource utilization activity shall be permitted until all applicable approving authorities shall determine that the proposed development or activity is consistent with the goals and objectives of the Isle of Wight County preservation area program.

Sec. 1005. - Severability.

If any section, paragraph, subdivision, clause, phrase, or provision of this ordinance shall be adjudged invalid or held unconstitutional, such a ruling shall not affect the validity of the remainder of this ordinance.

Article 2. - Definitions.

Sec. 2000. - Purpose.

It is the purpose of this article to define words, terms and phrases contained within this ordinance and other applicable terms. (8-21-06.)

Sec. 2001. - Word usage.

In the interpretation of this ordinance, the provisions and rules of this section shall be observed and applied, except when the context clearly requires otherwise:

- a. Words used or defined in one tense or form shall include other tenses and derivative forms.
- b. Words in the singular number shall include the plural number and words in the plural number shall include the singular number.
- c. The specific shall control the general.
- d. The word "person" includes a "firm, association, organization, partnership, trust, company," as well as an "individual."
- e. Any words pertaining to gender shall be interchangeable. The word "he" shall also mean "she", and "she" shall also mean "he".
- f. The words "used" or "occupied" include the words "intended, designed, or arranged to be used or occupied."
- g. The word "lot" includes the words "plot" or "parcel."
- h. The word "shall" is mandatory; the words "may" and "should" are permissive.
- i. In case of any difference of meaning or implication between the text of this ordinance and any caption, illustration, or table, the text shall control.
- j. All public officials, bodies, and agencies referred to in this ordinance are those of Isle of Wight County, Virginia, unless otherwise specifically indicated. (8-21-06.)

Sec. 2002. - Definitions.

The following words and terms used in these regulations shall have the following meanings, unless the context clearly indicates otherwise.

- a. Act means the Chesapeake Bay Preservation Act, Article 2.5 (Section 62.1-44.15:67 et seq.) of Chapter 3.1 of Title 62.1 of the Code of Virginia.
- b. Agricultural lands mean those lands used for the tilling of the soil; the growing of crops or plant growth of any kind in the open, including forestry; pasturage; horticulture; dairying; floriculture; or raising of poultry and/or livestock.
- c. Best management practices (BMPs) means a practice, or combination of practices, that are defined by a state agency or the Hampton Roads Planning District Commission guidelines 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.
- d. 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.
- e. Chesapeake Bay Preservation Area (CBPA) means any land designated by the board of supervisors pursuant to Part III of the Chesapeake Bay Preservation Area Designation and Management Regulations, 9VAC25-830-70 et seq., and Section 62.1-44.15:72 of the Code of Virginia. A Chesapeake Bay Preservation Area shall consist of a resource protection area and a resource management area.
- f. Construction footprint means the area of all impervious surfaces, including, but not limited to, buildings, roads and drives, parking areas, sidewalks and the area necessary for construction of such improvements.
- g. Development means the construction, or substantial alteration of residential, commercial, industrial, institutional, recreational, transportation, or utility facilities or structures. This shall include any construction, modification, extension or expansion of buildings or structures; placement of fill or dumping; storage of materials; land excavation; land clearing; land improvement; or any combination of these activities, including the subdivision of land.
- h. Diameter at breast height (DBH) means the diameter of a tree measured outside the bark at a point four and one-half (4.5) feet above the ground.
- i. Dripline means a vertical projection to the ground surface from the furthest lateral extent of a tree's leaf canopy.
- j. Erosion and Sediment Control Law means Article 2.4 (Section 62.1-44.15:51 et seq.) of Chapter 3.1 of Title 62.1 of the Code of Virginia.
- k. 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.
- l. Land-disturbing permit means a permit issued by the county for clearing, filling, excavating, grading or transporting, or any combination thereof.

- m. Limits of clearing means the extent to which vegetation can be removed from a property as shown on a plan approved by the county.
- n. Lot coverage means the impervious area of any lot or parcel including, but not limited to, buildings, drives, parking areas, sidewalks, patios, decks, etc.
- o. Mitigation means measures taken to eliminate or minimize damage to environmentally sensitive areas from land disturbing or development activities. Such measures may include, but are not limited to, avoiding the impact altogether, limiting the degree or magnitude of the action, repairing or restoring the affected environmental area, reducing the impact over time by preservation and maintenance, or replacing or providing a substitute environmental area.
- p. 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.
- q. Nontidal wetlands mean those wetlands other than tidal wetlands that are inundated or saturated by surface or ground water 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 C.F.R. 328.3b.
- r. Noxious weeds means weeds such as Johnson grass, kudzu, and multiflora rose, including those identified by the Virginia Department of Conservation and Recreation as Invasive Alien Plant Species.
- s. Plan of development means any process for site plan review in Isle of Wight County zoning and land development regulations designed to ensure compliance with Section 62.1-44.15:74 of the Act and this chapter, prior to issuance of building permit.
- t. Point source pollution means pollution of state waters resulting from any discernible, defined or discrete conveyances.
- u. 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 Virginia Department of Transportation, including regulations promulgated pursuant to i) the Erosion and Sediment Control Law and ii) the Virginia Stormwater Management Act. This definition includes roads where the Virginia Department of Transportation exercises direct supervision over the design or construction activities, or both, and cases where secondary roads are constructed or maintained, or both, by local government in accordance with the standards of that local government.
- v. Redevelopment means the process of developing land that is or has been previously developed.
- w. Resource Management Area (RMA) means that component of the Chesapeake Bay Preservation Area that is not classified as the resource protection area.
- x. 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.

- y. 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 § 10.1-1105 of the Code of Virginia and are located on property defined as real estate devoted to forest use under § 58.1-3230 of the Code of Virginia.
- z. Substantial alteration means expansion or modification of a building or development that would result in a disturbance of land exceeding two thousand five hundred (2,500) square feet in the resource management area only.
- aa. Substantial work means that improvements have proceeded to where vertical construction of the basic structure or walls has begun on a building or other structure or for other land improvements, that significant progress has been made towards accomplishing the approved project.
- ab. 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.
- ac. Tidal wetlands means vegetated and nonvegetated wetlands as defined in § 28.2-1300 of the Code of Virginia.
- ad. 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) piers, marinas, and other boat docking structures; (iv) beaches and other public water-oriented recreation areas; (v) fisheries or other marine resources facilities; and (vi) shoreline and bank stabilization projects, where deemed necessary.
- ae. Water body with perennial flow means a body of water that flows in a natural or manmade channel year-round during a year of normal precipitation. This includes, but is not limited to, streams, estuaries, and tidal embayments and may include drainage ditches or channels constructed in wetlands or from former natural drainageways, which convey perennial flow. Lakes and ponds, into which a perennial stream flows and perennial flow exits, are part of a perennial stream. Generally, the water table is located above the streambed for most of the year and groundwater is the primary source for stream flow. Perennial flow can be inferred by the presence of biological indicators, benthic macroinvertebrates that require water for entire life cycles, or by using an approved stream determination protocol.
- af. Wetlands means both tidal and nontidal wetlands.
- ag. Zoning administrator means the person designated as the official responsible for enforcing and administering all requirements of the county zoning ordinance, or a duly authorized designee. (8-21-06; 4-16-15.)

Article 3. - Areas of Applicability, Delineations of Boundaries, and Exemptions.

Sec. 3000. - Areas of applicability.

- a. The Chesapeake Bay Preservation Area (CBPA) Ordinance shall apply to all lands within the Chesapeake Bay drainage basin. The limits of this area are generally shown on the Chesapeake Bay Preservation Area maps adopted by the board of supervisors, which together with all explanatory matter thereon, are adopted as a part of this ordinance. This information may be supplemented by digital mapping resources in the course of administering the provisions of this ordinance.
- b. The Chesapeake Bay Preservation Area shall be divided into two areas consisting of the following:
 1. The Resource Protection Area (RPA).which shall include:
 - 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. Water bodies with perennial flow, including streams, rivers, lakes and ponds;
 - e. Other lands as may be designated by the Board of Supervisors and shown on the CBPA maps; and
 - f. A vegetated buffer area not less than 100 feet in width located adjacent to, landward of, and on both sides of the resources listed in subsections a. through e. above.
 2. The Resource Management Area (RMA) shall consist of all areas within the Chesapeake Bay watershed. (8-21-06.)

Sec. 3001. - Delineation and interpretation of boundaries.

- a. The site-specific boundaries of the RPA shall be provided by the applicant. The applicant shall delineate specific boundaries of the RPA through the performance of an environmental site assessment to be approved by the Zoning Administrator in accordance with section 5000(b) of this ordinance.
 1. Delineation of the RPA shall include the designation of perennial water bodies by use of a scientifically valid system of in-field indicators of perennial flow or other means approved by the zoning administrator. The site-specific delineation of the RPA shall be undertaken by the applicant and approved by the zoning administrator.
 2. All components included in the RPA (subsection 3000(b)1. above) shall be delineated separately, and shall be prepared by a person trained, qualified and experienced in performing wetland delineation work, such as an environmental engineer, environmental scientist, soil scientist, biologist or geologist.

3. Wetlands delineations shall be performed consistent with the procedures specified in the Federal Manual for Identifying and Delineating Jurisdictional Wetlands, 1987, and shall be verified by the U. S. Army Corps of Engineers, where it determines it has jurisdiction.
 4. The Chesapeake Bay Preservation Area Maps may be used as a guide to the general location of RPAs but shall not be a substitute for an on-site delineation.
 5. This requirement may be waived by the zoning administrator when the proposed use or development and all associated land disturbing activities will clearly be located outside of a Resource Protection Area, based on an evaluation by the Zoning Administrator and after referral to the board of supervisors.
 6. Delineations shall be valid for a period of five (5) years.
- b. Where the applicant has provided a RPA delineation, the zoning administrator shall inspect the site and verify the accuracy of the boundary delineation. In determining the site-specific RPA boundary, the zoning administrator may consider previously submitted delineations, County mapping resources and materials and consult with qualified specialists, including any private, state or federal resources available to the county. In the event the adjusted boundary delineation is contested by the applicant, the applicant may seek relief, in accordance with the provisions of subsection 5000(h) (Denial/appeal of plan).
- (c) If the boundaries of the RMA include only a portion of a lot, parcel, or development project, the entire lot, parcel, or development project shall comply with the requirements of this ordinance. The division of property shall not constitute an exemption from this requirement. (8-21-06.)

Sec. 3002. - Exemptions.

The following uses and activities are exempt from the provisions of this ordinance provided that all of the requirements listed below are met.

- (a) Exemptions for 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 (§ 62.1-44.15:51 et seq. of the Code of Virginia) and the Stormwater Management Act (§ 62.1-44.15:24 et seq. of the Code of Virginia), (ii) an erosion and sediment control plan and a stormwater management plan approved by DEQ, or (iii) local water quality protection criteria at least as stringent as the above state requirements are deemed to comply with this ordinance. The exemption of public roads is further conditioned on the following:
 1. The road alignment and design has been optimized, consistent with all applicable requirements, to prevent or otherwise minimize the encroachment in the RPA and to minimize the adverse effects on water quality.
- (b) Exemptions for 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 this ordinance 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 two thousand five hundred (2,500) square feet complies with Isle of Wight County erosion and sediment control requirements (Chapter 6) and stormwater management requirements (Chapter 14A).
- (c) Exemptions for silvicultural activities: Silvicultural activities are exempt from the requirements of this ordinance provided that silvicultural operations adhere to water quality protection procedures prescribed by the Virginia Department of Forestry in the March 2011 edition of "Virginia's Forestry Best Management Practices for Water Quality Technical Manual, Fifth Edition." The Virginia Department of Forestry will oversee and document installation of best management practices and will monitor in-stream impacts of forestry practices in Chesapeake Bay Preservation Areas.
- (d) Exemptions in RPAs: The following land disturbances in RPAs may be exempt from this ordinance provided that they comply with the requirements listed in subsections 1. through 5. below and obtain a zoning permit from the zoning administrator: (i) water wells; (ii) passive recreation facilities such as boardwalks, walking trails, and pathways; and (iii) historic preservation and archaeological activities.
1. Any required permits, except those to which this exemption specifically applies, shall have been issued;
 2. Sufficient and reasonable proof is submitted that the intended use will not deteriorate water quality;
 3. The intended use does not conflict with nearby planned or approved uses;
 4. Any land disturbance exceeding an area of two thousand five hundred (2,500) square feet shall comply with Isle of Wight County erosion and sediment control requirements (Chapter 6) and stormwater management requirements (Chapter 14A); and
 5. Boardwalks, walking trails and pathways shall not exceed five (5) feet in width and shall be paved with a permeable material. For purposes of this section, boardwalks shall consist of an elevated public pedestrian walkway constructed along a shoreline or beach. (8-21-06; 4-16-15.)

Article 4. - Performance Standards and Development Criteria.
 Sec. 4000. - General 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:

1. Prevent a net increase in nonpoint source pollution from new development;
 2. Achieve a ten-percent reduction in nonpoint source pollution from redevelopment; and
 3. Achieve a forty-percent reduction in nonpoint source pollution from agricultural uses.
- b. General performance standards for development and redevelopment in the Chesapeake Bay Preservation Area.
1. Land disturbance shall be limited to the area necessary to provide for the proposed use or development.
 - a. In accordance with an approved plan of development, the limits of clearing or grading shall be strictly defined by the construction footprint. The zoning administrator shall review and approve the construction footprint through the plan of development process. 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 (1) access point, unless otherwise approved by the zoning administrator.
 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 eight (8) inches diameter at breast height (DBH) shall be preserved outside the approved construction footprint in accordance with the same standards established in subsection 4002(b)1.
 - b. Site clearing for construction activities shall be allowed as approved by the zoning administrator through the plan of development review process outlined under section 5000 of this ordinance.
 - c. Prior to clearing and grading, suitable protective barriers, like safety fencing, shall be erected five (5) feet outside the dripline of any tree or stand of trees to be preserved. Protective barriers shall remain 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. Development on slopes greater than fifteen (15) percent shall be prohibited unless such development is demonstrated to be the only effective way to maintain or improve slope stability.
 4. Land development shall minimize impervious cover consistent with the proposed use or development. Impervious coverage on any lot or parcel shall be limited to the lot coverage permitted under the zoning district requirements of said lot or parcel, but in no case shall exceed sixty percent (60%) of the total site.

5. Notwithstanding any other provisions of this ordinance or exceptions or exemptions thereto, any land disturbing activity exceeding two thousand five hundred (2,500) square feet, including construction of all single-family houses, septic tanks and drainfields, but otherwise as defined in Section 62.1-44.15:51 of the Code of Virginia, shall comply with the requirements of the erosion and sediment control ordinance, Chapter 6 of the County Code. Enforcement for noncompliance with the erosion and sediment control requirements referenced in this criterion shall be conducted under the provisions of the Erosion and Sediment Control Law and attendant regulations.
6. All development and redevelopment within RMAs and RPAs that exceeds two thousand five hundred (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 section 5000 of this ordinance; or a subdivision plan in accordance with the subdivision ordinance; or a water quality impact assessment in accordance with section 4003 of this ordinance.
7. All on-site sewage disposal systems not requiring a Virginia Pollution Discharge Elimination System (VPDES) permit shall be pumped out at least once every five (5) years. As an alternative to the pump-out every five (5) years, there shall be the option of having a septic effluent filter installed and maintained in the outflow pipe from the septic tank to filter solid material from the effluent while sustaining adequate flow to the drainfield to permit normal use of the septic system. Such a filter should satisfy standards established in the Sewage Handling and Disposal Regulations (12 VAC 5-610) administered by the Department of Health. Furthermore, in lieu of requiring proof of septic tank pump-out every five (5) years, there shall be the option to submit 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 as being qualified to operate, maintain or design on-site sewage systems, that the septic system has been inspected, is functioning properly, and that the tank does not need to have the effluent pumped out.
8. A reserve sewage disposal site with a capacity at least equal to that of the primary sewage disposal site shall be provided, in accordance with the Isle of Wight County Health Code. This requirement shall not apply to any lot or parcel recorded prior to October 1, 1989, when a reserve sewage disposal site is not available, as determined by the local health department. Building or the construction of any impervious surface shall be prohibited on the area of all sewage disposal sites or on an on-site sewage treatment system which operates under a permit issued by the state water control board, until the structure is served by public sewer.
9. For any use or development exceeding two thousand five hundred (2,500) square feet of development within Isle of Wight County's Chesapeake Bay Preservation Area, stormwater runoff shall be controlled by the use of best management practices consistent with requirements of Section 9 VAC 25-870-51 and 9 VAC 25-870-103 of the Virginia Stormwater Management Regulations and Chapter 14A of Isle of Wight County's Stormwater Management Ordinance.
10. 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 zoning administrator, in accordance with section 5000, of this ordinance.

11. Land upon which agricultural activities are being conducted shall undergo a soil and water quality conservation assessment. Such assessments 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 ordinance. (8-21-06; 5-15-08; 3-20-14; 4-16-15; 6-15-17.)

Sec. 4001. - Development criteria for resource protection areas.

- a. Land development in RPAs may be allowed in accordance with other county ordinances only when permitted by the zoning administrator and if it:
 - i. Is water-dependent;
 - ii. Constitutes redevelopment;
 - iii. Is a new use subject to the provisions of subsection 4002(b)2. of this ordinance;
 - iv. Is a road or driveway crossing satisfying the conditions set forth in subsection 4001.a.3. below; or
 - v. Is a flood control or stormwater management facility that drains or treats water from multiple development projects or from a significant portion of a watershed provided such facilities are allowed and constructed in accordance with the Virginia Stormwater Management Act and its attendant regulations, and provided that i) the local government has conclusively established that the location of the facility within the RPA is the optimum location; ii) the size of the facility is the minimum necessary to provide for flood control, stormwater management, or both; iii) the facility must be consistent with a stormwater management program that has been approved by the board as a phase 1 modification to the local government's program; iv) all applicable permits for construction in state or federal waters must be obtained from the appropriate state or federal agencies; v) approval must be received from the local government prior to construction; and vi) routine maintenance is allowed to be performed on such facilities to assure that they continue to function as designed. It is not the intent of this subsection to allow a best management practice that collects and treats runoff from only an individual lot or some portion of the lot to be located within a RPA.
- b. A new or expanded water-dependent facility may be allowed provided that the following criteria are met:
 - i. It does not conflict with the comprehensive plan;
 - ii. It complies with the performance criteria set forth in sections 4001 and 4002 of this ordinance;
 - iii. Any non-water-dependent component is located outside of the RPA; and
 - iv. Access to the water-dependent facility will be provided with the minimum disturbance necessary. Where practicable, a single point of access will be provided.

- c. Redevelopment on isolated redevelopment sites shall be permitted only if there is not an increase in the amount of impervious cover, and no further encroachment occurs within the RPA, and it shall conform to applicable erosion and sediment control requirements of Chapter 6 of the County Code and the stormwater management requirements of Chapter 14A of the County Code. For purposes of this section, in redeveloping a site, the encroachment of a proposed building or structure shall be based on the location of existing buildings or structures, or the locations of legally established historical buildings or structures, or parking and other impervious cover located on the site.
- d. Roads and driveways not exempt under section 3002 and which, therefore, must comply with the provisions of this ordinance, may be constructed in or across RPAs if each of the following conditions are met:
 - i. The zoning administrator makes a finding that there are no reasonable alternatives to aligning the road or drive in or across the RPA;
 - ii. 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;
 - iii. The design and construction of the road or driveway satisfies all applicable criteria of this ordinance;
 - iv. The zoning administrator 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 5000 or subdivision plan.
- e. A water quality impact assessment as outlined in section 4003 of this ordinance shall be required for any proposed land disturbance, development or redevelopment within RPAs.

Sec. 4002. - Performance standards in resource protection areas.

- a. Purpose and intent. To minimize the adverse effects of human activities on the other components of RPAs, state waters, and aquatic life, a one hundred-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 one hundred-foot full buffer area shall be designated as the landward component of the RPA, in accordance with section 3000 and section 5000 of this ordinance. Notwithstanding permitted uses, encroachments, and vegetation clearing, as set forth in section 4001 and this section, the one hundred-foot buffer area is not reduced in width.

The one hundred-foot buffer area shall be deemed to achieve a seventy-five-percent reduction of sediments and a forty-percent reduction of nutrients.

- b. General performance standards for development and redevelopment.
 - 1. Permitted modifications to the buffer area.

Note: Please refer to the Riparian Buffer Guidance Manual prepared by the Virginia Chesapeake Bay Local Assistance Board for additional information and guidance on the modifications to the buffer area permitted below.

- a. In order to maintain the functional value of the buffer area, indigenous vegetation may be removed only, subject to approval by the zoning administrator who may require a plan of development in accordance with section 5000, to provide for reasonable sight lines, access paths, and general woodlot management, and best management practices, including those that prevent upland erosion and concentrated flows of stormwater, as follows:
 - i. Trees may be pruned or removed as necessary to provide for reasonable 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.
 - ii. Any path shall be constructed and surfaced so as to effectively control erosion.
 - iii. 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 zoning administrator pursuant to sound horticultural practices.
 - iv. 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 area would result in the loss of a buildable area on a lot or parcel recorded prior to October 1, 1989, encroachments into the buffer area may be allowed through an administrative process, in accordance with sections 4003 and 5000 and the following criteria:
 - i. Encroachments into the buffer area shall be the minimum necessary to achieve a reasonable buildable area for a principal structure and necessary utilities;
 - ii. 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
 - iii. The encroachment may not extend into the seaward fifty (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, encroachments into the buffer area may be allowed through an administrative process in accordance with sections 4003 and 5000 and the following criteria:
 - i. The lot or parcel was created as a result of a legal process conducted in conformity with the local government's subdivision regulations;

- ii. Conditions or mitigation measures imposed through a previously approved exception shall be met;
 - iii. If the use of a best management practice (BMP) was previously required, the BMP shall be evaluated at the expense of the owner to determine if it continues to function effectively and, if necessary, the BMP shall be reestablished or repaired and maintained as required; and
 - iv. The criteria in subsection 2.a. above for lots recorded prior to October 1, 1989 shall be met.
- 3. Establishment of the required buffer.
 - a. Where a buffer has been reduced or does not exist, a landscaping plan pursuant to subsection 5000(c) shall be submitted and approved prior to issuance of any zoning or building permit. The landscaping plan shall be implemented in full or surety provided to the county pursuant to subsection 5000(f)2. prior to issuance of a certificate of occupancy.
 - b. In determining and approving an appropriate buffer, the zoning administrator shall take into consideration adequate space around existing structures and other factors unique to the site.
 - c. In determining the need for establishing the required buffer, staff may rely on the latest aerial photographs, actual site visits, and other appropriate resources available.
 - d. This subsection shall not apply to the conversion from agricultural or silvicultural uses, which shall be governed by subsection 4002(b)5.
- 4. On agricultural lands the agricultural buffer area shall be managed to prevent concentrated flows of surface water from breaching the buffer area and appropriate measures may be taken to prevent noxious weeds from invading the buffer area agricultural activities may encroach into the buffer area as follows:
 - a. Agricultural activities may encroach into the landward fifty (50) feet of the one hundred-foot wide buffer area when at least one (1) agricultural best management practice, which, in the opinion of the Peanut Soil and Water Conservation District, 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 one hundred-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 Virginia Department of Conservation and Recreation.
 - b. Agricultural activities may encroach within the landward seventy-five (75) feet of the one hundred-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 Resource 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 Virginia 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 of that provided by the one hundred-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 (1) best management practice as considered by the Peanut Soil and Water Conservation District to address the more predominant water quality issue on the adjacent land — either erosion control or nutrient management.
 - d. If specific problems are identified pertaining to agricultural activities which are causing pollution of the nearby water body with perennial flow or violate performance standards pertaining to the vegetated buffer area, the zoning administrator, in cooperation with soil and water conservation district, shall recommend a compliance schedule to the landowner and require the problems to be corrected consistent with that schedule. This schedule shall expedite environmental protection while taking into account the seasons and other temporal conditions so that the probability for successfully implementing the corrective measures is greatest.
 - e. In cases where the landowner or his agent or operator has refused assistance from the soils and water conservation district in complying with or documenting compliance with the agricultural requirements of this ordinance, the district shall report the noncompliance to the zoning administrator. The zoning administrator shall require the landowner to correct the problems within a specified period of time not to exceed eighteen (18) months from the initial notification of the deficiencies to the landowner. The zoning administrator, in cooperation with the district, shall recommend a compliance schedule to the landowner and require the problems to be corrected consistent with that schedule. This schedule shall expedite environmental protection while taking into account the seasons and other temporal conditions so that the probability for successfully implementing the corrective measures is greatest.
3. When agricultural or silvicultural uses within the buffer area cease, and the lands are proposed to be converted to other uses, the full one hundred-foot wide buffer area 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.
 4. Prior to any land disturbing activities or any development of a lot or parcel, a permanent sign shall be installed by the owner or developer identifying the landward limits of the RPA. Such signs shall conform to general guidelines established by the zoning administrator and approved by the board of supervisors as to size, design, color, material, location and content and shall be installed and maintained at the expense of the owner or

developer in accordance with those guidelines. Signs may be obtained from the county, at cost, or may be provided by the developer.

Sec. 4003. - 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 ordinance when warranted and in accordance with the requirements contained herein; and v) specify mitigation which will address water quality protection. There shall be two levels of water quality impact assessments: a minor assessment and a major assessment.
- (b) Applicability. A water quality impact assessment shall be required for any development or rezoning in the Chesapeake Bay Preservation Area which:
 - i. Will disturb any portion of the one-hundred-foot buffer area of an RPA, or any component identified in subsection 3000(b)1.;
 - ii. Contains ten (10) acres or more for any use, other than development of single-family detached residential lots;
 - iii. Contains twenty-five (25) acres or more for the development of single-family detached residential lots; or
 - iv. Any other development that may warrant such assessment due to unique characteristics of the site or intensity of the proposed use or development, as may be required by the zoning administrator.
- (c) Contents of the minor water quality impact assessment. A minor assessment shall be required for circumstances described under section 4002(b)(2.a) and (2.b): The information required below shall be considered a minimum, unless the zoning administrator determines that some of the elements are unnecessary due to the scope and nature of the proposed use and development of land: The minor water quality impact assessment shall be provided on forms available through the zoning administrator, consistent with the requirements of this ordinance, and may be approved by the zoning administrator. The assessment shall include a site drawing to scale which shows the following:
 - (1) Location of the components of the RPA, including the one hundred-foot buffer areas;
 - (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, other impervious cover; and sewage disposal systems or reserve drain field sites;
 - (3) Type and location of proposed best management practices to mitigate the proposed encroachment, if required;
 - (4) Location of existing vegetation and re-vegetation areas as shown on the site drawing.

- (d) Contents of the major water quality impact assessment. The information required below shall be considered a minimum, unless the zoning administrator determines that some of the elements are unnecessary due to the scope and nature of the proposed use and development of land:

1. A site plan, which shall at minimum, contain the following:
 - a. Location of the components of the resource protection area, including the one-hundred-foot buffer area delineated in accordance with section 3001;
 - b. 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;
 - c. Type and location of proposed best management practices to mitigate the proposed encroachment;
 - d. 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;
 - e. Re-vegetation plan that supplements the existing buffer vegetation in a manner that provides for pollutant removal, erosion and runoff control.
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 following:
 - i. Disturbance or removal of wetlands and justification for such action;
 - ii. Disruptions or reductions in the supply of water to wetland, streams, lakes, rivers, or other water bodies;
 - iii. Disruptions to existing hydrology including wetland and stream circulation patterns;
 - iv. Source location of description of proposed fill material;
 - v. Location of dredging and location of dumping area for such dredged material;
 - vi. Estimation of pre- and post-development pollutant loads in runoff;
 - vii. Estimation of percent increase in impervious surface on site, type(s) of surfacing material used;
 - viii. Percent of site to be cleared for project;
 - ix. Anticipated duration and phasing schedule of construction project;
 - x. Listing of all requisite permits from all applicable agencies necessary to develop project.

- d. Describes the proposed mitigation measures for the potential hydrogeological impacts. Potential mitigative measures include:
 - i. Additional proposed erosion and sediment control concepts beyond those normally required under subsection 4000(b)5. of this ordinance; 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.
 - ii. When required, proposed stormwater management system for nonpoint source quality and quantity control in compliance with Chapter 14A of Isle of Wight County's Stormwater Management Ordinance.
3. A vegetative element that:
- a. Identifies and delineates the location of all woody plant material on site, including all trees on site eight (8) 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:
 - i. General limits of clearing, based on all anticipated improvements, including buildings, drives, and utilities;
 - ii. Clear delineation of all trees and other woody vegetation which will be removed;
 - iii. Description of all plant species to be disturbed or removed.
 - c. Describes the proposed measures for mitigation. Possible mitigation measures include:
 - i. 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;
 - ii. Demonstration that the re-vegetation plan supplements the existing buffer vegetation in a manner that provides for pollutant removal, erosion and runoff control;
 - iii. 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;
 - iv. Demonstration that indigenous plants are to be used to greatest extent possible.
4. In the case of a WQIA for shoreline and bank stabilization projects, the following items shall be required:
- a. Completion of the shoreline erosion control water quality impact assessment form, as provided by the zoning administrator and kept on file with the department of planning and zoning;
 - b. An environmental assessment as follows:

- i. The environmental site assessment shall be drawn to scale and clearly delineate the environmental components identified in subsection 3000(b) of this ordinance;
 - ii. Wetlands delineations shall be performed consistent with the procedures specified in the "Federal Manual for Identifying and Delineating Jurisdictional Wetlands, 1987," and updates as they become available;
 - iii. The environmental assessment shall delineate the geographic extent of the resource protection area on the specific site or parcel as required under section 3001 of this ordinance;
 - iv. The environmental assessment shall be drawn at the same scale as the preliminary site plan or subdivision plat;
 - c. A landscaping plan in accordance with subsection 5000(c), except that the plans may be submitted by any qualified professional, including shoreline contractors and nursery professionals;
 - d. A stormwater management plan in accordance with Chapter 14A of the Isle of Wight County Code, as required by state code Section 62.1-44.15:55;
 - e. An erosion and sediment control plan in accordance with Chapter 6 of the Isle of Wight County Code;
 - f. Project construction plans shall be certified as complete and accurate by a professional shoreline engineer or other qualified professional, as determined by the zoning administrator, as well as a determination as to the necessity of the project.
5. For phased projects, an updated WQIA shall be provided for each phase to the county planning and zoning department demonstrating the project's compliance with the criteria of the original WQIA. An updated WQIA shall be required until all phases of the project are complete.
- (e) Submission, review requirements, and evaluation procedure.
- 1. Ten (10) copies of all site drawings and other applicable information as required by subsection c. above shall be submitted to the zoning administrator for review.
 - 2. All information required in section 4003 (d) shall be certified as complete and accurate by a professional engineer or certified land surveyor qualified to prepare such information.
 - 3. Upon receipt of a water quality impact assessment, the zoning administrator will determine if review by DEQ or any other state agency is warranted. The zoning administrator will incorporate any comments received from such a review into the final report, provided that such comments are received within ninety (90) days of the request.
 - 4. Upon receipt of a completed major water quality impact assessment and receipt of all appropriate comments, the zoning administrator shall forward the information to the planning commission for consideration. For shoreline and bank stabilization projects and piers consistent with the provisions of this ordinance, the zoning administrator may grant administrative approval of the water quality impact assessment.

5. The planning commission will determine whether or not the proposed development is consistent with the spirit and intent of this ordinance and make a recommendation to the board of supervisors based upon the following criteria:
 - a. Within any RPA, the proposed development is water-dependent or 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 for compliance with Chapter 14A of the Isle of Wight County Code;
 - g. Proposed re-vegetation of disturbed areas will provide optimum erosion and sediment control benefits, as well as runoff control and pollutant removal equivalent of the full one-hundred-foot undisturbed buffer area;
 - h. The design and location of any proposed drain field will be in accordance with the requirements of section 4000.
6. The planning commission shall recommend additional mitigation where potential impacts have not been adequately addressed, subject to final approval or modification by the board of supervisors. Evaluation of mitigation measures will be made by the planning commission based on the criteria listed above and in subsection 5.
7. The planning commission shall find the proposal to be inconsistent with the purpose and intent of this ordinance when the impacts created by the proposal cannot be mitigated, subject to final approval by the board of supervisors. Evaluation of the impacts will be made by the planning commission based on the criteria listed in subsection 5.

Article 5. - Administrative Procedures and Enforcement.

Sec. 5000. - Plan of development process.

Any development, or any redevelopment exceeding two thousand five hundred (2,500) square feet of land disturbance shall be accomplished through a plan of development process prior to any development preparation activities onsite, such as clearing or grading of the site and the issuance of any building permit, to assure compliance of all applicable requirements of this ordinance. Modifications to the required buffer may require a plan of development, as determined by the zoning administrator.

- (a) Required information. In addition to the requirements of County Zoning Ordinance or the requirements of the County Subdivision Ordinance, the plan of development process shall consist of the plans and studies identified below. These required plans and studies may be coordinated or combined, as deemed appropriate by the zoning administrator. The zoning administrator may determine that some of the following information is unnecessary due to the scope and nature of the proposed development.

The following plans or studies shall be submitted, unless otherwise provided for:

1. A plot plan or site plan in accordance with the provisions of County Zoning Ordinance or subdivision plat in accordance with the provisions of the County Subdivision Ordinance;
 2. An environmental site assessment;
 3. A landscaping plan;
 4. A stormwater management plan in accordance with Chapter 14A of the County Code;
 5. An erosion and sediment control plan in accordance with the provisions of Chapter 6 of the County Code.
- (b) Environmental site assessment. An environmental site assessment shall be submitted in conjunction with preliminary site plan or preliminary subdivision plan approval.
1. The environmental site assessment shall be drawn to scale and clearly delineate the environmental components identified in subsection 3000(b) of this ordinance.
 2. Wetlands delineations shall be performed consistent with the procedures specified in the Federal Manual for Identifying and Delineating Jurisdictional Wetlands, 1987, as may be amended.
 3. The environmental site assessment shall delineate the geographic extent of the Resource Protection Area on the specific site or parcel as required under section 3001 of this ordinance;
 4. The environmental site assessment shall be drawn at 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 may be waived by the zoning administrator when the proposed use or development will be clearly located outside of an RPA, based upon an evaluation of the zoning administrator.
- (c) Landscape plan. A landscape 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 landscape plan.

Landscape plans shall be prepared and/or certified by a design professional practicing within their areas of competence as prescribed by the Code of Virginia.

1. Contents of the plan.
 - a. The landscape plan shall be drawn to scale and clearly delineate the location, size, and description of existing and proposed plant material. All existing trees on the site eight (8) inches or greater diameter at breast height (DBH) shall be shown on the landscaping plan, or where there are groups of trees, said stands may be outlined instead. The specific number of trees eight (8) 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.

- b. 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 ordinance, shall be shown on the landscaping plan.
 - c. Within the buffer area, trees and other woody vegetation to be removed for reasonable sight lines, vistas, access paths, and best management practices, as provided for in subsection 4002(b)1.a., shall be shown on the plan. Vegetation required by this ordinance to replace any existing trees within the buffer area shall be also be depicted on the landscape plan.
 - d. Trees and other woody vegetation to be removed for shoreline stabilization projects and any replacement vegetation required by this ordinance shall be shown on the landscape plan.
 - e. The plan shall depict grade changes or other work adjacent to trees that would affect them adversely. Specifications shall be provided as to how grade, drainage, and aeration would be maintained around trees to be preserved.
 - f. The landscape plan will include specifications for the protection of existing trees and other vegetation during clearing, grading, and all phases of construction.
 - g. If the proposed development is a change in use from agricultural or silvicultural to some other use, the plan must demonstrate the re-establishment of vegetation in the buffer area.
2. Plant specifications.
- a. 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.
 - b. 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.
 - c. Where areas to be preserved, as designated on an approved landscaping plan, are encroached, replacement of existing trees and other vegetation shall be achieved with a ratio of three (3) planted trees to each tree removed in accordance with good woodlot management. Replacement trees shall be two (2) inches DBH at the time of planting.
 - d. Use of native or indigenous species is strongly encouraged.
3. Maintenance.
- a. The applicant shall be responsible for the maintenance and replacement of all vegetation as may be required by the provisions of this ordinance.
 - b. 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 ordinance.

- (d) Stormwater management plan. A stormwater management plan shall be submitted as part of the plan of development process required by this ordinance and in conjunction with site plan or subdivision plan approval in accordance with the provisions of Chapter 14A of the County Code.
 - 1. For phased projects, an updated stormwater management plan shall be provided for each phase to the county planning and zoning department demonstrating the project's stormwater management facilities are still meeting the pollutant removal standards of the original WQIA. Updated stormwater management plans shall be required until all phases of the project are complete.
- (e) Erosion and sediment control plan. An erosion and sediment control plan shall be submitted that satisfies the requirements of this ordinance and in accordance with Chapter 6 of the County Code, in conjunction with plot plan, site plan or subdivision plan approval.
- (f) 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 the County Zoning Ordinance.
 - 1. Final plans for all lands within CBPAs shall include the following additional information:
 - a. The delineation of the Resource Protection Area boundary, including the one hundred-foot buffer component;
 - b. Plat or plan note stating that no land disturbance is allowed in the buffer area without review and approval by the zoning administrator;
 - c. All wetlands permits required by law;
 - d. A maintenance agreement as deemed necessary and appropriate by the zoning administrator and/or the stormwater division to ensure proper maintenance of best management practices in order to continue their functions.
 - 2. Installation and bonding requirements.
 - a. Where buffer areas, landscaping, stormwater management facilities or other specifications of an approved plan are required, no certificate of occupancy shall be issued until the installation of required plant material or facilities is completed in accordance with the approved site plan.
 - b. Installation and bonding requirements for landscaping shall be in accordance with the County Zoning Ordinance.
- (g) Administrative responsibility. Administration of the plan of development process shall be in accordance with the County Zoning Ordinance or the County Subdivision Ordinance. The zoning administrator shall approve, approve subject to conditions, or disapprove the plans in accordance with the reviewing authorities' recommendations. The zoning administrator shall return notification of plan review results to the applicant, including recommended conditions or modifications. In the event that the results and/or recommended conditions or modifications are acceptable to the applicant, the plan shall be so modified, if required, and approved.

- (h) Denial of plan, appeal of conditions or modifications. In the event 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 planning commission within sixty (60) days of the administrative decision to be appealed. The planning commission shall make a recommendation to the board of supervisors. The final decision on an appeal shall be made by the board of supervisors.

In preparing to recommend to grant or deny 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 ordinance. If the planning commission finds that the applicant's plan does not meet the above stated criteria, they shall recommend denial of the plan.

Sec. 5001. - Nonconforming uses and nonconforming structures.

- a. The lawful use of a building or structure which existed on October 1, 1989, or which lawfully exists at the time of any amendment to the performance standards and criteria of this ordinance and which became not in compliance, may continue subject to the provisions of the county zoning ordinance and the provisions below:

No change or expansion of use shall be allowed with the exception that:

1. The zoning administrator 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 increase in nonpoint source pollution load;
 - b. Any development or land disturbance exceeding an area of two thousand five hundred (2,500) square feet complies with all erosion and sediment control requirements in accordance with the provisions of Chapter 6 of the County Code and stormwater management requirements in accordance with Chapter 14A of the County Code;
 - c. In the case of a structure that has become nonconforming due to encroachment into the RPA, the structure may be moved out of the RPA to reduce the amount of nonconformity, and a water quality impact assessment shall not be required.
2. An application for a nonconforming use and/or waiver shall be made to and upon forms furnished by the zoning administrator and shall include for the purpose of proper enforcement of this ordinance, 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 twenty-four (24) 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 zoning administrator through an administrative review process provided that the following findings are made:
 - 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 ordinance to other property owners in similar situations;
 - c. The waiver is in harmony with the purpose and intent of this ordinance 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 the county are met; and
 - g. In no case shall this provision apply to accessory structures.

Sec. 5002. - Exceptions.

- (a) A request for an exception to the requirements of sections 4000 and 4002 of this ordinance or any other exception requested from the provisions of this ordinance shall be made in writing to the planning commission, who shall make a recommendation to the board of supervisors. It shall identify the impacts of the proposed exception on water quality and on lands within the Resource Protection Area through the preparation of a water quality impact assessment, which complies with the provisions of section 4003, and accompanied with a processing fee as shall be set forth in the Isle of Wight County Uniform Fee Schedule, as adopted by the board of supervisors, as it may be amended.
- (b) The planning commission and board of supervisors shall notify the affected public of any such exception requests and shall consider these requests in a public hearing in accordance with § 15.2-2204 of the Code of Virginia.
- (c) The planning commission shall review the request for an exception and the water quality impact assessment and may recommend the exception with such conditions and safeguards as deemed necessary to further the purpose and intent of this ordinance. In rendering its decision, the planning commission shall not recommend in favor of the applicant unless it finds:
 1. That the strict application of the ordinance would produce an undue hardship and will not confer upon the applicant any special privileges denied by this ordinance to other property owners in the CBPA areas;
 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 non-conforming 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 this ordinance, 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, after applying the criteria set forth above, the board of supervisors refuses to grant the exception, the zoning administrator 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.
- (e) Any person or persons jointly or severally aggrieved by a decision of the board of supervisors may present to the circuit court of the County of Isle of Wight a petition specifying the grounds on which aggrieved within thirty (30) days after the final decision of the board of supervisors. Costs shall not be allowed against the board of supervisors, unless it shall appear to the court that it acted in bad faith or with malice in making the decision appealed therefrom.

Sec. 5003. - Enforcement, violation and penalties.

- (a) The primary responsibility for administering and enforcing this ordinance shall be assigned to the zoning administrator or a duly authorized designee. The zoning administrator or his duly authorized designee, planning commission members and board of supervisors' members including other persons designated by the board of supervisors, shall have authority to conduct inspections and surveys upon the property affected by this ordinance to determine compliance with this ordinance. The zoning administrator shall seek criminal or civil enforcement for any provision of this ordinance and take any action on behalf of the county to prevent or abate any violation or potential violation of this ordinance. The zoning administrator, upon written request of an interested person whose property may be affected, shall render an opinion as to the applicability of this ordinance to particular uses in its application to the factual circumstances presented. The zoning administrator shall design and distribute applications and forms required for this ordinance and request information that is pertinent to the request of the approval and shall perform such other duties as are necessary for the proper enforcement and administration of this ordinance.
- (b) In addition to any other remedies in subsection (a) of this section, the following penalties are incorporated in this ordinance as follows:
1. Any person who: (i) violates any provision of the ordinance or (ii) violates or fails, neglects, or refuses to obey any board of supervisors' or the zoning administrator's final notice, order, rule, regulation, or variance or permit condition authorized under this ordinance shall, upon such finding by an appropriate circuit court, be assessed a penalty not to exceed five thousand dollars (\$5,000.00) for each day of violation.
 2. With the consent of any person who: (i) violates any provision of this ordinance or (ii) violates or fails, neglects, or refuses to obey any board of supervisors' or zoning administrator's, notice, order, rule, regulation, or variance or permit condition authorized under this ordinance, the board of supervisors' may provide for the issuance of an order against such person for the one (1) time payment of civil charges for each violation in specific sums, not to exceed ten thousand dollars (\$10,000.00) for each violation. Such

civil charges shall be paid into the treasury of Isle of Wight County for the purpose of abating environmental damage to or restoring Chesapeake Bay Preservation Areas in the county except that where the violator is the county or its agent, the civil charges shall be paid into the state treasury. The civil charges shall be in lieu of any appropriate civil penalty imposed under subdivision 1. of this subsection. Civil charges may be in addition to the cost of any restoration required or ordered by the board of supervisors or zoning administrator.

Sec. 5004. - Appeals.

- (a) Any person or persons jointly or severally subject to an administrative decision, order or requirement under this chapter may appeal by submitting a written application for review to Board of Zoning Appeals no later than thirty (30) days from the rendering of such decision, order or requirement. The fee shall be as set forth in the Isle of Wight County Fee Schedule for such appeals. The Board of Zoning Appeals shall hear the appeal as soon as practical after receipt of the application.
 - i. In rendering its decision, the Board of Zoning Appeals shall balance the hardship to the property owner with the purpose, intent, and objectives of this chapter.
 - ii. Decisions by the Board of Zoning Appeals shall be subject to review by the Circuit Court of Isle of Wight County provided an appeal is filed within thirty (30) days from the date of the decision of the board.
- (b) Any person or persons jointly or severally aggrieved by a decision of the Board of Supervisors may present to the Circuit Court of County of Isle of Wight a petition specifying the grounds on which aggrieved within thirty (30) days after the final decision of the Board of Supervisors. Costs shall not be allowed against the Board of Supervisors, unless it shall appear to the court that it acted in bad faith or with malice in making the decision appealed therefrom.

Article 6. - Septic Pump-Out Program.

Sec. 6000. - Purpose and findings.

The purpose of the septic pump-out program is to protect public health, safety, and welfare through ensuring the proper functioning of on-site sewage disposal systems. The septic pump-out program also is intended to protect water quality within the Chesapeake Bay watershed, and is required to meet state and local Chesapeake Bay Preservation Area regulations.

Findings made by Isle of Wight County include the following:

1. Individual and group on-site sewage treatment systems continue to be heavily relied upon throughout most parts of the county, including properties located within the Chesapeake Bay Watershed.
2. Septic systems require proper management and maintenance in order to continue working as intended. Solids will accumulate over time and require pumping out.
3. Septic systems that are improperly installed or maintained are subject to clogging and/or overflow. A malfunctioning system may cause contaminants to rise to the surface, pollute

ground or surface water, create foul odors, and otherwise threaten public health, safety, and welfare.

4. Most experts recommend that on-site sewage treatment systems be inspected and pumped out as necessary every three (3) to five (5) years, according to the U.S. Environmental Protection Agency.
5. Septic systems that are properly maintained are less likely to cause pollution. Routine maintenance can help avoid the costs of emergency replacement and/or major repairs caused by neglect.

Sec. 6001. - Authority.

This program is authorized by the Commonwealth of Virginia, pursuant to 9 VAC 25-830-130 and Section 4000(B)(7) of the Isle of Wight County Chesapeake Bay Preservation Area Ordinance. (5-15-08; 4-16-15.)

Sec. 6002. - Severability.

If any section, paragraph, subdivision, clause, phrase, or provision of this article shall be held as invalid or unconstitutional, such a ruling shall not affect the validity of the remainder of this article. (5-15-08.)

Sec. 6003. - Effective date.

This program shall go into effect on August 1, 2008.

Sec. 6004. - Applicability.

The purpose of the septic pump-out program is to encourage proper maintenance and increase the functional life of on-site septic systems through regular pump-outs at least once every five (5) years. The program applies to those properties located in the Chesapeake Bay watershed in Isle of Wight County, Virginia that are served by private, on-site sewage treatment and disposal systems. Please see special language located elsewhere in this document regarding septic systems equipped with septic tank effluent filters.

- A. No property owner located within the Chesapeake Bay watershed of Isle of Wight County, Virginia shall operate an on-site sewage treatment system unless such construction, installation, alteration, maintenance or operation is in compliance with all applicable sanitary regulations and this program.
- B. Septic tank pump-outs as prescribed in this article shall take place at least once every five (5) years, other than as noted in Item C. Furthermore, in lieu of requiring proof of septic tank pump-out every five (5) years, owners may submit 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 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.
- C. If deemed appropriate by the local health department and subject to conditions the local health department may set, as an alternative to the mandatory pump-out, owners have the option of having a plastic filter installed and maintained in the outflow pipe from the septic tank to filter solid material from the effluent while sustaining adequate flow to the drainfield to permit normal use of the septic system.

Sec. 6005. - Exemptions.

Situations exempt from the septic pump-out requirement include any inactive or abandoned on-site septic system.

To qualify for exemption, property owners must provide the county with appropriate, written verification. This could include a statement or other evidence acceptable to the county. The statement or evidence must show the old septic system has been pumped out and destroyed, either with the tank being crushed in and backfilled in place or the tank filled with clean sand. There is no permit required to abandon a septic tank system. (5-15-08.)

Sec. 6006. - Definitions.

AOSE:\ An abbreviation for "authorized on-site soil evaluator", an individual certified by the Virginia Department of Health. An AOSE is someone who has demonstrated knowledge, skills, and abilities in the practice of siting and designing on-site septic systems. An AOSE may be from the private sector or be employed by the Virginia Department of Health.

Authorized inspector:\ This may include a licensed professional engineer, an authorized on-site soil evaluator, or a person hired or contracted by the county or state to inspect on-site septic systems.

Chesapeake Bay Preservation Area (CBPA):\ Any land designated by the board of supervisors pursuant to Part III of the Chesapeake Bay Preservation Area Designation and Management Regulations, 9 VAC 25-830-10 et seq., and Section 62.1-44.15:72 of the Code of Virginia (1950, as amended). The Chesapeake Bay Watershed covers half of Isle of Wight County, Virginia and generally includes all parcels to the east of Route 258. A map that precisely shows the extent of the watershed is available in the department of planning and zoning.

County:\ Isle of Wight County, Virginia.

Malfunctioning system:\ Any septic system that is overflowing, clogged, or otherwise creating a threat to the public health, safety and general welfare, as regulated by the Virginia Department of Health. Includes any on-site system that is not performing as specified, as determined by an authorized inspector.

Septic effluent filter:\ A plastic device installed on the outflow pipe from the septic tank. The device filters solid material from the effluent while sustaining adequate flow to the drainfield. The outflow filter must meet standards set by the Sewage Handling and Disposal Regulations (12 VAC 5-610-10 et seq.) administered by the Virginia Department of Health.

Septic system:\ Any private on-site sewage treatment and disposal system not requiring a VPDES permit.

Septic system, active:\ Any on-site septic system contained within the Chesapeake Bay Watershed that is currently in use for any affected property.

Septic system, inactive:\ Any on-site septic system that has been abandoned or is no longer in service. The functional status of any given system must be documented by the Virginia Department of Health or any licensed sewage handler.

Sewage handler:\ Any person, contractor or corporation allowed to operate under a permit issued by the Virginia Department of Health to pump out sewage treatment systems.

Violator:\ Any person who:

- (1) Violates any provision of this program; or
- (2) Violates or fails, neglects, or refuses to obey any board of supervisors' or the zoning administrator's final notice, order, rule, regulation, or variance or permit condition authorized under this program.

Zoning administrator:\ The person, or authorized designee, responsible for administering and enforcing the septic pump-out program.

Sec. 6007. - Administration.

- A. General procedures: Septic systems located within the Chesapeake Bay watershed must be pumped out at least once every five (5) years, except as noted under Item F. for systems equipped with a septic tank effluent filter. Property owners are responsible for the costs of pump-outs. The zoning administrator is responsible for the general administration and enforcement of the septic pump-out program.

To support the septic pump-out program, the county will create and maintain a database to document all affected septic systems and to serve as a tracking mechanism. The database will be organized according to Tax Parcel ID number. The database will contain the following information: name of property owner, mailing address, physical address, and last date of septic system pump-out.

Affected property owners will be required to register their septic systems with the department of planning and zoning. This includes both existing and new septic systems. The county will notify property owners and provide the forms that need to be filled out to comply with the septic pump-out program.

The department of planning and zoning will administer the program through a combination of public education, mailings, and information posted on the Isle of Wight County Internet web site. Activities to be undertaken by the county will include the following:

- Notification to affected property owners.
- Mailings of the program verification and compliance forms (once every five (5) years).
- Other homeowner education and outreach as deemed appropriate.

- B. Program phase-in: The septic pump-out program will be phased in over a period of five (5) years. The phasing in will be done by election district, with one (1) election district added per year. The county's five (5) election districts include the Carrsville, Hardy, Newport, Smithfield, and Windsor districts.

The phase-in will start with the Smithfield Election District and then continue by alphabetical order to the Windsor Election District, Carrsville Election District, Hardy Election District, and the Newport Election District. The program starts first with the Smithfield Election District to coordinate with the Town of Smithfield, which also is implementing a septic pump-out program. The Smithfield Election District includes the Town of Smithfield and parts of the county outside of town limits.

- C. Right of entry: The zoning administrator, or authorized designee, shall have the right to enter property where an individual or group septic system is located for the purpose of observation, inspection, monitoring and/or sampling the septic system, its drainfield and the surrounding land area.
- D. Role of property owner with septic system: Property owners with septic systems located within the Chesapeake Bay watershed must participate in the septic pump-out program. This includes filling out, signing and submitting forms as required by the county. Property owners are in compliance with the septic pump-out program when:

- 1) They have filled out, signed and submitted the septic system verification forms as required by the county; and
- 2) They have had septic system pump-outs as required by the county.

This program will be carried out in stages, by election district, with the affected property owners notified each year by the county. In any given year, those property owners who have been notified by the county will have twenty-four (24) months from the date of notification to have pump-outs completed or to demonstrate why they are exempt from the program.

Property owners who fail to provide information to the county when requested may be subject to civil penalties and/or court-ordered fines.

- E. Complaints and appeals: Written complaints about the septic pump-out program should first be directed to the zoning administrator, who can investigate and determine whether a complaint is valid. Any person or persons who continue to feel aggrieved by this program, or any decisions made by the zoning administrator, may appeal those decisions, in writing, to the board of supervisors. Appeals to the board of supervisors must be made within thirty (30) days of the date of the written decision by the zoning administrator, or such decision shall be final.

Any decision by the board of supervisors regarding the septic pump-out program may be appealed by petitioning the Circuit Court of Isle of Wight County within thirty (30) days after the final decision of the board of supervisors, or such decision shall be final.

- F. Septic tank effluent filters: The septic pump-out program allows the installation of septic tank effluent filters on all new on-site septic systems and as a retrofit on all existing septic systems, where appropriate. The Virginia Department of Health has advised that some types of septic treatment systems do not have septic tanks and are not designed to include septic effluent filters (some aerobic sewage treatment units, for example, are not appropriate for installation of these effluent filters).

Under the septic pump-out program, if deemed appropriate by the local health department and subject to conditions the local health department may set, owners have the option, in lieu of pump-out, to install and maintain a plastic filter in the outflow pipe from the septic tank to filter solid material from the effluent while sustaining adequate flow to the drainfield to permit normal use of the septic system. Please be aware of manufacturer specifications for effluent filters and any maintenance requirements associated with these filters.

The county strongly recommends that septic tank effluent filters be installed by septic tank contractors and in accordance with standards set by the Virginia Department of Health.

Sec. 6008. - Enforcement, violations and penalties.

A. Enforcement. The zoning administrator, or authorized designee, holds the primary responsibility for administering the septic pump-out program. The zoning administrator shall seek criminal or civil enforcement for any provision of this program and take any action on behalf of the county to prevent or abate any violation or potential violation of this program.

The zoning administrator, upon written request of an interested person whose property may be affected, shall render a decision, based on the facts presented, as to the applicability of this ordinance to particular situations that may arise under the septic pump-out program. See subsection 6007.E. regarding complaints and appeals.

B. Penalties. Violators shall, upon finding by an appropriate circuit court, be assessed a penalty up to five thousand dollars (\$5,000.00) for each day of violation.

As an alternative to a court-ordered penalty, violators may be offered the option of a onetime payment of civil charges for each violation in specific sums, not to exceed ten thousand dollars (\$10,000.00) for each violation, as determined by the Isle of Wight County Board of Supervisors.

DATE: _____

READ AND PASSED: _____
Chairman

TESTE: _____
Clerk

Approved as to Form:

Robert W. Jones, Jr., County Attorney

Proposed Zoning Ordinance Revisions

Revised November 10, 2021

The draft revisions are listed by section below. New, proposed language is in red underlined text. Language proposed to be deleted is shown in red text with ~~strikethrough~~ markings.

- 1. Add clarification that an environmental and historical resources impact analysis may be required as part of the community impact statement for rezoning requests. If there are potential impacts to historical resources as identified in the County's archeological and architectural surveys, the zoning administrator may require a Phase I cultural resources survey as part of the application.**

Sec. 1-1015. - Amendments.

F. Community impact statement. A community impact statement shall address the following:

1. Adequacy of existing public facilities and services intended to serve the proposed development. Analysis shall be made of sewer, water, drainage, schools, fire stations, roadways, and other major locally financed facilities.
2. Additional on-site and off-site public facilities or services which would be required as a result of the development.
3. A traffic impact analysis is required for:
 - a. Any development proposed which will generate two hundred (200) average daily trips (ADT) or more based on vehicular trip generation rates as defined by the Institute of Transportation Engineers' most recent publication, "Trip Generation", or the Virginia Department of Transportation. The analysis must be prepared in accordance with VDOT's Traffic Impact Analysis Regulations and Administrative Guidelines and indicate the relationship of the proposed development on the cumulative effect of the traffic and road use for the arterial and secondary roads providing access to the development and any other road or intersection impacted by the development. The traffic impact analysis shall also include traffic data from other existing development to show the cumulative impact of traffic and road use for the affected roadways. Additional areas may be required to be incorporated into the analysis where traffic and accident data warrant.
 - b. At the request of the zoning administrator, when the proposed development is expected to significantly impact the vehicular movement on the arterial highways within the area.
4. A capital impact analysis prepared by county staff utilizing the capital impact model which shall be updated annually. If the model is not available, a fiscal impact analysis of the proposed development on the county shall be required and prepared by the applicant to be reviewed and approved by the zoning administrator when the proposal includes residential dwelling units. A fiscal impact analysis is optional when the proposal does not include any residential dwelling units. The analysis shall contain a comparison of the public revenues anticipated to be generated by the development and the anticipated capital, operations, maintenance and replacement costs for public facilities needed to service the project at the adopted county service standards, as well as employment opportunities to be generated by the development. The county shall consider the information provided by the applicant during the development

review process; provided, however, that the fiscal impact analysis shall not serve as the sole basis for the approval or disapproval of an individual development proposal unless the health and safety of the community is affected by the inability to provide transportation, fire, police, emergency equipment and services, sewer or water to the proposed development.

5. An assessment of the proposed development's impact on any of the County's environmental and historical resources on the site. A Phase I cultural resources survey may be required at the request of the zoning administrator, if the development will impact high or moderate sensitivity areas as shown in the County's archeological and architectural surveys.

2. The following changes are proposed for Article IV, "Zoning Districts":

Sec. 4-1005. - Table of permissible uses.

Proposed change to Section 4-1005, "Table of Permissible Uses," includes adding reptile breeding as a conditional use in the General Commercial district. One additional editorial change is proposed to add peddlers as permitted in the Village Center district unintentionally omitted during a previous update.

Table 1 Table of Permissible Uses (ATTACHED)

Sec. 4-2006, Bulk Regulations, Rural Agricultural Conservation (RAC) Zoning District

Make the side yard setback requirement fifteen (15) feet for both sides to add flexibility, consistency and reduce confusion.

C. Minimum side yard setback:

1. Principal structures: Fifteen (15) feet ~~(one (1) side); Thirty five (35) feet (both sides).~~

Sec. 4-3007. – Bulk regulations, Rural Residential (RR) Zoning District

C. Minimum side yard setback:

1. Principal structures: Fifteen (15) feet ~~(one (1) side)/thirty five (35) feet (both sides).~~

~~2. Accessory structures: Fifteen (15) feet (see supplementary density and dimensional requirements, #1, accessory building requirements).~~

Sec. 4-5005. – Bulk regulations, Neighborhood Conservation (NC) Zoning District

C. Minimum front yard setback:

~~1. Lots with less than one hundred fifty (150) feet of width:~~

~~1.-a.~~ Where rights-of-way is fifty (50) feet or greater, the minimum front yard setback is thirty-five (35) feet from property line.

~~2.-b.~~ Where rights-of-way is less than fifty (50) feet, the minimum front yard setback is sixty (60) feet from centerline of road.

~~2. Lots one hundred fifty (150) feet or greater of width:~~

~~a.~~ Where rights-of-way is fifty (50) feet or greater, the minimum front yard setback is sixty (60) feet from property line.

~~b.~~ Where rights-of-way is less than fifty (50) feet, the minimum front yard setback is eighty-five (85) feet from centerline of road.

3. In the case that there are existing lots of record in a subdivision having a width that would require a front setback to be lesser or greater than the other lots within the subdivision, the setback met by the majority of the lots shall be required.

Sec. 4-7005. – Bulk regulations, Suburban Residential (SR) Zoning District

D. Minimum side yard setback:

1. ~~One (1) side~~ Principal Structure: Ten (10) feet.

2. ~~Both sides: Twenty-four (24) feet.~~

Sec. 4-8004. - Lot size requirements, Urban Residential (UR) Zoning District

A. Minimum lot area:

~~1. With private sewer and water: Thirty thousand (30,000) square feet.~~

~~2. With public sewer or water: Twenty thousand (20,000) square feet.~~

3. With public sewer and water: ~~Twelve thousand (12,000)~~ Eight thousand five hundred (8,500) square feet.

B. Minimum lot width:

~~1. With private sewer and water: One hundred twenty-five (125) feet.~~

~~2. With public sewer or water: One hundred twenty-five (125) feet.~~

3. With public sewer and water: ~~Eighty (80)~~ Sixty (60) feet.

C. Minimum lot frontage:

~~1. With private sewer and water: One hundred (100) feet.~~

~~2. With public sewer or water: One hundred (100) feet.~~

3. With public sewer and water: Fifty-six (56) feet.

4. Minimum frontage on a cul-de-sac: No less than fifty percent (50%) of minimum lot width of district. (11-17-16; 7-19-18; 11-15-18.)

3. The following changes are proposed for Article V, “Supplemental Use Regulations”:

Sec. 5-1004. - Accessory uses.

- C. Portable on demand storage (POD) units or dumpsters used for renovation or construction work shall be considered temporary structures. They are permitted for use for a total of sixty (60) days, after which a zoning permit must be obtained through the planning and zoning department for a period not to exceed six months.

Sec. 5-5001. - Supplementary use regulations for agricultural use types.

G. Reptile breeding.

1. In addition to obtaining a conditional use permit, reptile breeding shall comply with the following provisions:
 - a. Each reptile shall be kept in ~~one hundred percent (100%)~~ escape proof, temperature-controlled ~~glass~~ cage. The only exception shall be during breeding and no more than two (2) reptiles shall be kept in a cage for breeding purposes at in any given time.
 - b. Each cage shall contain proper housing, shelter, feeding and water accommodations.
 - c. An operational plan shall accompany the conditional use permit application to describe how the business will operate, what structures/facilities will be devoted to the use, what species of reptiles will be kept, how large they grow and how will they will be caged long term, how the reptiles will be cared for including feeding, medical check-ups, how the cages will be cleaned and maintained to prevent the spread of bacteria, how waste disposal will be handled, and any other information as may be determined by the zoning administrator, planning commission and board of supervisors.
 - d. The keeping of reptiles shall comply with all local, state and federal requirements.

H. Private Sawmill.

1. A ~~permanent or temporary private~~ sawmill shall be no less than three hundred (300) feet from any lot line or street right-of-way.
2. A permanent or temporary structure shall not be located on environmentally sensitive lands (RPAs) and wetlands.
3. All power saws and machinery will be secured against tampering or locked when not in use.
4. A ~~temporary private~~ sawmill shall only be established to process timber cut from the parcel on which the ~~temporary private~~ sawmill is located or on immediately adjacent parcels or to process timber for personal use only. and shall only be allowed for a period of only one (1) year. For periods exceeding one (1) year, a conditional use permit shall be obtained from the board of supervisors.
5. ~~A temporary private sawmill shall be located at least two hundred (200) feet from any residence located on an adjoining property.~~
6. No processing, milling, finishing or artificial means of drying green lumber shall be associated with a ~~temporary private~~ sawmill.
7. Green lumber and all other products and by-products from the ~~temporary private~~ sawmill shall be removed from the site at least every sixty (60) days.
8. Buildings associated with a ~~temporary private~~ sawmill shall be limited to shelter for the sawmill equipment and essential shelter for personnel. No building shall be erected for the storage, processing, or drying of green lumber.

Sec. 5-5003. - Supplementary use regulations for civic use types.

M. Utility services, major.

4. Utility Scale Solar Energy Facilities.

- a. In addition to any conditional use permit application requirements, the applicant shall provide the following at the time of application:
 - i. A conceptual plan showing the proposed layout of all structures, adjacent properties, screening, landscaping, internal roadways, easements, environmentally sensitive features including proposed wildlife corridors;
 - ii. A visual impact analysis demonstrating through project siting and proposed mitigation, if necessary, that the solar project minimizes impacts on the visual character of a scenic landscape, vista, or scenic corridor;
 - iii. A transportation plan showing vehicular access to the site, proposed construction traffic route to the site, parking areas, and laydown yards;
 - iv. An estimated time frame and proposed hours of operation for construction activity;
 - v. Economic impact analysis of the project including projected net new tax revenue as well as loss of active agricultural and silvicultural lands and its indirect impact to associated local businesses;
 - vi. An environmental resource impact analysis discussing any proposed activities within designation resource conservation areas;
 - vii. A historical and cultural resources impact analysis; and
 - viii. Written comments from the relevant electric company regarding the capacity of the transmission lines as part of any use permit application. An applicant can satisfy this requirement by submitting proof of application for interconnection to the electricity system.
- b. Ground-mounted systems shall not exceed fifteen (15) feet in height when oriented at maximum tilt, except when temporarily stowed in a vertical position for vegetation management or for inspection, maintenance and/or repair.
- c. Audible sound from a solar energy system shall not exceed 60 dBA (A-weighted decibels), as measured at any adjacent non-participating landowner's property line. The level, however, may be exceeded during short-term exceptional circumstances, such as severe weather.
- d. All equipment, accessory structures and operations associated with a large solar energy system shall be setback at least seventy-five (75) feet from all property lines and at least one hundred and twenty-five (125) feet from any residential parcels, and are subject to the following:
 - i. Setbacks shall be kept free of all structures and parking lots; and
 - ii. Setbacks shall not be required along property lines adjacent to other parcels which are part of the solar energy system; however, should properties be removed from the system, setbacks must be installed along all property lines of those properties remaining within the project and which are adjacent to a parcel which has been removed.
- e. The following landscaping standards shall apply:

- i. Along public roadways with at least fifty (50) feet of right-of-way, a minimum fifty-foot wide bufferyard shall be installed or retained with at least seventy-five (75) landscaping points per one hundred (100) linear feet shall be required in the bufferyard;
 - ii. Along public roadways with less than fifty (50) feet of right-of-way, twenty-five (25) landscaping points per one hundred (100) linear feet shall be required in the bufferyard;
 - iii. Where solar facility properties abut residential parcels, one hundred twenty (120) landscaping points per five hundred (500) square feet of bufferyard shall be required;
 - iv. Existing vegetation that meets the minimum landscaping specifications may be used to meet required landscaping points; and
 - v. No silvicultural activities or removal of required landscaping materials shall occur in the required bufferyards.
- f. Provide soil testing for any contaminants directly attributable to the solar panels before and after construction and every five (5) years during the interim until the facility is decommissioned. Owner/operator must provide copies of initial baseline report and subsequent reports to the zoning administrator. Should a negative finding indicating contamination from the solar panels occur, contamination must be remedied by the owner/operator to applicable state and federal standards.
- g. Prior to final site plan approval, an owner, lessee, or developer of real property shall enter the following agreement and provide them to the zoning administrator for review and approval:
 - i. A written agreement to decommission solar energy equipment, facilities, or devices upon the following terms and conditions:
 - a) If the party that enters into such written agreement with the county defaults in the obligation to decommission such equipment, facilities, or devices in the timeframe set out in such agreement, the locality has the right to enter the real property of the record title owner of such property without further consent of such owner and to engage in decommissioning; and
 - b) Such owner, lessee, or developer shall provide financial assurance of such performance to the county in the form of certified funds, cash escrow, bond, letter of credit, or parent guarantee, based upon an estimate of a professional engineer licensed in the commonwealth, who is engaged by the applicant, with experience in preparing decommissioning estimates and approved by the county; such estimate shall not exceed the total of the projected cost of decommissioning, which may include the net salvage value of such equipment, facilities, or devices, plus a reasonable allowance for estimated administrative costs related to a default of the owner, lessee, or developer, and an annual inflation factor.
 - c) Decommissioning of discontinued or abandoned large solar energy systems shall include the following:
 - i. Physical removal of all solar energy equipment and above-ground appurtenant structures from the subject property including, but not limited to, buildings, machinery, equipment, cabling and connections to

transmission lines, equipment shelters, security barriers, electrical components, roads, unless such roads need to remain to access buildings retrofitted for another purpose, or the landowner submits a request to the board of supervisors that such roads remain.

- ii. Below-grade structures, such as foundations, underground collection cabling, mounting beams, footers, and all other equipment installed with the system shall be completely removed: however, these structures may be allowed to remain if a written request is submitted by the landowners and a waiver is granted by the Board of Supervisors.
- iii. Compacted soils shall be decompacted as agreed to by the landowner.
- iv. Restoration of the topography of the project site to its pre-existing condition, except that any landscaping or grading may remain in the after-condition if a written request is submitted by the landowner and a waiver is granted by the board of supervisors.
- v. Proper disposal of all solid or hazardous materials and wastes from the site in accordance with local, state, and federal solid waste disposal regulations.

h. During and at the end of project construction, any damage done to public roads by solar farm construction equipment shall be repaired in accordance with VDOT standards and specifications. Post construction damage shall be identified based on inspections by VDOT with the developer or their agent, prior to construction and upon completion, identifying the items for repair. Additionally, at the request of VDOT, in order to ensure the safety of the traveling public, some damages may need to be addressed immediately.

i. Facilities shall not be located within the limits of the County's Development Service Districts.

j. The facilities themselves must be partially or wholly located within a two mile radius of existing substations and/or high voltage transmission lines.

5. The following changes are proposed for Article VI, "Overlay Districts":

Sec. 6-1001. - Highway Corridor Overlay (HCO) District.

Sec. 6-1010. - Architectural and development guidelines for all nonresidential uses.

B. Development standards. Proposed development within the district should provide for visual compatibility and harmony with surrounding natural landforms and vegetation; be protective of views and vistas from the arterial highways within the district; and provide continuity of site design within the proposed development. These objectives include the following standards:

- 6. Vehicular movement and parking areas requiring ~~five (5)~~ twenty (20) spaces or more shall be paved with concrete, asphalt, or other similar material. Vehicular

movement and parking areas requiring less than ~~five (5)~~ twenty (20) spaces may be surfaced with gravel, slag, or other similar material but must be served by paved entrances meeting Virginia Department of Transportation standards. ~~Concrete curb and gutter or other stormwater management structure as approved by the zoning administrator shall be installed around the perimeter of all driveways and parking areas.~~ Off street parking areas shall be clearly designated by the use of borders around the perimeter of these areas using fences, walls, wooden timbers, brickwork, or other similar treatment. Drainage shall be designed so as not to interfere with pedestrian traffic.

Sec. 6-2000. - Newport Development Service Overlay (NDSO) District.

Sec. 6-2009. - Development standards.

- E. ~~All vehicular movement and parking areas shall be paved with concrete, asphalt, or other similar material.~~ Vehicular movement and parking areas requiring twenty (20) spaces or more shall be paved with concrete, asphalt, or other similar material. Vehicular movement and parking areas requiring less than twenty (20) spaces may be surfaced with gravel, slag, or other similar material but must be served by paved entrances meeting Virginia Department of Transportation standards.
- F. ~~Concrete curb and gutter or other stormwater management structures as approved by the zoning administrator shall be installed around the perimeter of all driveways and parking areas.~~ Off street parking areas shall be clearly designated by the use of borders around the perimeter of these areas using fences, walls, wooden timbers, brickwork, or other similar treatment. Drainage shall be designed so as not to interfere with pedestrian and bicycle traffic.

6. The following changes are proposed for Article VII, “General Design Guidelines and Development Review Procedures”:

Sec. 7-2007. - Preliminary site development plan review procedures and approval authority.

D. Administrative review by the zoning administrator.

- 1. ~~Fifteen (15)~~ Eight (8) full-sized copies, ~~and one (1)~~ "eleven-inch x seventeen-inch" copy, and one digital copy of the preliminary site development plan and associated application documents as required by the county, including, but not limited to, traffic impact studies, water quality impact assessments. An alternative number of copies may be determined necessary by the zoning administrator. An initial determination shall be made as to whether the preliminary site development plan is complete. In the event it is not complete, it shall be returned to the applicant with a written description of the deficiencies within ten (10) calendar days of the submittal date.

**AN ORDINANCE
TO AMEND AND REENACT THE FOLLOWING SECTIONS OF
APPENDIX B. ZONING: ARTICLE I (GENERAL PROVISIONS),
ARTICLE IV (ZONING DISTRICTS AND BOUNDARIES), ARTICLE V
(SUPPLEMENTARY USE REGULATIONS), ARTICLE VI (OVERLAY
DISTRICTS), ARTICLE VII (GENERAL DESIGN GUIDELINES AND
DEVELOPMENT)**

WHEREAS, the Board of Supervisors of Isle of Wight County, Virginia, has the legislative authority to make reasonable changes to the ordinances that govern the orderly growth and development of Isle of Wight County; and

WHEREAS, the Isle of Wight County Board of Supervisors is also concerned about the compatibility of uses on public and private lands within Isle of Wight County and seeks to allow flexibility in the administration of the ordinance regulations while protecting the health, safety, and general welfare of present and future residents and businesses of the County.

NOW, THEREFORE, BE IT ORDAINED by the Isle of Wight County Board of Supervisors that the following specific sections of the Articles of Appendix B, Zoning, of the Isle of Wight County Code be amended and reenacted as follows:

Article I. General Provisions.

Sec. 1-1015. - Amendments.

F. Community impact statement. A community impact statement shall address the following:

1. Adequacy of existing public facilities and services intended to serve the proposed development. Analysis shall be made of sewer, water, drainage, schools, fire stations, roadways, and other major locally financed facilities.
2. Additional on-site and off-site public facilities or services which would be required as a result of the development.
3. A traffic impact analysis is required for:
 - a. Any development proposed which will generate two hundred (200) average daily trips (ADT) or more based on vehicular trip generation rates as defined by the Institute of Transportation Engineers' most recent publication, "Trip Generation", or the Virginia Department of Transportation. The analysis must be prepared in accordance with VDOT's Traffic Impact Analysis Regulations and Administrative Guidelines and indicate the relationship of the proposed development on the cumulative effect of the traffic and road use for the arterial and secondary roads providing access to the development and any other road or intersection impacted by the development. The traffic impact analysis shall also include traffic data from other existing development to show the cumulative impact of traffic and road use for the affected roadways. Additional areas may be required to be incorporated into the analysis where traffic and accident data warrant.
 - b. At the request of the zoning administrator, when the proposed development is

expected to significantly impact the vehicular movement on the arterial highways within the area.

4. A capital impact analysis prepared by county staff utilizing the capital impact model which shall be updated annually. If the model is not available, a fiscal impact analysis of the proposed development on the county shall be required and prepared by the applicant to be reviewed and approved by the zoning administrator when the proposal includes residential dwelling units. A fiscal impact analysis is optional when the proposal does not include any residential dwelling units. The analysis shall contain a comparison of the public revenues anticipated to be generated by the development and the anticipated capital, operations, maintenance and replacement costs for public facilities needed to service the project at the adopted county service standards, as well as employment opportunities to be generated by the development. The county shall consider the information provided by the applicant during the development review process; provided, however, that the fiscal impact analysis shall not serve as the sole basis for the approval or disapproval of an individual development proposal unless the health and safety of the community is affected by the inability to provide transportation, fire, police, emergency equipment and services, sewer or water to the proposed development.
5. A written assessment of the proposed development's impact on any of the County's environmental and historical resources on the site. A Phase I cultural resources survey may be required at the request of the zoning administrator, if the development will impact high or moderate sensitivity areas as shown in the County's archeological and architectural surveys.

Article IV. - Zoning Districts and Boundaries.

Part 1. - Zoning Districts and Boundaries.

Sec. 4-1005. - Table of permissible uses.

Table 1
Table of Permissible Uses

[illegible]

Plot																	
Farm Employee Housing (*)	C	C	C														
Farmer's Market	P		P					P	P				P			P	
Forestry Operation, Silvicultural and/or Timbering (*)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Greenhouse, Commercial and/or Nursery																	
• In conjunction with residence	P	C	P	C	C												
• Not in conjunction with residence	P		P					P	P	P	P	P			P	C	P
Greenhouse, Private	P	P	P	P	P	C	C	C	C				C			C	
Livestock Auction Market (*)	P		C								C	P	C		C		P
Reptile Breeding (*)	C								C	C	C						
Sawmill, Private (*)	P																
Stable, Commercial (*)																	
• In conjunction with residence	P	C	C	C	C								C			C	
• Not in conjunction with residence	P		C					C	C								
Stable, Private (*)	P	P	C	C	C								C				
Viticulture	P	P	P	C							C	C	C				C
Wayside Stand (*)	P	P	P	C													
RESIDENTIAL USE TYPES																	

Accessory Apartment (*)																	
• Residential Accessory Apartment	P	P	P*	C	P*	C	C							P*		P*	
• Commercial Accessory Apartment			C					P	P					P		C	P
Boathouse (*)	P	P	P	P	P	P	C							C			C
Community Recreation (*)		C		C	C	C	C							P	P		P
Condominium (*)				C			P							P			P
Congregate Housing (*)			C			C	P							P			P
Dwelling, Multifamily Conversion (*)	C		C	C	C	C	P							C			C
Dwelling, Single-Family	P	P	P	P	P	P	P							P			P
Dwelling, Single-Family, Farm	P																
Dwelling Two-Family Duplex (*)	C	C	C	C		P	P							P			P
Family Day Care Home (*)	P	P	P	P	P	P	P							P			P
Group Home	P	P	P	P	P	P	P	C						C			C
Guest House (*)	P	P		C	C												
Home Occupation, Type I (*)	P	P	P	P	P	P	P							P	P		P
Home Occupation, Type II (*)	P	P	C	C													
Kennel, Private (*)	P	P															
Manufactured	P	P	C												P		

Home, Class A (*)																	
Manufactured Home, Class B (*)	P												P				
Manufactured Home, Class C																	
Manufactured Home, Family Member Residence (*)	P																
Manufactured Home, Temporary Residence (*)	P																
Manufactured Home Park													P				
Manufactured Home Subdivision													P				
Multifamily Dwelling (*)			C			C	P						P			P	
Temporary Emergency Housing (*)	P	P	P	P	P	P	P						P			P	
Townhouse (*)			C	C		C	P						P			P	
CIVIC USE TYPES																	
Administrative Service	P		P					P	P	P	P	P			P	P	P
Adult Care Center (*)	C		C					C	P	P	P	P	C		P	C	P
Assisted Living Facility	C		C					C	P				C			C	
Cemetery (*)																	
• Animal	C	C	C	C													
• Church	C	C	C	C	C	C	C	C	C				C			C	
• Private	C	C	C	C				C	C	C					C	C	C
• Public	C	C	C	C				C	C	C					C	C	C

Child Care Center (*)	C	C	C	C	C	C		P	P	P			C		P	C	C
Child Care Institution (*)	C	C	C					C	C				C			C	
Club	C	C	C	C	C	C	C	P	P				C		P	C	
Community Center (*)	C		P					P	P				P		P	P	
Correctional Facility	C										C	C					C
Crisis Center	C	C	C					P	P						P		
Cultural Service	C	C	P	C	C	C	C	P	P				P			P	
Educational Facility College/ University	C							C	C				C		C	C	
Educational Facility Primary/Secondary (*)	C	C	C	C	C	C	P	P	P				P		P	P	
Halfway House	C	C	C	C	C	C	C	P					C			C	
Life Care Facility	C	C	C	C	C	C	P	P	P				P			P	
Modular Classroom (*)	P	P	P	P	P	P	P	P	P				P		P	P	
Nursing Home (*)	C	C	C	C	C	C	C	P	P				P		P	P	
Park & Ride Facility	P		C					P	P	P	P	P	C	C	P	C	P
Post Office	P		P		C	C	C	P	P				P		P	P	
Public Sports/Event Facility	C		C					C	P	P					P	C	P
Public Maintenance & Service Facility (*)	C		C					C	C	P	P	P			P		P
Public Park and Recreational Area (*)	P	P	P	P	P	P	P	P	P				P			P	

Public Safety Service	P	C	P	C	C	C	C	P	P	P	P	P	C		P	P	P
Religious Assembly (*)	C	C	C	C	C	C	C	C	C				C			C	
Rehabilitation Service			C					P	P						P	P	
Transit Station	C		C					C	P	P	P	P			P	P	P
Utility Service/Major (*)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P
Utility Service/Minor (*)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
OFFICE USE TYPES																	
Financial Institution			C					P	P						P	P	
General Office			C				C	P	P	P		P			P	P	C
Laboratory			C					P	P	P	P				P	C	P
Medical Office			C				C	P	P						P	C	
COMMERCIAL USE TYPES																	
Adult Entertainment Establishment (*)											C						
Auction Establishment	C		C					C	P	P	P	P			P		P
Bed and Breakfast (*)	C	C	P	C	C	C	C	C	C				C			C	
Boarding House	C	C	C	C	C	C	C						C			C	
Boating and Fishing Facilities	C		C					C	C	C	P	P			P	C	P
Business Support Service								P	P	C					P	P	P
Business or Trade School	C		C					C	P	P	P	P			P	C	P
Campground (*)	C																

Campground, Workforce (*)	C																
Car Wash			C					P	P	P	P				P	C	
Catering								C	P						P	C	
Commercial Equipment Repair, Accessory to Dwelling (*)	P	C	P	C	C	C											
Commercial Indoor Amusement			C					C	P	P					C	C	
Commercial Indoor Entertainment			C					C	P	P			C		P	C	
Commercial Indoor Sports & Recreation (*)	C		C				C	P	P	P			C		P	C	P
Commercial Outdoor Entertainment/S ports & Recreation (*)	C							C	C	C	C				C	C	C
Commercial Outdoor Swimming Pool & Tennis Facility (*)	C	C	C	C	C	C	C	C	C				C		C	C	
Construction Office, Temporary (*)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Construction Sales & Service								C	P	P	P	P			C		P
Contractor Office and Storage Facility (*)	C		C					C	P	P	P	P			P		P
Convenience Store (*)	C		C					C	C	P	P				C	C	P
Crematorium (*)	C		C					C	C	C					C		C

Dance Hall								C	C	C							
Equipment Sales and Rental	C								C	P	P	P			C		P
Event center	C		P					P	P						P	P	
Flea Market (*)	C		C					C	C	C	C						
Funeral Home (*)	C		C					P	P	C					P	C	
Garden Center (*)	C		C					P	P	P	P	P			P	P	P
Gasoline Station (*)	C		C					C	C	C	C				C	C	C
General Store, Country	C	C	P	C													
Golf Course (*)	C	C	C	C	C	C	C	P	P				P		P	P	
Golf Driving Range (*)	C		C					P	P	P					P	C	
Hospital								C	P						C	C	
Hospital, Special Care								C	C						C	C	
Hotel/Motel/Motor Lodge/Inn			C					C	P	C					P	C	C
Itinerant Merchant			P					P	P						P	P	
Kennel, Commercial (*)	C							C	C	C	C				C		C
Laundry									C	P	P						P
Lawn and Garden Services	P							P	P	P	P						P
Manufactured Home Sales									C	C					C		
Marina (*)	C	C	C	C	C	C	C	C	P	C			C		P	C	P
Medical Clinic			C					C	P						C	C	
Micro-Brewery, Distillery, Cidery (*)								C	P	P	P	P			P	P	P
Mini-Warehouse (*)								C	C	P	P	P			P		P

Motor Vehicle Dealership/New (*)								C	P						P		
Motor Vehicle Dealership/Used (*)								C	C						C		
Motor Vehicle/Outdoor Storage									C	P	P	P			C		P
Motor Vehicle Parts/ Supply, Retail (*)			C					P	P	P	P				P	P	P
Motor Vehicle/ Rental (*)								C	P	P	P				P		P
Motor Vehicle Repair Service/Major (*)			C					C	P	P	P				C		P
Motor Vehicle Repair Service/Minor (*)			C					C	P	P	P				C	C	P
Pawn Shop								C	P	P							
Peddler			P					P	P						P	P	
Personal Improvement Service			C					P	P	C					P	P	P
Personal Service			C					P	P	C					P	P	P
Real Estate Office, Temporary	P	P	P	P	P	P	P						P	P		P	
Recreational Vehicle Sales & Service								C	C						C		
Restaurant, Drive-In Fast Food (*)			C					C	P	C					P	P	P
Restaurant, General			C				C	C	P	C					P	P	P
Retail Sales			C				C	P	P	P					P	P	

Studio, Fine Arts	C		C				C	P	P	P					P	P	
Tattoo Parlor								C	P	P	P				P	C	P
Taxidermy (*)	P		C					C	P	P	P						
Truck Stop								C	C	P	P						P
Veterinary Hospital/ Clinic	P		C				P	P	P						P	P	
Wholesale Sales	C		C					P	P	P	P	P			P	P	P
INDUSTRIAL USE TYPES																	
Abattoir or Livestock Processing (*)	C										C	P					C
Asphalt or Concrete Plant (*)											C	C					C
Brewery, Distillery, Cidery										P	P	P					P
Construction Yard (*)	C								C	P	P	P			C		P
Custom Manufacturing	C		C					C	P	P	P				P	C	P
Industry, Type I	C									P	P	P			C		P
Industry, Type II										C	P	P					P
Industry, Type III											C	C					C
Landfill, Industrial (*)	C									C	C	C					
Landfill, Rubble (*)	C									C	C	C					C
Landfill, Sanitary (*)	C																
Meat Packing											P	P					P
Recycling Center (*)	C									P	P	P					P
Refuse and Recycling	C		C						C	P	P	P			C		P

Center																	
Resource Extraction (*)	C										C	C					C
Sawmill, Commercial											C	P	P				
Scrap and Salvage Service (*)	C										C	C	C				C
Shipping Container (*)	C	C		C	C	C		C	C	P	P	P			C		P
Towing Service Storage											C	C	C				
Yard (*)																	
Transfer Station	C										P	P	P				P
Warehousing and Distribution	C										P	P	P				P
MISCELLANEOUS USE TYPES																	
Amateur Radio Tower (*)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Aviation Facility, Commercial (*)	C										C	C					C
Aviation Facility, General (*)	C										C	C			C		C
Aviation Facility, Private (*)	C	C									C	C			C		C
Communication Tower (*)	C	C	C	C				C	C	C	C	C			C	C	C
Composting System, Confined Vegetative Waste or Yard (*)	C																
Hunt Club	P		C														
Parking Facility, Surface/Structur								C	C	C	C	C			C	C	P

e																	
Reconstructed Wetland (*)	P	C	C	C	C	C	C	C	C	C	C	C	P	C	C	P	C
Shooting Range, Outdoor (*)	C										C	C					C
Turkey Shoot (*)	P										C	C					C

Sec. 4-2006, Bulk Regulations

Make the side yard setback requirement fifteen (15) feet for both sides to add flexibility, consistency and reduce confusion.

C. Minimum side yard setback:

1. Principal structures: Fifteen (15) feet

Sec. 4-3007. – Bulk regulations

C. Minimum side yard setback:

1. Principal structure: Fifteen (15) feet

Sec. 4-5005. – Bulk regulations

C. Minimum front yard setback:

1. Where rights-of-way is fifty (50) feet or greater, the minimum front yard setback is thirty-five (35) feet from property line.
2. Where rights-of-way is less than fifty (50) feet, the minimum front yard setback is sixty (60) feet from centerline of road.
3. In the case that there are existing lots of record in a subdivision having a width that would require a front setback to be lesser or greater than the other lots within the subdivision, the setback met by the majority of the lots shall be required.

Sec. 4-7005. – Bulk regulations

D. Minimum side yard setback:

1. Principal Structure: Ten (10) feet.

Sec. 4-8004. - Lot size requirements for Single Family Residential, public water and sewer required. Refer to section 5-5002 for supplementary use regulations for townhomes and multifamily.

- A. Minimum lot area: Eight thousand five hundred (8,500) square feet
- B. Minimum lot width: Sixty (60) feet
- C. Minimum lot frontage: Fifty-six (56) feet
- D. Minimum frontage on a cul-de-sac: No less than fifty percent (50%) of minimum lot width of district.

Sec. 4-10003. - Conditional uses.

The following uses are allowed only by conditional use permit pursuant to section 1-1017. An asterisk (*) indicates additional, modified or more stringent standards which are listed in section 5-5000, use and design standards, for those specific uses.

A. Agricultural uses:

Aquaculture

Aquaculture, waterfront business

Greenhouse, private

* Reptile Breeding

* Sawmill

* Stable, commercial

- Not in conjunction with residence

Article V. Supplementary Use Regulations.

Sec. 5-1004. - Accessory uses.

- C. Portable on demand storage (POD) units or dumpsters used for renovation or construction work shall be considered temporary structures. They are permitted for use for a total of sixty (60) days, after which a zoning permit must be obtained through the planning and zoning department for a period not to exceed six months.

Sec. 5-5001. - Supplementary use regulations for agricultural use types.

G. Reptile breeding.

1. In addition to obtaining a conditional use permit, reptile breeding shall comply with the following provisions:
 - a. Each reptile shall be kept in an escape proof, temperature-controlled cage. The only

- exception shall be during breeding and no more than two (2) reptiles shall be kept in a cage for breeding purposes at in any given time.
- b. Each cage shall contain proper housing, shelter, feeding and water accommodations.
- c. An operational plan shall accompany the conditional use permit application to describe how the business will operate, what structures/facilities will be devoted to the use, what species of reptiles will be kept, how large they grow and how will they will be caged long term, how the reptiles will be cared for including feeding, medical check-ups, how the cages will be cleaned and maintained to prevent the spread of bacteria, how waste disposal will be handled, and any other information as may be determined by the zoning administrator, planning commission and board of supervisors.
- d. The keeping of reptiles shall comply with all local, state and federal requirements.

H. Private Sawmill.

1. A private sawmill shall be no less than three hundred (300) feet from any lot line or street right-of-way.
2. A permanent or temporary structure shall not be located on environmentally sensitive lands (RPAs) and wetlands.
3. All power saws and machinery will be secured against tampering or locked when not in use.
4. A private sawmill shall only be established to process timber cut from the parcel on which the private sawmill is located or on immediately adjacent parcels or to process timber for personal use only.
5. No processing, milling, finishing or artificial means of drying green lumber shall be associated with a private sawmill.
6. Green lumber and all other products and by-products from the private-sawmill shall be removed from the site at least every sixty (60) days.
7. Buildings associated with a private sawmill shall be limited to shelter for the sawmill equipment and essential shelter for personnel. No building shall be erected for the storage, processing, or drying of green lumber.

Sec. 5-5003. - Supplementary use regulations for civic use types.

M. Utility services, major.

4. Utility Scale Solar Energy Facilities.

- a. In addition to any conditional use permit application requirements, the applicant shall provide the following at the time of application:
 - i. A conceptual plan showing the proposed layout of all structures, adjacent properties, screening, landscaping, internal roadways, easements, environmentally sensitive features including proposed wildlife corridors;
 - ii. A visual impact analysis demonstrating through project siting and proposed mitigation, if necessary, that the solar project minimizes impacts on the visual character of a scenic landscape, vista, or scenic corridor;
 - iii. A transportation plan showing vehicular access to the site, proposed construction traffic route to the site, parking areas, and laydown yards;

- iv. An estimated time frame and proposed hours of operation for construction activity;
 - v. Economic impact analysis of the project including projected net new tax revenue as well as loss of active agricultural and silvicultural lands and its indirect impact to associated local businesses;
 - vi. An environmental resource impact analysis discussing any proposed activities within designation resource conservation areas;
 - vii. A historical and cultural resources impact analysis; and
 - viii. Written comments from the relevant electric company regarding the capacity of the transmission lines as part of any use permit application. An applicant can satisfy this requirement by submitting proof of application for interconnection to the electricity system.
- b. Ground-mounted systems shall not exceed fifteen (15) feet in height when oriented at maximum tilt, except when temporarily stowed in a vertical position for vegetation management or for inspection, maintenance and/or repair.
 - c. Audible sound from a solar energy system shall not exceed 60 dBA (A-weighted decibels), as measured at any adjacent non-participating landowner's property line. The level, however, may be exceeded during short-term exceptional circumstances, such as severe weather.
 - d. All equipment, accessory structures and operations associated with a large solar energy system shall be setback at least seventy-five (75) feet from all property lines and at least one hundred and twenty-five (125) feet from any residential parcels, and are subject to the following:
 - i. Setbacks shall be kept free of all structures and parking lots; and
 - ii. Setbacks shall not be required along property lines adjacent to other parcels which are part of the solar energy system; however, should properties be removed from the system, setbacks must be installed along all property lines of those properties remaining within the project and which are adjacent to a parcel which has been removed.
 - e. The following landscaping standards shall apply:
 - i. Along public roadways with at least fifty (50) feet of right-of-way, a minimum fifty-foot wide bufferyard shall be installed or retained with at least seventy-five (75) landscaping points per one hundred (100) linear feet shall be required in the bufferyard;
 - ii. Along public roadways with less than fifty (50) feet of right-of-way, twenty-five (25) landscaping points per one hundred (100) linear feet shall be required in the bufferyard;
 - iii. Where solar facility properties abut residential parcels, one hundred twenty (120) landscaping points per five hundred (500) square feet of bufferyard shall be required;
 - iv. Existing vegetation that meets the minimum landscaping specifications may be used to meet required landscaping points; and
 - v. No silvicultural activities or removal of required landscaping materials shall occur in the required bufferyards.
 - f. Provide soil testing for any contaminants directly attributable to the solar panels before and after construction and every five (5) years during the interim until the

facility is decommissioned. Owner/operator must provide copies of initial baseline report and subsequent reports to the zoning administrator. Should a negative finding indicating contamination from the solar panels occur, contamination must be remedied by the owner/operator to applicable state and federal standards.

g. Prior to final site plan approval, an owner, lessee, or developer of real property shall enter the following agreement and provide them to the zoning administrator for review and approval:

i. A written agreement to decommission solar energy equipment, facilities, or devices upon the following terms and conditions:

a) If the party that enters into such written agreement with the county defaults in the obligation to decommission such equipment, facilities, or devices in the timeframe set out in such agreement, the locality has the right to enter the real property of the record title owner of such property without further consent of such owner and to engage in decommissioning; and

b) Such owner, lessee, or developer shall provide financial assurance of such performance to the county in the form of certified funds, cash escrow, bond, letter of credit, or parent guarantee, based upon an estimate of a professional engineer licensed in the commonwealth, who is engaged by the applicant, with experience in preparing decommissioning estimates and approved by the county; such estimate shall not exceed the total of the projected cost of decommissioning, which may include the net salvage value of such equipment, facilities, or devices, plus a reasonable allowance for estimated administrative costs related to a default of the owner, lessee, or developer, and an annual inflation factor.

c) Decommissioning of discontinued or abandoned large solar energy systems shall include the following:

i. Physical removal of all solar energy equipment and above-ground appurtenant structures from the subject property including, but not limited to, buildings, machinery, equipment, cabling and connections to transmission lines, equipment shelters, security barriers, electrical components, roads, unless such roads need to remain to access buildings retrofitted for another purpose, or the landowner submits a request to the board of supervisors that such roads remain.

ii. Below-grade structures, such as foundations, underground collection cabling, mounting beams, footers, and all other equipment installed with the system shall be completely removed: however, these structures may be allowed to remain if a written request is submitted by the landowners and a waiver is granted by the Board of Supervisors.

iii. Compacted soils shall be decompacted as agreed to by the landowner.

iv. Restoration of the topography of the project site to is pre-existing condition, except that any landscaping or grading may remain in the after-condition if a written request is submitted by the landowner and a waiver is granted by the board of supervisors.

v. Proper disposal of all solid or hazardous materials and wastes from the site in accordance with local, state, and federal solid waste disposal

regulations.

- h. During and at the end of project construction, any damage done to public roads by solar farm construction equipment shall be repaired in accordance with VDOT standards and specifications. Post construction damage shall be identified based on inspections by VDOT with the developer or their agent, prior to construction and upon completion, identifying the items for repair. Additionally, at the request of VDOT, in order to ensure the safety of the traveling public, some damages may need to be addressed immediately.
- i. Facilities shall not be located within the limits of the County's Development Service Districts.
- j. The facilities themselves must be partially or wholly located within a two mile radius of existing substations and/or high voltage transmission lines.

Article VI. Overlay Districts.

Sec. 6-1001. - Highway Corridor Overlay (HCO) District.

Sec. 6-1010. - Architectural and development guidelines for all nonresidential uses.

B. Development standards. Proposed development within the district should provide for visual compatibility and harmony with surrounding natural landforms and vegetation; be protective of views and vistas from the arterial highways within the district; and provide continuity of site design within the proposed development. These objectives include the following standards:

- 6. Vehicular movement and parking areas requiring twenty (20) spaces or more shall be paved with concrete, asphalt, or other similar material. Vehicular movement and parking areas requiring less than twenty (20) spaces may be surfaced with gravel, slag, or other similar material but must be served by paved entrances meeting Virginia Department of Transportation standards. Off street parking areas shall be clearly designated by the use of borders around the perimeter of these areas using fences, walls, wooden timbers, brickwork, or other similar treatment. Drainage shall be designed so as not to interfere with pedestrian traffic.

Sec. 6-2000. - Newport Development Service Overlay (NDSO) District.

Sec. 6-2009. - Development standards.

- E. Vehicular movement and parking areas requiring twenty (20) spaces or more shall be paved with concrete, asphalt, or other similar material. Vehicular movement and parking areas requiring less than twenty (20) spaces may be surfaced with gravel, slag, or other similar material but must be served by paved entrances meeting Virginia Department of

Transportation standards.

- F. Off street parking areas shall be clearly designated by the use of borders around the perimeter of these areas using fences, walls, wooden timbers, brickwork, or other similar treatment. Drainage shall be designed so as not to interfere with pedestrian and bicycle traffic.

Article VII. General Design Guidelines and Development Review Procedures.

Sec. 7-2007. - Preliminary site development plan review procedures and approval authority.

D. Administrative review by the zoning administrator.

- 1. Eight (8) full-sized copies, one (1) "eleven-inch x seventeen-inch" copy, and one digital copy of the preliminary site development plan and associated application documents as required by the county, including, but not limited to, traffic impact studies, water quality impact assessments. An alternative number of copies may be determined necessary by the zoning administrator. An initial determination shall be made as to whether the preliminary site development plan is complete. In the event it is not complete, it shall be returned to the applicant with a written description of the deficiencies within ten (10) calendar days of the submittal date.

DATE: _____

READ AND PASSED: _____
Chairman

TESTE: _____
Clerk

Approved as to Form:

Robert W. Jones, Jr., County Attorney

BACKGROUND:

The matters attached to this Board report are included as a means of providing information to the Board relative to matters of interest. These items do not require any action by the Board.

BUDGETARY IMPACT:

None

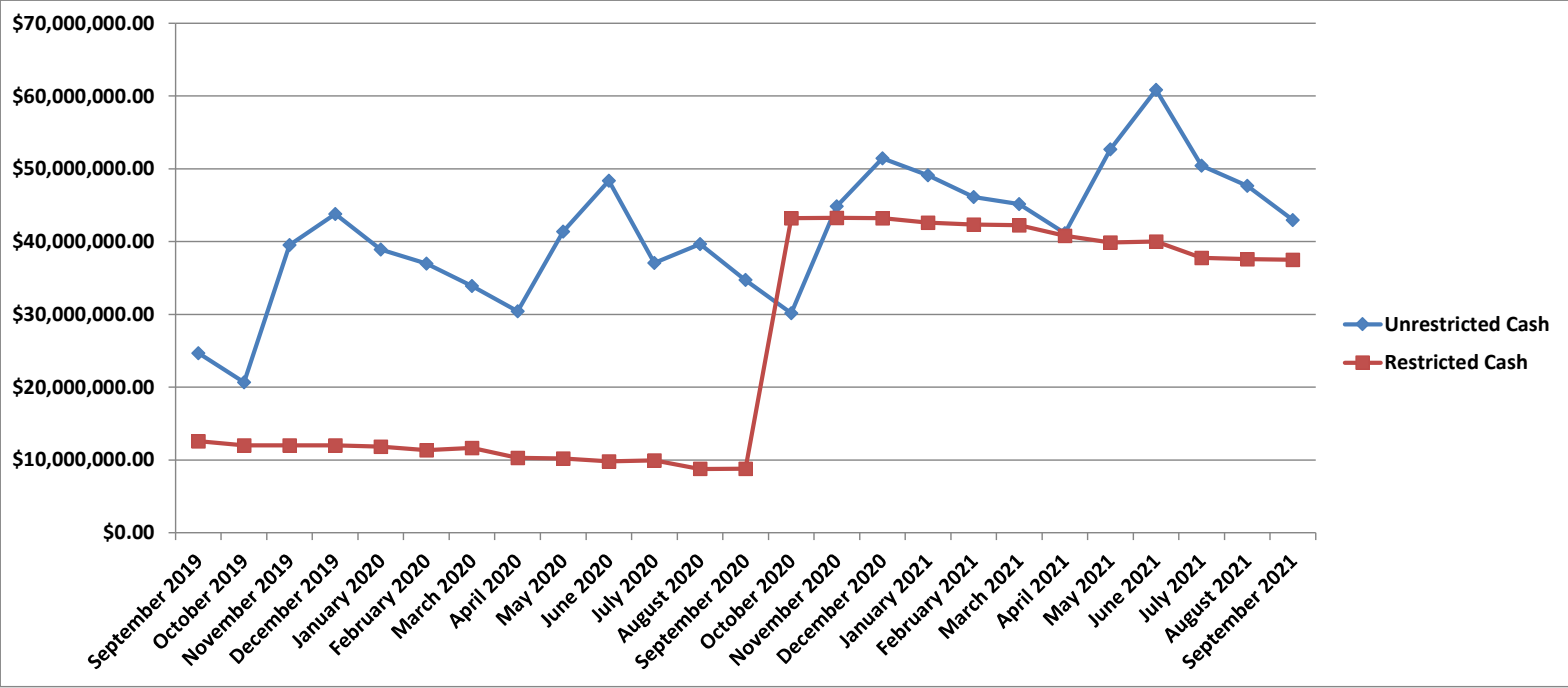
RECOMMENDATION:

For the Board's information.

ATTACHMENTS:

Description	Type	Upload Date
Cash Position - September 2021	Backup Material	11/18/2021
Statement of Treasurers Accountability - September 2021	Backup Material	11/18/2021
Incidents by Zone Map - October 2021	Backup Material	11/12/2021
Incidents by Zone Data - October 2021	Backup Material	11/12/2021
Station Activity Report - October 2021	Backup Material	11/12/2021
Website Statistics - October 2021	Backup Material	11/1/2021
Museum Report - October 2021	Backup Material	11/3/2021

CASH POSITION



COUNTY OF ISLE OF WIGHT



STATEMENT OF THE TREASURER'S ACCOUNTABILITY

September 2021

<u>Institution</u>	<u>Instrument</u>	<u>Rate</u>	<u>Earnings Credit</u>	<u>Balance</u>	<u>Previous Year Balance</u>
Cash					
	Petty Cash			\$2,050.00	\$2,000.00
SUB TOTAL					
Checking Accounts					
Bank of America	General Fund Checking		0.20%	\$7,205,362.30	\$3,878,397.41
Bank of America	School General Fund Checking		0.20%	\$8,615,800.62	\$6,118,585.82
Bank of America	DSS General Fund Checking		0.20%	\$2,560,727.68	\$2,439,764.77
Bank of America	County Payroll Account		0.20%	\$80,189.04	\$79,421.94
Bank of America	School Payroll Account		0.20%	\$0.00	\$743,661.56
Bank of America	DSS Payroll Account		0.20%	\$0.00	\$233.34
SUB TOTAL				<u>\$18,462,079.64</u>	<u>\$13,260,064.84</u>
Investments					
Bank of America	Emergency Fund Checking	0.18%		\$2,599.33	\$2,594.65
LGIP	General Fund Investment	0.06%		\$4,152,673.49	\$4,148,470.03
VIP	VIP Long Term	0.07%		\$81,455.70	\$81,456.08
VIP	VIP Short Term	0.07%		\$20,242,736.73	\$17,217,367.84
SUB TOTAL				<u>\$24,479,465.25</u>	<u>\$21,449,888.60</u>
Restricted Funds					
Bank of America	School Escrow Fund	0.18%		\$0.00	\$5,149.99
Bank of America	General Recoupment Funds	0.18%		\$28,002.11	\$16,982.90
Bank of America	Special Welfare Funds	0.18%		\$0.00	\$0.00
Bank of America	Special Welfare Donated Funds	0.18%		\$10,490.81	\$13,346.64
Bank of America	Special Welfare Child Support	0.19%		\$232.60	\$51.12
Bank of America	School's Camp Foundation	0.18%		\$24,884.84	\$24,840.12
Farmers Bank	School Food Service Funds	0.20%		\$677,200.31	\$659,470.99
BNY Mellon	Pace Funds			\$2,954,069.15	\$3,356,523.42
Bank of America	County Escrow Fund	0.18%		\$1,465.42	\$0.00
SUB TOTAL				<u>\$3,696,345.24</u>	<u>\$4,076,365.18</u>
Bond Proceeds--Invested in SNAP					
	2010B Bond Interest	0.06%		\$0.00	\$32.80
	2010C Bond Interest	0.06%		\$0.00	\$35.78
	2011A Bond Interest			\$0.00	\$41.84

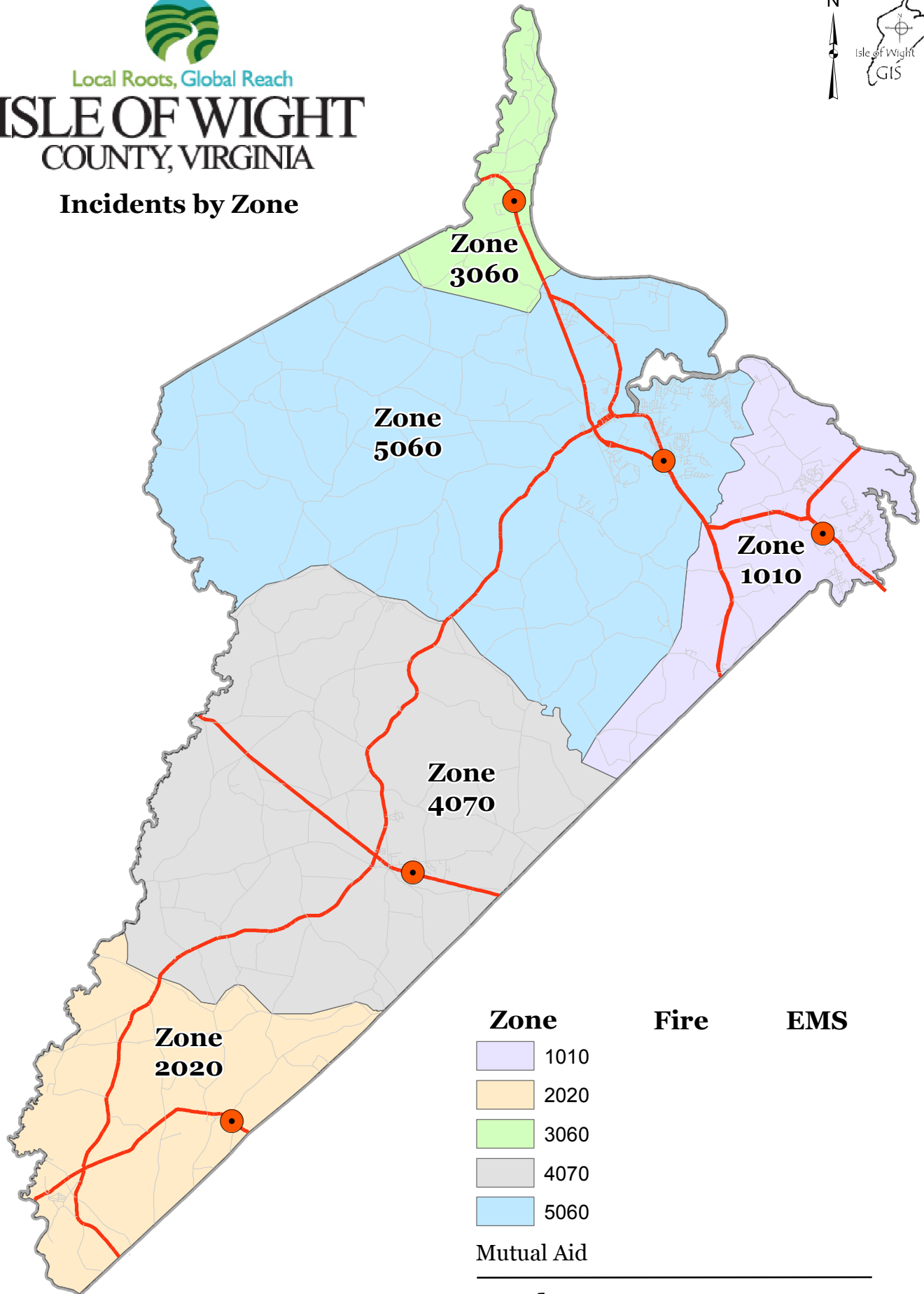
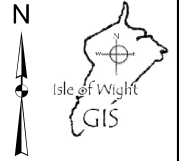
	2011B Bond Interest	0.06%		\$0.00	\$20.77
	2012 Bond			\$0.00	\$1,290,336.58
	2012 Bond Interest	0.06%		\$0.00	\$113,608.55
	2012 Public UtilityBond			\$1,911,140.97	\$2,379,391.04
	2012 Public Utility Bond Interest	0.06%		\$332,530.01	\$329,620.81
	2016 Bond			\$359,739.15	\$414,890.34
	2016 Bond Interest	0.06%		\$200,077.49	\$199,383.77
	2017 Bond			\$0.00	\$0.00
	2017 Bond Interest	0.06%		\$0.00	\$28.34
	2020A Bond			\$30,969,027.96	\$0.00
	2020A Bond Interest	0.06%		\$34,705.55	\$0.00
<u>SUB TOTAL</u>				<u>\$33,807,221.13</u>	<u>\$4,727,390.62</u>
<u>TOTAL OF ALL FUNDS</u>				<u>\$80,447,161.26</u>	<u>\$43,515,709.24</u>



Local Roots, Global Reach

ISLE OF WIGHT COUNTY, VIRGINIA

Incidents by Zone



ISLE OF WIGHT

Incident by Zone - October 2021

Agency: IWFR, Event date/Time range: 10/01/2021 00:00:00 - 10/31/2021 23:59:59

Station/Beat Code	Nature Code	Self Init	CFS	Total	% Total	Avg Disp Time	Avg Resp Time	Avg Scene Time	Total Call Time	Avg Call Time
	UNCONSCIOUS OR FAINTING	0	1	1	33%	0:02:45	0:13:18	0:08:52	0:24:55	0:24:55
	Subtotals for EMS	0	1	1	33%	0:02:45	0:13:18	0:08:52	0:24:55	0:24:55
	FIRE DEPT COMMUNITY RELATIONS	0	1	1	33%	0:00:10	0:00:00	5:27:23	5:27:33	5:27:33
	Subtotals for FIRE	0	1	1	33%	0:00:10	0:00:00	5:27:23	5:27:33	5:27:33
	RESCUE MUTUAL AID	0	1	1	33%	0:01:30	0:00:00	0:00:00	0:02:13	0:02:13
	Subtotals for MUTA	0	1	1	33%	0:01:30	0:00:00	0:00:00	0:02:13	0:02:13
	Totals for	0	3	3	100%	0:01:28	0:13:18	2:48:08	5:54:41	1:58:14
1010	ABDOMINAL PAIN	0	5	5	4%	0:01:30	0:07:41	0:50:45	4:59:40	0:59:56
	ACCIDENT UNKNOWN INJURIES	0	12	12	10%	0:00:56	0:06:05	0:40:37	8:55:07	0:44:36
	ACCIDENT WITH INJURIES	0	5	5	4%	0:00:51	0:06:30	0:25:32	2:44:27	0:32:53
	ALARM - MEDICAL	0	2	2	2%	0:01:17	0:08:02	0:45:38	1:49:55	0:54:58
	ALLERGIC REACTIONS	0	3	3	3%	0:01:14	0:10:56	1:12:38	4:14:25	1:24:48
	ASSAULT WITH INJURIES	0	1	1	1%	0:01:20	0:08:01	1:44:40	1:54:01	1:54:01
	BACK PAIN (NON TRAUMATIC)	0	3	3	3%	0:01:32	0:08:22	2:10:38	7:01:36	2:20:32
	CARDIAC ARREST	0	1	1	1%	0:02:24	0:05:40	0:17:07	0:25:11	0:25:11
	CHEST PAIN	1	6	7	6%	0:00:40	0:06:04	1:02:48	8:00:43	1:08:40
	CHILD OR ANIMAL LOCKED IN CAR	0	1	1	1%	0:01:02	0:02:49	0:12:37	0:16:28	0:16:28
	DIABETIC PROBLEMS	0	2	2	2%	0:01:31	0:07:32	1:03:14	2:24:34	1:12:17
	DIFFICULTY BREATHING	0	14	14	12%	0:01:17	0:06:47	1:22:32	21:08:21	1:30:36
	FALLS AND RELATED INJURIES	0	6	6	5%	0:01:31	0:11:00	0:22:08	3:27:54	0:34:39
	FRACTURES OR BROKEN BONES	0	3	3	3%	0:01:00	0:06:33	1:18:53	4:19:19	1:26:26
	HEART PROBLEMS	0	1	1	1%	0:02:00	0:09:40	1:04:53	1:16:33	1:16:33

Station/Beat Code	Nature Code	Self Init	CFS	Total	% Total	Avg Disp Time	Avg Resp Time	Avg Scene Time	Total Call Time	Avg Call Time
	LIFT ASSIST	0	1	1	1%	0:02:31	0:05:19	0:20:12	0:28:02	0:28:02
	PAIN	0	1	1	1%	0:00:59	0:06:49	0:22:12	0:30:00	0:30:00
	PSYCHIATRIC PROBLEMS	0	3	3	3%	0:01:14	0:06:40	0:45:03	2:38:54	0:52:58
	SEIZURE	0	3	3	3%	0:00:48	0:05:58	1:30:41	4:52:21	1:37:27
	SICK / ILL OR RESCUE	0	22	22	18%	0:01:31	0:08:14	1:12:30	30:09:40	1:22:15
	STROKE	0	4	4	3%	0:01:08	0:05:27	1:07:09	4:54:55	1:13:44
	UNCONSCIOUS OR FAINTING	0	5	5	4%	0:01:36	0:10:03	0:52:46	5:22:06	1:04:25
	Subtotals for EMS	1	104	105	88%	0:01:21	0:07:17	0:56:36	121:54:12	1:05:04
	CARBON MONOXIDE ALARM	0	3	3	3%	0:01:19	0:05:02	0:21:15	1:22:48	0:27:36
	FIRE ALARM	1	5	6	5%	0:01:13	0:09:27	0:11:07	1:57:09	0:19:32
	FIRE OTHER NOT LISTED	0	1	1	1%	0:00:25	0:07:58	0:04:39	0:13:02	0:13:02
	HAZARDOUS MATERIALS INCIDENT	0	1	1	1%	0:00:28	0:00:00	0:00:00	0:10:25	0:10:25
	SMELL OR ODOR OF SMOKE	0	1	1	1%	0:02:04	0:04:58	0:22:03	0:29:05	0:29:05
	STRUCTURE FIRE	1	2	3	3%	0:00:45	0:05:18	0:16:13	1:06:51	0:22:17
	Subtotals for FIRE	2	13	15	13%	0:01:02	0:06:33	0:15:03	5:19:20	0:20:20
	Totals for 1010	3	117	120	100%	0:01:17	0:07:09	0:48:54	127:13:32	0:55:29

2020	ACCIDENT UNKNOWN INJURIES	0	2	2	5%	0:01:21	0:09:16	1:01:07	2:23:27	1:11:44
	ACCIDENT WITH INJURIES	0	3	3	8%	0:01:07	0:04:41	2:20:27	7:18:47	2:26:16
	BLEEDING/HEMORRHAGING	0	2	2	5%	0:01:03	0:05:01	0:28:41	1:09:29	0:34:45
	CARDIAC ARREST	0	3	3	8%	0:01:09	0:06:00	0:18:55	1:18:13	0:26:04
	CHEST PAIN	0	1	1	3%	0:01:14	0:11:58	1:12:45	1:25:57	1:25:57
	DIFFICULTY BREATHING	0	2	2	5%	0:00:55	0:10:48	1:01:25	2:15:28	1:07:44
	FALLS AND RELATED INJURIES	0	2	2	5%	0:02:00	0:05:01	1:02:18	2:18:38	1:09:19
	HEART PROBLEMS	0	1	1	3%	0:01:00	0:10:28	0:46:25	0:57:53	0:57:53
	LIFT ASSIST	0	2	2	5%	0:01:42	0:06:40	0:21:33	0:59:48	0:29:54
	PAIN	0	2	2	5%	0:01:52	0:08:11	0:47:30	1:55:06	0:57:33

Station/Beat Code	Nature Code	Self Init	CFS	Total	% Total	Avg Disp Time	Avg Resp Time	Avg Scene Time	Total Call Time	Avg Call Time
	PSYCHIATRIC PROBLEMS	0	2	2	5%	0:00:57	0:07:02	1:40:14	3:36:27	1:48:14
	SEIZURE	0	1	1	3%	0:00:47	0:09:33	0:43:48	0:54:08	0:54:08
	SICK / ILL OR RESCUE	0	5	5	14%	0:01:15	0:08:13	0:49:46	4:56:14	0:59:15
	STROKE	0	1	1	3%	0:01:04	0:08:21	3:32:48	3:42:13	3:42:13
	UNCONSCIOUS OR FAINTING	0	1	1	3%	0:02:25	0:10:30	0:44:25	0:57:20	0:57:20
	Subtotals for EMS	0	30	30	81%	0:01:19	0:08:07	1:07:28	36:09:08	1:16:33
	BRUSH FIRE	0	1	1	3%	0:02:01	0:15:20	0:19:57	0:37:18	0:37:18
	FIRE ALARM	0	6	6	16%	0:01:18	0:12:04	0:11:38	1:47:09	0:17:52
	Subtotals for FIRE	0	7	7	19%	0:01:40	0:13:42	0:15:48	2:24:27	0:27:35
	Totals for 2020	0	37	37	100%	0:01:22	0:08:46	1:01:24	38:33:35	1:10:48

3060	ABDOMINAL PAIN	0	1	1	5%	0:02:33	0:14:59	0:43:56	1:01:28	1:01:28
	ACCIDENT UNKNOWN INJURIES	0	2	2	10%	0:01:10	0:06:47	0:39:40	1:35:14	0:47:37
	ALARM - MEDICAL	0	1	1	5%	0:00:39	0:15:43	0:06:00	0:22:22	0:22:22
	CHEST PAIN	0	1	1	5%	0:01:02	0:16:05	0:22:52	0:39:59	0:39:59
	DIABETIC PROBLEMS	0	1	1	5%	0:01:14	0:14:33	1:39:37	1:55:24	1:55:24
	DIFFICULTY BREATHING	0	1	1	5%	0:01:09	0:15:49	0:24:34	0:41:32	0:41:32
	LIFT ASSIST	0	1	1	5%	0:02:07	0:06:14	0:11:10	0:19:31	0:19:31
	PAIN	0	1	1	5%	0:01:30	0:17:08	1:05:47	1:24:25	1:24:25
	SICK / ILL OR RESCUE	0	5	5	24%	0:01:23	0:14:26	0:58:38	6:12:17	1:14:27
	STROKE	0	1	1	5%	0:01:22	0:10:07	1:37:43	1:49:12	1:49:12
	Subtotals for EMS	0	15	15	71%	0:01:25	0:13:11	0:47:00	16:01:24	1:01:36
	ARCING WIRES DOWN POWER LINES	0	1	1	5%	0:01:34	0:07:33	3:30:08	3:39:15	3:39:15
	BRUSH FIRE	0	2	2	10%	0:00:48	0:07:28	0:39:12	1:34:56	0:47:28
	CAR FIRE	0	1	1	5%	0:00:28	0:07:14	0:45:45	0:53:27	0:53:27
	FIRE OTHER NOT LISTED	0	2	2	10%	0:00:05	0:04:15	1:40:49	3:30:16	1:45:08

Station/Beat Code	Nature Code	Self Init	CFS	Total	% Total	Avg Disp Time	Avg Resp Time	Avg Scene Time	Total Call Time	Avg Call Time
Subtotals for FIRE		0	6	6	29%	0:00:44	0:06:38	1:38:58	9:37:54	1:46:20
Totals for 3060		0	21	21	100%	0:01:13	0:11:19	1:01:51	25:39:18	1:14:22
4070	ABDOMINAL PAIN	0	2	2	2%	0:01:34	0:16:35	1:05:45	2:47:49	1:23:55
	ABRASIONS BRUISES ETC	0	1	1	1%	0:01:12	0:10:26	2:20:44	2:32:22	2:32:22
	ACCIDENT UNKNOWN INJURIES	1	11	12	11%	0:01:10	0:05:22	0:45:30	9:41:54	0:48:30
	ACCIDENT WITH ENTRAPMENT	0	1	1	1%	0:01:50	0:11:25	1:47:48	2:01:03	2:01:03
	ACCIDENT WITH INJURIES	0	4	4	4%	0:01:30	0:09:02	1:12:14	5:31:05	1:22:46
	ALARM - MEDICAL	0	5	5	5%	0:01:23	0:08:34	0:01:20	0:56:28	0:11:18
	ALLERGIC REACTIONS	0	1	1	1%	0:00:52	0:00:00	0:00:00	1:23:43	1:23:43
	ASSAULT WITH INJURIES	0	1	1	1%	0:00:13	0:03:48	0:45:47	0:49:48	0:49:48
	CARDIAC ARREST	0	1	1	1%	0:00:53	0:06:17	0:08:22	0:15:32	0:15:32
	CHEST PAIN	1	4	5	5%	0:00:58	0:13:02	0:31:56	3:35:45	0:43:09
	CHILD OR ANIMAL LOCKED IN CAR	0	1	1	1%	0:00:51	0:05:00	0:10:17	0:16:08	0:16:08
	DIABETIC PROBLEMS	0	1	1	1%	0:01:31	0:20:17	1:24:49	1:46:37	1:46:37
	DIFFICULTY BREATHING	0	11	11	10%	0:01:34	0:08:08	0:44:58	10:01:24	0:54:40
	FALLS AND RELATED INJURIES	0	11	11	10%	0:01:07	0:10:14	0:36:33	8:47:04	0:47:55
	FRACTURES OR BROKEN BONES	0	1	1	1%	0:01:20	0:07:26	1:52:10	2:00:56	2:00:56
	HEADACHE	0	1	1	1%	0:00:13	0:32:49	0:48:43	1:21:45	1:21:45
	HEART PROBLEMS	0	1	1	1%	0:02:37	0:07:57	1:32:04	1:42:38	1:42:38
	LIFT ASSIST	0	3	3	3%	0:01:03	0:17:58	0:07:15	1:00:41	0:20:14
	OBSTETRICS	0	1	1	1%	0:01:41	0:05:58	2:23:02	2:30:41	2:30:41
	OVERDOSE	0	2	2	2%	0:01:18	0:05:16	0:39:33	1:32:12	0:46:06
	PAIN	0	6	6	5%	0:01:13	0:08:05	0:48:18	5:45:38	0:57:36
	PSYCHIATRIC PROBLEMS	0	3	3	3%	0:00:09	0:11:42	0:52:11	3:12:07	1:04:02
	SEIZURE	0	3	3	3%	0:01:13	0:08:05	1:19:41	4:26:58	1:28:59
	SICK / ILL OR RESCUE	1	17	18	16%	0:01:21	0:09:15	0:54:31	19:32:17	1:05:08

Station/Beat Code	Nature Code	Self Init	CFS	Total	% Total	Avg Disp Time	Avg Resp Time	Avg Scene Time	Total Call Time	Avg Call Time
	UNCONSCIOUS OR FAINTING	0	3	3	3%	0:01:22	0:10:15	1:15:08	4:20:17	1:26:46
	WELFARE CHECK	0	2	2	2%	0:01:36	0:18:45	0:09:10	0:33:55	0:16:58
	Subtotals for EMS	3	98	101	91%	0:01:13	0:10:52	0:58:19	98:26:47	1:09:58
	BRUSH FIRE	0	1	1	1%	0:02:19	0:08:49	0:51:41	1:02:49	1:02:49
	FIRE ALARM	0	6	6	5%	0:01:03	0:04:39	0:05:09	0:45:45	0:07:38
	FIRE DEPT COMMUNITY RELATIONS	0	1	1	1%	0:00:34	0:07:19	1:55:01	2:02:54	2:02:54
	SMELL OF GAS INSIDE/OUTSIDE	0	1	1	1%	0:01:18	0:01:16	0:13:45	0:16:19	0:16:19
	STANDBY	1	0	1	1%	0:00:00	0:00:00	2:23:21	2:23:21	2:23:21
	Subtotals for FIRE	1	9	10	9%	0:01:18	0:05:31	1:05:47	6:31:08	1:10:36
	Totals for 4070	4	107	111	100%	0:01:14	0:10:08	0:59:34	104:57:55	1:10:04

5060	ABDOMINAL PAIN	0	5	5	2%	0:01:30	0:11:30	1:15:49	7:24:11	1:28:50
	ABRASIONS BRUISES ETC	1	3	4	2%	0:01:00	0:06:22	0:28:35	2:16:27	0:34:07
	ACCIDENT UNKNOWN INJURIES	1	14	15	6%	0:01:30	0:05:52	0:52:56	15:04:31	1:00:18
	ACCIDENT WITH ENTRAPMENT	0	1	1	0%	0:01:38	0:06:53	0:36:22	0:44:53	0:44:53
	ACCIDENT WITH INJURIES	0	6	6	2%	0:00:54	0:03:56	1:13:47	7:51:47	1:18:38
	ALARM - MEDICAL	0	6	6	2%	0:02:05	0:13:55	0:33:00	4:54:00	0:49:00
	ALLERGIC REACTIONS	0	1	1	0%	0:01:37	0:06:02	0:09:57	0:17:36	0:17:36
	ASSAULT WITH INJURIES	0	1	1	0%	0:01:14	0:20:22	0:02:04	0:23:40	0:23:40
	ATTEMPT SUICIDE	0	1	1	0%	0:00:17	0:21:24	1:01:11	1:22:52	1:22:52
	BACK PAIN (NON TRAUMATIC)	0	1	1	0%	0:01:17	0:15:40	1:01:49	1:18:46	1:18:46
	BITE	0	2	2	1%	0:00:39	0:12:05	0:49:03	2:03:35	1:01:48
	BLEEDING/HEMORRHAGING	0	4	4	2%	0:01:25	0:09:32	0:53:29	4:17:43	1:04:26
	CARDIAC ARREST	0	2	2	1%	0:01:04	0:06:15	2:08:45	4:32:06	2:16:03
	CHEST PAIN	1	12	13	5%	0:01:16	0:10:13	1:05:31	16:29:39	1:16:08
	CHILD OR ANIMAL LOCKED IN CAR	1	1	2	1%	0:00:33	0:06:50	0:11:20	0:22:02	0:11:01
	CHOKING	0	1	1	0%	0:00:34	0:00:00	0:00:00	0:01:58	0:01:58

Station/Beat Code	Nature Code	Self Init	CFS	Total	% Total	Avg Disp Time	Avg Resp Time	Avg Scene Time	Total Call Time	Avg Call Time
	DIABETIC PROBLEMS	0	3	3	1%	0:02:06	0:08:43	1:25:33	4:49:08	1:36:23
	DIFFICULTY BREATHING	1	17	18	7%	0:01:27	0:10:05	0:47:58	17:50:54	0:59:30
	FALLS AND RELATED INJURIES	1	27	28	11%	0:01:32	0:11:12	0:55:52	31:53:13	1:08:20
	FRACTURES OR BROKEN BONES	0	2	2	1%	0:02:15	0:09:18	1:58:03	4:19:12	2:09:36
	HEAD INJURY	0	1	1	0%	0:01:08	0:12:37	0:15:21	0:29:06	0:29:06
	HEART PROBLEMS	0	3	3	1%	0:01:06	0:14:46	1:06:12	4:06:11	1:22:04
	LIFT ASSIST	0	12	12	5%	0:01:20	0:13:46	0:19:54	7:00:00	0:35:00
	MEDIC STANDBY	1	1	2	1%	0:00:20	0:10:11	3:30:05	7:10:41	3:35:21
	MURDER-HOMICIDE OFFENSES	0	1	1	0%	0:00:55	0:14:04	0:05:18	0:20:17	0:20:17
	OVERDOSE	0	2	2	1%	0:01:16	0:09:38	0:37:34	1:36:54	0:48:27
	PAIN	0	16	16	6%	0:01:19	0:14:05	1:06:36	21:52:05	1:22:00
	PSYCHIATRIC PROBLEMS	0	2	2	1%	0:00:19	0:24:01	0:44:21	2:17:21	1:08:41
	RESPIRATORY ARREST	0	1	1	0%	0:01:31	0:11:03	0:37:56	0:50:30	0:50:30
	SEIZURE	0	9	9	4%	0:01:18	0:08:58	0:37:33	7:10:25	0:47:49
	SICK / ILL OR RESCUE	0	39	39	16%	0:01:23	0:11:28	0:56:26	45:02:06	1:09:17
	STROKE	0	7	7	3%	0:00:48	0:10:16	0:34:56	5:22:01	0:46:00
	UNCONSCIOUS OR FAINTING	2	11	13	5%	0:01:10	0:07:24	0:59:46	14:40:56	1:07:46
	Subtotals for EMS	9	215	224	90%	0:01:12	0:11:12	0:54:28	246:16:46	1:04:26
	ARCING WIRES DOWN POWER LINES	0	2	2	1%	0:01:40	0:12:29	0:10:44	0:49:47	0:24:54
	ASSIST BOATER	0	1	1	0%	0:01:52	0:05:21	0:00:28	0:07:41	0:07:41
	BRUSH FIRE	0	1	1	0%	0:02:46	0:05:18	1:05:39	1:13:43	1:13:43
	BURNING COMPLAINT	0	1	1	0%	0:02:37	0:03:22	0:04:37	0:10:36	0:10:36
	FIRE ALARM	0	10	10	4%	0:01:08	0:05:42	0:14:28	2:40:59	0:16:06
	FIRE DEPT COMMUNITY RELATIONS	0	1	1	0%	0:02:25	0:17:44	0:13:37	0:33:46	0:33:46
	FIRE OTHER NOT LISTED	0	3	3	1%	0:00:08	0:05:42	0:09:34	0:32:12	0:10:44
	HAZARDOUS MATERIALS INCIDENT	1	0	1	0%	0:00:20	0:08:06	0:26:49	0:35:15	0:35:15
	SMELL OR ODOR OF SMOKE	0	1	1	0%	0:00:56	0:06:09	0:12:58	0:20:03	0:20:03

Station/Beat Code	Nature Code	Self Init	CFS	Total	% Total	Avg Disp Time	Avg Resp Time	Avg Scene Time	Total Call Time	Avg Call Time
	STANDBY	2	0	2	1%	0:00:00	0:00:00	5:13:55	10:27:50	5:13:55
	STRUCTURE FIRE	0	2	2	1%	0:01:55	0:05:22	0:09:21	0:33:16	0:16:38
	Subtotals for FIRE	3	22	25	10%	0:01:35	0:07:32	0:43:50	18:05:08	0:51:13
	Totals for 5060	12	237	249	100%	0:01:18	0:10:20	0:51:45	264:21:54	1:01:08
FRA	FIRE MUTUAL AID	0	1	1	100%	0:01:05	0:13:51	1:09:57	1:24:53	1:24:53
	Subtotals for MUTA	0	1	1	100%	0:01:05	0:13:51	1:09:57	1:24:53	1:24:53
	Totals for FRA	0	1	1	100%	0:01:05	0:13:51	1:09:57	1:24:53	1:24:53
SOU	FIRE MUTUAL AID	0	1	1	50%	0:00:59	0:29:52	0:54:37	1:25:28	1:25:28
	RESCUE MUTUAL AID	0	1	1	50%	0:01:59	0:17:24	1:22:46	1:42:09	1:42:09
	Subtotals for MUTA	0	2	2	100%	0:01:29	0:23:38	1:08:42	3:07:37	1:33:48
	Totals for SOU	0	2	2	100%	0:01:29	0:23:38	1:08:42	3:07:37	1:33:48
SRY	FIRE MUTUAL AID	0	1	1	33%	0:02:22	0:18:32	0:52:05	1:12:59	1:12:59
	RESCUE MUTUAL AID	0	2	2	67%	0:01:40	0:25:48	1:38:22	2:21:32	1:10:46
	Subtotals for MUTA	0	3	3	100%	0:02:01	0:22:10	1:15:14	3:34:31	1:11:52
	Totals for SRY	0	3	3	100%	0:02:01	0:22:10	1:15:14	3:34:31	1:11:52
SUF	ACCIDENT UNKNOWN INJURIES	0	1	1	50%	0:02:10	0:10:58	0:07:32	0:20:40	0:20:40
	SICK / ILL OR RESCUE	0	1	1	50%	0:01:43	0:31:37	1:06:36	1:39:56	1:39:56
	Subtotals for EMS	0	2	2	100%	0:01:56	0:21:18	0:37:04	2:00:36	1:00:18
	Totals for SUF	0	2	2	100%	0:01:56	0:21:18	0:37:04	2:00:36	1:00:18

ISLE OF WIGHT COUNTY

FIRE-EMS ACTIVITY REPORT 2021

STATION RESPONSES	JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER	YTD
CARROLLTON	127	97	120	111	136	128	140	157	124	149			1289
CARRSVILLE	49	41	30	49	51	39	45	38	50	42			434
RUSHMERE	4	7	13	8	9	7	3	13	5	10			79
WINDSOR FIRE	38	30	33	38	35	41	48	28	36	38			365
SMITHFIELD FIRE	83	66	91	86	69	61	73	73	80	81			763
IOW RESCUE	270	230	258	227	227	212	214	253	274	270			2435
WINDSOR RESCUE	116	101	109	120	103	92	112	121	111	124			1109
TOTAL STATION RESPONSES													6474

VOL. ACTIVITY HOURS	1ST QUARTER	2ND QUARTER	3RD QUARTER	4TH QUARTER	YTD
CARROLLTON	13,925				13,925
CARRSVILLE					
RUSHMERE	382				382
WINDSOR FIRE	60				60
SMITHFIELD FIRE					
IOW RESCUE					
WINDSOR RESCUE	70	34.5			104.5
TOTAL VOL. HOURS REPORTED					14,472

Note: 1. Station Responses- Data pulled from E911 Computer Aided Dispatch (CAD) system
 2. VOL. Activity Hours- Information as reported by Volunteer Agencies

n/r not reported

Isle of Wight Website Stats (1 - 31 October 2021)

Page	Rank	Pageviews	Unique Pageviews	Avg. Time on Page	Entrances	Bounce Rate	% Exit
/county_home_page	1	9,853	7,844	0:01:39	7,311	43.11%	41.87%
/our_services/animal_services/index.php	2	3,130	2,257	0:01:16	1,890	53.23%	49.81%
/our_services/voter_registration/voter_information.php	3	2,045	1,797	0:02:34	1,482	70.18%	65.87%
/i_want_to_/pay_for/index.php	4	1,879	1,050	0:00:30	79	35.44%	10.06%
/government/commissioner_of_the_revenue/real_estate_assessment	5	1,711	1,310	0:02:45	961	66.70%	63.82%
/government/treasurer/making_a_payment.php	6	1,633	1,222	0:03:10	266	64.66%	59.28%
/our_community/farmers_market/index.php	7	1,587	1,385	0:02:06	1,363	81.66%	78.95%
/departments/information_technology/mapping_and_gis.php	8	1,461	1,130	0:02:12	749	63.68%	58.45%
/our_services/permits/index.php	9	1,105	859	0:00:51	179	55.31%	24.80%
/our_services/animal_services/adoption_info.php	10	1,022	753	0:00:53	422	36.02%	38.26%
/departments/public_utilities/making_payments.php	11	933	739	0:03:20	237	68.78%	64.09%
/our_services/voter_registration/sample_ballots_november_2_genera	12	875	777	0:04:17	405	77.28%	71.54%
/departments/parks_and_recreation/index.php	13	840	638	0:01:03	345	46.38%	39.52%
/departments/index.php	14	788	622	0:00:42	203	21.18%	14.72%
/departments/human_resources/index.php	15	761	630	0:02:09	178	80.34%	62.16%
/our_services/voter_registration/polling_places_in_isle_of_wight_cou	16	713	515	0:02:02	412	39.08%	38.85%
/government/commissioner_of_the_revenue/index.php	17	698	555	0:00:40	90	41.11%	18.19%
/i_want_to_/index.php	18	633	482	0:00:48	36	72.22%	20.85%
/government/clerk_of_the_circuit_court/index.php	19	546	396	0:01:38	256	51.56%	41.39%
/index.php	20	524	434	0:00:53	41	46.34%	24.81%
/our_services/index.php	21	489	397	0:00:47	47	40.43%	23.11%
/government/commissioner_of_the_revenue/real_estate.php	22	472	365	0:00:14	18	11.11%	4.24%
/our_services/voter_registration/index.php	23	471	404	0:01:47	152	76.32%	54.99%
/government/treasurer/personal_property_tax_information.php	24	441	360	0:01:52	304	50.99%	47.62%
/departments/parks_and_recreation/youth_sports.php	25	432	327	0:02:42	219	73.52%	62.27%
/departments/solid_waste/refuse_and_recycling_centers.php	26	410	371	0:03:40	356	84.27%	82.20%
/government/treasurer/real_estate_tax.php	27	376	291	0:01:16	201	33.83%	29.52%
/departments/public_utilities/index.php	28	372	289	0:01:32	189	43.39%	36.83%
/departments/building_inspections/online_inspection_requests_and	29	341	308	0:04:04	166	77.71%	76.54%
/our_services/voter_registration/general_election_local_candidates.p	30	323	286	0:03:51	207	80.19%	71.21%
/departments/budget_and_finance/rfps_and_ifbs.php	31	319	300	0:00:38	283	90.46%	83.70%
/government/county_board_of_supervisors/meeting_live_stream.php	32	317	229	0:01:46	76	59.21%	39.12%
/government/commissioner_of_the_revenue/personal_property_tax	33	298	236	0:01:24	48	58.33%	28.52%



Town of Smithfield

Isle of Wight County Museum & Isle of Wight County Historic Resources



October 2021 Report

J.L. England, Museum Director & Isle of Wight County Historic Resources Manager

Notable

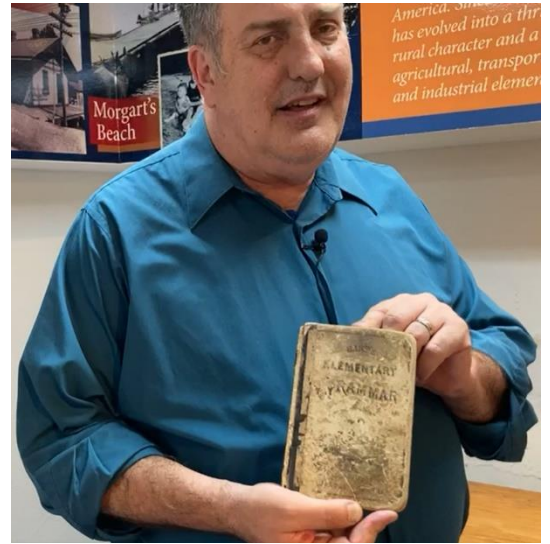
- **COVID-19 PANDEMIC.** The museum was closed from March to July 2020. Now open for visitors, these protocols remain in place:
 - Staff and visitors are required to wear masks even if they are fully vaccinated.
 - A hand sanitizer station was installed at the museum's entrance. A service company refills it each month.
 - Several times daily, staff cleans and documents the sanitizing of high-touch surfaces.
- **Volunteer Hours:** 101
- The department's long-range goals were updated.
- Staffing
 - Curator Mike Holtzclaw's last day with us was October 22. He will stay on staff as a part-time docent. Applications for the curator's position will be accepted until the position is filled.

Isle of Wight County Museum 103 Main Street Smithfield

- Visitation: 583
- Special Events
 - **October 2. Battle of Smithfield Walking Tour.** 2 p.m. Meet your guide at the museum for a brief overview of this Civil War battle. Afterwards, program participants will walk to several sites along Main Street and Church Street to note the locations of significant events from January 30 to February 2, 1864. 12 guests.
 - **October 13. LUNCH & LEARN: 246th Birthday of the U.S. Navy.** 12:30 p.m. During the 3rd U.S. Congress, local representative Josiah Parker was chair of the committee that authorized the construction of the first U.S. Navy warships. Join us for this session to learn why this Revolutionary War Patriot should be recognized as the *Father of the United States Navy*. 5 guests.
 - **October 14. Tell Me a Story.** 10 a.m. and 12:05 p.m. This program, geared for children ages 3 to 5, introduces youngsters to the symbols of Isle of Wight County and features books, crafts, songs and games. The 10 a.m. session will take place in the museum, and a livestreaming session will be viewable at 12:05 p.m. on the museum's Facebook page. Theme: Archaeology. 2 guests.
 - **October 17. Cold War Era Matinee.** 1 p.m. Curator Mike Holtzclaw will regale us with clips and trivia about classic Cold War-era movies...*Failsafe*, *Dr. Strangelove*, *The Bedford Incident*...this will be an afternoon of popcorn, history and adventure as we give a thumbs up or thumbs down to important and scary moments in film history. This lecture was canceled.
- Behind These Walls
 - People, objects and places all tell stories, and it is the history of a community that shows its unique character. This video series allows some of the county's most interesting structures to share their stories. This project launched in October 2020. Highlighted this month was the 1820 Isle of Wight County Clerk's Office on Oct. 15. View all episodes here: www.historicisleofwight.com/behind-these-walls.html



- **Livestreaming Events.** We continue to connect to visitors, supporters, fans and the community via social media. Our livestreaming tours and programs on Facebook are driving traffic and enhancing interaction on our sites. Events this month, still viewable in the videos section of our Facebook page, include:
 - **Oct. 5. LIVE at 12:05: World Teachers' Day.** World Teachers' Day, also known as International Teachers Day, is an international day held annually on October 5. Curator Mike Holtzclaw highlights several Isle of Wight County teachers who have made a big impact on students and the County. Thank a teacher today, and be sure to visit The Schoolhouse Museum at 516 Main Street in Smithfield.
 - **Oct. 7. LIVE at 12:05: Homespun in Windsor Castle's Laundry.** Museum Director Jennifer England discusses spinning wheels, the process of turning fiber into thread, the importance of the textile industry in pre-Revolutionary America and homespun.
 - **Oct. 12. LIVE at 12:05: National Farmers Day.** Curator Mike Holtzclaw discusses agriculture in Isle of Wight County including some of the implements on exhibit in our basement as well as Future Farmers of America artifacts.
 - **Oct. 14. LIVE at 12:05: Tell Me A Story (Archaeology).** Learn about archaeology today. Archaeologists are scientists who study the past and examine the remains and objects left behind by the people who lived long ago. Director Jennifer England hosts this monthly program virtually and highlights the theme of archaeology with a craft idea, an activity idea and a reading of "Archaeologists Dig For Clues" by Kate Duke. The museum's Tell Me A Story program, geared for children ages 3 to 5, introduces youngsters to the symbols of Isle of Wight and features books, songs and games.
 - **Oct. 19. LIVE at 12:05: Local Treasures with Roger Healey.** Curator Mike Holtzclaw discusses our newest exhibit concept - LOCAL TREASURES - with our first exhibitor Roger Healey. Roger's 19th and 20th century woodworking tools are here on exhibit through February 2022.
 - **Oct. 21. LIVE at 12:05: Walking Tours This Weekend.** Curator Mike Holtzclaw discusses



three upcoming walking tours this weekend: Isle of Wight County Courthouse, Nike Park and Fort Boykin. Join us!

- Oct. 26. LIVE at 12:05: Hans Probst Measureboots. Director Jennifer England discusses our newest addition to the collection, a pair of Hans Probst Measureboots. For pilots during the height of the Cold War, these handcrafted, high-quality boots have an interesting addendum.



- Oct. 28. LIVE at 12:05: Scarecrow Stroll. Director Jennifer England and special guest Scarecrow P.D. Gwaltney Jr. sit in front of the museum to talk about Visit Smithfield VA's Scarecrow Stroll along Main Street. Be sure to vote for your favorite scarecrow. Learn more here: <https://bit.ly/3CqOSmL>.

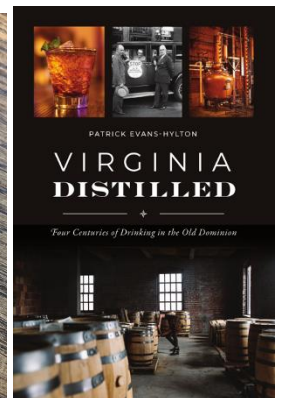
- Groups/Tours/Programs

- Oct. 20. Isle of Wight Chamber of Commerce Student Leadership Institute. 18 students.



- Gift Shop

- Smithfield Town Council approved the reprinting of 1,000 copies of *Smithfield: A Pictorial History* by Segar Cofer Dashiell. The printer plans to deliver these books by March 2022. This is the book's fourth printing.
- Also new in the gift shop are sandstone car coasters, a re-order of World's Oldest Ham keychains and Patrick Evans-Hylton's newest book, *Virginia Distilled*, our state's long history of distilling and imbibing.



- Exhibit/Project Update

- Local Treasures.** Our first exhibit has officially opened: 19th and 20th Century Woodworking Tools by Roger Healey. This exhibit concept displays the private collections of Isle of Wight County residents and/or those with a connection to the area. For more information and applications: www.historicisleofwight.com/local-treasures.html.



- English Telephone Box.** The phone box in front of the Bank of Southside Virginia belongs to the Isle of Wight County Museum. It is in need of repairs, media blasting and paint. Dishman Fabrications LLC of Yorktown has taken delivery of the phone box to their shop for the work. Anticipated replacement is 2021.
- Civil War Trails.** Three new signs for Main Street, Fort Boykin and Fort Huger have been submitted. Awaiting approval, design and installation.
- Steamboats & Life on the Water; Colonial Isle of Wight; Unusual Objects.** Under development.
- Sprigg Wing.** In preparation for some improvements to our First Residents section, the far wall was painted. Installation of decorative floor mapping will happen by early December.
- Online Exhibits Under Development:** Vietnam War Veterans in Isle of Wight County, Unsung Heroes of Isle of Wight County.
- Christmas in Isle of Wight County.** New book project under development.



- Artifacts
 - A 1720 Great Wheel was added to the collection.
- Staff Training and Requirements
 - Oct. 7. When It Comes to Historical Markers, Every Word Matters. Hosted by Chris Pieczynski, Adjunct Professor, Tidewater Community College.
 - Oct. 14. Inclusivity and Governing Body Practices. Hosted by the Virginia Risk Sharing Association.

Financials

Gift Shop Sales (including tax):	\$ 1,539.29
Donations:	\$
Admission:	\$ 942.00
Program/Lecture Fees:	\$
Total Monthly Deposit:	\$ 2,491.29

Social Media/Online Presence

- Visit our website at www.historicisleofwight or www.hamcamva.com.



- **LIVE at 12:05.** Each Tuesday and Thursday, we host pop-up broadcasts on the museum's Facebook page. These programs were seen on the Ham Cam, but since

COVID-19, programs and livestreaming from Facebook make these programs more mobile. Our segments – shot in the museum or at any of our historic sites - highlight events at the museum, announcements or artifacts from our collection. Tune in each Tuesday and Thursday at 12:05 p.m. on the museum's Facebook page to learn a bit about local history.

- **Facebook:** Isle of Wight County Museum: 2,974 likes and 3,247 followers. Daily posts.
- **Facebook:** World's Oldest Ham: 195 likes and 201 followers. Semi-weekly posts.
- **Facebook:** Town of Smithfield. Periodic posts, responses and maintenance.
- **Twitter.** @WorldsOldestHam. The world's oldest ham has his own account. 1,200 followers.
- **Instagram.** @Isleofwightcountymuseum. 821 followers.
- **Google Reviews.** 4.6/5 overall rating.
- **TripAdvisor.** 4.5/5 star overall rating.
- **Yelp.** 4.5/5 star overall rating.
- **Foursquare/Swarm.** 7.3/10 rating.

Media Coverage/Promotion/Advertising/Lobbying

- Various pieces in area publications to include calendars and events.
- **October. *Slice of Smithfield.*** Article: From peanuts to ham: How the 1921 Great Fire changed Smithfield.
- Oct. 6. ***Smithfield Times.*** Cutline: Constitution Week rocks.
- Oct. 16. ***NPR's Wait Wait Don't Tell Me.*** Weekly radio show. Quiz question during episode titled: "Sweater Weather Edition." - a rebroadcast of the July 17 show; incorrect information was still NOT corrected.
- Oct. 27. ***Smithfield Times.*** Cutline: Final walking tour of the season.



World's Oldest Ham @WorldsOldestham · Oct 16

Hey, @waitwait...

I love the U.K. Some of my best friends live in the U.K. Not to be salty about it, but that's twice now that you've broadcast to the world that I am in the U.K.

I am not.

I reside in Smithfield, Virginia, USA.

Xoxo,
Ham

#facts @GenuineSmfd @Phillipasoo



Outreach Lectures & Events

- Oct. 5. National Night Out. Hosted by the Smithfield Police Department at the Luter Sports Complex.
- Oct. 12. Main Street Baptist Preschool. 9 students.
- Oct. 22 and 23. 1750 Courthouse's Annual Ghostwalk. P.D. Gwaltney Jr.'s "ghost" was positioned at the museum to discuss ham history and the World's Oldest Ham.



Windsor Castle 705 Cedar Street, Smithfield

- Oct. 20. Isle of Wight Chamber of Commerce Student Leadership Institute. 18 students.
- Exhibits were cleaned and several minor additions were made to the kitchen.

Fort Boykin 7410 Fort Boykin Trail, Isle of Wight County

- **October 24. Fort Boykin Walking Tour.** 2 p.m. Fort Boykin has been a part of American history since 1623 when a fort known as the Castle was constructed following the 1622 Indian Attack. Today, Fort Boykin constitutes an example of military architecture of the Civil War era. Join us for this free walking tour through history. 10 guests.



Fort Huger 15080 Talcott Terrace, Isle of Wight County

- **October 2. Walking Tour of Fort Huger.** 10 a.m. Visit this Civil War fort and learn the significance of this gateway to the Confederate capital. 8 guests.

Nike-Carrollton Park 13036 Nike Park Road, Carrollton

- Staff was directed to move the conservation and display of the Nike-Ajax missile forward to include new site signage. An update was provided to the Isle of Wight County Administrator in October. Further direction will follow.
- **October 23. Walking Tour of Nike Park.** 2 p.m. Visit one of the Cold War's few surviving Army Air-Defense Posts. Local historian Albert Burckard, along with former missile mechanic Ira Abbott, hosts a short presentation and a walking tour of this site which contains the original barracks, mess hall, administration and recreation building, officer/non-commissioned officer family housing, fueling area and underground missile magazines. Event begins in the Recreation Hall (former soldier barracks) at Nike Park. 12 guests.



Boykin's Tavern, 1820 Clerk's Office & Isle of Wight County Court House Complex 17146 Monument Circle, Isle of Wight County

- Boykin's Tavern Visitors: 0
- **October 23. Walking Tour of the Isle of Wight Courthouse Complex.** 10 a.m. Join us as we explore this 19th, 20th and 21st century site and share the story of its beginnings as well as a few tales of capers and duels. 6 guests.

Meetings

- Oct. 5. Smithfield Town Council. Subject: Reprinting of Dashiell book.
- Oct. 6. Peninsula Museums Forum. Monthly meeting.
- Oct. 18. 1750 Courthouse. Subject: Christmas in Smithfield.
- Oct. 19. Smithfield and Isle of Wight County Tourism. Subject: Drive 2.0 Program.
- Oct. 27. Town of Smithfield staff meeting.

Other Events

- **Smithfield VA Bacon & Bourbon Festival.** On Oct. 4. Museum staff and volunteers manned two ovens and cooked bacon on Saturday for the Smithfield VA Bacon & Bourbon Fest at Windsor Castle Park.
- **Constitution Week.** September and October. In conjunction with the Colonel William Allen Chapter of the Daughters of the American Revolution in observance of Constitution Week, the museum served as the prize redemption location for those finding commemorative rocks in Windsor Castle Park and around Smithfield.
- **Scarecrow Stroll.** In October, Smithfield and Isle of Wight County Tourism hosted their annual Scarecrow Stroll in downtown Smithfield. Outside the museum sat our scarecrow version of P.D. Gwaltney Jr. and his World's Oldest Ham. Visitors could vote for their favorite scarecrow.
- **Halloween.** On Oct. 31, museum staff – along with other merchants along Main Street – handed out toys to numerous trick-or-treating dinosaurs, superheroes, chickens and bugs.



Safety

- On Oct. 18, Isle of Wight County's contractor inspected and approved all the museum's fire extinguishers.
- On Oct. 21, museum staff participated in the annual statewide earthquake drill.
- All staff reviewed information in our disaster plan on subjects of earthquakes and ergonomics.



Selections from Our Website and Social Media



World's Oldest Ham @Worldsoldestham · Oct 8

...

Yesterday, I got to meet some lovely guests from Norfolk and Colorado.

These folks have friends for years. Friendship is so important. Call your bestie today, and let them know you are thinking of them.

[#friendship](#) [#LoveVisitors](#)



October 19

Small but sincere, the museum's pumpkin patch is where the [World's Oldest Ham](#) awaits the Great Pumpkin.



World's Oldest Ham @Worldsoldestham · Oct 15

...

A little October reading right up my alley: "Ham Helsing: Vampire Hunter" by [@rich_moyer](#).

What are you reading?

[#Vampire](#) [#ReadMore](#) [#GraphicNovel](#)



October 25 via Twitter

Happy World Opera Day! The club can't even Handel me right now.

[#opera](#) [#worldoperada](#) [@official_flo](#)

ISSUE:

Update on the OSHA/VOSH COVID-19 Policy

BACKGROUND:

At its regular meeting on August 19, 2021, staff provided information to the Board regarding a proposed policy to address COVID-19 vaccinations and COVID-19 testing for employees, as well as the need to required employees and visitors to wear masks/face coverings in all County buildings and facilities.

Based on feedback from the Board, staff has revised the proposed policy and will provide information regarding the proposed revisions.

BUDGETARY IMPACT:

None.

RECOMMENDATION:

Per the Board' discussion and direction.

ISSUE:

Resolution to Amend the Budget and Appropriate Funding from the American Rescue Plan Act to the Isle of Wight County Schools (\$1,101,158)

BACKGROUND:

Isle of Wight County Schools will receive \$1,101,158 in federal funding via the American Rescue Plan Act (ARPA).

The School Board is requesting that the ARPA funds be appropriated to the Operational and Maintenance category specifically for the replacement of boilers at Carrollton Elementary School, Carrsville Elementary School, Westside Elementary School and Smithfield Middle School.

BUDGETARY IMPACT:

Acceptance and appropriation of the funds will increase the Schools Budget by \$1,101,158.

RECOMMENDATION:

Adopt a resolution to amend the budget and appropriate ARPA funds to Isle of Wight Public Schools.

ATTACHMENTS:

Description	Type	Upload Date
Resolution	Resolution	11/12/2021
Correspondence from Schools	Backup Material	11/12/2021

**RESOLUTION TO AMEND THE FY 2021-22 BUDGET
AND APPROPRIATE FUNDS TO THE SCHOOLS BUDGET**

WHEREAS, the Isle of Wight County School Board will receive federal funding via the American Rescue Plan Act (ARPA); and,

WHEREAS, the School Board has requested that the Board of Supervisors appropriate ARPA funds to the Operational and Maintenance category in the School Division's FY 2021-22 budget for the replacement of boilers at Carrollton Elementary School, Carrsville Elementary School, Westside Elementary School and Smithfield Middle School.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Isle of Wight County, Virginia, that the FY 2021-22 budget is hereby amended and ARPA funds in the amount of \$1,101,158 are appropriated to the School Division's FY 2021-22 budget in the functional categories listed above.

BE IT FURTHER RESOLVED that the County Administrator of Isle of Wight County, Virginia is authorized to make the appropriate accounting adjustments and to do all things necessary to give this resolution effect.

Adopted this 18th day of November, 2021.

Richard L. Grice, Chairman

Carey Mills Storm, Clerk

Approved as to Form:

Robert W. Jones Jr., County Attorney



November 11, 2021,

Mr. Randy Keaton
County Administrator
Isle of Wight County
Isle of Wight, Virginia

Dear Mr. Keaton:

At last evening's School Board meeting, the board approved a request to the County Board of Supervisors for an additional appropriation in the amount of \$1,101,158 within the Operations & Maintenance functional category. These federal funds have been allocated to the Isle of Wight County Schools from the American Rescue Plan Act specifically for the purpose of supporting qualifying ventilation replacement and improvement projects in our schools. We are planning to apply the funds towards the replacement of boilers at Carrollton Elementary School, Carrsville Elementary School, Westside Elementary School and Smithfield Middle School.

Please let me know if you need any additional information in order to bring this budget request to the Board of Supervisors for their approval.

Sincerely,

Steven Kepnes
Executive Director of Budget & Finance

Cc: Dr. James Thornton, Superintendent